

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

**Seventy-Sixth Session  
May 4, 2011**

The Committee on Judiciary was called to order by Chairman William C. Horne at 8:11 a.m. on Wednesday, May 4, 2011, 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/76th2011/committees/](http://www.leg.state.nv.us/76th2011/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman William C. Horne, Chairman  
Assemblyman James Ohrenschall, Vice Chairman  
Assemblyman Steven Brooks  
Assemblyman Richard Carrillo  
Assemblyman Richard (Skip) Daly  
Assemblywoman Olivia Diaz  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Jason Frierson  
Assemblyman Scott Hammond  
Assemblyman Ira Hansen  
Assemblyman Kelly Kite  
Assemblyman Richard McArthur  
Assemblyman Tick Segerblom  
Assemblyman Mark Sherwood

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Clark County Senatorial District No. 7  
Senator Don Gustavson, Washoe County Senatorial District No. 2

**STAFF MEMBERS PRESENT:**

Dave Ziegler, Committee Policy Analyst  
Nick Anthony, Committee Counsel  
Nancy Davis, Committee Secretary  
Michael Smith, Committee Assistant

**OTHERS PRESENT:**

Keith G. Munro, Assistant Attorney General, Administration, Office of the Attorney General  
Norma Taylor, Private Citizen, Carson City, Nevada  
Wesley Goetz, Private Citizen, Incline Village, Nevada  
James "Greg" Cox, Acting Director, Department of Corrections  
Eddie Floyd, Public Information Officer, My Journey Home, Inc.  
Elaine Voigt, Executive Director, My Journey Home, Inc.  
Larry Struve, representing Religious Alliance in Nevada  
Orrin Johnson, Deputy Public Defender, Washoe County Public Defenders' Office  
Rex Reed, Administrator, Offender Management Division, Department of Corrections  
Connie S. Bisbee, Chairman, Board of Parole Commissioners  
Robert Schofield, Psychologist, Department of Corrections  
David Smith, Hearing Examiner II, Board of Parole Commissioners

**Chairman Horne:**

[Roll was called.] Today we have three bills on the agenda. We will be taking them out of order and open the hearing on Senate Bill 201 (1st Reprint).

**Senate Bill 201 (1st Reprint):** Authorizes the Attorney General to establish a program to mediate complaints by offenders. (BDR 16-827)

**Senator David R. Parks, Clark County Senatorial District No. 7:**

This bill revises provisions relating to correctional institutions. The bill was established to create an office of an ombudsman within the Office of the Attorney General for offenders. It sets forth powers of the ombudsman, including receiving and processing claims, advising complainants, taking certain actions, and making reports to the Legislature. The bill, as initially introduced,

ran into the proverbial fiscal note. The first reprint of this bill is greatly abbreviated. The genesis for this bill came from the Vera Institute of Justice which released a report on the Nevada Department of Corrections (DOC) audit and accountability procedures. I learned that the Office of the Attorney General already had a program dealing with mediating complaints and acting on behalf of offenders who had issues. I have graciously accepted the assistance of the Office of the Attorney General to abbreviate this bill and to come forward with a recommendation that I think will serve well those who are in need of assistance as far as matters in mediating complaints and the like.

**Chairman Horne:**

Are there any questions? [There were none.]

**Keith G. Munro, Assistant Attorney General, Administration, Office of the Attorney General:**

We appreciate Senator Parks' interest in the DOC. This bill provides an opportunity to have an early warning system for prison conditions. This is an idea the Office of the Attorney General developed during the interim with Valerie P. Cooke, Magistrate Judge, District of Nevada, U.S. District Court. Harvard University has gotten wind of our process and has begun a study to see whether our process is cost-effective. The Office of the Attorney General is, for the most part, a creature of statute. We work for the people of this state. We carry out the duties the Legislature directs us to. In some ways, this bill represents our office coming to the policymaking body of this state and letting you know our processes, what we are doing, and giving you an opportunity to weigh-in if you would like to change or improve upon our process. We are proud of this program. It is working and we hope it is successful.

**Chairman Horne:**

In the event the mediation process is unsuccessful, an inmate can bring legal action against the DOC. It will be the Office of the Attorney General that defends the DOC, correct?

**Keith Munro:**

Judge Cooke has found several volunteer lawyers to act as mediators. The Attorney General's Office has a screening process when an inmate has filed an action in federal court. Complaints are identified which might be ripe for mediation. The volunteer mediators mediate between the DOC and the inmate to see whether there is a solution to the problem set forth by the inmate other than federal litigation clogging up our federal court system. We like the process because it provides an early warning system to see whether there is a problem, and we have an opportunity to step in and correct it before going to federal litigation.

**Chairman Horne:**

Any questions? [There were none.] Anyone here to testify in favor of S.B. 201 (R1)?

**Norma Taylor, Private Citizen, Carson City, NV:**

My husband was an inmate at DOC on Snyder Avenue in Carson City. He had a terminal illness. The most difficult part of his incarceration was that when he needed to go to the infirmary, he was locked down 22 hours a day in a section of the infirmary where he could hear the moaning and suffering of the dying men. Dr. Theodore D'Amico, who was in charge at that time, did not believe in pain medication. Those who were dying were left in pain until they died. My husband knew they were dying because of the moaning, then it would get quiet. The officers would come in and remove everything from the cell. On occasion, when someone was in the room with my husband who was dying, my husband would beg the nurses to please give the man some pain medication. The nurses would tell my husband what the person had done and say that he deserved the pain.

This was a very great problem for my husband. He wanted to get out to die at home. That was his only wish. He did everything he could to get good credits. He tried to keep his health up. He would push his wheelchair and walk as far as he could to keep his strength up. I kept his Medicare active. I knew that as a World War II veteran, he could go to a veteran's hospital for care. I applied for a compassionate release and was refused. My attorney applied for my husband's compassionate release, he was also refused. My husband knew that he had congestive heart failure and did not have very long to live.

In 2004, shortly before the fourth of July weekend, my husband went into kidney failure. I was not able to receive any information on his condition over the holiday weekend, but a nurse called me on Monday and informed me of his condition. I told her that we wanted him to have dialysis and we would not refuse a life-saving procedure. She told me that my husband was old and very ill and that I needed to let him go. She proceeded to tell me that since the doctor was on vacation, there was no one who could initiate the paperwork for him to receive dialysis. I called everyone I could think of, but no one would listen to me. They acted like I was hysterical and did not know what I was talking about. I called the warden, Dr. D'Amico's office, Jackie Crawford's office and the Governor's office. Nobody would listen. They held him in the infirmary for two weeks until the doctor returned from vacation. During that time he was given no medication for his pain. They watched him get more and more ill every day. Some of them laughed at him.

