

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

**Eighty-Second Session
February 7, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:09 a.m. on Tuesday, February 7, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/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:

None



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Connor Schmitz, Committee Secretary
Traci Dory, Committee Secretary
Aaron Klatt, Committee Secretary
Garrett Tamagni, Committee Secretary
Karyn Werner, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Victoria Gonzalez, Executive Director, Department of Sentencing Policy
Jorja Powers, Manager of Policy Analysis, Department of Sentencing Policy
Erasmus Cosio, Management Analyst, Department of Sentencing Policy

Chair Miller:

[Roll was taken.] I will call this meeting to order. I would like to welcome everyone to the Assembly Committee on Judiciary. I am glad to see this room full again here in Carson City; I am glad as well to see those who may be joining us at Grant Sawyer in Las Vegas and everyone watching over YouTube or electronically right now. Today we have a few introductions, adoption of committee policies, and presentations from committee staff and the Department of Sentencing Policy. With that, I would like to start with a few housekeeping items. As usual, these housekeeping items will stay consistent.

We are scheduled for 8 a.m., Monday through Friday. Agenda items in any committee can be taken out of the order listed on the agenda. They can be combined for consideration, removed from the agenda, or discussion on an agenda item may be delayed. The Chair or a member of the Committee may request testifiers to submit documentation supporting their testimony. When testifying, please turn on your microphones when you need to speak and off to listen. We have listeners and viewers in Las Vegas and online and we are recording this meeting, so it is available to watch on the Legislature's website later.

If you have handouts for the Committee, please provide 20 copies to the committee secretary prior to your testimony. In addition, exhibits and amendments must be submitted electronically as a PDF file to our committee manager no later than noon the business day before the meeting. Committee information is available on the Nevada Electronic Legislative Information System (NELIS), which can also be accessed through the Legislature's website. You can also watch our meetings through NELIS or on the Legislature's YouTube channel.

We ask that public comment be kept to two minutes per person. Speakers are urged to avoid repeating comments by previous speakers. It is always appropriate to say "ditto," or "I agree," or "I echo what another speaker said." Members of the public may provide testimony on a bill, either in person in Carson City, in Las Vegas, or by telephone. Written public comment may be submitted before, during, or up to 24 hours after meeting adjournment. I expect courtesy and respect in our interactions, even when we disagree.

Finally, please turn off your electronic devices, especially cell phones, or put them on silent mode. All of us with laptops, please make sure we also have our volume down. Also, just a reminder to everyone viewing, all the members up here are obviously using laptops or cell phones, so please do not take that as we are ignoring you; everyone is doing research, reading bills, and communicating with each other, so please do not take that as we are not paying attention to what is happening.

With that, I will move on to our first agenda item, which is Committee member and staff introductions. I would like the members of the Committee to quickly introduce themselves.

Assemblywoman Marzola:

I represent Assembly District No. 21. This is my second session and my second time serving on the Judiciary Committee.

Assemblywoman Bilbray-Axelrod:

I represent Assembly District No. 34. I was first elected in the 79th Session. I served two sessions on the Government Affairs Committee, and this is now my second time on the Judiciary Committee.

Assemblywoman Hansen:

I represent Assembly District No. 32. I was first elected in 2018 and served my first session in 2019. I have served three regular sessions and three special sessions, and I have served all three of those regular sessions on the Judiciary Committee. I am honored to be back, and congratulations, Chair Miller.

Assemblywoman Gallant:

I represent Assembly District No. 23. This will be my first session.

Assemblyman Yurek:

I represent Assembly District No. 19. I was elected for the first time in November 2022, and this is my first time on the Judiciary Committee. It is a pleasure to be here.

Assemblywoman La Rue Hatch:

I represent Assembly District No. 25 in Reno. I was first elected this November, and this is my first time on the Judiciary Committee.

Assemblyman Orentlicher:

I represent Assembly District No. 20, on the southeast side of Las Vegas. I was first elected in November 2020, and it is my second session on the Judiciary Committee. I also served three sessions on the House Committee on Judiciary, Indiana House of Representatives.

Assemblywoman Newby:

I represent Assembly District No. 10 in central Las Vegas. This is my first session. I was appointed on January 17, 2023.

Assemblywoman Mosca:

I represent Assembly District No. 14 in east Las Vegas. I am a freshman, and this will be my first time on the Judiciary Committee.

Assemblyman Gray:

I represent Assembly District No. 39, which is the central Lyon County corridor and all of Douglas County. I was first elected to office in 2016 and spent six years on the Lyon County Board of Commissioners. This is my first session.

Assemblywoman Hardy:

I represent Assembly District No. 22 in southern Nevada, which is in the Henderson area. I was first elected in 2018 and served on the Judiciary Committee in the 2021 Session. I am excited to be here and look forward to working with all of you.

Assemblywoman Considine:

I represent Assembly District No. 18, on the east side of Las Vegas and a little bit of Henderson. This is my second session, and I was first elected in 2020. I have previously served on the Assembly Committee on Government Affairs, and this is my first session serving on the Judiciary Committee.

Assemblywoman Cohen:

I represent Assembly District No. 29, which is mostly in Henderson. I was first appointed for the 2013 Session, and then elected since 2017; I have served on the Judiciary Committee in all of those sessions. I am very excited to be here, and congratulations, Chair Miller.

Chair Miller:

I represent Assembly District No. 5. This is my fourth session. I was first elected in 2016 and served my first two sessions on the Judiciary Committee. Last session, I went to the Ways and Means Committee and chaired a subcommittee that covered the Department of Corrections (NDOC), and now I am back on the Judiciary Committee. My goal as Chair is always to create an atmosphere of fairness and consistency, respect, and a high level of professionalism. I know that the members of this Committee will participate and engage in that, and I hope that everyone else appreciates that as well.

With that, I want to introduce our dynamic committee staff. Many of the people I am going to introduce now, you may not always see. This is a production that takes much more than just the committee members in front of you. The Legislative Counsel Bureau (LCB) has an amazing staff and the support they offer us, everything from technology to research and all the things that you do not see, we could not do without these amazing staff members. Even if you do not see them, do know that they are there. Often when the committee members are walking out the door, even if it is midnight or 1 a.m., our staff are usually here for a few more hours after we leave. Please make sure that you are always acknowledging and letting our staff know how much they truly are appreciated.

With that, first we have our committee manager, Devon Kajatt. This is Devon's third session and her second as a committee manager. She is originally from Reno and now resides in Las Vegas with her husband, Raphael. She has migrated back to the north for 120 days, along with some of us. When not working for the Legislature, Devon works for the Department of Business and Industry, Division of Mortgage Lending. In her spare time, Devon enjoys cooking, painting, and watching anything sports related.

The committee assistant is Ashley Torres, and this is her first session. She is originally from Huntington Park, California, and she moved to Carson City in August 2014 after the birth of her second child. She and her family enjoy all the outdoor activities northern Nevada has to offer, like hiking, kayaking, and sightseeing. She is excited to work for this Committee and will also be assisting the Assembly Committees on Education and Health and Human Services.

Next, we have Karyn Werner. She is a seasoned Judiciary committee secretary, with this being her eighth session. She graduated from the University of Nevada, Reno, with a degree in psychology. She medically retired from the Department of Motor Vehicles in 2005 after 18 years of service with the state. For the past 40 years, she has lived in Dayton with her husband, Mike, where they raised four children. She enjoys camping, hiking, and reading, and feels privileged to be working here this session. We are glad to have you again, too.

Traci Dory, a committee secretary, is returning for her third session with the Judiciary Committee. She is originally from Elko. She worked for the state for 30 years, 14 of which were with the Office of the Attorney General and 16 with NDOC. In 2017, she retired and enjoys traveling, gardening, and raising chickens.

We also have three first-time committee secretaries. Aaron Klatt is originally from Reno and still calls it home. He enjoys spending time outdoors and having fun with his fiancé and their two cats. Connor Schmitz studied business administration and psychology at Clemson University in South Carolina. He worked in commercial real estate and marketing in Washington, D.C., and Reno prior to joining the Assembly staff. Connor feels privileged to be supporting the important work of the Judiciary Committee in his first session. We also

have Garrett Tamagni. He lives in Reno and has been a Nevada resident for eight years. He has worked across the United States on political campaigns, as well as in AmeriCorps as a volunteer working on environmental restoration projects and building hiking trails. He is very excited to have the opportunity to work here.

Lastly, we are fortunate to have Bonnie Hoffecker joining us again. Her office is next door, so we will not be seeing her as often as we are used to. She is a research policy analyst in LCB's Research Division, and she will be assisting Ms. Thornton with the Committee. Next, I will have our committee policy analyst and our legal counsel introduce themselves.

Diane C. Thornton, Committee Policy Analyst:

I am the chief principal policy analyst with the LCB. I have worked for the LCB for about 15 years, this is my fifth session with Judiciary, and prior to that I worked for the Assembly Committee on Commerce and Labor.

Bradley A. Wilkinson, Committee Counsel:

I am the chief deputy legal counsel with the LCB. This is my sixth session with Assembly Committee on Judiciary, and I did eight sessions with the Senate Committee on Judiciary before that. I am glad to be here again.

Chair Miller:

Our first order of business is the adoption of the committee policies [\[Exhibit C\]](#) which are posted on the Legislature's website. These policies are standard and consistent among other committees you may be on. They serve to complement the Joint Standing Rules that we adopted yesterday in the full Assembly.

Considering that we are the first committee of the day, we will start as close to our scheduled time as possible. Please, members, know that we will be starting promptly at 8 a.m. every morning. Committee members, in order to be recognized or ask a question, please use the Teams chat. You will need to be acknowledged in order to ask follow-up questions as well.

Please do not approach the dais for any reason, at any time; this includes lobbyists, the press, and anyone in the audience. Our members will remind you if you do, so please respect that. Committee members, are there any questions? [There were none.] I will now take a motion to approve the committee policies.

ASSEMBLYWOMAN MARZOLA MOVED TO ADOPT THE 2023
COMMITTEE POLICIES FOR THE ASSEMBLY COMMITTEE ON
JUDICIARY.

ASSEMBLYMAN GRAY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN SUMMERS-
ARMSTRONG WAS ABSENT FOR THE VOTE.)

We will now move on to a presentation of the Committee Brief from Diane Thornton, committee policy analyst.

