

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fourth Session
May 22, 2007**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 10:09 a.m. on Tuesday, May 22, 2007, in Room 2149 of the Legislative Building, Carson City, 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 Mark E. Amodei, Chair
Senator Mike McGinness
Senator Valerie Wiener
Senator Terry Care
Senator Steven A. Horsford

COMMITTEE MEMBERS ABSENT:

Senator Maurice E. Washington, Vice Chair (Excused)
Senator Dennis Nolan (Excused)

GUEST LEGISLATORS PRESENT:

Senator Michael A. Schneider, Clark County Senatorial District No. 11

STAFF MEMBERS PRESENT:

Linda J. Eissmann, Committee Policy Analyst
Brad Wilkinson, Chief Deputy Legislative Counsel
Lora Nay, Committee Secretary

CHAIR AMODEI:

The purpose of this meeting is to review justice reinvestment because we have been asked to provide recommendations to the money committees. Evidently, they were in a bigger hurry than we were since they have already reached agreement on retroactive good time credits. I have not been provided a detailed description. I am not sure of the exact bill, but Assembly Bill (A.B.) 510 is the vehicle. What are the other Committee members' thoughts?

ASSEMBLY BILL 510 (1st Reprint): Makes various changes concerning credits earned by offenders and the incarceration and supervision of offenders. (BDR 16-1377)

CHAIR AMODEI:

If any Committee members need information prior to voting, this is your opportunity to ask staff to provide those answers. I would like to know:

- The savings the record indicates for retroactive good time credits.
- What budgets were increased within the Department of Public Safety as a result of those savings, including the Division of Parole and Probation and specialty courts.
- The exact sentencing specifics in A.B. 510 that did not come from this Committee, which is basically all of them.
- What the specific discussion was regarding the release of 1,600 offenders as the appropriate number.
- The time frame of the expected releases, the communities they are expected to be released in and what arrangements are being made in those communities.
- Was there any testimony that occurred on recidivism for an unconditional release like this?
- What precedent it sets for purposes of further legality.
- What it does to the proposed work of the Advisory Commission on Sentencing.
- Whether anything was done regarding judicial discretion in statute as a result of this.

SENATOR WIENER:

My concern is about the wholesale release of prisoners on July 1 and what we do. They still go through the process of parole and consideration of records so not everyone would be sent out into the streets on July 1.

Evidently, there are two other companion bills. This trio of bills supposedly respond to reinvestment issues. I am not aware of anything regarding the juvenile justice part which is a concern for Senator Horsford. Other issues not addressed were processed in this Committee.

CHAIR AMODEI:

Mr. Wilkinson, will you find the companion bills and make sure the Committee members know what they are so we can review them?

SENATOR HORSFORD:

I would like clarification because I am not fully apprised. What about the bill we were to move out of this Committee dealing with policy issues on juvenile and adult corrections?

CHAIR AMODEI:

We can still request the bill draft, but bills are apparently being moved with policy provisions in them. There is nothing for juveniles of which I am aware, but all the adult ones are being moved out of the money committees.

SENATOR HORSFORD:

I understand that, but this Legislature is not controlled by one or two committees, is it? We have a say in corrections and judicial matters.

CHAIR AMODEI:

My intent in asking questions was to allow you to be fully informed on issues you think are important since those bills will go to the Senate Floor and not through this Committee. When they get to the floor, you need to be a fully informed and effective participant in the debate.

SENATOR HORSFORD:

I appreciate that very much.

CHAIR AMODEI:

If you think an amendment is appropriate, certainly as a member of the Senate, all of those items are open to you as well as to other Committee members.

SENATOR HORSFORD:

And I respect that. You went out of your way to ensure we had several hearings with input from multiple stakeholders so we could flush out essential

questions to important policy matters. To now rush and bring amendments on the floor, knowing what this process turns into over the next ten days, is troubling for me.

There is nothing on the record around juvenile justice. We asked several questions about what type of assessments—alcohol, mental health, drug abuse—would be done on the individuals who will receive good time credits. Will we be able to impose a state law that requires supervision? Under the process, will they be discharged with no requirement for supervision? What types of housing issues have been discussed? Has any additional funding been allocated to address those issues?

