

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session
May 24, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 3:35 p.m. on Monday, May 24, 2021, Online and in Room 2135 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator James Ohrenschall
Senator Dallas Harris
Senator James A. Settelmeyer
Senator Ira Hansen
Senator Keith F. Pickard

COMMITTEE MEMBERS ABSENT:

Senator Nicole J. Cannizzaro, Vice Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nicolas Anthony, Counsel
Arica Farris, Intern to Assemblywoman Nguyen
Gina LaCascia, Committee Secretary

OTHERS PRESENT:

Leisa Moseley, Fines and Fees Justice Center
Nick Shepack, American Civil Liberties Union of Nevada
Christine Saunders, Progressive Leadership Alliance of Nevada
John Jones, Nevada District Attorneys Association

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Maria-Teresa Liebermann-Parraga, Battle Born Progress
Kendra Bertschy, Office of the Public Defender, Washoe County
Benjamin Challinor Mendez, Faith in Action Nevada
Amy Koo, One APIA Nevada
Jim Hoffman, Nevada Attorneys for Criminal Justice
Jagada Chambers, Silver State Voices
Quentin Savwoir, Make It Work Nevada
Michael Kagan, University of Nevada, Las Vegas, Immigration Clinic
Joseline Cuevas, Mi Familia Vota
Erika Minaberry
Brandon Summers
Anne Traum
Yesenia Moya
Tenisha Freedom
Erika Castro, Nevada Immigrant Coalition
Annemarie Grant
Marcus Lopez, Americans for Prosperity-Nevada
Matthew Wilkie
Emily Driscoll
Ender Austin III, Faith in Action Nevada
Joseph Lankowski, Food Not Bombs Las Vegas
Chuck Callaway, Las Vegas Metropolitan Police Department
Alex Ortiz, Clark County
Dagny Stapleton, Nevada Association of Counties
Warren Hardy, Urban Consortium
Eric Spratley, Nevada Sheriffs' and Chiefs' Association
Jack Eslinger, Las Vegas Municipal Court
Bailey Bortolin, Nevada Coalition of Legal Service Providers
Tess Opferman, Nevada Women's Lobby
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence

CHAIR SCHEIBLE:

The Senate Judiciary hearing for today is now open. We will start with Assembly Bill (A.B.) 116.

[ASSEMBLY BILL 116 \(2nd Reprint\)](#): Revises provisions relating to traffic offenses. (BDR 43-491)

ASSEMBLYWOMAN ROCHELLE T. NGUYEN (Assembly District No. 10):

This bill seeks to change the current system for minor traffic and other related violations from being criminal to civil in nature. Presenting with me today is my intern for this Session, Arica Farris. I also have Leisa Moseley with me to answer any questions.

ARICA FARRIS (Intern to Assemblywoman Nguyen):

Many Nevadans are living paycheck to paycheck or worse, struggling with unemployment. An unpaid ticket for speeding, a broken taillight or an improper lane change can make a challenging circumstance quickly go from bad to worse. Inability to pay a ticket followed by a failure to appear in court constitutes a bench warrant. If arrested, even one to two days of jail time can lead to loss of employment, loss of housing and, in some situations, children taken away by Child Protective Services.

Some people claim that minor traffic offenses are used as a vehicle for deportation for undocumented residents. This scenario is real and tragic for many of our friends, neighbors, family members and coworkers.

Most states have transitioned to a system that treats minor traffic infractions as civil offenses rather than criminal. These states have experienced reduced financial burdens for those receiving citations. Costs associated with criminal proceedings and detention have also reduced. This includes a significant decrease of large court dockets. Nevada is one of the few remaining States clinging to an outdated model where all traffic violations are considered criminal offenses. This measure is well overdue for Nevada.

A number of bills have proposed this type of change since 2013; in 2017, an interim study was approved to examine the complexity of this subject. It is our hope we have learned lessons from that study and the 2019 Session to gain greater support for A.B. 116 during this Legislative Session.

ASSEMBLYWOMAN NGUYEN:

This process started off with a bill that passed through Assembly in 2019 when many of our legislative staff had put in extensive hours to get it where it is today. We were aware of the concerns from our partners, whether law enforcement, prosecutors, defense attorneys, members of the community or our court system. I met with court clerks throughout the State, discussed concerns and learned much about how the system works from the clerks' perspective.

I learned we need to implement policies that make sense, are evidence-based and just plain smart.

