

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON CORRECTIONS, PAROLE, AND PROBATION**

**Seventy-Fifth Session  
April 7, 2009**

The Committee on Corrections, Parole, and Probation was called to order by Chairman William C. Horne at 8:16 a.m. on Tuesday, April 7, 2009, 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman William C. Horne, Chairman  
Assemblyman Tick Segerblom, Vice Chair  
Assemblyman Bernie Anderson  
Assemblyman John C. Carpenter  
Assemblyman Ty Cobb  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Don Gustavson  
Assemblyman John Hambrick  
Assemblyman Ruben J. Kihuen  
Assemblyman Mark A. Manendo  
Assemblyman Richard McArthur  
Assemblyman Harry Mortenson  
Assemblyman James Ohrenschall  
Assemblywoman Bonnie Parnell

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Allison Combs, Committee Policy Analyst  
Nicolas C. Anthony, Committee Counsel  
Katherine Malzahn-Bass, Committee Manager  
Sean McDonald, Committee Secretary  
Steve Sisneros, Committee Assistant

**OTHERS PRESENT:**

Keith Munro, First Assistant Attorney General and Legislative Liaison,  
Office of the Attorney General  
Rebecca Gasca, Public Advocate, American Civil Liberties Union of  
Nevada, Reno, Nevada  
Steven Barr, Gardnerville, Nevada, representing AFSCME Local 4041,  
Carson City, Nevada  
Chris Ferrari, Ferrari Smith Public Affairs, Las Vegas, Nevada,  
representing Corrections Corporation of America, Nashville,  
Tennessee  
Connie Bisbee, Chair, State Board of Parole Commissioners, Department  
of Public Safety

**Chairman Horne:**

We are going to start with Assembly Bill 85.

**[Assembly Bill 85](#)**: Revises provisions relating to sex offenders. (BDR 14-259)

**Allison Combs, Committee Policy Analyst:**

We have a work session document on A.B. 85 ([Exhibit C](#)). This measure relates to sex offenders and involves some of the Adam Walsh issues. As you will see on page 2, there is a proposed conceptual amendment to this measure that was submitted after the hearing by the Attorney General's Office. The proposed amendment would delete the existing provisions of the bill and replace them with the creation of a group to study federal and state laws regarding sex offender registration and related litigation. You can see the proposed language on the bottom of page 2. It would include representatives from law enforcement agencies, the district attorney offices, public defender offices, and

other representatives of other organizations concerned with sex offender registration.

On page 3, under the proposed amendment, the Attorney General would submit biennial reports to the Legislative Commission. The Attorney General can also accept grants, gifts, donations, or bequests to help carry out the study.

The second amendment was one that was raised during the Committee hearing. It was from the American Civil Liberties Union (ACLU). The second portion of that amendment is consistent with the idea of creating a study group or commission during the Interim. A copy of the amendments from the ACLU that were submitted during the hearing are attached on page 10 of the work session document. Essentially, it would be a choice between amendments 1 and 2.

**Chairman Horne:**

For the Committee's edification, the Attorney General's Office and the ACLU were in my office with a compromise on the proposed conceptual language in amendment 1. They came in together and said it works for them. My suggestion is to go with the amendment that they were both in agreement to.

ASSEMBLYMAN COBB MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 85 WITH PROPOSED CONCEPTUAL  
AMENDMENT NO. 1.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

**Assemblyman Carpenter:**

On the study group that was brought forth by the Attorney General, I do not see anything that there would be any legislators in this group.

**Keith Munro, First Assistant Attorney General and Legislative Liaison, Office of the Attorney General:**

During last Interim, we had some legislators working on an informal group. Mr. Carpenter was a part of it. We would be happy to include some legislators as well as the ACLU.

**Rebecca Gasca, Public Advocate, American Civil Liberties Union of Nevada, Reno, Nevada:**

The ACLU submitted an amendment that I do not see in the work session document. Maggie McLetchie submitted it. It was a little bit more detailed with some suggestions of people who could be on this study commission. I apologize for it not being in the work session document. We certainly would hope that legislators would be on the commission as well as us. We are

particularly interested in the work product. For clarification, the amendment that I am referring to is one that was submitted after the testimony and after we met in discussion of the actual commission group itself.