Diane Thornton:

On NELIS you will find the Committee Brief [[Exhibit D](#)]. The policy brief is a compilation that summarizes the topics that typically come before this Committee, an overview of the previous session, and any anticipated issues. The Assembly Committee on Judiciary has jurisdiction over a wide range of issues, including civil and criminal law; cannabis; corrections; gaming; guardianships; parole and probation; property rights; and estates and wills. During the 2021 Session, the Legislature introduced 958 new bills. There were 495 in the Assembly and 463 in the Senate. There was a total of 130 measures that were referred to this Committee last session. Of those measures, 107 were reported out of the Committee and a total of 95 were sent to the Governor's desk. In addition, last session the Committee on Judiciary met 88 times. For comparison, in the 2019 Session, 153 bills were referred to this Committee, and the Committee met a total of 90 times with three meetings behind the bar of the Assembly.

If you are looking for any additional information on the topics that will come before this Committee, included in the brief is a list of relevant resources and publications. These include the final brief from the Joint Interim Standing Committee on Judiciary and the bill draft resolutions that were submitted on behalf of that interim committee. Also, on the LCB's Research Division website, you can find a myriad of publications related to the topics within the jurisdiction of this Committee. Lastly, in the brief is a review of the court structure in Nevada, an explanation of the categories and punishments for category A through E felonies, an explanation of gross misdemeanors, an explanation of misdemeanors, an explanation of the difference between parole and probation, and the difference between jail and prisons.

This concludes my presentation, and I am happy to answer any questions.

Chair Miller:

Members, do we have any questions for Ms. Thornton? [There were none.] We can move on to our next presentation, which is an overview of the Department of Sentencing Policy (NDSP).

Victoria Gonzalez, Executive Director, Department of Sentencing Policy:

There are four main sections of our presentation today [page 2, [Exhibit E](#)]. First, we will share some information about who we are; secondly, we will share data advances our department has made since we were established. Third, we will give you a preview of data from a report that we are working on; and finally, we will share projects that we have in the works.

The NDSP was established in 2019 as an independent agency to collect criminal justice data to assist the Nevada Sentencing Commission (NSC) in making data-driven recommendations regarding sentencing and corrections policies [page 3, [Exhibit E](#)]. The Nevada Sentencing Commission, at that time, was a legislative interim committee, and with the creation of our department, the NSC was moved from the Legislative Branch to our department, with the intent for the commission to be independent and to have the staff it needed to conduct its data-driven recommendations.

As you can see, we are a staff of five. We have a policy analyst, an administrative assistant III, a management analyst II, and management analyst I. Our staff has already slightly evolved since we were started in 2019. We now have a strong foundation to really fulfill our statutory mandate.

The mission of our department is to promote an equitable and reliable criminal justice system by providing reliable criminal justice data, practical fiscal analysis, and comprehensive policy resources to lawmakers, stakeholders, and the public to ensure Nevada's sentencing and corrections policies and the Nevada criminal justice system are effective, data-driven, and resource-sensitive [page 4, [Exhibit E](#)].

When it comes to how we collect, analyze, and share criminal justice data, we govern ourselves by these core values [page 5, [Exhibit E](#)]. We dedicate ourselves to data that is practical, meaningful, sustainable, unbiased, nonpartisan, collaborative, and Nevada-focused. As I mentioned, we support the NSC and the Nevada Local Justice Reinvestment Coordinating Council (NLJRCC) in fulfilling their statutory duties [page 6, [Exhibit E](#)]. You can see in our presentation that the Sentencing Commission meets monthly. Statutorily, the NSC is required to meet quarterly, but in order to ensure that we have ongoing conversations, make our meetings effective, and also are sensitive to everyone's schedules, we meet monthly for a couple of hours. The NLJRCC was created from [Assembly Bill 236 of the 80th Session](#), which was the omnibus criminal justice reform bill from 2019. I will not go too much into that, but we can answer a lot of questions about that. We have summaries of the bill and reforms, as well, and can provide information about that depending on what this Committee needs when it comes to that.

The NSC is statutorily required to evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing and to make data-driven recommendations for sentencing and corrections policy. That is a very high-level summary of the duties. You can find the full scope of the duties in *Nevada Revised Statutes* (NRS) 176.0134. Additionally, the NSC has been tasked with measuring the outcomes of [A.B. 236 of the 80th Session](#), which I will talk about in a later slide. Again, the NLJRCC is required to advise the NSC on actions needed to implement [A.B. 236 of the 80th Session](#) at the local level and administer grants to reduce recidivism as funded by cost avoidance. The NLJRCC's duties can be found in NRS 176.014.

Our statutory mandate is to collect criminal justice data from every criminal justice agency [page 7, [Exhibit E](#)]; specifically that is the duty of my position as executive director, and that is in NRS 176.01327. Currently, we receive raw and aggregated data from the Department of Corrections (NDOC). We have a strong partnership with that department and have been able to work consistently and collaboratively to get a handle on the policies and help educate policymakers, lawmakers, and the public in different corrections policies.

We also receive raw and aggregated data from the Division of Parole and Probation within the Department of Public Safety; we do not have the full capacity to process all of that yet, but it is within the works that we are trying to get that data for you. The data and capacity we do have has led to exciting advances in criminal justice data for our state. As you can see, at a high-level summary, we created the first interactive dashboard of prison population data, which I will walk you through. We provide monthly snapshots and analysis of the prison population in our "Data Dispatches," which I will also share with you. We created a guide to understanding sentence credits, and we make Nevada-focused data presentations to the NSC and criminal justice stakeholders. All of this is on our website, www.sentencing.nv.gov, and is in the section called "The Hub."

