

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

**Seventy-Ninth Session
April 18, 2017**

The Committee on Corrections, Parole, and Probation was called to order by Chairman James Ohrenschall at 9:07 a.m. on Tuesday, April 18, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Karyn Werner, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Tonja Brown, Private Citizen, Carson City, Nevada
Wes Goetz, Private Citizen, Incline Village, Nevada

Chairman Ohrenschall:

[Roll was taken. Committee protocol and rules were explained.] Today we have Senator Parks here to present Senate Joint Resolution 1, and I will ask Vice Chairman Yeager to take over for me because I am going to present with Senator Parks.

[Assemblyman Yeager assumed the Chair.]

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)

Vice Chairman Yeager:

We will open the hearing on Senate Joint Resolution 1.

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

Thank you for the opportunity to provide testimony on Senate Joint Resolution 1. Senate Joint Resolution 1 proposes to amend the *Constitution of the State of Nevada* to replace the State Board of Pardons Commissioners with a Clemency Board and to require the Legislature to provide for the organization and duties of the Clemency Board through enabling legislation.

The State Board of Pardons Commissioners is currently established under Article 5, Section 14, paragraph 1 of the *Nevada Constitution*. Its operation is governed by *Nevada Revised Statutes* (NRS) Chapter 213. Under Section 14 of Article 5 of the *Nevada Constitution*, the Pardons Board consists of the Governor, the justices of the Supreme Court of Nevada, and the Attorney General. The authority of the Pardons Board is to grant pardons after convictions, to commute punishments, to address and remit fines and forfeitures, and other actions relating to pardons. There is an exception with the sentence of death or a sentence of life imprisonment without the possibility of parole. Those sentences cannot be commuted to parole. The Clemency Board, as proposed in S.J.R. 1, would consist of nine members: three members would be appointed by the Governor, three appointed by

the Chief Justice of the Supreme Court, and three appointed by the Attorney General. The Legislature would be directed to provide for the duties of the Board and its members.

If the measure passes the Legislature in identical form in 2017 and 2019, it will be presented to the voters for approval at the 2020 General Election. Senate Joint Resolution 1 was heard in the 2009 Legislative Session. The vote in both houses of the Legislature was unanimous. Unfortunately, S.J.R. 1 was not heard in the 2011 Session. Failing to get a hearing, the resolution died. I believe bringing S.J.R. 1 back for reconsideration is merited.

It is my understanding that the Pardons Board only meets twice a year. The preparation that is required for a Board hearing is substantial. The difficulty for the Pardons Board is that the individuals on the Board are undoubtedly among the busiest and hardest working executive and judicial officers in the state of Nevada.

Most people believe that pardons are only granted by the Governor. This is true in a small number of states. Most states have some variation of direct board involvement in reviewing individuals for pardon consideration. In general, there are four structural or organizational models with variations for the exercise of pardon responsibility. For your consideration, you have been provided a one-page summary of these various models ([Exhibit C](#)). As you can see, Nevada is midway down the left column. Only three other states have a structural or organizational configuration similar to Nevada.

I am sure you have read that the state of Nevada is once again facing a prison overcrowding situation. Nevada could reduce its incarcerated population dramatically by allowing for the creation of a Clemency Board composed of professionals and lay people who deal with the criminal justice system and meet on a more frequent schedule. They would have the expertise and time to make evaluations regarding the appropriateness of pardon actions.

Vice Chairman Yeager:

Assemblyman Ohrenschall, would you like to make some remarks before we open it up for questions?

Assemblyman James Ohrenschall, Assembly District No. 12:

This bill came about when I was a sophomore legislator in 2009. When S.J.R. 1 was originally presented—Assemblyman Hansen was also here—this was an idea that came out of the Advisory Commission for the Administration of Justice (ACAJ). At the time, I remember thinking that this is impressive legislation. If you take the current members of the Pardons Board, due to the current requirements, it is very difficult sometimes for all of them to be in the same room and to have the quorum they need to be able to act, so you create this new Clemency Board. They will be able to meet more frequently to deal with these issues. In 2009, as Senator Parks said, this passed unanimously. In 2011, it was never called up. I hate to say, for those of us who are not freshmen, we realize that after every session we get a little bit of amnesia. I was talking to Senator Parks and asked him whatever happened to the bill he had about the Clemency Board. I assumed it had passed, but I did not

see it get to the vote of the people. He explained that it was never called up in 2011. We talked about it, and it was decided to hear it again. I think it is a very good idea.