**Chairman Horne:**

When I get opposing parties in my office, they say things work for them, and that they are good, that is what I typically run with. If something came after that fact, I apologize if it dropped below my radar screen, but if you want to rock the boat...

**Rebecca Gasca:**

No, not at all. I was not the person who was involved in drafting those amendments. As I understand, she was in talks with Keith Munro from the Attorney General's Office. I am not sure what happened there. Like I said, we are solely interested in having a commission with a good scope and that includes legislators and a position for us. I apologize for whatever miscommunication happened on our behalf.

**Chairman Horne:**

You will not offend anyone on this Committee if you do not get that in here on this side to offer it up on the other side and see if they are amenable to Ms. McLetchie's subsequent amendment.

**Rebecca Gasca:**

I understand that they have copies of that. I am not sure what happened after they received the copies.

**Chairman Horne:**

No, I meant over on the Senate side.

**Rebecca Gasca:**

I am sorry. I misunderstood.

**Chairman Horne:**

Mr. Anthony, it would not be too difficult to add legislators in there?

**Nick Anthony, Committee Counsel:**

Yes, you are correct. We can certainly add legislators and members of the ACLU.

**Chairman Horne:**

Mr. Carpenter?

**Assemblyman Carpenter:**

Fine with me.

**Chairman Horne:**

Mr. Carpenter is okay. So, the amendment is to add legislators. Is that okay?

**Assemblyman Anderson:**

I would feel remiss if I did not mention one of the concerns that has come up recently on the Legislative Commission. It is about having legislators serve on nonprescribed committees. It would require the Research or Legal staff to extend their staff in response to an unintended consequence to provide support. I only bring it forward as a concern. I think that it is appropriate that—and I considered the language that was here, and others as appropriate for the study that was in the suggested language—ones that would allow the Attorney General's Office to follow the process that they had somewhat informally put into place this last Interim without having the particular expansion.

**Chairman Horne:**

I served on the Homeland Security Commission as a nonvoting member along with Senator Nolan back in 2003-2004. I think it could work in a nonvoting capacity. It is not going to be a formal thing like that. I see a puzzled look on.... Is that okay with you, Mr. Carpenter?

**Assemblyman Carpenter:**

Yes.

**Chairman Horne:**

An advisory kind of.... Also, Ms. Gasca stated that she would like a seat at the table. Are there any objections to that? I see none.

**Assemblywoman Parnell:**

I would just question about identifying an individual. I am sure you meant an ACLU representative.

**Chairman Horne:**

Not Ms. Gasca, but yes, a member of the ACLU.

THE MOTION PASSED UNANIMOUSLY.

Mr. McArthur, handle this on the floor, please. Mr. Manendo will be backup.

We will now move to Assembly Bill 259.

**Assembly Bill 259:** Makes various changes relating to criminal offenders.  
(BDR 16-631)

**Allison Combs, Committee Policy Analyst:**

Page 26 of the work session document ([Exhibit D](#)) is A.B. 259. This is a measure that was requested on behalf of the Advisory Commission on the Administration of Justice. It includes changes to allow category B felons to be eligible for residential confinement under certain circumstances. It also amends existing law that authorizes a term of residential confinement for parolees and probationers who violate their terms to provide that such offenders can be placed in an institution of the Department of Corrections, and that the Department can select the facility or institution in which to place the person. It also deals with forfeiture of credits for behavior of a probationer who violates probation and, as appropriate, the restoration of those credits. The bill also requires that a person sentenced to a period of probation for a felony or gross misdemeanor must be allowed a deduction from the probation for certain activities.

The two amendments were proposed by the Division of Parole and Probation during the hearing. The first one is to delete section 2 of the bill, which would have allowed the court to restore credits for a parolee. The testimony was that that section was not needed and may raise some confusion.

