

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

**Seventy-Fifth Session
February 16, 2009**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:39 a.m. on Monday, February 16, 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/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Bernie Anderson, Chairman
Assemblyman Tick Segerblom, Vice Chair
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblywoman Marilyn Dondero Loop
Assemblyman Don Gustavson
Assemblyman John Hambrick
Assemblyman William C. Horne
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:

Assemblywoman Ellen Koivisto, Clark County Assembly District No. 14

STAFF MEMBERS PRESENT:

Jennifer M. Chisel, Committee Policy Analyst
Nick Anthony, Committee Counsel
Katherine Malzahn-Bass, Committee Manager
Kyle McAfee, Committee Secretary
Nichole Bailey, Committee Assistant

OTHERS PRESENT:

Major Tony Almaraz, Deputy Chief, Nevada Highway Patrol, Department of Public Safety
Colonel Chris Perry, Chief, Nevada Highway Patrol, Department of Public Safety
Traci Pearl, Division Administrator, Office of Traffic Safety, Department of Public Safety
Tim Kuzanek, Lieutenant, Washoe County Sheriff's Office, Reno, Nevada
Tom Roberts, Lieutenant, Las Vegas Metropolitan Police Department, Las Vegas, Nevada
David N. Bowers, Assistant City Engineer, Las Vegas Department of Public Works, Las Vegas, Nevada
Maureen Brower, representing the Southern Nevada Home Builders Association, Las Vegas, Nevada
Orrin J.H. Johnson, Deputy Public Defender, Washoe County, Reno, Nevada
Jason Frierson, Public Defender, Clark County, Las Vegas, Nevada
Kristin Erickson, Nevada District Attorneys Association, Reno, Nevada
Les Lee Shell, Administrator, Departmental Administrative Services Department of Finance, Clark County, Las Vegas, Nevada
Ben Graham, representing the Administrative Office of the Courts, Carson City, Nevada
Judge Peter Breen, Senior District Judge, Reno, Nevada
Rebecca Gasca, representing the American Civil Liberties Union of Nevada, Reno, Nevada
John W. Helzer, Assistant District Attorney, Criminal Division, Washoe County, Reno, Nevada
Nancy Hart, representing the Nevada Network Against Domestic Violence, Reno, Nevada

Chairman Anderson:

[Roll call taken. Chair admonished Committee members and audience on Committee Standing Rules.]

We will open with Assembly Bill 2.

Assembly Bill 2: Requires each officer of the Nevada Highway Patrol to complete certain training in the proper installation of a child restraint system. (BDR 43-2)

Assemblyman John C. Carpenter, Assembly District No. 33:

I am here today to present A.B. 2. Assembly Bill 2 regards child safety seats. I brought this forward because, one day, my son dropped off a couple of his kids, and he also dropped off some safety seats. We were going to tend to the kids for a day or two, so my wife and I wanted to take them somewhere. I proceeded to put these seats in our automobile, and it was not a simple thing to do. I do not know if I got them in correctly or incorrectly, but we were lucky: we did not crash and the children survived. I got to thinking that there are probably a lot of people out there like me who do need some help to install these seats properly. I think that this bill is not only for the safety of the kids but also for the convenience of the parents who use these safety seats. In my case, I finally got my wife to use the seat belt after riding with the grandchildren many times because they would say, "Grandma, you are not buckled up, you know," and so, grandma finally started to buckle up. I think they have uses other than just protection for children. That is the reason I brought the bill forward.

Mr. Chairman, I have been talking to people from the highway patrol and the Office of Traffic Safety. I think we have a good program, now, but I think they are willing to expand it somewhat because there are areas within the State of Nevada, such as Eureka, Austin, McDermitt, and Jackpot, where there are highway patrol personnel stationed who may not have the proper training. I believe that you will hear a proposal from them about what they will be able to do in the future to get their personnel some training, so they can help the citizens install these seats properly. In the small communities like Eureka, Austin, or Jackpot, the people know who the highway patrolmen are. It would not be a great inconvenience to ask the highway patrolmen to come and help them make sure that they are installing these seats correctly and getting the children properly restrained.

Chairman Anderson:

I think we all understand your intent and the importance of what you are asking.

Assemblyman Manendo:

Is there any reason why you did not expand this legislation to include local jurisdictions?

Assemblyman Carpenter:

I think many of the local jurisdictions have people trained to install child seats, such as emergency medical technicians (EMT) and people on their local police force. Hopefully, the ones who are not trained will be trained in the future. I felt that this was the best way to proceed because the highway patrol has troopers in many cities.

Assemblyman Manendo:

I did not research *Nevada Revised Statutes* (NRS) 484.474, which covers training. I suspect that this is where the fiscal note comes in. I would like to note that the American Automobile Association (AAA) does this for free.

Assemblyman Gustavson:

I understand why the troopers would want to know how to do this, but that does not mean I am going to be able to call up a trooper and say, "Could you come over here and show me how to put this in?" They do not have the time to do that. Could you explain why they need this training other than to check vehicles when they make traffic stops? Is that the intent of the bill?

Assemblyman Carpenter:

That is the reason for the bill. I am sure that if you had a day or so, and you knew that you had to get these seats installed, and they looked difficult to install, then, hopefully, you would take the time to go up to the patrol office and ask them. In these larger cities, they probably have people right there who would know how to do it. Out in the rural areas, where we know the officers, we would give them a call and arrange for them to do it. I hope that people understand that help is available and they would avail themselves of it.

Assemblyman Gustavson:

I just want to further comment that when you go to pick up your grandchild for the first time, and you have an appointment to be there in a half hour or less, you do not have time to go ask someone how to do this.

Chairman Anderson:

I would remind both myself and members of the Committee that the purpose of this bill is to require the highway patrol to know this as part of their training. This does not require them to actually perform the installation themselves but to make sure that they know how to do it if they choose to. Is that what you are talking about, Mr. Carpenter?

Assemblyman Carpenter:

That is right. A lot of times they will put on classes, or they will advertise to the people that they are going to be conducting training classes. I know in Elko, a lot of people show up for these classes because they do not know exactly how to install these seats. I think there is a correct way to do it, and I think that personal responsibility is involved. If you did not know how to properly install these seats for your grandkid, and you knew that the parents were bringing your grandchild over, and you were a little uneasy about it, you would call the highway patrol to make sure that you were installing them correctly. It is a personal responsibility to install these seats correctly because I do not doubt that these seats save lives.

