

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eighty-Second Session
May 19, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:05 a.m. on Friday, May 19, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Melanie Scheible, Senate District No. 9
Senator Dallas Harris, Senate District No. 11

Minutes ID: 1109



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Aaron Klatt, Committee Secretary
Natalie Dean, Committee Assistant

OTHERS PRESENT:

Lilith Baran, Policy Manager, American Civil Liberties Union of Nevada
Sy Bernabei, Executive Director, Gender Justice Nevada
André Wade, State Director, Silver State Equality
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County
Public Defender's Office
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada
Daela Gibson, representing Planned Parenthood Mar Monte
Cody Hoskins, Political Director, Service Employees International Union Local 1107
Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual
Violence
Shelbie Swartz, representing Battle Born Progress
Erika Castro, Organizing Director, Progressive Leadership Alliance of Nevada
Briana Escamilla, representing Planned Parenthood Votes Nevada
Tonja Brown, Private Citizen, Carson City, Nevada
Harold Wickham, Deputy Director, Programs, Department of Corrections
Kirk Widmar, Chief, Offender Management Division, Department of Corrections
Tressa Kenyatta, Private Citizen, Phoenix, Arizona
Nick Shepack, Nevada State Deputy Director, Fines and Fees Justice Center
Cassandra Drummond, Private Citizen
Marianne Espinoza, Private Citizen
Betty Guess, Private Citizen
Crystal Voight, Private Citizen
Pamela Browning, Private Citizen
Sonya Williams, Private Citizen
Margoth Tello, Private Citizen
Adelina Gaxiola, Private Citizen
Nicky Day, Private Citizen
Charmaine Simmons, Private Citizen, Houston, Texas
Nicole Williams, Board Member, Return Strong!, Carson City, Nevada
Estee Padgett, Private Citizen
Tashika Lawson, Private Citizen, Las Vegas, Nevada
Chris Kovello, Private Citizen
Melissa Duna, Private Citizen

Chair Miller:

[Roll was called. Committee rules and protocol were explained.] Good morning, everyone. Welcome to Assembly Judiciary. As you know, we do have a hefty work session today. We also have two bills that we are going to hear. Furthermore, we will be having members disappear off the dais throughout the day to go handle some of their own personal bills and matters in other committees. With that said, we are going to work session a few bills, hear two bills, and then work session more bills. As many of you know how today goes, we will most likely recess and then come back. Therefore, you can anticipate that Judiciary will come back at some point this afternoon, as is the norm for most committees today. Even committees that are not normally scheduled for today may be meeting, so if you have been following bills in other committees, you might want to check on those as well; with deadline day, there is a high probability they are agendized. We also have floor today, as well.

With that, we will go ahead and get started with our work session. I will go ahead and ask Ms. Diane Thornton, our policy analyst, to walk us through the first bill. We will also be bouncing around on the agenda, taking work session items out of order. The first work session item is Senate Bill 14 (1st Reprint).

Senate Bill 14 (1st Reprint): Makes various changes related to gaming. (BDR 41-259)

Diane C. Thornton, Committee Policy Analyst:

The first bill on work session today is Senate Bill 14 (1st Reprint), which revises provisions relating to gaming [[Exhibit C](#)]. This bill is sponsored by the Senate Committee on Judiciary on behalf of the Nevada Gaming Control Board (Board) and was heard in Committee on May 3, 2023.

There is one proposed amendment from Michael Morton from the Office of the Attorney General. He proposed an amendment which amends section 3 to revert the language back to the original bill; amends *Nevada Revised Statutes* (NRS) 463.673 to mirror the new language being proposed in NRS 463.677 regarding the Board's enforcement and reaction to technological advances; and revises the effective date.

Chair Miller:

Members, are there any questions about Senate Bill 14 (1st Reprint)?

Assemblywoman Hansen:

I lost a lot of sleep over this bill, but I am happy to report I can be a yes today.

Chair Miller:

Any additional questions? [There were none.] I will entertain a motion for Senate Bill 14 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 14 (1ST REPRINT).

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Newby. Ms. Thornton, please walk us through Senate Bill 39 (1st Reprint).

Senate Bill 39 (1st Reprint): Provides that certain records received, obtained and compiled by the Board on Indigent Defense Services in the Department of Indigent Defense Services and the Department are confidential under certain circumstances. (BDR 14-215)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 39 (1st Reprint) provides that certain records received, obtained, and compiled by the Board on Indigent Defense Services in the Department of Indigent Defense Services and the Department are confidential under certain circumstances [[Exhibit D](#)]. It is sponsored by the Senate Committee on Judiciary and was heard in Committee on May 3, 2023. There are no amendments to the measure.

Chair Miller:

Members, are there any questions about Senate Bill 39 (1st Reprint)? Not seeing any, I will entertain a motion to do pass Senate Bill 39 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS SENATE BILL 39 (1ST REPRINT).

ASSEMBLYMAN GRAY SECONDED THE MOTION.

Members, any comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT FOR THE VOTE.)

I will assign that floor statement to Assemblyman Orentlicher. Next, we will take Senate Bill 63 (1st Reprint).

Senate Bill 63 (1st Reprint): Revises provisions relating to the Judicial Department of State Government. (BDR 1-435)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 63 (1st Reprint) revises provisions relating to the Judicial Department of State Government [[Exhibit E](#)]. This bill is sponsored by the Senate Committee on Judiciary on behalf of the Nevada Supreme Court and was heard in Committee on May 3, 2023.

There is one amendment for the measure. John McCormick with the Nevada Supreme Court proposed an amendment revising section 27, subsection 4, pertaining to the circumstances under which a district court may order a county to provide adequate resources for the court to carry out its constitutional functions.

Chair Miller:

Members, are there any questions? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 63 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 63 (1ST REPRINT).

ASSEMBLYWOMAN LA RUE HATCH SECONDED THE MOTION.

Members, any additional comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT
FOR THE VOTE.)

I will assign that floor statement to Assemblywoman Cohen. Ms. Thornton, please walk us through Senate Bill 104 (1st Reprint).

**Senate Bill 104 (1st Reprint): Revises provisions relating to traffic offenses.
(BDR 43-309)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 104 (1st Reprint) revises provisions relating to traffic offenses [[Exhibit F](#)]. It is sponsored by the Senate Committee on Growth and Infrastructure on behalf of the Joint Interim Standing Committee on Judiciary and was heard in this Committee on May 1, 2023.

There is one amendment proposed by Senator Nguyen, and the amendment does the following: amends section 1.7 to provide that the bond that must be posted prior to a hearing is equal to \$50 or the amount of the fee, whichever is less. If the court finds that the person committed the civil infraction, the bond is forfeited, and a default judgment is entered for any remaining amount; amends section 1.8 to clarify that a court with jurisdiction over a civil infraction is not required to hold a hearing before reducing a moving violation to a nonmoving violation; and amends *Nevada Revised Statutes* 62B.330 to clarify that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Chair Miller:

Members, any questions? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 104 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 104 (1ST REPRINT).

ASSEMBLYWOMAN MOSCA SECONDED THE MOTION.

Members, any additional comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT
FOR THE VOTE.)

I will go ahead and assign that floor statement to Assemblywoman Summers-Armstrong.
Ms. Thornton, please walk us through Senate Bill 289 (1st Reprint).

**Senate Bill 289 (1st Reprint): Revises provisions relating to crimes against providers of
health care. (BDR 15-996)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 289 (1st Reprint) revises provisions relating to crimes against providers of health
care [\[Exhibit G\]](#). This bill is sponsored by Senator Nguyen and was heard in Committee on
April 28, 2023.

There is one amendment for this measure. Senator Nguyen proposed an amendment to
include "home healthcare workers" in the bill.

Chair Miller:

Members, any questions on Senate Bill 289 (1st Reprint)? Not seeing any, I will entertain
a motion to amend and do pass.

ASSEMBLYMAN GRAY MOVED TO AMEND AND DO PASS
SENATE BILL 289 (1ST REPRINT).

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT
FOR THE VOTE.)

I will go ahead and assign the floor statement to Assemblyman Gray. Next for the work
session, will be Senate Bill 378.

**Senate Bill 378: Revises provisions relating to common-interest communities.
(BDR 10-1059)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 378 revises provisions relating to common-interest communities [\[Exhibit H\]](#).
The bill is sponsored by Senator Cannizzaro and was heard in Committee on May 15, 2023.

There is one proposed amendment. Senator Cannizzaro proposed an amendment deleting section 5, subsection 8 of the bill, thereby providing that an association may not purchase the unit or hold, lease, mortgage, or convey it.

Chair Miller:

Members, any questions? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 378.

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 378.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT
FOR THE VOTE.)

I will go ahead and assign that floor statement to Assemblywoman Hansen. Ms. Thornton, take us through Senate Bill 401, please.

Senate Bill 401: Revises provisions relating to punitive damages. (BDR 3-686)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 401 revises provisions relating to punitive damages [[Exhibit I](#)]. The bill is sponsored by Senator Flores, was heard in Committee on April 27, 2023, and there are no amendments to this measure.

Chair Miller:

Members, any questions on Senate Bill 401? Not seeing any, I will take a motion to do pass Senate Bill 401.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 401.

ASSEMBLYWOMAN MOSCA SECONDED THE MOTION

Any additional comments about the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN ORENTLICHER VOTED
NO. ASSEMBLYWOMAN HARDY WAS ABSENT FOR THE VOTE.)

I will go ahead and assign the floor statement to Assemblywoman La Rue Hatch. Ms. Thornton, please walk us through Senate Bill 407 (1st Reprint).

Senate Bill 407 (1st Reprint): Revises provisions relating to personal financial administration. (BDR 12-959)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 407 (1st Reprint) revises provisions relating to personal financial administration [\[Exhibit J\]](#). The bill is sponsored by Senator Ohrenschall and was heard in Committee on May 5, 2023.

There is one proposed amendment. Senator Ohrenschall proposed revising, in section 13, the definition of "confidential information relating to trusts" to provide that it includes any other information ordered by the court upon finding that the need for confidentiality outweighs the public interest.

Chair Miller:

Members, are there any questions on Senate Bill 407 (1st Reprint)? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 407 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 407 (1ST REPRINT).