The second amendment that they had deals with section 5 of the bill. With regard to a probationer who successfully completes a specialty court program, the bill provides, essentially, that the earning of the credits is on hold while they are in the specialty court program. The Division testified that the intent was that, once the program was completed, the person would receive the credits earned during that period. They just want to make sure that language is added into the bill.

**Assemblyman Anderson:**

If the Chair will accept a motion, I will move to Amend and Do Pass on A.B. 259 accepting the proposed conceptual amendments nos. 1 and 2.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 259 WITH PROPOSED CONCEPTUAL  
AMENDMENTS NOS. 1 AND 2.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Horne:**

We will have Mr. Kihuen handle the floor statement with Mr. Gustavson as backup. The next bill is Assembly Bill 384.

**Assembly Bill 384:** Revises provisions governing certain unlawful acts committed by prisoners. (BDR 16-820)

**Allison Combs, Committee Policy Analyst:**

Assembly Bill 384 is a measure to add persons under lawful arrest to the existing laws that criminalize acts involving excrement and bodily fluid. There was an amendment submitted after the hearing to provide that the new situation of someone being under lawful arrest that the penalties for that would be revised. The language of the proposed amendment is on page 28 of the work session document (Exhibit E). It was provided by Mr. Kallas on behalf of the Las Vegas Protective Association. The amendment would provide that the penalties for these crimes for the first offense would be a gross misdemeanor and for a second offense would be a category D felony.

**Chairman Horne:**

Well, Mr. Kihuen, this is your bill.

**Assemblyman Kihuen:**

I am okay with the amendment.

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 384 WITH THE PROPOSED CONCEPTUAL  
AMENDMENT.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

**Assemblyman Gustavson:**

I just want to give my standard disclosure under Rule 23, the same as I gave previously on this bill.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Horne:**

Mr. Kihuen will have the floor statement with Mr. Carpenter as backup. The next bill is Assembly Bill 502.

**Assembly Bill 502:** Makes various changes concerning private prisons.  
(BDR 16-1129)

**Allison Combs, Committee Policy Analyst:**

Assembly Bill 502 was requested by the Committee to address private prisons that may locate here in the state. As drafted, the bill provides that the laws governing escape would also apply to prisoners in the private institutions and would require that the private institution reimburse the state for any costs involved when a prisoner escapes such a facility.

There were two amendments proposed during the hearing on the bill. The first amendment is on page 33 of the work session document ([Exhibit F](#)). It was prepared by the Legal Division at the request of the Chairman. The amendment would require the Board of Prison Commissioners to adopt regulations governing the maximum number of prisoners, and the ratio of prisoners to correctional officers would have to be established, which could not exceed the ratio established for state facilities.

The second amendment was proposed by the American Federation of State, County, and Municipal Employees (AFSCME) Local 4041—it is actually two amendments. The first one starts on page 31 of the work session document. As proposed, that amendment would provide that the provisions of the *Nevada Revised Statutes* (NRS) listed on pages 31 and 32 would also apply to the private facilities. That would include a requirement that the staff in the facility be trained to the same level as state correctional officers but not actually receive the Category III peace officer certification. The second part of their amendment is number 3 on page 32. It would create a state oversight position to ensure that the private prison was complying with the state laws that were applicable.

**Chairman Horne:**

We also have an amendment that was given to us today. Mr. Barr submitted a proposed amendment this morning ([Exhibit G](#)). It is five pages.

**Steven Barr, Gardnerville, Nevada representing AFSCME Local 4041, Carson City, Nevada:**

That is correct.

**Chairman Horne:**

It is this Chair's opinion that this will put this piece of legislation at risk in that the Committee has not had time to vet your amendment. We only have one more work session after this, on Thursday.

**Steven Barr:**

I apologize for the lack of timing. We received a call last night requesting something for today, so we assume that we have until Thursday. I did prepare



something. In all reality, the amendment that we have presented today I believe addresses all of the concerns that the state has. If this amendment was accepted, we could withdraw the previous amendment that we submitted because this very thoroughly covers all of the concerns.