Assemblywoman Dondero Loop:

I absolutely think that proper installation of child safety seats is important because cars vary. Also, I think that it is important because, if an officer makes a traffic stop with kids improperly seated in the vehicle, would the parents just go on their way with improperly installed car seats?

Major Tony Almaraz, Deputy Chief, Nevada Highway Patrol, Department of Public Safety:

One of the things that we are going to do immediately, in the academy that is currently in progress, is allow training on the proper installation of child safety seats to occur during patrol procedures. We have done that in the past. In talking with Colonel Perry, I know that several years ago this was part of the academy criteria. We are going to enhance that and make it one of the new criteria for all of our troopers. As for training those who are currently on the road, we have talked with Traci Pearl, the Chief of the Office of Traffic Safety (OTS), and she will probably come up here and speak to you about assistance in terms of the funding. We do have a number of troopers who are already certified in the installation of child seats. It is a matter of finding out how many we have, total, and then providing some kind of in-service to those rural areas, so that we can provide that service to those folks in the community.

Assemblyman Hambrick:

Do you believe that this training would open up a liability question in this area? If something does happen in an accident, the parent may come back to the Department of Public Safety and say, "You taught me to install the seat incorrectly." Would the liability increase in this area?

Tony Almaraz:

I think there is always going to be that potential for liability; however, our troopers are going to have hands-on training from those who have extensive training in child seat installations. I think the liability is always going to be out

there, no matter what. Nonetheless, I think that the training we are going to give our folks in the installation of those seats will be better training than the average person would have.

Colonel Chris Perry, Chief, Nevada Highway Patrol, Department of Public Safety:

To begin with, we are an agency that deals with a high rate of liability. Everything we do can result in liability to some degree. I think this is just one more way that we can give back to the community. I would much rather see one of my officers install a safety seat properly than have an individual install the seat incorrectly and have some kind of catastrophic event occur. Having worked in a rural duty post, I know it is not uncommon to have people come knocking on your door, when you are not even working, and ask for certain things. That is part of being a rural duty officer. I think that by plugging these holes Mr. Carpenter has discovered, we can do a better job for the community.

Traci Pearl, Chief, Office of Traffic Safety, Department of Public Safety:

Our office has funded, and continually funds, nationally certified car seat installation courses for technicians. Safe Kids Worldwide is the certifying body. It is a 32-hour course for child seat installers. We fund that training, statewide. We also have a Nevada child passenger safety task force that has worked with Colonel Perry on this bill, specifically. Also, the 32-hour course is Police Officer Standards and Training (POST) certified now. There are smaller curriculums, specific to law enforcement, that we can utilize existing instructors for. Our office is willing to subsidize the travel expenses and training expenses, so instructors can go to rural areas to train those up-front personnel: not the officer on the road, but the person in the duty station. Once those people are taught, they can teach the lower level courses and the 16-hour law enforcement courses to other troopers. It can carry on down the line.

As far as liability goes, I want to address Assemblyman Hambrick's question. This certified program has been around since 1998. Initially, AAA was the certifying body. People who became technicians had an opportunity to get professional liability insurance through AAA. They discontinued that insurance program after six years because there was not one case of a person blaming an instructor for the injury of a child. It is a legitimate question, but there is no evidence of that being an issue. Again, we fully support and will help the Nevada Highway Patrol (NHP), as our sister agency, as much as we can. I want to point out that there are existing "fitting stations" across the state. There is at least one in every county. Even the small cities, not necessarily Austin, have at least one nationally certified child passenger safety technician. We have a listing on our website, but we are going to work with NHP to make sure that those substations and the local law enforcement agencies have that

information, so that when those requests come in, they can be referred to a local area with a technician if they do not have the staff on hand.

Assemblyman Cobb:

That somewhat got to the point I wanted to address. What currently exists in some of the more remote areas of the state, insofar as providing training to the individual parents? You have already answered that question, which I think is an important one. We do have training centers in existence, right now.

To follow up on the liability issue, I am glad that we have not experienced any liability for the past six years. But taking a look at what kind of liability would be in existence regarding the potential death of a child, I wonder if it would not be more appropriate for us to have a bill where we have additional training for people who provide instruction for individuals, in terms of how they themselves install their car seats, as opposed to having the troopers being the ones to install those car seats.

Traci Pearl:

In the training that is conducted, both the national certification training and the lower level assistant training courses, the instructors emphasize over and over again to the people they are training that, when they go out and work with the community, they are there to educate them, not to install seats. That is a common misconception people have. People come in and say, "I want you to install my seat." Those people who are trained, and currently out in the field, are educating the parents or the caregivers and making them install the seats. They instruct them about what they need to know about that particular seat and their particular car. They make sure that the parents and the families are the last ones to touch that seat and understand why it is correctly installed. It is an education service, not an installation service.

Assemblyman Cobb:

The testimony we heard seems to suggest that the troopers are going to be doing the actual installation of the car seats. Is it the position of the department that you would not want to have that authority, but, instead, you would be purely giving advice?

Traci Pearl:

A nationally certified technician is the only one who is authorized, or who you would want, to install a seat. That technician is one who receives the 32-hour certification. What is important for the highway patrol, beyond having those technicians on hand to answer those questions, is that they can train the troopers, pertaining to the law of what proper and improper misuse is. At least

the troopers can identify that and then know where to refer people, so they can have that seat correctly installed or receive instruction on proper installation.

Assemblyman Horne:

Since everyone seems to be touching on the liability issue, does anyone have any statistics on that matter? Have there been any lawsuits pertaining to improper instruction on child restraint seats directed at the highway patrol or any other institution? Are we seeing lawsuits in this area?

Traci Pearl:

I only know about Nevada. I have been involved in child passenger safety for eight years. Since the 1998 inception of the national certification program, to my knowledge, not one case has been brought to court. Before I came into my present position, I was the seatbelt and car seat lady. I keep a pretty close ear to those kinds of things. To my knowledge, there has never been a case brought, and there are fitting stations all over the state and across the nation.

Assemblyman Gustavson:

In regard to these fitting stations, you mentioned a website. Do you still have the website that tells you where the locations are? If so, what is that address?

Traci Pearl:

It is currently on our Office Traffic Safety website. It is www.ots.state.nv.us. If you go to the occupant protection link, which means seat belts and car seats, it will have a list of local resources. That is the listing people can access. Obviously, our office will do what it can to further promote that.

