



# **NEVADA LEGISLATURE JOINT INTERIM STANDING COMMITTEE ON THE JUDICIARY**

*(Nevada Revised Statutes [NRS] 218E.320)*

## **MINUTES**

**August 30, 2024**

The sixth meeting of the Joint Interim Standing Committee on the Judiciary for the 2023–2024 Interim was held on Friday, August 30, 2024, at 3 p.m. in Room 165, Nevada Legislature Office Building, 7230 Amigo Street, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, 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](mailto:publications@lcb.state.nv.us) or 775/684-6835).

### **COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblywoman Brittney Miller, Chair  
Senator Melanie Scheible, Vice Chair  
Senator Dallas Harris  
Assemblywoman Cecelia González  
Assemblywoman Elaine Marzola

### **COMMITTEE MEMBERS ATTENDING REMOTELY:**

Senator Lisa Krasner  
Assemblywoman Danielle Gallant  
Assemblyman Ken Gray

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Diane C. Thornton, Deputy Research Director, Research Division  
Jennifer Ruedy, Research Director, Research Division  
Jen Jacobsen, Research Policy Assistant, Research Division  
Karly O’Krent, Senior Deputy Legislative Counsel, Legal Division  
Michael Viets, Principal Deputy Legislative Counsel, Legal Division  
Nancy Morris, 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 Miller:***

Hello, everyone. I am going to call this meeting of the Joint Interim Standing Committee on the Judiciary (JISCJ) to order and welcome everyone. I know it seems a little unorthodox to start at 3 p.m., but we have a swift agenda today. We have one short presentation and then our Work Session, in addition to public comment that will occur at the beginning and the end of our meeting today. I would first like to congratulate Vice Chair Scheible on her recent nuptials—she is a newly newlywed. She has been married less than a week and is already back to State business.

We ask those of you that are participating on Zoom, please make sure that your cameras stay on, so that we know we have a quorum. As a reminder, Members will be looking at laptops and devices doing research and accessing meeting materials. Please do know that we are still engaged, and please do not take that as a form of disrespect because we have a lot of things that we are reviewing up here.

[Chair Miller reviewed housekeeping and testimony guidelines.]

## **AGENDA ITEM II—PUBLIC COMMENT**

### ***Chair Miller:***

I would like to open up public comment. If there anyone here in Las Vegas that would like to make public comment, please approach, and if there is anyone there in Carson City that would like to make public comment, please feel free to fill those chairs, and we will move to you next.

### ***Mark Bettencourt, Executive Director, Nevada Coalition Against the Death Penalty:***

Hello and good afternoon, Members of this Committee. I am simply here today to implore the Members of this Committee and next year's Nevada Legislature to support repealing Nevada's death penalty. It is cruel, it is capricious, and it is costly. From our conversations with murder victims and family members, we know that this process extends the trauma for these individuals and these victims of crime. As an individual whose family member was a murder victim in an unsolved murder case. There are better uses of our resources as a State than a sentence and a program that we know provides no discernible benefit to our State. We know it does not deter murder. We know it does not deter violent crime. In jurisdictions that have the death penalty, there are higher rates of crime and violence than in jurisdictions that do not have the death penalty. Again, I implore this body and next year's sitting Members of the Legislature to consider repealing the death penalty in Nevada.

It is time to make some commonsense moves, and to move away from a program that we know has failed us and continues to fail our citizens and targets the most vulnerable in our communities. We know that places like Clark County, over 70 percent of the people that have the death penalty sought against them are people of color, and that is when we have a State population of individuals that are Black comprising roughly 10 percent of the State's population. This is unacceptable, and we must address this. Thank you.

***Chair Miller:***

Not seeing anyone else here in Las Vegas, we will go up to Carson City.

***Tonja Brown, President, Advocate for the Inmates and the Innocent:***

Good morning, Chair Miller and Members of the Committee. We are asking that on the Agenda Item [IV] F-1 to create a second look sentencing law. We are asking that you please pass this recommendation. If we are going to sentence these individuals, we need to base it on research and studies that have been done on the brain. It does not fully develop and mature until around 25 years of age. I believe that when we look back on our lives, when we were under the age of 25, we can honestly say, "What was I thinking back then? I know that I am not the same person I was 40 or 50 years ago, and neither are most people." I say, give these individuals a second look at having their cases reviewed. I would also like to state too, that Rosie Falcone is down in Las Vegas or maybe on the line, we wanted to know what she could do to help get this going and asked if she could put a petition together. We said it was a great idea and wanted to give her credit on this petition. It was her idea, and we put the language together. Actually, Ned put the language together, and I will let him speak to that. Thank you. The other thing, repeal the death penalty. We cannot have any more people being executed.

***Ned Reed, Vice President, Advocates for the Inmates and the Innocent:***

Good afternoon. We are supporting the second look legislation under Agenda Item [IV] F and part of that is the support of proposed legislation for emerging adults. That is what the petition is all about, and we submit that it is extremely important to take into account that a person under 25 does not have the brain development to be fully responsible for his actions and should be given a break as far as sentencing is concerned. I would also like to mention that this petition for the emerging adult legislation part, which is part of the second look legislation, but we have over 960 signatures on this petition right now, and it is growing every day. Thank you.

***Brooke Maylath, Nevada Resident:***

Good afternoon, happy Labor Day weekend. It is a pleasure to see you all. You may remember I was here last month, being able to talk to you about the lack of any accomplishment of the requirement to revise the regulations within Nevada's Department of Corrections (NDOC) for transgender prisoners. To date, we are now nine months after the implementation was supposed to have taken place according to statute and no action has been taken. I would be grateful for a little prompting of the Director to get this done so that I am not making the same comment again in the beginning of the legislative session in February. Thank you and have a wonderful weekend all of you.

***Chair Miller:***

Is there anyone else in Carson City wishing to make public comment? Not seeing anyone. We will go ahead and Broadcasting, please open the phones.

***Broadcast and Production Services (BPS):***

Thank you Chair. If you would like to participate in public comment, please press \*9 now to take your place in the queue.

***Anne Marie Grant, Advocates for the Inmates and the Innocent:***

I would just like to echo my colleagues' statements about supporting the second look legislation and also support repealing the death penalty. Now I would like to speak as a private citizen. As many know, my brother was murdered by Washoe County Deputies. He was asphyxiated during a mental health crisis. I was very disheartened to see that there are no bill draft requests (BDRs) being used to get any type of oversight on county jails. There have been two community members who have died at the Washoe County Jail; one was in the last two months. I do not believe they have released the cause of death. That was disappointing to see that there still will continue to be deaths at the jail, avoidable deaths, and that they will continue to operate with impunity and without any oversight. Thank you.

***Chair Miller:***

Next caller.

***BPS:***

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

***Chair Miller:***

Thank you, and a reminder to everyone, we will have another opportunity for public comment at the end of this meeting. With that, we will move on to our next agenda item.

**AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON MAY 31, 2024**

***Chair Miller:***

Our next agenda item is the approval of the minutes from the meeting on May 31, 2024. Committee Members, I trust that you have all taken the opportunity to review the minutes. With that, do I have a motion to approve the minutes?

ASSEMBLYWOMAN MARZOLA MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON MAY 31, 2024.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**AGENDA ITEM IV—UPDATE ON THE OFFICE OF THE OMBUDSPERSON FOR OFFENDERS ESTABLISHED IN ASSEMBLY BILL 452 IN THE 2023 LEGISLATIVE SESSION**

***Chair Miller:***

Our next agenda item is a brief update on the Office of the Ombudsperson for the Offenders established in AB 452 (2023).

***James Dzurenda, Director, NDOC:***

Good morning, Chair Miller and Committee. I have an update for you. I will go back to February when the Board of Prison Commissioners identified and approved five members to be both oversight and do the interviews of the Request for Proposal (RFP) process that was put out for the corrections ombudsman. It was decided that a representative from an advocacy organization in Nevada was one of the members, a representative from the Department of Health and Human Services, Aging and Disability Services Division of the State Long-Term Care Ombudsman Program was a representative; a representative from NDOC Offender Management; a representative from the Office of the Inspector General; and a representative from the Attorney General's (AG) Office, that is not involved with any representation from the NDOC. The RFP did get put out and the interviews and screening of those that were submitted for a recommendation was a consulting firm called Sabat. Sabat is actually the award winner of the RFP for the ombudsman. The contract was sent to the Purchasing Division for the State which was approved. The AG's Office is scheduled to be at the next Board of Examiners meeting on October 2, 2024. Once it is approved through the Board of Examiners, then the official Ombudsman for the Department of Corrections would be in place.

***Chair Miller:***

Thank you, Director. Members, are there any questions? I am not seeing any questions. Thank you for the update, Director. With that we will move on to our Work Session.

**AGENDA ITEM V—WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:**

***Chair Miller:***

There are a few notes that I would like to make about the Work Session so that everyone has a much better understanding of what is going to happen. The Work Session Document (WSD) ([Agenda Item V](#)) is posted on the Committee's meeting web page. This WSD assists us in determining which legislative measures to request for the upcoming 2025 Legislative Session. The document contains a summary of recommendations presented during public hearings or submitted through the solicitation of recommendations. While this meeting marks the end of our legislative interim, our commitment to addressing the critical issues facing our State remains.

I want to emphasize that the recommendations included in the WSD were carefully chosen to reflect the topics that were discussed during the Committee that also fall within the Committee's jurisdiction, financial feasibility, and of course, the bipartisanship nature of the issue and this Committee. The goal was to create a balanced and comprehensive WSD to address the issues presented in the Committee throughout the interim. By selecting recommendations based on these criteria, we aim to foster a constructive and productive legislative session. I want to thank all of the participants, all of the stakeholders, presenters, and everyone else for their valuable contributions during this interim. Together we have addressed a wide variety of topics, and I look forward to continuing this work in the future.

Please understand there were multiple submissions that were considered by Vice Chair Scheible and me when it came to which items would appear for the Work Session. Also, please understand that if an issue is not taken up today with a request for a proposal for it to become a bill, it does not mean the issue is dead. It just means that there will not be a

bill created that the Committee would be presenting. Of course, stakeholders, everyone has the opportunity and ability and there is still time to approach individual legislators with those issues, and any individual legislator can determine if they want to submit that BDR. Please do not take it as any indication that something would not be supported in the future. We are not voting on the issues; we are voting on the process to enable a BDR to be drafted. Anything that is voted on today that becomes a BDR still has to go through the full legislative process once we get to session. That means that it has to pass out of committee, then that respective house, then off the floor, then it has to do it again through the second house, and then potentially to the Governor. Again, today, we are literally voting on, "Can we create this bill?" Again, voting today does not indicate someone's future support during the regular session. Vice Chair Scheible, would you like to add anything?

***Vice Chair Scheible:***

Thank you, Chair. I think you did cover everything I was going to say. Just to reiterate there are numerous ways that a bill comes to fruition at the legislative session. We have the bills that come out of the interim from each interim committee, we have the bills that come from each individual member, and then we also have the bills that come from each committee. The Assembly Committee on the Judiciary or the Senate Committee on the Judiciary will both have our own BDRs coming in front of the full legislature come February. I would also be happy to speak with anybody who gave us a suggestion that is not included in this WSD. I wish we had time to reach out to everybody and discuss each and every recommendation before we had to put together the WSD, but that is just not the nature of the interim. However, we do have more time before we go back to session in February, and I would be happy to talk to anybody about any recommendation that was not included and whether there were actually concerns about it, whether it is already being picked up by somebody else, or whether we are going to point you in the direction of a legislator who would be interested in it or maybe one of our committees is going to pick it up. We were really lucky; we had a lot of really good suggestions this interim, and we simply could not and do not have the statutory capacity to take on all of them as an interim committee. I look forward to our discussion about the ones we have included in the WSD today. Of course, this is the first part of the process where we vote on whether or not we are going to request a BDR, it does not mean that we have all the details figured out about a proposal, it just means that it is an issue that we are choosing to move forward in solving.

***Chair Miller:***

Thank you for those comments, Vice Chair. With that I will turn it over to our Committee Policy Analyst, Ms. Thornton who will walk us through the process of the [WSD] BDR. Under this Committee, we also have a number of bills that are designated for juvenile justice as well, which is separate from our other ten bill possibilities. With that we are going to do what is considered a consent agenda, meaning Ms. Thornton will discuss all of the proposals under juvenile justice, and we will take one vote and then once we do that vote, we will move on and go through each one individually.

***Diane C. Thornton, Deputy Research Director, Research Division, LCB:***

As nonpartisan staff, I am not here to advocate for issues, but to assist Members with policy issues that are brought before this Committee, as the Chair mentioned, pursuant to NRS 218D.160, the Committee is allocated 15 legislative measures, 10 must relate to the judiciary generally, and 5 must relate to juvenile justice issues. These may include both BDRs and requests for drafting resolutions. The Committee may also vote to send as many

letters or recommendations of support as it chooses, and also to include statements in the final report.

The first legislative measure for consideration under juvenile justice is to request the drafting of a bill to revise revisions in Title 5, which is "Juvenile Justice" of NRS to ensure consistent treatment of a delinquent child who is committed to a regional facility for the treatment and rehabilitation of children, and a delinquent child who is committed to the custody of a State or local facility for the attention of a child by providing that before the juvenile court commits a delinquent child to a regional facility for the treatment and rehabilitation of children, the juvenile court must make the same findings as are required for committing a delinquent child to a State facility for the detention of children.

Secondly, revising the Juvenile Justice Bill of Rights, which is NRS 62B.500 through 62B.530 to provide a child who is committed to a regional facility for the treatment and rehabilitation of children with the same rights as a child who is detained in a detention facility. The BDR would prescribe the procedure for revoking the probation of a child. To the extent practicable, base this procedure on existing provisions relating to the suspension, modification, or revocation of the parole of a child.

Third, it would improve the consistency throughout Chapter 62A to provide that youth who are on either probation or parole are afforded the same due process. It would amend 62E.710 to adopt the same procedures outlined in NRS 63.770 thereby providing a consistent application of the law. Fourth, it would amend Chapter 62E of NRS regarding setting probation term lengths for most delinquency cases, which would involve removing the following language from subsection 3(a) of NRS 62E.708, which states "for each unlawful act."

Next, it would revise NRS 62E.708 to add specific language clarifying that a term of probation can be terminated if a child owes restitution. However, the restitution order itself is not vacated.

Fifth, we would require the superintendent or director of each institution of each facility to adopt a policy setting forth standards of conduct for unclothed searches of youth at local detention facilities, regional facilities for the treatment and rehabilitation of children, and State facilities for the detention of children.

Number six, we would eliminate the requirement that the District Attorney must give written approval for the placement of a child under informal supervision.

Seventh, we would amend NRS 62B.337 to address the jurisdictional issue outlined in *Zalyual v. State*, 520 P.3d 345 (2022), the decision from the Nevada Supreme Court.

That is the last juvenile justice BDR, Chair.