Assembly Bill 116 establishes civil penalties for certain traffic and related violations. We have excluded any serious traffic violations such as DUIs, hit and run and reckless driving. A violation of a provision of existing law or ordinance would be a civil infraction, not a misdemeanor, unless a criminal penalty is prescribed for more serious charges. The main purpose of this bill is to make sure we are not arresting and incarcerating people for committing minor traffic violations, especially when these individuals do not have the resources to pay for tickets and fines. Some people do not realize they have committed a criminal misdemeanor when they have, for example, received a speeding ticket. It is just something people do not realize—people such as with tourists who visit Las Vegas. They may not even know if they received a traffic or a civil infraction or even a criminal infraction. This causes a burden on our court system.

Sections 9, 11 and 12 make it clear that civil infractions will still count as infractions on a person's driving record. We wanted to be sure not to compromise public safety by decriminalizing minor traffic violations.

Sections 23 through 26 explain the procedure of how these violations will be processed through the court system. These sections also make it clear that a peace officer can still stop people for a civil infraction and detain them for a reasonable amount of time to investigate.

Section 24 provides what type of notice the civil infraction would be and what it would be like in terms of how it would be handled in the field by a peace officer. Changing violations from criminal to civil will reduce the burden on the courts and on the peace officers as they will no longer need to take time out of their day to make a court appearance and testify on a speeding ticket or the like. Peace officers can now submit an affidavit to the court, and this would be sufficient for the judge to consider the case.

Section 30 sets out three options when faced with a civil citation. A person can pay the fine, contest the citation, or acknowledge the infraction and explain the mitigating circumstances.

Sections 31 through 33 describe the procedure for a hearing.

Section 80 cancels any existing warrants for failure to appear. This does not mean the ticket is cancelled, it means a person will not be arrested.

Jurisdictions across the State have already moved toward not arresting people for traffic warrants and for failure to pay a speeding ticket. This is because it would take that peace officer off the street while having the person's car impounded and taking the person into custody. There are times when a person would be in custody for up to 72 hours and when released, given credit for time served which means no money was collected.

Proposed Amendment 3425 ([Exhibit B](#)) to the second reprint of A.B. 116 addresses changes with the information needed in a citation such as badge numbers and a dispute resolution section.

LEISA MOSELEY (Fines and Fees Justice Center):

The Fines and Fees Justice Center is a national organization that works to end fees associated with the criminal justice system and make fines more equitable and just, as well as proportionate to the offense. I have submitted my in-depth research ([Exhibit C](#)) that substantiates the credibility of A.B. 116.

SENATOR PICKARD:

Is there an expectation that fines will be reduced after all these changes? And, since we are moving from a criminal to a civil action, will it no longer be considered beyond a reasonable doubt but a preponderance of evidence?

ASSEMBLYWOMAN NGUYEN:

We would handle changing fine amounts with another policy conversation and all parties involved, but it would not be in A.B. 116. And, yes, it would change to a preponderance of evidence.

MS. MOSELEY:

Nothing in A.B. 116 would allow people to break the law. The fines and fees do not go away. This bill will keep people from being arrested when they cannot pay their fines and fees.

During the 2019 Session, A.B. No. 434 of the 80th Session passed which mandated an ability to pay assessments that all courts were to use before

adjudicating any traffic fine. A person unable to pay right away is offered a payment plan and/or community service. If someone asks to be on a payment plan, he or she is assessed a fee in addition to the original fine and fee. If a person misses a payment, a warrant is automatically issued since Nevada does not have a grace period. In some jurisdictions, it is called failure to appear when a person misses a payment. These are ways that someone could end up in a warrant status, and it is not always because the offender does not want to pay.

Our research has shown that when the barriers to paying fines and fees are removed, people will pay. We saw this with Carson City. When barriers were removed, there was an 8.5 percent increase in the annual collection rate. Collection agencies that the court systems use saw a 50 percent increase in the collection cases.

SENATOR PICKARD:

There will still be people who do not pay. How will you incentivize payment from those people since the ability to pay is subjective?

MS. MOSELEY:

It may come down to people not having the ability to pay. In our research, we found that over 80 percent of warrants issued in Clark County were to people with an annual income of less than \$49,000. After paying rent and buying groceries or such, there is not much left to pay on a ticket, and that is what the payment plan will help achieve. We incentivize by not arresting people for not having the ability to pay. Making payments reasonable is another way to incentivize.

ASSEMBLYWOMAN NGUYEN:

When people realize they will not be arrested and incarcerated, this is incentive enough to make payments on their fines.

This bill will also change the way clerks notify offenders of due dates to pay fines by taking advantage of technology and sending emails and text messages instead of certified mail. The clerks will have the ability to program text messages with a payment link that can be clicked on to pay a fine. Court clerks said this would be beneficial to the court system.