Tom Roberts, Lieutenant, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:

I am currently checking to see if we provide the training. I believe there are some folks who are certified in our traffic section. I do not know how widespread it is through the department. I know it is a service we provide at Drug Abuse Resistance Education (DARE) fairs and local schools. There may be a few of those. I do not have the specific numbers, but we do provide that service.

Chairman Anderson:

Is it part of the training package for officers?

Tom Roberts:

No, it is not part of an annual training requirement or an academy training requirement at this time.

Tim Kuzanek, Lieutenant, Washoe County Sheriff's Office, Reno, Nevada:

The Washoe County Sheriff's Office has a number of officers who are trained in the installation of child safety seats. We work cooperatively with the Regional Emergency Medical Services Authority (REMSA), the ambulance service primarily used in the Washoe County area, at different events, which end up being drive-through safety checkpoints for child seat restraints. I do not have specific numbers on the number of personnel that have been through the training. I can tell you that, on an occasional basis, when the training is offered, we do have personnel who attend that training.

Chairman Anderson:

Let me bring A.B. 2 back to Committee.

Assemblyman Carpenter:

I think I heard what I wanted to hear in the testimony. Maybe there is no need to process this bill any further.

Chairman Anderson:

We are no longer taking testimony, but with the reassurance that the highway patrol is going to be implementing this program, there is probably no need to put it into statute and spend the \$100,000 to revise *Nevada Revised Statutes* (NRS).

Chris Perry:

We have every intention of following through on what we have testified to today.

Chairman Anderson:

Let us turn our attention to Ms. Koivisto's Assembly Bill 17.

Assembly Bill 17: Revises provisions concerning persons who steal parts of streetlights and traffic-control devices. (BDR 15-643)

Assemblywoman Ellen Koivisto, Clark County Assembly District No. 14:

I brought Assembly Bill 17 because, during the Interim, I had several calls from folks who were sitting in the dark because the copper wire was pulled from the power poles in their neighborhood. I believe the local folks only had two electricians who were able to work on the problem. These folks were sitting in the dark for a long time. It is a public safety issue when the streetlights are out. When the wire is pulled out of one pole, the whole block goes dark. Sometimes, it is more than one block. With the price of copper being what it is, even though it has dropped somewhat, it is still expensive enough for thieves to

find stealing it worthwhile. I think that, perhaps, if we enhanced the penalty, it might help to deter the thieves. That is all the bill does.

Chairman Anderson:

I see there is an amendment ([Exhibit C](#)) that is being proposed by Clark County. Was this shared with you?

Assemblywoman Koivisto:

Yes.

Assemblyman Manendo:

Several streets in my district, and everywhere in Clark County, have been vandalized. It takes forever for these replacements to be made. I appreciate this amendment, too. The county did not talk to me at all, but I think it is important to talk about parks. In the wetlands park, we were without lights for six months to a year, and those have finally been replaced. I have a question about the bill, on page 2. On lines 25 and 26, it talks about paying restitution. Would this also include any type of community service hours? Would that be an option available to the courts?

Assemblywoman Koivisto:

I believe that would probably be at the discretion of the court.

Chairman Anderson:

Mr. Anthony, would you like to respond to Mr. Manendo's concerns? I think he is concerned about the language of A.B. 17, section 1, lines 25 through 26. I presume "in addition to any other penalties" means the court could include community service hours in determining the penalty.

Nick Anthony, Committee Counsel:

I believe what you are referring to is the area concerning graffiti or driving under the influence (DUI). We would have to specifically add community service requirements in the statute if that is the intent of this Committee. We could certainly include that in the language, to clarify your intent.

Assemblyman Manendo:

I do not mind the language that is currently in the bill. Obviously, restitution is something we would have to do. It may be possible to include community service hours in addition to restitution, not in lieu of it.

Assemblyman McArthur:

I am curious about section 1, line 6. I do not understand what you mean by saying "within a period of 90 days." What does that refer to? It is in more than one place in here.

Nick Anthony:

I believe the 90-day period is for the aggregation of offenses. If there were to be more than one offense, the court would look back to see the total value of loss for a period of 90 days.

Chairman Anderson:

It is not unusual that in many of these cases, when you find that someone is stealing streetlights, you also find there has been a string of criminal activity. You would, over a 90-day period, be able to show the aggregation of all of these additional crimes.

Assemblyman McArthur:

It looks like that is what the intent was, but that is not what it says.

Chairman Anderson:

Do you feel there is a need for clarity there?

Assemblyman McArthur:

That is what it looks like to me. I do not have a problem with it. It just looks like it does not state what you really want it to say.

Chairman Anderson:

Ms. Koivisto, was it your intent to provide the aggregation, in regard to the 90-day window of time?

Assemblywoman Koivisto:

Yes.

Chairman Anderson:

We will have the bill drafters look at that to see if there is a need for further clarity.

Assemblyman Horne:

One of my concerns is the \$250 trigger that takes the crime from a gross misdemeanor to a class C felony. I anticipate that the stealing of copper wire from just one light will reach the \$250 trigger because you are also adding in the cost of repair. We know that the trigger will be reached because of the cost it would take to repair a vandalized streetlight. In light of last session's and this

session's task of looking at prison population and its cost, it seems like a big leap to take this crime from a gross misdemeanor to a class C felony. I do not think we will prosecute anybody for a gross misdemeanor under this bill because I think everybody will exceed the \$250 trigger.

Assemblywoman Koivisto:

I think this is not as simple as the \$250 limit. We are dealing with a public safety issue, as well. I think that is the aggravating factor.

Assemblyman Mortenson:

The stealing of copper wire really seems to be a terrific problem. I know that in order to make it difficult for people to sell all kinds of stolen goods, people need to provide their names and information to pawn shops. I am wondering if anyone knows whether or not the places where people sell the copper wire have similar provisions that require identification. That would probably be a very good idea. I have no idea where people get rid of their copper wire when they sell it. Could anyone answer that?

**Tom Roberts, Lieutenant, Las Vegas Metropolitan Police Department,
Las Vegas, Nevada:**

Most of that is sold through the recycle industry. We currently have another piece of legislation, Bill Draft Request (BDR) 54-53, which we are working on with the majority leader, folks from that industry, the utilities industry, and the district attorney's office. That bill would do exactly what you are asking. It would require the people bringing it in to submit identification, and the bill has a provision in it for the distribution of checks versus cash. That bill should be introduced within the next few days. We try to tie up the loose ends that are currently there in regard to where this material is being put back into the industry.