I recognize the immediate answer is to let these offenders out because we cannot afford to house them, but to send them into the communities, where they may continue to commit crimes or do other things harmful to the community, causes more significant costs to society. I am personally committed to this because when you look at the map provided from the Regional Justice Center, the top three zip codes in Clark County where we expend \$5 million to \$8 million a year are in my district. My constituents deserve to be heard on this matter and to flush out policy considerations. I hope they do not just get flushed out and away by the money committees.

CHAIR AMODEI:

I do not disagree with anything you have said. I apologize for apparently wasting everybody's time with three or four hearings, including this one. Once you get whatever information is relevant to what was done in a policy sense, if the Committee has an appetite to propose a Committee amendment on the floor, I would certainly be happy to participate based on the pleasure of the Committee.

SENATOR CARE:

In our letter to the money committees, I would ask:

- What felonies, if any, will apply to good time credits and whether there will be any one-shot, good time credits. I think vocational training was mentioned in testimony.

- What, if any, considerations were given to what I have referred to as felony creep, where one Legislative Session we create a Category D felony that later becomes a Category C, then a Category B.
- What testimony from this Committee was reviewed by the money committees before making their decisions.
- What exhibits presented to this Committee were reviewed by the Senate Committee on Finance and the money committees before they came up with their conclusions.
- Whether they think this Committee has any jurisdiction or business considering things like criminal code, evidence, sentencing enhancements and the like.

SENATOR MCGINNESS:

We are all concerned. In the Senate Committee on Taxation, we have policy bills which immediately get sucked into that central vacuum system called Senate Finance. It also happens on the Assembly side. I am disturbed that we look at the policy and have two, three or more meetings on issues that really mean something to this Committee, and Finance seems to make policy, not in a vacuum but close. I echo the comments of my colleagues.

CHAIR AMODEI:

Mr. Wilkinson, were any measures specifically put in any of the finance bills that dealt with judicial discretion in sentencing?

BRAD WILKINSON (Chief Deputy Legislative Counsel):

The only measure dealing with judicial discretion in some way is in A.B. 416 which was one of the package of bills including A.B. 508 and A.B. 510. Assembly Bill 416 changes all sentencing enhancements and makes them—instead of a term equal to the punishment imposed for a crime—a minimum of one year and a maximum of ten years across the board for the sentencing enhancements in *Nevada Revised Statute* 193.

ASSEMBLY BILL 416 (1st Reprint): Makes various changes to provisions concerning the Department of Corrections. (BDR 16-190)

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ASSEMBLY BILL 508 (2nd Reprint): Makes various changes to provisions concerning the Advisory Commission on Sentencing. (BDR 14-1378)

SENATOR WIENER:

When I was there, The Honorable Justice James W. Hardesty, Associate Justice, Nevada Supreme Court, offered what sounded like three specific policy amendments. I remember hearing "judicial findings." It would be worth our while to find out if there may be more in the amendments offered this morning.

CHAIR AMODEI:

If they are seeking to amend those measures without coming back through this Committee, then I want an amendment drafted which removes them all when that bill comes to the floor. We heard testimony about the need for a sentencing commission. If someone is putting an amendment in one of the money committees that in any way, shape or form alters the truth-in-sentencing statute and it did not come out of this Committee, I would like an amendment drafted, at least with my name, which seeks to repeal all of those pending the work of this Committee and the Legislative Commission's Subcommittee to Study Sentencing and Pardons, and Parole and Probation next session.

SENATOR CARE:

Include my name too.

SENATOR MCGINNESS:

Also include my name.

SENATOR HORSFORD:

Add my name as well.

SENATOR MICHAEL A. SCHNEIDER (Clark County Senatorial District No. 11):

We hear comments from the money committees about no money. When we are dealing with direct policy in our Committees, we do consider the money. It is the Senate Committee on Finance's obligation to balance the books. If we say there is a policy decision to be made and it costs some money, Finance balances the books and when they come up a little short, they can get it. They can refer to the Chair of the Senate Committee on Taxation; it would be the policy of the Taxation Committee to set the means to get the money.

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The Finance Committee is out of line. They are setting all policy. The Finance Committee's obligation is to balance the books by moving the money around and then let us know if they are short. They have overstepped their lines quite a bit.

CHAIR AMODEI:
We are adjourned at 10:25 a.m.

RESPECTFULLY SUBMITTED:

Lora Nay,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: _____