

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON CORRECTIONS, PAROLE, AND PROBATION**

**Seventy-Ninth Session
May 17, 2017**

The Committee on Corrections, Parole, and Probation was called to order by Chairman James Ohrenschall at 9:12 a.m. on Wednesday, May 17, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman James Ohrenschall, Chairman
Assemblyman Steve Yeager, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senate District No. 7

Minutes ID: 1165



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Erin McHam, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

None

Chairman Ohrenschall:

[Roll was called and Committee protocol was explained.] I am going to turn it over to our Committee policy analyst, Diane Thornton, for the work session on Senate Bill 125 (1st Reprint)

Senate Bill 125 (1st Reprint): Revises provisions governing the restoration of certain civil rights for ex-felons. (BDR 14-20)

Diane C. Thornton, Committee Policy Analyst:

We will start with Senate Bill 125 (1st Reprint) ([Exhibit C](#)). On May 9, 2017, this Committee voted to amend and do pass S.B. 125 (R1) by removing the jury service provisions from the bill. Senator Ford has since requested that the Committee rescind the motion and consider a new amendment on the bill. The new amendment deletes all sections of the bill except for provisions in section 4 relating to the waiting period for certain persons to petition a court for the sealing of their criminal records.

Chairman Ohrenschall:

We first need to rescind this motion. We did amend and do pass this with an amendment proposed by Senator Ford. Since then, there has been more work done. There is an alternative amendment that he would like the Committee to consider. I would ask the requester of that motion—Assemblyman Thompson—to move to rescind his earlier motion on S.B. 125 (R1).

ASSEMBLYMAN THOMPSON MOVED TO RESCIND THE AMEND
AND DO PASS MOTION TO SENATE BILL 125 (1ST REPRINT).

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I would now accept a motion to amend and do pass Senate Bill 125 (1st Reprint) with the new amendment proposed by Senator Ford.

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
SENATE BILL 125 (1ST REPRINT).

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Assemblyman Pickard:

Because I have not had a chance to review this amendment, and seeing that there is a lot of purple on this page, I wonder if we could go through what the changes actually are. I know that we generally do not get into the weeds during a work session, but it is such a substantial change that I wonder if we could do that.

Chairman Ohrenschall:

I did ask Senator Ford to be here, but Assemblyman Yeager has volunteered to walk us through. There are a lot of strikethroughs in this bill.

Assemblyman Yeager:

The easiest way to look at it is that everything in the bill is deleted, except for the provisions relating to the time period one has to wait to seal criminal records. My understanding is that everything that remains in the bill is an exact mirror of the language of the record sealing bill that we passed, Assembly Bill 259. The only thing left is the time frames, the same ones that were agreed to in the context of the record sealing bill.

Assemblyman Pickard:

The automatic restoration issues are deleted. We are only dealing with the time frames for the sealing. Is that correct?

Chairman Ohrenschall:

That is how I understand it, and I am getting a nod from Assemblyman Yeager. There was a lot of compromising on this bill.

Assemblyman Pickard:

Thus, I will be able to support this.

THE MOTION PASSED. (ASSEMBLYMAN HANSEN VOTED NO.)

Chairman Ohrenschall:

I will take the floor statement on S.B. 125 (R1). We will now go to our next item to consider, Senate Joint Resolution 1.

Senate Joint Resolution 1: Proposes to amend the Nevada Constitution to replace the State Board of Pardons Commissioners with the Clemency Board and requires the Legislature to provide for the organization and duties of the Clemency Board. (BDR C-567)

Diane C. Thornton, Committee Policy Analyst:

Senate Joint Resolution 1 replaces the State Board of Pardons Commissioners with the Clemency Board, consisting of nine members appointed by the Governor, the Chief Justice of the Supreme Court, and the Attorney General ([Exhibit D](#)). At least five members of the Board must have criminal justice system experience. The Legislature is to provide for the organization and duties of the Board, which will be required to meet at least quarterly. This measure must be approved by the Legislature in identical form in 2017 and 2019 and then be approved by the voters in 2021 in order to take effect. Senator Parks and Chairman Ohrenschall have proposed an amendment ([Exhibit E](#)) that they will explain.

Chairman Ohrenschall:

The amendment is on the Nevada Electronic Legislative Information System. Senator Parks, if you would, please take a moment to come up. Senator Parks has been kind enough to let me work on this legislation with him because it was important to us both in 2009. We never understood what happened in 2011, and we wanted to give this another shot.

