

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
April 21, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:45 p.m. on Friday, April 21, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator Jeff Stone

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Pat Devereux, Committee Secretary

OTHERS PRESENT:

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts, Supreme Court of Nevada
Kevin Higgins, Sparks Township Justice Court, Department 2, Washoe County
Erica Roth, Washoe County Public Defender's Office
John J. Piro, Clark County Public Defender's Office
Vanessa Dunn, National Alliance on Mental Illness, Nevada Chapter
Brigid Duffy, Assistant District Attorney; Director, Juvenile Division, Office of the Clark County District Attorney
Beth Schmidt, Las Vegas Metropolitan Police Department

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Regan Comis, Awaken
Jeff Rogan, Clark County

CHAIR SCHEIBLE:

We will open the hearing on Assembly Bill (A.B.) 17.

ASSEMBLY BILL 17: Revises provisions relating to penalties for driving under the influence of alcohol or a controlled substance. (BDR 43-465)

JOHN R. MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Supreme Court of Nevada):

Assembly Bill 17 is a relatively simple bill. In 1983, a statutory requirement mandated a person who is complying with and completing community service related to a first or second DUI must wear “distinctive garb” that identifies him or her as having violated the provisions of *Nevada Revised Statutes* (NRS) 484C.110 or NRS 484C.120. Section 1 of A.B. 17 removes the distinctive garb requirement. It does not change the community service requirement or anything else.

KEVIN HIGGINS (Sparks Township Justice Court, Department 2, Washoe County):
We are trying to fix an historical anachronism with A.B. 17. Most counties and cities in Nevada no longer have county- or city-run community service programs. We rely on organizations such as Boys and Girls Club, food banks and animal shelters to provide defendant community service. We have no way to encourage or require them to clothe people in distinctive garb. It is a requirement with which we cannot comply.

Apparently, it made sense in 1983. The City of Sparks and the Sparks Justice Court had a van that went around and picked up inmates. Deputies put orange safety vests on them, and it worked fine. Now, to tell people they must wear a distinctive garment has become difficult. It became problematic to get community service done, especially during the COVID-19 pandemic and post-COVID-19. Nobody wanted to provide community service work. We were lucky when we had an organization that could provide somebody with 20, 30 or 40 hours of service work. The bill does not change the service requirement.

There is no evidence wearing “distinctive garb” indicating you violated NRS 484C.110 or NRS 484C.120 does anything. It is not preventative and, frankly, the statutes do not even define what the garb should be.

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Assembly Bill 17 has cleanup provisions. Anything we can do to encourage people to do community service and have more places in which they can do it is a good thing.

I went to high school with Assemblywoman Alexis Hansen, and we had the same English teacher. We read *The Scarlet Letter* in Mrs. Green's class. That type of shaming clothing has no utility these days.

SENATOR KRASNER:

A lot of the people assigned community service were found guilty or convicted of DUI of alcohol or controlled substances. They are often on the side of the freeway. I always thought the orange vests were to make sure drivers see them.

MR. MCCORMICK:

Generally, not a lot of community service happens on the side of the highway anymore. If people were in that situation—say, picking up garbage on the side of the road—they would have to wear a reflective vest for safety. The vest would not have to indicate he or she violated NRS 484C.110 or NRS 484C.120. The bill would not impact Occupational Health and Safety Administration clothing compliance for safety reasons.

SENATOR HANSEN:

Would A.B. 17 only apply to DUI convictions? People working on the side of the road from college prison programs and work camps still wear striped clothes. Is this strictly limited to trying to get inmates to work for groups like the Boys and Girls Club and not have to wear orange vests?

MR. MCCORMICK:

Yes. All A.B. 17 does is remove the specific requirement that distinctive garb identifies them as having violated DUI statutes. Distinctive garb is still worn in traditional prison settings when inmates are working along roadways or whatever.

SENATOR HANSEN:

Okay, we are just trying to fix one tiny statute.

SENATOR KRASNER:

To clarify what my colleague said and looking at the bill, it only applies to persons who have been convicted of DUI of alcohol or controlled substances for whom we are trying to remove the garb that designates they violated the law. It does not apply to Boys and Girls Club children.

MR. MCCORMICK:

That is correct. All it does is take away that specific NRS provision.

ERICA ROTH (Washoe County Public Defender's Office):

The Washoe County Public Defender's Office supports A.B. 17. Our clients face a lot of barriers, and something that is as inconsequential as a so-called "scarlet letter" is a barrier we do not need to keep in place. The bill would similarly situate people who have been convicted of DUI doing their community service with anyone else who is doing it for any other misdemeanor violation. It is a cleanup that makes sense.