**Chair Miller:**

Thank you. Members. Are there any questions? Senator Krasner.

**Senator Krasner:**

I have a question, there are proposals that were just read, changing the process to commit a child. What is the process now to commit a child, please? How will it differ?



**Chair Miller:**

Yes, we will have Legal respond to you.

**Ms. O’Krent:**

Senator Krasner, the specific requirements regarding committing a child that you are looking for can be found in NRS 62E.505, which requires the court to make certain specific findings before the child is committed to a State facility for the detention of children. The court must find that appropriate alternatives that could satisfactorily meet the needs of the child do not exist in the community or were previously used to attempt to meet such needs and proved unsuccessful, and the child poses a public safety risk based on the child's risk of reoffending as determined by the risk assessment that is conducted pursuant to NRS 62E.506; any history of delinquency and the seriousness of the offense committed by the child.

**Senator Krasner:**

And how will this proposal change that, please?

**Ms. O’Krent:**

This proposal will require the juvenile court to make the same findings in the event that it is committing a child to a regional facility for the treatment and rehabilitation of children. So, the existing provision applies to the detention of children in different sorts of facilities. This will apply it to that sort of facility.

**Senator Krasner:**

Thank you, I appreciate that.

**Chair Miller:**

Any other questions, Members? Not seeing any, I will take a motion to approve the recommendation.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE CONSENT AGENDA FIVE JUVENILE JUSTICE RECOMMENDATIONS.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

The MOTION PASSED UNANIMOUSLY.

Thank you, members, Ms. Thornton will then take us through the individual recommendations for the general judiciary.

#### **A. CRIMINAL JUSTICE SYSTEM**

**Ms. Thornton:**

We are back on page one with the recommendations for the Criminal Justice System. This first one is requesting the drafting of a bill to authorize the use of certified facility dogs in certain proceedings and prescribe requirements relating to the use of such dogs. This

recommendation was proposed by Lieutenant Michael Browett, Community Services Division, Reno Police Department at the July 26, 2024, meeting.

***Chair Miller:***

Members, any questions? I am not seeing any. I will take a motion to approve the recommendation.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO APPROVE THE CRIMINAL JUSTICE RECOMMENDATION.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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***B. CORRECTIONS***

***Ms. Thornton:***

The second recommendation is dealing with corrections, and this one is the request for the drafting of a bill to require the Director of the NDOC to discharge certain medical debt owed by an offender to the Department when an offender is released from prison. This recommendation was developed by Chair Miller and Vice Chair Scheible, and in response to testimony provided by Nick Shepack, Nevada State Director, Fines and Fees Justice Center and Jodi Hocking, Founder and Executive Director, Return Strong submitted on August 6, 2024, through the solicitation of recommendations.

***Chair Miller:***

Any questions, Members? Not seeing any questions, I will entertain a motion. There is a question.

***Senator Krasner:***

Does the wiping away of the money owed by an offender released from prison also include wiping away any restitution owed, in this proposal?

***Chair Miller:***

No, Senator, the proposal is limited to medical bills but not restitution. That is something separate. This is just for the medical.

***Senator Krasner:***

Thank you.

***Chair Miller:***

Any other questions, Members?

***Assemblywoman Gallant:***

I want to say that I have concerns with the fiscal ramification of this, but I am going to vote 'yes' with reservations.

***Assemblyman Gray:***

I am going to vote 'no' on this with the reservation to change my vote later on as well.

***Chair Miller:***

To remind everyone, we are literally just voting for it to become a bill. Obviously, if things look different once it becomes a bill and goes through the full process.

[At this point, Chair took a vote without a motion. Assemblyman Gray voted 'no' the rest were 'yes;' Chair Miller states that it passed unanimously, but there was no motion. There is a motion for reconsideration and a proper vote on this at the end of the meeting.]

[Taken out of order.]

We are going to redo the vote because, I took a vote but never requested a motion so basically, we voted on nothing. With that, Ms. Thornton, will you walk us back through that item.

***Ms. Thornton:***

Thank you, Chair. Staff was informed that in fact the motion was not taken, but it was voted on. Those in favor were Senator Harris, Senator Krasner, Senator Scheible, Assemblywoman Gallant, Assemblywoman González, Assemblywoman Marzola, and Chair Miller. Assemblyman Gray voted "nay." We need a person that voted on the "Yea" side to make a motion and then a second to reconsider B-1 which was under "Corrections." It was requesting the drafting of a bill to require the Director of NDOC to discharge certain medical debt owed by an offender to the Department when an offender is released from prison.

***Chair Miller:***

I will entertain a motion to reconsider Item B-1.

SENATOR HARRIS MOVED TO RECONSIDER ITEM B-1—CORRECTIONS.

VICE CHAIR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN GRAY VOTED NO.)

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***C. DOMESTIC VIOLENCE***

***Ms. Thornton:***

The first recommendation for Domestic Violence is requesting the drafting of a bill to amend the law to allow direct billing to the State, instead of the county, for forensic medical examination. This recommendation was proposed by Liz Ortenburger, Chief Executive Officer, SafeNest at the January 19 and April 26, 2024, meetings.