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Any comments about the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT
FOR THE VOTE.)

I will go ahead and assign that floor statement to Assemblywoman Gallant. Ms. Thornton, please walk us through Senate Bill 410 (1st Reprint).

Senate Bill 410 (1st Reprint): Revises provisions relating to juvenile justice. (BDR 5-1026)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 410 (1st Reprint) revises provisions relating to juvenile justice [\[Exhibit K\]](#). The bill is sponsored by Senator Ohrenschall, was heard in this Committee on April 28, 2023, and there are no amendments to the measure.

Chair Miller:

Members, any questions about Senate Bill 410 (1st Reprint)? Not seeing any, I will entertain a motion to do pass Senate Bill 410 (1st Reprint).

ASSEMBLYMAN YUREK MOVED TO DO PASS SENATE BILL 410
(1ST REPRINT).

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Members, are there any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN GALLANT VOTED NO.
ASSEMBLYWOMAN HARDY WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Yurek. Ms. Thornton, please take us through Senate Bill 415 (1st Reprint).

**Senate Bill 415 (1st Reprint): Revises provisions relating to juvenile probation.
(BDR 5-317)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 415 (1st Reprint) revises provisions relating to juvenile probation [[Exhibit L](#)]. The bill is sponsored by the Senate Committee on Judiciary on behalf of the Joint Interim Standing Committee on Judiciary, was heard in Committee on May 4, 2023, and there are no amendments for the measure.

Chair Miller:

Members, any questions on Senate Bill 415 (1st Reprint)? Not seeing any, I will entertain a motion.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 415 (1ST REPRINT).

ASSEMBLYMAN GRAY SECONDED THE MOTION.

Members, any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN HARDY WAS ABSENT
FOR THE VOTE.)

With that, I will go ahead and assign the floor statement to Assemblywoman Considine. At this moment, this will conclude our work session. I cannot say that all the bills will go out; however, many bills just went out and passed through in a breeze. We will return to our work session later today. Again, we are going to stop work session for now, and we will move to our bill hearings.

We do have two bills. The first one we are going to hear will be Senate Bill 153, sponsored by Senator Scheible. The bill will be presented by Senator Scheible, Ms. Lilith Baran, the policy manager from American Civil Liberties Union of Nevada, Sy Bernabei, the executive director from Gender Justice, and Mr. André Wade. With that, I will give you all a few minutes to settle in, and when you are ready, please proceed.

Senate Bill 153: Makes various changes relating to corrections. (BDR 16-126)

Senator Melanie Scheible, Senate District No. 9:

I am pleased to be in front of you today to present Senate Bill 153. Senate Bill 153 is not a long bill. It would put into statute a protection for people who are gender non-conforming, transgender (trans), or non-binary in the custody of the Nevada Department of Corrections (NDOC). During neutral testimony today, you will hear from NDOC that they already implement a policy to ensure that people who are gender non-conforming, non-binary, or trans are treated with respect and dignity during their stay at NDOC. This is also required by federal law under the Prison Rape Elimination Act (PREA). The reason we brought S.B. 153 came from numerous discussions over the course of, frankly, the last decade regarding the treatment of people who are in the custody of the Department of Corrections, both federally and specifically here in Nevada.

The purpose of S.B. 153 is not to impugn any particular person's, department's, or facility's policy, but to ensure the protections everybody is entitled to are actually provided for in the *Nevada Revised Statutes* (NRS). What S.B. 153 does is require that the director of NDOC have, or create and pass through their normal process, a policy that addresses the particular needs of people who are gender non-conforming, non-binary, or trans who come into NDOC custody. What this looks like is having an individualized meeting with each of these people to ensure they are being housed in an appropriate location, which is not necessarily obvious. It could be that somebody is a trans woman who feels safest on the men's side of the prison. It could be they are a trans woman who wants to be housed in the women's side. Senate Bill 153 does not require NDOC to place this person in any particular location, but requires they have a policy which outlines the factors they are going to consider when housing anybody in NDOC.

If a person is not placed in the location they request or is not placed in the location that is most appropriate for them, we should have a set of standards to refer to so that person can file a complaint or a grievance with NDOC and not just say, I do not like where I am housed, but rather, My housing does not comply with the policy. Of course, if the housing does comply with the policy, they will remain in that housing location. The purpose is not to allow people to pick and choose where they go, where they stay, or the treatment they receive while they are incarcerated, but to ensure that everybody has adequate recourse if there is a mistake made during the housing process or while somebody is in the care of NDOC.

In addition to housing, S.B. 153 addresses issues including medical care for trans, non-binary, and gender non-conforming folks. It also addresses their access to commissary and personal hygiene products. We heard over the interim and well before the 2021 Interim as well, from trans, non-binary, and gender non-conforming people who were housed in men's facilities but still menstruated and were not able to access pads and tampons. Senate Bill 153 requires NDOC to have a policy in place that allows people access to the commissary and hygiene items they need, regardless of where they are housed or in conformity with a policy regarding housing. The purpose is to say that we saw this as a problem. There were individuals housed in NDOC who did not have access to hygiene

products, and everybody should have access to those products. Whether someone receives hygiene products should not be determined based on somebody's gender identity or expression, it should be available for everybody. Senate Bill 153 requires that NDOC implement a policy that includes access to hygiene items and the commissary.

Senate Bill 153 also requires NDOC to implement cultural competency training. That means that everybody who works in the prison setting must go through some level of training to understand how to treat people who are gender non-conforming, non-binary, and trans with respect and dignity. Frankly, it is not something we should have to train people how to do, but also, I think we can all acknowledge we learn as we grow, as we live, and as we develop. Therefore, I will try to make this as clear and as frank as possible; I have gone through Gender Justice's Trans 101 training, and Sy Bernabei, the executive director of Gender Justice Nevada is here and can talk a little bit about what that training is like. The training includes things such as, what is the common or current terminology that the trans community uses to talk about themselves? What are issues that face the trans community? What are ways we can interact with people who are trans that are respectful and allow us to learn more, without putting them on the spot, without making people uncomfortable, and without questioning people's identities.

Different people will have different responses to training like Trans 101. I do not think it is any mystery that I consider myself an ally to the trans community, and that is why I go to the trainings. Some people will not come to it from that perspective, but that does not mean that the training is not valuable in understanding who the trans community is, the issues they face, why they want to be treated with respect and dignity, and how we can best accomplish that.

Senate Bill 153 would require every person who works in NDOC to undergo some form of training. The bill is not especially prescriptive. It just says that everybody must undergo some form of training to be exposed to communities they may not have been familiar with before, to learn how to talk about them respectfully, to open up their minds, to be cognizant of some of the special issues, concerns, and challenges they might face in a prison setting, and to be able to respond to those. Senate Bill 153 would codify what NDOC is already doing and ensure that for decades to come, any person who is incarcerated in NDOC is protected; not just by a policy, but by a law—a law that says we treat everybody with dignity and respect in the state of Nevada, whether you are living in Elko, Pahrump, Las Vegas, or are housed in one of the NDOC facilities. With that, I would like to turn it over to my copresenters.

Lilith Baran, Policy Manager, American Civil Liberties Union of Nevada:

In the interest of time, because I know we all are very eager to see the results of the rest of the work session and the other wonderful pieces of legislation you have before you, I would just like to expand upon some of the issues that we are trying to avoid here. In the last presentation given, there were some concerns about rape within the facility when someone who is transgender is housed in a facility that may not otherwise be associated with where they are supposed to be housed. It is interesting, very concerning, and important to understand that transgender people are nearly ten times more likely to be sexually assaulted

in prison than other individuals, and not the other way around. I would love it if we could just set the bar there. That way we do not have to go off on a tangent about if a transgender person assaults another individual in the prison, because right now that is not the case. It is, in fact, the opposite.

Furthermore, nearly one in six transgender people, which is 16 percent of the population, have been incarcerated at some point in their lives, compared to 2.7 percent of the general population. Specifically, transgender people of color are particularly vulnerable to incarceration, with Black transgender folks being three times more likely to be incarcerated than their white counterparts. They are also more likely to be placed in solitary confinement, which is an incredibly dangerous practice leading to suicidal ideations as well as the completion of suicide.

What we are trying to do here is make sure we instill a policy to protect everyone; including both individuals who are incarcerated as well as individuals working in the facility. We want to make sure that everyone has evidence-based training to be able to handle all the inmates with dignity and respect. No one would be directed to do anything out of the ordinary here. Also, most of the things that folks are worried about as far as it applies to rape or sexual assault is already covered under the federal PREA standards. Therefore, we are not going above and beyond here, we are just trying to make a policy that is compatible with PREA standards and federal regulations, as well as allowing transgender individuals who are incarcerated to be safer when they are in custody. With that, we will turn it over to Sy Bernabei down in Las Vegas.

Sy Bernabei, Executive Director, Gender Justice Nevada:

I am here today to speak about the trans and non-binary community and what can be done to ensure we are safe and treated humanely with dignity while incarcerated. If any prisoner endures unnecessary violence, whether inadvertently or purposely, it innately affects their ability to establish healthy lives and break the cycle of incarceration when they return to their communities. Helping to protect trans people from harm in prison gives them a better chance to thrive when they leave the system and is truly an investment in public safety. Senate Bill 153 seeks to do that.

I want to speak on a very important part of this bill, something that Senator Scheible alluded to before. A piece that ensures a required facility training program for correctional staff, which will include cultural competency training for interacting with these incarcerated persons. Yes, I know that a lot of these trainings currently exist within these systems, but I want to speak on them. I am an educator and I think I am a pretty good teacher. I have been teaching for over 20 years now, and one of the cornerstones of teaching effective cultural competency is that the curriculum be designed and delivered by someone in that cultural community. It is possible, and I am glad to see that happening, but I think there can always be an increased awareness and participation of trans people when we are teaching on these issues.

When I teach any staff, community member, or employee, the culture of their workspace changes; there is more compassion, less toxicity and violence, and there is a deeper understanding that we are all in this space together. When we are talking about a prison setting, one of the biggest goals is to have an environment free of violence, and that occurs when we better understand each other. We need to keep prisoners as well as guards and staff safe, and we can do that with effective education. I am hoping that in this bill, we are looking at every aspect to ensure a safe environment, because that is what we want for every single prisoner, whether they are gay, straight, transgender, or cisgender.

