



NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON JUDICIARY

(Section 6 of [Assembly Bill 443](#), Chapter 392, *Statutes of Nevada 2021*, at page 2505)

DRAFT MINUTES

April 8, 2022

The third meeting of the Joint Interim Standing Committee on Judiciary for the 2021-2022 Interim was held on Friday, April 8, 2022, at 9 a.m. in Room 4100, Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada.

The agenda, minutes, meeting materials, and audio or video recording of the meeting are available on the Committee's [meeting page](#). The audio or video recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio or video record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) (publications@lcb.state.nv.us or 775/684-6835).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Melanie Scheible, Chair
Assemblyman Philip (P.K.) O'Neill

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Assemblywoman Rochelle T. Nguyen, Vice Chair
Senator Dallas Harris

COMMITTEE MEMBERS ATTENDING VIA REMOTELY:

Assemblywoman Lisa Krasner
Assemblywoman Shondra Summers-Armstrong

COMMITTEE MEMBERS ABSENT:

Senator Keith F. Pickard (Excused)
Assemblywoman Elaine Marzola (Excused)

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Patrick Guinan, Senior Principal Policy Analyst, Research Division

Diane C. Thornton, Senior Principal Policy Analyst, Research Division

Julianne King, Assistant Manager of Research Policy Assistants, Research Division

Karly O’Krent, Senior Deputy Legislative Counsel, Legal Division

James Malone, Senior Program Analyst, Fiscal Analysis Division

*Items taken out of sequence during the meeting have been placed in agenda order.
[Indicate a summary of comments.]*

AGENDA ITEM I—CALL TO ORDER AND OPENING REMARKS

Chair Scheible:

I will now call this meeting of the Joint Interim Standing Committee on Judiciary to order. Thank you everybody for being here. As you might have noticed, I am here in Carson City because I missed being in Carson City. It is nice to see everybody. We have people joining us from afar on Zoom. We have Assemblywoman Summers-Armstrong and Assemblywoman Krasner via their computers. Assemblywoman Nguyen and Senator Harris are down south in the Grant Sawyer Building. Through the modern marvels of technology, we are all here. We have a quorum.

[Chair Scheible went over housekeeping measures.]

AGENDA ITEM II—PUBLIC COMMENT

Chair Scheible:

Public comment will be limited to three minutes per person. I will cut you off if you exceed those three minutes. With that, we will open it up for our first public comment.

Nick Shepack, Nevada State Deputy Director, Fines and Fees Justice Center:

We are here mostly today to monitor the presentation on [Assembly Bill 116](#) (2021), regarding traffic decriminalization. We wanted to let everyone in the Legislature and the courts know that they have the full support and resources of the Fines and Fees Justice Center, both our local teams and our national teams, to help with any kinks, any implementation, any public education. We are going to watch. We are going to listen. We may have more to say at the end, but we want to thank this body for taking the implementation of this bill so seriously and giving it the time and respect it deserves. Thank you very much.

[Mr. Shepack submitted (Agenda Item II A) for public comment.]

John Kennedy, Chair, Douglas County Libertarian Party:

Last year in February, Stephen Lara was driving through Nevada when the Nevada Highway Patrol (NHP) pulled him over and robbed him of his life savings—about \$87,000. He was not arrested for, charged with, or convicted of any crime. The NHP officers had no probable cause to believe he had committed any crime. The officers did have an unjustifiable incentive to take the money. Their department had a good chance of keeping roughly \$70,000 of Mr. Lara's life savings. I am not aware that any public officials in Nevada sought to help Mr. Lara to recover his life savings until the *Washington Post* broke the story nationally in September, upon which Mr. Lara's money was returned. Unfortunately, while examples of this kind of civil forfeiture are common, they rarely get national attention, and many individuals as innocent as Stephen Lara never recover their seized property. These are types of unjust seizures that both the *United States Constitution* and the *Nevada Constitution* were written to prevent, but here we are. The legal burden should always be on the government to prove that a crime has been committed. The burden should never be on a citizen to prove that he is innocent of crimes he has never even been charged

with to retain his property. It is the moral obligation of the Legislature to abolish unjust law. It is time for you to end Nevada's participation in asset forfeiture.

Chair Scheible:

We will go to in person in the south. It looks like there is somebody at the table. I am going to turn the gavel to Vice Chair Nguyen, since she can see down there a little better.

Vice Chair Nguyen:

There is no one here for public comment at this time.

Chair Scheible:

We will go to the phones. Broadcast and Production Services (BPS), is there anybody on the phone for public comment?

BPS:

Thank you, Chair Scheible. If you would like to offer public comment, please press *9 now or raise hand in the Zoom client.

Yinling Chan, Member of the Public:

[Ms. Chan read from (Agenda Item II B).]

Hello. My name is Yinling Chan. I am originally from Hong Kong but have been living as a proud American citizen in Nevada for the last 24 years. During the past ten years, I have been experiencing life-threatening trauma and victimization that has greatly hindered me from enjoying the American life and dream. Crimes which include Havana Syndrome, blackmail, conspiracy to murder, breaking and entering, cyber hacking, noise campaigns, stalking, and for the brevity of this presentation, the list goes on. Amy Holem, a professional forensic analyst, performed an extensive forensic report exposing at least five different forms of military-grade weapon systems. These include directive energy weapons, microwaves, stingers, missile launchers, and electromagnetic weapon systems that have all been attacking me within my home 24/7. Because of these attacks, I have experienced the following to my body, but not limited to: vibrations and trembles throughout my body that cause sleep deprivation, sexual assaults, rape, severe pain, and torture. My heart being attacked and feels like I am being punched within my chest, abnormal vision, pornographic dream simulation and manipulation with the capabilities of their neural link technology, forced tinnitus using tone generators, with the use of voice of God military weapon systems. I have experienced head burning from the beams and signals, resulting in excess strain on my jaw to the point where I cannot eat, and irritable bowel syndrome. I have experienced my nervous system controlled by directed energy weapons, which cause vibrations of the clitoris, vaginal area, uterus, groin, and stomach. Symptoms of Morgellons Disease and insect-type creatures crawling underneath my skin, including private areas. [I have experienced] unexplained pressure and heaviness in my sexual organs. Other attacks that I have been experiencing include video voyeurism, rape, sex trafficking, discrimination, cyber bullying, cyber stalking, as well as attacking my dog.

Experiencing this trauma throughout the last ten years has not only added destruction to my life but also has allowed me to lose my employment and home as well. I have reported all of these crimes to my local police and Las Vegas Federal Bureau of Investigation. Unfortunately, they did not offer any help. I am not the only one. I have a list of Nevadan

victims who also have been experiencing this torture. I am at the end of my rope, and this is why I am desperately asking for your help to create legislation for organized crimes, including prosecuting these groups of criminals and domestic terrorists who are living within your state of Nevada.

Amy Holem, Member of the Public:

[Ms. Holem read from (Agenda Item II C-1).]

Thank you, legislators, and Committee members, for inviting me here to speak to you about essential future legislation. Anyone can be targeted. It is time to update and implement new laws on technology, laws that reflect the current trends and the criminals that exploit them while flying under the radar. Confirmed reports of Havana Syndrome are on American soil by White House and federal employees and a recent report of an active-duty service member. Now these weapon systems are in the hands of criminals, Antifa members, domestic terrorist groups like Redfield, targeting at least 32 victims within Nevada and continuing in growth. These military-grade weapons are being used to torture these men, women, and children. They have burns and blisters, attacks on their central nervous system, are being sexually assaulted and raped on their private parts and organs. Victims are being hijacked into child/human sex trafficking rings, subjected to video voyeurism, and are being livestreamed of their suffering on the dark web and red rooms. I have counted over 72 federal and 108 state crimes that have been violated by these weapon systems and have over 10,000 audios verifying these attacks and criminal communications. Your Nevada constituents are impacted by these weapon systems with job and reputation loss, production decrease, homelessness, and family destruction. Military-grade weapon systems should only be in the hands of the U.S. military and not made available for trade or market. Anything that creates a wave, beam, signal, or pulse is causing invasion of privacy. Sexual assaults with the use of electronics can be used for torture, harm, or even murder of the victims.

The [Havana Syndrome Attacks Response Act](#) (H.R.4914 of the 117th Congress) only applies to federal employees to get help and support. Now it is time to consider all citizens who are crying for help from law enforcement, medical staff, and federal agencies. The use of the Baker Act (Florida Mental Health Act of 1971) laws forces ordinary citizens into mental institutions without cause so they can be dismissed and so false information can be added when other officers run their names, which law enforcement uses for failure to investigate and doctors use to administer unnecessary medication. Falsified reports of a fake diagnosis undermine their efforts to prove their case. Anyone can be targeted.

I have assisted these victims to resolve their situations through forensic evidence collection and legal processes to address these criminal networks that use the dark web and their red room activities. I am submitting my bill proposal on the electronic torture act to you, the legislators, and the Judiciary Committee members. It is only a matter of time before someone in your family or neighborhood will be impacted by these sadistic and systematic actions. It is time for legislation to get ahead of the crimes.

[Ms. Holem submitted (Agenda Item II C-2) for public comment.]

Tonja Brown, Advocate for the Inmates and the Innocent:

[Ms. Brown read from (Agenda Item II D-1).]

In 2011, the Nevada Supreme Court denied a petition for exoneration posthumously because the Court lacked jurisdiction, and it was suggested the Legislature create an

avenue for petition for exoneration posthumously. This has yet not been done. Over the years, studies have been conducted on wrongful convictions and have been brought to the attention of our legislators. In 2019, [AB 356](#), the Factual Innocence bill, was passed; however, the families of those who have maintained their innocence and have passed away still continue to seek justice for their deceased loved ones. I ask this Committee for consideration to create legislation in the 2023 Session. We would also like to have this legislation be created and criteria set for those who have lost their loved ones. I have set a criteria: (a) that prior to the decedent's death, the decedent became aware of newly discovered evidence that had been withheld by the prosecution, but due to his or her untimely death and no motions for new trial or petitions could be filed may apply to the Pardons Board; or (b) the decedent's administrator, executor, or the decedent's relative becomes aware of the newly discovered evidence after the decedent's death and is in possession of that evidence or knows where that evidence can be found may apply to the Pardons Board; or (c) the decedent who has filed a petition with the court and the court did not fully address each and every ground that was raised in his or her petition for relief, or were procedurally barred by the statute of limitations, or were affected by the statutory tolling of the [Antiterrorism and Effective Death Penalty Act of 1996](#) (104th Congress) (AEDPA), the AEDPA limitations period may apply. We ask that you consider this topic of factual innocence posthumously for future legislation.

Also, in March, regarding your agenda items dealing with domestic violence, I do not recall any information being brought forward on any research dealing with law enforcement, domestic violence, and the victims from those domestic violence—you may have the spouse, and the spouse is with law enforcement, or perhaps the spouse and the victim are in law enforcement, and the pressure that is put on the victim not to proceed forward because of the ramifications that could be caused to their spouse. I think that might be something that needs to be looked into because there are women victims. There is pressure put on by the other officers with not wanting to file the complaint or moving forward. I think if you are going to do a complete data study on anything, I think that should include that as well. Thank you.

[Ms. Brown submitted (Agenda Item II D-2) for the record.]

BPS:

There are no other callers wishing to offer public comment at this time.

**AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON
FEBRUARY 11, 2022**

(This agenda item was taken out of order.)

Chair Scheible:

Does anybody have any discussion on the minutes from the February 11, 2022, meeting? I do not see any, so I will entertain a motion to approve the minutes.

ASSEMBLYWOMAN NGUYEN MOVED TO APPROVE THE MINUTES OF THE
FEBRUARY 11, 2022, MEETING.

THE MOTION WAS SECONDED BY ASSEMBLYMAN O'NEILL.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM IV—PRESENTATIONS RELATED TO JUDICIARY

A. UPDATE FROM THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

Chair Scheible:

We are going to hear from the judiciary. We will invite Mr. McCormick up.

John McCormick, Assistant Court Administrator, Judicial Programs and Services, AOC:

In lieu of doing a PowerPoint, I thought I would just go over a few brief points with you and field any questions you have. This is more from an AOC Supreme Court perspective, as far as updates from us. Currently, we are working on implementing a new statewide case management system (CMS) that will be available to all the trial courts in the state. We are currently in the negotiation process with potentially two vendors that we would sponsor to implement that across the state. We are also developing a list of approved systems. The idea here is to improve the case management technology across the state. We received an appropriation for this, and we have also asked for [American Rescue Plan Act of 2021](#) (ARPA) (H.R.1319 of the 117th Congress) funds in order to continue that implementation. We talked to you during the past session regarding the project we had been working on. We are currently in arbitration with that vendor who was not able to deliver that project. We are also working on a statewide e-file system to enable electronic filing throughout the state and in every court. We currently have a request for proposal out. We are looking to select one system to be used statewide and integrate with both the AOC, CMS, as well as the other approved systems. The idea with this is to require e-filing for all licensed Nevada attorneys and make it available to everyone else, including pro per litigants. We are currently in this process looking at a way to minimize user fees for the e-filing project. We prefer not to have users pay an additional fee to make that filing, so we are exploring that. Again, we received some appropriation for this, and we are asking for additional federal relief dollars to do that.

Another technology project we are looking at is creating what we are going to call a data warehouse. It is basically a database where we are going to put all the court data and have an AX dashboard to allow for significantly better analytics and deep dives into the data. Hopefully this will let courts improve processes, bring us up to date, and improve our data collection for our annual report and other purposes. Finally, we are also, along with these projects and our request for federal funds, exploring a statewide protection order portal. That would hopefully allow us to create a guided interview process to allow individuals to apply for a protection order online from anywhere in the state. That would include domestic violence, stalking and harassment, harassment in the workplace, sexual assault, protection of minors, and high-risk protection orders. That also is being explored. We are currently also looking at coming up with a civil traffic resolution platform, for lack of a better term. That would be a standalone system that any court in the state could access, and that is to facilitate the transition to the new civil traffic violation paradigm on January 1, 2023, per [AB 116](#) (2021).

Budgetarily, we are currently finding that administrative assessment revenue, that part of the revenue which funds part of the Supreme Court as well as some Executive Branch functions, is down about 29.5 percent under legislative authorization from last year's budget approval. We are anticipating it is probably going to end the year 24 to 26 percent down. Yesterday's Interim Finance Committee (IFC) approved a backfill with those federal dollars for that revenue loss on the Supreme Court end. Something that continues to be a concern

is how we are funding the Judicial Branch as a whole, local courts, et cetera, so I just mention that again. I was originally going to do a deep dive into the history of administrative assessments in Nevada as a funding mechanism since 1983, but your staff dissuaded me from making that presentation. Anecdotally, administrative assessment-wise, we are hearing that a lot of law enforcement agencies are writing fewer traffic tickets. I do not think that is a surprise to anyone. I do not know what, beyond anecdotally, the connection with going to civil traffic is on that. Obviously, we do not know the impact of AB 116 (2021) on those collections. I believe Judges Higgins and Zimmerman will speak on AB 116 and its implementation a little bit more.

As a Judicial Branch, we received a grant recently from the State Justice Institute. We have been conducting a strategic planning process for the Nevada judiciary for the next three to five years. We have done a number of surveys and focus groups. We had a meeting with a number of stakeholders and are currently working on a draft of that plan to begin to unveil the report at our Judicial Leadership Summit, which is our big, all-judge conference and is coming up at the beginning of May. From that plan, we will probably be making some asks for legislation next session, as well as potential budgetary-type asks, but obviously that all will play out during the next session.

One thing that has become clear in the strategic planning process is that there is a desire on the part of the trial courts to receive an enhanced level and more intensive support from the AOC. Maybe we are doing something right and they want more of it. That remains to be seen.

Another issue that has been of some import and focus recently is guardianships. We applied for a federal grant to work on improving guardianship processing in the state. We have conducted with the help of the National Center for State Courts (NCSC) a number of site visits across district courts in the state reviewing guardianship processes. We are working on some specific training for not only judges but potential guardians and family members that would be made available online. We are partnering with the National Council of Juvenile and Family Court Judges on that, and that is all funded here. We will be reporting out what we find there and making suggestions for improvement.

Finally, [AB 43](#) from the 2021 session encouraged the Supreme Court to create a committee to study judicial discipline, and we have done that under [Administrative Docket 582](#). That will study both the discipline process and the judicial code of conduct overall. I think the last time the code was updated was 2007 or 2008, if I recall correctly. It is time to reevaluate that. Chief Justice Parraguirre will be the chair of that committee. We have a number of committees going, so that one is a little slower to get started, but it is on our agenda. We also are looking at alternative dispute resolution (ADR), short trial rules, and improving the rules for remote and video appearances across the state. I think that is the extent of the committees and commissions we have going right now. Those are the brief updates I have. I would be happy to answer questions or go into greater detail on any of that.

Chair Scheible:

Great, thank you. This seems like a good place to pause for some questions. I have one. When you are talking about the filing system, would that be for all justice courts and district courts as well?

Mr. McCormick:

The intent with the file system is that every court in the state would receive e-files, so justice, municipal, and district.

Chair Scheible:

Great. Would traffic citations end up—since we are going to talk about that later—in the e-file system as well, or would they have a separate database?

Mr. McCormick:

Currently a lot of traffic citations come from law enforcement electronically to the courts, so we would not necessarily force those into the e-filing portal. We can continue to file those traffic tickets, and then, as I indicated, we are trying to work on a standalone portal for traffic resolution that would allow direct filing there. The e-filing primarily is looking at case initiations. It would not necessarily be traffic because we do not want to muddy those waters.

Chair Scheible:

That makes sense. So, the separate portal would just be for traffic. What about other citations, like code violations? Would it still be up to the counties and the municipalities to figure out their own system for handling those?

Mr. McCormick:

The idea with the standalone traffic portal is because we are having this sea change and moving to civil traffic is creating an online tool. Some other states that have moved to that civil traffic, like Arizona, have a platform we are looking at. It is not necessarily a model that we want to follow completely because it is driven from the Department of Public Safety side, not the court side. That is the idea there. It is creating that civil traffic portal to resolve that, because 80 percent of the current misdemeanor caseload in the state is traffic citations. That is obviously going to be the bulk of it. Depending on how locals want to address it, if they do code violations that are civil, it would still be in that process, or if it is a civil citation. It kind of depends. This is really focused on all those changes to [Nevada Revised Statutes \(NRS\) 484A](#) through [NRS 484E](#) and then [NRS 490](#) and everything else.

Chair Scheible:

This might be premature, but if a municipality or jurisdiction wanted their code violations to be included in the traffic system, would that be possible?

Mr. McCormick:

I am not going to promise that, but I think what we are looking at is a phased implementation in terms of getting traffic solutions started and some pilot courts. If it turns out to be successful, then theoretically we could build on that and add additional functionality. In speaking with limited jurisdiction courts, and Judge Zimmerman is the president of that association that just conducted a survey, approximately 83 percent of the courts that responded wanted that standalone traffic solution. We think that is a good place to start. A lot of these technology projects are pushing us a lot farther than we have been before, specifically, with the CMS requiring the courts to use either our sponsored or an approved CMS rather than, for lack of a better term, what has been the free-for-all with a

number of CMS's all over the state. As far as e-files with the CMS, local courts will be allowed to have their own e-file solution, as long as it works with the e-file solution we roll out statewide.

Chair Scheible:

Okay. That makes a lot of sense. I think that moving to a separate online traffic citation system is very smart, and I am excited to see that built up. Do we have any questions from our friends on Zoom? If either one of you have questions, just unmute your mic and go ahead.

Assemblywoman Summers-Armstrong:

I know that you did not want to do a PowerPoint, but would you mind sending an overview of some of the things that you mentioned here? Your list was very long. I am also curious as to cost for some of the software suggestions that are being put forward and the timeline. I think that is important for us to know as well. Thank you.

Mr. McCormick:

I would be happy to do that. As far as costs, we did submit a total request to fund all this through those federal relief dollars to the Office of Finance, Office of the Governor this week. That comes in at about \$30.8 million dollars to accomplish all this. It is a substantial request.

Assemblywoman Summers-Armstrong:

I have one more question. You mentioned that you are expecting that the overall funding for the courts will be down about 26 percent by the end of the year. Do you all have an idea of how you want to fill the gap if we are going to civil misdemeanors? Are you looking to fund that through the General Fund? What is your thought?

Mr. McCormick:

When I mentioned that we are looking about 24 to 26 percent by the end of the year, that is on the administrative assessment funding side. That is the funding that comes from [NRS 176.059](#). As we are developing our budget plan, we are exploring a lot of those options. I think we will be having that discussion as far as dealing with those revenue issues that have become endemic to the system during the upcoming session. I do not think the discussions at the court are far enough along where I can say definitely what we will be talking about. We are cognizant and are looking forward to collaborating with the Legislature to try to come up with a solution on that.

Vice Chair Nguyen:

This is essentially an integrated system to which all the courts across the state would have access. Is that correct?

Mr. McCormick:

We currently have a system that about 34 courts use, and we call that the AOC-sponsored system. The idea is to replace the system for those courts and then make these options available to all the courts in the state, combined with the fact that they must be on an approved system. We intend to have everybody use the e-file system, and then the civil

traffic portal, for lack of a better term. The idea is that would be an opt in. From the survey that we conducted in conjunction with the Limited Jurisdiction Judges Association, we are looking at about 83 percent. I think that is a good idea. The idea is to make these systems available statewide. Obviously, there will be a rollout of implementation going with the courts that we currently support on our case management first for the CMS, making e-file available to everybody at once, and then working on that civil traffic portal.

Vice Chair Nguyen:

It sounds like it is an opt in-like model. However, let us say the Las Vegas Justice Court has a system, and the City of Reno Municipal Court has a different system. Do they have to be compatible, or is the intention that they will have the same system?

Mr. McCormick:

As far as CMS or traffic resolution system, it would be optional.

Vice Chair Nguyen:

The case management. We will talk about that one.

Mr. McCormick:

The idea is that as long as it is on the AOC-approved list of CMSs, meaning those CMSs can meet our minimum accounting and statistical reporting standards, they could use their own. If they choose to use their own, they will necessarily have to build their own interface to the mandatory e-file system. Hopefully, economies of scale, and we can leverage to get more folks onboard with the state-sponsored system. However, being that we are nonunified judiciary, we cannot necessarily say, "You shall." I think we can create parameters to make sure that this level of service in the case management is appropriate. That is the idea. As long as it meets minimum standards, you can use your own system, provided it interfaces appropriately with the other systems.

Vice Chair Nguyen:

You talked about trying to come up with monitoring to make sure that this is not cost prohibitive for pro per litigants. Are we engaging technology where people do not have to have a scanner and they can use their phone? Are there fillable forms for everything from protection orders to eviction documents or any of those motions to quash placed on a calendar? Is there going to be an avenue for access to people who do not have an attorney?