SENATOR PICKARD:

The more we reduce the accountability, the less incentive there is to pay for people who are not paying in the first place.

SENATOR OHRENSCHALL:

With the current court system, I am sure a lot of mail does not get delivered, and people may not know something has gone to a warrant. Having the ability to receive text messages is a good idea.

CHAIR SCHEIBLE:

Will this bill empower local jurisdictions to assign the responsibility to any number of people in the court system—like the clerk, hearing master or judge—to have conversations with the offenders?

ASSEMBLYWOMAN NGUYEN:

Yes, we did get flexibility in the bill for that purpose.

CHAIR SCHEIBLE:

Will it now be the same for speeding tickets as it is for a parking ticket when a person would just go to the clerk's window and take care of the citation?

ASSEMBLYWOMAN NGUYEN:

Parking tickets in Las Vegas are civil infractions and go through a different court system but still have due-process protections. It is not through the municipal court.

Ms. MOSELEY:

Our research shows that in Clark County, of the 80 percent of warrants issued, 58 percent of those warrants were for administrative issues and had nothing to do with moving violations. Some were for expired registration, some were for not having proof of insurance. Issuing warrants for these types of cases does not make our roads safer, and it takes our officers off the streets, making them traffic officers instead.

CHAIR SCHEIBLE:

Would the existing citations still show up in the law enforcement database or in the court's database? If a warrant is not issued, would the ticket even show up in the database if a person is pulled over by a peace officer?

ASSEMBLYWOMAN NGUYEN:

Yes. Despite the fact that the traffic tickets will now be considered a civil citation, when a person has a ticket, points will still be reported to the Department of Motor Vehicles (DMV) under this bill. As such, a person could still lose their driver's license.

SENATOR SETTELMAYER:

Will this bill allow the meter readers to write civil citations?

ASSEMBLYWOMAN NGUYEN:

No. That is not the intent of this bill.

SENATOR SETTELMAYER:

Meter readers are writing citations already. If we are making everything a citation, would this not by definition allow them to write a citation if they have observed the offense?

ASSEMBLYWOMAN NGUYEN:

I will research that aspect and get back to the Committee.

NICK SHEPACK (American Civil Liberties Union of Nevada):

The criminalization of traffic tickets is a major issue in Nevada. It is a racial justice issue with two-thirds of Las Vegas traffic warrants going to people of color. It is an economic justice issue with those who have the least amount of money being the most likely to be issued a warrant. It is a criminal justice issue as early contact with the criminal justice system and time spent in jail is a major indicator of future contact within the criminal justice system. It is a public safety issue as our hard-working law enforcement officers are spending time issuing and arresting people on bench warrants for minor traffic violations. It is a budget issue as taxpayers pay the courts to file the warrants, law enforcement to enforce warrants and jails to house people. It is a public health issue as potential medical school students who live in this State can have criminal records for minor traffic violations as opposed to our neighboring states. It is also a child welfare issue as a single parent who is arrested for a traffic warrant can spend days in jail and his or her children can be taken away. This can be a traumatic experience especially for a young child. This issue has a wide impact across the State.

We urge the Committee to pass this bill in its current form as it is long overdue for Nevada.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

For many people in Nevada, the first step into the criminal justice system is a traffic stop. Something seemingly harmless like a broken taillight or unpaid parking ticket can lead to arrest, incarceration and, sometimes, suspension of a driver's license.

The fines associated with these infractions are outside the means for many Nevadans. A recent report by Edelman Financial Engines found that nearly half of American households with annual income less than \$50,000 report having no money set aside for an emergency. By making minor traffic violations civil infractions, we remove the overly harsh punitive measures and prevent the physical, emotional and economic harm that being incarcerated can have, such as losing employment and housing instability. Most states have taken the steps to decriminalize minor traffic infractions, and it is time for Nevada to join them. We urge your support for A.B. 116.

JOHN JONES (Nevada District Attorneys Association):

We are in support of A.B. 116. This piece of legislation will work to the benefit of all in this State.

In discussions the Legislature has had over the last few years about criminal justice reform, it appears we have ignored the most obvious candidate for reclassification, our traffic system. We are talking about low-level, minor traffic offenses like speeding, crossing a white line or having a broken taillight. As we heard today, many people are surprised to learn that they are committing a misdemeanor offense when they commit one of these infractions. Several traffic offenses such as DUIs, hit-and-run and reckless driving should remain criminal, and they do with A.B. 116. The large bulk of misdemeanor crimes can be reduced to civil infractions with little-to-no impact on public safety.