**Chair Miller:**

Members, any questions? I am not seeing any. I will entertain a motion for the recommendation.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO APPROVE THE FIRST DOMESTIC VIOLENCE RECOMMENDATION. (REGARDING BILLING THE STATE, INSTEAD OF THE COUNTY, FOR FORENSIC MEDICAL EXAMINATIONS.).

SENATOR KRASNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Ms. Thornton:**

The second recommendation under Domestic Violence is drafting a bill amending existing provisions to require the regulations adopted pursuant to subsection 2 of NRS 439.258 to include provisions requiring an organization that operates a batterer's treatment program to ensure that the curriculum used in the program is evidence-based. This recommendation was proposed by Liz Ortenburger, Chief Executive Officer, SafeNest at the January 19 and April 26, 2024, meetings.

**Chair Miller:**

Members, any questions? Not seeing any questions. I will entertain a motion for the recommendation.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO APPROVE THE SECOND DOMESTIC VIOLENCE RECOMMENDATION. (REGARDING BATTERER'S TREATMENT PROGRAMS TO ENSURE THAT THE CURRICULUM USED IN THE PROGRAM IS EVIDENCE-BASED.)

ASSEMBLYMAN GRAY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Ms. Thornton:**

The third recommendation under Domestic Violence is to revise NRS 179A.075 to require each agency of criminal justice and any other agency dealing with crime to submit the information required by the Department of Public Safety (DPS) in accordance with the policies, procedures, and definitions of the National Incident-Based Reporting System (NIBRS), rather than the Uniform Reporting Program (UCR). This recommendation was proposed by Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence, at the April 26, 2024, meeting.

**Chair Miller:**

Any questions, Members? Not seeing any. I will entertain a motion for the recommendation.

ASSEMBLYWOMAN MARZOLA MOVED TO APPROVE THE THIRD DOMESTIC VIOLENCE RECOMMENDATION. (REGARDING THE SUBMITAL OF INFORMATION BY CRIMINAL JUSTICE AND ANY OTHER AGENCIES THAT DEAL WITH CRIME REQUIRED BY DPS IN ACCORDANCE WITH NIBRS.)

ASSEMBLYMAN GRAY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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***Ms. Thornton:***

The fourth recommendation under Domestic Violence is to provide that a nurse who performs a strangulation exam or Sexual Assault Nurse Examiner (SANE) exam in good faith and without malicious intent or gross negligence is immune from civil liability for any act or omission related to the examination. This recommendation was developed by Chair Miller and Vice Chair Scheible in response to testimony provided by SafeNest at the April 26, 2024, meeting. Thank you, Chair.

***Chair Miller:***

Any discussion, Members, or any questions? I will entertain a motion for the recommendation.

ASSEMBLYWOMAN MARZOLA MOVED TO APPROVE THE FOURTH DOMESTIC VIOLENCE RECOMMENDATION. (REGARDING THE PERFORMANCE OF STANGULATION EXAMS OR SANE EXAMS.)

ASSEMBLYMAN GRAY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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***D. HUMAN TRAFFICKING***

***Ms. Thornton:***

We are moving to page six under Human Trafficking. The first recommendation under this is to request the drafting of a letter to the Governor, Senate Committee on Finance (FIN), and the Assembly Committee on Ways and Means (WM) of the 2025 Legislative Session to encourage support for funding data collection via a State Human Trafficking Management Information System. The second one is another letter to the Governor, FIN, and WM of the 2025 Legislative Session to encourage the support for funding of the Receiving Center created in SB 274 (2021) to address critical shelter and housing needs for youth and adults. This recommendation was developed by Chair Miller and Vice Chair Scheible in response to testimony provided by Lauren Boitel, Co-founder, Nevada Policy Council on Human Trafficking, at the April 26, 2024, meeting.

***Chair Miller:***

Are there any questions, Members? Not seeing any questions, I will entertain a motion for the recommendation.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE TWO HUMAN TRAFFICKING RECOMMENDATIONS.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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***Chair Miller:***

I would like to say, one thing I forgot to add before, is that the recommendations we are voting on are not all turned into BDRs. Some of the recommendations are to send letters of request or letters of support to other agencies or departments, because sometimes things are already enacted into law, but we need to send our support or request support. That is why you may hear a letter or a memo, not just a BDR. I thought that should be clarified.

***E. SENTENCING***

***Ms. Thornton:***

The next topic is Sentencing, and this is a request for the drafting of a bill to create a second look sentencing law allowing courts or other sentencing review boards to reevaluate a person's sentence after a significant period of time in prison and determine if that sentence is still necessary. This recommendation was proposed by Daniel Landsman, Vice President of Policy, Families Against Mandatory Minimums, at the February 23, 2024, meeting.

***Chair Miller:***

Members, any questions? I am not seeing any. I will entertain a motion for the recommendation.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO APPROVE THE SENTENCING RECOMMENDATION.

VICE CHAIR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN GRAY VOTED NO.)