**Chairman Horne:**

What we have here in the work session document everyone is familiar with. It would be my recommendation to accept amendment 2 in the document. If you are inclined to make additional amendments if it gets over to the Senate, you can do that and it will end up in a conference committee. I do not want to jeopardize it. As for amendment 3 in the document, it is this Chair's opinion that an FTE is premature at this time.

**Steven Barr:**

I agree with the Chair. It is premature for the FTE. At the Chair's and Committee's pleasure, we would address it on the other side.

**Chris Ferrari, Ferrari Smith Public Affairs, Las Vegas, Nevada, representing Corrections Corporation of America, Nashville, Tennessee:**

I did not intend to submit an amendment, but I saw that we were going to have a little further discussion and that the gentleman from AFSCME had a significant amendment, so I wanted to make sure you had it in your hands ([Exhibit H](#)). It is the same one that I gave to you yesterday, Mr. Chairman, but not the remainder of the Committee.

**Chairman Horne:**

On the one from yesterday, we were here late and I did not get the chance to look at it. Typically, it needs to be received by 2 p.m. the day before so the Committee has time to vet amendments. The feelings of no one on this Committee are going to be hurt if you make this proposal over on the Senate side and allow them to vet it. I would recommend to the Committee to look over Mr. Ferrari's amendment and talk with him on his concerns.

**Assemblyman Carpenter:**

I have a problem with that amendment because it says that if they lose accreditation, then they have 24 months to become accredited. Then another one: shall be achieved after they are constructed...

**Chairman Horne:**

Mr. Carpenter, we are not considering that amendment today.

**Assemblyman Carpenter:**

I just want to put on the record that I think it is too long of a time to either get reaccredited or become accredited. What we have in our bill is much better.

**Chairman Horne:**

The Chair would entertain a motion.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 502 WITH PROPOSED AMENDMENTS NOS. 1  
AND 2.

ASSEMBLYMAN GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Ohrenschall will handle this on the floor with Mr. Cobb as backup. Our final bill is Assembly Bill 117.

[Assembly Bill 117](#): Makes various changes relating to prisoners and parole.  
(BDR 16-630)

**Allison Combs, Committee Policy Analyst:**

Assembly Bill 117 is on page 11 of the work session document ([Exhibit I](#)). It is a measure that was requested by the Advisory Commission on the Administration of Justice. It deals with a lot of the parole processes. It also provides that an applicant or witness at a clemency hearing, or a prisoner parolee or witness at a parole hearing, is entitled to an interpreter. The bill also revises the provisions governing mandatory parole of certain prisoners 12 months before the end of their maximum term to provide for mandatory consideration of parole instead. The bill also provides that the State Board of Parole Commissioners may grant parole to a prisoner without a meeting if the Board anticipates that parole will be granted. Finally, the bill provides that a member of the Board, or a case hearing representative, may recommend releasing a prisoner on parole without a hearing under certain conditions, and that recommendation is subject to final approval by a majority of the Board.

There were multiple amendments proposed on this bill by different groups and individuals. The first amendment is from the State Board of Parole Commissioners. The first part of that amendment, on page 11 at (1)(a), would address the issue of interpreters. According to the letter, the Department of Corrections employees in the past had offered to assist as interpreters. This language would prohibit a cause of action against the state in those circumstances, when an employee in state service who receives a special

adjustment to pay for bilingual services translates for a prisoner during a meeting of the Parole Board or Pardons Commissioners.

The second amendment is all of page 12 of the work session document. It relates to the mandatory parole issue. The Board submitted another option. As the bill is written, it would provide for mandatory consideration by the Board for release in these situations. The amendment would return to the automatic release and delete the authorization under the current statute to require the prisoner to serve the balance of his sentence if the Board found that the prisoner was a danger to public safety while on parole. The third part is a choice, and it is under (iii) on page 12 of the work session document. Scenario one would provide that prisoners who failed a psych panel would not be part of this automatic release or a prisoner who is a sex offender would not be released on parole unless he has been evaluated using a currently accepted standard of assessment for determining risk to reoffend. It would be conducted by a psychologist or a psychiatrist in the state prison. It would be either/or under this choice if the Committee wants to amend section 2 of the bill. In the Board's letter, they noted that scenario two is the stricter control and would require the Department of Corrections to resume performing evaluations on sex offenders before the Parole Board conducts a hearing.