We know there is real heartbreaking testimony from dozens of prisoners and alarming rates of credible accounts of violence that are reported every single year. Keep in mind, most incidents are not reported in prisons for fear of retribution. Taking a stand with this bill ensures better outcomes for every single person. Doing otherwise would allow for the continual catastrophic harm to a population that has the same amendment rights as any other prisoner. Whether we agree morally with who they are or not, they are human beings. Many trans people are literally broken in prison. I talked with one ex-inmate recently who shared how even after a childhood of immense and irreversible abuse at the hands of her alcoholic father and years of abuse and torture by a partner, it was prison where she knew she would die at the hands of a hateful person. It was there she would be subjected to endless torture in front of other inmates with an utter lack for her humanity. [Unintelligible] is a recently released prisoner who now advocates for trans prisoners, and she recently said, "There are so many women like me, and somebody has to let them know that they are loved and that they are human beings."

There is absolutely no data that shows trans women or any trans person including trans men are inherent dangers to other people in prison. There are very few incidents of this happening. When a trans person hurts another person after being placed in a women's prison, those situations are outliers. For the most part, like other prisoners, they just want to do their time and live within the prison without unnecessary violence. Today, you can help ensure they are safe. You can look at the hundreds of incidents of assault, rape, and torture of trans prisoners and do something about it. With that, I ask you to please, for the humanity of others, support Senate Bill 153.

André Wade, State Director, Silver State Equality:

People who identify as transgender have a difficult time navigating their everyday lives in society. This is evidenced by high rates of unemployment, difficulty accessing housing, being unable to access lifesaving, gender-affirming health care, and the high rates of violent attacks inflicted upon them. As you can imagine, if someone who is transgender is incarcerated, they continue to face challenges by being denied gender-affirming health care and by being victims of violence and harassment; more so than other incarcerated persons by both other inmates and, at times, prison staff. To address some of these issues, the federal Prison Rape Elimination Act was enacted a decade ago. However, PREA is just the starting point for most state policies on trans care and rights because unfortunately, issues still exist. This is illustrated by the results of the *2015 U.S. Transgender Survey* of nearly 28,000 trans folks, with respondents from all 50 states. The survey found that nearly 30 percent of

respondents who were incarcerated were physically and/or sexually assaulted by facility staff and/or another incarcerated person. More than 37 percent of respondents were taking hormones before incarceration and were then prevented from taking hormones while incarcerated.

Here in Nevada, the goal of S.B. 153 is to have NDOC, with the approval of the Board of State Prison Commissioners, establish regulations governing the custody and care of incarcerated transgender persons to further address these concerns. State law, in addition to federal PREA law, is needed because the success of PREA, the Department of Justice notes, is dependent on "effective agency and facility leadership, and the development of an agency culture that prioritizes efforts to combat sexual abuse" in the treatment of transgender incarcerated persons. In order for NDOC to enhance their policies and practices, the training of staff will be necessary.

This training will build upon the training that NDOC staff already receives to support the nondiscriminatory treatment of transgender incarcerated persons. In our world, people are still learning what it means to be transgender, how to treat them with dignity and respect, and what is required under the law. Therefore, the training will also help protect staff and prison officials by allowing them to have a better understanding of the developed standards of care to address unique issues and circumstances that may arise. Codifying these standards into state law will help to improve the carceral system in Nevada for transgender incarcerated persons, the staff, and prison officials who are responsible for their treatment under the law.

Senator Scheible:

I just want to add one thing that came up in the Senate Judiciary Committee hearing that I do not think we have touched on yet. While this policy does mirror PREA and applies to people who are in the custody of NDOC, it is our intent with this bill to also change the culture at NDOC. They have a severe staffing shortage right now, and in an environment where trans people are not treated with respect and dignity, where nobody understands what it means to be trans, and where people are not willing to have an open mind and a conversation, it makes it far less likely that, not only members of the trans community, but any member of the LGBTQ community will feel welcome in that environment and want to work there. Therefore, part of the purpose of S.B.153 is to help NDOC continue on the path they are on to change their culture to become more accepting, open, and diverse. That way we can bring more people into NDOC who feel comfortable, safe, and affirmed working as guards, secretaries, analysts, and all kinds of other positions at NDOC that we desperately need to fill. With that, we are open for any questions.

Assemblywoman Cohen:

I was struck by what Ms. Baran said about solitary confinement. Can you go into that more? Is that a protective measure, and how is that happening?

Lilith Baran:

Solitary confinement is a practice often used by staff who feel as if that is the only way to protect a transgender, non-binary, or intersex individual within the system. Oftentimes, these

people are preyed on and have violent acts committed against them, and the response is to put them in solitary confinement away from harm; however, studies have shown how incredibly dangerous solitary confinement is. After the first five days in solitary confinement, usually someone has already attempted suicide. By allowing NDOC staff to have the appropriate cultural competency training around transgender individuals, as Senator Scheible was saying, this would allow for an environment that does not allow these individuals to be harmed in the way that sometimes they are being harmed. This is not to say that staff is turning a blind eye, but sometimes it is not as obvious to them that someone is being picked on, and that is, unfortunately, what is happening. It is common practice to put these individuals in solitary confinement, and this would, hopefully, be a mechanism for them to be not only protected but also allow them to be among the general population.

Assemblywoman Summers-Armstrong:

Can you talk a little bit more about PREA? I first heard about it a couple of years ago, and I did not even know it existed. Are we seeing those standards being applied effectively in our prison system currently, and will this strengthen those efforts? Do we have the manpower and the organizations in the community to help address these issues?

Senator Scheible:

Great question. The Prison Rape Elimination Act is a complex federal law that I am not an expert in, but I think I can answer part of your question. The Prison Rape Elimination Act is implemented through a PREA coordinator at every department of corrections facility and is another one of those roles that we are understaffed in. There is a ratio that is supposed to exist, and I do not know off the top of my head exactly what it is, but I believe it is around one coordinator for every 300 or 400 offenders—where offenders is the word that we use in statute for people who are incarcerated at NDOC—and our ratio is closer to 1 coordinator for every 1,000 people who are incarcerated. The Department of Corrections, I am sure, will correct me on that if needed, but the point being is the ratio is way higher than it is supposed to be, and that makes it much harder for PREA coordinators to do their job.

The job of a PREA coordinator is to assess every offender's presence in the facility and how the facility is complying with the requirements to prevent that person from being assaulted or from becoming a victim of violence. That assessment can include things such as where they are housed, access to resources, and access to a grievance process if they are being assaulted or victimized. There is supposed to be a PREA coordinator who has a certain number of offenders assigned to them, and, right now, our PREA coordinators have way too many offenders assigned to them to effectively manage all of them. I do know some of our PREA coordinators, and there are PREA coordinators both inside NDOC and at advocacy organizations outside of NDOC such as—I forget their exact name—the rape crisis center in southern Nevada. Sometimes those individual coordinators on the inside and the outside will talk to each other to get resources to people such as trauma counselors or medical resources if somebody needs medical care related to an assault that the Department is not able to provide, because NDOC currently has a humongous medical provider shortage. They might also have to coordinate with an outside agency to bring in, for example, a SANE [Sexual Assault Nurse Examiner].

To answer your question, yes, we hope that this will help to increase our ability to comply with PREA, as well as expand the pool of people who are willing to engage on this issue because it will hopefully create a more open, accepting, and diverse environment to continue to work towards being one hundred percent compliant with PREA and provide relief to the amazing people who go to work at NDOC every day, who do their best to make it a safe place to be.

Assemblywoman La Rue Hatch:

You mentioned there currently is a policy and that we are just codifying it and not actually changing anything. I would like to confirm that, and I also would like to know what the current policy is for these individuals.

Senator Scheible:

The current policy is not in writing. This codifies the current practice and would require NDOC to put the policy into writing. The current policy is—and again, I hope NDOC will correct me if I am wrong—to have an individualized assessment as required by PREA and make decisions on a case-by-case basis. For example, as I provided in my opening remarks, sometimes someone says, they want to be housed here and they get housed there. Sometimes they want to be housed in one location but the totality of circumstances makes that impractical or unsafe, and NDOC will say no. The issue is that we do not have a policy to refer to if that person wants to file a grievance, appeal the decision, and claim it was not in compliance with the policy.

Chair Miller:

What I appreciate about that answer is, we often do see good things happening in Nevada, but without those good things being codified, what happens is it may just be happening now because of existing leadership. As we know, leadership and sentiments change; therefore, we do not want that to be subject or contingent upon who is there. That is why I appreciate the request to codify it; to ensure that it continues, regardless of who may be in leadership.

Assemblyman Gray:

Aside from everything else, we know we have a staffing problem in the prisons and ratios that are not safe for the inmates or personnel. Therefore, how many hours of training do you think this will take for these officers, taking them away from their primary job of supervision of the inmates?

Senator Scheible:

This is currently included in their training. This will ensure that as training modules change and syllabi are updated, there will always be a portion on cultural competency.

Assemblyman Gray:

I would like to clarify; you mentioned there is a policy, but it is not in writing. How can it be a policy if it is not in writing? A policy is something you are supposed to be able to hold people accountable to. I am just wondering what they are actually held accountable to if it is not in writing.

Senator Scheible:

Thank you for elucidating the problem. The problem is that there is not a written policy for them to be held accountable to. For example, I have a policy of being honest with all of you when you come into my office. It is not anywhere in writing, but it is a policy that I have. I have a policy of starting Senate Committee on Judiciary at 1 p.m. on the dot. That is not in writing, but it is a policy I have. The Department of Corrections has a policy of treating trans, non-binary, and gender non-conforming folks with dignity and respect. They have a policy of making an individualized assessment when they come into the facility, but it is nowhere in writing. The Department of Corrections has many policies in writing, and, in fact, they used to have one. There is, actually, a long political history regarding changes in leadership at NDOC that could explain why that policy was rescinded and has not been replaced. This bill would require that a policy always be in place in writing.

Chair Miller:

To clarify, by requiring a policy be in place, we are not codifying the actual prescription, it is only ensuring that there is a policy.