MARIA-TERESA LIEBERMANN-PARRAGA (Battle Born Progress):

I have experienced what others have talked about today; I had to see my mom struggle to figure out how to deal with a couple of traffic tickets which were minor. This was difficult because my mom raised me by herself while working two jobs as a housekeeper. Her days off were never the same, and many times

she did not have a weekday off. This was during the time when my mom and I were applying for citizenship which is an expensive and complicated process. Some forms cost anywhere from \$90 to \$600 each and have deadlines. My mom and I had many difficult discussions on how we could budget so we could take care of her tickets and become citizens. I was a young teenager at the time, attending school, so I could not help her financially.

When someone is already at or below the poverty line but wants to be responsible and pay for a ticket, sometimes, it is not that easy. I encourage the Committee to keep this in mind and support A.B. 116.

KENDRA BERTSCHY (Office of the Public Defender, Washoe County):

We strongly urge your support for A.B. 116. This is an important step toward ending the criminalization of poverty. You have heard the amount of trauma involved for someone who wants to be responsible and pay for a traffic ticket; unfortunately, most are living paycheck to paycheck. It is not just paying a fine, interest and fees are involved. When someone chooses community service, there is a fee for that as well. When people have this type of interaction with the court system, it can spiral. What we have learned from studies is the more time someone has contact with the criminal justice system—even something as simple as a traffic offense—leads to further interactions. It is heartbreaking and frustrating to have a mother or father in custody when you are trying to figure out what is going on and what about the bail hearing, and they are there because of a traffic infraction.

The current structure creates a vicious cycle of crushing debt and prolonged involvement with the legal system. The data shows the effect of traffic citations to be a criminal penalty is ineffective and has a gripping effect on our community members.

During this Legislative Session, quite a few people approached me asking for advice on how to take care of a traffic ticket. It is not easy for some people, and they find it a confusing process. This bill is important so that people do not have to make that choice about paying a ticket versus feeding their families.

BENJAMIN CHALLINOR MENDEZ (Faith in Action Nevada):

I echo the sentiments and comments from the previous testifiers. I know what it means to get a traffic ticket and have it snowball into something that gets out of control and you cannot take care of. If we could get A.B. 116 passed, many

people will not have to go through the frustrating court system when they are already living from paycheck to paycheck.

AMY KOO (One APIA Nevada):

This bill will help protect Nevada's immigrant communities. Under existing law, Nevada treats minor traffic violations as criminal charges. When people get a ticket for a broken taillight, they either pay the fine or a judge can issue a warrant for their arrest. Decriminalizing minor traffic violations will ensure that we protect our communities and make Nevada safer for everyone.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):

We support A.B. 116. I echo what other supporters have said. People should not be arrested based on their inability to pay traffic tickets. This bill brings an important and meaningful amount of fairness to our criminal justice system.

JAGADA CHAMBERS (Silver State Voices):

I support A.B. 116. This bill is pivotal in the decriminalization of being poor. Oftentimes, it is about a person's physical status. Putting someone in a cage only harms them and their family and causes more trauma.

QUENTIN SAVVOIR (Make It Work Nevada):

We are in strong support of A.B. 116. This is a racial and economic justice issue, and the bill will go a long way in making sure community members who we work alongside do not have to experience the entry point into the criminal justice system. We urge bipartisan support for this piece of legislation.

MICHAEL KAGAN (University of Nevada, Las Vegas, Immigration Clinic):

The current system which allows people to be criminalized, arrested and jailed because they cannot pay a bill makes our State unforgiving to people whose real offense is simply having less money.

Any arrest in Nevada is often the first step into the deportation system and into immigration detention. The Immigration Clinic is one of the very few phone numbers given to people in immigration detention in Nevada. For the past few years, our receptionist has had to take calls from people not understanding why they were in immigration detention. Too many times the answer is that they were arrested for an unpaid traffic ticket. No family should be broken apart because of a traffic offense. I am not sure when we are talking about taking away a person's liberty that the question should ever be about monetary cause.

Criminalization takes away a parent and breadwinner—it turns an independent family into one that is helpless and dependent on the State and other people.

What is the fiscal note for the daughter who has been in my office not knowing if she will see her parents again? What is the municipal cost of a father missing the birth of his child because of a broken brake light? I hope Nevada joins the neighboring states that have decriminalized traffic violations. Please support A.B. 116.