For a little more information than Senator Parks gave, our current Pardons Board can look at two kinds of cases. They can look at someone who is in custody to either grant a pardon or sentence commutation. That is one kind of case, but the Board also has the power to look at another kind of case called a "community case." These are people who are no longer under a sentence of imprisonment, who have either done their time, finished probation or parole, and may be looking—not necessarily at a pardon—to restore their civil rights. Maybe they have been out of trouble for 20 or 30 years, have turned their lives around, and are petitioning the Pardons Board for the right to have a firearm again, or some other civil right. That is a community case, and many of the cases that the Pardons Board looks at are those types of cases.

If this resolution were enacted into law, it will require that they meet four times a year. It takes it from these very busy people at the top of our judiciary and executive branches of our government, and these new members of the Clemency Board would be able to meet more frequently.

The other issue that makes this very good policy is that having our Supreme Court justices on the Pardons Board can sometimes be a challenge. Some of the cases that may be in front of them may be cases that are on appeal in front of them. I believe this is a model that the Legislature should consider as it did in 2009.

Assemblyman Thompson:

In section 14, subsection 2, where it talks about the composition of the Clemency Board, I know it says that at least five members need to have experience working in the criminal justice system, but it also goes on to say that we, as the Legislature, will provide guidance on what that membership should look like. Is that true? Can it just be any random person who can be appointed? I want to get back to what we are always talking about: the whole philosophy of a jury of your peers. This is a big-time board and it would be shameful if it was not modeled off of a jury of peers.

Senator Parks:

The important consideration is to have someone who sits on this Clemency Board have the expertise of the criminal justice system, and not necessarily police. Those individuals should also have extensive knowledge of how the criminal justice system works and can lend their expertise to the Board. The other four individuals would fall more closely under the lay category. They could even be medical people or have psychiatric experience. It is, to some degree, open. However, we think a criminal justice background is probably the first and most highly desirable level of experience.

Assemblyman Ohrenschall:

The current State Board of Pardons Commissioners was put in our *Constitution* by the framers of the *Constitution* back in the 1860s. It is very rigid. It is all of our Supreme Court

justices, the Attorney General, and the Governor. There is no wiggle room to say that we want someone who is an expert in, say, psychology or recidivism, or someone who has been a career prosecutor. In the past, we have had attorneys general who have not been career prosecutors. The current framework is not open. Senate Joint Resolution 1, the way it is written, provides for the appointees by the Governor, the Attorney General, and Chief Justice of the Supreme Court, but if this were passed by this Legislature and the 2019 Legislature, and approved by the voters in 2020, then the 2021 Legislature would, by statute, fill in the blanks. This provides that the Legislature would decide whether we need a psychologist or whatever as part of the Clemency Board, and what other requirements there may be. I trust that the way this is crafted with the appointees, it will be a balanced board.

Assemblyman Wheeler:

Right now, can the Governor unilaterally issue a pardon?

Assemblyman Ohrenschall:

As I understand it, no. Someone who is seeking a pardon or a sentence commutation, whether they are in custody or someone in a community case who is seeking a pardon or the restoration of rights, has to apply to get on the agenda. That in itself is a very challenging process because there is an application process, or one of the members of the Pardons Board can put someone on the agenda. Getting on the agenda does not guarantee that there will be a pardon or a sentence commutation or a restoration of rights. However, under current law, the way the Pardons Board is structured, the applicant must not only get a majority, but the Governor must be in that majority. While the Governor cannot unilaterally grant a pardon, he can unilaterally veto a pardon. If, under the current framework, all of the Supreme Court justices and the Attorney General felt that someone deserved a pardon or sentence commutation but the Governor does not agree, he can veto it.

Assemblyman Wheeler:

Do you know how many pardons have been granted in the last few years?

Assemblyman Ohrenschall:

I believe Senator Parks has that information but does not have it with him. Perhaps we can get that answer for you.

Assemblyman Hansen:

I like the whole idea. It is one of those questions concerning whether the current system is working. I have not heard anyone suggest that it is not. However, this is taking an antiquated system that goes back to the 1860s and modernizing it. Instead of meeting once or twice, they will meet quarterly. Overall, I think the idea really has a lot of merit. The only concern I have is, and this may be a hurdle you will have to overcome with the general populace if it gets to the vote of the people, there is always a fear that when you come up with clemency and ideas like that, you can potentially release people from the prison system who, frankly, belong in the prison system, so there is a public safety issue. How do you address that? Are there issues in other states that have these clemency boards? Do they get too soft on crime and release people who commit crimes again?