Assemblywoman Newby:

Earlier in the session in this Committee we heard about the lack of preventative care, particularly for women, such as pelvic exams, mammograms, et cetera, and in your testimony you mentioned in some cases hormonal medications are received and in some cases they are not. Could you elaborate on that, because it sounds like for some people it is happening, but not for all? I am just wondering how that works.

Lilith Baran:

Currently, as the Senator mentioned, there are individuals who do not receive the menstrual products they need because of their placement in the facility. Hopefully this bill, in tandem with the other bill that you heard, would remedy that situation. I am sure that Director Dzurenda is allowing for these individuals to get the products and care they need; however, if something happened to him and someone else comes in, they might not have the same compassion or same practice that he has. With Director Dzurenda here, we could inform him about a person who is not getting the care they need, and he is on it, right away. In fact, we have had that already happen during this session, where Director Dzurenda said, That person you talked about that was not able to get a visit, they are getting a visit tomorrow. The deliverables are amazing from Director Dzurenda. What we hope to see is that this policy could guide the next director in making sure that these individuals are getting the care and the products that they need.

Assemblywoman Newby:

I was also interested in hormone blockers, necessary medications, and whether or not those are being adequately and evenly supplied to incarcerated individuals.

Lilith Baran:

It should be that if the individual is already on a medication before they enter the facility, whatever it may be, they are still given that medication once they are incarcerated. Whether

that is happening at every single facility, I would not be able to speak to; however, a friend of mine who was recently incarcerated in a jail was denied some of their hormone therapy and we did have to get involved. That is where the American Civil Liberties Union would come in, when that person is being denied their gender-affirming care. However, the policy and practice should be that if you are on a medication, no matter what it is, that medication continues to be given to you once you are incarcerated.

Assemblyman Gray:

You may or may not be able to answer this without Director Dzurenda here, but how many trans folks do we actually have in our prison system, currently?

Senator Scheible:

My understanding is that it is less than 20, right now. Of course, those are people who self-identify. There could be other trans folks, and there probably are other trans folks who are in custody who have not self-identified.

Chair Miller:

Not seeing any additional questions, I will go ahead and open it up for testimony. Is there anyone wishing to testify in support of Senate Bill 153?

Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:

We are testifying in support this morning. I think at the end of the day, this bill is very simple; it is saying let us put some policies in place to ensure that the people who are in NDOC and are going to be in NDOC are kept safe. We urge your support.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

We are in strong support of the bill. We would like to thank the Chair for bringing this forward and for moving the issue forward for all of us. I think it is important for all of us to continue to educate ourselves as things move forward on how the world is changing and what is happening so that we treat people with dignity and respect, especially when we are keeping them in custody.

Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City:

We are in support of S.B. 153, and I would just like to mention I did not bring a million people to read statements from the people we interviewed in honor of deadline day. However, over the past few months I have been able to talk, interview, and interact with people who are in NDOC who identify as trans because of this bill. They shared stories of how difficult it is with people refusing to acknowledge pronouns, name changes, or any of those things, and how they are all very widespread problems. Therefore, we love this bill, and we are in full support of it.

Dacla Gibson, representing Planned Parenthood Mar Monte:

We support this bill and ditto other supportive testimony.

Cody Hoskins, Political Director, Service Employees International Union Local 1107:

Service Employees International Union supports S.B. 153. We have heard many of the same things people have said earlier from other supporters. We think these policies and the cultural competency training here are super important, and we urge your support.

Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual Violence:

As the presenter stated earlier, trans individuals are often targets of horrendous acts of violence and sexual assault, especially in an incarceration setting. Therefore, as an organization rooted in ending violence for all individuals, regardless of whether they are incarcerated or not, we are in strong support of this bill.

Shelbie Swartz, representing Battle Born Progress:

We are here today in strong support of Senate Bill 153 and the betterment of the treatment of our trans family who are currently incarcerated. For far too long and far too often, transgender, gender non-conforming, non-binary, and intersex incarcerated persons have been treated with a flagrant lack of care for their well-being while in the custody of NDOC. The Department of Corrections denies incarcerated gender non-conforming people their right to medically necessary treatment for gender dysphoria. This is unbelievably cruel, and we support this bill to end the inhumane treatment of trans incarcerated people while imprisoned and bring dignity to those folks who have long been denied it. These are human beings treated horrifically while in NDOC custody, and this bill, brought by Senator Scheible, will reduce the sexual victimization and other harm that these incarcerated people experience.

I also want to talk brass tacks on this. It is a huge risk for our state to not have standards on this issue for our incarcerated folks. If you want to talk about liability for NDOC, we need to have rules and consistencies so we always have a policy in all of our prisons that operates the same way. If we do not get this right, we are putting everyone at risk, and we have seen lawsuits on these issues in other states that have been brought. Thank you to Senator Scheible, Sy Bernabei, Mr. Wade, Ms. Baran, and all the folks who worked hard on this critical bill. I urge you all to support this legislation.

Erika Castro, Organizing Director, Progressive Leadership Alliance of Nevada:

We are in support of Senate Bill 153. The Eighth Amendment to the *U.S. Constitution* prohibits cruel and unusual punishment. The U.S. Supreme Court has held that ignoring an incarcerated person's medical needs can violate that prohibition. Senate Bill 153 ensures that our correctional facilities are adequately prepared to care for incarcerated people who are trans, intersex, or non-binary by providing their officers with the necessary training. This is something that is already required federally and ensures that Nevada is able to fully enforce this practice. We urge you to support the trans community and say yes to S.B. 153.

Briana Escamilla, representing Planned Parenthood Votes Nevada:

We are in support of S.B. 153 because we believe that all transgender people deserve dignity, safety, and access to the medical and mental health care that they need. This is especially true in an incarceration setting where there is a loss of freedom and an increased opportunity for violence. We urge your support.

Tonja Brown, Private Citizen, Carson City, Nevada:

We support this bill.

Chair Miller:

With that, I will open it up for opposition testimony. Is there anyone who would like to provide opposition testimony to Senate Bill 153? [There was no one.] Is there anyone who would like to testify in neutral of Senate Bill 153?

Harold Wickham, Deputy Director, Programs, Department of Corrections:

With me today is my expert on offender management, and he is the offender management administrator, Mr. Kirk Widmar. While we are testifying in neutral, we certainly thank Senator Scheible for bringing the bill forward, and we would like to agree that we are already doing all of this stuff in accordance with the federal PREA statutes. That is our policy, the PREA policy, and we do follow that because we are audited regularly by PREA. Throughout the nation, PREA audits come in and they review that we are in compliance with the PREA standards. Frankly, that is what helps us to keep our federal dollars as well.

We are conducting PREA training in all of our academies as staff come in. We have been involved with the PREA standards for, frankly, the last ten years, so we are getting better at it. This simply codifies what we are already doing, and, as the Senator eloquently pointed out, as directors change, policies change, and this would simply put it into law of what we are currently doing. As far as the medical concerns, if an offender comes in already taking hormones, we do continue that hormone therapy treatment, whatever the case is, and it also goes through our medical review board to ensure that we are doing the right things in accordance with PREA policies.

Furthermore, we have a transgender committee that meets on a regular basis to discuss individual case plans for offenders wishing to identify with a specific gender or whatever their case may be.

Kirk Widmar, Chief, Offender Management Division, Department of Corrections:

To Assemblywoman Summers-Armstrong's question, if I could add a little information related to PREA: there is an audit process that happens every three years where every one of our facilities has to be audited. These auditors are United States Department of Justice-certified auditors, and I happen to be, for the last nine years, one of those auditors. The auditors that come to us are not from NDOC and they are not, in any way, affiliated with the state of Nevada. They come to us from other states on behalf of the Department of Justice. There are 43 primary standards and some 250 subordinate standards that encompass everything you see in this bill.

To the point and to echo the Senator's statement related to how we are already doing these things, I think that is also reinforced with our fiscal note of \$0. We do not see any impact related to the implementation of this bill. I think it is important for the Committee to understand that, to say PREA is a very complex law is a far understatement. There are three groups of standards; you have a juvenile standard that applies strictly to juveniles in the juvenile systems, you have adult prison and jails, and then you have community confinement standards. The prison's and jail's standard is primarily what we are held to. In that audit process, there is policy review, onsite inspection of the facility, and interviews conducted with staff and offenders. For instance, at a facility the size of High Desert State Prison with approximately 3500 inmates, there would be at least 150 offenders interviewed from various demographics specifically outlined in the audit process. That would also include members of the LGBTQ+ community as well, as required by the standards.

It is important to understand that when PREA came on board in good federal government fashion, it was unfunded, and NDOC has scrambled over the last ten years, using the grace of committees like yourself and others, to grab whatever dollars we can. For the PREA coordinators at the adult level, it is one per facility regardless of facility size. That, obviously, can be very challenging. With juveniles, there is a specific ratio that breaks it down differently, which is another complication for the juvenile system as well. Therefore, with our efforts during that audit process, if there are any deficiencies identified, we have 120 days to correct those deficiencies. This is a plan that is coordinated with the auditor and NDOC. We have to show proof of implementation and corrective action to receive a 100 percent compliance audit score by the end.

In the ten years we have been audited, we have had 100 percent compliance. Why that is important to us is, number one, nobody incarcerated or anywhere else deserves to be a victim of sexual assault or sexual abuse. That is priority one for NDOC. Number two, failure to comply with the standards is a 5 percent loss of federal funding, not to NDOC but to the Office of Criminal Justice Assistance, which administers grants to several other agencies and community partners to include victims of crime. Therefore, NDOC is diligent in ensuring compliance so that we are never the cause of a 5 percent loss of federal dollars to the state.

We welcome the bill. We absolutely believe in the fact that codifying in the state law has no impact to us. Thank you for the time to help explain a little more details of this process because it is a very complicated process for us.

Chair Miller:

If you would not mind, we do have two quick questions for you on procedure and administrative process.

Assemblywoman Gallant:

If I heard this correctly, it sounds like you guys are already doing this, and the motivation is federal funds and the audit. I think there was some concern in terms of a director changing and then this policy could change, but it sounds to me that it does not matter who the director is, you guys are always going to be implementing this. Is that correct?

Kirk Widmar:

Unless the federal standards change, we would be held to that standard. Yes, ma'am.