When the doctor returned, she examined my husband and told him he was dying and it was not reversible. I finally had clearance to speak with him on July 13, 2004. During that time he told me very quietly that they were making fun of him. That was the only time I saw a tear in his eye. I could see the thought going through his mind, "What kind of people do this?" He got a look of disgust, tightened his jaw, and he never had another tear.

The next day the doctor stated in his medical reports that she objected to sending my husband in for dialysis because it was too late and it may cause his heart to fail. Dr. D'Amico said to go ahead and send him to the hospital, even if it killed him. He was put in the hospital on July 14, 2004. They gave him the dialysis. A few hours later he went into cardiac arrest. They resuscitated him and kept him on life-support for two days. I was most grateful that they put him in the hospital because he immediately received medication to ease his pain. He was finally not in pain.

After my husband passed away, I looked for two years to find an attorney to represent me. I was not looking for money, but I wanted to change the conditions that existed. No attorney would take my case until the statute of limitations ran out. The rules in effect that limit the amount of money that can be awarded in such cases kept many attorneys from taking my case. Others would not take it because they could not justify charging me \$30,000. Some would have taken my case if I would have given them \$30,000 and paid the rest of the costs for the court case.

We have guarantees under our constitution against cruel punishment. They are not working very well. In 2005, I tried to propose this type of bill for an ombudsman. I could not get any interest. Senator Maurice Washington did have his office contact Jackie Crawford's office and the Office of the Attorney General. They set up a meeting to investigate my claims. That meeting was held the end of April in 2005. The week before the meeting, the nurse involved retired from her job. I called to get a report on the outcome of the meeting and I received a copy of the report which stated that my husband had refused medical treatment. The finding was that there was no need to investigate further, that the DOC had acted correctly.

Fifty years ago I was standing in line at a bus stop in Los Angeles with my grandmother. I had my baby in my arms and was trying to manage a 20-month-old toddler. A woman in line behind me told me a story that was so compelling I have always remembered it. Not only did I hear it once, but two weeks later in my living room, the same woman was on the television telling the same story. Her story was that she was from the Netherlands. During World War II she joined the resistance in her country with her fiancée. Her

fiancée was killed and she was taken prisoner. Due to deprivation and terrible conditions she became very ill. One day she was taken with a group of people to get showers, they were told. As she looked at the people around her, she said, "We need to pray." They were too deep in their sorrow, they could not pray. She said "All right, I will sing to you." I do not know what she sang, but she sang to those people. The guard came in, took her number, and looked at her armband which said she was a political prisoner. He called that lady out and her life was saved. I thought of that story over the years, and I ask myself, "What about that guard. Did he spend his life killing people by the hundreds? Did he come from a good family? Did he have a wife and children that he said prayers with and tucked in bed?" I do not know. But at that moment he took a risk and saved a woman's life.

Sometimes good people do bad things. We need to protect these people. I think if you have an ombudsman, the kind of things that happened to my husband will not happen, because the people in charge will know that they will be held accountable.

**Chairman Horne:**

Thank you. I appreciate you sharing your story.

**Wesley Goetz, Private Citizen, Incline Village, Nevada:**

I was in the Lovelock Correctional Center. I witnessed a few things there. It seems that when people file complaints with the federal courts about the prison or their civil rights, DOC finds a way to put them in solitary confinement so it is harder to go to the law library to work on the case. Many times you have a deadline to respond to some of the legal work. I am thinking if people are filing a complaint against the prisons, they should not be sent to solitary confinement so they are unable to go to the law library to file their case.

**Chairman Horne:**

Any questions? [There were none.] Anyone else wishing to testify in favor of S.B. 201 (R1)?

**James "Greg" Cox, Acting Director, Department of Corrections:**

The Department of Corrections supports S.B. 201 (R1).

**Assemblyman Sherwood:**

Were you supportive of this bill in its original form on the Senate side?

**Greg Cox:**

We were neutral. The original bill had a fairly large fiscal note attached to it.

**Assemblyman Sherwood:**

The premise of this bill is that there are many holes in how the DOC treats prisoners. Do you accept that premise?

**Greg Cox:**

What I accept is the mediation program with the federal courts and the processes that are currently in place. The DOC asked for the Vera Institute of Justice to come in and look at our agency.

**Assemblyman McArthur:**

Who would the mediators be?

**Keith Munro:**

The federal court has recruited several attorneys to act on a pro bono basis to provide this service.

**Assemblywoman Diaz:**

How are complaints currently handled?

**Greg Cox:**

There is a grievance process. There is a mediation process that is currently in place. There are legal avenues where inmates can file suit against the DOC and against the State. We have a very robust grievance process that we use to identify issues that inmates may have regarding their incarceration. I think this is a good step for the system and the Office of the Attorney General supports it. We have the Harvard University looking at this mediation program. Actually, we are in the process of expanding it to southern Nevada.

**Chairman Horne:**

Any other questions? [There were none.] Anyone else wishing to testify in favor of S.B. 201 (R1)? Anyone opposed to this bill? Anyone neutral? I will close the hearing on this bill. I will now open the hearing on Senate Bill 159 (1st Reprint).

[Senate Bill 159 \(1st Reprint\)](#): Makes various changes governing offenders.  
(BDR 16-74)

**Senator Don Gustavson, Washoe County Senatorial District No. 2:**

I have two members from My Journey Home here who will provide testimony on this bill. As full disclosure, I am also a member of the Board of Directors for My Journey Home. I have no conflict whatsoever and the passage of this bill would not affect me any more than it would anyone else.

It is my pleasure today to introduce Senate Bill 159 (R1) aimed at helping offenders who are released into society improve their chances of success and reduce their chances of recidivism.

[Read from written testimony ([Exhibit C](#)).]

**Chairman Horne:**

Thank you. Section 2, subsection 1, paragraph (b) states "A requirement that any earnings of the probationer be held in a trust." That does not give the probationer any funds for himself.

**Senator Gustavson:**

That money would be held in a trust and administered by a trustee. The trustee has the discretion as to where the funds go.

**Chairman Horne:**

So the probationer would have no discretion at all. He gets a job and his check would be deposited into a trust. He would need to ask for money to pay his rent, power bill, and groceries. This would basically make the trustee the guardian to the probationer.

**Senator Gustavson:**

That is correct.

**Assemblyman Daly:**

Are there trustees already in place to do this?

