

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

**Seventy-Fifth Session  
March 4, 2009**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:11 a.m. on Wednesday, March 4, 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 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 Barbara E. Buckley, Clark County Assembly  
District No. 8  
Senator Mike McGinness, Central Nevada Senatorial District

**STAFF MEMBERS PRESENT:**

Jennifer M. Chisel, Committee Policy Analyst  
Katherine Malzahn-Bass, Committee Manager  
Julie Kellen, Committee Secretary  
Karyn Werner, Committee Secretary

**OTHERS PRESENT:**

Hank Pirowski, Director, Veterans Treatment Court, Buffalo, New York  
Judge Jennifer Elliott, Eighth Judicial District Court, Las Vegas, Nevada  
Ramanujam Komanduri, MD, Chief of Staff, Veterans Administration of  
Southern Nevada, U.S. Department of Veterans Affairs, Las Vegas,  
Nevada  
Judge Peter Breen, Senior District Court Judge, Reno, Nevada  
R. Terry Gilmartin, Integrated Services Case Management, Second  
Judicial District Court, Reno, Nevada  
Steve Sanson, President, Veterans in Politics International, Las Vegas,  
Nevada  
Jack O'Rourke, representing Marine Corps League, Las Vegas, Nevada  
Roger S. Doyle, Private Citizen, Reno, Nevada  
Ben Graham, representing the Administrative Office of the Courts,  
Carson City, Nevada  
Orrin Johnson, Washoe County Deputy Public Defender, Washoe County  
Public Defender's Office, Reno, Nevada  
Terrance P. Hubert, Chair, National Veterans Incarcerated Committee,  
Carson City, Nevada  
Jeanette Rae, Veterans Services Program Manager, Office of Veterans  
Services, Reno, Nevada  
Gregory Hunter, Private Citizen, Las Vegas, Nevada  
Nick Starling, Public Relations Officer, Veterans in Politics International,  
Las Vegas, Nevada  
Nancy Hart, representing Nevada Network Against Domestic Violence,  
Reno, Nevada

Lee Rowland, Northern Coordinator, American Civil Liberties Union of Nevada, Reno, Nevada  
Cheryl Gardner, Area Director, Women Marines Association, Area 8, Las Vegas, Nevada  
Harold Cook, Administrator, Mental Health and Developmental Services, Department of Health and Human Services

**Chairman Anderson:**

[Roll taken.] We have a letter that was distributed about earlier legislation.

**Jennifer Chisel, Committee Policy Analyst:**

A memo from me to the members of this Committee is what has been distributed ([Exhibit C](#)). It includes two exhibits from prior hearings that the Committee did not receive. We made copies and have provided them to the Committee. One exhibit is on Assembly Bill 33, which was heard on Monday of this week. The other one is on Assembly Bill 102, which was heard last Friday. That was the testimony of Judge Moss.

**Chairman Anderson:**

We will open the hearing on Assembly Bill 187.

**Assembly Bill 187:** Authorizes the establishment by district courts of a program for the treatment of certain offenders who are veterans or members of the military. (BDR 14-955)

**Assemblywoman Barbara E. Buckley, Clark County Assembly District No. 8:**

I serve as the Speaker of this body. I am pleased to be the primary sponsor of Assembly Bill 187.

[Spoke from prepared written testimony ([Exhibit D](#)).]

I have provided this Committee with some materials from the mental health clinic of the Veterans Administration (VA), including a description of their Post-Traumatic Stress Disorder (PTSD) treatment program ([Exhibit E](#) and [Exhibit F](#)).

I think all of us, as state legislators, sometimes look in absolute amazement and dismay at the treatment our veterans get through the federal government. We see reports of scandals and veterans not getting treatment. We say, "How can our country repay our debt in this manner?" We cannot do much to control what happens in Washington, D.C., but we can take a step here in Nevada to bring them the best of our court models, a specialty court to serve our veterans after they have served us.

**Assemblyman Hambrick:**

Madame Speaker, you brought a list of people who are supporting this, particularly the VA. I am pleased. Do you have any sense that veterans' service organizations will also provide the support that will be needed?

**Assemblywoman Buckley:**

The answer is absolutely yes. What this does is centralize the services. It is difficult with the limited resources that all of these groups have. This pulls everyone together. There is one court, one docket, and one purpose, and that is to try to get veterans back on their feet. I have heard only support from the veterans and veterans' service organizations.

**Chairman Anderson:**

I recognize the protocol, would you like to chair?

**Assemblywoman Buckley:**

No thank you, Mr. Chairman. I trust you.

**Assemblyman Horne:**

In this bill, there is the requirement of the judges to inquire whether a defendant is a veteran or a member of the military. In Clark County, we have Nellis Air Force Base, and sometimes airmen get into problems off base in our city and come before our courts. Have you thought about expanding this? Have you thought about offering these courts to the airmen at Nellis?

**Assemblywoman Buckley:**

We do not have jurisdiction over the federal system that is currently in place. I think that they would argue that they are already a veterans' court. They will, where possible, wrap the services around the veteran, whether it is counseling or progressive discipline. It would be difficult for us to expand it because their code is governed by federal law.

**Assemblyman Horne:**

I was not sure of the programs being offered on base. They are still members of our community, and I know that we cannot overreach our jurisdiction over them, but we can extend the offer.

**Assemblywoman Buckley:**

We certainly can inquire. I did receive a letter of support from the commanding officer of the Naval Air Station, Fallon. I have not talked directly with the officers at Nellis yet, but we have worked very well with them before. We can explore that.

**Assemblyman Cobb:**

Did you have in mind an idea of what level of proof is necessary to prove military service, as well as proving the link in this bill between service in a combat zone to the PTSD or drug or alcohol abuse that is described in section 7, subsection 2(b)?

**Assemblywoman Buckley:**

I will let the judges specifically comment on that. In the bill, "military" and "veterans" are described in section 4. Currently, in presentence reports, for example, in *Nevada Revised Statutes* (NRS) 176.145, Parole and Probation already has the ability to consider military service. I assume that they first inquire, and then they will do computer searches and request the proof from the defendant. I will defer that to our expert and project director in Buffalo, New York, and to our judges, who are able to track down how many veterans are in our drug courts and what they utilize.

**Hank Pirowski, Director, Veterans Treatment Court, Buffalo, New York:**

[Read from prepared written testimony ([Exhibit G](#)).]