Chairman Anderson:

Ms. Koivisto, I believe you are knowledgeable about the existence of BDR 54-53. Recognizing that it may have an impact on this, do you have any problem with our hanging on to this until we process them all as a package? Would that be your preference?

Assemblywoman Koivisto:

Yes, it would.

**David N. Bowers, Assistant City Engineer, Las Vegas Department of Public
Works, Las Vegas, Nevada:**

We are in support of A.B. 17. It is a bill that will, hopefully, prevent increased theft. We have many problems with this. Over the past three years, we have

had an average of \$400,000 in cost associated with this expense. As an example, we have lost quite a few streetlight fixtures in the area of Las Vegas Boulevard and Fourth Street, valued at over \$250,000. That has been over the last couple of years. We have tried to weld the access plates on the streetlights to keep the wire theft from occurring, but they cut the welds and get in to pull the wire. Stronger penalties would help prevent these thefts.

Chairman Anderson:

Have you had an opportunity to review the amendments that were submitted by Clark County to add other types of lights? When you were dealing with the city figure, did you include those kinds of lights, or did your number include only traffic devices?

David Bowers:

No, it actually did include those types of problems, as well.

Maureen Brower, representing Southern Nevada Home Builders Association, Las Vegas, Nevada:

Streetlight vandalism has been a huge problem for us. We know how devastating it has also been to the local governments and the state government. We are very much in support of this bill. We hope this bill will be a deterrent to this crime and also help mitigate the cost to local government.

Chairman Anderson:

Do you realize that this particular legislation deals with streetlights, park lights, and those things that are governmental services rather than the unoccupied houses of home builders? This has become a rampant crime. For people with drug problems, this seems to be an easy source of funding.

Maureen Brower:

Yes, I understand that, and we are very much in support of our local governments.

Orrin J.H. Johnson, Deputy Public Defender, Washoe County, Reno, Nevada:

We have four concerns with this bill. First, the stealing of copper wire from traffic-control devices does not seem to be a problem in Washoe County. The testimonies reveal that this problem is limited to Clark County. When our county folks were seeking input from all kinds of other departments, the answer coming back from the facilities people was that it was a solution to a problem that does not exist. I do not know whether or not that problem will migrate up here. The concern is that, if we bump up these penalties, are we going to incur the additional cost of putting people in jail to solve something that is not a

problem? Since it does seem to be a problem in Clark County, I will leave it at that.

The second issue is that this does include stop signs. Traffic-control device is a very broadly defined phrase, and it does include stop signs. It includes signs for not turning right on red. Probably 80 percent of my caseload, as a public defender, is DUIs, right now. Most of those people get pulled over for some other traffic infraction. A great majority of the time, if they run a stop sign or some other issue, they are simply charged with disregarding a traffic-control device, which is kind of a catchall phrase. This is even more so in the actual language of the statute because the words "streetlight" or "traffic-control device" make it absolutely clear, from a linguistic standpoint, that this is meant to include everything—a one-way sign, a stop sign, or anything—not just the copper wire that is stolen out of a streetlight. That makes it very broad. Now, we have the potential of taking a stupid college student, who decides he is going to be cute and put up a stop sign in his dorm room, and making him a gross misdemeanor or even a felon because, not just the value of the sign itself, but the value of putting it back up, will make the crime a felony. The concern is, in a world where we are struggling to pinch every penny, do we want to start making felons out of stop sign stealers and sticking them in the county jail for a year or in state prison for longer?

The third thing is that the actual value, as opposed to just the restitution of the theft, is now defined to include the cost of repair. This is not how it works if somebody shoplifts something. The value is not measured by the value of the stolen item plus the cost of restocking, repairing, and repackaging the item. The cost is only measured by the value of that item. Certainly, there are many merchants who would love to see minor petty crimes become felonies in order to lessen incentives for shoplifters. They may seek out the same protection that the government is taking for itself. Once the government starts adding the cost of repairs to the actual value, it opens the floodgates.

Fourth, of course this is a safety issue. All of these things are safety issues. The vast body of law, with regard to misdemeanors, concerns safety issues. Driving under the influence is a safety issue. Second-time DUIs are safety issues, and we still treat those as misdemeanors. The penalties are rightly harsh, but the question is, unless the theft actually causes somebody to be hurt, should they be charged with a felony every time a stop sign is stolen? The bottom line is that, with the law already in place, penalties already exist for stealing those copper wires. As is always the fear with well-meaning legislation, it casts a wide net in an attempt to catch every bad guy and proactively account for every possibility. That is a wide net that runs the risk of catching too many other fish that are not intended to be caught and treating

them far more harshly than that particular crime deserves. Those are our concerns.

Assemblyman Segerblom:

In the last session, I think we passed a law that dealt with shoplifting crimes and aggregates. I wonder if anyone knows whether that law has been used to prosecute anyone. If so, has it worked?

Jason Frierson, Public Defender, Clark County, Las Vegas, Nevada:

I recall there being aggregate issues with respect to the 2007 Session. I have not seen that actually put to use within the past two years with respect to shoplifting or graffiti. I remember there being a great deal of work with respect to graffiti. That was a concern. I do not recall that being used in my personal experience.

Kristin Erickson, representing the Nevada District Attorneys Association, Reno, Nevada:

Could I ask Assemblyman Segerblom to repeat his question?

Assemblyman Segerblom:

In the last session, we passed two bills that included aggregates that created additional penalties for multiple crimes committed over a period of time. I was curious if you had any experience in using those laws to get to the felony level and if those laws were successful or not.

Kristin Erickson:

In my personal experience, I have not seen that utilized. It may be used throughout our office. I do not have that information, but I do not think it is widely used.

Jason Frierson:

I do not recall an experience in the last two years when that was used whether it was the graffiti provision or the shoplifting provision.

Orrin Johnson:

My answer is the same. I do not have the experience in that area to answer one way or another. I can certainly get back to you and canvas my office to see if that is an issue. I can see if that has been dealt with.

Chairman Anderson:

For those of you who are curious, we are talking about Assembly Bill No. 421 of the 74th Session, which concerned retail theft rings and Assembly Bill No. 14 of the 74th Session, which concerned graffiti.