On the next few slides, I am going to share details of these advances [pages 8 and 9, [Exhibit E](#)]. We have created a dashboard of prison population data, something that this state has never had before. All the resources you might need are found in "The Hub" on our website: dashboards, data dispatches, and we will also be putting all of our data presentations here, including this presentation. We also have sentence credit guides that we have created available on The Hub, along with all our reports that we have put together. These are statutorily required reports, not just our data presentations; and there are other resources related to what we do.

We have two dashboards: one of which is updated monthly, and the other annually [page 8, [Exhibit E](#)]. If you click on the monthly trends dashboard, there are three main sections. Here you can see the month-end offender count at NDOC, which is updated monthly. You can see from month to month where we are at. We can toggle between in-house and total, and you can see that the population is divided by female and male populations.

The next slide will have the total population, divided by male and female [page 9, [Exhibit E](#)]. On the right side, you can see what the year-end population was back to 1990. You can also toggle to view certain time frames within the dashboard and get focused on a certain area. Again, this is updated monthly and you can toggle between in-house and total.

The next page on this website has a comparison of the total population to the JFA Institute's prison population projections. Here you can see the comparison over time of where the projections stated that the prison was going to be, and where it has been in actuality. We can see on January 31, 2023, the total population was 10,323 and the projected was 11,641. I will also point out that you can see, since October 31, 2021, that the population has stayed pretty even around 10,000.

We have noticed that the prison population started to decline in 2017. As we have seen different reforms come through, one of the things we have noticed is, there is already a trend down in 2017, and so we are looking into what some of the factors were that might have contributed to that. Of course, since then, we know that A.B. 236 of the 80th Session and COVID-19 enhanced the ongoing decline in the prison population.

On the third section of the monthly updates is a breakdown of admissions and releases. This is where we can get a real understanding of what is happening right now. We will present some more data about that later in our presentation, but the trend of admissions and releases is where we are going to see the prison population change. You can see from month to month what is happening, and as we can see, as of January 31, releases still outpaced admissions that month. More releases than admissions is what is going to keep the prison population low. If we start seeing the admissions trending up, then that is what we are going to start paying attention to.

We have more in-depth analysis about offense groups and felony categories, and we can break all of that down about who, exactly, is being admitted and who is being released. You can also break this down by male to female, and you can choose to just look at admissions or look at releases. When the prison population was higher, that is when the admissions were higher.

If you go to the yearly admissions and releases trends dashboard, which is just updated annually, you can see admissions broken down by the status of how they were admitted. We can see who the new commitments were, those coming back from supervision, and it can also be broken down by county. We are going to start working on doing this by the county usage of the prison population, a more in-depth analysis we are going to present to our coordinating council to really understand what counties the prison population is coming from and what kind of offenses are we talking about, and what kind of sentences are we looking at. The next page of the yearly update is admissions per year, which can be broken down, and you can see the comparison, as opposed to a pie chart. Then we have releases, which also get broken down similarly by how they were released, and then you can break it down to male and female and look at the trends over time.

The only other thing that I want to point out while we are here on our website is that a lot of this information and any reports or analysis that we do independently are sent out by email and through Twitter. If you would like to subscribe to our emails, you can find a form at the bottom of our website. We also have a YouTube channel where you can see our past meetings. We also made a video of the structured living program at the Lovelock Correctional Center. If you have not seen this program, it is inspirational in terms of what programs can do for those that we have incarcerated. We have interviews here with participants in the program, the program leaders, and it is just exciting to see. I really recommend going to see this program if anybody is interested.

As I mentioned, we distribute our monthly data dispatches [page 9, [Exhibit E](#)]. This is just a sample. You can see the full data dispatches on our website, and again, if you subscribe to our Listserv or follow us on Twitter, we make sure to update you on when they have come out. We just started these in August, and we provide quick context and quick comparisons. In the January version, we looked into admissions and releases so that you can see what the trends look like for the year and to show you that we are keeping an eye on this, as we are trying to keep track of what is happening with the prison population.

As I mentioned, the Nevada Sentencing Commission (NSC) is required to collect and analyze data to measure outcomes resulting from [A.B. 236 of the 80th Session](#). These requirements are laid out in NRS 176.01343. As you may know, [A.B. 236 of the 80th Session](#) was based on policies called "justice reinvestment," and those are the outcomes they were trying to achieve with the reforms. We collect and analyze data to assist the commission with fulfilling this duty. We were able to present our first preliminary findings to the NSC on November 4, 2022 [page 10, [Exhibit E](#)]. This was our first attempt to truly measure outcomes resulting from [A.B. 236 of the 80th Session](#). To measure these outcomes, we used the goals of the policy that led to [A.B. 236 of the 80th Session](#). Specifically, we focused on the goal to focus prison resources on serious and violent offenders. That is the question we addressed in our full analysis. We included sex and violence offense groups in measuring that "serious and violent" and all category A felonies.

We found that the prison population started declining in 2017 and [Assembly Bill 236 of the 80th Session](#) reforms and COVID-19 enhanced this prison population decline. Many of our findings, based on the scope of serious and violent were that the majority of those housed in prison were convicted of category A and B felonies. The highest occurring offense groups among category A and B felonies were sex and violence. Property and drug offense group totals have decreased, and property and drug offenses were those offenses in [A.B. 236 of the 80th Session](#) that were targeted; the penalties were changed to have an impact on the prison population.