Mr. McCormick:

Yes, it is our intent to make the e-file system, which we would be speaking about here, as user-friendly as possible for pro se and pro per litigants. We want to look at creating that protection order-guided portal interview and look at some of those options for the e-file system. I think that is something where we get a system in place and then begin building on it. We have discussed with legal aid providers the potential to enhance that. Obviously, we would not require e-filing for pro per litigants. They would still have the option to file in person, but we want to reduce those barriers. Without getting too high-minded, we want to reduce that digital divide, and how do we do that? I think those are options we have to look at. If we need scanning, we make public scanning available in the courthouse. Can we partner with local entities, and those kind of things? That is all part of this project as we go

forward, to enhance that level of service. We are very cognizant of it, but again, it is a slower rollout because we do not think we can fix everything at once.

Vice Chair Nguyen:

With respect to the civil traffic, I appreciate that everyone is working together to come up with something that makes sense across the state and gives some more predictability for the public when they are dealing with their traffic civil citations coming up in the new year. You mentioned something about administrative assessments being down and the decrease in traffic tickets being issued. I know in talking with some of the law enforcement partners recently, they have indicated that there has not been a downturn. However, I have seen some initial data that most of those traffic tickets are being reduced by the prosecution and the courts to illegal parking tickets—upwards of 70 to 90 percent of them. Does that reduction to a charge that is not under the NRS but under a county or city ordinance, play into the decrease with your budget?

Mr. McCormick:

I think so. I cannot say 100 percent. I think parking may be exempted from administrative assessments in the statute, but do not quote me on that. It could definitely impact that situation. Judge Zimmerman might have a little more insight as far as the practice in Las Vegas Justice court, which I am making an assumption you are speaking to.

Vice Chair Nguyen:

I will follow up with her when she presents next. Thank you. One last thing—you had indicated about the Office of the Courts reviewing the judicial discipline process. You said that has just gotten started. Is that correct?

Mr. McCormick:

We have. The Supreme Court issued an order on the administrative docket to create the committee, and we are just getting that started. Pursuant to the ask in [AB 43](#) (2021) from last session, we are trying to get the ball rolling on that.

Vice Chair Nguyen:

Has that committee been formed?

Mr. McCormick:

Yes, the membership for the committee was provided in that administrative docket order. The committee exists; we have not had a whole lot of meetings yet.

Assemblyman O'Neill:

Mr. McCormick, I really appreciate the work AOC is doing on e-filing. It sounds exciting. I just want to make sure—and I hope the answer to my question is, “Yes. No problem.” After e-filing, there has been historically some lack of being able to communicate the resolutions over to the Department of Public Safety (DPS) record section in keeping their files straight too. Have we addressed that with all that you are doing right now to make sure they are included on the interfacing?

Mr. McCormick:

We are very cognizant of the need to transmit dispositions to not only DPS, but the Department of Motor Vehicles (DMV). The intent is to continue to strengthen the electronic interfaces. We currently have a data broker—and this is where I do not necessarily know what I am talking about completely—called the “multicounty integrated justice information system” or something—“MCJIS” is the acronym—to strengthen and expand that, as we also strengthen and expand the e-filing and CMS offerings, to continue to do that. So yes, we routinely meet with the repository and discuss these issues to make sure that we are all on the same page, and as they do their modernization project, that we are all keeping in mind the need to interface and share that data.

Assemblyman O’Neill:

Thank you. There was not exactly a solid yes, but it was working towards a good yes. I greatly appreciate it. Thank you, Chair, for the time.

B. UPDATE ON THE IMPLEMENTATION OF [ASSEMBLY BILL 116](#) (2021), WHICH MAKES THE VIOLATION OF CERTAIN TRAFFIC AND RELATED OFFENSES CIVIL INFRACTIONS AND CREATES PROCEDURES FOR THE ADJUDICATION OF SUCH INFRACTIONS

Chair Scheible:

it looks like we have covered all the questions for now. Judge Zimmerman, do you have your own presentation today?

The Honorable Anne E. Zimmerman, Judge, Las Vegas Justice Court, Department 8, Clark County:

Good morning. I do, but just very briefly though, because John McCormack covered a lot of it. I am Judge Zimmerman. I am appearing as president of the Nevada Judges of Limited Jurisdiction (NJLJ) to update you all about [AB 116](#) (2021). I also have with me today Judge Kevin Sparks and Judge Steven Bishop, who will be speaking about [AB 424](#) (2021).

First of all, at the business meeting of the NJLJ on January 27, 2022, the membership voted to create a committee to coordinate the conversion of traffic citations to civil infractions as required by AB 116 (2021). This coordination will occur on a statewide basis with the participation of all limited jurisdiction courts in the state. The membership voted to create the committee, and it is comprised of judges from all parts of the state, both urban and rural judges. The membership voted to give the committee the authority to establish a uniform civil penalty schedule that would be implemented by all limited jurisdiction courts in the state. As of now, the committee has voted to approve a uniform civil penalty schedule. That schedule has been circulated among all the member courts. Additionally, it has become apparent that a statewide online civil traffic resolution solution would be beneficial for multiple reasons. Currently, the different courts have no way of knowing if a driver has citations in any other court. A statewide system would give access to every court to see what citations every other court has.

Second, an online civil traffic resolution solution that is centralized but provides access to all courts in the state would provide a necessary convenience to drivers to take care of their citations online. An added benefit of that would be a likely increase in collections throughout the state.

Third, many of the limited jurisdiction courts do not have the resources of their own to establish such a solution. The survey was conducted by the AOC with the courts of limited jurisdiction. Eighty-three percent of the respondents favored pursuing a solution. Since then, the Supreme Court has approved the AOC including a request for funds in their ARPA application that has been submitted to the Governor's Finance Office.

Separately in Clark County, there is an established working group that meets at the Las Vegas Metropolitan Police Department (Metro) to work through all the issues of implementation of AB 116 (2021). There are representatives from the State of Nevada, DPS, district attorney (DA), the courts, Metro, and NHP. Some of the issues that are being addressed through this group are updating the notice of citation (NOC) codes, drafting new language for the citations, and establishing training for the officers.

That is what is currently going on with AB 116 (2021) and our efforts and implementation. I think that we have made a great deal of progress, and we plan to be ready for January 1, 2023. If you have any questions, I would be happy to answer them.

[Chair Scheible briefly turned the gavel over to Vice Chair Nguyen.]

Vice Chair Nguyen:

Thank you, Judge Zimmerman. Did your partner on the presentation, Judge Higgins, want to make any statements?

Judge Zimmerman:

He was going to present on AB 116 (2021) last time when I was not going to be able to be present. I have asked him to speak with Judge Bishop about AB 424 (2021).

Vice Chair Nguyen:

Perfect. I know that Chair Scheible stepped out. I will look to see if there are any questions here in this room. I have a couple of questions, and then I will move up to the north and onto the Zoom. I appreciate you guys meeting to coordinate some of those things. As far as looking at the coordinated system and this unified fine system, is that something that you are looking at as well, as to what these will be across the state?

Judge Zimmerman:

Yes. The idea is that if you get a civil infraction citation in Ely or Sparks or Las Vegas, the penalty would be the same.

Vice Chair Nguyen:

I know that [regarding] one of the provisions of AB 116 (2021), a lot of the courts wanted to make sure that we were able to reduce some costs without having to issue certified mail, and so there are electronic notification issues. Do you know if that is something that has been incorporated into the conversations about what the new citation will look like and what the new system will look like?

Judge Zimmerman:

Definitely. The goal with the new citations, and the reason why they need to draft new citations, is to include all the requirements of AB 116 (2021) on the citation. We plan to

notify, within the confines of AB 116, the people who have received the tickets. You have 30 days left to pay or address it. We will comply.

Vice Chair Nguyen:

You probably heard my earlier question. I am sure that I am not alone in having concerns about the sheer number of tickets that are being reduced to illegal parking. Is that something that has been a part of your conversations about what these reductions look like when it moves to that civil citation? Obviously, we have some interim work that people have been doing to try to get rid of some of the Coronavirus Disease of 2019 (COVID) backlog in the traffic ticket world. I do not know if you can speak to any of those kinds of discussions or incorporation into any policies that you guys are implementing in those fines, fees, and reductions.

Judge Zimmerman:

I wish Chief Judge Saragosa was here because I am not here on behalf of Las Vegas Justice Court, and I do not have any personal knowledge of your statistics about cases being reduced to illegal parking. I know that if you have a speeding ticket, one to ten miles per hour, and you take traffic school, you could get it reduced to illegal parking and pay a fine. However, that would not happen with virtually all the other traffic citations. I would probably disagree with your statistics, but I have no statistics of my own.

Vice Chair Nguyen:

I guess my question is, even without those statistics, is that something that is a part of your conversation moving forward with the unified fee structure going into civil citations and what that might look like for that civil? Since the points are still reported potentially to the DMV, how does that look?

Judge Zimmerman:

Right. Of course, drivers' concerns are always the points reported to DMV, but I would say the NJLJ have initially been focused on establishing a uniform citation schedule. Our conversations in our Clark County group have been centered around the NOC codes and redoing the citation. I would have to say we have not discussed that yet, but we still meet every couple of weeks, and I am sure that will come up. Some of the questions that Metro is asking us are, "AB 116 (2021) allows some penalties to be treated as criminal or civil, and the prosecuting attorney can make that decision. Does that mean the officer cannot issue a citation criminally and then let the DA decide if they want to make it civil or criminal?" Those are the questions we are talking about right now because we need policies for training purposes, and who plans to make that call.

Senator Harris:

I had a quick question about ability pay assessment. Have you been working on implementing some system around that?

Judge Zimmerman:

You mean about a person's ability to pay a fine?

Senator Harris:

Correct.

Judge Zimmerman:

There has always been the ability to do community service to work off your fine. Always.

Senator Harris:

I guess my question is a little bit more about, is there a process being put into place to assess someone's ability to pay?

Judge Zimmerman:

A traffic citation?

Senator Harris:

Yes.

Judge Zimmerman:

No.

Senator Harris:

Okay. Thank you.

C. UPDATE ON THE IMPLEMENTATION OF [ASSEMBLY BILL 424 \(2021\)](#), WHICH ENACTS CERTAIN PROCEDURES RELATING TO THE PRETRIAL RELEASE OF PERSONS TAKEN INTO CUSTODY

Vice Chair Nguyen:

Judge Zimmerman, I do not know if you want to turn it over to your colleagues to talk about an update on implementation of AB 424 (2021), but if not, I will just ask Judge Bishop to go ahead and begin.

The Honorable Stephen Bishop, Judge, Ely Justice Court, White Pine County:

Thank you. I can answer a couple of questions that were addressed earlier regarding traffic tickets, if you would like me to do that.

Vice Chair Nguyen:

That would be fine.

Judge Bishop:

With respect to the reduction to parking tickets, I believe some of that comes out of [NRS 484B.600](#), subsection 5, which establishes a presumption in favor of reducing a speeding ticket to a nonmoving violation if the payment is made and the citations made before the appearance date. Essentially, if it is paid early, it is presumed to be reduced to a nonmoving. That is a creation that I think came out of the 2019 Legislature. A lot of those

reductions are based on that provision of the law, I would presume. They certainly are in my court, and that is the only time we adjust any kind of traffic violation. With respect to the number of citations that are being filed, I can tell you at least in my court—and it is just anecdotally—that in 2022 we are down 25 percent over what we were in 2020 and 45 percent down on what we were in 2019 as of today's date. We are significantly down here based on where we were. That is my information I have on traffic.

Vice Chair Nguyen:

Thank you. I appreciate that. [Let us] move on to your presentation on [AB 424](#) (2021).

Judge Bishop:

The NJLJ conducted a survey of the membership prior to the presentation today. We broke down the biggest challenges and hurdles we are going to face, and we are currently facing about five different ones. I have got a couple of things from my own personal practice with this. One of our first challenges is going to be technology. The rural courts do not have upgraded technology and CMS to conduct hearings remotely and transmit paperwork. Transmitting paperwork has been a big challenge for us, particularly with respect to criminal histories. Internet access here is unpredictable, and there have been several conference screens where I have lost Internet, phone, and everything for hours and hours. We have significant problems with those sorts of issues.

Personnel is another problem that we are going to be facing. There is a serious lack of people to do these jobs: prosecutors, public defenders, jail employees, and judges who are available six days a week to conduct the hearings. There are a lot of rural courts that do not have the personnel or are not available. There are only three employees in my office, and they are not particularly excited about the notion of having to come in every third weekend and deal with these hearings. Public defenders, prosecutors, jail personnel—it is all the same problem. They do not care about overtime. It is the work-life balance, and that is an issue there.

Cost is always a big one. There has been a lot of talk about this being the “unfunded mandate” the counties are now going to have to pay for. Counties are having trouble securing funding for overtime, upgrades of technology, personnel, and so forth. Realistically, even if the funding is approved, there are just not people here to take those jobs. We have significant trouble filling those. When it came time, specifically in my county, to look at paying for these weekend hearings, the county essentially balked at the idea of paying my staff to be on call. That is not going to assist in getting us more people, even if we had the funding to do it.

Personally, there has been a lot of pushback that the courts are experiencing trying to implement these hearings. It comes from not just the prosecutors and law enforcement like you would expect, but also from the public defenders. They do not want to work these weekends. They did not sign up to work these weekends. There has been talk about sharing between courts, and I have been facilitating a lot of those discussions. I am not sure how we are going to make it work. All the courts are slightly different. They have slightly different caseloads, slightly different facilities, and slightly different abilities to communicate. I do not know how we are going to communicate and coordinate between ten different jurisdictions in Eureka, or Battle Mountain, or Austin, or Pioche, or Goldfield, or Tonopah and make sure that the paperwork gets to the right judge on that weekend, and everybody remembers that I am on week one, Judge Goldfield is on week two, and Judge Tonopah is on week three. We can barely manage to get it from one jail to me,

timely. It does not solve personnel problems to share, because I personally can come in on the weekends, even though it is not pleasant to do so. I can run my recording system. I can docket things. I can file things. However, as soon as I have another judge who is appearing remotely from 100 miles away, my staff must come and take care of all that paperwork. It does not solve that problem. Similarly, I cannot go and handle all the stuff that needs to be done in Eureka if I was filling in for them. Somebody must be there to facilitate all of that.

On a personal level, we started doing this in October because I wanted to be ahead of the curve and be able to talk intelligently about this. It has been rough. I take a lot of flak from the law enforcement officers, jailers, other judges, defense attorneys, and the public, like I am the one who developed and created this process. I have not had a true day off since October, and it is killing me. Nobody wants or is able to fill in for these. All the other courts are struggling to figure out how they are going to do it, and they are not particularly able to assist other courts. This is the rural court here. We are pretty flexible, pretty innovative, and pretty efficient, if I want to pat myself on the back. However, it is getting overwhelming at this point in time. It is going to be worse for other courts as well.

My concerns going forward are simple. We are nearing an inflection point here in Ely Justice Court. We do not have enough defense attorneys to cover the hearings. We had a big problem with that yesterday. After three months of advertising, we found nobody who wants to step into this position. Nobody wants to deal with bids or the county that does not want to pay all so they can come in and work seven days a week and on weekends. I am getting a real sense that this whole thing is going to collapse under its own weight before we even get to the point of this law being mandatory and taking effect. We are having all these problems. You can hear the beams creaking already, and we have not even started beyond the test period to see if we can do it. There are some significant problems with this, and I do not know how we are going to face them. That is essentially where I am at. That is the end of my presentation.

Chair Scheible:

All right. Thank you. I am watching the clock. I do not want to cut anybody off, but I also do not want to not get to anybody. I am going to limit questions at this point to just a few minutes and then ask Committee members to follow up with these presenters offline if you have more questions. So that said, are there any questions from the Committee?
Senator Harris, go ahead.

Senator Harris:

I heard a lot about what the issues are. Are there any proposed solutions that you would like to offer, so that we can assist the courts in ensuring that people are getting their hearings within a reasonable amount of time, as the Legislature has defined it?

Judge Bishop:

I do not want to sound glib with this, but ideally, making it 48 business hours so we do not have to deal with the weekends and holidays. That would be the best way to address it. If I had that, then I would have no problems at all. Beyond that, I think there is going to have to be some funding. There is going to have to be some funding for more defense attorneys. The biggest problem here is that I only have three defense attorneys, and one of them has just retired, so I am down to two. They are only contracted to cover one-third of the cases, so one-third of my cases are not covered. Until we can up that funding to entice more people to come and deal with what is not a fun or tenable job anymore, I do not know. This

reform costs money, but there has not been any money set aside for it. It is a great notion; however, until we are willing to pay for the great notion, I do not know that there is going to be any solution to it. You cannot do more with the same amount of funding.

Judge Zimmerman:

In speaking to the rural judges throughout the court, it is apparent that even if you throw all the money in the world at the issues of lack of personnel, it is not going to solve the problem. You do not have the defense attorneys that want to work on weekends, or there just are not any defense attorneys. You do not have prosecutors that want to cover the weekend. You do not have court staff that want to come in and cover the weekends. Many of these rural courts only have a couple of employees. To expect the same employees to cover every weekend is just not tenable. All the courts are not the same. The Las Vegas Justice Court has 15 judges and hearing masters and hundreds of employees, so it is very easy for us to manage. However, for a rural court with only a couple of employees and one judge, no amount of money is going to solve the problem. Though we want to treat everybody the same throughout the state, I think it is important for the Legislature to recognize that all these courts do not operate the same, and there is no amount of money that is going to bring people there to work on a weekend if these people just do not exist. If you heard Judge Bishop, he has advertised for three months for defense attorneys and not a single person has applied. I think we must recognize that all the courts do not operate in the same fashion and do not have the same resources.

Vice Chair Nguyen:

This is not a unique situation to Nevada. I know there are states, such as Alabama, that require these hearings within 24 hours, and they have a similar population. They have a similar rural-like structure. Have the courts of limited jurisdiction in particular, because I know it is affecting them, reached out to some of these other similarly situated jurisdictions to find out how they are accommodating these? I know that there are a lot of enabling provisions that allow different courts to do them virtually, or electronically, or telephonically. Do you know if there has been any outreach to see how it has been done across the country?

Judge Bishop:

I am not aware of anything other than informal discussions with some judge friends in other areas.

Judge Zimmerman:

I would agree with Judge Bishop. We have been concentrating our efforts on how to assist the rural courts with upgrading their technology and doing everything possible to comply with AB 424 (2021) when it comes online. However, I can certainly contact the judges in Alabama and find out how they do it.

Assemblyman O'Neill:

On average, how many cases do you handle after hours within this 48-hour rule?

Judge Bishop:

I would be hard-pressed to put a number on it. I can tell you it has been about every other weekend that I have done at least one or two, so probably around 30, I would guess. That

is probably high. The biggest problem is that I do not know whether I am going to have to work on Sunday, and I will not know until tomorrow morning. My weekend is now shot; I cannot plan anything because I do not know if the person that I have to see is not going to be arrested until 5:00 tonight. Between 5:00 tonight and about noon tomorrow, whoever is working, their weekend is shot either way. At noon tomorrow it is like, "Ok. Well, now the rest of my weekend is free. What am I going to do with it?" It is easier if I get up Saturday morning at 6:00 and I see that there is an email from the jail and [it says], "You have to see this guy." Great. I know what I am doing for the rest of the weekend and can plan. Otherwise, I am wondering all Saturday; I wonder if maybe somebody forgot to send me something, which happens. On Sunday morning, I get up and find out I have got something. It is easy for me. I go to church in the morning. I swing by the courthouse on the way home. At 11 a.m., we do the hearing. It is easy when I know I am going to get them. That is me, but it is hard to rope in an attorney, the prosecutor, and make sure the jail has somebody to watch the person to bring them over. Those are the logistics of the problem. Every weekend has been a mess because of it.

Assemblyman O'Neill:

I hear you. Thank you.

Chair Scheible:

Of the weekends that this has been implemented, how many times have you had to go in for a hearing?

Judge Bishop:

Roughly, every other weekend.

Chair Scheible:

You are getting notice how far in advance from your staff?

Judge Bishop:

It is not the staff; the jail emails me directly. Usually, I will get 24 hours' notice at best. There have been occasions where it has been—I do not want to be too low—but I feel like two hours would be the worst one I have had. Usually, it is anywhere from 24 to 12 hours.

Chair Scheible:

So, someone was in jail for 44 hours before the jail told the justice of the peace?

Judge Bishop:

Occasionally, the ball has been dropped that way. Occasionally, there have been days where I have been busy and have not been able to check my email. We have those discussions and have corrected them, but there have been days where that has been a problem. It takes time to write reports. It takes time to sober the person up. It takes time to come and talk to witnesses and victims and those sorts of things to make sure that they are ready to write that probable cause (PC) sheet to get it to me. It is not just an instantaneous thing. They make the arrest. They go through the booking process. They respond to another call. They respond to another call. It takes at least 12 hours to get a report written before I can even get it. It would be shocking if I got it sooner than 12 hours.

Chair Scheible:

Okay. I want to go to Judge Higgins for just a minute. I am sorry. We got a little bit out of order on our presentations, and I want to make sure that we hear from you about Sparks Justice Court. I will open up the floor to you to opine on whatever is relevant.

The Honorable Kevin Higgins, Chief Judge, Sparks Justice Court, Department 2, Washoe County:

Thank you, Chair Scheible. I am not sure I am opining, but I will tell you what we are doing in Washoe County. We have four justice courts, two municipal courts, a district court—we are meeting with them—the sheriff, pretrial services, the DA, the public defender, and the alternate public defender. We are meeting about every other week to hopefully have everything in place by July 1. The paragraph in AB 424 (2021) about extraneous programs is about eight lines long. The devil is in the details, as they say. We are working weekends. I know the DA has requested additional personnel and funding that has yet to be provided by the county commission. I believe the public defender was able to secure some funding through the [CARES Act](#) (S.3548 of the 116th Congress), or COVID-19 relief funding. Our judges have set up a rotation; we are going to be hearing cases on Saturdays and Sundays. The three judges here will be doing it every third or fourth week. Like Judge Bishop says, our weekends will be shot, and we will be on call for the full weekend.

Some of the struggles are, how do we get things done within the 48 hours? Right now, our pretrial services are pushing law enforcement to get our PCs done within 24 hours. They often are not. Some agencies do not release PCs until a supervisor approves it, or a sergeant or lieutenant at highway patrol or the sheriff's office reads the PC. Oftentimes, the PCs are not done within 24 hours. It is not infrequent that people refuse to come out of their cells or are incapable of being heard within that short amount of time. They may be alcohol- or drug-impaired or have mental health issues. Does that constitute a waiver if we cannot get them in the courtroom in 48 hours? Interpreters are going to be a struggle. We have hired and are going to have a Spanish interpreter hired to cover the weekends. We will be doing these in the mornings. Sparks Municipal court will be at 8:00 a.m.; I will be at 8:30 a.m.; Reno Justice Court will be at 9:30 a.m.; and Reno Municipal will be at 11:00 a.m. The Sparks Justice Court also covers Incline and Wadsworth for these hearings. We will have a Spanish interpreter online, but lately we have had several people who speak Marshallese in our courtroom. That usually takes us a week or more to secure a Marshallese interpreter to have a hearing. I am not sure what we are going to do on weekends if we have a Marshallese person.