Assemblyman Carpenter:

Apparently, the statute that we have on the books is not working out, because this is a continual problem, and it does not seem to have done anything to stop this kind of crime. What do you suggest we should do?

Orrin Johnson:

I have two suggestions for that. There are two issues. First, it is a question of actual enforcement. If something is a misdemeanor, there is anywhere from a small fine all the way up to six months in jail. Are the district attorneys asking for the proper penalties in this sort of thing? Is that the place to actually address it?

The second issue is a question of whether or not the increased penalties will stop a meth addict, who is so addicted to his drug that he is breaking the welding seals on a streetlight, pulling out copper wire, and then going off and trying to pawn it. I have not seen the text of the BDR that was discussed earlier about making it tougher to actually fence this material at recycling plants. That might be the better place to actually stop this. The concern is the unintended consequence of going after people who do crimes that ought to be punished as misdemeanors and punishing them more harshly than they deserve. The question is whether or not this potential downside outweighs the potential upside of discouraging the one or two people who would otherwise go steal that copper wire. If you are actually ripping that copper wire out of the traffic-control device, you are stealing parts of it that have to be replaced. Those things are a lot more expensive than just a sign. The chances are, even under the current scheme—and \$250 is not worth what it used to be—as everyone knows, that will probably bump it up to at least a gross misdemeanor.

Assemblyman Carpenter:

In regard to the graffiti situation, I do not know what is happening in other communities, but in Elko, that problem was stopped when we started taking people's drivers' licenses away.

Jason Frierson:

I would like to echo the sentiments expressed by Assemblyman Horne and Assemblyman Mortenson with respect to deviating from the \$250 amount, particularly in light of adding the value of the cost of repairs. I think that they are going to get to the felony level anyway. I also look forward to the language from the BDR that was discussed. I have spoken with the sponsors of that bill regarding those concerns. I have also spoken with Assemblywoman Koivisto about my concerns. I am looking forward to working with the sponsors of those bills in order to incorporate some language that addresses those concerns. The parties I have spoken with are receptive to talking with us. We did the

same thing last session for the graffiti bill, and I believe we can probably work together on this one, as well. I also wanted to say that the idea put forth by Assemblyman Manendo, regarding community service, is a great idea. I think that will speak toward actually addressing this problem, as well as the efforts in the other BDR that target unlicensed individuals who are accepting this metal for cash.

Assemblyman Mortensen:

Mr. Carpenter's comment is very interesting: taking away drivers' licenses in the Elko region has reduced graffiti crimes. In Clark County, I see no abatement of graffiti. Across the street, people in my neighbor's house are really going crazy from graffiti crimes.

Les Lee Shell, Administrator, Departmental Administrative Services, Department of Finance, Clark County, Las Vegas, Nevada:

We are in general support of the intent of A.B. 17 with reference to the issues that were raised by my colleague from the public defender's office. In the consideration of time, I am not going to go over all of the things that have previously been discussed. I would like to point out that Mr. Manendo's statement about the wires we lost out at wetlands park is a public safety issue for us. It is an issue of us being able to repair those things in a timely manner. In 2007, we lost approximately 190,000 feet of copper wiring, which cost us a little over \$1 million. In 2008, we lost about 300,000 feet of copper wiring, and that cost increased to about \$1.4 million for us to replace the wiring and lighting fixtures. We have submitted an amendment ([Exhibit C](#)) for the Committee's consideration. It simply requests that that language be expanded to include park lights, ballpark lights, and any other lighting fixtures that are maintained by state or local governments. We believe that would give the counties a little more coverage in that area. We are working with the other group on the BDR request put forward by the majority leader.

Chairman Anderson:

Let us close the hearing on A.B. 17.

[Called a five-minute break.]

Let us turn our attention to Assembly Bill 47.

[Assembly Bill 47](#): Revises provisions relating to specialty courts. (BDR 14-409)

There is an amendment that comes with this ([Exhibit D](#)).

Ben Graham, representing the Administrative Office of the Courts, Carson City, Nevada:

The version of the bill that you have in front of you ([Exhibit D](#)) concerns specialty courts and talks about the diversionary process. The amendments are still a work in progress because there was material removed that a number of people found significantly objectionable but did not adversely affect what the judges were trying to do with diversion. One of the things that is included in the bill, that we have asked to remain in some form, is the possibility of opening up the diversionary drug court program to certain defendants who are charged with domestic violence. This raises a lot of red flags. For the last week, we have been working with people from the domestic violence community and the district attorneys. I think Judge Breen, who serves as a specialty court judge in Yerington, Hawthorne, Fallon, Minden, and Carson City, would be a good person to explain what we are trying to do.

Judge Peter Breen, Senior District Judge, Reno, Nevada:

We are here today in support of A.B. 47 because many of our clients would be covered by it. I would like to make a few observations dealing with the sealing of criminal records. Everybody is going to be eligible to have their criminal records sealed unless you are a first degree murderer, a sex offender, or have committed a crime against children. The crimes we are talking about in this bill relate to mostly class E, D, and C felonies that would be subject to sealing within 12 to 15 years. That is the context.

The statutes that are covered in this bill relate to the development of the drug court movement. Chapter 458 of the *Nevada Revised Statutes* (NRS) was started in the early eighties. Chapter 453 of NRS was started in the early nineties. Chapter 176A of NRS was started in the mental health courts around the year 2000. I do not want to speak in detail about the drug court movement, itself. Chairman Anderson, you have been there longer than I have. I am in my 14th year. This movement started over 15 years ago. It originated in Clark County and spread throughout every district in the state. Every district in the state has a drug court. Every county seat has one, with the exception of Esmeralda County and Nye County. We are the most successful alternative to incarceration and the most successful program for dealing with substance abuse and alcohol addiction in the state. I could spend an hour and a half with you talking about the details of our success, but I will summarize it by mentioning a few things that I spoke about in a presentation to the Washoe County Commissioners. In Washoe County, we manage 1,100 to 1,200 people outside of the normal jail incarceration system. If you expand that to the rural courts, it is somewhere between 1,400 and 1,500 people. Last year, the drug court movement was partially responsible for the birth of 76 drug-free babies. I forgot how that breaks down by local district, but it does not really matter.

That financial success, and success with misery, speaks for itself. We retain about 80 to 90 percent of our people within the movement. I am speaking for all the specialty courts. Our graduation rate is well above the 80 percent rate as determined by the Drug Court Professionals Association, which has been in existence for many years. That means our graduates do not become rearrested within two or three years. We only track them that far. The result is the obvious reduction of public and personal misery, the savings of funds, and the savings in community service that we do. I will not go into great detail about that, but I want to speak about two areas that this bill pertains to.

One subject is the sealing of records. It takes a client 250 twelve-step meetings, over 150 to 200 drug tests, over 100 contacts with the life skills part of our program, as well as many other requirements to get through our drug courts. It takes about two years for them, even though the minimum program is a year. We have the most expensive drug court in Washoe County, and they spend about \$2,400. That is what they have to pay before they can graduate. What is their incentive to do that? It is varied. Not many want to quit substance abuse. We bring the "bottom up," as the phrase is described, to most of them. The incentive is surely avoiding prison, avoiding incarceration, and avoiding the stigma of the felony conviction. For that, they get their records sealed after they complete the program. In one-year programs, you can get your record sealed immediately when you are finished; that is in the Chapter 458 of NRS program. In the Chapter 453 of NRS and Chapter 176 of NRS programs, you have to wait three years until you get your records sealed, even though the case has been completed and the charges have been dismissed. That is one of the major areas we seek to correct, to seal records for participants of the Chapter 453 of NRS and Chapter 176 of NRS programs within 30 days after completion.

There are limitations to getting into one of these programs. Except for the mental health court, which requires you to have a significant mental illness, you can get into most of them through these three ways. You can get your records sealed after you are charged with credit card fraud more quickly than you can for felony-level possession of marijuana. That is how it stands today. That is one of the inequities that we seek to correct.

We have been in existence for over 15 years in the state and 20 years in the country. We have demonstrated that this is a more successful way. Rather than limiting the access, in some ways we would like to expand it. In the Chapter 458 of NRS program, there is a long list of crimes that are not allowed to participate. We are seeking to eliminate domestic violence as a crime you cannot get in for. Thereby, when you complete the program, you get your records immediately sealed as well. Domestic violence is one of the most

common crimes associated with drug and alcohol abuse. We require our clients to complete any domestic violence program that they are required to do by statute, and we require them to engage in related anger control programs in our drug court movement. Today, there is less of an incentive to take this program, which is much more difficult than regular probation, than there was two years ago when you passed Assembly Bill No. 510 of the 74th Session, because you are constantly accumulating probation credits and getting off of probation earlier. The sealing of records and avoiding the stigma of a felony conviction is a great incentive to offer our clients for making them run this gauntlet of our specialty courts.

Chairman Anderson:

I presume you want us to be dealing with the proposed bill as amended rather than the original bill. In terms of your remarks, is that your intent?

Peter Breen:

Yes. That is what I would like.

Chairman Anderson:

One of the great incentives that we had perceived was the fact that it was a guarantee that the judge "shall" do this as opposed to "may" do this. I know that treads hard upon the robes of the judge. If you successfully take this program, as Ms. Miller had suggested it to us in 2005, and change the language to "may," have we not taken away the incentive?

Peter Breen:

Yes, Mr. Chairman. That change does that to a certain extent. One reason is that it makes the amendment more palatable to people, but it also adds to the incentive because the client is aware that nothing is guaranteed. One of the problems with helping people recover from addiction is bringing the bottom up to them. Many people can stay off drugs for a few months.

Chairman Anderson:

I thought some of the concerns were taken care of because, in order to get into the program, the district attorney's office had to sign off on this. Do they want it both ways, now? Do they want the language to say "may" rather than offer a guarantee? I noticed that in your amendment you have reasserted their opportunity to veto, but they also want the bill to say "may?" Or, is that another question here? I am a little concerned about that.

Ben Graham:

We are asking you to leave in subsection 2, which gives judges the ability to exclude people from the program. It was felt by judges and others that, with

the word "may," counselors and defense attorneys would have to tell their clients that they would have to engage in the program with a good attitude in order to have an opportunity to participate in it. It was a small compromise that we felt did not interfere with what we were trying to do.

Chairman Anderson:

That comes back to the original question. I have a concern about the inclusion of a guarantee, that if you start this program, the judge is going to bind himself rather than it being a question of his discretion. If I were to voluntarily bind myself to this program, I would like to know that I would be rewarded at the end of the program, if I was successful. The three-year question concerned validating these drug treatment programs, because there was a concern that these programs were not going to work. We wanted to develop a mechanism that took three years to complete. You feel that is a deterrent. I feel that it is a two-part question, Judge Breen. I am a little shaky on this, and I realize I was not a part of your discussions with the other groups.

Peter Breen:

The word "may" applies to all, not only subsection 2, but to Chapter 453 of NRS and Chapter 458 of NRS, whereas it did not apply to all of them before this amendment. I suppose this was partly a compromise, but it is also partially a sense that I had that giving the discretion to the judge to seal the records would have therapeutic benefit. I do not want to lay all of this on the district attorney. I do not know how they expressly felt about this. Much of it is therapeutic, as well.

Assemblyman Carpenter:

Are there any of these diversion programs that allow people who have committed domestic violence offenses to participate?

Peter Breen:

Here is the way they enter our courts. Sometimes they come in through the mental health court, and other courts too, by virtue of the process of the judge sending them. Suppose you have a domestic violence conviction, and you have a condition of probation as a misdemeanor or a gross misdemeanor. We have received people with domestic violence convictions in our court where that is the only crime, but most of the time the domestic violence crime is an associate crime that is really not the interest of the drug court. We have a drug crime, a battery crime, or some other crime that is being processed through the drug court. That is how they get in there: indirectly.

Assemblyman Carpenter:

In cases that you have handled, where you know there has been domestic violence, what is the response to treatment of these people?

Peter Breen:

I know, and I have been informed this morning, that there are studies that demonstrate domestic violence is a completely independent problem from drug and alcohol abuse. I have no reason not to accept that, but drugs and alcohol surely fuel that problem; we see it on a regular basis. The resolution of the drug and alcohol problem has got to help.

Chairman Anderson:

I think that Mr. Carpenter, Mr. Manendo, and I and many other members of this Committee are familiar with the fact that alcohol has played a key role in the domestic violence issue. It is just an observation, judge. I do not know if it has any validity in anybody's mind other than mine.

Assemblyman Segerblom:

Just as domestic violence offenses are related to alcohol abuse, it seems like some of the sexual crimes would also be related to drugs and alcohol. I understand that your bill would totally exclude the sexual crimes from the program?