This is one slide of many that we presented that is related to this [A.B. 236 of the 80th Session](#) data. Mr. Cosio will be presenting a full analysis because we only analyzed the population up until the presentation. The analysis that we are working on now will have that full scope of 2017 to 2022 by year and we will be able to see the trends and what was happening with the prison population. There was a decrease in the percentage of total populations of property and drug offense groups. These were the groups that were targeted with adjusted penalties with [A.B. 236 of the 80th Session](#). There was an increase in sex and violence offense groups between that period; the percent of offense groups will go up as the percentage in other groups goes down. As the total population goes down, we see that that concentration gets a little tighter, too, so that would explain that higher percentage. It also shows that those groups that were focused on [A.B. 236 of the 80th Session](#) have been affected by not being represented as highly in the prison population.

Next week we will be back to present Assembly Bill 32, which includes a proposed change to an A.B. 236 of the 80th Session policy that, based on our qualitative and quantitative analysis, was not working as intended, and which has a proposed recommendation on how to ensure that that policy can actually live up to what was intended in that previous legislation. That is going to be a data-driven recommendation.

Another sample of our advances in data analysis is our analysis of our aging population [page 12, [Exhibit E](#)]. This analysis was conducted in response to a request from a member of the NSC. The issue raised was regarding knowing what the aging population looks like in prison, because there are certain costs to be considered when we are thinking of this aging population. People age faster in prison, which means cost to house them increases. Medical care, making facilities compliant with the Americans with Disabilities Act for wheelchairs—this data is very important to consider when allocating resources to NDOC, which I know is not in the scope of this Committee but important for you to take back when understanding what is needed there. The cost of housing those individuals is very expensive. We are going to do a more complete and historical analysis to publish in a report and will notify this Committee when we do. The data we analyzed here was just a snapshot. We took the total population in July 2022 and looked at incarcerated persons that were 50 years of age or older with sentences of more than 120 months minimum. Then we focused on looking at what their felony category and offense group is, by their most serious offense. The majority of those individuals that fell into this analysis were in category A and were in the sex and violence offense groups.

Another analysis we did was related to those convicted persons with zero prior felonies [page 13, [Exhibit E](#)]. Nevada Sentencing Commission members and other stakeholders asked us what the criminal history looks like for those individuals. We found that 5.31 percent of the total population were new commitments and have no prior felonies. Of those, the majority are category A and B felonies and in the violence and sex offense groups. This shows that even if there is no criminal history, the majority of them are serious and violent offenders. Also, the majority of those with zero prior felonies had some criminal history, including prior jail incarcerations, prior violent and nonviolent misdemeanor convictions, and prior probations, so you know what we considered "criminal history."

I am also going to share some information that breaks down those numbers a little more that do not appear on this slide. When we pulled this data on September 30, 2022, there were 10,318 individuals incarcerated; 8,027 of them were new commitments, 3,791 had zero felonies, and 548 of those new commitments had zero prior felonies and zero other criminal history aspects previously mentioned.

Our manager of policy analysis is going to share information about another project we are working on.

Jorja Powers, Manager of Policy Analysis, Department of Sentencing Policy:

Our department is often asked questions about reentry and recidivism. These questions come from the Legislature, the NSC, various stakeholders, and others. Our data collection has increased tremendously in the last year, but even so, it is not always easy to evaluate the efficiency and effectiveness of community supervision and pinpoint the barriers to successful supervision outcomes that we are asked by statute to measure. There is a lack of data regarding return to prison, which makes it difficult to fulfill the imperative need to understand what is actually going on. The issues facing returning citizens need to be truly understood before we can begin to address them. Our staff talked extensively about this and decided that one way to begin to work toward a solution is to embark upon an independent study to gather information [page 14, [Exhibit E](#)]. With the approval and help of the NDOC, our department began this parole violator project in September.

I have interviewed 86 parole violators to date. I am visiting Northern Nevada Correctional Center, where I am asking all parole violators in each week's group if they would like to be interviewed as part of our voluntary study on reentry, parole, and recidivism. Participation has been overwhelmingly positive. Because the needs of justice-involved citizens are often as varied as the myriad individuals trying to resume their lives in the community, this study, and the data we are collecting, is both quantitative and qualitative. We are learning a lot from the anecdotal experiences of the parole violators being interviewed.

Here is a list of quotes from recent parole violators [page 15, [Exhibit E](#)]. These qualitative responses give us as much information as the raw numbers, and this important information is directly from the people who are living it. These quotes were chosen for their raw honesty. There are many more within the collected data. The participants in this project know that there is not going to be instantaneous change, and they also know that this project is not going to change their current situations. But they are willing to be involved and tell their stories because they have the hope and belief that people hearing their accounts, their lived experiences, will see that the current system is not providing enough success and prompt the beginning of change.

On the left is a visual representation of many of the needs of offenders reentering society, including ongoing legal support, housing, medical, mentoring and counseling, economic support, transportation, and employment and vocational opportunities [page 16, [Exhibit E](#)]. One of the questions I ask during the interviews is, "We talked about resources and support earlier. What helped the most and what, if anything, would have made a bigger difference if it had been available?"