The authorization and creation of a veterans treatment court is something that Nevada and other states should look at. The court that we have in Buffalo now is truly remarkable. You had comments about the involvement of others within the community—the veterans' healthcare system, the veterans' hospital, and veterans groups—and all of them are critical elements, as well as the peer support coming from servicemen organizations. Peer support is critical in a veterans treatment court and community buy-in as well. Without those groups all participating, the veterans treatment court will likely not succeed. Any community that has visited our court, or those who have expressed interest in developing a court, have started partnerships and have bought into the program completely. It is also all on a volunteer effort, in most cases.

I think that it is wonderful that this Committee is considering the creation of a veterans court, and, certainly, I think that it is a great step in Nevada and for all of us. Anything that we could do to help, we would be glad to do so.

**Chairman Anderson:**

Is there a large veteran population in the Buffalo area?

**Hank Pirowski:**

Our town has 100,000 veterans. It is a traditional hotbed for enrollments. I believe that it is cultural, and it has always been that way. That does say a lot for our county. Around 80,000 are enrolled in the VA healthcare system.

**Chairman Anderson:**

Is there a veterans' hospital in your community?

**Hank Pirowski:**

We are as fortunate as Nevada to actually have a veterans' hospital within our community. Their support has been remarkable. The relationship between us through the creation of this project has grown tremendously. They struggle with keeping people in treatment, and we struggle with getting people treatment. The partnership has increased the opportunities and the likelihood of success for all those involved.

**Chairman Anderson:**

How many judges are working in your veterans court?

**Hank Pirowski:**

Judge Robert Russell is the veterans treatment court judge, as well as the judge who is presiding over our drug and mental health court. We are the largest problem-solving court in New York State, and that includes the New York City area.

**Chairman Anderson:**

You are the largest specialty court?

**Hank Pirowski:**

Yes, we are the largest specialty court in New York State.

Going back to the previous question, we have 14 judges in our building, but we also have 42 towns and villages throughout our county. The unique thing about New York and the way it is set up is that they have districts, if you would, and their own courts. All of them have been acting as a feeder stream into the veterans treatment court because we have the resources, or the organizational aspect of having the resources available to us, to provide services to a veteran who is arrested anywhere within our county. We rely on the judiciary from all parts of our district to promote the veterans court, even though only one judge is presiding over the cases.

**Chairman Anderson:**

How many cases are you managing in your court currently?

**Hank Pirowski:**

We have 104 cases to date. We just experienced our first graduation. We opened in January of 2008. In February of 2009, we had eight veterans

graduate from our program. I know that it is too early to make mention of this, but there has been zero recidivism.

The unique thing about the population that we are dealing with now in that specialty court is that it far exceeds our expectations compared with our other specialty courts. We have a 94-percent retention rate, whereas nine out of ten who are referred to us are staying with the program. That is much greater than the drug and mental health court.

What is also unique about having that court is it appears, because of the peer support, that the military culture takes effect in that court. People who one would not expect, who come in on criminal charges, see that they are in a veterans court. We see the military emphasis or culture resurface when they say "yes, sir" or "no, sir" and stand straight. It is amazing how they revert to their military experience, which is one of the proudest times of their lives.

**Chairman Anderson:**

What is the age variation of the 104 cases?

**Hank Pirowski:**

It is 21 to 57. We have a 60/40-percent split between prior theaters of operation and Operation Iraqi Freedom and Enduring Freedom. We have many who are very young and who have had multiple deployments. We are talking about 25-year-olds or 26-year-olds who have been deployed three and four times. It is rather amazing.

**Assemblyman Cobb:**

The earlier question was partially answered by Speaker Buckley when she described that Parole and Probation provides certain background information on individuals and presentencing reports. My question had to do with the level of proof necessary to show a nexus between the combat service of an individual and PTSD, drug abuse, or alcohol abuse. I am not concerned about whether or not the actual service caused it, but that we are making sure that we are focusing on the individuals who did serve in combat zones. The definition of "veteran" or "military member" is very expansive in this bill and does not require that nexus. I wanted to know if you have a similar requirement in Buffalo, and if so, how you determine that nexus.

**Hank Pirowski:**

Instead of screening up-front, we adopted a questionnaire that was developed by the Bureau of Justice Statistics back in 2002 when they did a survey of inmates at a local jail. Some examples of questions that are included now on our intakes are: "Where, in fact, did you ever see combat in a combat line

unit?"; "When were you discharged?"; "What service were you in?"; "When did you enter the armed forces?"; "What type of discharge did you receive?" The key is finding out whether that information is accurate, on both ends, and whether they are a veteran or not because many do not want to reveal that information for many different reasons. For those who do, our relationship with the veterans' hospital and other veterans' organizations has provided us an ability to find out where they were, what they were doing, and when they were doing it. It is very important that we do find out who is who and that they actually qualify for services.

To take it a step further, based on other concerns, not only do we need to provide services to veterans from a combat theater, we also provide services to their families. Many who are involved with the justice system have their significant others in a combat zone. If they enter the justice system, we provide services to them because they are a service member's family member.

**Chairman Anderson:**

On page 6 of the bill, at sections 4 and 5, we see that "member of the military" and "veteran" are defined. In section 7, we see "eligible defendant" defined. It does not appear that one had to serve in actual military duty, although, it can be included.

I think of the short time that "Uncle Sam" and I had a one-on-one relationship. I am mindful of the fact that there were many accidents during training fire. I do not know whether that would qualify or not. That could have been a traumatic event at board observers school. I am curious as to whether that would qualify? It probably would, I would imagine.

**Assemblyman Cobb:**

It appears so.

**Chairman Anderson:**

How do you qualify in Buffalo? Do you limit it to those who have had actual combat service?

**Hank Pirowski:**

No, it is for veterans as a whole. If one has veteran status, we will provide services. Those who have combat experience usually need more extensive services, but if one is a veteran, especially in the circumstance that you just described, one would certainly be eligible for all services. It is a matter of establishing eligibility for services through the Veterans Administration. At times it does get problematic in making sure that we can verify the person's service time and where they were.



What is unique about the situation now, which we have never seen in prior wars, is the number of people who are not part of the professional armed services. The roles of those serving in the National Guard and Reserve Units are much greater now than they have ever been before. We have females, who come out of the National Guard units, who were gunners on transport units. They have been asked to do things that are untraditional, and they will come back with just as many problems as any other member of the armed forces. Their support needs are greater than normal because they do not have the different support groups that one has as a professional soldier. Generally, one has a base to come back to, but this group of reservists and national guardsmen are in theater one month and back on the street the next.

We look at all qualifying factors, and there are times where a person in a guard or reserve unit, who served overseas, may not qualify for veterans' benefits because the time they spent in combat was not quite enough. That is amazing to me.

**Judge Jennifer Elliott, Eighth Judicial District Court, Las Vegas, Nevada:**

If you do not mind, some of the questions that were asked earlier could be answered by Judge Herndon, who was here to testify on Assembly Bill 168. Since he is one of the judges that refer to our courts, he could answer those questions as to the veteran status and jurisdictional issues.

**Chairman Anderson:**

Let us take your testimony since time is tight.

**Jennifer Elliott:**

[Spoke from prepared written testimony ([Exhibit H](#)).]

At the time that the journal was printed in May 2008, there were approximately 2,150 specialty courts in the United States. There is a chart on page 9 that shows the growth of specialty courts by state ([Exhibit I](#)).

As I walked into the room today, Dale, a legislative police officer, told me that he was a veteran, a retired Boulder City officer. I got his name and number because he said he would be interested in becoming a mentor. Day-by-day, efforts are being made.

**Chairman Anderson:**

Assemblyman Carpenter and I were part of the creation of the drug court. Judge Breen and Judge Lehman were instrumental in the creation. The members of our Committee have a long history of support for this. We are hopeful that this veterans court concept is as fruitful as the others have been.

We will make your written testimony and submitted journal part of the record for the day. I draw the Committee members' attention to figure 3, page 10, which shows that 37 such courts exist here in Nevada. This is a significant number.

**Jennifer Elliott:**

I can try to answer the earlier questions if you would like.

**Chairman Anderson:**

If you feel that it is absolutely necessary. Please make it a short answer.

**Jennifer Elliott:**

Judge Herndon advised me that they have concurrent jurisdiction between Nellis Air Force Base and the civilian criminal systems. Through the presentencing information and the presentence reports, much information about veteran status and theater comes out before they are referred to the program.

**Ramanujam Komanduri, MD, Chief of Staff, Veterans Administration of Southern Nevada, U.S. Department of Veterans Affairs, Las Vegas, Nevada:**

[Spoke from prepared written testimony ([Exhibit J](#)).]

We have already started an additional program which is on the other end. We have started an incarcerated veterans' outreach coordinator program. This is where we work with Parole and Probation, as veterans are being released, to work with them and help them readjust. We are already working on that, and the veterans court will help us in the early stages.

**Chairman Anderson:**

I need to enter Assemblywoman Buckley's charts into the record for the day ([Exhibit K](#)).

I would also like to place a letter from the commanding officer of Fallon Naval Air Station, Captain Glaser, into the record for the day ([Exhibit L](#)). He is usually in attendance, in support of this type of legislation. Conceptually, he continues to support the idea of a veterans court for service personnel. Because of Fallon Naval Air Station, the community of Fallon, and also Churchill County, possibly have a larger veteran population than Clark County, as a percentage of their population.

**Assemblyman Ohrenschall:**

I have heard many news reports about the high suicide rate for military personnel serving in the Middle East. Are you finding that in the veterans

coming back? Will a veterans court help members who are contemplating suicide?

**Ramanujam Komanduri:**

The latest report released from the Army indicated that the suicide rate was higher than the combat death rate in Iraq. This is extremely alarming. We know that the suicide rates have gone up, and we closely track suicide rates in the VA. What we have done is establish a national suicide prevention hotline. On a regular basis, a veteran who is seeking help can call and receive assistance. We have two full-time suicide prevention coordinators in southern Nevada who are focused on and closely working with veterans. We also have specialized programs for veterans.

We know that this type of court can certainly reduce the risk of suicide.

There are also veterans, who have not seen combat, who have severe injuries. A good example is that I have seen several female veterans who were raped while in the service, often by another serviceman. It is clearly an exceedingly traumatic event even if they were not in a combat zone. We want to be able to offer these services to any veteran who is deserving of the services, if they are eligible for care in the VA system.

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

With me is Terry Gilmartin. He works for our drug court as the court services officer. I asked him to come with me today to answer any questions. He prepared the report that has been distributed ([Exhibit M](#)). He is a decorated combat veteran from Vietnam.

We have been engaged in the process of evaluating and preparing a plan for a veterans court in the Second Judicial District Court.

We support this bill. Speaker Buckley mentioned that a veterans court would begin to centralize the services and focus the criminal justice system on the particular needs of the veteran. We believe it would. In my experience, veterans tend to not identify themselves in the criminal court. They probably do not identify themselves, anyway. I say this because last week I was astonished to be talking to a Medal of Honor winner who did not want to be identified. I asked him to be involved with this if he could, and he did not want to at this time. I see that veterans do not tend to focus on their needs or their service.

The report shows that there are many veterans' services, and they are not all under one entity. It is not particularly easy to find the services available through

the federal government. A veterans court would tend to develop expertise in identifying those services and providing them to the veterans.

Assemblyman Cobb brought up an excellent question in regards to section 7 of the bill, which I had not thought about thoroughly. I would not want to separate a court, and I agree with the doctor about not separating veterans with combat service from those without. It seems to me that the military is one unit, and a person who prepares a bomb or is in a theater of operations helping with medical needs is just as likely to suffer from the same types of ills that may befall those who are in combat service. I am in support of this language in section 7 that identifies "military service."

We have various other courts that are engaged in a process of identifying the relationship between drugs, alcohol, and mental illness with the crime itself. The courts deal with this subject everyday. It is part of our obligation as we bring people into the various specialty courts. We have learned that there are seven veterans in our drug and alcohol courts and five in our mental health courts, which was surprising to me. I thought there were more.

We support the manner in which this bill has been presented to allow for an integrated veterans court because we think that many of the veterans are going to be homeless people who are committing gross misdemeanors and misdemeanors. It would benefit us to have an integrated court that could provide the services and help that the veterans need.

We also believe that there will be some veterans, who would be entitled to service under this bill, who may have been discharged from military service under less than honorable conditions. For example, if one has a drug or alcohol problem, he may be discharged. That should not necessarily prevent one from the benefits of a veterans court.

We will follow the format that we have been successful with for many years in the Second Judicial District. We will follow the same type of model that Clark County intends to use. We would no doubt apply for a grant as well. As to sustaining funds, Assembly Bill No. 29 of the 72nd Session is available should it become necessary, but I am not sure in its current state that those funding sources are enough to sustain another court. Being on the Assembly Bill No. 29 Committee myself, we use every dime we have. I say that because it is possible that there may have to be a development of resources should these kinds of courts be sustained.

**Chairman Anderson:**

I have had the opportunity of being in both your drug court and your mental health court. The day that I was in the mental health court, there was a veteran who was in need of services, and luckily, he had your guidance to keep him on task.