Page 13 of the document shows the third amendment from the Parole Board. It relates to the authorization for the Board to review the case of a prisoner. It would add new language to the bill authorizing the Board to review the case of a prisoner without a meeting for the purpose of making recommendations for the consideration of clemency by the Pardons Commissioners and—it might be an "or" there—to consider advancing the parole date of a prisoner who was previously denied parole in accordance with the statute which governs rescheduling of parole hearings.

There were two additional sets of amendments that are in the work session document. The first one is from Ms. Hines. Her amendments are on page 23 of the document. Ms. Brown also submitted a series of amendments, carried on pages 24 and 25 of the document. I can go through those amendments if the Chair would like.

**Chairman Horne:**

Let us start at the beginning. They asked for amendment (1)(a) to allow them to have an incentive for their bilingual officers and employees to continue providing their translation services on a voluntary basis without being at risk for having an action brought against them. Is that correct, Ms. Bisbee? She nods her head in affirmation.

**Assemblyman Anderson:**

I am always concerned about giving immunity to somebody who really may be brought into a situation they are uncomfortable dealing with, even though they will be compensated for their language skills. If they are not a certified specialist in that particular area, I think it kind of opens the question there. I feel like we are putting people in a position where they want to be helpful, on the one hand, and then we turn around and they really do not want to be the language person. If the state needs language people, they should be hiring people to do this so they are not putting any of their officers in a position where their actions in the system can be misinterpreted by this and then have somebody come back and accuse them of misrepresenting their case in the system. It makes it very hazy for me and I am a bit uncomfortable with that question.

**Assemblyman Carpenter:**

I agree with Mr. Anderson, especially that some of these people may have a close relationship with these people as far as being an employee who is hired to make sure that they do not do anything they are not supposed to. I really do not understand what the amendment seeks to accomplish.

**Chairman Horne:**

Chairman Bisbee, could you come forward, please. You heard concerns from Mr. Carpenter and Mr. Anderson. I recall the use of bilingual employees. Is this a primary use or a secondary use if you cannot get someone else in a timely manner?

**Connie Bisbee, Chair, State Board of Parole Commissioners, Department of Public Safety:**

Virtually 90 percent—probably 99 percent—of all the hearings that we use interpreters at are for Spanish-speaking inmates. Either caseworkers or corrections officers that do have that 5 percent pay differential for providing interpreter services have consistently provided services over the years. The reason for adding that language was to just give them the legal protection for providing that service. This was put in there as an alternative to using the certified interpreters, which the Board has no issue with. We absolutely understand why you would want somebody whose job it is to provide language services. This was purely as a protection for the corrections officers and caseworkers who are already providing the services and an alternative to going with certified interpreters that will be at a much greater financial cost. The Board is in support of whichever way you would like to do this but just wants to have the protection for the officers and the caseworkers from prosecution if we continue to use them.

**Chairman Horne:**

I have a little trouble. I see where Mr. Anderson and Mr. Carpenter go, but I have a little trouble with deleting a practice that some people have come to rely on, that little extra money that they get for doing it.

**Assemblyman Segerblom:**

The reality is that the violation that would occur here would probably be a federal constitutional violation, and state law, of course, cannot absolve the employee or the state for violating constitutional requirements. I really do not see this amendment having any effect, so if it makes the state happy, it is fine with me.

**Assemblyman Cobb:**

It does seem to shield the actual employee, though, from liability, which I think is pretty important, do you not? We do not want people who are just trying to provide translation services to be subject to some type of suit for damages because they may have misinterpreted a word.

**Chairman Horne:**

Amendment (1)(b)(iii) presents a choice. Does anyone have a feeling or discussion on that?