**Eddie Floyd, Public Information Officer, My Journey Home, Inc.:**

Currently, the account is set up at My Journey Home, a local nonprofit that would not be a burden on the Nevada taxpayer. The judge would have the right to utilize an account such as the one at My Journey Home, or any other nonprofit agency. The particular nonprofit would, by court order, receive a percentage of the funds. At the end of the trial, the judge would determine which obligations the probationers need to pay, and the balance of the proceeds would go to the probationer.

**Assemblyman Daly:**

Section 1, subsection 1 paragraph (f), is related to acquiring a valid driver's license. This bill states they will get the license only if they request it and if the probationer is eligible. If you are making a determination of eligibility for a driver's license, why would the probationer still need to request one?



**Senator Gustavson:**

That is language that we amended into the bill through the request of Religious Alliance in Nevada (RAIN) that will be supporting and financing the identification cards for the inmates.

**Assemblyman Brooks:**

What is the reason for this bill? Are we finding that ex-felons are not handling their financial obligations to the courts? Also, did you state there will be a percentage of the money going to the nonprofit? If so, what is the percentage?

**Eddie Floyd:**

The account was set up so that the funds could be administered by a particular trustee as appointed by the judge. If there is a set rate, that percentage would be earned by the trustee. My Journey Home wants to ensure that this bill would not create an additional burden to the taxpayer in Nevada. Actually, this bill would have a very positive impact on our economy since it would reduce the recidivism rate and provide an alternative form of sentencing. Instead of sending someone to prison, he could be incarcerated at home, work during the day, keep the economy flowing, and not have a negative impact on the people counting on him.

**Assemblyman Brooks:**

This is a way to prevent someone from going to jail?

**Eddie Floyd:**

If someone qualified under the guidelines of S.B. 159 (R1), and was found guilty or pled guilty, the judge could look at his record and qualify him to receive alternative sentencing. That means instead of being a burden to the taxpayer by being incarcerated, he would have another form of incarceration, such as house arrest, and be allowed to work and receive income that would go back into the community as well as take care of those people who were counting on him before his incarceration.

**Assemblyman Brooks:**

Is this a statewide program?

**Eddie Floyd:**

Yes, sir.

**Assemblyman Brooks:**

What is the percentage that My Journey Home would receive for doing this work?

**Eddie Floyd:**

My Journey Home is willing to do it at no cost. However, in speaking with Elaine Voigt, who is the founder of My Journey Home, we thought there should be from 2 to 5 percent of the income going into the trust account to be used as an administration fee.

**Assemblyman Frierson:**

I certainly appreciate the effort in trying to create diversion opportunities to try and save money. I am not entirely convinced that creating a middleman to handle someone's checkbook is helping anyone. It seems that it may be creating more of a burden and taking money away from the probationer. This also prevents the probationer from being able to make last minute adjustments for unexpected expenses. It seems to me that if a probationer ran out of paper towels, he would need permission from his trustee to go buy more. I understand the need to educate someone upon release and give him the tools needed to succeed, but I believe micromanaging them creates a bigger hurdle than necessary.

**Elaine Voigt, Executive Director, My Journey Home, Inc:**

We are looking at having this run the same way as if someone were receiving Supplemental Security Income (SSI) and had a case manager assisting in managing money and paying bills. That process is very successful with the Division of Mental Health and Developmental Services. I believe this would work the same way. I work with ex-felons every day. What I find is they do not know how to handle money. A little direction is all that is needed. We also work closely with a credit counseling company to teach probationers how to manage money. I do not believe that is micromanaging, but providing direction and management skills to enable a probationer to manage his own money.

**Assemblyman Frierson:**

I do not necessarily want to compare a probationer to someone with mental health problems, or someone on SSI. Those examples you gave are people who have mental limitations and cannot manage their own affairs. Again, if the trustee is entrusted with all of the probationer's earnings, how does the probationer buy unexpected items if he does not have access to the funds?

**Elaine Voigt:**

This is basically putting the probationer on a budget. If there are emergencies, he would need to ask for the money. He needs to learn to be accountable. Giving him a little direction and making him accountable to someone else helps him get a budget and manage his own funds.

**Assemblyman Frierson:**

So the probationer would not have the ability to make a last minute decision, the probationer have to plan for it?

**Elaine Voigt:**

Just like we all do. I have to budget my money. I have a budget to ensure I have what I need.

**Chairman Horne:**

What about probationers with families? You would now be making financial decisions for the family. If the probationer has a job, a spouse, and children to take care of, you take that responsibility away from his family and are handling the financial affairs for the entire family.

**Eddie Floyd:**

The judge would ensure that the bills the probationer has on the bench are paid first. We are not trying to micromanage anyone's money. We are trying to eliminate the concerns that mandatory bills, such as child support, are taken care of when this person is given alternative sentencing. The money would go into the trust accounts, and the judge would rule that certain bills must be paid first. The balance of the money would go to the probationer.

**Assemblyman Sherwood:**

I would feel much more comfortable with this bill if there were a cap on the percentages. The judge determines whether the probationer needs this type of service, correct?

**Senator Gustavson:**

I have no problem putting a cap of 5 percent in the bill.

**Assemblyman Hansen:**

Under what conditions would a judge decide to use a trustee for a probationer?

**Eddie Floyd:**

A friend asked me to explain this bill because he knew someone at a naval academy whose son was arrested in Florida and was facing a five year sentence. I wrote a cover letter and sent a rough draft of S.B. 159 (R1) to the judge. The judge considered this bill and sentenced the man to house arrest. There is now a movement in Florida for a similar type of bill to create alternative sentencing. What would give the judge the guidelines? It is the same as now; it is the judge's final decision. He would look at past records and the crime, and decide on alternative sentencing.

**Senator Gustavson:**

This bill, as written, gives the judge discretion.

**Assemblyman Brooks:**

What was the impetus for this bill? Are there probationers who are not paying their child support? Is there a reason you think this organization will be better to pay child support instead of garnishing the probationer's wages? Why would someone need to take over another person's finances if the person is perfectly able to handle their own affairs? If someone's sentence is house arrest, I would expect he would follow all the rules.

**Eddie Floyd:**

The impetus for the bill was to eliminate any concerns that perhaps the judge or victims in the courtroom may have if he was found guilty of a crime. The judge would allow him to qualify for house arrest so he can work during the day. The judge would also want to ensure that this gentleman's bills will be paid. It is the judge's discretion during sentencing. He does not have to use the trustee account. If he does assign the trustee account, he can state that the child support is paid first, and the rest can go to the probationer.

**Assemblyman Brooks:**

Is there any evidence that there have been some issues with individuals being released from prison and are not handling their financial responsibilities?