Peter Breen:

Yes, they would. No sexual crime can be sealed under any circumstances as defined in a long list in Chapter 179 of NRS.

Chairman Anderson:

So, we are not changing our statutes relative to that?

Peter Breen:

No.

Ben Graham:

We have a long list of people who think they are opposed to this, or are at least concerned. We stand ready to work with them and the Committee to, hopefully, come up with a good version of A.B. 47 that will accomplish what needs to be accomplished.

Orrin J.H. Johnson, Deputy Public Defender, Washoe County, Reno, Nevada:

We really like this bill. Unfortunately, we have some concerns with the amendments that we think substantially water down what are tremendous improvements in an already tremendous program in the drug courts. One of the

things we do not like to see is our clients coming back; it is more work for us. I feel like they have not been served; they have not been rehabilitated. The specialty courts have done a tremendous job of keeping people productive and out of the jails, and we are encouraged by the support and the success that they have had. We felt that the original bill, as it was submitted, did a great job in taking away some of the additional barriers that would have lead to increased help. I would like to address some of the concerns we have about the rolling back of what we consider important steps to expand these programs, to keep even more people out on the street when they should be on the street being productive but still supervised.

As far as the section that puts back in what we refer to as the district attorney's (DA) veto, there is always the concern about judicial independence. It is the judge that determines sentencing, and it is the judge that should determine sentencing, not the DA. The problem we have had in Washoe County is less that the DAs will not agree to let them go to the treatment—often the DAs are just as eager to see them treated as we are—but more that they will, as part of the plea negotiations, with the threat of their veto, insist they will not allow the records to be sealed. As you heard from Judge Breen, that is the number-one motivator for these folks to actually complete these programs. It is tough work for these guys to complete these programs. Taking away the prime motivator of getting their record sealed at the end is the practical effect of that. This does not mean that the judge cannot choose to allow them to do it and cannot punish them differently, but we think that allowing that much power with the DA is inappropriate and takes away too much of the judge's discretion in allowing the record to be sealed case-by-case.

The other concern we have with one of the amendments is in the new section 2, which modifies NRS 176A.265 to remove the "shall" language for the sealing of records. Once again, I point to Judge Breen's testimony that the sealing of records is the prime motivator. One of the big discouragers that I have noticed with these programs is a lack of certainty. If my clients are in a dark time of despair—when they are most likely to reach back for the bottle or reach back for the pipe—they can say, "What the heck. They are just going to have it on my record anyway. It is up to them. I do not have any control over it." Then they lose the dignity involved with regaining control over their lives, which is what these programs are all about. It takes away the certainty that they are actually going to benefit from the hard work, especially during the times when they need that certainty the most.

The other concerns we have go to the new section 8, which is on page 5 of the amendment sheets, which modifies NRS 458.300. The strikeout in subsection 2 takes away some of the judicial discretion, which we think is

important. A lot of these cases involve fact-specific circumstances and are not always the same. We should allow the judges the maximum amount of discretion when it comes to these programs.

When it comes to domestic violence, Mr. Carpenter expressed some question about whether or not domestic violence folks are allowed in these programs. Insofar as allowing a conviction to be set aside, a charge to be dropped, or a record to be sealed, that is not the case, but we know justice court currently has a program they call the court compliance program. In that program, they have already been convicted; they have already been sentenced. The stick is that the offenders have a six-month suspended sentence hanging over their head. In exchange for that not being imposed, they have to come in what is fully a specialty court, essentially aimed at misdemeanors. I have personally seen many clients who have been convicted of domestic violence benefit from that greatly. They have the constant support of their peers, and it also addresses the substance abuse problem, which is almost always part and parcel of the problem.

There is something I will say about domestic violence, in support of the bill, that we are excited about. Everybody thinks of domestic violence in terms of the stereotypical wife beater with power and control issues, the stereotype of the husband beating up his wife, where she is inferior and cannot run away. In practical experience, that is not the majority of domestic violence cases. Often it is a boyfriend/girlfriend shoving match. Alcohol is almost always involved in those cases. I could sit here for hours and tell you real stories about some of the injustices that I have seen, especially with the expansive language and the requirements that DAs have pushed forward in these prosecutions in cases that technically meet the factual requirements for domestic violence but are not the wife-beating stereotype that everybody thinks about. Our only other concern pertains to drug trafficking.

Jason Frierson, Public Defender, Clark County, Las Vegas, Nevada:

I am in support of the general premise of the bill. We are certainly in support of any ways that we can improve our programs. I will certainly make myself available to the sponsors to help with the language. I have spoken with Mr. Graham, and I am certainly willing to sit down with Judge Breen. I would presume that some of Mr. Johnson's concerns with respect to trafficking are that, oftentimes, traffickers are casual drug users. The motivation for low-level trafficking is oftentimes personal use. Those people could benefit from participation in these programs.

Chairman Anderson:

Let me indicate to both you and to the primary sponsors of the bill that if we were to move forward with the amendments that are suggested, you are going to need to spend a little bit more time dealing with me and with my researchers so that we make sure the amendment does not unintentionally undo some of the good work that has already been established by the drug courts, the mental health courts, and other courts, and that domestic violence issues are adequately protected.

Rebecca Gasca, representing the American Civil Liberties Union of Nevada, Reno, Nevada:

We are here to support the bill as it was originally presented to the Committee. Our board president had the honor of serving on the Advisory Commission on the Administration of Justice (ACAJ) and was privy, like all members of the committee, to much testimony about incarceration and over-incarceration in Nevada. We found that this bill was best formed in that it could ease access to these types of alternative courts in a really efficient manner. We found that this would open critical services to individuals who are mentally ill or who are chemically dependent. We are fully in support of the increased discretion that this gave to the judges. We do have serious concerns about the amendments that have been put forward. I am not going to go into detail about them because much of that was covered by representatives from the public defender's office. We do support the bill in its original form, and we would be happy to have the opportunity to work with the sponsors in order to address some of our concerns.

Chairman Anderson:

Are you of the opinion that this is a piece of legislation that the Legislative Commission put forward? My bill book shows it as coming from the Supreme Court. Are you under the impression it came from the other group?

Rebecca Gasca:

I think that from our point of view, a lot of the intent of this bill largely stems from much of the information that was provided during the interim session in front of the ACAJ, but it was clearly proffered by the court.