**Peter Breen:**

I remember that gentleman. There was great concern that he would not fit into the mental health court because he had a volatile history.

**R. Terry Gilmartin, Integrated Services Case Management, Second Judicial District Court, Reno, Nevada:**

I am a veteran, and I participated in the development of this report by identifying some individuals who are in our specialty court system. I worked with the Nevada Office of Veterans Services to identify how these people can access and become eligible for the various services. I found that it is a unique proposition to access various services in the VA depending upon eligibility.

With that said, it was interesting to hear the doctor identify a client who had been raped in the military. We have two people, as my report indicates, that were interviewed during this process that are reentry people who came into our program as inmates. This is one of the few programs of this type in the United States. This lady had been raped in the military, and she has had significant consequences as a result of that. She does receive VA benefits even though she was not in combat.

There is a distinction as to whether or not one's service is during the course of a theater as opposed to not being in a theater. The eligibility for different services is significantly distinguished between the two, but those people not in a theater are still veterans. They still suffer from some of the significant problems that we see in our specialty courts.

**Chairman Anderson:**

Mr. Gilmartin, as a veteran, we heard Judge Breen say that a Medal of Honor winner declined to identify himself as a veteran. Do you think that was because veterans have a tendency to think that they are supposed to stand on their own and defend the country, as a mind set? Do they have a particularly difficult time saying that they need help with a particular problem because they are used to being in the protector role, and now they are in a need role, and that switch of position is particularly difficult for them?

**Terry Gilmartin:**

There is no question about that. I think that the typical veteran believes they have provided a service, and now they are in the community to do whatever they need to do to survive. I agree with you that they do not necessarily want to identify themselves, and that is probably why we have only about 15 identified veterans in our specialty court system at this point. I can see that more veterans are coming in now to identify themselves to see what services we can provide for them.

**Chairman Anderson:**

Judge Breen, do you have an opinion about my observation?

**Peter Breen:**

I have not really thought about it until this subject came up. I do think that they are reluctant to identify needs. That was one of the issues with the mental health court client. You have to coax it out of them because they do not want to admit any difficulty.

**Chairman Anderson:**

In that regard, it is somewhat similar to people with addictive problems that are in denial of the need for services.

**Peter Breen:**

Absolutely, but the veteran's service is an added factor; an added barrier one has to overcome. That is why I said I was struck by Speaker Buckley's remark that the veterans court would assist us in that regard.

**Terry Gilmartin:**

We present a holistic approach to our specialty courts that provide for shelter, homes, residences, medical, and family needs, which run the gamut of the holistic approach.

Initially, I asked what we were not providing our clients and what additional services could be available for these potential clients. Working with Nevada Job Connect (NVOS) and some veterans who have the problems that have been identified, I can see where there is a dramatic need not only for presenting the holistic approach but also for providing assistance for the special needs of mental health and physical trauma that the veteran may have due to combat.

**Chairman Anderson:**

I am concerned about the support services that are necessary. The drug court, mental health court, and this potential veterans court require a good deal of services for backup to make sure that veterans get the services they need.

That is the key to the recidivism problem. It is not just the appearance in court but the services backing the court. There is always a need, and those resources are dreadfully short.

**Steve Sanson, President, Veterans in Politics International, Las Vegas, Nevada:**  
[Spoke from prepared written testimony ([Exhibit N](#)).]

**Jack O'Rourke, representing Marine Corps League, Las Vegas, Nevada:**

I am a Vietnam veteran. I served in the Marine Corps from 1957 to 1968. I was a company commander of two rifle companies, and two of my marines died in my arms while we were in Vietnam. Some of our veterans are slipping through the cracks. Our country sends our young men and women into harm's way, and when they come home with emotional and psychological problems, the Department of Veterans Affairs ignores many of them.

I want to relate two stories. A friend of mine, a captain who lost his leg a week before he was due to rotate, spent a year in the hospital. I was at his wedding in 1968 and spoke at his memorial service in 2000. He did receive a prosthesis, but his leg still hurt, and when I saw him he told me that it took four to five drinks before his leg stopped hurting. He finally spent his own money, got his leg fixed, and got a new prosthesis, but he kept drinking. Six months later he had a series of strokes and spent the last five years of his life in a care facility that the VA declined to pay for because they said his stroke was not caused by his military service.

I, myself, was denied a hearing aid two years ago because there was no documentation in my record that told of a hearing loss when I was discharged. I spent two years as a range officer and two years on a Marine Corps rifle team, and they declined a hearing aid.

Many veterans wind up getting in trouble with the law, and going to jail is not the answer, especially if the individual needs help. Passing A.B. 187 would go a long way in helping these veterans get the services that they need. I am not saying that we should baby or coddle them, but they should be able to receive help if they need it.

I support this bill, and I am speaking on behalf of the Greater Nevada Detachment of the Marine Corps League 186. We have a membership of over 650 retired and former marines.

**Roger S. Doyle, Private Citizen, Reno, Nevada:**

I am a ten-year veteran, having served as both unlisted and an officer during the 1990s. I have also had the privilege and honor of working for the

Second Judicial Court in Washoe County for Judge Janet Berry in 2007 and 2008.

I would like to speak to you about three points, two of which might answer earlier questions from Assemblyman Cobb and Chairman Anderson.

First, there are approximately 300,000 veterans in Nevada at this time. The Rand Research Corporation issued a report in December 2008 estimating that one in five veterans will suffer from PTSD or Traumatic Brain Injury (TBI) in their lifetime. If those numbers are extrapolated to Nevada, we are looking at nearly 60,000 veterans in this state suffering PTSD or TBI in the near future. That volume of people needs to be addressed, not only from a health and mental health standpoint, but by the courts as well. I believe that this bill does that. In identifying those persons, section 1 of A.B. 187 mandates that the court will identify and request identification from defendants as to their veteran status. This is something that is not being done uniformly in all of the courts in Nevada at this time. I believe it will go a long way in helping Parole and Probation and the courts identify those persons that need our help and treatment.

Second, as Madame Speaker pointed out, nearly a dozen communities are moving forward with veterans court projects: Phoenix, Orange County, Tulsa, Madison, Rochester, and Buffalo, to name some. This Committee, this Legislature, and the State of Nevada have a unique opportunity to be on the cutting edge of moving it to a state program and not relying solely on each community. As a state with significant resources, VA hospitals, both north and south, and VA organizations from the state level, this program can be much more effective. I think that the state approach will be the next avenue that the VA will look at, not only with respect to the SERV Act in the U.S. Senate, S.3379, but also in actions such as A.B. 187.

Finally, I would like to introduce you to Randall, briefly. Randall came to Judge Berry's court while I was there in 2007. He had served four years as a front line marine in infantry in Iraq. He had done two back-to-back combat tours, the second of which had been extended to 18 months. Randall was 24 years old when he was discharged from Camp Pendleton in southern California and returned to his family home in Reno. Within two weeks of being discharged and being here, he had been arrested and charged in a mutual combat situation at a fraternity party with his prior high school classmates.

At his sentencing, Judge Berry asked him if there had been issues, or if he had been diagnosed with PTSD. As Judge Breen and Mr. Gilmartin have indicated, Randall would not admit to PTSD, and the reason was that it was made clear



that if he did, the option would be mental health court. He did not believe that he belonged in mental health court.

Veterans, such as me and those in this room, do not necessarily want to admit that they are less than the perfect people they were seen to be while they were serving in the military. They do not want to admit that they may need drug court or mental health court. This program provides them the opportunity to meet with peers in a situation where they are given the opportunity for readjustment and treatment options in a more favorable environment.

I support A.B. 187.

**Chairman Anderson:**

There is an amendment, I believe, that is supposed to come forward. Mr. Graham, are you putting forth an amendment?

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

In reviewing this legislation, which we are supportive of, the record-sealing provision mirrored the existing record-sealing provision of the other specialty courts, which we are working on amending to make more equitable with other record-sealing matters. We wanted to put on the record that we might offer an amendment to the Committee. We talked to Speaker Buckley and others about that: to bring it in line and conform it to what we are proposing in other legislation.

**Chairman Anderson:**

You have had an opportunity to share that with the primary sponsor of the bill?

**Ben Graham:**

Her designee, I believe.

**Orrin Johnson, Washoe County Deputy Public Defender, Washoe County Public Defender's Office, Reno, Nevada:**

I am a veteran and did a better part of three deployments when I was in the Navy for four years. My last tour was as the commanding officer of a reserve center in Everett, Washington. I saw many soldiers coming back being demobilized from the war in Iraq, and it was difficult sometimes to get them into services, even in a fleet concentration area where those services were available. Since being here, in my role as a public defender I have defended several veterans who were recently returned from tour. It is difficult to know, even as a veteran who worked in demobilizing reservists directly, exactly where to send them for specific services. There is a plethora of charities that can

help, as well as the VA services themselves. We are very excited about this bill in the sense that it will be able to group veterans together and possibly give them more access to some of the specialized benefits that are out there, which they may not be able to find themselves.

I echo the sentiments about PTSD. This summer, one of my clients agreed to do a story for the Reno Gazette-Journal. He told the story of his combat tour in Iraq. He was facing a second Driving Under the Influence (DUI) charge because he was trying to self-medicate to keep up with his PTSD. He refused to admit that PTSD was a real condition. He said this to the reporter, so I am not violating any confidences. He described PTSD as something whiners used to get out of the war. The veterans are in a different group but when grouped together can help each other out.

**Terrance P. Hubert, Chair, National Veterans Incarcerated Committee,  
Carson City, Nevada:**

I speak from a multi-disciplinary approach. I am also the board president of the Ridge House, providing veteran services. I am an adjunct professor of criminal justice at the University of Nevada, Reno.

Vietnam veterans offer a model of what not to do because we were neglected. At the last count, from the Sentencing Project report out of Washington, D.C., they have it down to 585,355 Vietnam veterans who have been saddled with a felony conviction. Most of the convictions were related to PTSD which was one of the champion causes of the Vietnam Veterans of America. They even got PTSD accepted in the courts for purposes of sentencing. PTSD was not accepted into the Diagnostic and Statistical Manual of Mental Disorders (DSM) until 1985. Other reports, particularly the 1985 National Vietnam Adjustment Study, reflected that another 36 percent of all those encountering the justice system, at the misdemeanor level, were veterans. We have forty years of insight into this and are encouraged by A.B. 187. We urge you to support this bill.

We are looking at unprecedented numbers and are concerned, particularly as Vietnam veterans, as we see our children involved in this global war on terror. The Department of Defense has revealed that almost 2 million people have been dispatched to Iraq or Afghanistan since the invasion started. Nearly 300,000 people have been identified as suffering from PTSD, and another 325,000 with TBI.

Even though there seems to be a decline in the number of veterans in prison—the peak was around 21 percent in 1985 and it is down to around 12 percent now—because of adjustment issues, we anticipate that we will see these

numbers increase. There are states that have laws requiring identification of veterans as they encounter the justice system. This would be appreciated here, especially with the diversionary tactics available in the specialty courts.

I presented testimony before the interim Advisory Commission on the Administration of Justice, the Hardesty Commission, in November 2008, which is on the record. Pat Welsh provided a PowerPoint presentation. He is a board director at the national level for Vietnam Veterans of America and active in the Buffalo Veterans Court. There are one or two slides from his PowerPoint that address the issue raised by Assemblyman Cobb. Do we really need to differentiate between combat and noncombat veterans? Certainly, combat veterans hang out with noncombat veterans. That is the nexus that these specialty courts address. Drug and alcohol addictions, along with anger management issues, often surface, first, with family and friends, and next with first responders.

We encourage this Committee and the whole Nevada Legislature to address this problem. Many veterans, after having a couple of beers, suffer from "pissed-off veterans' syndrome," and that gets us into trouble.

Being retired from the Department of Corrections, I have spoken at length with the director, Howard Skolnik. He is behind this bill as well, and he has indicated that he is willing to discuss the resources available from the Department of Corrections, particularly to create a veterans court in Las Vegas.

**Chairman Anderson:**

Thank you for your long service with this state. You were instrumental in helping get the Vietnam Mobile Wall here several sessions ago.

**Jeanette Rae, Veterans Services Program Manager, Office of Veterans Services,  
Reno, Nevada:**

We would like to stress that we concur with the data and information that has already been presented, and we are in favor of this bill. My staff has done the preliminary interviews of all of the veterans that were currently identified within the other specialty courts, and Mr. Gilmartin presented a report of that. I participated in and watched over the majority of those interviews, and we prepared that report.

We have fully committed to this project, will do whatever is necessary to support the full veterans court, and will devote all the resources that we can to identifying and assisting the veterans in getting the documentation needed in order to verify their veteran status, as well as in getting them into any veterans benefits services that they may be eligible for. We will also help them

determine that eligibility based on when and where they served. Our staff is fully ready, willing, and able to commit to this court.