An issue that I know, Chair Scheible, that the Legislature has considered more than once is how we transfer criminal histories. We are bound by federal rules that say we cannot release criminal histories to nonlaw enforcement agencies. Unfortunately, the public defender is not on the list as a law enforcement agency, an agency of criminal justice. Currently, once the case starts, our DA provides the criminal history to the public defender in the discovery process. How do we get that transferred on the weekends? The court cannot secondarily disseminate that. How does that process work if we have to have an investigator for the DA's office in at five o'clock in the morning running PCs, or the day before, and somehow figure out how to share them with the public defender's office? Private counsel is an issue. I am not sure how we are going to rope private counsel into this and advise them. We are going to have staff working late Friday to do the Saturday hearings and late Saturday to do the Sunday morning hearings. Regarding personnel and funding, our population was such that we were in the position of pulling the trigger on a fourth judge. We have been avoiding that. It is a cost and an expense, but we are going to,

we did it. We told the county there is a fourth judge on our ballot this year to cover here in Sparks to have enough judges to cover the weekends. We are working on it.

There are lots of details. I testified on this bill, and I understand what went into it, but it is clear that one size does not fit all in Nevada. The Las Vegas Justice Court has 15 judges and hundreds of employees. We have three judges here and 27 employees. We are going to make weekends work, but it is going to be a stretch. However, rural Nevada has challenges. I testified and asked that it be 48 judicial hours, two judicial days. The public policy was set differently than that. We will do what we can to comply. The statute says that these must happen within 48 hours, unless they may be continued for a good cause. I have not discussed that with the rural judges, but I wonder in some courts if good cause is going to be that there is no DA, public defender, or the jail does not have anybody there. I sat pro tem for a court on arraignments when the judge was on vacation, and the clerk called me and said, "Whatever you do, do not put anybody in jail, Judge." I asked, "Why is that?" He said, "The jailer is on vacation. We only have one jailer, and there is nobody in the jail to watch an inmate for a week if you put somebody into custody." Those are the kinds of challenges that happen in rural Nevada.

We are pushing forward. We have disagreements internally on this committee. We want to set deadlines. My proposal is everybody arrested by noon on Thursday would be seen on Saturday morning. Everybody by noon on Friday would be seen on Sunday morning. That gives us a day and a half to get the PC done, the public defender a chance to interview their client, and the jail knowing how to get people up. It takes the jail several hours to get somebody in jail at 8:30 through the process. They must be out of their cell by 5:00. All that must click into place, and we are working on it. We are trying to get an agreement put in place. We have a pretrial services program here that we try to use to release as many people as we can before all of this happens.

One of the challenges was that [SB 369](#) (2021) deleted some of the language that authorized the courts to release people through the pretrial services program. Assembly Bill 424 (2021) put that language back into effect, but we have a gap between October 1, 2021, and July 1, 2022, when that language is effective. Frankly, I thought we had the inherent authority to do it, so we are still doing it. We are still using our pretrial services program here in Sparks. Not every court is. Some courts are of the opinion they cannot use that process until July 1 because of the language change. There were several competing bills. I think that was a gap between the two bills when they were enacted that was not taken into account.

We are working hard. Opinions differ. As Mr. McCormick and Judge Zimmerman indicated, we are not a centralized or unified court system. In California, the chief justice says that all courtrooms are painted white, all courtrooms are painted white. Here in Nevada, we operate independently. We have our independent funding. We must go to our own city councils and county commissions for resources. We have been lucky here in Washoe County that our county commission has worked with us quite a bit. Not every county in Nevada has the same resources we do. We are going to make it work here. There will be some growing pains. We are going to get a memorandum of understanding (MOU) put in place where we all agree how to do it in writing. However, there are challenges, but we will work through them. I am open to any questions the Committee might have.

Chair Scheible:

Thank you. I am sure we will have some questions.

Senator Harris:

I want to get a little clarification. When you talk about all courts not being equal, are you suggesting that some Nevadans should have different rights than other Nevadans based upon whether they live in a rural area or a more urban one? How do we treat courts differently but also assure that all Nevadans are treated equally under our *Constitution* and laws?

Judge Higgins:

I think you asked me the same question when I testified on this bill, and I said, "No. Everybody should be treated equally." I have no disagreement about that. I have no disagreement that bail reform is necessary. We have been pushing it in Washoe County for several years with pretrial risk assessments, early releases. We have done everything we can in that regard. I think it is time to change it. What I am saying is the courts in rural Nevada do not have the same resources in Washoe County. You heard from Judge Bishop that they have advertised for a public defender, and nobody has offered to take the contract to work in Ely. There are practical problems involved in a state that is a nonunified court system and that is, for the most part, not generally funded. The Nevada Supreme Court relies on administrative assessments in the judiciary for a huge amount of its money. It is a resource and personnel issue. Not to be glib, but I do not think the roads get paved the same way in rural Nevada as they get paved in Washoe County, because we have money to pay for the paving crew and asphalt. A lot of the resources that we have in Clark County and Washoe County are not available in rural Nevada. I am not saying that they should have a separate constitutional protection and that equal protection does not apply. I am all in favor of a unified, uniform fine system so every speeding ticket in Nevada is the same fine. I have been in favor of that for years. We are talking about the practicalities and how we do that. Esmerelda County, last I looked, has 1,500 people who live there. There are more people in my homeowner's association than there are in that county. They certainly do not have the same resources that we do here. It is a resource issue. It is not a constitutional issue. It is not a decision that somebody gets lesser rights. It is a practical money issue.

Chair Scheible:

If there are no more questions from down south, I also have a practical question about the rural courts. Do we still have any courts in Nevada that are not set up to utilize video and teleconferencing?

Judge Bishop:

I do not know. I would not be shocked to know there are a handful that are not set up to do it. It is quite frankly not easy to conduct a hearing remotely. It is very difficult. I am very tech savvy, even though I do not like it. It is a challenge for me to do it, and we do them regularly. It only takes one crossed wire or one mouse to chew on a wire for my whole system to come crashing down around my ears. I would not be shocked that there are not.

Chair Scheible:

Okay. I have a related question. Are there any detention centers in Nevada that are not set up to do videoconferencing?

Judge Bishop:

I do not have any idea of that. Mine is. We are fortunate because we have a new facility where they can walk them over when that happens now. Beforehand, it was a horrible problem. I do not know if there are or not.

Chair Scheible:

Are there any other questions from the Committee? I am not seeing any further questions. That brings us to the conclusion of subsection C of Agenda Item IV. Before we move on to subsection D, we are going to go back to Agenda Item III.

Chair Scheible:

We can now move onto section D from Agenda Item IV, which is a presentation from the Department of Indigent Defense Services (DIDS). Welcome.

D. PRESENTATION ON THE DEPARTMENT OF INDIGENT DEFENSE SERVICES (DIDS)

Marcie E. Ryba, Executive Director, DIDS:

I will give you a little bit of a roadmap of where we have been, why we have been started, and where we are hoping to go during this next legislative session (Agenda Item II D-1). I know that we are short for time, so when you have a moment, you can read our vision, mission, and goals. Our main vision is justice, equity, and support.

Where have we been? We were legislatively created in 2019 by this Legislature in [AB 81](#). Part of the catalyst for creating us is in 2018, the American Civil Liberties Union (ACLU) brought a lawsuit against the state on behalf of defendants in ten rural counties that challenged the constitutionality of the defendants' policies and practices in indigent defense services. In 2020, a stipulated consent judgment was entered, wherein our Department, by and through our board, is required to do several items (Agenda Item II D-2). This stipulated consent judgment calls for the elimination of economic disincentives for indigent defense providers. It requires our board to establish minimum standards and provide training and resources for indigent defense providers. It requires uniform data collection and quarterly data reports to be published.

In addition to the requirements in that stipulated consent judgment, we do have several requirements in [Chapter 180](#) of NRS that state certain requirements that our board is supposed to undertake. Since we have been established, we have been able to create permanent regulations (Agenda Item IV D-3), which went into effect this past year and set forth many of these minimum standards, data collection requirements, and a maximum contribution formula to determine the maximum amount that a county needs to pay for indigent defense services. I have referred to indigent defense services a lot. That is specifically defined in [NRS 180.004](#). In short, it is expenses related to the defense of an adult charged with a crime or a juvenile alleged to be delinquent or in need of supervision.

In addition, our department has been able to meet with all the rural counties in order to build plans for the provision of indigent defense services. In 2008, the Nevada Supreme Court issued an Administrative Court Order ADKT 411. In that order, they asked every county across the state to enter into a plan for the provision of indigent defense services. Clark County and Washoe County entered into these plans back then; however, the rural counties asked for a stay. They just were not able to do it; they did not have the staff. With

the creation of our Department, we have been able to assist all these rural counties in entering into those plans. Every plan for provision of indigent defense services can be found on our website, which is [DIDS.nv.gov](https://dids.nv.gov).

Our Department has also successfully passed [AB 480](#) (2021), creating separation from the judiciary and indigent defense providers. One goal through Davis is that we are supposed to encourage that indigent defense providers have the same oversight from the judiciary as prosecutors or independent attorneys. Assembly Bill 480 changed the selection process after the appointment of counsel. It also changed the process for indigent defense counsel being able to ask for experts and investigator fees in criminal cases.

Going back to that, in order to encourage counties to build into their plans a separation from the judiciary, part of our maximum contribution formula is that the maximum amount a county would pay for case-related expenses for indigent defense providers would be zero. Yesterday, we successfully were able to request from the IFC funding on behalf of Douglas County, Lyon County, and White Pine County for expenses that their indigent defense providers had spent in representing their clients. In total, although no funding was specifically set forth in our budget to be able to reimburse pursuant to the maximum contribution formula, the Legislature set aside \$1.2 million in the contingency account for us to be able to ask for reimbursement for the ten rural counties that are included in the Davis stipulated consent judgment. The ten rural counties are the counties that rely on an independent contractor system to provide public defender services. They do not necessarily have the state public defender's office or a county office. They contract with individual, independent attorneys.

We also have been required to enter into a weighted caseload study. We have contracted with the National Center of State Courts. This study is in place right now to determine how many public defenders are needed in each county to be able to handle the caseload. We have successfully rolled out a CMS. The CMS that we are using is LegalServer, which has been provided free of charge to all indigent defense providers to enter the cases, the case type, the number of hours worked on a case and the ultimate outcome. We are using this data to publish quarterly reports. Our first report was published last quarter (Agenda Item IV D-4), and we will be publishing another report this month to get this hard data on indigent defense providers and how many hours they are working and how many are needed.

We also have the ability to provide training and resources for indigent defense providers. Last year, because of the pandemic, we were able to provide an online training program. We had over 100 attendees where we provided training free of charge to indigent defense providers. This year in May, we are planning to provide a training free of charge to indigent defense providers in Las Vegas. In order to assist with the rural counties being able to come to this training, we successfully obtained a \$45,000 federal grant to pay the travel expenses for the rural indigent defense providers—travel costs and hotel rooms—because we want to encourage them to come. We want to give them every opportunity to be there to build a community with other public defenders and to learn. We are providing about 12 Continuing Legal Education (CLE) credits in this training that we are putting on. We have also taken steps to provide resources to indigent defense providers in the rurals. We successfully obtained a grant for \$26,000 as a start to create a pipeline to encourage University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law graduates to consider moving to the rural counties and practicing in indigent defense. This \$26,000 grant will be turned into four separate \$6,500 stipends to be able to pay for students to go to a rural county, live in the county, and work for that summer externship. We have successfully chosen two externs; one will be placed in Elko, and the other will be placed in Carson City at the Carson

City Public Defender's Office. It is exciting to see this possibility of students being encouraged to come out and try out the rural counties. I do not know if they have necessarily had that opportunity before. We have also been able to contract with the data analysts to look at salaries. What is the appropriate salary that an indigent defense provider should be paid? What is the hourly rate that should be paid?

What is our vision for the future? These are three of our big, bold ideas that we are hoping to introduce you to, and hopefully, we can make come forth in the next legislative session. We want to create resilient communities; we want to balance the scales; and we want a bridge to sustainability for indigent defense. One idea we have to create resilient communities is to create a holistic resource center within the public defender's offices or within DIDS. RAND Corporation did a study of the Bronx Holistic Resource Center. It was a ten-year study, and they found several key findings. Over that ten-year study, they found that holistic representation in the Bronx prevented more than one million days of incarceration. Just pausing for a moment, holistic representation means that defenders not only address that immediate criminal case at hand, but they also have the resources to be able to address those enmeshed or collateral legal consequences of criminal justice involvement like loss of employment, public housing, custody of children, and immigration status. They also have those resources necessary to address the underlying life circumstances and nonlegal issues that so often play a role in driving these clients into the criminal justice system like drug addiction, mental illness, or family or housing instability. The RAND Corporation also found that holistic defense reduced the likelihood of a prison sentence by 16 percent and an actual prison sentence length by 24 percent. Holistic representation of clients saved taxpayers in the Bronx an estimated \$160 million dollars in inmate housing costs alone. They say that despite higher pre and posttrial release dates, ten years after case resolution, defendants who received holistic representation committed no more crimes than those who were incarcerated for longer periods and that holistic defense can significantly reduce incarceration and save taxpayer dollars without harming public safety. Our goal is to create within DIDS that holistic resource center where we can connect public defenders and their clients with social workers, behavioral health specialists, substance abuse evaluators, and immigration attorneys, if we are able to get the resources for that.

The picture on the board is a sequential intercept model (slide 5, Agenda Item IV D-1). This was developed by the federal Substance Abuse and Mental Health Services Administration's (SAMHSA) Gather, Assess, Integrate, Network, and Stimulate (GAINS) Center. It talks about different points where you can intercept with an individual who is in crisis. We believe that public defenders would be at intercept point two—that initial detention, initial court hearings where an individual is arraigned, but they have not worked into their case quite significantly—or also intercept point three. A public defender is generally the person that must ask the judge to send their client to drug court or to send their client into a specific treatment program. Without giving these public defenders the resources to be able to determine whether their client has that issue, is something that we are having an issue with at this point. It seems like at intercept point one, there are resources being given to law enforcement, such as iPads to help put them in treatment. However, if the individuals ultimately get arrested, it seems like the resources are not being provided to the public defenders to be able to assist their clients. These are our concerns of a gap that we see currently in a place that public defenders would be able to help.

Thomas Qualls, Deputy Director, DIDS:

I will give you a little bit of background before I go through that list. Indigent defense, as Marcie covered and as we have heard from Judge Bishop's discussion here today, is at a

flashpoint right now. There is a crisis across the state. Indigent defense is fundamental to the health and resilience of all our communities in Nevada. It is not just about criminal defense or the things that we see in the headline. We see the full gamut of people, and we deal with a lot of the marginalized populations. A huge percentage of the people in the system have either one or more symptoms of mental health, substance abuse, poverty, housing insecurity, or domestic violence. The list goes on. Often, one or more of these factors is instrumental in them being in the system.

This little section here in our vision is called “balance the scales,” because the scales of justice are supposed to be balanced. The prosecution and the defense are supposed to be equal and have equal resources, and that has not been the case for a long time. The situation that we are in right now has been a long time coming. In 1992, the Indigent Defense Commission was created here, and that lead eventually to ADKT 411. I think it was 2007. As Marcie explained, only Washoe and Clark were able to comply with ADKT 411 at the time. It took the ACLU lawsuit and the creation of the Department to finally begin building what was started back in 1992. However, a lot of time has lapsed, and [there has been] a lot of erosion in the system.

Public defenders are a rare breed. You need to be smart, capable, compassionate, and courageous. You need to wear a whole lot of hats. You are not just an attorney in court; you are a counselor. You are a social worker. You are a lot of different things. It is right now at a crisis point, as far as the system being underfunded and the people in it being overworked, and I am not being hyperbolic when I say this, to an inhumane level. I will give you a couple of examples. One of the people who holds a public defender contract in one of the rural counties recently reported that in three quarters, so not even a full year of her contract, she has accepted 472 cases in justice court alone. That is already almost three attorneys’ worth of work, and that does not count district court cases and that there is still another quarter to go. Another judge that we recently talked to use to hold one of these public defender contracts. She said that she looked at the numbers at the end of the year, subtracted her overhead from the contract price, looked at the number of hours she worked, and she was basically making \$15 an hour. This has been a long time coming. It is one of the things that, as the RAND study points out, the more states and communities ignore and underfund this, the more money it ends up costing.

We have a number of different plans to address this. Marcie spoke to the pipeline program that we have with UNLV Boyd to help entice and introduce law students into the indigent defense system, specifically in the rurals; however, that alone is not enough. We heard from Judge Bishop. I will say that White Pine’s situation is not unique in that they have a public defender contract open and cannot find anyone to take it. A huge part of that—there is a number of factors—is the amount of the contract that the county is offering and able to pay. They cannot attract quality talent. They cannot attract people with high student loan debt. A lot of the feedback that we have received from the Boyd School of Law is that the reduced number of people interested in going into public defense is that it is a simple matter of numbers. They cannot afford to do it.

When the Department was established pursuant to the Davis stipulated consent judgment—it is my understanding this was pre-COVID-19—that the intention was to put in the Department’s budget somewhere between \$10 and \$15 million. With COVID-19 happening, the Department essentially got zero of that funding. We got our own operating costs, and that was it. We are going to be asking to return to that pre-COVID-19 intention and have the Department funded so that we can honor the mandate of the maximum contribution formula. Marcie got into this a little bit, but the idea of that is that we took numbers from

2018 and 2019 across the state, set a cap on what the counties needed to spend on indigent defense, and the state is to supplement the necessary expenses over that.

One of the things that we are mandated to do is this weighted caseload study that we are in the middle of from the NCSC. They are finishing that up. We are going to provide them with the final numbers probably by the end of this week. We are gathering it from our LegalServer CMS and from our Delphi studies across the state. When we get those weighted caseload studies, they are going to come back with standards for hours worked and caps on caseload, which is going to result in different numbers for each county based upon the current caseloads. Like I said, the one example of the 472 cases already, I can promise you that the recommendation from those numbers is going to be that that county needs to increase the number of attorneys that they have on contracts significantly or in an organized public defender's office, if that is what is necessary. The counties will have one year, I believe, from the publishing of those standards to comply with that. The only way they are going to be able to comply is if the state honors the funding under the maximum contribution formula, which again, is mandated by the stipulated consent judgment and by the regulations set by our board.

One of the things that we are going to do to address this is a salary survey to bring public defenders across the state up to parity with their prosecutor counterparts but also based upon other metrics, like cost-of-living increase. We are also going to address the hourly rate for appointed counsel. That is, if a public defender or the contract public defenders in the county—every county is set up a little bit different—have conflicts, then we are required to appoint another attorney from our qualified list. The statute currently sets the rate at \$100 an hour. That statute and that rate has not increased since 2003. The preliminary cost-of-living study that we will finalize shows that the cost of living in Nevada has essentially gone up 50 percent since that time. To clarify, the \$100 an hour is not just like working a retail job and getting \$100 an hour. That must cover all the overhead of the office, including assistance, rent, whatever the attorney has left over at the end of the day. We are going to be putting forth a bill draft request (BDR) to address that and to raise the amount following the Criminal Justice Act (CJA) study. The CJA did a study in 2017, and they raised their appointed rate. They then tied it to cost of living, so that every year it goes up automatically. That is what we hope to do there.

A lot of the rural counties do not have access to a lot of the resources that the urban counties do. Marcie mentioned the holistic resource center that we hope to create. That will be a centralized place to provide or connect all the rural counties with these resources. Similarly, we would like to build a complex litigation unit, which would provide litigation support. Attorneys who are specialized in death penalty cases and other high-level, category A, complex cases, we could step in and handle those matters for them. There is also the ability for the counties to transfer responsibility for direct appeals and for death penalty cases to the state. Direct appeals would be no cost to the county, and the state will cover 75 percent of death penalty cases, and the counties will cover 25 percent of those expenses.

Skipping down, AB 424 (2021) was discussed. This does put a significant burden on the rural counties. It is going to be an added cost. They are having trouble staffing it. One of the things that we are hoping to do is create positions and fund them through state reimbursement of anything over the maximum contribution formula. I think that is about all I have on this list. I will turn it over to Peter Handy.

Peter Handy, Deputy Director, DIDS:

I want to discuss a few things that are on the slide you see in front of you first (slide 7, Agenda Item IV D-1). I think it is probably the elephant in the room for most of the counties, and that is the maximum contribution formula. As Marcie explained, the board set up the contribution formula over the last year. I think it is about to be codified. It is in regulation. Most counties have acted in good faith efforts over the past year to build out their programs of indigent defense services. They have expended or pledged funds above and beyond what they have budgeted in past years, many of them hundreds of thousands of dollars over their prior budgets. They really are relying on the state to reimburse them for those funds that they intend to or have been expending. It would be a good show of faith for the state to earmark more funds than for just the Davis counties. Certainly, the Davis counties need to be reimbursed on a priority basis. They are subject to the consent decree in the Davis case. The rest of the counties that are also expending a significant amount of funds are also owed some earmarked dollars, so they can reasonably rely on the state being able to reimburse them at the end of the fiscal year on that basis. Certainly, as Judge Higgins and Judge Bishop said, and I am sure you all have heard, there is somehow an unfunded mandate. We do not believe that is true. We think the Legislature intends to honor the state's promise and refund the counties the money that they are being required to expend with the provision of indigent defense services requirements. We would like to have that continued show of faith going forward and have those funds deposited in an account specifically earmarked for all the counties to have reimbursement. If you are interested in how the maximum contribution formula is calculated, it is Regulation 18. It is yet to be codified as a specific provision in [Chapter 180](#) of NRS. Effectively, it is just some base year calculations off prior budgets and adding consumer price index (CPI) over time to that number.

I will talk a little bit about incentives for data collection. We are always reaching out to try and find funding to try and make the workload, the caseload, the cost to each of the counties lower. We are trying to reach out and get grant funding for things like Westlaw research services for indigent defense providers. We are trying to reach out to provide tablets to jails or to indigent defense service providers, so they can limit the amount of time they have to spend sitting in jail with their clients to review discovery when it is something that the client can probably review on their own at that time, and so they do not have to spend hours with just one client when they can meet with several. We are trying to build in these programs to increase the efficiency of existing public defenders and lower the costs and the burdens to those public defenders as they try and do their best work in all the counties in Nevada.

We are looking at developing student loan repayment assistance programs. As somebody who has over \$300,000 in student loan debt, I can tell you that it can be crushing. Certainly, there is a need for student loan repayment assistance for both indigent defense providers, DAs, government employees, and legal aid service providers. That is because the wages are not compensable or comparable to private sector jobs. There is federal student loan forgiveness after ten years of making payments, provided the fund still exists in ten years. The federal government may forgive student loans on certain bases. Having some repayment assistance will help boost the number of people who might be more willing to go into indigent defense or public service jobs when they are otherwise considering private sector employment pay parity.

We have already discussed a little bit about how we retained a data analysis. That data analyst is going to be surveying salary data, both within the state of Nevada and outside the state of Nevada, trying to determine what kind of salaries will be commensurate for public

defenders as they relate to their similarly situated prosecuting attorneys and considering contract values. Many of these counties do have contract attorneys who must bear their own overhead, have to bear their own expenses for employees, payroll taxes, et cetera., in a way that is included in most budgets for county agencies.

Community building is something that is very important to us as we continue to work with the counties to develop their indigent defense programs. Tom and Marcie are regularly traveling the state to try and meet with local counties, clients, defense service providers, and local prosecutors to try and work out how things are happening in that county. What is happening in White Pine County is going to be different than what is happening in Lander County. What is happening in Lander County is going to be different than what is happening in Douglas County or Carson City. It is important that we continue to be able to reach out to those counties, see what is happening on the ground, and have those conversations with the people who are working there—such as the county boards of commissioners, supervisors, the defense providers, and judges—to continue to see how we can better facilitate services in those areas.

You heard Marcie talk a little bit about our annual conference and our monthly training. We are hoping to provide more training as time goes on. We are focused on implementing statewide practice of holistic defense, which we spoke about earlier. We mentioned the RAND study. That study was later verified by the U.S. Department of Justice that holistic defense reduces incarceration times for criminal defendants. We are trying to get training on a monthly and annual basis out to the attorneys practicing indigent defense trying to adopt those practices. We are talking about that holistic resource center. It is providing those services to attorneys to be able to better implement that evidence-based practice and trying to reduce costs to the state and counties when they are having to incarcerate persons for longer periods of time.

We are working with the State Bar of Nevada to try and develop an indigent defense incubator. The State Bar has a fantastic program called Handle|BAR, where they have an incubator program for new attorneys who are trying to break out on their own as a solo practitioner. We want to work with them to design and develop training and some mentorship opportunities if they intend to go into indigent defense as part of their solo practice. We are also continuing to develop those community relationships with each of the counties, different stakeholders in the State Bar, local communities, and with the Boyd School of Law to develop better programming as we continue.

Ms. Ryba:

The last slide contains our contact information and how you can get ahold of us if you have any questions as to what we are doing. We will be reaching out to the Legislature in this next budget build to be able to put all these things into action. We have had this opportunity to lay the foundation. With the pandemic subsiding, we are being able to go out and see people face to face, which is quite nice. Our goal is to start building these relationships that we were not able to build before. With that, if you have any questions, we have completed our presentation.

Chair Scheible:

Are there any questions from our colleagues on Zoom? I am not seeing any. We will go down to Senator Harris and Vice Chair Nguyen.

Vice Chair Nguyen:

I appreciate you bringing up indigent defense compensation and resources. I know we have talked about that holistic center and resources for counsel. I think it is very timely given the conversation that we just had about being able to get people into that. I appreciate the work you are doing, especially since you are such a new agency. I hope I speak for all the other members of the Committee when I say that we have an open-door policy to talk about how we can solve some of the problems, especially in our rural communities, and make sure that they have equal access to justice under our laws and our *Nevada Constitution*.

Chair Scheible:

I also have a question. I am assuming that, like the rest of our legal employers in the state, you work mostly with Boyd and that most of the indigent defense attorneys in Nevada come from Boyd. Are there any other schools that you are able to recruit from, or are there any patterns that we are seeing? Is part of the problem with getting indigent defense lawyers into the pool that we have a limited pool graduating from Boyd, and that is basically our whole pool?

Ms. Ryba:

That is a wonderful question. I think you answered it at the end. We have a limited pool of individuals who are graduating from UNLV Boyd School of Law, and Clark County is such a strong economic area that most of them do not need to leave that area to find any other sort of employment. We had a meeting with Judge Simons in Elko, who is a UNLV Boyd school graduate. He expressed concerns that he cannot get anyone from Boyd to apply for his clerkships after they come out of law school. We are trying to work on encouraging individuals to come and see the rural communities. One of the two externs who we have coming is from the east coast. She has moved to the Clark County area, and she has never been to rural Nevada. She is taking this as an opportunity to come out and explore. We are hoping that she takes good words back to all her classmates to tell them how great this is. We are actively working with Dawn Nielsen at Boyd School of Law and Nikki Harris to see what we can do to successfully build a pipeline to encourage those students to consider indigent defense, especially in those rural counties.

Mr. Qualls:

To follow up on that, a number of the public defenders' offices are actually recruiting from out of state now due to the limited pool here. We would love to give Boyd students priority, but again, due to the shortage across the state, I think most counties are starting to look and try to recruit from out of state.

Mr. Handy:

As a McGeorge School of Law alum, I would hope that we are looking at other schools. I think it would be a poor choice to foreclose opportunities other than just the Boyd School of Law. There are certainly a lot of great American Bar Association-accredited law schools across the country of which Nevada could benefit from the graduates. I think we should be working with as many as are willing to send, especially in the local area—Idaho, Utah, the California area—to work with graduates of law schools to bring them in to work here.

Chair Scheible:

I do not want to get anybody in trouble with this question, but do you find that a lack of reciprocity with bars in other states is hindering our ability to recruit lawyers to Nevada?

Mr. Qualls:

Yes, I would strongly support reciprocity with other states. I know that has been something that, historically, Nevada has been resistant to doing. I think we must rethink that.

Chair Scheible:

I have one more question. You just made me think about this for the first time with people coming from out of state to go to rural parts of Nevada. Is there an interest or a group that works primarily with lawyers across the country who want to be in rural jurisdictions and who maybe come from other states or other places, but they want that lifestyle of a small town and of being the only defense attorney in town? Or is there not a network for rural lawyers?

Ms. Ryba:

I do not know if there is a statewide network or nationwide network. We have been able, with funding from the IFC, to retain that data analyst. One thing he is looking into is creating that pipeline to get individuals to come up to the rural counties. There are other states that have created certain incentives for individuals that chose to go there. Maybe they set up the offices for them and paid overhead expenses, or maybe they get a higher pay rate. These are things that we are working on creating, but I am not aware of any group of individuals who are interested in coming. The reason that we are focusing at this point on UNLV Boyd School of Law is that the statute specifically requires us to work with Boyd School of Law to create that pipeline, so that is what we are doing. We are also working with the State Bar. They are hearing the issue as well, and I think we are going to form a small committee to talk about what the bar can do and what we can do to encourage people to come out to the rurals.

Chair Scheible:

Great, thank you. Are there any other questions from other members?

Assemblyman O'Neill:

For clarification, what are you describing as the "rural" counties?

Ms. Ryba:

The rural counties are specifically defined as a county with a population of less than 100,000 people. Carson City falls under a rural county. Basically, the two counties that do not fall within the definition are Clark and Washoe.

Chair Scheible:

Thank you so much for your presentation and for that discussion. We are going to move on at this point, and we are going to take the agenda a little bit out of order. I am excited to hear from you, Ms. Parker, so I hope that you will hang on while we move to our Prison Industries presentation.

[Ms. Ryba also submitted (Agenda Item IV IV D-5) for the record.]

E. DISCUSSION OF SPECIALTY COURTS

Chair Scheible:

I will call this meeting of the Interim Judiciary Committee back to order. We are going to go back to our presentation on the judiciary. Thank you to our presenters for being accommodating and allowing our friends from Silver State Industries to interlope and present early so they can get back to their jobs, which were so happy to see them succeeding in. Now we are going to talk about the specialty court programs.

James Popovich, Specialty Courts Statewide Coordinator, Supreme Court of Nevada:

We appreciate this opportunity to highlight the great work being done here in our special courts throughout Nevada. Before we get going with highlighting some of the programs throughout the state, I would like to give a general overview. The fifth drug court in the nation was launched in Las Vegas in 1992. Since then, there have been over 60 different special courts opened across our great state. The courts have included the first family drug court in the nation, created in 1994 in Reno, Nevada, as well as the largest mental health court in the country at one point. Both special courts are still in operation. Nevada's specialty courts have seen continued success year to year with the implementation of new and innovative practices and procedures. These courts cover a vast array of issues and serve many different populations, including those of mental illness, misdemeanor and felony driving under the influence (DUI), veterans' treatment, medication-assisted treatment for opioid and alcohol use disorders, adult and juvenile drug courts, family treatment courts, and community courts. As you can see, the judiciary has embraced the concept of therapeutic jurisprudence, which has been demonstrated by its commitment to helping improve the lives of those participants struggling with substance use and mental illness. There are currently over 3,500 active participants throughout Nevada specialty courts. Last year alone, there were over 1,300 successful graduates. That equates to a lot of taxpayer dollars saved in county and state detention, social services, and emergency room costs.

The resolve of Nevada's specialty court team members and participants alike was tested more than ever during these past two years. The specialty courts throughout the state responded to the pandemic by transitioning to working in a remote and virtual capacity. The courts conducted online staffing and court hearings. Court staff and training providers were able to utilize telehealth and video sessions to maintain frequent contact with their participants. Drug testing providers used remote global positioning system (GPS)-enabled breathalyzer devices as well as drug testing patches to limit in-person contact. A hardworking commitment by all the judges and specialty court team members resulted in a seamless transition to providing services for participants.

To further illustrate the success of these programs, the Supreme Court of Nevada AOC partnered with the Nevada Department of Health and Human Services (DHHS) in 2020 to study recidivism rates of the specialty court graduates. This recidivism study was the first ever in the 30-year history of Nevada Specialty Courts. For all the specialty courts, the average recidivism rate for the 2017 successful graduates was 25 percent. In other words, 75 percent of successful discharges during 2017 have not had a conviction in Nevada since their specialty court participation. This is consistent with national averages for specialty courts. It further demonstrates that the Nevada General Fund dollars approved by the

State Legislature in 2015 along with the revenue collected from administrative assessments are good investments for our state.

Looking ahead, Nevada specialty courts will begin conducting peer reviews in 2022 with the assistance of NPC Research, a consulting firm in Oregon. The AOC will also be taking steps towards streamlining its program certification procedure. The state, as a whole, will continue to look for opportunities to strengthen the programs in the urban areas of the state as well as developing the treatment and drug testing infrastructure in the rural areas.

If I may, allow me to briefly address existing challenges for our specialty courts and those throughout the criminal justice system as a whole. Mental health capacity to treat those in need, especially in the rural areas—some counties do not even have one psychologist or psychiatrist. Telehealth has certainly helped with these gaps in services; however, there is no substitute for in-person therapy, especially with the more vulnerable populations. Housing, housing, housing—I know we have heard it for some time now. It is difficult to watch participants do so well in the specialty court programs, only to return to the home and neighborhood they came from where they were abusing illicit substances and/or struggling to maintain their mental health. Most of the participants are living in those environments and those homes as they are going through the program. It is amazing to see the success they can achieve while still in those same environments. The third item that is a challenge for more of the rural areas is transportation, especially where there is a lack of access on public transportation, bus lines and whatnot. Last, but certainly not least, is childcare. We find that the majority of those with children who miss their treatment sessions or drug testing is due to a lack of childcare.

Thank you. That is all I have from a statewide perspective. We have four presenters. They are regional coordinators.

Chair Scheible:

We will have all four of those coordinators make their remarks before we ask questions.

Veronica Lopez, Court Program Manager, Reno Municipal Court:

I manage the five specialty court programs that we have at the Reno Municipal Court (Agenda Item IV E-1). We have our fresh start therapeutic court that is presided by Judge Gene Drakulich. This is a DUI drug court program. We have our court assisting military offenders (CAMO-RNO) program. This is our veterans' treatment court. That is presided by Judge Shelly O'Neill. We have our co-occurring disorder and young adult recovery programs, which are presided by Judge Dorothy Nash-Holmes. Finally, we have our community court program. That is presided by Judge Christopher Hazlett-Stevens.

We have our fresh start therapeutic program here, and we have some statistics that we have outlined for your review. I am not going to go over each one of these. In 2006, Reno Municipal Court received AOC fundings to implement this program. In 2021, Department 1, which is fresh start therapeutic program, was awarded a Bureau of Justice Assistance (BJA) grant award to enhance the program. We have been sustaining the program with the AOC funds, in addition to the enhancement grant. That grant will go through 2023, I believe.

We have our court assisting military offenders. This program was implemented in 2019 and is presided by Judge O'Neill. We implemented this program initially with the 2018 BJA implementation program, followed by a 2020 enhancement grant that will expire in 2023 as

well. I outlined some statistics for your review later when you have some time. This program has been in operation since 2019.

We have our co-occurring disorder (COD) and young adult recovery (YAR) program that started in 2009. It is also AOC grant-funded. This program is not funded by any federal funds. It has served 601 people since 2011. It is a standard court as well as a young adult recovery court, which was designed for offenders between 18 to 25 years of age. I will state that the statistic information I have does not differentiate between the COD program and the YAR program, as the YAR program just started its own funding program in 2021. This data below is a combination of both programs.

We then have our community court program. Our community court program began in 2017. It received AOC grant funds to implement this program, previously known as the high-intensity service and supervision program. In 2020, community court was awarded a U.S. BJA grant to enhance the existing program. This program is a program that we have offsite, and we hold it at our downtown community library every Wednesday morning. It is supported by numerous community support providers that come every Wednesday to assist with linkage to services, depending on what their risk and needs are in this population.

I want to outline some of the program barriers that we have locally with our programs. First is accessing and connecting to treatment services. A large percentage of our treatment court participants are the working class. Many make too much money to qualify for Medicaid and not enough money to qualify or afford good health insurance. Many struggle with high deductibles and co-pays, thereby forcing them to make choices between treatment services or serving their jail term sentences, because they cannot afford the treatment.

As James outlined earlier, we all know that we are facing a housing crisis, and it is always a difficult component to assist these individuals with connecting them with support, sobriety, employment, and quality of life. They are all significant outcomes for people in recovery. Recovery, being unique to each person, warrants a range of different housing options for people, whether there is transitional housing from being homeless, to treatment facilities, or even their own home. Continuums of affordable housing are invaluable to people in recovery.

There is also a lack of community case management in our community. Case management is a major element of engaging these participants. Planning to address their individual barriers to recovery and assisting the participants to surmount these barriers and learn to negotiate the community support system on an ongoing basis is a success to their continual recovery. Sometimes, a lot of these individuals are attending their treatment with some agencies, and then they are cut loose to figure out life skills on their own.

Finally, another one of the barriers that we find in our area here in northern Nevada is a lack of inpatient treatment and transitional housing. Medicaid does not pay for inpatient or transitional housing, so it often comes out of our program budget. Inpatient treatment programs are not cheap. I know that we have three other individuals to present, and we are short with time, so I will leave my questions until the end of the other presenters.

EJ Maldonado, Specialty Courts Coordinator, Western Regional Specialty Courts:

We cover six counties in the western region: Carson City, Douglas, Storey, Churchill, Lyon, and Mineral Counties. We have been in existence since the early 2000s, and we started with the drug court. I am going to share my PowerPoint (Agenda Item IV E-2).

We have four different court programs underneath the Western Regional Specialty Courts. We have a drug court, a DUI diversion court, a mental health court, and a medication-assisted treatment court. As you see to the right, those are the funds that were allocated, both from fees and the General Fund. We have three presiding judges at this time. Judges Blake and Green are going to be retired at the end of this fiscal year, and Judge Schumacher is going to be the sole presiding judge for the Western Regional Specialty Courts. Our court teams include: a judge; myself, as the special courts coordinator; a DA; a public defender; the Department of Alternative Sentencing; the Division of Parole and Probation, Department of Public Safety; and treatment providers, which I will get into later. We are lucky to have a certified community behavioral health clinic (CCBHC) for all three of our providers. We have other community-based organizations, such as the Division of Child and Family Services (DCFS) of the DHHS, adult social services, FISH—Carson City Friends in Service Helping—and other outreach community organizations as well. When I get to some of the things that we are doing right and growing in, one of the areas that we will look at is our court teams as they expand. Our drug court program looks at a treatment-oriented, court-supervised program for gross misdemeanors and felonies and a diagnosed substance use disorder. We have a four-phase, treatment-driven system with one year minimum, and the average length is 14 to 18 months.

For DUI diversion, a third DUI faces one to six years in prison. Our programs offer the treatment solution there from three to five years, so three years minimum up to five years. They put people on house arrest for up to six months and interlock for the entirety of the program. That program itself is also, we say it is a five phase. Generally, when we go to the four phases, the fifth phase is when we look at aftercare to make sure everything is in place prior to their graduation.

For mental health court, we have been lucky enough to be able to have a mental health court since 2015 through the General Fund. We were operating our mental health services under the umbrella of our drug court. It was fortunate, and of course, we thank the legislative body for allowing us to have such a program and funding. With our mental health court, we are multijurisdictional, which means that we have both misdemeanor, gross misdemeanor, as well as felony. We look at bona fide mental health diagnoses, such as psychotic disorders, bipolar and related disorders, and depressive disorders. We have also looked at post-traumatic stress disorder (PTSD) and some other related disorders that have some type of effect on their lives. It is a four-phase, treatment-driven program. We also look at the co-occurring aspects of the persons in our program.

Last, we have a medication-assisted treatment program. We established that back in 2015. I believe we were the first one in the state for this. We look at those who have a diagnosed heroin use disorder or opiate use disorder and are facing a gross misdemeanor or felony. We still send them through the same treatment modality as far as groups and individual sessions, but we include Suboxone medication management. There was one time when we were looking at weaning or titrating everybody off Suboxone. Now, we are looking at keeping this on a case-by-case basis, because more people who have gone through a program have actually shown a benefit by staying on Suboxone at a very low dose after completing the program.

Here are some of the things that we have been doing right or better. We have been doing this for 20 plus years, especially the courts that have been in Las Vegas even longer than us. We are better at what we do. We are fortunate enough to have National Association of Drug Court Professionals (NADCP) best practices to help drive our programs. We have moved more towards treatment driven—it sounds kind of obvious, like we should have been doing this for a long time—but I feel that we were always cookie cutter. I felt like everything

was on a time basis, and we made sure that everybody stuck to those timelines. What we have done with best practices is focused more on treatment, individualizing everything, and understanding that, as people move through treatment, they can start moving through the program. It is not just a set amount of time.

We are fortunate enough to have CCBHCs, which are certified community behavioral health centers. They are the all-encompassing, one-stop shop under one roof. Between Community Counseling Center, New Frontier, and Rural Nevada Counseling, they provide all our alcohol and other drug (AOD) mental health care. It has been a benefit to us, because in the past, we had to send all our participants to three or four different places to receive the services they need. Since we have CCBHCs at our disposal, we can send people to just one place, and they can do targeted case management to find out any other ancillary services that they may need.

Graduated sanctions are a very big thing because they take a less punitive approach. We start small with our sanctions and then move through as they are needed. Some of the big things are, when we look at sanctions—best practices say three to five days incarceration for any type of major violation. The reason is the studies show that anything over a week increases recidivism and also negative cost benefits. We are much better. I know my colleagues are going to speak to this, but we have been better at community resource mapping, networking, and stronger relationships. We are able to share a lot of our resources throughout the state of Nevada. The increase has been much more beneficial to all our programs, but of course, there are still gaps. Judicial rapport, enhanced team participation, evolution of roles, and the buy-in—I think it speaks to when we have Parole and Probation on our treatment teams and how they move through and help with the process of specialty courts.

To show you where we are at, you see the new admissions that have come through from Fiscal Year (FY) 2017–2018 all the way to present. Notice that in FY 2019–2020, we had a reduction in new admissions due to COVID-19, but I would still like to think that even though we saw those reductions, we still saw the same type of growth that we probably normally would have if it were a non-COVID-19 year. Our graduates still pretty much stayed steady. We had some reductions last fiscal year because of that, but that comes down to how many people are coming to our program in FY 2019–2020.

Terminations—I always like this number because I think a lot of people feel that our numbers are a little bit higher than what they normally are or what they actually are. People stay in our program and are very successful. As you see over the last five fiscal years—and I know we are only halfway through this one—the most terminations that we had is 26, which speaks to the participation level and that they want to stay in the program.

Voluntary withdrawal—we saw 16 in FY 2019–2020, and I think a lot of it still had to do with the fact that we were remote. There was a lack of face to face from the judge and the participant, and it was still a learning curve on what we were trying to do in a difficult situation. I think some of that lack of face-to-face contact had an impact on how many people wanted to stay in the program at that time.

We conducted a needs assessment survey. It was very basic. We sent out a questionnaire to our participants in our programs, and what we found was everything that we knew that we needed anyway, such as housing, food assistance, access to health care, employment assistance, educational resources, and financial assistance.

I know James has already stated that we are looking at housing—emergency and short-term—access to health care, childcare, starter pack/basic needs, and equity of services and resources amongst counties. When we talk about housing and access to health care, childcare, and employment, I think one of the big things that I would like to point out is what we ask our participants to do when they come into our program. Most have been incarcerated from anywhere from one to six months as they are waiting through the criminal justice process. We are ready to get them out and start the program, but we are asking them to do so many different things. It is a tall order, anywhere from treatment—intensive outpatient rehab (IOP) is nine hours of groups a week, testing four times a week, and individual sessions. They do targeted case management, and we are asking them to find work. We are asking them to do a lot of running around, as far as following up on referrals with other community organizations. I feel it is a tall order, and we need to have certain things in place, such as emergency and short-term rental assistance, childcare, and financial assistance that allows people to have some type of childcare and be able to attend groups and still also work a full-time job. Regarding grocery vouchers and assistance—we have food bank assistance and resources available, but those are not sustainable. When we are trying to allow people to get sustainable until they get on their feet and have a viable, consistent income, it would be great to be able to partner with community organizations or supermarkets, or at least we could find maybe a little bit more financial assistance coming with our grants and such into our programs. I do not want to take too much more time.