You see in the chart on the right that the most common answers were residence and improved housing options; enhanced communication with the Division of Parole and Probation (P&P); and better access to programming and treatment. However, as I mentioned earlier, there are as many needs as discreet participants.

It is too soon to provide definitive findings, but we are including information from this study at each NSC meeting. To capture a wider population and have a statewide picture of need and availability, we are expanding this project and will begin interviewing those awaiting parole violation hearings in the south at High Desert State Prison and Florence McClure Women's Correctional Center within the next month. I am excited to continue this project and discover what trends appear as the sample size increases. Our hope is that this information gathered from those with lived experience can be used to guide further decision making for what is offered in our communities.

Victoria Gonzalez:

We will now turn the time over to Erasmo Cosio, one of our management analysts, to give you a preview of our forthcoming prison population analysis.

Erasmo Cosio, Management Analyst, Department of Sentencing Policy:

I will be presenting a preview of a forthcoming report that analyzes the prison population from 2017 to 2022 [page 17, [Exhibit E](#)]. This data is based on total population, admissions, and releases from NDOC. We will be providing a detailed analysis by offense group, felony category, and female population. In this preview we will have data regarding comparison of admissions and releases, admissions by offense group, admissions by imprisonment status totals and percentages, releases by offense group, female admission trends, and female admissions by new commitments by offense group. Now I will present this data.

Here we offer comparisons of admissions and releases from 2017 to 2022 [page 18, [Exhibit E](#)]. There has been an overall reduction in admissions and releases across all six years, and releases outpaced admissions throughout the years displayed. The result of this has contributed to the decline in the prison population. Releases still outpaced admissions, even at the end of 2022, even though releases and admissions were close. Something else to note on this data is the rise in admissions from 2021 to 2022. This will be interesting in how it will play out in the future.

On this slide, we can see how each offense group has changed from 2017 to 2022 in NDOC admissions [page 19, [Exhibit E](#)]. Below the chart is the same data represented in a data table for further analysis. We can see a dramatic decline in drug and property offenses. Even with the overall reduction, most offense groups saw an increase in this past year. Those offense groups that saw an increase in this past year are DUIs, other, property, sex, and violence.

Here, the left side, we broke down admissions by imprisonment status totals [page 20, [Exhibit E](#)]. On the right side, we have the corresponding percentages of those totals. By providing both percentages and totals, you now have the complete picture.

For example, while total new commitments have declined, percentages remain about the same. Another example is, we can see how parole violators with no new conviction, the third group down, has increased in total numbers and percentages as well.

On the next slide, we can see how each offense group has changed from 2017 to 2022 in NDOC releases [page 21, [Exhibit E](#)]. Some of the offense groups have seen a decline in releases. Those offense groups that have decreased are drug, DUI, other, property, and violence.

Now let us look at total female admissions from 2017 to 2022 [page 22, [Exhibit E](#)]. Overall, female admissions have declined; however, there has been a rise during the period 2021 to 2022. It will also be interesting to see how this will play out for the future.

Next, we broke down female admissions by new commitments by offense group [page 23, [Exhibit E](#)]. We have the visual portion on top and data table on the bottom for further analysis. There has been an overall decline across all six years displayed; however, DUI, other, property, and violence offense groups have seen a rise from 2021 to 2022. We will continue to closely monitor and analyze these subtle and major changes in the prison population. As a reminder, this is only a sample of our forthcoming report. As soon as it is complete, we will provide it.

Victoria Gonzalez:

Finally, we want to share what we have in the works [page 24, [Exhibit E](#)]. If you cannot tell, we have a wealth of NDOC data to analyze and we are just getting started. We are working on identifying the type of drug for drug offenses; identifying the type of burglary for burglary offenses; a full data analysis of temporary revocations; and currently, data analysis to assist legislators in developing their bill draft requests and their bills. We invite you to contact us and submit your requests. The analysis that we shared with you today came from other requests. Your requests help others to learn more about our prison population and can lead to truly data-driven criminal justice policies.

Chair Miller:

Thank you for that presentation. We do have a few questions from members.

Assemblywoman Newby:

Thank you for this presentation. I love data. On your hub, if you go to the yearly information and the NDOC releases by status, I notice that one of the categories is "Deceased." I have a constituent who is particularly interested in this data, and particularly around prison suicides, and is frustrated because NDOC, I believe, used to provide that information on the manner of death of all of those who died in their care and currently does not. Are you aware of that data or how my constituent could access that?

Victoria Gonzalez:

I remember seeing those reports as well. I believe that they were published. I have not looked at them recently. We could work with NDOC. We could offer an analysis of just those who have died over time, as you can see here, and we might be able to look into it deeper and coordinate with NDOC about how to report that information. I think it would

also do us a service to reach out to NDOC and find out what is going on with that data and see if that is something they could take on. We can work on it together. We can and will start looking into that. We can talk more offline about how we can do that, and I can let you know what we have talked about with NDOC.

Assemblyman Orentlicher:

I would like to go back to the slide with the parole violators' comments [page 15, [Exhibit E](#)]. There are a striking number of people talking about their drug problems. You also showed the number of drug offenders has gone down. Are these people who were in the previous period when we were jailing a lot of drug offenders? Are they people who might have been jailed for sex or violence but have drug problems? What is the nature of these people who have drug problems that have parole violations?

Jorja Powers:

Yes, that is something that I have noticed. One of the questions I ask is, "Have you had substance use issues?" That is the way I put it forward. There are very few people who say no. These are from everybody that I have interviewed, and their criminal pasts are across the board; it could be sex, violence, other, or it could be a drug or property crime. It is overwhelmingly a problem with drugs.

Assemblyman Orentlicher:

Does their drug use play a role in their commission of all these different crimes? Is that what is driving their criminal behavior in part?

Jorja Powers:

That is not something that I can speak to. That is not something that I ask them, whether drug use was actually involved in their crime or not.

Assemblywoman Mosca:

I know you have mentioned that we can also look up other data; are we able to see it by race and ethnicity as well as Assembly district?

Victoria Gonzalez:

We can absolutely do race and ethnicity, so we will add that. District of the incarcerated person will be difficult because of their address; we would have to use that. We can brainstorm about something we can do and touch base with you about some of our ideas about how to measure that. We can absolutely do race and ethnicity.

Chair Miller:

I am not seeing any more questions from members, but I have one. If we could go back to when we were referring to the parole violations, is the data aggregated out for what those parole violations were? Back to when you were talking about the 86 people that you had interviewed, do we have information regarding what those parole violations were?

Victoria Gonzalez:

I want to make sure I understand your question about violation. Is it whether it was for a technical or a new offense or anything else?

Chair Miller:

Exactly, yes.

Victoria Gonzalez:

Yes, we are working on that. The data we are working on for the temporary revocations is going to be specific to technical violators. Anybody that is back for a "temp rev," which is what we refer to it as, is back for a technical violation. We will have data that is specific to just those technical violations. I do not know how specific you are looking for, but let me know and I can let you know how specific we can get. We can break it down by who might have a pending charge. Outside of that, is there anything else you would want to know other than if there is a pending charge or a technical?

Chair Miller:

I am really interested in looking at the technical. I remember from previous data presented in this Committee the last time I was in Judiciary, there was a wide range of technical violations. To make sure that we are also being supportive of people, I am very interested in those technical violations.

Victoria Gonzalez:

So are we. That is one of the things they tried to address in A.B. 236 of the 80th Session. Those temporary revocations are in response to technical violations, and the P&P has graduated sanctions in a matrix to help address those violations. When we are here next week for A.B. 32, we could explain more about how those graduated sanctions work in the matrix and provide you some detail about that and how they are being addressed. My take on those numbers being up, when Mr. Cosio pointed out those parole violators coming back with no new convictions, those numbers have increased; I do believe it is because of how these temporary revocations are working right now for those parolees because they have to come back to NDOC. We will talk about that at length when we are back here for A.B. 32. I echo that, and I will show you what we have when we have our next analysis and see what else you would like to know, and we can dig deeper.

Chair Miller:

The date for that next analysis is?

Victoria Gonzalez:

We just got the data yesterday, so what I will do is, I will take a look at the data today and talk to Mr. Cosio and see what we can come up with together quickly. We just talked to NDOC and they were great with getting us the data, so I will look at that and let you know. That will be the topic that definitely is at the top of our list.

Chair Miller:

Thank you for that. We have a few more member questions.

Assemblywoman La Rue Hatch:

I was also drawn to the responses from your interviews with the people that were released. I noticed a theme of no resources. It took too long to get resources. We could not get support. I have a two-fold question. First, what resources are being provided? Second, why are they taking so long? Is it a staffing issue? Is it a lack-of-program issue? Is it where they are located? What is the problem there?

Victoria Gonzalez:

As far as literal resources, they are given \$25 when they leave. I am not sure if that is what you mean. Do you mean referrals to programs and things like that? They are given very little. I do not know where that would come from; I think that is what has been set up. I do not point my finger at anybody about where those resources are because I think it is a combination of what is happening at the supervision level, what is happening upon release, and what is happening in the community. One of the things that we actually had a presentation about at a NSC meeting previously was the homelessness that is related to people leaving prison, both on parole and once they have been discharged. The resources are limited and we are working on gathering more information about that and presenting it to NSC, which we can continue to let this Committee know about, as well.

Assemblyman Gray:

In your counts, who do you actually count? Do you count everybody in the prisons as well as the camps? What about post-adjudication and people serving time in county jails?

Victoria Gonzalez:

We do count anyone in a NDOC facility. The only individuals—and I am going to touch base with Ms. Powers on this—that we are counting in jails are going to be within a certain scope depending on what their relationship is to being housed by NDOC. To answer the first part of your question, we can break the population down by facility and show you who we are counting. We are counting anybody in a camp, for sure.

Jorja Powers:

The in-house population would be anybody in a facility, a camp, or prison facility. The total population would include anybody who was in a jail but still serving an NDOC sentence, or anybody in a hospital or an out-of-state facility.

Assemblywoman Hansen:

First, I have just a quick statement. My district covers Pershing County, so Lovelock Correctional Center is in my district. There are huge concerns, in fact crisis-level, over staffing. I have been in touch with administration there and, literally, their hair is on fire: 45 percent staffing to the prison population. We really do need to have some deep discussion

about this crisis, and I am sure it is not just Lovelock Correctional Center. When we talk about property crimes going down [page 19, [Exhibit E](#)], violent crimes going down, in particular, I am curious; in the data, does it break down any further? To hear that these numbers are going down, it sounds on its face like, oh, that is good news. Not many people are going to prison. It is because the threshold went up for the crime. For example, I think you can steal \$950 worth of products at a Target before you really have a lot of consequences, if any. That would invariably lead us to seeing it decrease, and I am wondering if that is broken down anywhere, so we could see that the reason these numbers are going down is in relationship to what changed in the law. The same with respect to violent crime: we could change some felonies and something like that.