Kristin Erickson, representing Nevada District Attorneys Association, Reno, Nevada:

We do have certain concerns on behalf of the Nevada District Attorney's Association.

**John W. Helzer, Assistant District Attorney, Criminal Division, Washoe County,
Reno, Nevada:**

I wanted to say a few things that I think are important. When Judge Breen talked about the drug court being implemented 15 years ago, I was one of the original stakeholders. I have stayed involved in that process and other diversion processes. I have a few concerns, but what Kristin Erickson did not express was that I also have some support for what is being proposed today. I would note that the wording of "shall" and "may" had nothing to do with my participation or the district attorneys that I have spoken to. I certainly do not want to speak for Judge Breen, but what I heard him say was that was a choice of the court to provide them with the ability to provide a greater incentive by having that kind of discretion. At the same time, I would like to express that I have not had anything to do with the original bill draft. After court last Tuesday, I went in and saw Judge Breen and I said, "I will tell you where you are going to run into trouble." I did not bargain, I did not say anything, I laid my cards out, and I said, "I think you are going to have issues in trying to get rid of some of these laws. I think you are going to have strong issues and, in fact, will not have the support of my office for the domestic violence inclusion." I did not ask for anything. In return, I received an amended form of this bill on Friday, and I appreciate that.

I will tell you that I do not necessarily oppose the recommendations for the sealing of records in a timelier manner. I do not see any difference between somebody who obtains a dismissal as a result of the completion of another diversion program or this program. I understand the incentive it provides, and I am supportive of working to develop a quicker means by which the unsealing of records is accomplished. I think they do motivate people.

The only thing I would like to address is the Chapter 458 of NRS language at the beginning of the amended version. It raises a concern. I am not going to tell you I am right, but I am going to tell you that in the process of getting together to work this out, I would certainly volunteer my participation. I wonder if this Committee would want to take this bill back. If you read that, it is, in my opinion, so much more difficult right at the beginning where it starts, "Except as otherwise provided." My reading of that is yes, somebody who is charged with domestic violence may be able to obtain a sealing of their own records. My concern is that, if you are going to approve additional crimes to be in this diversion program, they should be articulated. In my opinion, this language would allow participation in the Chapter 458 of NRS program for many unintended crimes. The crimes that would be swept into this language would be robbery, assault with a deadly weapon, battery causing substantial bodily harm, mayhem, elder abuse, possession of child pornography, home invasion, and aggravated stalking. I do not believe that is either Ben Graham's intention

or Judge Breen's intention. Hence, I think there is a need for some "word-crafting" down the road. If I was in your position, I would want you to tell me what to put in there, in addition to domestic violence, that you want a diversion program, so that I know that I voted for it and I am responsible for it. This kind of selective elimination is a bad way to craft it. I think you should simply set forth what you want to include.

Nancy Hart, representing Nevada Network Against Domestic Violence, Reno Nevada:

The network I represent is a statewide coalition of the nonprofit domestic violence victims services providers. The network has great concerns about the deletion of domestic violence crimes in section 6 of the bill. We also have concerns about the changes to the original bill in paragraph 2 of section 1. I received a copy of the amendments from Ben Graham this morning. Our issues with paragraph 2 in section 1 would be addressed by the reinclusion of that prosecutor veto, as it was called earlier. Our concerns with section 6 stem from the fact that, under current law, domestic violence offenders are not eligible for diversion for drug and alcohol court. You will see that in subsection (d). This provision has been on the books since 1995 and for good reason. This is because research and practice validate that substance abuse is not the cause of domestic violence, and, thus, it is inappropriate and mistaken to divert domestic violence offenders from criminal conviction to substance abuse treatment. In a domestic violence situation, diversion results in no conviction, and there would be a sealing of that record so that, in a subsequent domestic violence offense situation, there is no record and no evidence of the prior offense. All of us have probably heard that domestic violence is an escalating type of crime.

Chairman Anderson:

Suppose a domestic violence offender has an anger management problem, as well as a substance abuse problem. How are we going to get them treated for their substance abuse problem? How would you get someone treated who has a mental health issue which needs to be treated before they could be receptive to anger management treatment?

Nancy Hart:

The Committee on Domestic Violence, established in NRS 228.470, is the regulatory group for domestic violence treatment. One of the consequences of a domestic violence criminal conviction is that you are ordered to go through domestic violence treatment. There are regulations in Chapter 228 of the Nevada Administrative Code (NAC) that govern how that treatment shall take place. Those regulations prescribe that, if a substance abuse problem is

identified in the initial consultations with that offender, it is part of the treatment plan that is done under the domestic violence treatment program.

Chairman Anderson:

That is not under a judge's supervision. The domestic violence treatment program is not directly responsible to a diversion court on a regular basis. It would be through your counseling effort within that group.

Nancy Hart:

There might be a variety of ways that you would be put through substance abuse treatment, and it is under the guise of the judiciary in the sense that all of the compliance with the domestic violence treatment ultimately has to be presented to the judge. But, you are right; it is not the same as substance abuse court, where it is overseen more directly by the judge.

Assemblyman Carpenter:

What is the success ratio of treatment for domestic violence?

Nancy Hart:

One of the gaps that we have in the criminal justice system, in general, is that we do not have a lot of data on a lot of different things. We do not have a lot of data on the rate of long-term recidivism. To my knowledge, there is currently no way of measuring recidivism, specifically. There are details involved, such as the reoccurrence in a relationship and the reoccurrence in a different relationship ten years later. How do you measure that success rate? Those are limitations in the system. We do not have the time or resources to gather that information.

Chairman Anderson:

That might be one of the questions we need to address that is pertinent to one of the pieces of legislation which we could possibly be requesting.

Let me close the hearing on Assembly Bill 47 and bring it back to Committee.

[The Committee adjourned at 11:04 a.m.]

RESPECTFULLY SUBMITTED:

Kyle McAfee
Committee Secretary

APPROVED BY:

Assemblyman Bernie Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Judiciary

Date: February 16, 2009

Time of Meeting: 8:39 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign In Sheet
A.B.17	C	Les Lee Shell, Departmental Administrative Services Administrator, Department of Finance, Clark County, Las Vegas, Nevada	Proposed Amendment to A.B. 17.
A.B.47	D	Peter Breen, Senior District Judge, Reno, Nevada	Proposed Amendment to A.B. 47