Assemblyman Ohrenschall:

The way the Clemency Board is set to be structured, the way we have the appointees—we provide that the 2021 Legislature will provide for the membership—it will be balanced and, in my opinion, better than having the Governor have unilateral power. We have seen where the Governor of Illinois unilaterally commuted every death sentence in Illinois. While some people thought that was the most wonderful thing that could happen, many other people did not agree with what he did. He did that unilaterally. I think the fact that we are retaining a board, and the 2021 Legislature will provide how the board will function, it will be fairer and will not do anything that might shock the public. I do not have statistics on me right now, but I will try to get them.

Assemblyman Hansen:

The interesting thing about this Clemency Board is that it goes far beyond pardons. As you said, people can have their civil rights restored in some cases, and people who have been convicted and have been out of prison for 15 or 20 years can come back to the Board and have certain elements of clemency granted. I am very supportive of that. I think this is a really good idea, and it may help. The only fear that I have is the public safety angle, and I can see that this will have a major hurdle in getting past the voters. They are going to think it is another "soft on crime" measure.

Assemblyman Ohrenschall:

The current State Board of Pardons Commissioners has the power to grant a pardon. If they feel there is enough new evidence on someone who was convicted in 1980, but he has exhausted all of his appeals, they have the power to grant a pardon. They also have a more significant power. We will say the judge sentences this person to seven or eight sentences running consecutively, he has served 40 years, and he is going to die of old age in prison: the Pardons Board can look at how he has done in prison, and they can take the last two sentences and run them concurrently, or they may give him a chance at parole.

Another thing that is important to mention is, as I understand how the Pardons Board works now, the district attorney's office is notified if the person is seeking a pardon, even for a community case, and the victim is notified by the prosecutor's office. The Pardons Board hears that now, and there is nothing in this bill that will change the process that allows the prosecutor and the victim to also be heard.

Assemblyman Hansen:

Then the victim can and will be part of the process under this new Clemency Board as well? That is really an important point.

Assemblyman Ohrenschall:

It is not specified in this language or in the *Constitution*, but I believe that could be specified in statute in 2021 if this were to pass. As I understand it now, the Pardons Board does notify the prosecutor's office. I do not know if they automatically notify every victim or if they leave that up to the prosecutor's office to reach out to the victims to see if they want to be

heard at the Pardons Board hearing under current law. There may be some inertia here on how it works. I do not want to speak for the Pardons Board, but this is my understanding of how it works.

Vice Chairman Yeager:

We will be hearing Senate Joint Resolution 17 of the 78th Session in the near future. This seeks to give victims constitutional rights. If that were to be enacted, I imagine that will overlay on this process so that notification or participation would be allowed. Maybe that is something we can ask of the proponents during that hearing and how they envision it happening with respect to this Clemency Board, were it to be enacted.

Assemblyman Pickard:

You raised a good point. Frankly, I do not think I share Assemblyman Hansen's excitement for this, but I came in ambivalent. I do not know what is broken. During my activities, I have not heard that anything was wrong with the existing system or how it is operating. I understand there is an issue with the frequency of meetings and that it is not fast enough for some. I would like you to speak to that. The concern that came to mind as I reviewed this was that we are seeking to take elected members of the board—and every board member is currently elected by the voters—and creating an unelected body appointed by them. As I see it, we are pulling the process away from a position of responsibility to voters. How is it that we can maintain that accountability if we push it away from those who are elected?

Assemblyman Ohrenschall:

Certainly this bill does change the composition of the Clemency Board; however, the appointees are appointed by elected officials, and the Legislature provides for the framework of the rest of the appointees. The elected officials are still accountable for how this Board will operate. I believe that changing it from the actual elected officials to their representatives will enable the Board to meet more frequently, and the language provided will ensure some members will have expertise in the criminal justice system. I believe the testimony that came out of the Advisory Commission when this was first brought up was that it was better to have the justices removed. That is not to say that there is anything wrong with the current Pardons Board, but there are times when it is difficult for them to get a quorum. Meetings are very often a full day or two. I have even heard of it going three days when they consider community cases. It is quite a challenge for that group of people to get together and devote that much time for this.