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***F. STATE PUBLIC DEFENDERS AND INDIGENT DEFENSE***

***Ms. Thornton:***

The next recommendation is the first item under the topic of State Public Defenders and Indigent Defense. It is to request the drafting of a bill to allow an alternate public defender that may enter into contracts with attorneys to cover cases where the Nevada State Public Defender has a conflict, and a post-conviction attorney to handle post-convictions in-house, rather than by hourly appointed counsel. This recommendation was proposed by Marcie Ryba, Executive Director, Department of Indigent Defense Services, at the February 23, 2023, meeting.

**Chair Miller:**

Any questions? Not seeing any. I will entertain a motion for the recommendation.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE FIRST STATE PUBLIC DEFENDERS AND INDIGENT DEFENSE RECOMMENDATION.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

**Chair Miller:**

Any further discussion on the motion?

**Vice Chair Scheible:**

I want to emphasize how important this is. I recently became a contract attorney for the State Public Defender's Office, and there are dozens of cases every single day where people are lacking appointed counsel, especially in rural areas and when there are not enough private attorneys who are willing and able to take on those cases; those people just wait for attorneys to be appointed. It really is an emergency at this point, so anything we can do to get people counsel faster we absolutely have to do.

**Chair Miller:**

Any other discussion? Not seeing any? We will take a vote on the motion.

THE MOTION PASSED UNANIMOUSLY.

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**Ms. Thornton:**

The second recommendation under State Public Defenders and Indigent Defense is the drafting of a bill to allow a Deputy State Public Defender employed by the State Public Defender to maintain a private workload by removing the prohibition in subsection 2 of NRS 180.030.

**Chair Miller:**

Any questions? Not seeing any questions. I will entertain a motion for the recommendation.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE SECOND STATE PUBLIC DEFENDERS AND INDIGENT DEFENSE RECOMMENDATION.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

**Chair Miller:**

Is there any further discussion? Vice Chair Scheible I was looking at you.

**Vice Chair Scheible:**

I am going to keep beating the indigent defense funding drum because this also is not something crazy. We are talking about people who maybe cannot make a living just by

representing indigent clients. Think about some of our more rural communities where there might be only one attorney in town or three attorneys in town. If you have a domestic violence case where one of those attorneys has already represented one of the parties, then you are looking at a pool of two people who are available to represent the person who is currently being accused of the crime. Those people need to be able to do other things like assist with person injury cases, or handle disputes between neighbors, or handle the temporary protection order for that victim in a domestic violence case, if they are representing them in an unrelated criminal case. Anything we can do to get people appointed counsel faster. This is not going to change any of the ethical rules regarding conflicts and representation. It would allow people to be able to represent indigent clients and continue to make a living practicing law wherever they already practice.

***Assemblywoman Gallant:***

May I ask a question?

***Chair Miller:***

Assemblywoman, we are actually on the portion right now where it is a discussion on the motion not a question on the actual policy.

***Assemblywoman Gallant:***

Never mind.

***Chair Miller:***

Thank you. We will take a vote.

THE MOTION PASSED UNANIMOUSLY.

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## ***G. TRAFFIC CITATIONS***

***Ms. Thornton:***

The next recommendation is under Traffic Citations. The first part is drafting a bill to remove language from NRS 484B.830 and NRS 484B.833, which set a defined timeframe during which law enforcement officers are required to record and retain traffic stop information using the electronic traffic citation system. Secondly, the bill would revise the report requirements prescribed by NRS 474B.830(4) and 484B.833(4) to additionally require each law enforcement agency to annually report the information recorded for the previous calendar year to the JISCJ.

***Chair Miller:***

Members, any questions? Not seeing any. I will entertain a motion for the recommendation.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO APPROVE THE FIRST AND SECOND TRAFFIC CITATION RECOMMENDATIONS. (REGARDING DRAFTING A BILL.)

SENATOR HARRIS SECONDED THE MOTION.



**Chair Miller:**

Is there any further discussion on the motion?

**Assemblyman Gray:**

Chair, may I ask a question?

**Chair Miller:**

Assemblyman, we are at the discussion on the motion. Do you have a question about the policy?

**Assemblyman Gray:**

I do.

**Chair Miller:**

We are at the discussion for the motion. With that, I am going to go ahead and take a vote.

THE MOTION PASSED UNANIMOUSLY.

\*\*\*\*\*

**Ms. Thornton:**

The next [third] recommendation is to request the drafting of a letter to the Governor, FIN, and WM of the 2025 Legislative Session encouraging the support of additional sources of funding for traffic stop data analysis.

**Chair Miller:**

I will slow it down a bit to make sure in case there is a delay with Members participating virtually. With that, Members, are there any questions? I am not seeing any. I will entertain a motion for the recommendation.

VICE CHAIR SCHEIBLE MOVED TO APPROVE THE THIRD TRAFFIC CITATION RECOMMENDATION. (REGARDING LETTERS OF SUPPORT OF FUNDING FOR TRAFFIC STOP DATA ANALYSIS.)