JOSELINE CUEVAS (Mi Familia Vota):

We would like to express our support for A.B. 116. Many people in the Latino and immigrant communities are often put at great risk due to minor traffic tickets. This can lead to losing their jobs and homes. We have even seen cases that lead to deportation proceedings. In the past year, we have helped eligible and permanent residents who are afraid to complete their citizenship application due to minor traffic tickets. We must stop criminalizing hardworking people due to their inability to pay. This bill can help Black, Brown and immigrant communities to not fall into the criminal justice system. Please support A.B. 116.

ERIKA MINABERRY:

My license is suspended for a speeding ticket I received on March 16, 2020, the day before the entire State closed down. The courts were closed at the time my hearing was scheduled. I am poor, and I do not have extra money to pay fines—I do not have access to credit. I choose between keeping my lights on, feeding my kids, or paying a fine. I know all the parents on this Committee would always ensure the well-being of their children first. Meanwhile, my entire life has been completely hindered because I went five miles over the speed limit just like many of you did driving to work today. Like many other poor people, I do not have consistent internet access, I do not have a computer, and I have moved several times in the last year due to the housing crisis, which is another issue that has not been addressed. Please support A.B. 116.

BRANDON SUMMERS:

I am a resident of Las Vegas and in support of A.B. 116. Traffic tickets should not turn into criminal cases because people cannot pay the fines. When you are poor and broke, taking care of bills and debt becomes exponentially difficult. Personally, I am paying my rent and putting gas in my car before anything else.

I have not had a traffic ticket in Nevada, but I have been arrested on a bench warrant; thankfully, I was able to bail out after 12 hours. The time I spent in Clark County Detention Center did not help me, and I am glad it did not cause any more collateral damage to my life and employment. Being locked up made it harder to pay my fine because I spent \$450 on a bail bondsman.

ANNE TRAUM:

I codirect the Misdemeanor Clinic at the University of Nevada, Las Vegas, and strongly support A.B. 116 and echo previous testimony. I have submitted my written letter in support ([Exhibit D](#)).

A client in her late twenties who I met in 2018 at a warrant clearing clinic got a ticket when she was 18 years old. The ticket cost \$600, but she was never able to pay it. When she walked into the clinic with her small children, they asked her if mommy would be arrested and taken to jail. Her ticket was more than just an unpaid debt, it was a source of fear for her family. When I helped her get her warrant and ticket cleared, she burst into tears because that burden, that black cloud was lifted.

My other client was a grandmother who had more than \$5,000 in fines and fees from a couple of tickets that had spiraled. She had already been in jail once and could not go again because she had to care of her disabled grandson so her daughter could go to work. She could not afford the \$50 payment plan, which was the only option given by the clerk. We helped her negotiate a path forward where she could spend her money on reinstating her driver's license. She was able to put the entire saga behind her, but it took more than five years. Without counsel, these people are helpless in front of the court. Our clients fall into a cycle of debt with one or two tickets, and some take years to recover. This bill will lift a psychological, financial and generational burden in the poor communities that are hardest hit. Do the right thing and pass A.B. 116.

YESENIA MOYA:

I have had about four or five traffic tickets in the last five years. I asked to go before the judge, but the clerk at the traffic window said I would not be seeing the judge. At the same time, I was afraid to even go to the window because people say you could be arrested if you cannot pay the entire fine. I also heard someone say that there was a minimum payment of \$10 a month, which I have never heard of before. I was finally able to pay off my fines last December 2020 thanks to Vegas Freedom Fund.

A week after I paid the fines, I was pulled over by an officer who just scanned my plates; I did absolutely nothing illegal. The officer said my plates were suspended and took them off my car. The next day the DMV corrected this and I was able to get my plates back. It is extremely wrong that the court and the DMV will be in contact with each other when someone is on a warrant, but they never talk again when the fine is paid off. I had to pay another traffic ticket because of no communication between DMV and the court, wasting another half day of my time and money.

TENISHA FREEDOM:

After 30 years of driving, I feel I am a professional driver just like many other drivers. We should be able to travel a few miles over the speed limit during daylight hours without being targeted, profiled and harassed by local police, which is what happens in communities of color. We need to stop making poverty a crime. As others have testified today, many people are afraid to go into court or the traffic window for fear of being arrested or having to pay additional fees.

ERIKA CASTRO (Nevada Immigrant Coalition):

We are in support of A.B. 116. This bill will decriminalize traffic violations, keep our community members out of the jail system and prevent Nevadans with sensitive immigration status from ending up in the deportation pipeline due to unpaid traffic tickets. From January to September 2018, there were 138 instances in Las Vegas and Henderson jails where ICE holds were placed on people with traffic violations. Some had broken lights and some were charged with jaywalking. Your support for A.B. 116 would ensure that families are not torn apart. Take a step toward ending the criminalization of poverty. Please pass A.B. 116.