**Gregory Hunter, Private Citizen, Las Vegas, Nevada:**

Most veterans are unaware that there are programs available with the VA: only one in five are aware of the programs available. I was unaware of any programs that were available to me until 2006, and I have been in the military since 1982.

**Chairman Anderson:**

We are going to move to those in opposition of this bill.

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

I want to say, unambiguously, the Network supports the creation of a veterans court. We do have some concerns about some of the provisions in the bill.

I would also like to remind the Committee that I served on the Washoe County drug court about 15 years ago with Judge Breen, and I have great regard for the work that has been done with the specialty courts.

My 13-year-old son wrote an essay for Patriot's Pen national essay contest and won first place, not only for his middle school, but also for the Washoe County School District; he has moved onto the regional and state competition. One of the key concepts in his essay was the importance of thanking every veteran that one runs into. I would like to take a moment to thank you all for your service.

This bill is modeled after a model court in Buffalo, New York, which as far as I have researched, is for nonviolent offenders only. In fact, in her presentation of this bill, Speaker Buckley said that this bill will create a veterans court for nonviolent offenders; however, if you look at section 8, paragraph 2, it does provide for the possibility of violent offenses being diverted to this court. The concern of the Nevada Network Against Domestic Violence is that it leaves open the possibility of diversion of domestic violence offenders who have used violence against their spouses, girlfriends, or boyfriends.

Our concern would be addressed by the specific exclusion of domestic violence offenses from this bill. We do remain concerned about the diversion to mental health court, substance abuse treatment, or this veterans court as an alternative to the domestic violence treatment that they are ordered to receive when they are convicted of domestic violence. We have these concerns because we do

not believe that substance abuse causes domestic violence, and to a limited extent, that mental health is an explanation for domestic violence.

There is a provision in this bill, in section 1, which makes this even more problematic than the mental health court diversion: if a county does not have a program for the veterans court in place, it can alternatively divert to substance abuse or mental health treatment. We are back to the same concern that we have with the diversion to substance abuse treatment, which we think is completely misguided.

**Chairman Anderson:**

Ms. Hart, do you have an amendment that you were going to put forward or any other documentation?

**Nancy Hart:**

I have no amendment in writing. The quickest and easiest remedy would be to make an explicit exception that domestic violence offenses are not eligible. It would probably be in section 8, but I do not have anything specific drafted.

**Chairman Anderson:**

The concern from the specialty courts is that this model language is more legislation related to participation in mental health and drug courts. Your concern is that it devalues the domestic violence question?

**Nancy Hart:**

This bill raises the same concerns we expressed in another bill that deals with diversion to mental health court. In addition, because of the language in section 1 about the alternate diversion, if a veterans court program does not exist and is not developed in those counties, then those veterans would be sent to drug or mental health court. It is particularly the drug court reference in section 1 that leads us back to our serious concern about diverting any domestic violence offenders to substance abuse counseling instead of domestic violence treatment.

**Assemblyman Horne:**

I have always been a proponent of domestic violence issues. I am sure that you have the data that shows that one of the results of PTSD is domestic violence, and it would seem that this program would serve to benefit those victims by steering these veterans and military members to this veterans court. It does not seem like it is a type of diversion that will allow them to slip under the radar, which is what we have always been worried about.

**Nancy Hart:**

Under current law, an offender can be diverted to mental health or drug court. Not through the diversion to specialty court, but under Chapter 4 and Chapter 5 of NRS, the municipal court can suspend the sentence of domestic violence and send the offender to those treatment programs. But the conviction remains on the record, and that becomes important in reporting. Domestic violence is an escalating crime. If someone needs to be diverted to mental health or drug court, there is a way to do that without losing the conviction.

The other thing I would say is that the definition and description of the program to be developed is completely open. The description of the program in section 6 says, "A court may establish an appropriate program," but it is not at all clear what that will include. Right now, we have existing domestic violence treatment providers who cover a range of issues including substance abuse and mental health issues. I believe that they would deal with a number of people who have PTSD.

I am not prepared to say that a new program in the veterans court, that is undefined, would address those things that treatment programs already address in the domestic violence statute. I am not in the treatment field, but I would certainly think it would be useful to hear from those who are and see what they do with people who have PTSD and how they integrate services for PTSD in the treatment for domestic violence.

**Assemblyman Horne:**

Assuming that the treatment plan and program for this court would be sufficient and appropriate, would it be amenable to you if the judges who run the veterans court maintained those records on that defendant?

**Nancy Hart:**

Our concern is the diversion, and the reason for that concern is we think that domestic violence treatment is appropriate because we want to hold batterers accountable by having convictions on their record and not sealed. Under this bill, if one successfully completes the program, then the conviction is dismissed and the record is sealed. We have serious concerns about the sealing of records and the dropping of the conviction, apart from the treatment.

I would take what you are saying and agree that the services would be terrific. But maybe those services could be integrated into the domestic violence treatment program, and there could be some kind of co-referral going on, so that whatever is developed that is useful for the individuals with PTSD would be integrated and available to those who are going through the domestic violence treatment, while retaining their convictions and the sealing statutes.

**Chairman Anderson:**

Senator McGinness was in attendance and should be noted as being in attendance in the record for the day.

Ms. Hart, I am a bit concerned with one of your responses. Are you suggesting that the statutes for the specialty courts should include both the ability to divert and the actual make-up of the treatment program? We do not do that for the domestic violence offenders. We do not dictate the exact make-up of the treatment plan.

**Nancy Hart:**

No, I was not suggesting that. Because it is broadly worded, it is not at all clear that the bill would include domestic violence treatment as it is understood in NRS 200.485.

**Chairman Anderson:**

You would prefer that you and those who work with domestic violence offenders and victims would be mandated into this rather than it being left open to the discretion of the court and the treatment provider to come up with the best program available?

**Nancy Hart:**

No, what I am suggesting is that the domestic violence treatment programs that are authorized under NRS 200.485, which are also not described in detail in the statute, already integrate a variety of treatment modalities. For all I know, there are pieces in place which include working with someone with PTSD, and rather than divert veterans to a new court, I am suggesting that those treatments may already be integrated into domestic violence treatment. We would prefer people to go through domestic violence treatment and get any cross-references they need through that.

**Chairman Anderson:**

You want it mandated that way rather than leaving it open to the discretion of the judge as to what treatment or diversion is best?

**Nancy Hart:**

Under NRS 200.485, it is mandated that they go through treatment. We do not need to change anything in NRS 200.485.

**Chairman Anderson:**

We could make that an option.

**Nancy Hart:**

I am certainly not here to suggest that.