DeNeese Parker, Specialty Court Administrator, Eighth Judicial District Court, Clark County:

I would like to thank the Chair, the Vice Chair, and the Committee for having us today. The district court specialty courts were fortunate enough to have 13 programs, which are overseen by six judges and three hearing masters (Agenda Item IV E-3). I am not going to go through all of them individually, but I am going to go through some of the ones that we have been fortunate enough to break out and specialize in. We have the regular adult drug court. We broke out the adult drug court into the transitional age program (TAP), which is the 18- to 26-year-olds. Additionally, we have juvenile drug court, and we have a veterans' treatment court. We have the OPEN program, which is opportunity for probation enforcement in Nevada. This is another program that is focused on 18- to 26-year-olds. Additionally, we have our gambling treatment diversion court, which was initially started by Chief Judge Bell and Judge Moss. We have our co-occurring court. We have a medically assisted treatment reentry court. We have our LIMA program, which is law enforcement intervention for mental health and addiction. We have our DAAY court, which is our detention alternative for autistic youth, which is currently heard by Judge Bailey and was started by Judge Bailey.

We have been very fortunate to go after additional funding in the last five years, which has allowed us to start some of our specialized programs and specialty courts. During 2019, we were able to serve 1,979 participants. In 2021, we were fortunate enough to serve 1,952 participants throughout our programs. One of the big changes that we have seen, especially with the opioid epidemic and the grant funding that came with that, was that they added stimulants to those grant funds. You can see our trends and our drug of choice in Clark County for District Court. Methamphetamine is the number one drug of choice throughout some of our programs, with alcohol coming in second, and opiates also being one of the higher drugs of choice or secondary drug of choice throughout our programs.

Looking at our costs and our savings, in the last five years, we have gone after federal, state, and local funds in order to provide true wraparound services for families to address our issues, such as childcare. We received a SAMHSA grant for our family treatment court,

which allows us to provide in-home therapeutic services and wraparound services, eliminating those transportation and childcare issues for appropriate families. We have also gone after inpatient funding from federal funds. We developed the LIMA program from a state grant. We developed the reentry medically assisted treatment court from an additional state grant. From additional state funds, we developed the gambling treatment diversion court. We developed the DAAY court utilizing administration fees. Those are some of the things that we have gone after.

To highlight our Substance Abuse Prevention and Treatment Agency (SAPTA) grant funds, we are proud of the relationship we have built with the community to address the housing issue and the transportation issue. We currently have three contracts that we partner with that provide onsite case management, transitional housing, and residential inpatient services. Therefore, when we have people who are struggling, we are not requiring them to go multiple places on a bus or to get case management in one place, and you live in a different place, and you have treatment and drug testing. We are trying to address those barriers for our individuals.

Currently looking at the cost savings, to house an inmate in Clark County Detention Center (CCDC) is \$200 a day for our contracts. We currently pay \$141 a day for residential treatment and \$63 a day for transitional housing. That includes the case management, helping individuals get a birth certificate, identification, and all those things that are needed. Right now, the SAPTA grant for residential and transitional housing services saves CCDC \$3,824,339 in FY 2021–2022.

Some of the current program needs that we continue to face is our residential and transitional housing. As of February 18, the situation has changed a little bit. In 2022, there were 135 individuals on the wait list at CCDC for residential treatment and/or supportive transitional housing. Our participants were waiting to start housing based upon either residential or housing. We need to improve our evaluation, so we continue to seek funding for a skilled and independent evaluator to come in and look at best practices and our outcomes every five years for the programs. We would like to look more at recidivism rates for our specific programs. We continue to seek funding for a position to monitor new arrests, new convictions, and new incarcerations for participants. The other thing that we are looking at and focusing on is children's mental health. It is something that we need in southern Nevada. There is a need to fund, train, and oversee and collect data on the adolescent treatment courts. We have mental health court for adolescents, dual status court, diversion court, a treatment drug court, and our DAAY court; but we are not currently funding for dual status mental health courts and things like that.

For our future program goals, we are looking to increase the transitional and permanent housing. We are looking to increase our residential treatment. We are looking to decrease our referral time from CCDC to treatment. Our number one goal is to get participants out into the community into treatment and begin the recovery. We want to continue to update our program curriculums. We continue to look at specialized treatment for populations and incorporate peer support and mentoring into more of our programs. We want to increase our oversight of participants. We want to continue to expand our judicial staff. Right now, we currently need judicial staff to oversee some of our other programs, like our juvenile programs and to expand our programs. We want to continue to monitor and evaluate our specialty court. For us, specialty works. That is a passion for district court. I think that everybody supports it. As my teammates across Nevada have mentioned earlier, our communication, the support, our resources. We continue to work together and look at different ways that we can help our participants. Thank you.

Julia Dendary, Specialty Court Coordinator, Sixth Judicial District Court, Humboldt County:

I am going to share a brief overview of the programs offered in the Sixth Judicial Specialty Courts. On the first slide (Agenda Item IV E-4), I have listed the mission statement and the vision for Humboldt County Specialty Courts. I have also listed the five specialty court programs we are currently managing. We have an adult drug court, a DUI court, a family treatment court, a mental health court, and an opportunity court. We receive state funding for four out of these five programs. The only program that is not state-funded at this time is our DUI court. We are also fortunate to receive two federal grants from SAMHSA: one for our adult drug court and the other for our family treatment court. Judge Montero presides over all these programs and has done so since 2009. Today, I would like to focus on services we are able to provide to participants in our adult drug court program from the funds we receive from the state.

This slide reflects data that was collected from participants at entry into the adult drug court program in federal FY 2019, 2020, and 2021. Our team has found that the day someone enters a program, the day that someone is sentenced, they are often in a very challenging point in their life's journey. As this data reflects, many participants are unemployed, depending on others for housing, and in need of supports. We have met with many participants the day of their sentence who did not know where their next meal would be coming from or where they would be staying that night. These needs make it very difficult for someone to focus on healing and attending treatment. Keeping this in mind, we strive to address these areas of need as soon as possible by linking participants to a case manager to create an individualized case plan. The case manager works on providing rehabilitative supports while the participant is, at the same time, receiving substance use and mental health treatment.

I will give you a few examples of how our program addresses these needs listed on the screen. As for housing, our team has built relationships with managers of a couple of the weekly hotels that can often find a room to meet immediate housing needs. We later guide participants through creating a budget to assist in securing or maintaining long-term state housing. With employment, we assist participants in learning how to complete job applications, how to create a resume, and sometimes even role-playing what a job interview will look like. Things as small as reassuring someone what is appropriate or what is not appropriate to wear to a job interview can help a participant feel more comfortable entering back into the workforce. As for education, we are fortunate to partner with our local school district to have a representative from the adult education program who is staffing each week. This representative provides support, encouragement, and assists participants in securing their general education development (GED) or high school diploma. We also partner with our local JOIN, Inc., office to link participants with resources to pursue trade school or college courses, if they are interested.

This next slide reflects data that was collected from all adult drug court participants who successfully completed the adult drug court program between federal FY 2019, 2020, and 2021. As you can see, by providing these rehabilitative services that I spoke of earlier, we saw an increase in the number of participants with independent housing at discharge. We also see an increase in full-time employment. I think it is important to note that the disability category on the middle chart is an example of how those case plans that are created with our case manager at reentry are very individualized. Being able to mold and shape those plans with each participant has been very helpful. In this instance, the case manager was able to help link a participant to veterans' services and help navigate the process of applying for and, in this case, securing disability. As for education, this data

reflects that we had one participant who secured his or her high school diploma, 11 who secured their GED, and another enrolled in trade school.

To finish up, I would like to recap the services we are able to provide to our participants as well as areas for growth. We are able to provide substance use, mental health treatment, and parenting classes through a local nonprofit that does a fantastic job. We have already spoken of the case management, housing, and life skills that help strengthen that engagement in those treatment services. I have listed areas for growth as well.

Transportation has been challenging for us because we do not have a local bus system. Our taxi service closed during COVID-19, and we seem to have maybe one Uber or Lyft driver every couple of months in Winnemucca.

EJ mentioned in his slides earlier the need for childcare. Our community struggles to provide childcare, specifically for the ages of two years and under. We had a recent example of this just in the last week. We have a woman early in our programming who has made tremendous progress in her goals. In the past couple of months, she has engaged in treatment, she secured employment, she turned her hot water back on in her home, and she has been loaned a bicycle that she is using to get to and from treatment requirements, the laundromat, and the grocery store. Last week, in an emergent situation, her children were placed in her sole care. She had been on three different childcare waitlists for her young children. When she called to check on the waitlist, she learned the soonest opening was two weeks out. The two other waitlists did not have openings until the fall. This participant contacted us, frantic about the thought of losing her job, because she did not have any safe place for her children while she worked, but she knew she would not be able to support her family without working. This is a huge barrier in our community.

Lastly, like many rural communities, we are in need of more local treatment providers at this time. We do not have a psychologist or a psychiatrist based in Winnemucca. Because of this, we heavily rely on telehealth services. As we know, this works great for some, but it is not always ideal for others.

In closing, these are the services we are able to provide to participants in the Six Judicial Specialty Courts and areas we hope to grow moving forward. Thank you for allowing us to be here today.

Mr. Popovich:

That wraps up our presentations. We welcome any questions.

Chair Scheible:

Who has questions for our presenters?

Vice Chair Nguyen:

I know housing has become a huge problem. I do not remember who mentioned something about Medicaid and not being able to cover certain housing programs, or was it inpatient? Can someone elaborate on that?

Ms. Lopez:

I believe it was myself who mentioned that Medicaid does not cover inpatient treatment programs. A lot of times, we resort to the program funds to pay for those out of pocket for

those individuals who need those services. As I stated, a lot of our participants are on Medicaid, but then a lot of them who have jobs make too much to be on Medicaid and do not make enough to have good quality insurance. That is a problem in our area, in our programs.

Vice Chair Nguyen:

Are you aware of any states that include Medicaid coverage for inpatient treatment?

Ms. Lopez:

I cannot answer that. I am unclear as to whether other states' Medicaid pays for inpatient. I can certainly look into it and call other surrounding states around Nevada. Maybe the other coordinators who are here with me can answer that, or James, perhaps?

Vice Chair Nguyen:

I think that would be helpful for the Committee to understand what kind of Medicaid coverage other states have in this area. I have another question. If you want to create an additional specialty court, do you have that authority under current existing NRS to do that, or do you have to come back to the Legislature every time you want to create a new specialty court?

Mr. Popovich:

No. There is existing legislation to allow for trial courts to launch their programs. There is legislation for veterans' courts, mental health courts, and drug courts. It does exist, and they do not need to come back to the Legislature to request that.

Vice Chair Nguyen:

Let us say you want to do an education court or youth offender court. Is it broad enough authority that you are able to do that?

Mr. Popovich:

It is broad enough authority. I would be happy to provide a list of all the statutes and statutory authority that drives all our specialty courts.

Vice Chair Nguyen:

Thank you. I wanted to make sure I got that on the record, because I know there are some conversations coming up about various specialty courts and creations.

Assemblywoman Summers-Armstrong:

It was mentioned earlier that in emergency situations, for some of your participants in these courts, you all are able to, in many cases, find them housing in daily-weeklies. Do you have an idea of how long people have to stay in those before they find more permanent housing? My first thought is—and maybe this is ignorance on my part—you do not want people in those too long because of the tendency to find like persons, and they might get back in trouble again, or that it leads to instability and recidivism. If you could elaborate, that would be helpful.

Ms. Parker:

That is a good question. That was one of the reasons we developed the housing that we currently have for specialty courts. We saw that need. I know that that is used in emergency housing. When we came into the emergency of a funding issue and had participants waiting in CCDC, we partnered with social services—which we are always partnered with them—and we utilized that option. We do it for as short a term as possible because we like them to be in housing that is centered around their recovery, has all the services they will need for the recovery, has 24-hour surveillance and support, and that assistance. We recognize that issue and the need for transitional housing to have that supportive housing while they are in treatment and recovery.

Assemblywoman Summers-Armstrong:

I know that we are having a huge housing shortage in the community. Are there certain organizations with which you are working? I need clarification. When they go from the daily-weekly—the first housing after they are released—are they going into a transitional house or a program that is specifically for them? Are you finding them housing through the housing authority or from organizations? Where do they go after they leave that particular emergency housing situation?

Ms. Parker:

We want them to go directly from CCDC into transitional housing. We have CCDC coordinate with our three contracted housing providers, so they are picked up and transported directly into that recovery housing. We do not want them on a bus or anything else. We want them to go straight there. They work with them within that first week. They are supposed to get working on their documents, get connected back to insurance if they do not have insurance due to being incarcerated, start working on all the identifications, get a physical, have an assessment, and get into treatment as soon as possible. We want them to go directly into that housing. We fund that through grant funding.

Assemblywoman Summers-Armstrong:

Did I misunderstand temporary housing in the daily-weeklies and how that fits into the program?

Ms. Parker:

That procedure for us down in district happens more when they are connected with social services. They are then provided a voucher to go into the weekly. We recently had a waitlist due to funding, so we had people released due to the vouchers. Some of our providers agreed to take a certain number of vouchers because there is a pay difference, and there are service differences. In working with social services, they went into the weekly. As soon as we have funds available, they go into our transitional housing.

Assemblywoman Summers-Armstrong:

Thank you very much for clarifying. The temporary is really the service arm and not for the treatment arm.

Chair Scheible:

I was curious about whether Judicial District 6 is similar to our other smaller counties, or are you an outlier with your numerous specialty courts?

Ms. Dendary:

I believe that we are fortunate to have a family treatment court that I do not believe many other small rural communities have at this time. I know that Elko has quite a few treatment courts right now as well.

Chair Scheible:

I was wondering if all our coordinators could give us a sense of how many people are in each of these programs. I have sat through drug court calendars in multiple courtrooms. In some of the smaller jurisdictions, there are four or five participants, and in some of the larger ones, there are more participants than they can call in the two hours while I am sitting there. If you guys could give us a rough estimate so we can get a picture, that would be great.

Ms. Lopez:

In our fresh start therapeutic court, which is our DUI court, we currently have 38 participants active in the program. In our co-occurring and young adult recovery program, we currently have 23 total. In our community court program—which is a little different than our other specialty treatment courts—we hold it at the downtown library every Wednesday morning. The idea behind community court is to link individuals who are in and out of our court system for quality-of-life type violations. These individuals are cited into community court to link them with immediate services and community resources, whether those are IDs, birth certificates, Supplemental Nutrition Assistance Program (SNAP), Medicaid, veterans' affairs (VA) services, mental health services, substance abuse services, job training, or primary care. We have probably anywhere from 15 to 22 community providers who volunteer their time and come down to assist community court to provide these services. To answer your question on community courts, we probably serve over 200 participants on a monthly basis in community court. The sentences could be anywhere from two to six months. The sentence on those cases is to comply with your appointments, go to your primary care, and comply with your treatment, mental health, or substance abuse. As long as they are complying with the conditions of the services that they are in need of, there is no punitive sentence given to them. If there are any missed appointments or they are noncompliant with the conditions of their sentence, the sentence is community service. It is giving back to the community, restorative justice. There is no jail time or fines that are ever ordered in community court. Our last program that I am going to speak to is our veterans' treatment court, our court assisting military offenders. We currently have 28 veterans in that program.

Mr. Maldonado:

We have about 300 to 325 throughout all our programs combined. Then again, that encompasses six counties, and we do a drug court, a medication-assisted treatment court, a mental health court, and DUI diversion. In reference to the calendar lengths, one thing that we learned through COVID-19 was to have meaningful hearings and not long calendars of 80-plus people. We were able to create a nice rotation, so we can make sure that the judge has a good face-to-face time and not rush through calendars and still make sure that we are meeting the needs of all our participants. There was a period of time when we were

upwards well over 400. Dockets would be 100, 120 in Carson City alone. It was very difficult to try to get everybody through because we only had a courtroom for an afternoon given the fact that we travel amongst all our six counties. We were just borrowing courtrooms and court personnel at that time. It made it a little more difficult, and it was a different dynamic. I feel like we have a pretty good handle on things in regard to our numbers and making sure that we are as effective as we can be as a court program.

Ms. Dendary:

We have roughly 50 participants amongst all our programs right now. Because we are smaller right now, we can follow that best practice of allowing each participant three minutes with the judge to have those conversations. That is that is our population right now.

Ms. Parker:

From July 1, 2020, through June 30, 2021, we served 1,952 participants. In adult drug court, we served 486. In our TAP, we served 84. In our felony DUI program, we served 350. In our mental health court, we served 187. In our veterans' treatment court, we served 65. In our juvenile drug court, we served 85. In our family treatment court, we served 251. In our child support court, we served one. In our co-occurring disorders court, we served 77. In our OPEN program, there were 38 participants. In our LIMA program, there were 212 participants. In our medially assisted treatment reentry court, we had 87 participants. In our gambling treatment diversion court, there were 11. In DAAY court, there were 18 participants.

Mr. Popovich:

Chair Scheible, you certainly touched on a great point here. The best practices that were put out by the NADCP in 2013 and 2015, respectively—two different volumes—one of them has to do with judicial role and responsibilities in length of court interaction. If you allow me, I will read two sentences here. "In a study of nearly 70 adult drug courts, outcomes were significantly better when the judges spent an average of three, at least three, minutes and as much as seven minutes interacting with the participants during court sessions." That was a 2012 study. What we are told and certainly what we see is that the relationship between the judicial officer or the master hearing and the participant can be just as impactful as the one with their primary therapist. I think you are touching on a great point. If we have too big a docket, it is certainly going to take away from that interaction they have with the judge.

Chair Scheible:

That was not even my purpose, but I was going to touch on that too. Three minutes is not a terribly long time. When you stack it up in a court that has 50 or 80 participants, it is a lot. We were talking earlier today about the challenges of getting attorneys out into rural communities and finding defense counsel and even hearing masters. To think that you can really make a difference in somebody's life if you spend three minutes with them, that is very doable. I do not want to speak for rural courts, but it is one way in which they do have the advantage over our more populated areas. I want to thank all of you for doing that hard work and for spending that time with people. Are there other questions? I am not seeing any other questions. Thank you all for your presentation.

AGENDA ITEM V—PRESENTATIONS RELATED TO GAMING

(This agenda item was taken out of order.)

A. PRESENTATION ON THE NEVADA RESORT ASSOCIATION (NRA)

Chair Scheible:

We will move now to our second to last item on the agenda, which are two presentations related to gaming.

Virginia Valentine, President and Chief Executive Officer, NRA:

I want to thank you all for having me here today. I know you have a long meeting, so I will try to go through this briefly. Unfortunately, during the pandemic, we were not able to spend as much time with you as we wanted. I want to take a minute to answer the question, what is the NRA? It is a question I am asked a lot. We sometimes are confused with the “gun people.” That is not us. I also want to cover the industry's economic and employment contributions to the state, the state of our recovery, and lastly, why the Legislature and our work with you and your colleagues is so important to us.

This is the mission statement of the NRA (Agenda Item V A). We are basically a trade association for resort hotels with gaming. We advocate for the industry in Nevada. Who is in the NRA? We represent 77 properties statewide. That is about 22 corporations. The members vary from very large, multinational, international companies, like MGM Resorts International, to individual properties with individual owners, like South Point, the Atlantis, and others. Our members generally refer to themselves as integrated resorts because they offer a wide variety of experiences for guests. It is more than hotels and gaming. It is also entertainment venues, restaurants, retails, meeting and convention spaces, and other types of attractions and experiences.

The NRA members also serve on several state and local boards. Some of those are a result of legislation. For example, the Reno-Sparks Convention and Visitors Authority and the Las Vegas Convention and Visitors Authority (LVCVA) are in statute and designate a number of seats to NRA members. We also serve on a number of interim committees that are created by the Legislature. Two recent examples are the Committee of Sustainable Transportation Funding Alternatives Advisory Work Group—that is [AB 413](#) (2021)—and the Regional Transmission Coordination Task Force, which came out of [SB 448](#) (2021). We want to thank you all for including us when you create these interim committees. They are very important to us. We also serve on a number of local advisory groups, on everything from water and transportation to raid committees. We serve often along with members of the Legislature and business groups like the Las Vegas Chamber of Commerce, the Retail Association of Nevada, Nevada Home Builders Association, NAIOP, and others.

I would like to give you a little bit of our history. I am sure a lot of you know this, but the dawn of the tourism industry began back in 1931 when Nevada and the nation battled the Great Depression. Nevada's forefathers and your predecessors legalized gaming in the state to generate tax revenue, to create jobs, and to create an attraction for tourism in order to make the state a destination. Since then, the industry in the state has achieved incredible success and now serves as an international gold standard for hospitality, entertainment, and now sports. Today, gaming is found in almost every state across the country, but we remain one of the few states where there is unlimited competition. Today, there are nearly 500 nonrestricted gaming licenses in the state and almost 2,000 restricted

gaming licenses. You can see the competition is fierce. Since I am speaking before Mr. Morton, if he has different numbers, I would say that his are the right numbers.

Here is a look at public spending and revenue flow from the gaming industry. Every legislative session, we update our gaming factbook. This state is supplied by applied analysis. For this presentation, I am going to use our most recent factbook, which came out in 2021, ahead of the 2021 Session. This represents a prepandemic period, and when it is a fiscal year, I am talking about 2020. It is the most recent we have. It will be updated again this year. These are prepandemic values. It will give you a gauge of where we are trying to recover to. More than 55 million people visited Nevada in 2019. To give you a point of context, visitation was just over 32 million in 2021, and that is compared to 19 million in 2020 and more than 42 million in 2019. Direct visitors' spending statewide totaled more than \$42 billion annually, and the large visitors' spending categories highlighted here reflect the tax contributions to state and local government finances that are directly attributable to gaming and the tourism industry.

Of course, that visitor spending has a huge ripple effect in Nevada. It was \$73 million prepandemic. That would be FY 2019–2020. For every dollar spent by a tourist, another 70 cents is generated in the community through indirect and induced spending. You can see visitor spending has an impact on small businesses that supports the industry and flows into the community through hospitality workers spending on goods and services.

Here is a look at the employment impacts. The tourism industry, as you all know, is the state's largest employment sector. Prepandemic, nearly one in every four employees statewide was directly employed with the leisure and hospitality industry. When considering the direct, indirect, and induced employment, the tourism industry in Nevada supported more than 433,000 jobs. Again, that is pre pandemic. The industry provides excellent careers, competitive wages, health insurance, and robust benefits. Prepandemic wage and salary payments reached nearly \$20 billion, and the industry paid more than \$1 billion in health benefits alone.

When we look at the industry's contribution to the State General Fund in FY 2019-2020, that figure is \$1.4 billion. It is important to note that these values reflect activity through June of 2020, which includes approximately four months of pandemic-related impact, including a 78-day period of complete closure followed by months of reduced capacity. The resort industry accounted for approximately 34 percent of all State General Fund revenue, or about one-third of the state's General Fund.

This is a breakdown. You can see where that number comes from. I do not want to spend a lot of time on it, but you can see that this represents the General Fund through all general business taxes as well as the gaming taxes. The percentages shown here are the industry share of the total funds connected for that category.