**Eddie Floyd:**

Unfortunately, we see it all the time. We see a probationer who is required to pay bills, he is not paying them, and is in violation of his parole. He ends up incarcerated again and becoming a burden to the Nevada taxpayer. This bill is to ensure that if there is an element of doubt with the judge, the Division of Parole and Probation (P&P), or DOC, we would have the opportunity to utilize this trust account.

[Vice Chairman Ohrenschall assumed the Chair.]

**Vice Chairman Ohrenschall:**

Are there any other questions? Anyone here wishing to testify in favor of this bill?

**Larry Struve, representing Religious Alliance in Nevada:**

As you know, Religious Alliance in Nevada (RAIN) is a coalition of five denominations in the State of Nevada. We are supportive of this bill. Our interest centers on section 1, lines 20 to 26. You have already heard testimony of what these provisions do. This bill requires that the Director of the

Department of Corrections, prior to releasing someone back into society, "Shall provide the offender with information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender: (1) Requests such information and assistance; and (2) is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles." This language is the result of the bill drafter's work at the direction of the Senate Committee on Judiciary. When RAIN testified on the Senate side, we had a broader provision for this language.

I will read to you what RAIN asked the Senate Judiciary Committee to do: "The Director of the Department of Corrections would be required to provide the offender either with valid identification that would enable said offender to be eligible for obtaining employment, or with information relating to obtaining such identification upon his release and the resources available to obtaining it." We did not put the conditions that the prisoner had to request identification or that there had to be an eligibility requirement for getting it. The reason RAIN did not put those provisions in is because RAIN has been very supportive in advocating for a reentry program in which prisoners are released with identification when they go out the gate and back into society.

Religious Alliance in Nevada is so supportive of this idea that they did a fund-raising effort in 2010. We went to our congregations throughout the state and have raised over \$15,000, which has been put into a special revenue account that was created in the 2009 Legislative Session. This money will eventually be transferred to DOC and will be used to pay the Department of Motor Vehicles for producing identification cards for those offenders who are being prepared for release back into society.

Religious Alliance in Nevada does not feel there should be a condition to it because RAIN believes that anyone released from prison should have identification. Without it you cannot get a job and you cannot qualify for benefits. It is very hard to survive in today's society without identification. I have a handout which shows the bulletin inserts used in our churches ([Exhibit D](#)). We will be working with the director of DOC in getting this money utilized. Unfortunately the amount that RAIN has raised is not going to be sufficient to cover all prisoners who are released each year, but we feel it is a step in the right direction. We believe S.B. 159 (R1) is a very important piece of legislation because it amends the Chapter of *Nevada Revised Statutes* (NRS) that defines the duties of the director in preparing inmates for release. This is the first time a statute is being proposed that puts a duty on the director and his staff to provide assistance to prisoners to get identification.

Whatever you do with this bill, please keep that part of it in the language of the bill. We want to work towards the goal of not releasing people back into society without some form of valid identification. That is the focus of RAIN and is why we support this bill. We would like to thank Senator Gustavson for agreeing to amend the bill to include the concerns of RAIN and we hope you will process this bill as you work through the language of it. It is an important bill.

**Vice Chairman Ohrenschall:**

Thank you. I have had experience with a constituent in Las Vegas who did not have identification or a birth certificate. Consequently, he had a lot of trouble in obtaining any kind of employment that was not just temporary employment on a cash basis. He had trouble obtaining housing. He could not order his birth certificate online because he did not have a credit card. I think this is very important.

**Assemblyman Hammond:**

This bill actually looks like it will go nicely with a bill that was presented earlier in the session dealing with providing documentation, birth certificates and licenses. How do you see them working together?

**Larry Struve:**

That bill is RAIN's primary piece of legislation, which is now in the Assembly Committee on Ways and Means due to the fiscal note. Any help there would be appreciated. Assembly Bill 92 (1st Reprint) would waive the fees for people who are released from prison. It was amended to limit it to within 90 days of release.

This bill, as it currently is drafted, would be limited to those who can qualify for a Nevada driver's license or identification card. Not all persons who are incarcerated would be eligible to get an identification card. For instance, if they are illegal persons without documentation they could not get a Nevada identification card. This Committee has amended the bill so that it is very carefully crafted to allow those who do qualify for a Nevada identification to get it within 90 days of release. Our organization believes this is a very important bill because if someone gets out of prison without identification, he will face tremendous barriers to get himself back on his feet and avoid going back to a life of crime.

Assembly Bill 92 (R1) would greatly expand the use of the money that RAIN has been raising. If A.B. 92 (R1) is adopted, then those people who are eligible for Nevada driver's licenses would not have to pay a fee. They would get their license within 90 days of their release. The money that RAIN has raised can then be used for other prisoners who need identification but may not be eligible

to receive one through the DMV. The prisoner may need a certified copy of his birth certificate, or other form of valid identification that has costs associated with it. The money RAIN has raised would compliment what A.B. 92 (R1) is able to do. Senate Bill 159 (R1) is putting a duty on the director of DOC to ensure that if a prisoner needs the help and assistance to get an identification, the director must do that. These bills compliment one another and are designed to establish a policy in the State of Nevada to not release prisoners back into society without identification. We have had to do it piecemeal, but RAIN is committed to this because in today's society, you cannot function without identification.

**Assemblyman Brooks:**

When you say it is the duty of DOC to get the inmates a driver's license, is it also their duty to finance that license? Are you saying it is their duty to send them in the right direction?

**Larry Struve:**

I think that is correct. The language says the director shall provide the offender with information and reasonable assistance related to acquiring a valid driver's license. We had proposed that there be a requirement that they actually provide the identification, but that was amended. The language that is before you now leaves discretion with the director as to how far he goes in providing assistance. Religious Alliance in Nevada is trying to provide resources for the director to provide the identification.

**Assemblyman Brooks:**

I believe that is in the scope of what DOC does now. Why would this need to be put into law? When we toured the prison facility, Mr. Cox made it a point to say this was on their radar and they definitely do provide this type of information to individuals who are reentering into society. Furthermore, having worked with the Las Vegas Urban League, we also provide identification.

**Larry Struve:**

Religious Alliance in Nevada became involved about three years ago when the Legislature authorized an interim study of the criminal justice system in the State of Nevada. Justice Hardesty asked RAIN to participate; he met with the judicatory heads and the bishops of the five denominations that comprise RAIN. It was during those hearings that it became apparent that, notwithstanding what you have seen with the current director, whom I also commend, but the fact was that people were being released from DOC without any identification.

That is why RAIN became active in the 2009 Session, asking for the creation of a special revenue account that could receive monies to fund reentry programs,

such as those that the Urban League is involved with, or Ridge House, or My Journey Home.