Senator Parks:

The question is, What is broken? What is broken is that last year the Pardons Board only met once. In years past, until 1967, we went from three members of the Supreme Court to five members, then we went to seven members in 1997. It was much easier in years past to assemble a Pardons Board. Today, with everyone's schedule, sometimes it turns out to be almost impossible to get nine elected members to carve out three days of their time. In recent years, when we had the downturn in the economy, regrettably we did not fill some of the positions that were needed to prepare the source and background material for the Pardons Board hearings. In the last couple of years we have filled those.

To answer Assemblyman Wheeler's question, I am sorry but I do not have the document that was provided by the Pardons Board regarding their records, but I can get it and show it to you. It will indicate that the vast majority of cases were community cases where the individuals were not incarcerated when they appeared. This bill is a major step toward reforming a process that does not work as well as it was originally intended.

Assemblyman Wheeler:

If we do not have those numbers, I still wonder if we have a broken system that needs to be changed. One of the things that came to mind while listening to some of the other questions is that every time we grant a pardon or clemency, we overturn the will of a jury of peers who actually imposed that sentence. Do you feel that the implementation of this would result in more pardons being granted and more clemency being given, or is this just something we think we need to do to clean up a board that does not meet very often?

Assemblyman Ohrenschall:

I am looking back at some of the testimony from 2009. The Pardons Board really looks at correcting the very rare instances where there has been a manifest injustice or where someone has changed his life and changed things around. If it is a community case where the person has finished his sentence of imprisonment and parole, has turned his life around, and is seeking to have his right restored to bear arms, it is changing the sentence, and there is no denying that. Whether it is a unilateral action from a governor, a board of electors, or a board of appointees, I believe this is a safety valve that is needed by Nevada and the other states that are in the comparison. Are pardons granted very frequently? No, they are not. Do I expect pardons to be granted more frequently with this Clemency Board? I cannot say, but I feel that the balance of the Board will ensure every case is looked at and that there will be judicious action.

Not being able to meet more than once a year is an issue. If we want a safety valve like this in Nevada law for those rare cases where there may be a manifest injustice or where someone has changed his life around or in the eyes of a pardons board or clemency board earned a pardon or a restoration of rights, the safety valve is not there if it is not able to meet and consider those cases. There is nothing written in here that makes this Clemency Board more likely to grant a pardon or sentence commutation, but it is going to meet four times a year since it is constitutionally mandated. I believe it will be more practical for the new members of the Board to meet.

Senator Parks:

I would like to add that currently there are several hundred applications for clemency or pardons waiting within the Division of Parole and Probation. They are extensive applications that have been filed and are just sitting and waiting for the possibility of the Pardons Board meeting. I can get the number of backlogged cases that are fully prepared.

Vice Chairman Yeager:

If you are able to get that information, it would be interesting to know about the cases that the Pardons Board has considered and how many of those were jury trials versus guilty pleas. If you can, please do a breakdown of when the pardon was granted and which category it was in. I do not know if it is possible to get that information for the pending applications that are out there, but any statistics that you can give the Committee on the workload of the Pardons Board would be appreciated.

I want to note for the record that section 14, subsection 4, codifies current law. For someone with a sentence of death or life without the possibility of parole, the current Pardons Board, and the Clemency Board if it is enacted, would not be able to commute that kind of sentence to a paroleable offense. In this state, even if this were to pass, a life without means a life without and there is no ability to change that.

Obviously, if the voters pass this, it will be up to the 2021 Legislature to come up with the structure—and I do not know if any of us will still be here in 2021—in terms of the nine members, and we have three different appointing entities. Was it your intent for the Chief Justice of the Supreme Court to be able to appoint Supreme Court justices to the Clemency Board, or is the idea to preclude appointments of Supreme Court justices? Can the Governor appoint himself? Can the Attorney General appoint himself or herself? Do you think this is a possibility, or are you trying to prevent that from happening?

Senator Parks:

I served on the ACAJ committee when the recommendation came forward to go to a clemency board. There was extensive discussion on that item. I do not believe and do not remember having heard the questions that you asked regarding representation. I would have to indicate that certainly if the Governor had three appointees and decided that he would like to be one of those appointees, the law would be silent as to his being able to appoint himself, and the same for any of the other members.

Vice Chairman Yeager:

Perhaps this is for legal but, if this were to be enacted by the voters and we now have a clemency board, how, if at all, would that impact the statutory duties that are currently assigned to the Pardons Board? Would those be adjusted in some way to be consistent with the clemency board?