Looking at gaming-specific contributions, and this includes both state and local revenues, our industry contributed \$1.3 billion in FY 2019–2020. Room taxes account for the largest share of that. Room taxes are critical for marketing Nevada as a destination and attracting visitation, but they also support critical state and local government services and infrastructure. For example, room taxes collected in southern Nevada have generated more than \$1.4 billion in revenue for the Clark County School District Capital Project's funds since 2000. I would like to note that the resort industry pays the same business taxes and fees as other industries in the state, such as business licensing fees and property taxes. Arguably, the resort industry is one of the largest contributors to these revenue sources as well. In

southern Nevada, resorts are eight of the ten largest property taxpayers. In northern Nevada, resorts hold four of the top eight spots.

One of the other contributions of the resort industry is in total capital investments. Here in this table, you can see that there are very large contributions. Over the course of the next several years, we expect to see \$15 billion in tourism-related capital investment projects statewide. Forty-five projects are targeted completion based on or before 2024. The LVCVA recently released a report highlighting more than \$4.5 billion in new projects. Those will add about 7,600 hotel rooms and about 800,000 square feet of convention space in southern Nevada by the end of 2020. These projects are very vital to job creations because they create not only new hospitality jobs, but also construction jobs and other jobs in the construction industry and the community as well.

I want to talk a little bit about where we are in the recovery and what that means. I think you have all seen headlines, and I am sure Mr. Morton we will talk about the record gaming win of over \$1 billion a month. That is great news for our state's economy because, as I mentioned, the percentage of it is collected and deposited in the state's General Fund. It does not tell the entire story, however, of the integrated resort business model. Nongaming areas of resorts are not back to prepandemic levels yet. We have not seen the same recovery in restaurants and food and beverage spending. Midweek visitation has been the hardest hit. There are some periods when convention-related travel would help boost those occupancies in those midweek periods for business, including restaurants and entertainment. Capacity continues to impact the live entertainment revenues. International travel is still recovering. Our trade show, conventions, and group business has not returned to its 2019 levels. To give you a comparative example, the LVCVA recently reported February 2022 data compared to February 2019 data showing that for Las Vegas, visitation remains down 18 percent. Convention attendance is down 41 percent. Deplaned air passengers are down 8 percent. Overall hotel occupancy is still below our 2019 levels. Midweek occupancy remains down 24 percentage points.

The headlines on gaming revenue alone do not tell the whole story. Things are trending in the right direction, which is great news, and we are very optimistic about a full recovery. It was mentioned in some of the other presentations you had today that we are experiencing a critical labor shortage and supply chain challenges. We are also watching gas prices, inflationary pressures, and the conflict in Ukraine to see if any of these factors impact visitation. There is a lot of good news, though; everything is trending up. The return of meetings and trade shows is coming. The National Football League draft is coming up, and the Formula One race is now announced in November, so there is lots of good news there.

I want to talk about our legislative engagement. One of the things I hope to leave you with today is the depth and breadth of the Legislature's impact on the gaming industry. As you all know, we are active at the Legislature with representation from R&R Partners, the referral group, and all the members who employ their government affairs teams also. We appreciate the open lines of communication with you as we share our perspective on bills, and we want to thank you for the time many of you took during the last session to reach out personally, virtually, and by text. It was a challenging session in many ways to communicate for everyone, and we do appreciate your work. A lot of people think that the NRA works primarily on gaming bills. Gaming bills are extremely important to the industry, but the results are impacted by a broad range of legislation. Unfortunately, we were not able to conduct back-of-house tours during the pandemic. Many of you are probably aware that an integrated resort hotel operates much like a city with utilities, physical plans, and safety and security systems. We work with a large number of employees and guests, tenants, vendors, entertainment, information technology (IT) systems, transportation

services, and much more. I think that helps explain how almost every major policy bill has some impact on the resorts.

Every session, with help from our lobbying team, we go through long lists of bills and evaluate their impact on our members, operations, and employees. In 2021, we engaged on more than 100 priority bills that ranged from employment and labor, taxes, civil actions, energy, health care, short-term rentals, gaming regulations, and many other areas. To give you a few examples of bills that we engaged in that may not immediately come to mind, [AB 47](#) (2021), noncompete clauses; [SB 260](#) (2021), data privacy; [SB 344](#) (2021), for exotic animals; and [SB 18](#) (2021), Public Utilities Commission assessments. It is not uncommon for us to support and weigh in on bills by public agencies also, like the Southern Nevada water Authority, Metro, Clark County, or the City of Reno. We were very active on [AB 363](#) (2021), and we are currently working with the county on the upcoming short-term rental ordinance required by the bill. We also supported a number of corporate social responsibility-related bills. Those bills related to problem gambling, which is an obvious connection to our industry, but we also testified in support of [SB 275](#) (2021), human immunodeficiency virus modernization; [SB 280](#) (2021), affordable housing credits; and [AB 182](#) (2021), a human trafficking bill that strengthened the existing law on closing loopholes for bad actors. We also supported [AB 143](#) (2021) and [AB 113](#) (2021), which were two additional trafficking bills.

I want to take a minute to talk about our corporate social responsibility (CSR) work. Three years ago, the NRA formed a CSR coalition. It consists of members of our sustainability, philanthropy, diversity, and equity and inclusion folks. This group is working together on priority issues of homelessness, human trafficking, environmental sustainability, and diversity, equity, and inclusion (DEI) matters. The coalition has been very active. They are doing great work in the community. One of the recent activities was on human trafficking. In January, they partnered with Truckers Against Trafficking, the U.S. Department of Homeland Security, Metro, and the Southern Nevada Human Trafficking Task Force and held a training webinar for the resort industry. More than 160 people attended. It was very well-received, and we look forward to doing it again next year.

In closing, I hope I have provided you with a deeper understanding of our industry's role in the state. I want to thank you for having me here today, and I would be happy to answer any questions.

Chair Scheible:

Are there any questions from members of the Committee?

Vice Chair Nguyen:

I have a question. I know that we have been fortunate that gaming has come back. I know that over the past 20 years, there has been a shift from predominant gaming to other resort industry things, as you had mentioned. I know that there were so many conferences that were postponed from 2020 until recently, and they are all being rescheduled. Do you anticipate that, with a lot of these rescheduling, we will see a bounce back in some of that revenue and some of that activity on the Strip?

Ms. Valentine:

I wish I had that kind of a crystal ball. There are still a lot of unknowns and uncertainty with how travel will open up again, how a lot of cash is flooding around the economy now, and

how that is going to play out. However, I can tell you that everything is trending in the right direction. For a point of reference, if you average most of the Strip properties, gaming is about a 30-percent part of the business revenue. The rest of it is everything else. All the signs are encouraging, and we are hoping that we will be back at those 2019 levels soon.

I wanted to say thank you. I normally would not say thank you for putting me almost last on the agenda, but I was so inspired by the presentations by Silver State Industries. I am glad I got to see that today.

Chair Scheible:

Good. That is why we do this. Maybe you guys will join forces soon.

Vice Chair Nguyen:

We love to see partnerships.

B. UPDATE ON THE NEVADA GAMING CONTROL BOARD (GCB)

Chair Scheible:

We will move to you, Mr. Morton, to give us the official side of the state of gaming in Nevada.

Michael Morton, Senior Policy Counsel, GCB:

Since each of you have some familiarity with the GCB from your past legislative sessions, on this slide, I have simply provided the board's vision and mission statements and then general staffing levels on the next slide (Agenda Item V B). As you know, the GCB prides itself on being the premier gaming regulator in both the nation and the world. Through the strict regulation of every aspect of the gaming industry in this state, the GCB promotes confidence in the industry by both residents and visitors alike and ensures that all gaming taxes and fees, an essential source of state revenue, are collected efficiently.

As you can see on this slide, all that work is done by the GCB with some very lean staffing numbers. The remainder of this presentation will provide updates on the implementation of legislation enacted last year, finishing with a look ahead as we begin to prepare for the 82nd Session of the Nevada Legislature. Throughout the remainder of the slide deck, there are various hyperlinks to source documents and press releases in case anyone on the Committee, staff, or members of the public would like more information on a given topic.

I will first discuss an update to the implementation of [SB 165](#) (2021), which created the Esports Technical Advisory Committee within the GCB. The statutory charge of the Esports Technical Advisory Committee is to make recommendations to the GCB related to any necessary regulatory framework to ensure the integrity of Esports events and competitions on which wages are placed in Nevada. The GCB made initial appointments to this committee on November 3, 2021, and an additional appointment at the end of February of this year. The statute creating this Committee requires the GCB to appoint certain types of industry leaders to the committee and provides the GCB with the flexibility necessary to appoint additional members to this Committee as the Committee does its work. The GCB is very excited about the diverse set of experts that it has appointed to the Committee, who you see on the slide on your screens now. Senate Bill 165 (2021) required the GCB to appoint four types of individuals: (1) Esports participants, who could have been players or team

owners; (2) broadcasters; (3) hosts; and (4) game publishers. The GCB is proud of the people that it has selected and appointed to this Committee.

The first meeting of the Esports Technical Advisory Committee was held on March 1, 2022, and it addressed the topics you see on the slide now. Per the appointment order issued by the GCB, the Committee will meet once per calendar quarter, and the GCB is tentatively planning on holding the Committee's next meeting in June.

Charitable lotteries and charitable gaming are another piece of the regulatory framework that has seen an increase in public interest over the past couple of legislative sessions. After the creation of charitable lottery and charitable gaming laws in 1991, [Chapter 462](#) of NRS went unchanged until the 2019 Session with the passage of [AB 117](#). That piece of legislation created what is now known as the "qualified professional sports organization," which is the vehicle that charitable arms of Nevada's professional sports franchises use to raise funds via charitable lotteries and charitable gaming. Assembly Bill 117 (2019) also revised the definition of *qualified organization* and revised the monetary and frequency thresholds for registration of those qualified organizations. Chapter 462 of NRS was further amended during the most recent legislative session by [AB 202](#) (2021). This bill revised registration requirements for smaller qualified organizations, changing reporting requirements to an annual registration rather than on a per event basis for those qualified organizations awarding prizes valued at less than \$100,000 per calendar year. Assembly Bill 202 (2021) also prohibits the use of video lottery terminals for charitable lotteries and charitable gaming, as well as authorizing the sale of onsite mobile raffle tickets by qualified professional sports organizations. This slide provides the number of applications and registrations that have been filed with the enforcement division of the GCB related to charitable lotteries and charitable gaming since the effective date of AB 202 (2021). Of note are the annual registration approvals, which are those filed by qualified organizations awarding less than \$100,000 in prizes per calendar year.

Another area of gaming regulation that has expanded in the last few years is Internet gaming, also known as online gaming, or here in Nevada, as interactive gaming. In 2013, the Nevada Legislature authorized the governor to enter into agreements with other jurisdictions where Internet gaming is legal in order to share customer base and liquidity among those jurisdictions who enter into such an agreement. Nevada first entered into the Multi-State Internet Gaming Agreement with Delaware in 2014, and later brought New Jersey into the agreement in 2017. As online gaming expands throughout other jurisdictions in the U.S., this agreement has gained steam with the state of Michigan poised to join the agreement in the coming days.

As we all continue to look forward, the GCB would like to take this opportunity to take a quick look back at what the GCB was able to accomplish during the height of the COVID-19 pandemic, in terms of workload, innovation, and the protection of the public health. This slide details the work that the GCB undertook from March 17 to June 4, 2020, during the 78-day closure of the gaming industry. This crucial work included ensuring the secure shutdown of all gaming devices within 24 hours of the industry's closure, statewide efforts in securing personal protective equipment (PPE), assistance and guidance to the federal government to guarantee the eligibility of small gaming companies for federal assistance, and, from the first day of the shutdown, working towards building a framework for the safety opening of the industry.

This slide expands on the work that the board did from June 4, 2020, when gaming operations were allowed to resume under restriction until the end of FY 2021–2022. During that time, the GCB's agents conducted over 25,000 health and safety inspections of gaming

licensees, including both restricted and nonrestricted locations. Those inspections, coupled with the work of the GCB's administration division in statewide multi-industry mitigation efforts and vaccine distribution, totaled nearly 110,000 hours of COVID-19 response work. This work was done by the GCB without any additional staff while operating with a reduced budget.

The last piece of looking at the recent past to help inform the Legislature on where the industry is headed is a snapshot of gaming revenue and collections statistics from Calendar Year (CY) 2021. Here you can see monthly gaming collections numbers. The middle column is the amount won by nonrestricted licensees in a given month, while the column on the right-hand side details the gaming taxes collected on those monthly win amounts. If you include the first couple of months in CY 2022, the industry has achieved 12 consecutive months of winning over \$1 billion.

I have provided the last few slides as a backdrop to where the industry and the agency are now and where we are going in the near future. This slide provides the Committee with a high-level overview of other gaming regulatory agencies' budgets in other jurisdictions compared to Nevada for FY 2019–2020. As you can see, there are a number of jurisdictions with gaming regulatory budgets, much more robust than Nevada's, as well as another group of jurisdictions that have budgets similar in size to that of Nevada. For reference, Illinois has 21 gaming licenses; New York has 15; Maryland has 6; New Jersey has 21; and Pennsylvania has 14. Here in Nevada, there are 467 nonrestricted licensees and 2,024 restricted licensees. If you take the nonrestricted licensees that we have, we have less than one employee per nonrestricted licensee.

To ensure the protection of the public and the operation of the industry, the GCB is looking forward to achieving even higher standards through some of its legislative and regulatory priorities in the coming year. This is explained on the current slide. I am more than happy to provide more color to any of the priorities listed here when the Committee asks questions.

If all that number crunching and very technical information presented today makes anyone believe that the GCB does not hold its foundational, statutory charge of protecting the public welfare and safeguarding the orderly operation of the industry as its highest priority, I would like to end with an example of the very real-life, human-interest work that the GCB undertakes. On the evening of January 8, 2022, a visitor to Las Vegas was enjoying a slot machine when it experienced a communications error that prevented the patron and casino staff from realizing that the patron had won a progressive jackpot on the machine. By the time an extensive review and audit of the slot machine had been completed that confirmed the jackpot had been won, the patron had already returned home to Arizona. Upon this realization, enforcement agents at the GCB began studying surveillance footage from multiple casino properties, witness interviews, electronic purchase records, and rideshare data to successfully identify the patron who had won the almost \$230,000 jackpot. After making contact with that patron and confirming his identity on January 28, the patron returned to Las Vegas the following weekend to collect his winnings. It is this type of proactive, honest, and investigative work that continues to make the GCB the gold standard of gaming regulation across the nation and the world. The GCB appreciates the Committee's time and attention today and now stands ready to answer any questions the members of the committee may have.

Chair Scheible:

First, it seems Ms. Valentine's numbers were right on, so it is good to see consistency. Are there any questions for Mr. Morton?

Vice Chair Nguyen:

I have a question. When there are questions about policy or intent, what is the mechanism to—is it presentations to the Legislature or the Executive Branch? When there are questions that need answering in those areas, what is the mechanism to inform the Legislature of concerns?

Mr. Morton:

I will answer that question two ways. If there are questions from members of the public, the press, the Legislature, or other agencies in the Executive Branch, the GCB has what we call the "Board Information Packet." It is on the GCB's website. It is an extensive packet with general information, some very specific information, contact information for each of the six divisions at the GCB, and some various contacts within the administration division for legal research and economic research. However, if we are talking about questions or the concerns that the GCB may have for policy changes, the current statutory framework does give the GCB some broad regulatory authority. Our regulations do not come before the Legislative Commission, which allows us to act quickly if there is a change in the industry that requires more regulation, different regulation, or less regulation. The GCB interacts regularly with the Legislature and the Governor's Office to make sure that our needs and concerns are met.

Vice Chair Nguyen:

If you do not have to go through the Legislative Commission to enact regulatory provisions to do your job, what is the due process involved if someone objects to a regulatory thing that the GCB votes on? How does that work?

Mr. Morton:

Oftentimes, the Office of the Attorney General, who is the legal counsel for the GCB, and the GCB will draft regulatory amendments. Those regulatory amendments, just like any other state agency, will go through the workshop process. We will hold public workshops on those proposals. The GCB is not the final arbiter. The statutory framework gives the Nevada Gaming Commission the regulatory authority to adopt the regulations. The GCB will propose those after they get workshopped by the GCB. They will be presented to the Commission. All those workshops and commission hearings are subject to the Open Meeting Law. For Commission final adoption of regulations, those hearings must have 30 days' notice. The regulation amendments must be posted and made public for at least 30 days before the Commission hears or takes any action.

Chair Scheible:

Before we get to Agenda Item VII, which is our second public comment, the prize for all of you who stuck with us is a preview of the rest of the year with the Judiciary Committee. I meant to do this at the beginning. A number of people have reached out to me and asked about the schedule and that first work plan that we put out, and I appreciate that. You are all welcome to continue to call and email me. None of this is secret. We are all trying to work out our schedules. The next meeting will be May 6, like I said at the beginning of this

meeting, and that will be focused on juvenile justice. That will be the main thrust of that meeting. When we come back in May, the plan is to hear from the Nevada Sentencing Commission and do some more follow-up on bail and pretrial release and hear from other agencies besides the courts on how they are implementing AB 116 (2021), AB 424 (2021), and anything else. The rest of the schedule will more or less follow what we have already outlined, with June being summary evictions, not gaming. We will see what happens in June. July will be law enforcement, and then August will be our work session. Again, it is just a rough outline. I am trying to provide you guys with a little bit of a road map, but it is also subject to change. If there are items we need to add or items we need to move, please contact me and our staff, and we will work with you to do our best to make sure that everybody can be here for these important conversations. With that said, we will move on to Agenda Item VII, public comment.

AGENDA ITEM VI—PRESENTATIONS RELATING TO THE TRANSFER OF DUTIES FROM THE FORMER COMMITTEE ON INDUSTRIAL PROGRAMS (NEVADA REVISED STATUTES [209.4817](#)) TO THE JOINT INTERIM STANDING COMMITTEE ON JUDICIARY

(This agenda item was taken out of order.)

A. DISCUSSION OF STATUTORY DUTIES AND JURISDICTION

Chair Scheible:

We have some scheduling priorities that dictate that we move to Agenda Item VI at this point. We are going to start with our fiscal analyst to help us give some context as to why we are talking about this and what we are talking about. We will then move to Silver State Industries.

James Malone, Senior Program Analyst, Fiscal Analysis Division, LCB:

Good morning, Chair Scheible, and members of the Committee. I will be providing the presentation for (Agenda Item VI A). With me today, virtually, is Brody Leiser, Chief Principal Deputy Fiscal Analyst for the Assembly, who has previously staffed the Committee on Industrial Programs and will be available to assist with any questions the Committee may have. This presentation is intended to inform the Committee members of the abolishment of the Committee on Industrial Programs through passage and approval of [AB 443](#) of the 2021 Legislative Session and the statutory duties that transferred to the Joint Interim Standing Committee on Judiciary.

As a background, the Committee on Industrial Programs was created through [AB 4](#) of the 2001 Legislative Session. Duties prescribed in statute revolved around industrial programs in the state. Industrial programs are the employment of inmate labor with the intent to provide offenders with skills necessary to successfully reenter society. The Committee was statutorily required to meet on a quarterly basis, where agenda items were primarily presentations and discussions with Nevada's Department of Corrections' (NDOC) Prison Industries, where the Committee, when needed, would perform their statutory obligations.

As you can see, an overview of duties is listed on this PowerPoint slide. The 2021 Legislative Session passed, and the governor approved AB 443 (2021), which abolished the Committee on Industrial Programs. Duties previously performed by the Committee on Industrial

Programs transferred to the Joint Interim Standing Committee on Judiciary, which I will discuss on the next few slides.

This slide details the duties outlined in statute that transferred. I would note that the duties listed on this slide are on an as-needed basis, except for the five-year report that is due from the NDOC director every five years. The next due date being January 1, 2024.

As needed, the agency and the director of NDOC will need to work with the Interim Judiciary Committee to place items on the agenda that are statutorily required. An example of this will be the first bullet point, which states prior to any money in the Fund for New Construction of Facilities for Prison Industries being expended, the NDOC director shall submit a proposal to the Interim Judiciary Committee and the State Board of Examiners. Once both entities approve it, a report and recommendation for approval must be submitted to the IFC. Two reports are required from the director of NDOC: (1) a report concerning the potential impacts of any new program for the employment of offenders on private employers and labor in the state; and (2) the five-year report previously mentioned regarding contracts for the employment of offenders, which is due January 1, 2024.

The NDOC director must present any recommendations the Committee wishes to the Board of State Prison Commissioners, provide explanations to the Committee when the state -sponsored industrial program endures a net loss in two consecutive years, and perform certain duties, such as recommend three persons to the NDOC director for appointment as deputy director of Prison Industries. I would note regarding the explanation from the director when an industrial program incurs a net loss in two consecutive years, with the explanation, the director is required to provide a plan for a generation of a profit in the next fiscal year. If the Interim Judiciary Committee determines the program has incurred a net loss of three consecutive years, the Interim Judiciary Committee must report to the director of NDOC a recommendation on whether to continue or terminate that program. The requirement to meet on a quarterly basis was eliminated.

Finally, on this slide here is a report that will be required of the Interim Judiciary Committee to submit to the IFC on a semiannual basis. The next report here will be due July 1, and it is on the status of current and proposed industrial programs for correctional facilities. That concludes my presentation. I am available for any questions.

Chair Scheible:

Thank you. Are there any questions from our members? I do not see any.

B. PRESENTATION ON SILVER STATE INDUSTRIES

Chair Scheible:

I will invite Mr. Quenga up to give us our presentation on Silver State Industries.

William (Bill) Quenga, Deputy Director, Industrial Programs, NDOC:

Thank you for taking the time to see us today. I like to present what we offer in Prison Industries and what the program is about. This is a new committee for me. For years, I have reported to the Committee on Industrial Programs. If there are any questions as we go through, I am happy to answer them. Today I have with me my Marketing Coordinator, Teri Vance, who has been with us for about three years. To my left is Justin Pope, who is the Ranch Manager; he runs our ranch program and also oversees our Bureau of Land

Management (BLM) horse adoption program. We have a PowerPoint that we will present (Agenda Item VI B).

Regarding Silver State Industries, subsection (2)(a) of [NRS 209.461](#) states, "Every program for the employment of offenders established by the Director must employ the maximum number of offenders as possible." You can see them using the word "offenders." We are trying to move away from the word "inmates." We are trying to change that to "offenders." In the statute, it does say "offenders" under NRS 209 for the director for NDOC. It does not say anything about inmates, as far as definition in that statute. We noticed that in the last month or so, so we must clean that up and move forward. The mission of Prison Industries is to reduce government operating costs, provide offenders the skills and certifications necessary to successfully reenter society, and enhance the safe operation of correctional facilities.

Silver State Industries is a self-supporting operation providing job training, certifications, and marketable skills for offenders in the production of goods and services at little or no direct cost to the taxpayer. At this point, we have approximately 560 offenders working statewide in the Prison Industries Program and are routinely placed in quality professions upon release.

Silver State Industries, also known as Prison Industries, has operations at Northern Nevada Correctional Center, Southern Desert Correctional Center, Lovelock Correctional Center, and High Desert State Prison. The shops mimic the structure of the outside world to include print shops. We have a print shop, furniture shop, metal shop, mattress, ranch, garment, auto, and sanitizer. Sanitizer was brought in as we hit the pandemic. Prison Industries was tasked working with emergency management, through the Office of the Governor also, into manufacturing hand sanitizer, PPE, and we were very successful and pleased that we could help the state during the pandemic. We continue to do that with PPE.

We have partnerships with industries. We have card sorting, hanger sorting, and sewing collections. NV Organics, who is also full circle, manufactures composting and green waste; they are a green company. We also have the BLM horse program, which I just mentioned. In our program, we have approximately 1,500 wild horses as we speak; we are permitted up to 2,000. The tag plant falls under Prison Industries, but the DMV pretty much handles that all on their own. They administer everything. They just report to me the number of offenders they have, hours they work, and I just do an inspection of the operations to ensure that they are operating in a safe manner. We also have Erickson Framing, which has been shut down for the last two years due to COVID-19. We are going to be back into operation starting Monday, April 11. Erickson Framing was brought in through the Nevada Builders Alliance through northern Nevada. Working this operation started down in Arizona Corrections. They work off Parr Boulevard. They manufacture wooden house trusses. At this point, we are sending out seven offenders—earning minimum wage—one officer, and we are boosted up to 12 offenders in a few more weeks. They provide all the training and tools. They transport it from our Stewart Conservation Camp with an officer to Parr Boulevard Monday through Friday.

On the program's qualifications, all offenders are required to have a GED or high school equivalent. If they do not have it, the supervisors work with the offenders to help them in obtaining that, and we will give them part-time work as long as they focus on getting their high school diploma. If they do not accomplish that, they are removed from the program. However, we want to give them that opportunity. They cannot have any major disciplinary events in one year or generals in six months. They have a lifting requirement of 50 pounds. They must work 90 days in the yard, labor, or culinary. They must clear classification

committee. Classification committee comprises of the warden, associate warden, and a case worker. Life sentences are not disqualified from working in Prison Industries. We look at it on a case-by-case basis, and we do not disqualify them.

Do offenders make minimum wage? For the most part, no. The emphasis is on learning, gaining experience, and making business community connections. All training expenses are covered by Prison Industries and not charged back to the offender. Additionally, the offenders engaged in the program do not have the same expenses as civilian workers whose salaries go towards housing, food, transportation, and health care. During incarceration, these expenses are covered by the state or federal government.

However, offenders do have the opportunity to work their way up into higher-paying positions as their skills increase, particularly through the PIECP, which is a Prison Industry Enhancement Certification Program through the U.S. Department of Justice (DOJ) and the BJA. We call it PIECP. The PIECP was created by Congress in 1979. The PIECP encourages states and local governments to create work opportunities in prisons that emulate real-world jobs. The PIECPs place incarcerated individuals in a realistic work environment, pay them the prevailing wage, and then help them acquire marketable skills to increase the potential for meaningful employment upon release. Offenders who have taken part in the PIECP are paid in the 10th percent tile of the prevailing wage for the standard occupational classification, as determined by the Nevada Department of Employment, Training and Rehabilitation (DETR). We put a request in every year around December or January. That report must come back to us through the PIECP. We must enact and the 10th percentile of that prevailing wage must be in our PIECP by June 1. We get that new PIECP wage in around May 1, so that when we quote jobs—as we do steel fabrication, any PIECP jobs across state lines, for profit—we must ensure that those jobs go through the process by the time they go through the bid with the subcontractors, contractors, and it comes back. We want to ensure that we are current with the PIECP wages because we get audited every other year through the National Correctional Industries Association (NCIA) with a grant through the BJA and DOJ. They come out and ensure that we can maintain our certification based on wages and the interview. The offenders do a one-on-one to be sure they are not being forced to work. They are asked how they are working, and they talk about the wages and work conditions. That report is compiled and sent back with any kind of negative report where we have to take corrective action. They could take our certification away, and we would not be able to participate in the PIECP. Many industries, nationally, have a PIECP. It is a very good, successful program. To me, it is one of the programs that a lot of offenders work and strive to get into.

As you can see, our PowerPoint shows the certification program for a mattress factory, garment factory, metal fabrication, print and bindery in furniture. It shows the total employment, hourly wage, mean hourly wage, the 10th, 20th, 50th, 75th, and 90th percentile. We get this report back from DETR. We are hoping to get one here soon.

What do offenders earn in addition to a wage? A lot of offenders work in the Prison Industries program. We offer American Welding Society, which is a very successful program, through working in partnership—I brought that program in 2002—with Western Nevada College (WNC). We have an instructor who comes in when the class starts. He comes in once a week. He goes through the whole curriculum with the offenders. We also have a student aid, which is one of the offenders that helps assist in teaching this class. Every offender that goes through there gets different levels of certification in welding, certifications from full pen, vertical, and horizontal. The majority of the welders-offenders in this program are very successful. I pair them up with these subcontractors that come to us when we do their cad and quote their jobs up. Thirty days prior to release, I have them

communicate with the contractors out there. They will talk, and then they bring them on. They can earn anywhere from \$18 to \$45 an hour, depending on the certification levels that they have as far as welding. In this program, we have a screen-printing operation and Occupational Safety and Health Administration (OSHA) forklifts. From there on, they get marketable skills, a sense of worth, the ability to support themselves and family, work ethic, develop stronger interpersonal skills, productive use of time, which reduces violence on the general population yard, and understanding the value of money.

Here are the highlights of Prison Industries. We have had \$1.7 million staff salaries annually; 638,000 hours for offender labor in FY 2021; 560 offenders employed each month; \$47 million in total revenues, and individualized job placement with local employees and industries. With that part there, I am pairing up with local manufacturers. I am also a member of the Northern Nevada Development Authority and the Nevada Manufacturers Association. I am working with them. With the lack of skilled labor force out there on the market right now, I have been approached by several companies trying to get them an offender workforce. Erickson Framing is one of them. The other one I am working with is American Lyndon right here on Fairview, which recently approached me. He cannot get anybody to work in there. They come in, and then they are gone. We are trying to work something out, put a contract together, to have offenders brought down to them and work in his operation.

Regarding challenges—this got stopped—but we were paying close to \$2 million dollars in statewide cost allocation contributions; \$1.5 million dollars was claimed by the General Fund. I am always trying to change public perception by working in the community with businesses and the private sector to ensure that this is a professional shop. This is not two sawhorses and a handsaw, as some people perceive or what they see in a movie. What you see in the movie is not accurate. Operating a business with state restrictions, guidelines, and lengthy budget processes [is also a challenge]. To me, running Prison Industries programs is like running a business with handcuffs on. We have protocols and procedures that we must adhere to as far as purchasing, going through the Legislature, the Board of State Prison Commissioners, and the Board of Examiners. We have a long detail of approvals that we must go through. I am good with that. It is great, because we are transparent. We show what we are doing, what we are spending our money on, and what we are doing with these offenders to help them improve their behavior and become professionals.

Regarding equipment, [NRS 209.192](#) is a Fund for New Construction of Facilities for Prison Industries. We can use this Fund to relocate, expand, upgrade, or modify an existing industry in the industrial program to enhance or improve operations or security or to provide additional employment or training of offenders and to purchase or lease equipment to be used for the training of offenders or in the operations of Prison Industries. This statute was changed thanks to former Senator Parks, who was on the committee. The statute was changed a few years back. This statute was limiting to us to where we only had to increase the number of offenders and/or new industries coming in. The Capital Improvement Fund for Equipment that comes in, is a 5 percent deduction of all the offenders' wages statewide, of those 560 who are employed in Prison Industries. The reason for that deduction is that the Fund is collected, and this is to reinvest into the program to help these offenders get real equipment and real-time experience. We are looking at purchasing a computer numerical control (CNC) plasma cutter for the metal shop. It reduces labor costs working with these contractors. It does not reduce the workforce; however, it reduces the labor. A lot of these offenders can take time to go over there, and they train them on how to do this. They get real-time experience. As they get out upon release, they are not standing there looking at a machine saying, "What is that?" They are saying, "Wow, I have operated that in

Prison Industries. I have experience.” They can hit the buttons and get programming. It is the same thing with our woodshop. We are looking at getting a CNC machine to cut our panels. That does not reduce the workforce. We still must get the product and the furniture assembled. However, we want these offenders to get experience in learning to operate in real time. As I have mentioned in the past with the Committee on Industrial Programs, I got this changed because I kept going up, and we must be profitable. We must be profitable and get these guys more skills. I cannot compete with the same screwdriver that we bought 20 years ago. Times have changed. We must upgrade, and we must get with real time and mimic the private sector.

That is all I have at this point. I am open for any questions from the Committee before I turn it over. We have four former offenders here who are happy to testify on their experiences to the Committee. I forgot to mention that I have Jeffrey Doucet down in the south, who is my Chief Financial Officer.

Chair Scheible:

I think we will go ahead and do some questions first and then allow the alumni to come up and speak. For you in the hot seat, I am sure that Committee members have questions. I will start with those by Zoom. They are not jumping in there. I will go down to the south. Maybe I am the only one who has questions. I did have a chance to speak with you, Mr. Quenga, on the phone, and I am glad that we got the chance to do that. We have started a discussion about the wages that people are paid when they are working at Silver State Industries. I was hoping you could give an overview to the Committee on what those wages are and how they are set.

Mr. Quenga:

I have been running this program for 27 years. What I try to implement is like a steppingstone. We have traditional wages, and then we have the PIECP. When we get offenders who are classified—we mock the private sector—we put a job announcement out to the yard. They get an application; they apply for it; and they come in for an interview. They sit in front of my staff and sometimes myself, and we look at their skills, what they want to do, and what they want to learn. If they are selected, their name goes up, and the list goes to the classification committee within that institution, which is comprised of the warden, associate warden, and the caseworker. They review their files to ensure they have no disciplinaries, attempted escapes, assaults on staff, and behavior and all that. Once that is done, they come in. If they have no experience, we generally start them as a porter. They will clean the bathroom and sweep the floor. That is traditional wage, which starts anywhere from \$1 to \$3. The supervisor does an evaluation on a quarterly basis, and the offender sits down with the supervisor, and we ask, “Where do you want to go? What skills do you want to learn?”

In our operations, we have job descriptions just like the private sector. We work closely with WNC. We are trying to get them a gateway certificate because of the procedures in practice that we have. We have a carpenter one, carpenter two, and carpenter three, same as a welder one, two, and three, a poster screen printer, and so on. Those wages vary from different positions and their skill level. Traditional wages can go anywhere from \$1 to \$5 an hour. As they progress, they want to get into a PIECP job, and a lot of our PIECP jobs, for example, are welders. Welders can make up to \$14 an hour. The clerks, any clerk, administrative clerks, forklift operators, fall into that category. Anybody who has a piece or touches that material or works on that project under PIECP must be paid the 10th percentile.

That goes anywhere from \$8 to \$15. That is going to change again once I get the report from DETR, hopefully in the next few weeks.

Chair Scheible:

When those wages are paid to a person who is incarcerated—if they are making \$5 an hour, do they get \$5 per hour worked on their books, or are there some additional deductions?

Mr. Quenga:

Under the PIECP, and even the statute, we follow the PIECP, which gives us a range from 5 percent to not exceeding 20 to 25 percent. Every offender who works in the Prison Industries Program has a deduction: 5 percent goes to the Victims of Crime Fund, which is mandatory, and 5 percent goes to the Capital Improvement Fund, and 24.5 percent goes to room and board. Room and board go back to the Department's general fund, which helps offset the cost of incarceration. I do not touch those funds. I do not even touch the Victims of Crime funds. That goes down to pay the victims. However, the Capital Improvement Fund is the only one that I recognize. With that said, there are some changes with Marsy's Law. We have Administrative Regulation 258, which they are still looking at, and there is an addendum to go to that administrative regulation to go in front of the Board of State Prison Commissioners of the Department of Corrections. They are still trying to figure out the percentage. It was 90 percent, but they brought it down. I have nothing to do with that and whatever comes out. They are still talking about who gets the first cut and who gets second. My understanding is the victims get the first cut. It is really confusing to me.

Chair Scheible:

We are very familiar with this issue and with Regulation 258. That does answer my question. The wages are not the total amount they get, or that is more than the total amount that they ultimately see on their books. I wanted to go back to something that you were talking about earlier regarding capital improvement. You are specifically talking about purchasing some new equipment for the welding shop and lumber. You said that this new equipment would reduce the cost of labor but would not reduce the labor force. Am I saying that right?

Mr. Quenga:

Yes ma'am. That is correct. It reduces the labor and helps with the cost but does not reduce the offenders who are going to be working in the program. Does that answer your question?

Chair Scheible:

Is that basically because you are not paying them for their training while they are being trained?

Mr. Quenga:

No. Once they get a machine, we pay them. They are on the clock to learn and operate when we train. We pay them for training.

Chair Scheible:

Are they each doing fewer hours? I am sorry. I am not following the math.

Mr. Quenga:

Buying this equipment enhances the program so that we can mimic the private sector as much as we can, so that they gain that skill and certifications, and when they get out, they have marketable skills. They have a better chance of employment with the experience that they bring. This equipment will help educate and train our offender population in the Prison Industries program to gain that marketable skill and experience in new equipment. We have never had CNC equipment before, and I question, "Why are we not doing this?" I am partnering with WNC. They have CNC simulators. I am working closely with Nevada Rural Housing Authority. We had a meeting with WNC about using their internships as far as development. I am going to Boise, Idaho, next week to a factory that is building modular affordable housing. We are trying to partner up because we cannot get carpenters and electricians out in the rural communities. It costs a lot. In talking with Executive Director Bill Brewer, we are working together to see if we can manufacture those in Prison Industries. They are made in Nevada; the college comes in; and we work with them in Prison Industries to get them plumbing certifications. The frames are steel; we have welding certified already. They also get electrical certifications. As the offenders get those, and they get released and have that skill, we can try to partner them with these companies. We are working closely with Mr. Aaron West of the Nevada Builders Alliance to try to get these guys skills. What we are looking at with Nevada Builders Alliance is that the pool of workers in the construction trade is dying. It is depleting. By trying to get these guys in Prison Industries to get it, that would be his pool to build up in the private sector.

Chair Scheible:

Does the private sector pay Prison Industries the market rate for the projects that Prison Industries does in the private sector?

Mr. Quenga:

Yes, such as Erickson Framing. In our contracts, we pay minimum wage, whichever is higher, state or federal.

Chair Scheible:

And then Erickson pays Prison Industries? Am I understanding correctly the contract is with Erickson, right? Erickson says, "We need a labor force to do X, Y, and Z work." They then pay Prison Industries to do that work.

Mr. Quenga:

Yes. We do a contract; we charge the labor rate for each offender, an administrative fee for each offender, each labor hour worked, and the officers' wages. Being in minimum custody, they must be checked once an hour, as opposed to our community trustee. Our pool of community trustees is very small in a percentage. With [AB 236](#) (2019), they are getting more credits. A lot of offenders are going home real fast and becoming eligible for transitional housing. That pool is shortening down, so we are trying to create a new, high minimum. However, these companies will pay either minimum wage, whichever is higher, state or federal. They pay Prison Industries, and Prison Industries pays the offenders. That money comes to us. We pay them, so they do not get a direct check from Erickson Framing or any other company out there.

Chair Scheible:

Right. Am I understanding it correctly? When Erickson decides that it needs this additional labor, they would do a request for proposal (RFP). Prison Industries would say, "If you pay everybody minimum wage, we can do it for X amount of dollars." There could also be private companies that come in and say, "We can do it for the same price or less, or it will cost us more to do it."

Mr. Quenga:

With Erickson Framing, under [NRS 209.461](#), I must do an impact analysis. I go to the committee and tell them I have this company that wants to do business with us. This is what they want to do, and these are the skills they are going to learn. The committee gives me the authority and says, "Yes, proceed." I do an impact analysis with the Office of Economic Development, DETR, and the labor unions. I send the letter out; we get with DETR; and they find out the standard occupation classification (SOC) code. They do a whole report on the tax revenue, the wages, and the age. All that information is brought—also to search the state to ensure that we are not putting the private sector out of business or the citizens in the community out of work. Our mission in Prison Industries is not to displace the private sector. We work with them. They come to us all the time with outsourcing. With that said, once that is put together, we negotiate a price and all the costs. It then goes back to the committee. After the committee says yes, I must go in front of the Board of State Prison Commissioners. They review it. It is the same committee. It then goes to the Governor's Finance Office. They look at it to ensure everything is good—state purchasing—and then it goes in front of the Board of Examiners for final approval.

Chair Scheible:

What I was getting at was not whether Prison Industries is displacing the private sector, it was that in the private sector, those companies are creating revenue. I am wondering if Silver State Industries is doing the same.

Mr. Quenga:

We are mandated to generate revenue for our program. We are self-sustaining. We get no General Fund dollars. We are self-sufficient. If we do not generate revenue, we do not exist. I am always on my staff. We must generate revenue, provide customer service, quality products, skills training; but it is not always about the dollar. The importance to me is to get these offenders to change their behavior and change their mindset. It is not just about making money, but that they are willing to change that behavior. When they are out there, they made a bad decision. This is an opportunity for them to change their behavior, gain a skill, and when they get out, gain employment and maintain employment, not just minimum wage—a living wage.

Chair Scheible:

I think we talked about this before. Is there a formal program for following up with people who were employed while they were incarcerated to ensure that they have continued employment after they are released?

Mr. Quenga:

No. I am working with the NCIA to see what other states are doing that this state is not. Our department is working on that. Every state has a different interpretation or formula of

how they do recidivism. I have reached out to some states, and the formulas are all different.

Chair Scheible:

I think it would be an interesting project going forward. I have one more question regarding something you said about the hiring process for people who are already incarcerated and checking their violations and checking their histories. Does somebody have to have a perfectly clean record in NDOC in order to be able to work in Silver State Industries?

Mr. Quenga:

No. It all depends on the time frame. It is a year of no violations, six months with no majors. That is reviewed, just like life sentences. They are in there, and we look at their file. Escapes or attempted escape—I had an offender years ago who had an escape in 2005. The interim director came out and said, “No lifers in Prison Industries.” That was not good. It is a great opportunity for them. What I managed to negotiate is that we need to look at their case files individually. This offender walked away from Santa Rita Jail camp in California 20 years ago. The time has gone; that is the past. He has changed his behavior. He was my admin clerk, and he was doing good, so I got to change it. We try to employ no more than 10 percent of lifers. I also get asked by the community, “If you are preparing these offenders to come out, why are you employing lifers who are never getting out?” My answer to that is, “Laws change.” I have seen lifers who said, “I am never getting out.” The next thing you know, the laws change, and they are going home. We cannot just rule them out. We must give every one of them an opportunity.

Chair Scheible:

That makes sense. With that, are there other questions? I am not seeing any questions. Thank you so much for your presentation. Thank you for answering all my many questions.

C. SUCCESS STORIES OF FORMER SILVER STATE INDUSTRIES EMPLOYEES

Chair Scheible:

At this point, I understand that you have some people here to speak to us about their experience working in Silver State Industries and where they are now. I will invite them up.

Ronald Jane, Former Employee, Silver State Industries:

I was fortunate enough to work under Justin Pope for Silver State Industries for six years. I was interviewed and accepted the job as the clerk of the prison farm. It was a life-changing experience for me. It was a very pivotal moment. I was incarcerated for a total of ten years. When I started working at the ranch, I would not say that I was like, “When I get out, I am going to be a farmer,” but the staff there let me grow with so many different opportunities. It was more than just purchasing clerk. The responsibilities of that job alone were scary. At first, I could not believe as an offender that I was able to work closely with staff on the budget and day-to-day purchasing. I mean, \$1 million dollars in hay over a year's span and working on these big contracts. I really took into it, and it gave my life so much meaning in there. Every morning when I woke up, I just could not wait to get to that farm. Problems in the institution were something I wanted to stay as far away from as possible because I treasured that job.

When I started working there in 2011, I was trained to do the day-to-day purchasing and got in depth with that. I then started to expand out and take interest in the BLM horse training program and what they do there. I became in charge of organizing everything from advertising and all the clerical things that are associated with adopting a horse out, to working hands-on with the horses as well. I then got to operate heavy equipment, everything from large loaders to small forklifts and everything in between. I was trained and certified to be able to do that. That was great too, because I thought, "Maybe when I get out, I will have a future in operating heavy equipment," because I really enjoyed that.

Where it all came together for me is, we had a computer system in that branch office that was very old and pretty much falling apart. I saw a need there, and a fellow offender and I dove in, and we were given the assistance and the ability from our bosses to develop a computer system. That is where I discovered that I am passionate about information technology (IT). Today, I am an IT Professional II with the State of Nevada. That stems from that. Had my bosses not said, "You have an interest, and we have this need. Let us make it happen," and encouraged me to be able to learn these IT skills, I would not have my job today and be as successful as I am. I am extremely proud of that.

The staff was nothing but professional. Sometimes our inmate payroll numbers would creep up, because we had retained guys who had lengthy sentences. In the key positions around the farm, we wanted that, so they could train new guys coming in and guys with shorter terms. Over time, we had retained more and more of these longer sentences, and the payroll budgets were right there. I saw us having to cut back a little bit. Those jobs, those key positions, became a little more diversified, which was good for the guys in those key positions, but it made me realize that this is a real-world scenario with budget and how many inmates can have a job. I would have guys inside the institution come to me and say, "Can you get me a ranch job?" I would say, "Not right now because we are maxed out." But I will tell you that when you give a guy who is incarcerated these kinds of responsibilities, like animals that depend on them, it really does change the way they think and act.

It is so much more than just the money that I was making at the farm, and a lot of guys would say that. I started at 60 cents an hour, and through the evaluation process, every three months or so, I would come in and sit with my boss or Justin, and we would evaluate my performance over the past 60 to 90 days. A raise would be implemented if all the standards were met. I made my way up to \$3.65 an hour. Out here, of course, that does not sound like much; however, in there, I was able to live like a king. I was able to send money home to secure my future. After six years of working there, I was released and had \$15,000 in my bank account. I was able to get myself an apartment and get on the road and everything I needed to get done, I could get done. I was not struggling getting out. I topped out. That \$3.65 an hour is great. Inside the institution, you are offered certain items that you can purchase. Yes, you have the room and board and the industry's fund and capital improvement fund and the victims fund, but after all that is said and done, it still, for me, was a great wage inside there. It took care of me and everything I needed. The experience was just as good as it could get. That is really all I have to say about it.