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Ms. Thornton:**

The final [fourth] recommendation under Traffic Citations is to draft a letter to the Director of DPS, requesting DPS include the standardized method, which is stipulated in NRS 484B.830, the collection of certain data and there is the data listed of what would be required. This recommendation was developed by Chair Miller and Vice Chair Scheible in

response to testimony provided by the Statistical Transparency of Policing (STOP) Nevada Data Collection Project at the University of Nevada, Las Vegas.

***Chair Miller:***

Members, any questions? I am not seeing any questions. I will entertain a motion for recommendation.

ASSEMBLYWOMAN MARZOLA MOVED TO APPROVE THE FOURTH TRAFFIC CITATION RECOMMENDATION. (REGARDING A LETTER TO DPS REGARDING STANDARDIZATION OF DATA COLLECTION.)

VICE CHAIR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**AGENDA ITEM VI—PUBLIC COMMENT**

***Chair Miller:***

We will move on to the next item on our agenda which is public comment. Again, anyone here in Las Vegas that would like to make a public comment, please approach. We ask that you keep your comments brief. Those up in Carson City if you are wishing to make public comment, you may approach the desk right now as well. We will start here in Las Vegas, then move to Carson City, then of course to those that are at home listening please feel free to dial in.

***Leslie Turner, Mass Liberation Project Nevada:***

Hello, everybody. Sorry, I knew this thing would make me nervous. I am here to support the second look legislation. We have been working on this for over a year doing research with currently incarcerated people to understand who specifically would be impacted by this legislation. We have been meeting with the District Attorney's Office, we have been talking to victims of crime, and we are headed to Washington D.C. in two weeks with a crime survivors' network, so we are able to really be holistic in our approach to this bill. We also launched a coalition of partners, so it is the Mass Liberation Project, Return Strong, American Civil Liberties Union (ACLU), National Association for the Advancement of Colored People (NAACP), National Action Network, and Families Against Mandatory Minimums (FAMM) as well. I just wanted to say that we are here as a community, and we definitely want to be part of getting this passed and working with you all to make sure that it is representative of the people who are actually impacted by it. Thank you.

***Yesenia Moya Garay, Resident, Las Vegas, Nevada:***

Hello, Members, so good to see you all again. It is going to be fun. I am here as a community member in support for the second look legislation. You will see behind me; I would like to ask the folks that are here in support to please stand up. We are all wearing orange in support. We are a large coalition of various different community members that are just as impacted, we are a family member, we are victims of crime, we are folks that have been incarcerated, or are incarcerated. We are here to work with you all like Leslie said. Thank you all for giving us that opportunity.

***Rosalinda Falcone, Resident, Las Vegas, Nevada:***

I am here in support of the recommendation of the second look that is being considered by this Committee. Individuals 18 to 25 years of age are immature and lack judgment even when raised in the best of circumstances, yet most of these young adults that are currently incarcerated were, since birth, abused, neglected, and never given proper support. Although we permit individuals to drive at 16-years-old and vote at 18-years-old, this does not mean that they are mature at those ages. An international study by the National Institute of Mental Health and the University of California, Los Angeles' Laboratory of Neuroimaging shows that intellectual maturity comes at age 25. The study found that the cortical areas of the brain thicken during childhood and into adolescence. The front cortex, gray matter peaks around 12-years-old. Then the brain goes through pruning and transmitting information. Research shows this process does not occur in the pre-frontal cortex until early twenties or later. The pre-frontal cortex coordinates higher order cognitive processing and executive function with controls behavior, planning, memory, strategizing, and impulse control. All these skills work together to allow an individual to pause, evaluate the situation, consider option, plan reactions, and implement a plan. These individuals 25 years of age and under are simply not mature. They have poor executive functioning and difficulty planning and carrying out an appropriate judgment of decision or decisions, because of the area of the brain responsible for these functions is the last area of the brain to mature. All these factors mean that these men and women who are 25 years and younger do not possess the usual ability to control their risky behaviors and have been given excessive amounts of time to spend in NDOC. I reached out to Tonja Brown with Advocates for the Inmates and the Innocent because I wanted to support this extremely worthy legislation, and what I could do to make an impact on the Committee who would possibly be looking at a second look for future legislation. I asked if a petition would be helpful, and Ms. Brown said that would be. With help from the Advocates for the Inmates and the Innocent, her organization, we got this petition going and have over 960 petitioners as of today, in such a short amount of time. Please pass this recommendation. Again, thank you for your consideration.

***Chair Miller:***

Thank you. We will move up to Carson City for public comment.

***Tonja Brown, previously identified:***

I just want to ditto what everybody else has been saying about the second look. Our organization will be working with all the organizations—we are going to come together as a whole—to work together on this very important subject. I would like to let it be known that I will be reaching out with Senator Scheible and some others. Thank you for the opportunity to allow us to do that on our recommendations that did not make it on the agenda, we hope you will consider our recommendation on future bills down the road in 2025 to establish a petition for factual innocence posthumously to allow those whose loved ones have been wrongly convicted and have maintained their innocence and that have passed away prior to being exonerated. It is going to give families the opportunity to exonerate their loved one's names and give closure to everyone. Justice will finally be served. Thank you. We are all wearing orange down here in Carson if you have not noticed, but we are all together. Thank you.