As long as you have administrators who are very receptive to this, then you make a valid point. Directors come and go and we have a history of whether someone is getting assistance in getting an identification card or not has been viewed as discretionary. If you have a different administration which does not have the sensitivities of the current director, this bill would amend the statute so that becomes a duty. We, the people in the community, do not want to leave it up to the discretion of the director. We want people to be given identification. We want to know who these people are.

As you have indicated, in the past when someone was released without identification, he would go to organizations like the Urban League or Ridge House, and he could spend anywhere from a few weeks to a few months trying to get some identification so he would be eligible for employment. That is not an effective way for someone to turn his life around, spending his initial time out of prison trying to get identification before he can apply for a job. That is counterproductive. If you think this through, this is a very valid bill. Putting the language in the statute in the form of a duty in providing information and assistance is a very significant step forward. It will help organizations to help these offenders. Once an offender walks out the gate, he should have identification and be ready to go. As Justice Hardesty said, "If someone does not have a job or identification within six months of release, his chances of going back to prison are extremely high." We do not have the money to pay for additional prisons and all the costs associated with using the incarceration method.

**Orrin Johnson, Deputy Public Defender, Washoe County Public Defenders' Office:**

Many parts of this bill have been discussed thoroughly. I would like to focus on the trust issue that many people have concerns with. After working with Senator Gustavson, many of my concerns have been allayed. I would like to share some of the actual experiences with my clients and how I think this will help them. As was noted, this is the discretionary ability of the judge. When a judge places somebody on probation, there are always multiple conditions placed on that person that he must comply with. The judge has incredibly broad discretion of what kind of conditions he can impose. We believe this is probably one more rare condition that can be imposed if someone is having extraordinary difficulty managing his finances. The problem we see is that if someone is out on probation, owes restitution and other fees that he is not paying, and is being accused of not making a good faith effort to pay them because he is buying too many bags of Doritos instead of paying the restitution,



he risks going back to prison. There was discussion about mental illness and insanity. I want to clarify this. Almost all my clients are legally competent; they are sane and are perfectly okay to go through the criminal justice system. Likewise, almost all my clients have diagnosed significant mental health issues. Even if they do not, they have substance abuse issues and they definitely have judgment issues, which is why they are my clients in the first place. Whether it is immaturity, a product of substance abuse, some other mental health issue, or not having good training from his parents, that is why he is not properly managing his finances, he is not doing a good job prioritizing these things in his life. If the difference between him going to prison or staying out on probation and learning how to be a productive member of society is to have someone manage his finances, that is a fantastic return on his investment.

That is what we are looking for here. That is why this bill will benefit not only my clients, but it will benefit society as a whole and save us all money while we are at it. We do not anticipate that this would be particularly common, but there are cases where that is what we would like to see. We agree with the comments made from other folks that presented testimony.

**Assemblyman Frierson:**

You and I have spoken over the years about our careers as representatives of the indigent. It is my experience that a vast majority of the indigent individuals that are represented by counsel can barely pay their \$30 a month supervision fee. My concern is, every single penny that goes somewhere other than to the required fees, supervision, and restitution, is that much less money those victims will be getting for something the court is perfectly empowered to order right now without this legislation. So my question is, would you support this bill without the provisions dealing with the trustee issues requiring the probationer to pay a third party to do what they can do themselves? Also, is your experience different as far as your clients having a difficult time being able to pay the minimum they are currently required to pay, including monthly supervision fees, house arrest fees, and restitution?

**Orrin Johnson:**

To answer your first question, yes, we would support this bill. As noted before, the judge has broad discretion. I think the value of this legislation is that it provides an option for judges they may not have considered before. In answer to your second question, certainly that is the case for many of my clients, but not all my clients. By definition, all of my clients are indigent, but some are living under a bridge and some are just struggling to pay their bills. The idea is that the trustees would not necessarily be paid by the client, unless the client could afford it. We are looking to use nonprofit agencies in order help manage these people's budgets without costing the state additional money. I do have

clients that I spend a lot of time with giving them tips on job hunting, et cetera. Once my client has a job, and if he has not had a job for a number of years, the money starts coming in and he does not know what to do with himself. That is where a trustee would be the most valuable so my client can stop being indigent and stop being my client. Again, this is discretionary and does not have to happen. It only ought to happen in cases where it is appropriate.

**Vice Chairman Ohrenschall:**

Any other questions? [There were none.] Anyone else here wishing to speak in favor of this bill? Any neutral?

**Rex Reed, Administrator, Offender Management Division, Department of Corrections:**

I did not expect to testify, but Assemblyman Daly asked a question I think I can answer. I would also like to make a comment. I have listened to RAIN's commentary and I feel it had the tone that we do not have an interest in getting inmates identification cards. To some extent I take umbrage at that. I feel comfortable saying that because I was born, baptized, raised, married, and raised my children in the Evangelical Lutheran Church of America, which is a member of RAIN.

I want to point out that since at least 2000, Dorothy Nash Holmes, Jackie Crawford, and Glenn Whorton took an interest and recognized the problem that inmates leaving without identification cards face. It is a difficult issue to work with. We now take the inmate's identification when he comes to prison, put it in his file, and retain it for him until he leaves. We hold drivers' licenses, birth certificates, and social security cards. When inmates are in Casa Grande or Northern Nevada Restitution Center, we allow them to go to the Social Security Administration to receive their identification. Most of them have a social security number but do not have a card anymore.

There are several problems in stating we can get everyone a driver's license or identification card. First of all, Nevada has a segment of the prison population which is transient. As soon as a transient is released, he asks for the closest border, he goes there, and we never see him again. He has no interest in staying in our state.

We also have trouble getting appropriate documents. Drivers' licenses cost money. Some inmates have the money, some do not. We try to help as best we can. We have done some research on the cost. Some birth certificates cost \$35 per inmate. There is a true fiscal impact. In addition to that, we can send out a request for identification, along with the fee. We get a response that the request was done wrong, we have to correct it and submit it along with another

fee. There is also the issue of dangerous felons. We have some felons coming to the end of their sentence that we do not want to take to DMV to get their license.

**Vice Chairman Ohrenschall:**

If that language was not in there, and you were to offer this help to someone who is being released from prison, would it be too burdensome?