**Assemblyman Hambrick:**

Between the two scenarios on amendment (1)(b)(iii), is the level of certification of being a threat to the public the same? I notice on scenario 1 it says "has been certified as not representing a high risk to re-offend." What level is used compared to scenario 2 if their psychiatrist or psychologist certifies that they are not a potential threat, whether it is a sex offender or a serial domestic violence offender? I am wondering what the difference between the two might have. I want the sex offenders and those involved in domestic violence to have a high level of review. I need some guidance. Should they not both have psychiatrists or psychologists making some of these decisions?

**Chairman Horne:**

Well, in scenario 2, it would provide stricter controls, referencing the note at the bottom of page 12 of the work session document. It "would require NDOC to resume performing the evaluations on all sex offenders before the Parole Board conducts a hearing." That will also increase the fiscal note on this, I am sure. Pages 19 and 20 of the work session document have a mock-up for those two scenarios.

Ms. Combs, in scenario 1, sex offenders would not be considered?

**Allison Combs:**

Under this one, it is someone who has not been certified by the psych panel. On page 20 is the note that relates to this. The psych panel is unique to the sex offense and not necessarily a sex offender and for that reason, scenario 2 is the stricter control. As it says on page 20, "the definition of a sex offender includes persons who are or who have ever been convicted of certain sex offenses." The psych panel just references the sex offenses. At the top of the note, this wording would not necessarily prevent the release on parole of a high-risk sex offender. "Sex offenders who are serving sentences for lesser crimes are no longer reviewed by the psych panel, and the Parole Board no longer receives information." As presented in the note, that is the stricter control because it would require evaluations for all sex offenders before automatically releasing them on mandatory parole. But, as you noted, it appears that requiring these evaluations would impose an additional fiscal note on the bill.

**Chairman Horne:**

I, for one, think it is more protective to the public to evaluate the sex offender, not necessarily the sex offense. That would be my take. I would be more comfortable with scenario 2.

**Allison Combs:**

On part (c) of the Parole Board's amendment, their letter indicates that after additional discussions concerning the recommendations made by the Advisory Commission on the Administration of Justice, this language was recommended as an addition to the bill. It would authorize the Board to review a case of a prisoner without a meeting for the purposes of recommendations for clemency and to consider advancing the parole date of a prisoner who was previously denied parole. It is my understanding those are additional situations where they could review a case without a meeting.

**Chairman Horne:**

Any questions or concerns with that part of the proposed amendment?

**Assemblywoman Parnell:**

I was not on this Committee last session but I would imagine some conversation went into the bills that were passed last time regarding the prisoner being physically present at a hearing of any kind. I am a little uncomfortable with this, but I could probably have my mind changed. If someone would like to do that for me, I would appreciate it. Normally, if possible, they have the right to be present.

**Chairman Horne:**

As I see it, maybe in the first part for recommendation for clemency, meaning to cut short their time and release them, which to me is an act of grace the Parole Board typically does, is different than a typical parole. A prisoner coming up for parole is being evaluated to see if he is ready for release to society as opposed to thinking that the conditions are such that clemency is warranted. Under the second part of amendment (c), we are talking about moving a date up. It would be different if, for instance, a prisoner was up for parole in December of this year, but the Board is meeting to decide it will be December of next year. I would agree that the prisoner needs to be at the meeting, but if the prisoner's original parole date is December of this year, but the Board is going to make it June of this year, I do not think that the prisoner has been put at a disadvantage. He is being given a benefit. I do not have any concerns either way.

**Connie Bisbee:**

What we are asking for here is for situations where the clemency or the parole is going to be granted. As it is now, we see everybody face-to-face. There are going to be some circumstances where there are going to be recommendations to the Pardons Board that this particular group of people be granted. We would like to be able to do that without having to hold a whole meeting. As far as the inmates are concerned, this is for inmates that have previously been denied parole or have not been considered where the Board is able to review them in advance and say, "Yes, this is something we can support." That allows us to not have to have a full-fledged hearing for this particular group of people to just go ahead and grant them that parole. It does not allow us to deny anyone *in absentia*; it only allows us to grant them.