It reminds me of my Education Committee days, in that our graduation rates are up but our proficiencies are down. I am just wondering if that is a similar thing that we are seeing with some of these numbers.

Victoria Gonzalez:

With the drug and property offenses, the thresholds changed. I think that is absolutely why that part of the population has changed. We could go back and look at those and do a comparison of the type of offense that happened in 2017, 2018, and 2019, and compare that to 2020 when A.B. 236 of the 80th Session went into effect. We will look at that and let you know what we are able to put together. To your point, the violence offense and sex offense groups have gone up, and that to me is consistent to where we are with the crime rates that we have seen. That is what most of our prisons are composed of, and that increase makes sense to me for what is happening with the crime rate. That comparison would also help when it comes to understanding what is happening with drug and property.

Assemblywoman Hansen:

A clarification on one thing: when I am looking at violence [page 19, [Exhibit E](#)], that number is going down, but you said it was going up.

Victoria Gonzalez:

What I meant was the increase that happened in 2021 and 2022, it went down; but if you look at the totals, it went from 1,370 in 2021, and it is starting to go to 1,502 in 2022. That is something we are keeping an eye on. Yes, it did go down, but that recent increase has us looking at what the trends are, and I want to understand what is going on there.

Chair Miller:

One more question for the sake of everyone here in the Committee, and also appreciating that not everyone in the Committee actually has a specific background in criminal justice, could you give us the definition that we follow in Nevada for "recidivism"?

Victoria Gonzalez:

We do not have a statewide definition.

Chair Miller:

I feel like we discussed that a few sessions ago that we were going to get one. Can you give us a blanket statement?

Victoria Gonzalez:

With the project that Ms. Powers gave you information about, our goal in working with the NSC is to get a recommendation for a definition back before this Legislature in 2025. We know it has been needed, and we are working on that. Each agency has a different definition for recidivism: NDOC has their own, P&P has their own, the courts have their own, and the specialty courts have their own. What I could do is put all of those together so you could compare those, and this is why it is desperately needed.

Chair Miller:

In a blanket statement, it is when somebody recommits a crime.

Victoria Gonzalez:

We can put together some of the reports that NDOC has done about recidivism in the last few years. In general, from the perspective of NDOC, it is a new conviction within a three-year period. As I said, every agency is going to have a little bit of a different version of that.

Chair Miller:

I am going to ask a question to legal. Mr. Wilkinson, do we need some form of legislation in order to get a definition, or is this a policy that we can work on within the state to get one consistent definition of recidivism?

Bradley Wilkinson:

I do not think that you really need legislation that would have some kind of definition unless it were used in a statute for some purpose. That is more of a policy thing.

Chair Miller:

Thank you. Then I will be calling on our agencies to have one consistent term.

Victoria Gonzalez:

Other states have, so I agree with counsel's assessment that it is not needed. I guess based on our assessment in the discussions we have had with NSC, I think it is worth looking into. If it is something that you do decide, we could put together a presentation that talks about the different kinds of definitions and have that discussion here as well. We just had a presentation from Oregon and I believe theirs was in statute and that they recently codified a definition of recidivism.

Chair Miller:

With that, we will go ahead and close this presentation and move on to public comment. With public comment, please make sure that your comments are specific to those issues that fall within the jurisdiction of this Committee. Members of the public will have an opportunity to make public comment. You may do so either here in Carson City, Las Vegas,

or by phone. If you would like to make public comment, you may do so by dialing in using the phone number and meeting ID on the agenda. Public comment will be limited to two minutes per person. You are also always welcome to submit your comments in writing. Those making public comment, please state and spell your name slowly for the record and indicate any affiliation that you may have.

[Public comment was heard.]

I would like to remind members that follow-up questions may be submitted directly to the NDOC, and I know that Executive Director Gonzalez would be happy to go through those with you. Just to give you an idea of what is going to be covered this week, we do have a number of presentations. Tomorrow we will be hearing from the Department of Indigent Defense Services and the Cannabis Compliance Board. On Thursday, we will hear from our Clark County and Washoe County district attorneys and also from the State Board of Parole Commissioners and the Department of Public Safety. On Friday, we will have a presentation from the Nevada Gaming Control Board and the Department of Corrections.

We will meet again tomorrow at 8 a.m. Thank you, members, for a very smooth first day. The meeting is adjourned [at 9:23 a.m.].

RESPECTFULLY SUBMITTED:

Connor Schmitz
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "Assembly Committee on Judiciary: 2023 Legislative Committee Policies," submitted by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit D](#) is a document titled "Assembly Committee on Judiciary Committee Brief," dated February 2023, presented by Diane C. Thornton, Committee Policy Analyst.

[Exhibit E](#) is a copy of a PowerPoint presentation titled "Presentation to Assembly Judiciary," presented by Victoria Gonzalez, Executive Director, Department of Sentencing Policy.