**James "Greg" Cox, Acting Director, Department of Corrections:**

I would like to thank the Committee for the interest in reentry and thank Larry Struve from RAIN, and our community partners in Urban League, My Journey Home, and Ridge House. I take a sincere interest in inmates and reentry. This is a problem across the country with departments of corrections in obtaining identifications for inmates. We actually start the identification process as soon as they are incarcerated. It is a very complex and somewhat costly process. I am not aware of any department that actually has funded it. There is discussion amongst my peers across the country regarding that. I spoke in front of RAIN some time ago about the importance of obtaining money for this purpose. I think it is obviously a good thing for us to do to be proactive and when we do release people that they have the identification that is needed. There are some stumbling blocks associated with that, and we try to work through those from our caseworker staff to our reentry staff. I think we are doing a better job of it. We are engaged in working with our community partners in different grant funding that we can use to obtain identification for these inmates. It is an ongoing process. There are several issues associated with the funding, but I do support the activities of our community partners in obtaining identification for our inmates. We do take them down to DMV, we do go to the Social Security Administration, we do a vast number of things to ensure we are doing everything we can to get them identification. I do know that common sense says if you want to get a job, that you need identification.

**Vice Chairman Ohrenschall:**

We appreciate everything you and Mr. Reed are doing to try to give folks a fighting chance at a fresh and fair start when they are released from prison.

Are there any questions? [There were none.] Is there anyone else neutral? Anyone opposed? I will close the hearing. I will open the hearing on Senate Bill 187 (1st Reprint).

Senate Bill 187 (1st Reprint):      Revises provisions governing parole.  
(BDR 16-640)

**Connie S. Bisbee, Chairman, Board of Parole Commissioners:**

I am here to present S.B. 187 (R1). This is being presented on behalf of the Advisory Commission on the Administration of Justice, which is Chaired by Assemblyman Horne. The amendment is a collaborative effort between the Nevada Department of Corrections (DOC), the Office of the Attorney General, the Lake's Crossing Center, the American Civil Liberties Union (ACLU), and the Division of Parole and Probation (P&P). This bill is in reference to what is referred to as the panel, which is the Psychological Review Panel that statute requires for particular sex offenders in the State of Nevada in order for them to be considered for parole. In section 1, subsection 1, paragraph (c) the wording has been changed from "certifies" to "evaluates" and gives a period of time in which that evaluation should be conducted. The panel is required to give the Parole Board information on the sex offenders and their likelihood to reoffend in a sexual manner.

The importance of subsection 2 is that it adds the language that the Board may require the panel to conduct an evaluation on a prisoner who is a sex offender if it will assist the Board in making a determination as to whether the Board should be granted parole. This addition to the current law will allow us to require psych panel reviews on persons who come from out of state with sex offenses, which is something we have not been able to do before. This also allows the Board to request that somebody be evaluated or reevaluated out of the regular Parole Board hearing cycle. It does not give the inmate the right to request an evaluation. The reason for the evaluation is for the Board to make a determination as to whether the Board should be granted or continued parole.

Subsection 4 directs the panel to adopt regulations with particular requirements. Those requirements are listed in subsections 5 through 7. The Parole Board will assist the panel in developing these regulations. This bill gives specific guidelines as to what we need in a psychological review.

Subsection 8 defines which types of sex offenders have mandatory psychological reviews. Paragraph (d) states: "Abuse or neglect of a child pursuant to NRS 200.508." When this was originally passed many sessions ago, the typist left off the part that says "if the abuse involved sexual abuse or sexual exploitation and is punished as a felony." For all these years, because of this misprint, we have those inmates convicted of abuse or neglect of a child that had nothing to do with a sex offense, but have been required to have the psychological review to determine whether they were a risk to reoffend sexually.

Subsection 9 states that the Board may adopt by regulation the manner in which it will use the information from the evaluation. Subsection 10 discusses

that the panel will conduct their hearings in accordance with the open meeting law. Subsection 11 is the definitions of the language.

This is a good bill. This allows the Board to request those who are sex offenders or who have sex offenses in the past to have professionals look at them, evaluate them, and give us their professional opinion as to whether the offenders continue to be a risk to reoffend sexually. It is very important that it broadens the language so we can look at those who have been sex offenders in other jurisdictions and make a determination as to whether a current psychological review panel evaluation would help us to assist in making the decision to grant parole.

**Vice Chairman Ohrenschall:**

What is the difference between certification and evaluation?

**Connie Bisbee:**

In using the old language of certified, the offender must be certified that he is not a high risk to reoffend sexually. If he is not certified, the Board cannot make a decision to grant parole. That is an odd position for a review panel that is there to assist the Board, to have the authority to prevent the Board from making a parole decision. We actually need an evaluation, not a certification. A certification states that a person is not expected to reoffend sexually. That is a very difficult thing for a professional to say when it comes to sex offenders. The evaluation looks at the standard evaluation tools, and based on those standards tools and meeting with the prisoner, we are allowed to use that information to make a decision that is aside from a technical certification.

**Vice Chairman Ohrenschall:**

Would this bill give the Board more freedom in making decisions?

**Connie Bisbee:**

Absolutely. Prior to this bill, if you came to us with a sex offense in another jurisdiction and did not meet the specific language under subsection 8, we could not request the professionals to evaluate him for a risk to reoffend sexually. If there is someone who is a high risk to reoffend sexually, we would not have that information. The opposite is true also. If he is a low risk to reoffend sexually, we would not have that information either. During a parole hearing, it is very difficult to make a decision without information from the panel.

**Vice Chairman Ohrenschall:**

The person seeking parole would still be required to go before the panel, but now he would be evaluated instead of certified?

**Connie Bisbee:**  
That is correct.

**Assemblyman Brooks:**  
Are you on the panel?

**Connie Bisbee:**  
No, the panel is comprised of a psychologist, a licensed psychologist with DOC, and a licensed psychologist with Lake's Crossing.

**Assemblyman Brooks:**  
I have had constituents bring up a few issues that concern me. Up until now, what tools have been used to evaluate whether someone has the propensity to reoffend?

**Robert Schofield, Psychologist, Department of Corrections:**  
The standard tools that the panel currently uses are the Static-99, which is an actuarial instrument used to assess risk on sex offenders and the Minnesota Sex Offender Screening Tool – Revised (MnSOST-R) which is another actuarial instrument.

**Assemblyman Brooks:**  
Who conducts these evaluations? Are there nurses doing the evaluations? If it is the panel's job to be doing the evaluations, why are nurses doing them?

**Robert Schofield:**  
I am not sure where you got your information, but nurses do not do the evaluations and have nothing to do with the panel. The evaluations consist of a series of items. A score is given to the answers of these questions, such as number of sexual offenses, how old the person is, or whether the victim is a stranger. Most of that information comes directly from the inmate's institutional file. A staff psychologist assigned to the housing unit that the inmate lives in is generally the one who completes those forms. Those completed instruments are provided to the panel to review along with the historical record of the inmate. The panel then reviews the information and interviews the inmate, asking additional questions.