ANNEMARIE GRANT:

I am the sister of Thomas Purdy, murdered by Reno police in the Washoe County Sheriff's Office. I am in support of A.B. 116 because it is time to stop criminalizing poverty.

MARCUS LOPEZ (Americans for Prosperity-Nevada):

We are proud to support A.B. 116 and echo many of the same statements of previous callers. This is a good step forward. Requiring law enforcement to execute warrants for unpaid traffic tickets distracts them from activities that can improve public safety and unnecessarily robs individuals of opportunities to

improve their lives, particularly those who already are struggling financially. These actions waste time and resources and lead to unnecessary contact between citizens and the police. It can also erode trust between the communities and law enforcement. Please support A.B. 116.

MATTHEW WILKIE:

I live in Assembly District No. 40 and echo all the callers before me. We need to stop prosecuting and persecuting being poor—you cannot get blood from a rock. I urge your support for A.B. 116.

EMILY DRISCOLL:

I support A.B. 116. I am a third-year law student and feel it is wrong for someone to have to spend time in jail for an unpaid traffic ticket. When this bill passes, it will show our humanity and empathy for poor people beyond the burden placed on the court system and on the taxpayers.

ENDER AUSTIN III (Faith in Action Nevada):

The summer before college, I got a civil traffic ticket, got busy with classes and forgot to take care of it. Seven years later, I was on my way to church to direct a choir in a suit and my wife was driving. The officer asked me to get out of the car and asked for my license, to which I responded that I was not driving. The officer said he did not know who I was and needed to see my license. After interrogating me for some time, I told the officer I had a warrant from a traffic ticket years ago that I never took care of, so he arrested me. As the officer drove away with me in the back seat, he called his girlfriend on his cell to tell her he had made his first arrest. There were so many other things that could have been done with my tax dollars.

Fast forward a few more years when I sent a group text message to my family with tears in my eyes because I had reached a point in my professional career where I could finally pay off all my traffic tickets. This is a racial justice issue. We know that people of color are more likely to be pulled over by the police. As much as we need to decriminalize, we also need to have a firm conversation about the money extorted from communities of color because of these actions. I pray that you all have a heart and support A.B. 116.

JOSEPH LANKOWSKI (Food Not Bombs Las Vegas):

I am in support of A.B. 116. Traffic tickets do not belong in criminal courts. I have been personally impacted by how broken the system is. When driving out

to see the Seven Magic Mountains in south Las Vegas, I got a speeding ticket for going five miles over the speed limit. Although my lawyers took care of the ticket, the DMV never entered the information received from the court. I ended up being pulled over again, and my truck was towed. It was just a mess. Traffic citations do not belong in criminal court. If the money stays out of the criminal courts, then maybe it will deter road pirates from trying to extort funds from the community.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

We are neutral on A.B. 116. We are not opposed to traffic infractions being civil in nature. We understand—especially after A.B. No. 236 of the 80th Session—when the idea of someone who steals \$1,200 worth of property equates to the same offense as rolling through a stop sign, that brings to light the question of whether these should be civil versus criminal.

Our concern with the original bill was we wanted to be sure that officers in the field operate the same, that we have the ability to conduct traffic stops and impact bad driving. To date for this year, we have had 50 fatalities on our roadway compared to 39 the same time last year. It is important to curb behavior on our roads to ensure they are safe for everyone. If the court chooses to treat these offenses as civil, we are not in opposition to that decision.

The way the bill has been drafted out of the Assembly provides us with a higher level of comfort with the language. I did look into the question about enforcement, and *Nevada Revised Statutes* (NRS) 289 outlines the categories of peace officers and their duties for categories I, II and III. Further, NRS 484A outlines the issuance of citations which this bill amends. Assemblywoman Nguyen and I discussed how local ordinance would give the meter readers the ability to issue a parking citation such as parking in a handicap zone. Local ordinance would be able to provide that service.

ALEX ORTIZ (Clark County):

Clark County is neutral on the second reprint of A.B. 116. The amendments make the bill better for us and will reduce our fiscal note as well. We also support the public policy of making most traffic violations a civil infraction. However, the County will lose some revenue from cancelling the outstanding bench warrants issued for traffic citations before January 1, 2023.

DAGNY STAPLETON (Nevada Association of Counties):

We are in neutral on A.B. 116. We were previously opposed based on the fiscal impact, not the policy changes in this bill. With the amendments to the bill, the impact has been reduced, moving us to neutral.