**Assemblyman Cobb:**

I do not want to interpret what my colleague from Carson City was saying, but I have a lot of unease about the entire bill. I think the amendments make it better, but I am still going to be against it.

**Chairman Horne:**

Let us move to number two on page 13 of the work session document, "Procedures Governing Parole in Nevada." These were amendments proposed by Ms. Hines and Ms. Brown.

**Allison Combs:**

Page 23 is the letter submitted by Ms. Hines. Ms. Brown's amendments are on page 24.

**Chairman Horne:**

These are fairly extensive. Ms. Hines has eight proposed amendments. [Reviewed the proposed amendments.] A constructive criticism, Ms. Hines: your amendments are peppered with testimonial statements like we would do when we are having a hearing. It makes it difficult to go through the proposed amendment. If you notice, the other amendments go straight to the language of the amendment. That would make it easier to go through the documents.

Any comments or questions on Ms. Hines proposed amendments? [There were none.]

Let us turn to Ms. Brown's proposed amendments. [Reviewed the amendments (page 24 of the work session document).]

**Allison Combs:**

I think the next proposed amendment is on page 25 of the document: to add a new section 8 to establish an oversight committee to oversee the Parole Board. The proposal describes what it would consist of—three members from the private sector to ensure fairness.

**Chairman Horne:**

Any questions, concerns, or comments on Ms. Brown's proposed amendments?

**Assemblywoman Parnell:**

This is not specifically to these amendments. Could somebody, maybe staff, just give us a summary of why this bill was needed? It seems as though there is a lot of different parts of it that a number of us have discomfort with. It would help me to know the primary reason for having this brought forth.

**Allison Combs:**

The bill was requested by the Advisory Commission on the Administration of Justice. As I recall from the testimony, the Commission looked at a number of the procedures relating to the Board and it was designed to try to clear up some areas where there may be some concern or confusion. I think there was some desire to have some legislative intent or direction regarding, for example, section 2 on the mandatory parole release. The others were procedural issues to try to clear up in statute, if possible.

**Chairman Horne:**

This is one of the many recommendations to come out of the Advisory Commission chaired by Chief Justice Hardesty.



**Assemblywoman Parnell:**

Because we have such a multitude of amendments presented, I was wondering if anyone was here from the Advisory Commission on the Administration of Justice to kind of give a "yea" or "nay;" this is what we were looking for. I kind of feel like we are in the dark here.

**Chairman Horne:**

I have absolutely no problem pulling this back and we can revisit this on Thursday. We will have someone come over here.

**Assemblyman Carpenter:**

If we could have Chief Justice Hardesty come over, because when the Commission considered this, it was just in a very general sense and we had no specific bill or anything. If someone would come and give us a real in-depth explanation of why this bill is needed, it would really help us. I really do not remember myself.

**Chairman Horne:**

I will do you one better, Mr. Carpenter. I will have Ms. Combs send over the work session document so he can know what is before us and ask if he will come here on Thursday.

**Assemblyman Carpenter:**

That would be great.

**Chairman Horne:**

I think that completes our work session document for the day. We will have one more work session on Thursday. If there is nothing else to come before the Committee, we are adjourned [at 9:22 a.m.].

RESPECTFULLY SUBMITTED:

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Sean McDonald  
Committee Secretary

APPROVED BY:

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Assemblyman William C. Horne, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Corrections, Parole, and Probation

**Date:** April 7, 2009

**Time of Meeting:** 8:16 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Guest list
A.B. 85	C	Allison Combs, Committee Policy Analyst	Work session document
A.B. 259	D	Allison Combs	Work session document
A.B. 384	E	Allison Combs	Work session document
A.B. 502	F	Allison Combs	Work session document
A.B. 502	G	Steven Barr, American Federation of State, County, and Municipal Employees Local 4041	Proposed amendment
A.B. 502	H	Chris Ferrari, Corrections Corporation of America	Proposed amendment
A.B. 117	I	Allison Combs, Committee Policy Analyst	Work session document