Brad Wilkinson, Committee Counsel:

It would require enabling legislation that would set forth the duties of the Clemency Board. With respect to the issue with the names, obviously the Legislative Counsel Bureau has the authority to change the name and switch it from the State Board of Pardons Commissioners to Clemency Board, so we would do that in codification. It would not have an effect on the duties of the Board except to the extent that the Legislature changed those duties.

Assemblyman Fumo:

I was looking on the Pardons Board website to see if I could help you with the answer. I do not know if Senator Parks said they only met one time in 2015, but according to the website they had only five inmate cases as of November: three of which were denied, one was granted release, and one was changed to run the sentences concurrently. If they only met one time in 2015, they only heard five inmate cases and 24 community cases, most of which they commuted the sentence.

On the website they do address what a pardon does. I know from my practice that the application process is very cumbersome and difficult to get through. They also list things that a pardon does not do. A pardon does not overturn a judgment of conviction, does not erase or obliterate the fact that one is convicted of a crime, it does not substitute a good reputation for one that is bad, does not relieve a convicted sex offender from the requirement to register as a sex offender, does not attest to the rehabilitation of a person, and does not remove any disabilities resulting from separate convictions. It is a cumbersome process, and it does not do a lot. I think the bill is very important because it will help the backlog of cases that are there, so I am fully supportive of this bill.

Vice Chairman Yeager:

I do not see any other questions at this time, so thank you for your presentation. I will open testimony in support of Senate Joint Resolution 1 and invite anyone to come to the table. There is no one in Las Vegas today, so we will stay in Carson City.

Tonja Brown, Private Citizen, Carson City, Nevada:

We support this bill. I would like to touch on some issues that have been raised. Over the years, I have attended several Pardons Board hearings. I can tell you that the victims are notified. The victims can appear in person against a pardon being granted, and some do, and some victims have appeared in person in favor of the person being given a pardon. Sometimes the victims are notified and it is established that they have been notified and they do not give any comment whether to grant or deny. It is like they do not care.

As far as the organization goes, you have five members of law enforcement. I personally, on behalf of the inmates and the innocent, would like to see the four other members be someone in the medical field, whether it is medical or mental health or a background in forensics. A member from the American Civil Liberties Union (ACLU) or a criminal defense attorney would be good, or maybe a caseworker who knows the inmates and knows what they have done and how successful they are.

An issue that has not been brought up that I discovered in 2011 was a computer glitch in 2007 on the Nevada Offender Tracking Information System. The program was installed and then flipped and put false felony charges in inmates' files. No one was aware of it until 2012. Some of the inmates went to the Pardons Board with false information in their files. They, the State Board of Pardons Commissioners and the State Board of Parole Commissioners, had no knowledge, although the Department of Corrections knew that the information was false. That is why I suggest that the caseworker be one of the members. They can actually

check the accuracy of the file to ensure it is accurate, and they know the inmates. They may have had them as one of their clients. The fourth person could possibly be an advocate.

Let me tell you what the Pardons Board will not do. When a person applies for the Pardons Board, what it does not say is that, if an inmate maintains innocence, he will not be accepted by the Pardons Board unless he is dying. Then it falls under compassionate release. If you are appealing your conviction, you cannot go to the Pardons Board.

One other thing that was not touched on was, if you have the Governor, the Supreme Court justices, and the Attorney General all agreeing to a pardon, it then goes to the Parole Board and they have the final say. Yes, the Parole Board has at times denied a parole to the person who has just been granted a pardon from the Pardons Board. If there is a clemency board established, I would like to see the Parole Board not have the final say. If the clemency board says, yes they will grant the pardon, then the Parole Board must parole the inmate and not deny it.

There were issues with some cases. For example, Rocky Boice Jr. was granted a pardon a couple of years ago, and rightly so. This was a case some years ago where a group of Native Americans in Carson City were involved with a murder. Rocky Boice Jr. received the harshest sentence. All of the other codefendants received anywhere from probation to a couple of years to 5 years. Rocky went to the Pardons Board because the sentence was unjust, and he was granted a pardon. You talk about the jury. They are the factfinders of the case, and they make the decisions on the defendant.

Vice Chairman Yeager:

Please stay away from particular cases that have been considered and limit your comments.