**Assemblyman Carpenter:**

Are you saying that if a person is convicted of domestic violence and completes the treatment program, the sentence stays with him for the rest of his life?

**Nancy Hart:**

No, the conviction of misdemeanor battery domestic violence could be sealed after seven years. The sealing provisions of this bill would make the sealing provisions similar to the provisions that are under consideration in another bill, and that would mean "upon the completion of the program." Currently, the bill states "after three years." Our concern is that the conviction goes away and is sealed after completion of the program. This is in contradiction to how the domestic battery statute is designed.

**Assemblyman Carpenter:**

In the domestic violence statute, the conviction could be sealed after seven years. Are you concerned because it is only three years in this bill?

**Nancy Hart:**

Yes.

**Lee Rowland, Northern Coordinator, American Civil Liberties Union of Nevada, Reno, Nevada:**

I do oppose this bill in its entirety. I do want to apologize to the members of the armed services sitting behind me. I do very much value your service, and my comments in no way reflect a disregard for what you have offered to our country. I hope I can preface my remarks with that, but I do recognize that they may be controversial.

The American Civil Liberties Union (ACLU) of Nevada has consistently recommended the expansion of specialty courts and alternative courts, particularly for drugs and mental health. We have done so recently with the Indigent Defense Commission convened by the Supreme Court, as well as the Advisory Commission on Administration of Justice (ACAJ). We absolutely believe that those with PTSD or any combat-related stresses that fall under the rubric of mental health should be given the opportunity to be diverted into specialty courts. Our concern is creating a specialty court based on someone's status rather than based on their connection to one of those conditions.

Going through the criminal justice system is one of the greatest powers the government has over individuals, and the right to a fair trial with full due



process is one of the most fundamental rights that appear in our *Constitution*. In the court systems, veterans' preferences have frequently been challenged throughout the years when they are, say, employment preferences. I would like to state for the record that, with respect to social services, veterans' hospitals, and employment preferences, we do not oppose those. I think it is absolutely appropriate for the government to give every lawful advantage it can to those who have served our nation. For us, the difference is between those areas of social service and employment and those areas which are fundamental rights. We believe that full and fair access to the courts is a fundamental right.

What this bill would do is create exemptions from mandatory minimums that you yourselves have put in place for certain nonviolent offenders, for example, drug traffickers, where the only difference between one's right to have an exemption from that mandatory minimum is whether or not the person has served in the military. It is not whether or not one opposes PTSD or is suffering from a mental health issue. It is simply based on one's status, whether he served for a week or a year, or whether he saw combat. We would like you to consider that in making this decision. We absolutely support the underlying goals of making sure that everyone gets treatment, and we think it is a travesty that those members of our armed services do not currently get the social services they need to help them avoid the criminal justice system. We are all for putting resources into that. What we do oppose is starting to create different courts based on how much we like or dislike a group of people. We do think it affects fundamental rights and violates the spirit of equal protection in the *Constitution*, which is one of the many rights that many of the gentlemen behind me fought for.

That is the entirety of my testimony. We do oppose the creation of the court, but we support the goals behind it and absolutely support the increased access to specialty courts and the increased exemptions from the mandatory minimums which we feel are unproductive. We just disagree with doing so based on status rather than based on the underlying conditions. We have no objection to every judge asking the defendant whether or not they were in the military in order to give them the opportunity to plumb those issues but not to give them an automatic free pass, based on military status, to certain criminal defense rights that others do not have. We do think that does present a problem.

**Chairman Anderson:**

The Judiciary is an evolutionary institution. It has, in my opinion, a fundamental set of rules that are well founded in the *U.S. Constitution*. In fact, I think the ACLU champions those rights. The creation of specialty courts is a result of the need of the population at a particular point in time. We therefore have DUI courts that became drug courts, and now we have mental health courts. In

some communities there are business courts that are specialized into narrow areas.

I think that there has been an evolution in the recognition of the unique nature of serving in the military. Should not the courts recognize the opportunity to serve those who have a special need while identifying veterans as a potential special need group who are reluctant to identify themselves? Since this particular group does not want special treatment, does the court have an obligation to say, if I am going to canvass you, should not I know who I am dealing with?

**Lee Rowland:**

Absolutely, and we would not have an objection to giving judges specific authority to canvass a defendant about that type of service. Our concern does not relate to the identification and acknowledgement that veterans, as a group, may have significantly higher percentages of these types of conditions because we sent them into a war zone. It is appropriate for a judge to try to plumb those issues. But to give you an offhand example, earlier there was testimony of a servicewoman who was raped, and I would compare her to another victim in society who did not serve in the military but was raped. I think the same problems will occur with both of those individuals, whether or not that is something they want to acknowledge and put before the court. What we do not believe should happen is that, regardless of how one answers those questions and regardless of the situations one is put into, one automatically gets shunted into that separate court system. We think that is over inclusive and a bit of a one-size-fits-all solution. Because the fundamental rights are at stake here, that is why we are being vigilant. I am mindful that it is not a popular position, but I think that my role, even when it is politically unpopular, is to say that there are other considerations besides giving people we like everything we can. It is about making sure the criminal justice system is fair for everyone.

**Assemblyman Hambrick:**

While I disagree with your opinion, I respect it. We have heard testimony today of several other states that have passed similar matters. I take it for granted that the ACLU objected in each case, and if they did, what was the legislative intent to overcome those issues?

**Lee Rowland:**

It is not true that the ACLU was opposed to that legislation. The ACLU of Nevada is an independent affiliate of the ACLU. We are, for instance, the first affiliate, and one of the only affiliates, that officially recognizes the Second Amendment as an individual right. We have different sets of policies. I did look through both media and court cases about those other courts that have

been opened, and I did not see any other affiliates of the ACLU respond. I cannot speak to why. What I can say is that I looked through court cases in the past that have dealt with the provision of special benefits to veterans. The courts have always said, "We are going to allow this because we want to give this group of people every advantage we can." As I noted, I agree with that as long as it is not a fundamental right. Then the real concerns about equal protection do kick in. The distinction I would draw here is that we are talking about the criminal justice system: that is a fundamental right. I cannot speak for other ACLU affiliates and why they did not draw the same conclusion. I do not know if that was a legal or political decision. I do know that we discussed it internally, and we do think there are valid concerns in spite of the discomfort of voicing them publicly.

**Assemblyman Hambrick:**

We ask these men and women to give up the most precious of fundamental rights that God has given us. Is it not then right and proper to honor the premise that if they offer up that fundamental right of life we will give them a little special treatment? Where is the balance then?