WARREN HARDY (Urban Consortium):

I am here representing the Urban Consortium with the cities of Las Vegas, Henderson, Reno and Sparks. We are in neutral to A.B. 116. I would associate myself with the comments by my colleagues from local government.

Whenever we do policies like this, we drop a pebble in a policy pond that ripples out, and one of those ripples is the need to implement the policies of this Legislature when it passes. We have had several of these policies this Session. We ask the Committee to be mindful as we move forward to not pass this policy and then forget about the implementation and the expense associated with the bill. We have been careful to make sure that our fiscal note is not overblown but given the most accurate information we have available. This bill, along with every other bill, will have implementation expenses. We do not have any objection to the policies being presented but ask this Committee to look at this as we go forward and implement these policies at the local level.

We continue to work with the sponsor on a conceptual amendment to allow us to collect the outstanding amounts Mr. Ortiz spoke to. As it stands today, we are in neutral.

ERIC SPRATLEY (Nevada Sheriffs' and Chiefs' Association):

We are in neutral on A.B. 116. The amendment refers to the officers' badge numbers, which may not be as accurate as a personnel number because badges sometimes change for various reasons, and I have discussed this with the presenter.

JACK ESLINGER (Las Vegas Municipal Court):

Should the Legislature elect to pass this bill, the Las Vegas Municipal Court is prepared to move forward with implementation. As the court administrator, I am duty bound to report the following: There will be costs to implement due to reconfiguration of existing case management systems, and it will take time to accomplish this. Municipal courts typically do little to no civil processes, so the courts will have to design and implement an entirely new procedure and

process. These operations will be at higher volumes and involve substantially more than parking ticket collections.

We like the Arizona model; the ability to suspend a driver's license is critical to that model and to this court administration. I know A.B. 116 allows for the suspension of driver's licenses, but other stand-alone bills are still active that will prohibit the courts from suspending driver's licenses. As a reminder, Arizona and other jurisdictions are also allowed to attempt collections of State income tax returns of offenders, which this court cannot do. If we cannot suspend driver's licenses, any subsequent civil citations are merely added to the collection efforts already underway. This means there is little to no deterrent. At this point, if offenders do not care about \$250 in collections, the next civil citation will not mean anything either.

We are still measuring the impact as we move forward of the Legislature's passage of A.B. No. 434 of the 80th Session, which was deeply impacted by the pandemic. Weighing other efforts of this Legislative Session, we hope the Legislature appreciates how the overall legislative picture is impacting the various court systems.

ASSEMBLYWOMAN NGUYEN:

There are a couple of things I want to clarify as part of any work session documents moving forward. Pursuant to NRS 484B.467, which covers parking in a handicap zone and is unintentionally left out of the civil infraction space, I propose an additional amendment that makes this a civil infraction as well. I concur with legal counsel with regard to Senator Settelmeyer's question regarding the meter readers and what Mr. Callaway represented in testimony is correct. Parking ordinances would remain under the jurisdiction of local ordinance. But the ability for traffic violations and active moving violations would remain with peace officers under this bill.

Another change came from the Nevada Judges of Limited Jurisdiction who have advised that there is either no or limited mail delivery in smaller townships and the recipients must go to the post office to collect their mail. Hence, section 27, subsection 1, paragraph (c) will be amended to say that if the mailing address is different from the residential address, both addresses must be listed.

Some people talked about misdemeanors, and we heard testimony in 2019 from a string of medical students and people trying to go into the medical profession

who had to list any traffic violations on their applications. Students applying to law school also must list any infractions on applications. This amendment will also will allow people to pursue professional and occupational licensing without being penalized for minor traffic violations.

I also received a message from Senator Scott Hammond who would like to be added as a cosponsor. If any others would like to be added, please let me know.

MS. MOSELEY:

It is time for Nevada to join other states that have passed this legislation. If we continue to do things the way it has been done, we will continue to get the same results. There is nothing wrong with trying this and working out the kinks as we move along.

CHAIR SCHEIBLE:

That concludes the hearing on A.B. 116. The hearing on A.B. 404 is open.

ASSEMBLY BILL 404 (1st Reprint): Revises provisions relating to orders for protection against domestic violence. (BDR 3-1023)

BAILEY BORTOLIN (Nevada Coalition of Legal Service Providers):

I have been working with Assemblywoman Shannon Bilbray-Axelrod on A.B. 404. She is not able to join us, so I will summarize the bill.