Senator David R. Parks, Senate District No. 7:

All I can tell you is that a strange thing happened on the way to the forum. There seemed to be major support for Senate Joint Resolution 1 in the 2009 Session. It fell off of the radar in 2011 and was brought back for consideration this session. We have had some discussions and meetings with members of the Nevada Supreme Court. They have had a reversal of opinion. They wish to keep the Pardons Board intact. They have expressed some interest in a couple of changes related to the State Board of Pardons Commissioners. One of the changes they would like to see is that the Board remains intact as it is. However, if you look at the proposed amendment ([Exhibit E](#)), most of the language that would create a Clemency Board is struck and we would go back to having a Pardons Board. The several items in it that change would be that it shall meet at least quarterly, that each member of the Pardons Board may bring forth items for consideration, and that the action of the board is based on a majority vote. That majority vote would require five of the nine members of the Pardons Board. That is the change in essence. I hope that you would look favorably on this as an amendment to S.J.R. 1.

Assemblywoman Tolles:

I like that we are requiring the quarterly meeting requirement. That addresses one of the greatest needs that I heard during the hearing, which is to have this board meet more regularly to consider these cases. Currently it is a majority with the Governor, and by taking the Governor out it is a simple majority. I appreciate that you consulted with the Supreme Court. Did you consult with the Executive Branch on that change? Do we have any input on how the Governor and future governors might feel about that change?

Senator Parks:

As of this moment we have not had consultations with either the Attorney General or the Governor. However, they would remain on the Board as they have in the past. We did make an inquiry as to the attendance on the Board. We have been told that whenever possible, Supreme Court justices always attend the scheduled meetings. Unfortunately, there have not

been many meetings. The Governor has been very good about attending the Pardons Board meetings, and the Attorney General to a lesser extent. All of them remain on the Board. The one change that we have is that it takes the Governor out of being the one vote that can veto all changes. It puts it into the majority, as opposed to having one member who can override the vote of all of the other members.

Chairman Ohrenschall:

We are not going to have a full hearing on this; it is a work session on the amendment. I can get to comments after I open up for a motion. I will accept a motion to amend and do pass Senate Joint Resolution 1.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
SENATE JOINT RESOLUTION 1.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

Assemblyman Wheeler:

Thank you for taking a moment to explain this to us. The Governor is the highest elected official in the state, whether it be a Republican or Democrat. In most states, not here, the Governor has the power to grant clemency on his own. Here we do it through the Pardons Board. I am wondering why we would remove the veto power when he has the veto power to stop any one of our bills going through from the Legislative Branch, the second highest elected body. Why would we take that power away from him?

Chairman Ohrenschall:

Some of the discussions we have had with Pardons Board members have to do with the fact that the veto power that the chief executive has also extends to the power to agendize someone. That could be someone who is currently an inmate or someone who has expired their sentence and been a contributing member of society for 20 years—out of prison and out of trouble—and they want to get their right to own a firearm back. They petition the Pardons Board so they might gain that right back. Under the current framework set by the *Constitution of the State of Nevada*, if the Governor does not believe they are inclined to support that person, the Governor can veto them from being on the agenda even if one, two, or all of the other eight members believe that person deserves a hearing before the Pardons Board. This reforms the system so that any member of the Pardons Board—the seven Supreme Court justices, the Attorney General, and the Governor—can agendize someone, whether they are an inmate or a community case, for consideration by the Pardons Board. A simple majority of five members would be required for a pardon or sentence commutation. It would remove the Governor's veto power. It is a policy decision to be made by the Legislature, and it is one that would be more fair. It will mean that cases that two Supreme Court justices or the Attorney General believe to be meritorious will be given a chance at that hearing.

Assemblyman Wheeler:

I believe the Governor, as the highest elected official, should have that power on the agenda and the veto power. Therefore, I will be voting no on this measure.

THE MOTION PASSED. (ASSEMBLYMEN KRASNER AND WHEELER
VOTED NO.)

Chairman Ohrenschall:

I am going to take that floor statement. Would anyone like to give public comment?
[There was no one.] This meeting is adjourned [at 9:28 a.m.].

RESPECTFULLY SUBMITTED:

Erin McHam
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for Senate Bill 125 (1st Reprint), dated May 16, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for Senate Joint Resolution 1, dated May 16, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a proposed amendment to Senate Joint Resolution 1 presented by Senator David R. Parks, Senate District No. 7.