Chair Scheible:

Thank you. We certainly appreciate you taking the time out of your day to come and speak with us and share your story with us. Like I said before, no hard questions, but if anybody wants to say anything or ask Mr. Jane anything, I will open up the floor very briefly.

Assemblyman O'Neill:

Mr. Jane, congratulations to you, particularly on your story of being out and how well you are doing now. Just for background, can I ask you a couple of questions? If you do not feel comfortable in answering them, feel free to move on. You said you were doing a ten-year term. How long were you incarcerated before you got the job in Prison Industries and at the farm? How long did you work and then were released? How long was your total term?

Mr. Jane:

I was initially incarcerated in 2007. I worked for Nevada's Division of Forestry, State Department of Conservation and Natural Resources, for three years as a wildland firefighter. I then worked at the prison farm for six years. From 2007 to 2008, was one year in county jail. That makes up the full ten years. I am sorry; what was the second question you asked?

Assemblyman O'Neill:

You answered it. I was just curious about your work history there—how long you were incarcerated before you got the job and how long you worked at Prison Industries. If you do not mind, can I ask what you were incarcerated for?

Chair Scheible:

You do not have to answer that question.

Mr. Jane:

That is okay. I was incarcerated for DUI causing substantial bodily harm and/or death. My initial sentence was 45 years, with parole eligibility after 15. I managed to get out earlier than that. That is what I was incarcerated for.

Assemblyman O'Neill:

I appreciate that. Thank you for allowing me the time.

Chair Scheible:

Thank you again for joining us today and for answering our questions and sharing your story with us. We really do appreciate it. It is not often we get to speak to people who are directly impacted by the criminal justice system in the way that you were, so we really value that you are willing to be here and to speak with us. Thank you.

J.D. Nicholas, Former Employee, Silver State Industries:

My name is John Nicholas. I went to prison back in 1990, and I am one of the persons who Deputy Director Quenga alluded to being a lifer and being in the Prison Industries program. I did not get into Prison Industries until after seven years of being incarcerated. It took me a minute, probably to smarten up a little bit. I started going to school because I knew you had to have an education in order to get into Prison Industries, and I wanted to better myself. I started in with Prison Industries in 1997, and I left Prison Industries in 2018. While I was there, I started out at the bottom and worked my way up. The skillset that I learned while I was in there—I would not be here today if it was not for Prison Industries. I was one of those guys that did not think he was ever going to get out, and laws change, as they say. I was glad that I was able to partake in that program. I learned a skillset that

was super valuable for me out here. I learned how to budget. I learned how to do accounting. I learned accounts payable and accounts receivable. I learned computers, because when I went in in 1990, not everybody had a computer on their desk. I picked up a set of skills while I was in there. I started out at a lower wage and worked my way up as well. I partook in the PIECP where I was able to make money while I was in there. I paid off a lot of my restitution while I was in there. That was very helpful when I got out.

Obviously, things have changed a lot in the 28.5 years that I was incarcerated. When I did get out, I was able to blend in and had marketable skills to achieve meaningful employment. I currently work for Intuit with the accountant professional team, and I build payrolls for accountants. They were happy with the skillset that I picked up while I was incarcerated and that I could utilize it in their operation and be able to develop. I have been there now for almost three years. I was able to save money. I walked out with money in my pocket. I had \$5,000 to start. I mean, that is not a lot, but it sure is a lot more than the \$21 they give you for gate money. With the computer experience that I learned while I was incarcerated and through the education in the Prison Industries program, it is worth so much more than what wages were. I lived high on the hog in there compared to everybody else, because you had a pay number. It stimulates the economy on the yard. People were like, "What are you talking about?" Well, you got a laundry man. You have a guy that helps make sure your laundry comes back to you. It did stimulate the entire economy on the yard, and we were able to take care of ourselves and send money home for our families. I would not be here today if it was not for that program. Thank you.

Chair Scheible:

Thank you. Again, I just cannot tell you how much we appreciate you all being here. I will once again open it up briefly for any questions or comments, but I think you did a great job explaining that to us.

Timothy Taylor, Former Employee, Silver State Industries:

I was incarcerated for 13 years. For nine of those years, I got the opportunity to work for Prison Industries under Mr. Quenga, while he was a supervisor. I started out low as a purchasing clerk and worked my way up over the years through shipping, custom quotes and drafting, administrative clerk, and custom carpentry. When I first went to prison, my education was limited to just a GED. My work experience was limited to being a carpenter in the construction trade, as well as some time served in the Army in the Infantry Unit. The opportunities afforded to me working for Prison Industries allowed me to put myself through college. I not only earned a degree in welding technology through the prison program, but with WNC, I also earned two associates degrees, one in management and one in business. All those years I was also able to send money home, too.

Upon release from prison, within a month, when I applied for a job, the temp agency placed me in a completely different industry that had nothing to do with Prison Industries. However, the manufacturing background and work history that I was able to put on the resume, as well as my education, landed me the job. It was in the aerospace industry with the forgings plant. I worked there for two and one-half years. I was recruited to another company from a previous plant manager to where I am now. I just celebrated my eighth year with them. I bought my first house eight years ago. I met my wife eight years ago. We married six years ago, and we have a son who is four and one-half years old. None of this would have happened if it was not for all the opportunities given to me through the Prison Industries program. Thank you.

Chair Scheible:

Thank you, and congratulations. Completing your higher education is no easy feat for anybody, let alone while you were in custody. That must have taken a lot of perseverance and a lot of drive. It is no wonder your company has wanted you there for the last eight years. That is incredible. Thank you again for sharing with us. If there is anybody else who wants to chime in—I am sure I speak for our whole Committee when I say these things, but Vice Chair Nguyen also has something to say.

Vice Chair Nguyen:

I echo your comments about all our speakers so far. It is amazing what they have been able to turn around and accomplish in this process. I have a question about completing the higher education program. Did you do that through a correspondence course if you do not mind sharing?

Mr. Taylor:

I did it locally with WNC. They were onsite, not only with the Prison Industries, but in the prison itself. They offered a certain number of classes that you can sign up for every semester.

Vice Chair Nguyen:

Did you have access to a computer and electronics, or was it all paper?

Mr. Taylor:

There was a computer room in the administrative office at the prison where the classes were held. For computer classes, yes, we had access to computers.

Vice Chair Nguyen:

Thank you. I am excited to know that there are those partnerships.

Chair Scheible:

Likewise.

Senator Harris:

I just wanted to thank everyone for sharing their stories and to let you all know that I am personally committed to trying to replicate your success stories as much as humanly possible. We need to make sure that as many people as possible have the opportunities to turn their lives around. Thank you for being a great example of what can be done.

Chair Scheible:

We have one more speaker. Please go ahead when you are ready.

Jacquie Webb, Former Employee, Silver State Industries:

I was incarcerated from 1999 until 2019. I started in Prison Industries in 2008, up until my release in 2019. I started off as a safety and hazmat clerk and worked through the inventory room handling all the supplies, taking them in and issuing them out. I worked my

way to the administrative clerk position, where I was until I was released. Bill Quenga was my supervisor when I started, and he worked his way up. Through Prison Industries, a lot of things happened. It was the job to have on the yard. It was something that you desire to do, knowing that if you made it to Prison Industries that you would be able to take care of yourself but also have that responsibility as far as saving money with the opportunity to leave at some point, hopefully. When I was released, I had about \$15,000 saved up, which afforded me the opportunity to get a fresh start and pay for transportation and housing and all these things.

The desire for Prison Industries is huge in prison. There are a lot of guys who have that desire to do so. They also understand, with that being said, that in order to achieve that, you have to be disciplinary-free. You have to take that responsibility for yourself in order to get that job and recognizing that once you do get there, you watch a growth with so many men. So many guys connect the dots when they get there. They decide to, like myself, say, "Okay. I am going to take this seriously," and then they learn a skillset that applies out here.

I currently manage a logistics company in Sparks, Nevada. I can tell you a lot of the things that I learned, as far as working on the computers and being able to do payrolls and being able to have that confidence to speak with people—because I also interview the guys and the ladies for positions here at the logistics company—there is nothing but value there. I learned these things from Prison Industries. I think that it is one of the greatest gifts we had, and we do have. I watched it grow from when we had 110 people employed at one time, and it slowly went down through changes and different things that have gone on. However, to see that at its height and to watch all these guys connect the dots was something special. That is all I have.

Chair Scheible:

Thank you so much. We really appreciate you being here. All of your hard work has certainly had an impact on me, and I am sure I speak for the rest of the Committee when I say that. Thank you all for being here. Is there any anybody else from the Committee who has any comments or questions? I think that brings us to the conclusion of Agenda Item VI. We are going to take a quick break for lunch. It is 12:08 p.m. now. We will come back at 12:45 p.m. We will go back to our special courts presentation, and then we will roll into gaming. I think we will be out of here on time. We will see you at 12:45 p.m.

[Chair Scheible called for a recess.]

AGENDA ITEM VII—PUBLIC COMMENT

Chair Scheible:

I think there are some people in the room to make public comment. Remember you will have three minutes each and to state your name for the record when you start.

Mr. Shepack:

I wanted to touch on a few things that we heard today. Going all the way back to Mr. McCormick's presentation, he talked about how the revenue from administrative assessment has dropped significantly during COVID-19 and has dropped even currently. We strongly believe that the administrative assessment is not a proper way to fund the courts as traffic tickets go down, whether that is through things like COVID-19 or creating safer

streets and just having fewer tickets in the city. The courts are going to lose money, and the courts should be funded through another source. We encourage you to look at that.

We also heard from the courts that they are creating a unified system for traffic tickets and that it is not currently going to include an ability to pay assessment option. While there may be no ability to pay assessment at the beginning, we know that there is appetite from advocates, legislators, and some of the judges we spoke with to implement that sort of ability to pay assessment online at some point. We strongly urge that any creation of a unified system at least allow for that on the backend; otherwise, we could run into a lot of trouble. Along with that, there is a system that the DOJ created. It is open-source software. It is currently used by California. It does all civil traffic violations online. It is very user-friendly. The courts like it. It is free. We were talking about spending money. It is something that the Legislature, the courts, and the AOC should look into. It is free software.

Lastly, we were very inspired by what we saw today from the individuals who came from Prison Industries. One thing we have seen since the release of all of them is that the cost of incarceration for the incarcerated has gone up greatly. A recent report released, an audit from the Executive Branch, found that commissary markups are the highest they have ever been at 40-plus percent. Deductions, according to the audit, for people who are working are at 50 percent. If we want to keep encouraging these types of success stories, people leaving with money to get on their feet, we need to be looking at the fines and fees that are associated while incarcerated and the deductions, as well as the wages, so that we can continue to have these types of success stories. Hopefully, NDOC makes it on that list we just had, because we will talk more about that then. Thank you so much.

Holly Welborn, Policy Director, ACLU of Nevada:

I want to say ditto to my colleague, Mr. Shepack's, comments. I also want to comment on Items D And C, DIDS, and the conversation that we had about bail earlier today. As Ms. Ryba mentioned, the ACLU Nevada and our national organization sued the State of Nevada for failure to fulfil its constitutional obligation to provide adequate legal representation to indigent defendants in rural counties. We are proud that our efforts, and those of the Legislature, led to the development of DIDS. Director Ryba is doing an exemplary job fulfilling her statutory duties and obligations under our consent judgment. We support the proposals mentioned today and strongly encourage the Legislature to advance legislation transferring the authority to determine compensation rates to the DIDS. As we can see, there is a theme here. We are still living in a state where rural defendants struggle with access to justice. We heard that throughout the conversation on the implementation of AB 424 (2021). There simply is no excuse good enough to keep the state from providing a bail determination in a prompt manner. This Legislature has defined that by 48 hours. As Vice Chair Nguyen stated, there are communities throughout the country that make a release determination within 24 hours that face many of the same obstacles. Rural defendants are guaranteed equal protection of the law. We support unifying courts, investing in technology, or whatever other means are necessary to meet that 48-hour threshold, but we cannot allow the state to move backwards. We are very excited that we will be talking more about bail in the coming months. I appreciate your time. Thank you.

Kendra Bertschy, Lobbyist/Government Affairs Liaison, Office of the Washoe County Public Defender:

I look forward to continuing to work on the implementation of AB 424 (2021) and the other bail reform statutes that were implemented thanks to the great work that this committee did in the last session. To provide some additional information regarding the public

defender's viewpoint regarding AB 424 (2021), we are ready and able to work and comply with the law as it is. We have worked very diligently with the Washoe County Office of the Public Defender to create a new team to ensure that we are in compliance with the Valdez-Jimenez (*Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. Adv. Op. 20) and the law. We have worked with the Honorable Chief Judge Simons on the process and how it will function with the weekend initial appearance docket. Everyone has participated, from municipal courts, justice courts, district courts, DAs, alternate public defender's office, public defender's office, sheriff's office, and pretrial services, to ensure that we have a system. It is currently falling in place. We are looking forward to its implementation when it is ready to go. As Assembly Person O'Neill is aware, the current law—and I just want to make sure that this is clear on the record—requires law enforcement agencies to provide probable cause reports within 12 hours. I can say from my own experience of doing a ride along with the Washoe County Sheriff's Office, that they ensure that their deputies provide the PC sheets before they leave from that shift. I wanted to make sure that was clear on the record. We strongly urge this body and will continue to engage in this conversation as to how we can implement and make sure that the 48-hour period is being held across the state, because it is extremely important to ensure equal justice in Nevada and that all citizens are able to have their right to a bail hearing as prompt as possible to ensure community safety.

In respect to specialty courts, I am very grateful that this body was able to hear from the specialty courts as to how important they are and how crucial they are in enhancing justice for all of those who are accused and convicted of crimes. We have been working with specialty courts to ensure their compliance with [AB 222](#) from the 2019 Session, as well as [AB 236](#) (2019), because it is vital that we provide our clients and citizens with these services when they are deserving of them and when they qualify for them. We will continue to work with some of the implementation issues to ensure that specialty courts are accessible for all those who deserve it.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

After hearing today's presentations, I wanted to reiterate, along with the previous comments, that all Nevadans, regardless of where they are located across the state, are entitled to the same level of justice. Forty-eight hours should be the absolute maximum time it should take to see a judge. The pandemic has shown us that technology has allowed us to work together, sometimes even more efficiently, from different parts of the state. Today I am joining you by phone and watching online from Reno while some of you are in Las Vegas, and others are in Carson City. We urge the state to look into options, such as videoconferencing and partnerships that jurisdictions can enter into to support each other on conducting hearings so that all Nevadans' rights are respected equally. Thank you.

Ms. Chan:

I reported the organized crime to Windmill Police Station in June 2021 (Agenda Item VII). I sent a letter with the forensic report to Las Vegas Federal Bureau of Investigation in September 2021. However, both government agencies did not offer any help. I recently experienced a severe attack in March 2022, and I called 311 a few times for help. Most of them were showing sympathy. Unfortunately, they have very limited knowledge on military-grade weapons. One of the cops said that there is no one in his unit who is capable of detecting the perpetrators using these military-grade weapons. Besides the perpetrators using handheld direct energy weapons or laser weapons, they also organized as a group of stalkers working together in uniformity, which included my neighbors next door to me, the units above me, and some others living in the same community. They broke into my unit

and ransacked my belongings, used directional speakers to direct their noise into my unit 24/7 to harass me and put me into a state of fear. These gangsters also vandalized my vehicle, put dirt and trash at my entrance door, have gangsters talk very loudly while walking by my door in the hallway, noise campaigns, noise harassment, used vulgar language towards me. This group of stalkers is getting paid to attack me and destroy my life. This is a hate crime and needs to be stopped. My constitutional rights are being violated as a U.S. citizen. This nonstop harassment is destroying my life, forcing me to lose my employment, and even making me homeless at one point in time. Dear Nevada legislators, I am here to ask for your help to form a special unit to stop these military-grade weapons systems attack and also stalking activities as soon as possible. Victims like me can be killed without a trace from this attack, and these are acts of domestic terrorism.

Jim Hoffman, Nevada Attorneys for Criminal Justice:

I wanted to echo the comments that most of the prior commenters made, and I wanted to specifically address the comments that one of the presenters made about court employees not wanting to work weekends, because I totally understand that. I think that is very reasonable. The problem is that a lot of people are in jail, and they need to work weekends. They need to take care of their kids. If somebody gets arrested on Thursday afternoon, 72 hours mean they miss work on Friday, and they miss work on Monday. Forty-eight judicial hours, if that is the standard, could stretch into Tuesday or Wednesday afternoon, depending on what the courts' judicial hours are. People who miss that many days of work are in danger of getting fired. They are in danger of not being able to pay their rent. They have problems finding childcare. If people do not get timely release hearings, it causes all these negative downstream impacts on the broader community. Assembly Bill 424 (2021) is not just about treating all Nevadans equally. It is about ensuring that communities in rural Nevada have an equal chance to keep paying their rent and taking care of their kids. We believe this is a vital policy goal, so we oppose weakening the hearing timeline. Thank you.

Ms. Holem:

Regarding the electronic torture act, this legislation is built upon all different forms of devices that fall into the categories of electronic devices, lethal and nonlethal weapons systems. Cybercriminals and hackers can gain access to Zoom meetings, medical records being shipped online, e-filing systems, remotely accessing the video components and microphone settings using different scripts, and direct access into hard drives using pokey long codes. Law enforcement and other departments and agencies have these weapons systems in their possessions, whether they realize it or not. From automated license plate readers to facial recognition systems, lidar detectors, data acquisition systems, fingerprint ID systems, including rioting gear like long-range acoustic devices, all which can be remotely accessed by cybercriminals and hackers. These devices do bodily harm to the civilians and cause diseases like multiple sclerosis, cancer, blisters, burns, muscle spasms, tendinitis, with false mental diagnoses. Law enforcement and federal agencies have the equipment to commit these crimes. It is time to set up a special task force that can prove these crimes; a task force that provides the medical tests which prove that they are in fact the victim attacked by directed energy weapons, electronic devices, and sexually assaulted; a special task force unit that can be used to create growth, job growth, production, and prove these weapons systems are being used on the Nevada citizens to put these criminals behind bars. The bill proposal allows the victims to get money as well with the state, the convictions of these crimes, with the abuse of power from denying their involvement and not properly reporting these crimes deserves punishment. They are stealing your state funding and grants and abusing their power and positions. Giving back to the state will help decrease your deficit and allow money to be gained, not lost. It also helps with law

enforcement reform, so the abuse of their positions can be stopped and to decrease crime from child human sex trafficking cases, rape, murder, cybercrimes, and video voyeurism. These attacks on the Nevada citizens are caused by loopholes of state grants and funding that is authorized throughout your state. For instance, the BRAIN Initiative, the Energy Efficiency Act, crime free programs, the Center for Prevention Programs and Partnerships (CP3) of the U.S. Department of Homeland Security, intelligence-led programs, facial recognition systems, and lack of laws on drones being used from the public with video voyeurism attributes. Your constituents are reaching out for your help to prevent these crimes from being committed. To stop the electronic harassment and torture that is occurring, allow this bill proposal to be accepted. Give your constituents an opportunity to protect themselves from cybercrimes and electronic torture. With everything becoming virtual, laws are needed for everyone's protection. Thank you.

BPS:

There are no other callers wishing to offer public comment at this time.

Chair Scheible:

Thank you, everybody. In the approximately 12 minutes since I talked about the schedule with you, I was reminded that I did not include NDOC in that schedule. We will have them in for a meeting. I think that will be the June meeting. We are also still picking up summary evictions. We might have as many as two presentations on summary evictions. Know that we are working on it. We are working on the schedule still. I want to open it up to the whole Committee, since we are not all in one place, to make sure I did not miss any questions or comments or anything before we close. Assembly Member Krasner, go ahead.

Assemblywoman Krasner:

What time are the two meetings on May 6 and May 13?

Chair Scheible:

We have them scheduled for 9:00 a.m. If there is a reason to change that, I am open to hearing it.

It does not look like we have anything else. We have concluded our business at 2:42 p.m. Thank you again for persevering. We will look forward to seeing you all on May 6. Until then, stay safe, stay healthy, and have a great day.

AGENDA ITEM VIII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:42 p.m.

Respectfully submitted,

Julianne King
Assistant Manager of Research Policy
Assistants

Patrick Guinan
Senior Principal Policy Analyst

APPROVED BY:

Senator Melanie Scheible, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item II A	Nick Shepack, Nevada State Deputy Director, Fines and Fees Justice Center	Public Comment
Agenda Item II B	Yinling Chan, Member of the Public	Public Comment
Agenda Item II C-1	Amy Holem, Member of the Public	Public Comment
Agenda Item II C-2	Amy Holem, Member of the Public	Public Comment
Agenda Item II D-1	Tonja Brown, Advocate for the Inmates and the Innocent	Public Comment
Agenda Item II D-2	Tonja Brown, Advocate for the Inmates and the Innocent	Public Comment
Agenda Item IV D-1	Marcie E. Ryba, Executive Director, Department of Indigent Defense Services (DIDS)	PowerPoint Presentation
Agenda Item IV D-2	Marcie E. Ryba, Executive Director, DIDS	Consent Judgment
Agenda Item IV D-3	Marcie E. Ryba, Executive Director, DIDS	Board on Indigent Services Regulations
Agenda Item IV D-4	Marcie E. Ryba, Executive Director, DIDS	Quarterly Workload Data Report
Agenda Item IV D-5	Marcie E. Ryba, Executive Director, DIDS	Second Annual Report
Agenda Item IV E-1	Veronica Lopez, Court Program Manager, Reno Municipal Court	PowerPoint Presentation
Agenda Item IV E-2	EJ Maldonado, Specialty Courts Coordinator, Western Regional Specialty Courts	PowerPoint Presentation
Agenda Item IV E-3	DeNeese Parker, Specialty Court Administrator, Eighth Judicial District Court, Clark County	PowerPoint Presentation
Agenda Item IV E-4	Julia Dendary, Specialty Court Coordinator, Sixth Judicial District Court, Humboldt County	PowerPoint Presentation

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item V A	Virginia Valentine, President and Chief Executive Officer, Nevada Resort Association	PowerPoint Presentation
Agenda Item V B	Michael Morton, Senior Policy Counsel, Nevada Gaming Control Board	PowerPoint Presentation
Agenda Item VI A	James Malone, Senior Program Analyst, Fiscal Analysis Division, LCB	PowerPoint Presentation
Agenda Item VI B	William (Bill) Quenga, Deputy Director, Industrial Programs, Nevada's Department of Corrections	PowerPoint Presentation
Agenda Item VII	Yinling Chan, Member of the Public	Public Comment

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