Tonja Brown:

There have been times where victims and jurors have spoken about the injustice they sat in on. They assumed that the defendant would be found guilty on certain things and a sentence would be imposed a certain way. They were shocked to find out that the judge threw the book at him. There are areas where the system is broken. When you look at whom you would like to have seated, I think that would be a good representation since you have law enforcement and it would be a good balance. I think the inmates would feel that they are getting a just hearing. I think it should apply to every inmate who applies and not just those who are appealing their conviction or who are maintaining their innocence, since it could take decades before a resolution is heard, even with newly discovered evidence.

Vice Chairman Yeager:

I would note that, in the actual language, the only real requirement is that five of the members would need to have experience in the criminal justice system. I do not necessarily think that means prosecutors. It could be defense attorneys, judges, or justices, so that is more open-ended. In terms of the other four, I would say, "Stay tuned." If this ultimately gets enacted by the voters in 2020, it would be the 2021 Legislature that would likely have

a hearing just like this to talk about the qualifications. It is going to be a long process, but we appreciate your input this morning and stay tuned.

Tonja Brown:

I will, and I want to put it on the record because who knows if I will be here? Anything can happen in four years, and this way they can look back at the minutes so they understand.

Wes Goetz, Private Citizen, Incline Village, Nevada:

I have been in the prison system. I am for the Clemency Board. I actually asked for a pardon before because I feel that I was imprisoned when I should not have been. With Assembly Bill 59 and the *McNeill* case [*McNeill v. State*, 132 Nev. Adv. Op. 54, 375 P.3d 1022 (2016)], there are special conditions that the Division of Parole and Probation imposed that they cannot impose any longer. There are many people who are sex offenders, who are on probation, and who were sent to prison with just a violation. I think the Clemency Board, if they could actually add someone from the American Civil Liberties Union to the Board, or a psychologist to look at some of the facts with the sex offenders who were in prison, would be a better choice and they could look into the details of why that person was in prison, even if it was a violation of probation and the probation was revoked. They should look at that to determine if the person is actually a danger to society. A lot of the sex offenders may have a 3 to 5 percent chance of reoffending. People think it is a lot more. Now that we have these special conditions from parole officers, I feel that the Parole Board should not be involved because if you do get a pardon the Parole Board can deny it. They should not have that issue to deny someone who got a pardon.

Vice Chairman Yeager:

Is there anyone else in support of Senate Joint Resolution 1? Seeing no one else, let us take opposition testimony. Is there anyone opposed to Senate Joint Resolution 1? I do not see anyone. Is there anyone who is neutral? Not seeing anyone, I will invite Senator Parks and Assemblyman Ohrenschall to return to the table and provide any concluding remarks.

Senator Parks:

It is important to understand that this is not a situation where there is great opposition to move toward a clemency board. In the 2009 hearings, we had the general consensus in support of this legislation by those elected officials who, at that time, sat on the Pardons Board. They felt that it was a good move forward. Obviously, the whole issue of a Pardons Board is to have a safety valve to right an injustice. I hope you will support this bill.

Assemblyman Ohrenschall:

Senator Parks put it perfectly. Our current Pardons Board is meant to be a safety valve, and we have heard testimony in your Committee on Judiciary about Cathy Woods who was wrongly convicted by two different juries. We heard the testimony of the gentleman who gave the confession even though he did not commit the crime, but spent 10 years in prison. While the Pardons Board does not usually deal with many cases like this about incarcerated individuals, the vast majority of the Nevada Pardons Board cases are community cases and

people who have paid their debt to society and are hoping to move forward with their lives. It is a safety valve that, under the current framework, is just stuck and is unable to meet as it should.

Vice Chairman Yeager:

I want to let the Committee know that I was looking on the Legislature's website and, in case anyone was wondering, the vote out of the Senate was 20 for, none against, and 1 excused. With that being said, I will close the hearing on Senate Joint Resolution 1 and will open public comment. There is no one in Las Vegas.

Tonja Brown, Private Citizen, Carson City, Nevada:

I would like to say thank you for passing Assembly Bill 268 on Friday.

Vice Chairman Yeager:

Is there any other public comment? Seeing none, I will close public comment. Members, we have a Judiciary Committee meeting at 9 o'clock tomorrow. We will hear two bills. Is there anything else from the members? Seeing nothing, we will see you tomorrow morning, and we are adjourned [at 9:58 a.m.].

RESPECTFULLY SUBMITTED:

Karyn Werner
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "50-State Comparison Models for Administration of the Pardon Power," submitted by Senator David R. Parks, Senate District No. 7.