**Assemblyman Brooks:**  
So the staff psychologist is the one who puts the file together based on the inmate's record in prison. Is that a certified psychologist?

**Robert Schofield:**

There is no such term as certified psychologist.

**Assemblyman Brooks:**

Is this person a doctor?

**Robert Schofield:**

Our staff psychologists at DOC are exempt from licensing through *Nevada Revised Statutes* (NRS).

**Assemblyman Brooks:**

So we have an unlicensed psychologist putting together a file that goes to the panel, who has the authority to determine whether this individual will be released from prison.

**Robert Schofield:**

Currently, that is correct.

**Connie Bisbee:**

This bill revises that. The panel decision would no longer mandate whether the Board can make that decision. The Board would have the authority regardless of what the panel decision was. For example, if an inmate has several life terms as a sex offender, and if there are 30 or more years to expire to be eligible for parole, the Board may consider, even if considered high risk to reoffend sexually, bringing him into another life sentence so that more programming is available. Currently, if the panel determines he is a high risk to reoffend sexually, regardless of whether this person will be paroled, the Board does not have the discretion to make that decision.

**Assemblyman Brooks:**

I do not know of any panel willing to state that someone has a low propensity to sexually reoffend.

**Connie Bisbee:**

Page 2, line 15 of the bill changes "certifies" to "evaluates" the prisoner. There is no longer the provision that if the offenders are certified as a high risk to reoffend, the Board cannot parole them.

**Assemblyman Brooks:**

What other states have panels that make recommendations to parole boards that would inhibit them from releasing a prisoner?

**Connie Bisbee:**

Many states have psychological reviews. I am not aware of any states that prohibit a parole board from making that decision.

**Assemblyman Brooks:**

So there has been some authority given to panels in Nevada that we are not aware of existing in any other state.

**Connie Bisbee:**

None that I am aware of.

**Assemblyman Daly:**

For clarification, you have a hearing to consider granting or continuing parole. Is there a process where a person is on parole but he has to come back for evaluations? What would trigger the person coming back for reevaluation while on parole?

**David Smith, Hearing Examiner II, Board of Parole Commissioners:**

If a parolee under supervision has been alleged to violate a condition of parole, he is brought back into the DOC. At that time, we can request an evaluation be done to determine if there has been a change that could potentially make him a higher risk. Sometimes a sex offender can do well in treatment and follow all the conditions required, and he can maintain a low risk. If he starts slipping back into those activities that could potentially increase his risk, this would allow us, prior to a violation hearing, to have the panel reevaluate him again.

**Assemblyman Daly:**

So the trigger to bring him back in would be some type of violation of parole?

**David Smith:**

That is correct. There is not an automatic reevaluation that takes place while on parole.

**Assemblyman Daly:**

Subsection 10, regarding meetings of the panel, is that currently subject to the open meeting law?

**Connie Bisbee:**

Yes.

**Assemblyman Daly:**

Why is that part of this bill then?



**David Smith:**

The original draft of this bill exempted them from the open meeting law. After discussion on the Senate side, the DOC requested that the panel be subject to the open meeting law.

**Connie Bisbee:**

Currently the panel is subject to the open meeting law. The original bill exempted them from open meeting law. At the request of DOC, that requirement was put back into the bill.

**Assemblyman Sherwood:**

For clarification, the intent of this bill is, as stated, just for inmates who are up for parole. This does not pertain to keeping inmates longer than their sentence, correct?

**Connie Bisbee:**

That is correct. This has nothing to do with anything other than an inmate's parole eligibility.

**Vice Chairman Ohrenschall:**

Dr. Schofield, are there any psychiatrists on this panel?

**Robert Schofield:**

Currently, they are all psychologists, but the law requires the panel to consist of the Director of the Department of Corrections, or a designee; the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services, or a designee; and a licensed psychologist or psychiatrist. The Directors of the departments or their designees are not required to be psychologists or psychiatrists.

**Vice Chairman Ohrenschall:**

Currently the members of the panel have no requirement to be licensed in this State, or anywhere?

**Robert Schofield:**

The only requirement is that one member be a licensed psychologist or psychiatrist in Nevada.

**Vice Chairman Ohrenschall:**

Are there any other qualification requirements?

**Robert Schofield:**

No.

**Vice Chairman Ohrenschall:**

Is there any formal periodic training for the panel members?

**Robert Schofield:**

As currently directed by law, there is no particular formal training required. We do conduct training amongst ourselves to keep current in all the latest developments in the field.

**Vice Chairman Ohrenschall:**

That is informal training, correct. If you are not licensed there is no actual requirement for continuing with education.

**Connie Bisbee:**

The Board sponsored sex offender specific training through the National Judicial College in 2010. The members of the panel were invited to attend and participate in that training.

**Assemblyman Frierson:**

In reviewing this bill, we are expanding this for those who are being considered for parole and those who are already on parole. Subsection 1 says "The Board shall not grant parole or continue the parole of . . . ." What circumstances would cause somebody on parole who has not committed another offense to come back for reevaluation? What happens if nothing in his life has changed, but he now has a different panel that may see him as being a risk?

**Connie Bisbee:**

An example is a sex offender who has been granted parole and violates technical conditions, perhaps he was in the company of children. He would be brought back into the institution on those violations. The Board can then ask the panel to reevaluate him to insure he is still at a low risk to reoffend. The panel tends to be very consistent over the years. We have not seen any evidence of a different panel having a different finding.

**Assemblyman Frierson:**

Currently, in the absence of this bill, if a parolee committed a technical violation, would his parole be revoked?

**Connie Bisbee:**

If the parolee sets foot on the land of DOC, he is required to be recertified by the panel. If the technical violation was the consumption of alcohol, and alcohol had nothing to do with his inappropriate sexual behavior, he could not be released. The Board could not make the decision to continue him on parole

or reinstate his parole unless the panel certified he was not at a high risk to reoffend.

**Assemblyman Brooks:**

This bill tightens the loopholes which will make the panel serve in an advisory capacity more than in an authority capacity, which seems appropriate for a panel which has no training requirements, correct?

**Connie Bisbee:**

That is correct in that it gives the panel an advisory position, which the Board would see as more appropriate than being able to make a decision as to whether the Board can grant parole.

[Chairman Horne reassumed Chair.]

**Chairman Horne:**

Any other questions? [There were none.] Anyone else here in favor of S.B. 187 (R1)?