Assemblyman Yurek:

It sounds like you guys have done a great job, especially under Director Dzurenda, ensuring safety for all our inmates. My question is, especially with the audits, is there a reason that you have not already implemented a written policy on these issues? What I am hearing is that it is almost a philosophy and a cultural thing and you are following these standards, but why have you not already written a policy?

Kirk Widmar:

As part of the audit process, there are policies that are established, and these are written policies that are established and get reviewed. To clarify, there is always an evolution related to the audit process. As national trends change, even though the bedrock of the federal standards is there, opinions come from the Department of Justice as to fill into when we deal with the gray. Therefore, during those audit processes, if we are found to be deficient in an area because we have not modified our policy to keep up, we go into that corrective action period of 120 days. The Department of Corrections is diligent in making sure that we make those corrections and adjustments as we need to because at the end of the day, we owe it to the state to be 100 percent compliant. To answer your question, there are bedrock policies that are in writing, but there is constant evolution of those policies. Again, I believe the language of the bill just codifies into state law the necessity to continue to evolve our policies with the tides and the trends of the nation.

Chair Miller:

We had a bill like this that came out of a completely different committee and a completely different subject this session, and I know when I asked about it, one of the first responses I received was to keep us in compliance with federal regulation. Therefore, I think that is what we are getting at when it comes to policy; we are still doing it, but it may or may not change based on federal regulation. Therefore, you are saying, based on the audits, this will actually keep us in compliance, correct?

Kirk Widmar:

Yes, Chair.

Harold Wickham:

To elaborate, all of our policies encompass PREA. When PREA became federal mandates for us, we did not create one PREA policy, we incorporated PREA into every policy. That means all of our policies related to PREA in some way, shape, or form because it had to be added to the policies to make them correct so we could pass the federal audits.

Chair Miller:

With that, is there anyone else wishing to testify in neutral of Senate Bill 153? [There was no one.] I will welcome Senator Scheible back up for any final remarks.

Senator Scheible:

Thank you, everybody, for your participation and engagement today. With the rules having been suspended, I hope we can have a work session today, and I hope I have earned all your support.

Chair Miller:

Senator Scheible is referring to a rule [Assembly Standing Rule No. 57] we have in the Assembly where we cannot work session a bill within 24 hours of hearing it. Yes, Speaker Yeager has permitted the suspension of the rules; however, in order to give members time to digest the hearing, process the information, and have the opportunity to approach you if they have any questions, we will not work session it this morning, but will work session it today.

Senator Scheible:

I remain available for any questions.

Chair Miller:

I would like to make a final comment about this bill. Years ago, when I was the director of a prisoner reentry program, one of the first questions I asked was, Well, what if someone is trans? What if someone, based on operations and steps they had taken—we did not have the term "gender-affirming care" back then—what if they are in varying levels of the transitioning process? The reason I asked was because, at the time, Michigan was using blue scrubs for men and pink scrubs for women. Well, they had just started to realize they needed to change the process, and they said, We match the color based on the parts. It was, literally, one of the most mortifying things I could have heard because of the vulnerability and the risk that it put on those individuals. Therefore, I am so glad that we have, as a people, moved forward and continue to move forward. Thank you so much for bringing this legislation, and thank you to NDOC who is abiding by PREA.

With that, I will go ahead and close the hearing on Senate Bill 153. Our next bill hearing today is Senate Bill 351. It is sponsored by Senator Harris, and I believe you have a cosponsor on Zoom. With that, Senator, your hearing is open, please proceed when you are ready.

**Senate Bill 351: Revises provisions relating to communications with offenders.
(BDR 16-659)**

Senator Dallas Harris, Senate District No. 11:

Good morning, Assembly Judiciary Committee. I have with me today Ms. Tressa Kenyatta, who will be speaking to her personal experience, and for the Committee's information, it was a conversation with Ms. Kenyatta along with a few other folks from Return Strong! that inspired me to bring this piece of legislation. I am so glad she could join me today in this presentation. I will briefly go over what the bill does.

The premise here is very simple. Under current law, if you have a felony, regardless of how old that felony is or how fresh it is, you must jump through some additional hoops in order to

be able to visit someone in prison. This bill says, No more. If you have a felony, you still must apply for visitation rights the same way everyone else has to apply. It does not say that you cannot be denied, and it does not say that you are going to be guaranteed to get in, especially if you are likely to cause some mischief, but it does say you have a right to visit unless there is some determination or extenuating circumstances that would justify your not being able to visit. Furthermore, if there is some reason you are denied, they must let you know so you can dispute or appeal that decision. We also added one additional piece. Regardless of your status as a felon or not, if you are seeking visitation and you are denied, they must give you a reason why. That way, you have some idea of what the issue is.

That is the whole bill, and with that, I will turn it over to Ms. Kenyatta to speak about her experience and what this bill would do for her.

Tressa Kenyatta, Private Citizen, Phoenix, Arizona:

I have a son who is incarcerated in the Nevada Department of Corrections (NDOC). I have been denied several times, including my most recent application where I was denied for a possession of marijuana charge that was from 2008. I have not seen my son. He went in when he was 18 and he is now 34 years old. This time I have followed through a little bit better with keeping track of everything. This last application was denied, and I have submitted all the documents they requested to appeal that denial.

Right now, I am a community liaison and a behavioral health technician, and I did change my life. I do not feel like I should be penalized from being able to visit my son and to provide him with the support that he needs. I am the only form of support that he has. I work with the community, I have changed my life, and I admit that I made mistakes. Now, I do volunteer work in the community; as you know, there is a fentanyl crisis, so I work hand in hand with those clients and organizations that provide them with assistance. I just think that this bill is going to provide me with the opportunity to see my son.

My son has a lengthy sentence. He has been sentenced to 40 years to life with the possibility of parole. I am 55 years old, and I just do not want this to be our end story, that I never got to hug my son. I know that human touch is very important. I want everybody here to know that my speaking about this has made me address it because it has caused anxiety and depression.

I do have two other sons who I was able to visit. One of my sons was in the Arizona Department of Corrections. They ran my name and saw that I had a possession of marijuana on my record which is a felony, but because of my being his mother and not having anything active in the system—I have not had any contact with the law in over a decade—they immediately approved me. I also had a son who was in federal prison, and I was approved to go and visit him. All my sons are out now, except for Pierre, and they are doing well. They work. Our family went through a lot of struggles at that point when my son first went in, but we are all doing good, and we all support S.B. 351. All of us are being affected by the current practice because it means they will not be able to visit either because his brothers have prior felonies as well. I think that with this bill being passed, it will give me the

opportunity to be able to be there to support my son in person, to let him know that it is okay, and that can only come from a mother. If you have children, I do not think you can even imagine not being able to actually hug your child and to console them. It has been a rough last 17 years.

With the changes that I made in my life, I am a billboard showing that people can change. Therefore, I support this bill. I am glad that I have been afforded this opportunity to speak about it and to hopefully make some changes because I do not think that someone should be penalized because they have a felony on their record. I made a mistake and I paid for my mistake already. I do not think that I should be penalized when it comes to going into NDOC facilities to visit someone who belongs to me. He is still my son. If you have any questions, I am open for questions, and I thank you for listening.

Senator Harris:

Thank you so much, Ms. Kenyatta, for sharing your story. From 2008 to 2023, that is 15 years. A marijuana possession from 15 years ago, and that is what is preventing her from seeing her son today. That is entirely too long, and we know a couple of truths; one, folks who are incarcerated are likely to have other family members who have been incarcerated, unfortunately; two, family connection is essential to reducing a chance of recidivism. If you can stay connected to your community, your family, your parents, and your children while you are inside, you are much less likely to return. Therefore, it makes zero sense for us to make it so difficult for families who want to stay connected to their family members inside. That is not serving us well, and I think that this bill, along with the leadership of our NDOC director, will make a very important change. With that, Chair Miller, Ms. Kenyatta and I are happy to answer any questions the Committee may have.

Assemblywoman Gallant:

I think this is really forward thinking and a great bill. I have learned a lot this session, and if you would have brought this to me three months ago, I probably would have been hesitant, but it seems like it is on track with the philosophy and the research. Therefore, thanks for bringing it forward.

Chair Miller:

All right, let us move to testimony. Is there anyone who would like to testify in support of Senate Bill 351?

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

In addition to my role at Fines and Fees Justice Center, I have the wonderful opportunity to sit as the board chair of Return Strong!, as well as work with an organization called Social Workers & Allies Against Solitary Confinement. In all three of my roles, I have had the amazing opportunity to get to know currently and formerly incarcerated individuals, and there is a saying that goes, felonies are forever. We see this through housing, we see this through employment, and as a state, I think we are starting to realize we need to make moves away from this sad fact. Once somebody pays their debt to society, they should be recognized as having completed paying that debt and should be able to participate in society

like the rest of us. It has been said that family connection is often the number one thing that reduces recidivism and creates successful reentry. Unfortunately, through many decades, we have built systems where we incarcerate entire families, and this bill is a simple step in ensuring that we can keep families together and reduce recidivism. We can simply let mothers hug their children. We urge your support.

Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada:

When we started to become aware of the situation with families and visitation, Ms. Kenyatta's family was actually one of the first families I met and whose story was shared with me. I was really flabbergasted. It was confusing to me how somebody could spend decades not being able to see their child for felony possession of marijuana. I am not going to lie; initially, I thought that did not sound right. Then I had to stop and back away from that and look at the things I do know about mass incarceration, racial disparities, and the things that happen. Over the past year and a half, we have had family, after family, after family, who are predominantly Black and Brown, who are not seeing their loved ones, their children. These are remnants of this battle against mass incarceration that has been going on for decades. This is just another rollover of how that happens. I could probably tell you 40 stories off the top of my head, and those are just the people who I know well enough.

Previous work and this bill have begun to have cultural changes within NDOC. They are working with us, they are taking a different approach, and Director Dzurenda has been very open about the fact that he believes families deserve and should have contact. This bill makes sense. If we believe in second chances, we have to believe in second chances for people to be able to move on with their families also. During the Senate hearing, there was a woman present, Vivian Jones, and Ms. Kenyatta was present as well. Since that time, NDOC has been great about, while she was in Nevada, working with us to get her a behind-glass-visit with her son. I happened to be visiting the same day and as I walked in—I am going to get choked up—the joy in Pierre's face and in her face was yelling to me through the glass. They did not get to touch, she did not get to hug him, but she got to spend time with her son and look in his eyes for the first time in over a decade. Vivian Jones is getting contact visits with her son now; she sits down with him every Sunday and Monday. This is changing people's lives. I remember one of the first things Ms. Kenyatta said to me is, since her son went to prison, she is never going to be able to live her life because there is always a part of her that is disconnected.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

Ms. Jones testified in the Senate committee, and it was probably some of the most powerful testimony I have ever heard. I would not do it justice by trying to replicate it here. I would say, if you have a chance, when there is some time, especially if you were on the fence on this bill, I would watch that testimony. There were mothers who talked about not seeing or hugging their son for 20 years, who had been out of trouble with not even so much as a parking ticket for 20-plus years and still were not able to see their loved ones. Therefore, changing this policy would go a long way in helping people heal. We cannot always count on Director Dzurenda being around; for one, losing him put us back probably a full decade in

corrections for that four years that we did not have him. He is great and there are great things happening, but we also want to have good policies in place by this body so that it is not dependent on one good person to do the right thing.

Cassandra Drummond, Private Citizen:

I am with Return Strong! and here to testify in support of S.B. 351. I believe that it is very important for families to be able to have contact with their inmates. We have some minor children who have not been approved yet to see their father, and it has drastically affected the mental health of my children and our family attempting to stay connected while he is there. I feel that it is important that all of us have an opportunity to be able to get physical contact and enjoy that one-on-one visit time that we can get with him, until he is able to return home, and the importance that it serves for their reentry back into life with us.

Tonja Brown, Private Citizen, Carson City, Nevada:

We strongly support this bill. I just want to echo the previous comments that have been made and state that these people have paid their debt to society for their crimes. They have gone on to become productive members of society. They should not be penalized for past mistakes. I want you to think about the following: we allow ex-felons to vote. If they are able to vote, they should be able to come in to visit their loved ones. Again, they have paid their debt to society. They should not be penalized and prevented from having that interaction with their loved ones. It would be instrumental and beneficial to everyone. It benefits the family members, their loved ones, the inmates, and the staff. Allowing them to do that will actually be a win-win for everyone.

Marianne Espinoza, Private Citizen:

I strongly support S.B. 351. I have a son who is an ex-felon, and he is unable to go in to visit his brother who still has 21 more years to go before he is eligible for parole. He is unable to go in and visit his father who has life without parole. This is affecting us because my two sons were very close. People used to think they were twins. Where you would see one, the other was there, and now he is not able to see his brother. He talks to his brother on the phone, but that is not good enough. He is not able to hug him, look at him, or be able to play the games that they played. Therefore, I strongly support this bill.

Betty Guess, Private Citizen:

I am calling today in support of S.B. 351. I have a son incarcerated in NDOC who has been there just shy of 13 years, and we were estranged from one another for a few years before he went to prison. We finally reconciled just a couple of years ago and began communicating, at first by letters only, and eventually by phone calls. Just this last month, in April, I was able to visit him in person for the first time—not easy, considering I live 1,800 miles away in Indiana. I was so scared my visit would be canceled at the last minute. Thankfully, that did not happen. It had been over 15 years since we have seen one another. I cannot begin to express to you the importance of an in-person visitation, and what it means for the psychological well-being and mental health of those who are able to experience it. My son later went on to tell me that he did not have words to say what it meant to be able to hug me, to hold my hand, and to see the look of love for him in my eyes, that he did not really believe

was still there until he could actually see it. No letter, no phone call, no video visit could ever have given him that same level of assurance that he was still loved. I also cannot express what it means for a mother not to be able to see her child in person. It is torture, it is ongoing worry, it is constant anxiety and immeasurable frustration. It is cruel, unusual, and unnecessary punishment to deny any loved ones the privilege to visit one another in person. I thank this Committee for hearing our concerns today, and I urge you to please pass S.B. 351.

Crystal Voight, Private Citizen:

There is actually six of us here at the Grant Sawyer Building in Las Vegas. We are in the cafeteria since there was no video room for us. If it is okay, we will just give our statement and pass the phone.

Chair Miller:

That works for us.

Crystal Voight:

I did submit my statement at the last hearing, and I think there are a lot of us who have statements in there. My fiancé is currently incarcerated in NDOC, and I am a convicted felon. I was convicted six years ago, and I completed all the terms of my probation and requirements. I was able to work my way up from a felon on house arrest, now applying to a job as a senior engineer in four years. I am very successful, I just purchased my first home, and throughout the relationship with my fiancé, the one thing I noticed that he never had was anybody with a strong, stable lifestyle that can show him the right way of life. The last three years we have been working on that, but the one thing that is holding us back is being able to visit. With 15-minute phone calls, you can only fit in so much. If we were able to visit, we could continue talking about our goals, our plans, and how we are going to deal with situations when they arise. That way, he is prepared when he comes home to not recommit crimes and is able to have a successful life.

Pamela Browning, Private Citizen:

I am in full support of S.B. 351. I was formerly incarcerated over 20 years ago. I now have a loved one who has been incarcerated going on nine years, and because of my 20-year-old criminal history, I am unable to take his four children to go visit him. I fully support this bill.

Sonya Williams, Private Citizen:

I am a core volunteer with Return Strong!, and I also process all the visitation denial appeals. There are so many of them that are due to prior felonies that are 15, 20, 30, even 45 years old. When I send the appeal on behalf of them, my email gets blocked by wardens at facilities, and I cannot get through. It is just a whole process that is time consuming for everybody involved, and we get no response. We have received not one single response except for one warden in northern Nevada. I support this bill.

Margoth Tello, Private Citizen:

I am a member of this community. Individuals who serve their time and complete all that was required of them should not continue to be punished. They should have the ability and opportunity to visit their loved ones. Someone who committed a crime eons ago and has changed their lives around should not be prevented from seeing their child, sibling, or partner. Multiple studies have shown not only that family visitations improve the lives of individuals while incarcerated, but also their time after. For example, recidivism decreases and their likelihood of finding employment increases. There are so many benefits for our communities by passing this bill, and I ask that you support it.

Adelina Gaxiola, Private Citizen:

I am an ex-felon and I currently have a son who is incarcerated in NDOC. For me not to be able to see him or let him see me, he does not see the change, and just to be able to touch him and let him know that the way of life that he was headed is not the right way. With me being his mother, I just want to look in his eyes, I just want to be that positive example for him, because I know that I am the only support system that he has. It just hurts to know that I cannot do that. He is only 23 years old, and he has his whole life ahead of him. This is really a barrier for me, and I would just like to be able to be in support of this bill for him.

Nicky Day, Private Citizen:

I am in support of S.B. 351. I have a son who is incarcerated. He just turned 20 years old. I have no felony. Yet, I have been arrested but I have no charges against me, and I have been denied since February of last year. I am still being denied as of last week. It is a hurtful feeling to know that my son is telling me, Mom, I just want to hug you. I want to see you, and I cannot. My son and I are really, really close. Very close. To sit here and hear him say, Mama, I do not even want to talk to anybody else but you when I get a chance to talk. I just call you because you are very important, and he is concerned about me as well. I am very concerned about him. He has a nephew who is turning three years old that now seems to be getting an IEP because he will not talk. He will not talk at all because he misses his uncle. He was talking when his uncle was home, but when they took his uncle, he stopped talking. When he spoke to his uncle last month and his uncle said, Okay, they are hanging up the phone, I got to go, and he was telling his nephew he loved him, he screamed, No, no, no, do not hang up. We did not even know that he knew how to talk because he was not talking. He has not talked for a year and a half. I am asking, please consider what is taking place. All persons need to visit their loved ones, especially when they are minors. Minors need to see their loved ones, touch their loved ones, talk in person, have that intimate moment with their loved ones for their mental situation. My son as well has an IEP too.

Chair Miller:

I just want us to recognize the demonstration we just witnessed. Most people would go to Grant Sawyer, find out there is not a room available, jump back in their cars, go back home or work, and then call from there. Yet, these women all stayed together in the cafeteria, and I think that is the point.

Charmaine Simmons, Private Citizen, Houston, Texas:

I support S.B. 351. My son, my only child, has been incarcerated since 2007. He is currently in Lovelock, Nevada. I have only seen him once, and that was through a special visit when he first went to High Desert Correctional Facility. Yes, I am a convicted felon, but my son and I are close; we are very close, and we are all we have. Just to be able to see him, to hug him, to kiss him, to spend some time with him, and communicate with him face to face is very important to us mothers. I figured if I sealed my record, then I would be able to see him. I live in Houston, Texas, and I spent I do not know how much money flying back and forth to Vegas, going to the law library and everything. It took me two years. It took me two years, but I got my record sealed in Las Vegas; even driving down to the police department on Martin Luther King Jr. Day and going to the parole and probation to personally deliver these records to show them that my record is sealed. The [unintelligible] to get me out of the system and it did not work. It did not work. I was still denied. This is very important. I just want to see my baby, and now, I am having lots of medical issues. I want to see my baby. I do not know when it is my time, but I want to see my baby. If I am granted permission to see my child, I will be there every chance that I can get. I will probably move back to Las Vegas. As a matter of fact, I would move back to Las Vegas for my child. Thank you for listening to us and letting us in.

Nicole Williams, Board Member, Return Strong!, Carson City, Nevada:

I am an impacted family member, activist, and core volunteer with Return Strong! I am calling today in firm support of S.B. 351. Family interaction and support is critical to the rehabilitation of incarcerated individuals and is proven to reduce the recidivism rate. The state of Nevada needs to have legislation in place so that individuals who may have made a mistake in their past are still able to visit and support their loved ones. A felony or misdemeanor charge 15 to 20 years ago should not define a person, and everyone deserves the grace of a second chance.

Estee Padgett, Private Citizen:

I am in full support of this bill, S.B. 351. Thank you for hearing all the stories today. I am so impacted by these moms affected. My family is in full support, and my fiancé is incarcerated in NDOC.

Tashika Lawson, Private Citizen, Las Vegas, Nevada:

I am testifying in support of Senate Bill 351. I am a longtime resident of Las Vegas, Nevada. I have a lot of family members who are second-generation people in the system, and I know this is something that is going to cause problems for a lot of families that just want to be able to stay connected, be able to keep themselves tethered to the outside and to their relationships that are going to be there to help to support them while they are inside and to actually act as a foundation for them when they get outside. Please, all we ask is that you consider that these are people's family members, these are people's children, and they deserve to stay connected with their families. Please do not be a part of creating more oppression and systemic racism which disproportionately affects our community.

Chris Kovello, Private Citizen:

I have a son who was recently incarcerated. During his incarceration, my husband was not able to visit our son. My husband has a federal felony. It is over 40 years old, and he has been a longtime productive citizen since then—not even a ticket. He was a longtime union member and worked hard to support our family. My husband paid his dues, but my son suffered because of it and so did the rest of our family because he was not able to visit with his father. I am in full support of this bill. It is so important for families.

Melissa Duna, Private Citizen:

I fully support Senate Bill 351. I have a son who was incarcerated. I am fortunate enough to visit my son because I have no felonies, but I can tell you, as a mother, a mother's love is unconditional. It is cruel and inhumane to have families suffer for something they did that is now over, and they have paid their debt to society. I am in full support.

Chair Miller:

With that, I will go ahead and open it up for opposition testimony. Is there anyone wishing to oppose Senate Bill 351? [There was no one.] Then I will open it up for neutral testimony. Is there anyone who would like to testify in neutral?

Harold Wickham, Deputy Director, Programs, Department of Corrections:

First, thank you so much to Senator Harris for bringing this forward. While I am testifying in neutral, I can tell you this administration strongly supports family reunification, and we will do whatever it takes to make it happen. With Ms. Kenyatta's story, I do not know the details, but on face value, I can say, Ms. Kenyatta, if you will send that application in, I will expedite a response I think you will be pleased with.

Chair Miller:

Ms. Kenyatta, who I believe is still on Zoom with us, is going to do that. With that, I will close testimony and welcome Senator Harris back up for any final remarks.

Senator Harris:

I really appreciate the Committee's time and patience with all the testimony on this bill today. I do not know about you all, but this is the type of stuff I came here to do. We have a chance to do something, not just good, but great, that will significantly impact the lives of, maybe not a majority of Nevadans, but will change, however large this number of citizens is, their lives in immeasurable ways. Let us get some good shit done, guys.

Chair Miller:

With that, I will go ahead and close the hearing on Senate Bill 351, but Senator, I do not think you want to go anywhere. As I said, Speaker Yeager has waived the rules and we are going to take advantage of that. Ms. Kenyatta, we are going to go ahead and work session this bill right now. With that, Ms. Thornton, please walk us through the work session for Senate Bill 351.

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 351 revises provisions relating to communications with offenders [[Exhibit M](#)]. The bill is sponsored by Senator Harris, was heard just now, and there are no amendments to the measure.

Chair Miller:

Members, are there any questions on the bill?

Assemblywoman Newby:

I was just hoping that broadcasting could put Ms. Kenyatta back up if she is still on Zoom.

Chair Miller:

Ms. Kenyatta, do you understand what is happening right now?

Tressa Kenyatta:

No.

Chair Miller:

What is happening is we are going to work session your bill right now. That means that we are going to vote it out of Committee, and the next stop will be the floor for a vote from the entire Assembly. Therefore, we are simply not waiting to vote it out of Committee this morning, we are voting it out right now.

With that, I will entertain a motion to do pass Senate Bill 351.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 351.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

We do have a few comments on the motion.

Assemblywoman Hansen:

From a mom, on behalf of all you mothers, it is an honor to be able to right this wrong. Thank you, Chair, for allowing us to work session this quickly. Hopefully, we can roll this out and get it over to the Governor so we can get you moms and dads connected with your loved ones.

Assemblyman Gray:

Similar circumstances but not exactly; my mom was never convicted of anything, but she went to her grave without ever getting to see my brother who was doing prison time in California. Therefore, this really does hit home.

Chair Miller:

Any additional comments? [There were none.] Then we will vote.

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and take the floor statement on that one. Thank you, Ms. Kenyatta and Senator Harris, for bringing this measure forward. That will be it for work session right now. I also will go ahead and take public comment at this time.

[Public comment was heard.]

With that, we are going to recess to the call of the Chair. I will say, it will not be until at least mid to later afternoon. With that, we are in recess.

[Recess to the call of the Chair at 10:08 a.m.]

Chair Miller:

Welcome back. I will call the Assembly Committee on Judiciary back to order [at 12:44 p.m.]. We are going to resume with our work session, and again, we are going to take things slightly out of order. With that, Ms. Thornton, please walk us through Senate Bill 153.

Senate Bill 153: Makes various changes relating to corrections. (BDR 16-126)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 153 makes various changes to corrections [[Exhibit N](#)]. The bill was sponsored by Senator Scheible, heard in this Committee today, and there are no amendments for this measure.

Chair Miller:

Members, any questions on Senate Bill 153? Not seeing any, I will entertain a motion to do pass Senate Bill 153.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 153.

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

Members, any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN GALLANT, GRAY,
HANSEN, HARDY, AND YUREK VOTED NO.)

I will assign the floor statement to Assemblywoman Mosca. Ms. Thornton, please walk us through Senate Bill 211 (2nd Reprint).

Senate Bill 211 (2nd Reprint): Revises provisions relating to marriage. (BDR 11-656)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 211 (2nd Reprint) revises provisions relating to marriage [[Exhibit O](#)]. It is sponsored by Senators Harris, Nguyen, and Flores and was heard in Committee on May 15, 2023.

There is one proposed amendment to the measure. Senator Harris proposed an amendment, which does the following: amends section 1.3 by clarifying the county clerk of the county where the original marriage license was issued is required to issue an amended certificate of marriage under certain circumstances; and amends section 1.9 to provide that the county clerk must file the amended certificate of marriage in the office of the county clerk within ten days after its issuance or if a board of county commissioners has not adopted such an ordinance, requires the party to whom the amended certificate of marriage is issued to file the amended certificate with the county recorder of the county where the original certificate of marriage was recorded within ten days after its issuance.

Chair Miller:

Members, are there any questions on Senate Bill 211 (2nd Reprint)? Not seeing any, I will entertain a motion.

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 211 (2ND REPRINT).

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Bilbray-Axelrod. Ms. Thornton, walk us through Senate Bill 223, please.

Senate Bill 223: Revises provisions relating to real property. (BDR 2-657)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 223 revises provisions relating to real property [[Exhibit P](#)]. It is sponsored by Senator Harris, was heard in Committee on May 11, 2023, and there are no amendments to this measure.

Chair Miller:

Members, any questions on Senate Bill 223? Not seeing any, I will entertain a motion.

ASSEMBLYWOMAN CONSIDINE MADE A MOTION TO DO PASS
SENATE BILL 223.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Members, any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Hardy. Ms. Thornton, please walk us through Senate Bill 235 (1st Reprint).

**Senate Bill 235 (1st Reprint): Revises provisions relating to pretrial release.
(BDR 14-310)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 235 (1st Reprint) revises provisions relating to pretrial release [[Exhibit Q](#)]. The bill is sponsored by the Senate Committee on Judiciary on behalf of the Joint Interim Standing Committee on Judiciary and was heard in Committee on May 19, 2023.

There is one proposed amendment. John Piro from the Clark County Public Defender's Office, proposed the following: provides that any party including, but not limited to, the defendant, defense counsel, prosecuting attorney, and judge, may appear at any hearing by remote communication; provides that pursuant to any interlocal agreement, a justice of the peace and a municipal court judge may conduct a pretrial release hearing on municipal court cases; provides that a district attorney or any attorney serving under a district attorney as a prosecutor may, with the permission of the district attorney who employs the attorney, be deputized in another jurisdiction for the purpose of conducting pretrial release hearings; and provides that any public defender and his or her deputies or assistants may, by agreement between the public defender who employs the attorney and the public defender of the jurisdiction of the defendant, represent a defendant in a pretrial release hearing in any jurisdiction.

Chair Miller:

Members, are there any questions?

Assemblywoman Hansen:

Not a question, but a comment. Thank you to the sponsor of the bill for fixing this much needed issue that the rural districts, especially, have found onerous. The work is appreciated.

Chair Miller:

With that, I will go ahead and entertain a motion.

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 235 (1ST REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Are there any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and assign that floor statement to Assemblywoman Cohen. Ms. Thornton, please walk us through Senate Bill 316 (1st Reprint).

Senate Bill 316 (1st Reprint): Makes various changes relating to criminal law. (BDR 14-132)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 316 (1st Reprint) makes various changes relating to criminal law [\[Exhibit R\]](#). It is sponsored by Senators Scheible and Spearman, was heard in Committee on May 11, 2023, and there are no amendments to the measure.

Chair Miller:

Members, any questions on Senate Bill 316 (1st Reprint)? Not seeing any, I will entertain a motion.

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 316 (1ST REPRINT).

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

Any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblywoman Marzola. Ms. Thornton, please walk us through Senate Bill 322 (1st Reprint).

Senate Bill 322 (1st Reprint): Revises provisions relating to reckless driving. (BDR 43-934)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 322 (1st Reprint) revises provisions relating to reckless driving [\[Exhibit S\]](#). The bill is sponsored by Senator Stone and was heard in Committee on May 9, 2023.

There is one proposed amendment. Assemblyman Yurek and Senator Stone proposed adding Assemblywomen Hansen and Hardy as cosponsors to the bill.

Chair Miller:

Members, any questions on Senate Bill 322 (1st Reprint)?

Assemblywoman Bilbray-Axelrod:

I thought I asked to be a cosponsor as well.

Assemblyman Yurek:

Chair, I do not know the procedure on this, but I would be absolutely happy as a cosponsor of this bill to have Assemblywoman Bilbray-Axelrod added as a sponsor as well.

Chair Miller:

Okay. Any other questions? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 322 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 322 (1ST REPRINT).

ASSEMBLYWOMAN MOSCA SECONDED THE MOTION.

Any comments on the motion?