This bill comes from domestic violence attorneys who I represent and work with. Two vetted concepts in the legal community have not raised any opposition or concerns thus far. Section 1 adds venue as to where a victim of domestic violence may apply for a temporary protection order (TPO). Our statutes were silent on this section, and we wanted to make sure to add it. This will bring Statewide consistency. Oftentimes, we see someone have a situation where abuse may have occurred out of state, and the victim is sheltering in Las Vegas, for example. The court may believe the abuse needed to occur in this State, but it depends on which judge or which court is hearing the request. There are 31 other states that have this venue as of 2009.

The other piece we are adding is whether the applicant reasonably believes disclosing his or her address and contact information on the application for a protective order would jeopardize his or her safety. This codifies our confidentiality standards for the TPO process, satisfying a problem we have

talked about for a while now and tried to solve in a lot of ways. This would be codifying what the legal community is currently doing in this area because of the safety threats that exist. It is one of the only areas where we have successfully implemented a Statewide form. We decided it would be better to have statutory authority for this practice because sometimes when the bench changes, we rehash the conversation all over again.

SENATOR PICKARD:

With regard to custody issues, in section 1, subsection 2, where we are allowing someone to file from where they have fled to, I certainly see the benefit for that. But what about when this is being used to gain an advantage in a custody case? My concern is when the parents in a custody case end up living in different states, it becomes expensive and difficult for the parties. Since the bill is silent to what standards the court considers when allowing an applicant to file in a jurisdiction other than where the domestic violence occurred and given the due-process concerns in being able to confront the evidence and the witnesses, how do we square this with the adverse party's due-process rights? How do we avoid this being used as a mechanism in custody cases where it will provide a significant litigation advantage to the applicant?

MS. BORTOLIN:

There are no perfect answers, and this makes it more difficult. Since the law is silent on this part, it is my good-faith belief that most courts are allowing this in Nevada, but there is not Statewide uniformity on the issue. It is almost a gamble to pursue because the law is silent, but there is value in adding this because the value outweighs the risk. If the person does not have the evidence, the court does not have to grant the TPO but still is required to look at any situation. There are people who have come to Nevada but are having a hard time proving it because of so many delays with DMV.

The problem this bill solves gives access to justice in allowing people to apply and then apply the legal standards where it should be granted or not. We are not looking at the merits of the case such that we have a judge in Clark County who says he or she does not have venue, and then the applicant goes back to his or her community in New Mexico where that judge also says there is not venue because the applicant moved to Clark County.

SENATOR PICKARD:

Certainly some courts will handle this differently. I do appreciate that this is permissive language, and the courts will still have the ability to decline to issue the TPO if there is not sufficient evidence. This is at the satisfaction of the court and the lowest standard we have. If an applicant has any evidence at all that the domestic violence has occurred, now that person will have the ability to obtain the order. Since the bill does not set the standards that we are giving not only the permission but the guidance necessary, this is up in the air and of concern. If you are saying it is permissive and the courts still need to look at the evidence and the analysis and then decide, then I am satisfied with the language that we are clear on the record what the intent of the bill is going forward.

TESS OPFERMAN (Nevada Women's Lobby):

We are in support of A.B. 404, which helps give clarity to NRS for where a person is able to apply for a TPO. This is critical for victim survivors of domestic violence who may have fled their abusers for safety and may be living at an address outside of the county or State in which they reside. It also gives necessary protection for those who are not able to disclose their address for fear of being found by their abusers. These are important measures to be codified into State law.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

This bill is long overdue, and we are pleased to be here in support of A.B. 404. Over the Interim, we worked closely with Ms. Bortolin and other legal aid attorneys, talking about the safety concerns addressed in this bill. Victim survivors should not be fearful that a necessary and helpful tool for protection could in fact cause more harm than good and should be allowed to withhold their personal information from adverse parties in certain and extreme cases. When a victim survivor leaves the domestic violence relationship, it is the most dangerous time. These victims should have the ability to relocate and obtain new housing undisclosed to the perpetrator.

Many times after enduring and fleeing abuse, victim survivors seek safety and refuge in a new county or state. This important piece of legislation would make sure all victim survivors can seek safety anywhere in Nevada regardless of where the abuse took place. We urge your support of A.B. 404.

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CHAIR SCHEIBLE:

The hearing on A.B. 404 is now closed. Not seeing any further business before the Committee, we are adjourned at 5:36 p.m.

RESPECTFULLY SUBMITTED:

Gina LaCascia,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 116	B	1	Assemblywoman Rochelle Nguyen	Proposed Amendment 3245
A.B. 116	C	1	Leisa Moseley / Fines and Fees Justice Center	Nevada Fines and Fees Report
A.B. 116	D	1	Anne Traum	Support Statement