**Lee Rowland:**

That line of divide for us would be fundamental rights. I do agree with the premise that we are going to give them a special handout whenever we can in any area that is not explicitly in the *Constitution* as a fundamental right which would include employment, hospitals, preferences for state positions, et cetera. What we would say is that that service is in-service to our country but also to our foundational documents. So I do not think it necessarily follows that it is patriotic to violate what we think is the spirit of that fundamental document to reward those people.

We certainly understand the intent behind the bill and do not disagree with it. It is awkward for us to go into the criminal justice system and decide which court one goes into based on types of persons as opposed to the type of condition one has, because someone who did serve is getting different treatment from someone who did not serve. The only difference between whether or not we are going to subject someone to a mandatory minimum or exempt them from that is what one has done with his life. While everyone recognizes how amazing and unitary that choice is to go into the military, for us, the line would stop at the equal protection boundary when fundamental rights are at stake.

**Assemblyman Mortenson:**

I understand exactly what you are saying. If one changes the legal system so that one group has an advantage over another group, legally, one religious group could be given an advantage over the others. If this bill were called a PTSD bill,

you probably would be perfectly happy with it. We understand that veterans have this problem, and we want every possible ability to help them with it. The problem lies with one group having an advantage over other groups.

**Assemblyman Cobb:**

Just to make clear, the ACLU, which has spoken in favor of specialty courts in the past, suggests that there should be special privileges and rights for those who choose to be hooked on drugs, but those who choose to serve our country should not have those rights?

**Lee Rowland:**

I think that is a somewhat unfair characterization of what I have said. What we do argue is that those distinctions should be based on particular issues that an individual is facing. This legislative body has decided that the two areas it wants to extend specialty courts to are people who deal with substance abuse issues and people with mental health issues. Again, as Assemblyman Mortenson noted, if this was a PTSD court bill, we would be here to support it. It is not at all about the choices people make; it is about what the criminal justice system, we believe, constitutionally can recognize as a group of people, and we do not think status is an appropriate basis for that.

**Chairman Anderson:**

We will not be hearing testimony on Assembly Bill 168. It will be rescheduled for next Wednesday.

Let us move to those who are neutral on the bill.

**Cheryl Gardner, Area Director, Women Marines Association, Area 8, Las Vegas, Nevada:**

I am changing my neutral stand to that in favor of this bill.

**Harold Cook, Administrator, Mental Health and Developmental Services, Department of Health and Human Services:**

As a disabled Vietnam veteran, I am pleased and gratified that the world is changing to recognize the special needs of veterans, even when veterans do not recognize those needs themselves.

I support the bill in concept, but I do have a few concerns in my role as Administrator for Mental Health and Developmental Services. The bill itself does not specify who provides the specialized services. The testimony has shown that the VA is stepping forward, their services will be available, and they will provide the bulk of the services. I can tell you that state mental health services do serve veterans when they are deemed not eligible for VA services.

I want to make it clear that not all veterans are currently eligible for behavioral health services through the VA, and in some cases, a court may adjudicate those veterans to state services.

The state is not well positioned to provide the specialized services that veterans need. You have a handout that someone else provided for PTSD services, and the regular services listed here are not provided, by and large, by state services. We provide services to severe, persistently mentally ill individuals, and that is a different type of service. If, in fact, we were asked to provide these kinds of services to veterans, we would have to gear up to do that.

**Chairman Anderson:**

We heard from Veterans Administration of Southern Nevada about the program that they offer. Are most people with mental health problems willing to admit that they have mental health problems?

**Harold Cook:**

Many people with mental health problems, and many veterans with mental health problems, are reluctant to admit to those sorts of problems.

**Chairman Anderson:**

You do provide certain programs and treatment. Is your concern with this bill that it may burden your agency as a result of it?

**Harold Cook:**

The bill itself does not specify who provides the services. I did not know what arrangements had been made prior to testimony today. To the extent that Veterans Services steps up and does this, it would not be a problem for the state. If there is a need for state services to participate in this in some way, I would have to take a look at how we provide services and the training of my staff to provide those services.

**Chairman Anderson:**

That is part of the difficulty with all of the specialty courts: to get the necessary treatment providers so that the services are not just for those who have the economic resources to provide for themselves but also for the public as a whole. It should be a program that is approachable by all because, if it is not, it is justice denied.

**Harold Cook:**

That is correct.

**Chairman Anderson:**

I believe that is part of Ms. Rowland's point on the issue.

Let us close the hearing on A.B. 187.

I have a bill draft request (BDR) that needs to be introduced on behalf of the Committee.

**BDR 5-825**—Revises the provisions governing the certification of certain juveniles as adults for criminal proceedings. (Assembly Bill 237)

The Chair will entertain a motion.

ASSEMBLYMAN CARPENTER MOVED THE INTRODUCTION OF  
BILL DRAFT REQUEST 5-825.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

[Meeting adjourned at 10:57 a.m.]

RESPECTFULLY SUBMITTED:

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Julie Kellen  
Committee Secretary

APPROVED BY:

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Assemblyman Bernie Anderson, Chairman

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

## EXHIBITS

**Committee Name:** Committee on Judiciary

**Date:** March 4, 2009

**Time of Meeting:** 8:11 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 33 A.B. 102	C	Jennifer Chisel, Research Division	Memo about exhibits for Assembly Bill 33 and Assembly Bill 102.
A.B. 187	D	Assemblywoman Barbara E. Buckley	Written testimony from primary sponsor of Assembly Bill 187.
A.B. 187	E	Assemblywoman Barbara E. Buckley and Ramanujam Komanduri	Mental health clinic pamphlet.
A.B. 187	F	Assemblywoman Barbara E. Buckley and Ramanujam Komanduri	PTSD services and treatment program outline.
A.B. 187	G	Hank Pirowski	Written testimony in support of Assembly Bill 187.
A.B. 187	H	Judge Jennifer Elliott	Written testimony in support of Assembly Bill 187.
A.B. 187	I	Judge Jennifer Elliott	<i>Painting the Current Picture</i>
A.B. 187	J	Ramanujam Komanduri	Written testimony in support of Assembly Bill 187.
A.B. 187	K	Assemblywoman Barbara E. Buckley	Charts about veterans.
A.B. 187	L	M.H. Glaser	Letter saying Captain Glaser could not make it to this Committee Meeting.

A.B. 187	M	Judge Peter Breen and R. Terry Gilmartin	Veterans Court analysis report.
A.B. 187	N	Steve Sanson	Written testimony in support of <u>Assembly bill 187.</u>
BDR 5- 825	O		Introduction of <u>BDR 5-825.</u>