Assemblyman Yurek:

No question, but a comment. I wanted to go on record to say that, as a freshman assemblyman, this bill truly was my privilege to work, together with this family, to pass this piece of legislation; and to the family who I know is watching right now, you did it for Rex.

Chair Miller:

With that, we will go ahead and take a vote.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Yurek, that is your floor statement. Ms. Thornton, walk us through Senate Bill 335 (1st Reprint), please.

Senate Bill 335 (1st Reprint): Revises provisions regarding real property. (BDR 3-883)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 335 (1st Reprint) revises provisions regarding real property [[Exhibit T](#)]. The bill is sponsored by Senator Ohrenschall and was heard in Committee on May 18, 2023.

There are two proposed amendments to the measure. First, Mendy Elliott, on behalf of Nevada Rural Housing Authority, Reno Housing Authority, and Southern Nevada Regional Housing Authority proposed an amendment, which provides that rental assistance does not include federal income-based rental assistance. Secondly, Jonathan Norman proposed an amendment, which creates an extension of time for tenants to pay or quit, a stay of proceedings in non-payment of rent cases under very limited circumstances, and authorizes justice courts to create an eviction diversion program.

Chair Miller:

Members, any questions on the bill? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 335 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 335 (1ST REPRINT).

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

Members, are there any comments on the motion?

Assemblyman Gray:

I will be voting yes to get this out of Committee, but I am going to reserve my right to change that vote on the floor.

Assemblywoman Newby:

I am also going to vote yes to get it out of Committee but reserve my right to change my vote on the floor. I do have many concerns which I have shared with Mr. Norman, and I know that work is ongoing.

Assemblywoman Gallant:

I am going to concur with my two other colleagues as well.

Chair Miller:

With that, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, HARDY, AND
YUREK VOTED NO.)

I will assign the floor statement to Assemblywoman Summers-Armstrong. Ms. Thornton, please walk us through Senate Bill 362 (1st Reprint).

Senate Bill 362 (1st Reprint): Revises provisions relating to public safety. (BDR 15-289)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 362(1st Reprint) revises provisions relating to public safety [[Exhibit U](#)]. It is sponsored by Senators Neal and Flores and was heard in Committee on May 2, 2023.

There is one proposed amendment for the measure. Senator Neal proposed an amendment which would provide that a person may request a disease to be added for eligibility to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card.

Chair Miller:

Members, any questions on the bill? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 362 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 362 (1ST REPRINT).

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Assemblywoman Newby:

I really appreciate the intent of this bill, but I still have very large concerns with the implementation. Therefore, I will be a no today.

Chair Miller:

Any other comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMEN LA RUE HATCH AND
NEWBY VOTED NO.)

I will go ahead and assign that floor statement to Assemblywoman Mosca. Ms. Thornton, we will take Senate Bill 368 (1st Reprint) next.

**Senate Bill 368 (1st Reprint): Revises provisions relating to real property.
(BDR 10-989)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 368 (1st Reprint) revises provisions relating to real property [[Exhibit V](#)]. The bill is sponsored by Senator Harris and was heard in Committee on May 12, 2023.

There is one proposed amendment for this measure. Senator Harris proposed adding Assemblywomen Bilbray-Axelrod and Hansen as cosponsors to the bill.

Chair Miller:

Members, any questions about Senate Bill 368 (1st Reprint)? Not seeing any, I will entertain a motion.

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 368 (1ST REPRINT).

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and assign that floor statement to Assemblywoman Bilbray-Axelrod. Ms. Thornton, please walk us through Senate Bill 382 (1st Reprint).

Senate Bill 382 (1st Reprint): Revises provisions relating to juveniles. (BDR 1-795)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 382 (1st Reprint) revises provisions relating to juveniles [[Exhibit W](#)]. The bill is sponsored by the Senate Committee on Judiciary, was heard in Committee on May 4, 2023, and there are no amendments to this measure.

Chair Miller:

Members, any questions on the bill? Not seeing any, I will entertain a motion to do pass Senate Bill 382 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 382 (1ST REPRINT).

ASSEMBLYMAN ORENTLICHER SECONDED THE MOTION.

Any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign that floor statement to Assemblyman Orentlicher. With that, we are actually going to roll the other bills. We will be coming back in for another meeting today, and at this point, it will be several hours from now. As you know, everyone is stacked up in a domino effect with members and meetings happening all throughout the day. Therefore, we are going back into recess. We will be meeting again in a number of hours. With that, we are in recess.

[Recess to the call of the Chair at 1:01 p.m.]

I will call the Assembly Committee on Judiciary back to order [at 7:06 p.m.]. I know it is getting late in the evening, and I know some of you have been in this room for quite a while now. I thank you for coming in, waiting, and being patient. We are going to work session two bills right now. We are going to start with Senate Bill 417 (1st Reprint). Ms. Thornton, please walk us through Senate Bill 417 (1st Reprint).

Senate Bill 417 (1st Reprint): Revises provisions governing common-interest communities. (BDR 10-970)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 417 (1st Reprint) revises provisions relating to common-interest communities [[Exhibit X](#)]. It is sponsored by the Senate Committee on Judiciary and was heard in Committee on May 18, 2023.

There is one proposed amendment for the measure which does the following: it increases the maximum hourly amount the executive board may require a unit's owner to pay to review any books, records, contracts, or other papers of the association to \$25 per hour; deletes the change to existing law in section 1, subsection 4 relating to personnel records of the employees of the association; deletes language referring to "bullying" and "retaliatory action"; it increases the administrative fee that the Commission may impose against any person who knowingly files a false or fraudulent affidavit with the Division; and authorizes the Commission or a hearing panel to designate a person as a vexatious affiant if the Commission or hearing panel has imposed an administrative fine or sanctions against the person for knowingly filing a false or fraudulent affidavit with the Division on two or more occasions.

Chair Miller:

Members, are there any questions about Senate Bill 417 (1st Reprint)? Not seeing any, I will entertain a motion to amend and do pass Senate Bill 417 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 417 (1ST REPRINT).

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Are there any comments on the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and assign that floor statement to Assemblywoman Bilbray-Axelrod. The next one on our list will be Senate Bill 35 (1st Reprint). Ms. Thornton, please walk us through that one.

Senate Bill 35 (1st Reprint): Establishes the crimes of low-level trafficking in fentanyl, mid-level trafficking in fentanyl and high-level trafficking in fentanyl. (BDR 40-423)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 35 (1st Reprint) establishes the crime of low-level trafficking in fentanyl, mid-level trafficking in fentanyl, and high-level trafficking in fentanyl [[Exhibit Y](#)]. It is sponsored by the Senate Committee on Health and Human Services on behalf of the Attorney General and was heard in Committee on May 17, 2023.

There is one proposed amendment. The amendment does the following: first, it creates a penalty for a person who sells a substance with actual knowledge that the substance contains fentanyl and intentionally fails to inform a purchaser that such a substance contains fentanyl; creates a penalty for a person who knowingly or intentionally sells, manufactures, delivers, or brings into this state or who is knowingly or intentionally in actual possession of a counterfeit fentanyl compound; directs the Joint Interim Standing Committee on Judiciary

to study the costs and benefits of upgrading the crime labs to have the ability to do quantitative testing and its associated impact on the State of Nevada; directs all state and local law enforcement to report to the Joint Interim Standing Committee on Judiciary certain information; and lastly, it requires the implementation of medication-assisted treatment programs in city, county, and state correctional facilities for the treatment of persons with substance use disorders, if funds and staff are available.

Chair Miller:

Members, are there any questions?

Assemblywoman Summers-Armstrong:

When we are talking about the data, are we going to have a lined-out, detailed explanation of the collected data, or is that going to come at a later time?

Chair Miller:

It is currently not in the bill. However, according to the amendment, there will be opportunity for reports to come back to the Joint Interim Standing Committee on Judiciary. Any additional questions? [There were none.] With that, I will entertain a motion to amend and do pass Senate Bill 35 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 35 (1ST REPRINT).

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

Members, any comments on the motion?

Assemblyman Gray:

First, I want to thank and commend you on your transparency and willingness to work on this bill. I think one thing we can all agree on is, this is definitely a problem that has to be addressed and addressed soon. However, having just received the amendment, and even though we had talked about it, by not having been able to go through it line by line at this time, I will have to vote no in Committee and reserve my right to change later.

Assemblywoman Gallant:

Ditto.

Assemblywoman Hardy:

Same here.

Chair Miller:

I appreciate that. We know it often takes time to get to an area of agreement. We appreciate Attorney General Ford for accepting this, and I understand, technically, it is still being written and is not finished yet, and we are asking for people to accept it as a conceptual amendment. I appreciate that, and I do appreciate everyone's concern and commitment to moving forward.

Assemblyman Gray:

I did want to drive home—I think the other Committee members will agree with me on this as well—we thank you again for your transparency and willingness to work on this. We just need more time to synthesize it.

Chair Miller:

With that, I will go ahead and take a vote.

THE MOTION PASSED. (ASSEMBLYMEN GALLANT, GRAY,
HANSEN, HARDY, MOSCA, AND YUREK VOTED NO.)

I will go ahead and take that floor statement. At this time, we will close our work session.

Senate Bill 343 (1st Reprint): Revises provisions relating to fentanyl and derivatives of fentanyl. (BDR 40-501)

[Senate Bill 343 (1st Reprint) was not considered.]

With that, we are in recess.

[Recess to the call of the Chair at 7:14 p.m.]

[Chair adjourned from the Assembly floor at 7:36 p.m.]

RESPECTFULLY SUBMITTED:

Aaron Klatt
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Senate Bill 14 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 39 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 63 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 104 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 289 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 378](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Bill 401](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Senate Bill 407 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Senate Bill 410 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Senate Bill 415 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Senate Bill 351](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Senate Bill 153](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Senate Bill 211 \(2nd Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Senate Bill 223](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Senate Bill 235 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Senate Bill 316 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Senate Bill 322 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is the Work Session Document for [Senate Bill 335 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit U](#) is the Work Session Document for [Senate Bill 362 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit V](#) is the Work Session Document for [Senate Bill 368 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit W](#) is the Work Session Document for [Senate Bill 382 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit X](#) is the Work Session Document for [Senate Bill 417 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Y](#) is the Work Session Document for [Senate Bill 35 \(1st Reprint\)](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.