***Chair Miller:***

Is there anyone else in Carson City who would like to make public comment? I am not seeing anyone approaching. Broadcasting, would you please open the lines?

**BPS:**

Thank you, Chair. If you would like to provide public comment, please press \*9 now to take your place in the queue.

***Dora Martinez, Nevada Disability Action Coalition and Nevada Council of the Blind:***

Good afternoon, Chair, Vice Chair, and the beautiful, hard-working Committee Members there. For those of you who do not know me, I am totally blind, and I use a service dog—retired Sarge, my black lab cross golden retriever, and now I have a cherry German Shepherd. I am calling on behalf of us who use legitimate, well-trained service dogs from accredited schools for service dogs. My concern with the facility dog, which is equivalent to an emotional support animal, which is not covered under the Americans with Disability Act of 1990 (ADA), Pub. L. 101-336, 104 Stat. 327. I am not against having the facility dogs, because I know they have their purpose, but I want to make sure they stay in their lane, and we stay in our lane. This is why the Department of Transportation has made it harder for people who are visually impaired or have low vision to bring their dogs on the airplane because of bad actors. They would say that this is my service dog, he guides me to the gate, when it really does not. A turtle or a cat cannot guide a person to the gate and sometimes they use dogs and say it is a service animal, and it is not well behaved. I did hear one of the meetings with the facility dog with the gentlemen, his name was mentioned, and I cannot recall. I just want to, if this goes through, please reach out to the people who have experience with service. Talk to us and make sure that we do this right from the very beginning. I know that you guys all do the right thing, and I appreciate each and every one of you. Please go enjoy some ribs at the rib cookoff and happy Labor Day weekend. Thank you so much for your time.

***Chair Miller:***

Thank you for that. Broadcasting, next caller.

**BPS:**

There are no further callers wishing to provide public comment at this time.

***Chair Miller:***

With that I will go ahead and close public comment.

Subsequent to the meeting, public comment was submitted by:

- Lisa Foley ([Agenda Item VI A](#));
- Cassandra Munoz ([Agenda Item VI B](#));
- Rae Canady ([Agenda Item VI C](#));
- Elizabeth Glover ([Agenda Item VI D](#));
- Allison Pharr ([Agenda Item VI E](#));
- Darryl Young ([Agenda Item VI F](#));
- Janet Glover ([Agenda Item VI G](#));

- Tyiona Collins ([Agenda Item VI H](#)); and
- Maria Ward ([Agenda Item VI I](#)).

That was the last item on our agenda, but before we close, I would first like to thank my Vice Chair Melanie Scheible and congratulate you again. It has really been fun sharing with you because this is the opportunity where both houses get to join together for the entire time and that has been a really good experience, of course. Members, thank you so much for all of your tremendous work throughout this interim. I would like to remind the public that I did not necessarily realize it at the time when we schedule this but yes, your legislators are working at a scheduled meeting on 3 p.m. on the Friday before Labor Day weekend—putting that out there. With that, Members, are there any final comments or anything?

***Vice Chair Scheible:***

I want to thank the rest of the Committee and all of you for your commitment furthering justice in the State of Nevada, and I look forward to what we are going to do at the next regular session which is coming up fast.

***Assemblyman Gray:***

I was going to say the same thing. Thanks for a good interim, and we have good stuff working. Thank you.

***Chair Miller:***

Thank you, Assemblyman. I would also like to thank our Committee staff because again, they are the ones that keep the machine going behind the scenes and to all the staff here at the LCB. Obviously, it has been a big adjustment on everyone because we have switched buildings and the building is under construction, for those who are not able to physically be here; that is a lot of adjustment on staff and of course working out all the bugs and stuff as we proceed and learn how to operate within this new building. With that, thank you everyone. Thank you to all the stakeholders, participants, and all of you that tune in, and come and present, and make public comment, and reach out to us individually. It absolutely makes a difference and is the core of the work that we do. Thank you so much. We will see you all in February.

## **AGENDA ITEM VII—ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:08 p.m.

Respectfully submitted,

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Jen Jacobsen  
Research Policy Assistant

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Diane C. Thornton  
Deputy Research Director

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

Date: December 2, 2024.

## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<a href="#">Agenda Item V</a>	Diane C. Thornton, Deputy Research Director, Legislative Counsel Bureau	Work Session Document
<a href="#">Agenda Item VI A</a>	Lisa Foley	Written Public Comment
<a href="#">Agenda Item VI B</a>	Cassandra Munoz	Written Public Comment
<a href="#">Agenda Item VI C</a>	Rae Canady	Written Public Comment
<a href="#">Agenda Item VI D</a>	Elizabeth Glover	Written Public Comment
<a href="#">Agenda Item VI E</a>	Allison Pharr	Written Public Comment
<a href="#">Agenda Item VI F</a>	Darryl Young	Written Public Comment
<a href="#">Agenda Item VI G</a>	Janet Glover	Written Public Comment
<a href="#">Agenda Item VI H</a>	Tyiona Collins	Written Public Comment
<a href="#">Agenda Item VI I</a>	Maria Ward	Written Public Comment

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