**Wesley Goetz, Private Citizen, Incline Village, Nevada:**

I like this bill but would like to see an amendment regarding the definition of evaluating a sex offender. I would like to request a workshop to study what scientific methods or tools are used to determine the recidivism rate of a sex offender. Dr. Schofield said there are only two tests. I took the panel's test three different times using those tests. When I went before the panel in 2008, I brought some evaluations that Dr. Earl S. Nielsen did in 1998. It is a seven-page evaluation. While in prison, I paid Dr. Nielsen to do another evaluation in 2003 to see whether I had improved in my risk to reoffend. He listed all the tools used to reassess. This is an eight-page evaluation that goes into great detail regarding my assessment. When I appeared before the panel in 2004, I sent these evaluations to them one week before for their review. When I got to the panel, they stated they had received my evaluations. They did not use them, they did not read them. In 2008, I sent both evaluations in a week before, and I brought copies with me to the panel. I asked Mr. Schofield whether he received them. He had, but did not bring a copy with him. The two other psychologists on the panel did not review my evaluations. When I received my evaluation from the panel, it was only one piece of paper. It shows that two psychologists voted that I was a high risk to reoffend. Dr. Schofield stated that I was a low risk. I have a DVD of the panel if anyone is interested. I was a tier level two, but my scoring for tier levels were below a tier level one. I also have my presentence investigation report. The panel used that as one of their tools. Dr. Nielsen completed that report and he states, "Mr. Goetz presents no continued risk to the community or the safety and welfare of its

children. He is rated as a good candidate for probation. Measures of risk of the community of future sexual violence rate him at the low end while measures of personal responsibility and empathy rate him highly." How can you vote on S.B. 187 (R1) if none of you has seen how the panel works? No one on the panel will give any scientific reasons why they feel I am at a high risk to reoffend.

There was an audit done on the panel in 2000, which contained six recommendations. One recommendation says "to 1) clarify the responsibility for the sex offender certification panels, 2) identify who selects the psychologist or psychiatrist panel members and 3) establish qualification requirements for designee panel members." I do not think they have fulfilled this yet. The audit also says: "Provide formal, periodic training to panelists on evaluating and certifying sex offenders." They have not fulfilled that. It says: "Develop policies and procedures to define and document the statutory observation requirements are met." I do not think they have fulfilled that. Another recommendation is "Establish policies and procedures for conducting certification hearings, selecting a chairman for each hearing location, and ensuring compliance with the open meeting law. Ensure management functions such as directing and controlling operations, and reviewing performance are carried out." I feel they have not fulfilled the recommendations from this audit.

**Chairman Horne:**

We will get some clarification as to whether those recommendations from the audit have been fulfilled.

**Wesley Goetz:**

In my panel, I was asked what I had done to get into the Sexual Treatment of Offenders in Prison (STOP) program. I made five different requests in 2001, 2002, and 2003 to get into the STOP program. Dr. Schofield wrote back saying that I could not join. Then in 2008, I was asked what I had done to receive treatment in the STOP program. I filed a grievance in 2007, asking for a professional psychologist who is licensed by the State of Nevada to give me sex offender treatment to lower my tier level or my recidivism rate.

**Chairman Horne:**

Do you have a proposed amendment to this bill?

**Wesley Goetz:**

Section 1, subsection 7 states: "If the panel finds that a standard of assessment is ineffective, or another standard of assessment is more effective, in predicting whether a prisoner may reoffend in a sexual manner, the panel may discontinue the use of the current standard of assessment and adopt a new

standard of assessment that is determined to be more effective." If an evaluation is going to be done and given to the Board, there needs to be better standards and scientific tools and methods to determine that assessment. There are at least 15 other risk assessment tools that could be used, other than the two that were mentioned earlier. I would like to see the evaluations be more effective.

**Chairman Horne:**

If you would like to leave a copy of your DVD with the Committee Manager, it will be made available for the members.

Regarding the recommendations from the 2000 audit, do you know whether those recommendations have been put into action?

**Connie Bisbee:**

I think all of Mr. Goetz' concerns are handled under section 1, subsection 4, which states, "The panel shall adopt regulations . . . ." Those regulations can cover all his concerns without additional amendments to this bill. I have no idea about the recommendations from the 2000 audit.

**Chairman Horne:**

Someone has to be able to find out whether those recommendations were adopted.

**Robert Schofield:**

I cannot answer those questions related to the audit, because I am not aware of this audit. I have been a member of this panel since 2006. Mr. Goetz does bring up some valid complaints that will be taken care of with this bill. The current law gives very little direction as to who is chairman of the panel and who is responsible for the panel. Nobody has been given the responsibility. The Department of Corrections has assumed that responsibility because two of the members are from that Department.

**Assemblyman Brooks:**

Of the three member panel, there is one licensed psychologist and one licensed psychiatrist, correct?

**Robert Schofield:**

Currently the panel consists of one unlicensed psychologist, me, and two licensed psychologists.

**Assemblywoman Dondero Loop:**

Why are some psychologists licensed and some are not?

**Robert Schofield:**

The DOC psychologists are exempt from the licensing laws in the State of Nevada.

**Assemblywoman Dondero Loop:**

But some of them are licensed?

**Robert Schofield:**

Yes.

**Assemblywoman Dondero Loop:**

Why would someone choose to not be licensed?

**Robert Schofield:**

I have chosen to not be licensed. My career is with the DOC, a license does absolutely nothing for me. It costs money to maintain a license, and I receive no benefit from it.

**Assemblywoman Dondero Loop:**

That sounds like another bill for next session.

**Assemblyman Brooks:**

I have colleagues who are teachers. They have to be licensed. When you say it does nothing for you, does it not require you to take additional training to stay abreast of certain ethical standards within your profession? For someone who plays such a major role in a public entity, I do not understand why you would not want to be licensed.

**Robert Schofield:**

I choose to attend continuing education and regularly read journals to keep abreast of all the new developments just as though I were licensed.

**Assemblyman Brooks:**

That is your prerogative if it is not state mandated. I find it very peculiar why we have had an existing board that can deny someone's parole. The Board cannot release someone unless you sign off. I find it very disturbing that one of the three individuals who is solely responsible for the release of individuals does not deem it necessary to be licensed. I think licensure is very important.

**Chairman Horne:**

Any other questions? [There were none.] Anyone here opposed to this bill? Anyone neutral? I will close the hearing on S.B. 187 (R1) and bring it back to Committee. We are adjourned [at 10:28 a.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblyman William C. Horne, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** May 4, 2011

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

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 159 (R1)	C	Senator Gustavson	Written Testimony
S.B. 159 (R1)	D	Larry Struve	Letter Dated May 5, 2011