JOHN J. PIRO (Clark County Public Defender's Office):

The Clark County Public Defender's Office agrees there is limited utility in shame. There is utility in consequences and in teaching somebody how to right their actions but limited utility in shaming. The further you separate somebody, it becomes that much harder to reintegrate them if they are always feeling terrible about themselves. Assembly Bill 17 is a good measure to remove some of the shame we have had in our criminal justice system about certain things and actions. We need to allow people to work their way back.

VANESSA DUNN (National Alliance on Mental Illness, Nevada Chapter):

The National Alliance on Mental Illness, Nevada Chapter, supported A.B. 17 in its Assembly hearing. The bill is a good step toward destigmatizing mental health and substance abuse disorders.

CHAIR SCHEIBLE:

We will close the hearing on A.B. 17 and open the hearing on A.B. 183.

ASSEMBLY BILL 183 (1st Reprint): Revises provisions relating to the protection of children from commercial sexual exploitation. (BDR 5-321)

BRIGID DUFFY (Assistant District Attorney; Director, Juvenile Division, Office of the Clark County District Attorney):

Assembly Bill 183 originated in the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children. I was appointed by Governor Brian Sandoval in 2016 as a member of the Coalition. We have representation from Clark, Washoe and the rural counties, which includes child welfare agencies, attorneys who represent children, judges, area survivors, nonprofit advocacy and service providers, and law enforcement members.

The Coalition has recommended policy changes over the past several sessions. During the 2021-2022 Joint Interim Standing Committee on Judiciary, our work group identified as one of its priorities improving agencies' ability to identify children early who are being exploited or are at risk of being exploited.

Children who have experienced trauma are at high risk to become victims of predators. The sooner we can identify them, the better opportunity we have to prevent them from continued exploitation. Children who have experienced trauma often land in State child welfare systems and the juvenile justice system. Assembly Bill 183 adds screening requirements to child welfare and juvenile justice agencies, regional facilities for the treatment and rehabilitation of children, and State-run detention facilities. The screening would assist in determining if a child is a victim of exploitation or at high risk of such victimization.

Section 1 of the bill removes unnecessary statutory language, which is now found in section 2. Section 2 mandates the requirement in NRS 62C.035 for juvenile justice agencies to screen any child taken into custody and detained in a local facility to determine whether he or she is the victim of commercial sexual exploitation. If the child is identified as a victim, the agency must report it, pursuant to our mandated reporting requirements, to a child welfare agency.

Section 2, subsection 3 also provides the screening tool must be appropriate for the age of the child. However, we do not have screening tools validated for children under the age of ten. That is why we just have a general statement for the age of the child being screened. Hopefully, if we develop evidence-based tools, we can use them for children under the age of ten. It also excludes the requirements if we do not have that screening tool for use.

Section 3 has the same requirements in section 2 for children committed by a juvenile court to a residential facility for the treatment or rehabilitation of children or a State-run detention facility. Section 4 has the same committal requirements to local detention facilities for children. Section 5 adds a requirement for screening to NRS 432B for all children placed in child welfare agency custody. Section 6 adds mandated reporting requirements to NRS 432C based on the screenings in sections 2 and 3.

I want to emphasize this bill has nothing to do with my job as a district attorney. It is not about identifying children to prosecute them nor about identifying human traffickers.

SENATOR OHRENSCHALL:

These are some of the most heartbreaking cases many of us see in child legal advocacy, whether on the defense or prosecutorial side. Are not the bill's provisions already being done? It will just put them in the statute. I appreciate any help these children can get.

MS. DUFFY:

Yes, this is already being done. Identifying potential exploitation as a priority to codify was done with the assistance of several national organizations that looked at how Nevada assists children. During the Interim, I expressed the Coalition's desire to have this put into statute based upon recommendations that came out in the national report.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department supports A.B. 183 as previously amended. We believe it will help us more efficiently identify, respond to and investigate allegations of commercial sexual exploitation of children. The bill will allow us to better serve children and provide more age-appropriate services.

REGAN COMIS (Awaken):

I echo the comments of Ms. Schmidt in voicing Awaken's support for A.B. 183.

JEFF ROGAN (Clark County):

Clark County supports A.B. 183 for the reasons stated by Ms. Duffy. We believe it will help us identify more youths who have been sexually exploited and need our services.

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CHAIR SCHEIBLE:

We will close the hearing on A.B. 183. Seeing no more business before the Senate Committee on Judiciary, we are adjourned at 2:05 p.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster