MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Seventy-Seventh Session
March 14, 2013

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:04 a.m. on Thursday, March 14, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Tick Segerblom, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Aaron D. Ford
Senator Justin C. Jones
Senator Greg Brower
Senator Scott Hammond

COMMITTEE MEMBERS ABSENT:

Senator Mark Hutchison (Excused)

GUEST LEGISLATORS PRESENT:

Senator Debbie Smith, Senatorial District No. 13

STAFF MEMBERS PRESENT:

Mindy Martini, Policy Analyst
Nick Anthony, Counsel
Lindsay Wheeler, Committee Secretary

OTHERS PRESENT:

Alison Lawrence, Policy Specialist, Criminal Justice Program, National Conference of State Legislatures
Vanessa Spinazola, American Civil Liberties Union of Nevada

Rebecca Gasca, Campaign for Youth Justice
Regan J. Comis, M + R Strategic Services
Steven Yeager, Clark County Public Defender's Office
Wesley Goetz
Richard Boulware, First Vice President, NAACP Las Vegas; Nevada Attorneys for Criminal Justice
Bridgette Zunino-Denison
Lauren Denison
Jayann Sepich
Keith Munro, Assistant Attorney General, Office of the Attorney General
Chris Hicks, Deputy District Attorney, Washoe County District Attorney's Office
Ed Smart, Former President, Surviving Parents Coalition
Chuck Callaway, Las Vegas Metropolitan Police Department
Linda Krueger, Executive Director, Criminalistics Bureau, Las Vegas Metropolitan Police Department
Eric Spratley, Lieutenant, Washoe County Sheriff's Office
Renee L. Romero, Director, Forensic Science Division, Washoe County Sheriff's Office
Stephen Gresko, Senior Criminalist, CODIS Manager, Forensic Science Division, Washoe County Sheriff's Office
John T. Jones, Jr., Nevada District Attorneys Association
Lynn Chapman, Independent American Party
Janine Hansen, Nevada Families

Chair Segerblom:
We will start the hearing and I will hand the hearing over to Vice Chair Kihuen.

Senator Kihuen:
We will begin the hearing on Senate Bill (S.B.) 107.

SENATE BILL 107: Restricts the use of solitary confinement on persons in confinement. (BDR 5-519)

Senator Tick Segerblom (Senatorial District No. 3):
I would like to present an NPR audio from *All Things Considered* that aired March 10 with Jacki Lyden (Exhibit C) on solitary confinement in prison for juveniles and adults. This bill proposes to restrict the use of solitary confinement because of the severe psychological consequences to the inmates and economic costs. Senate Bill 107 dictates that no child or adult offender can be put in

solitary confinement for the purposes of punishment or discipline. My slide handout (Exhibit D) refers to additional information regarding this bill. I would like to have more information on this subject. I think we should have an interim study. It is the wave across the Nation to minimize solitary confinement.

Alison Lawrence (Policy Specialist, Criminal Justice Program, National Conference of State Legislatures):
I will read from my written testimony (Exhibit E) regarding solitary confinement and will refer to the National Conference of State Legislatures (NCSL) handout on State Solitary Confinement Laws (Exhibit F).

Vanessa Spinazola (American Civil Liberties Union of Nevada):
I will show a video presentation (Exhibit G) <http://www.aclu.org/growing-locked-down/#video>regarding solitary confinement from the American Civil Liberties Union (ACLU).

Senator Ford:
What is the United States Supreme Court's view on whether the utilization of the use of solitary confinement constitutes cruel and unusual punishment under the Eighth Amendment? I am reminded of a case from when I clerked at the U.S. Court of Appeals for the Ninth Circuit. The inmate had been placed into solitary confinement for approximately 5 years. The argument was the inmate had the keys to his own release. He just had to give up other members of his gang. The inmate refused and was in solitary confinement. I am not sure what the law was at that time as to what constituted cruel and unusual punishment. When someone has the key to his or her own release, would this bill disallow the use of solitary confinement for those purposes?

Senator Segerblom:
I do not know about the U.S. Supreme Court. To my knowledge, it has not been ruled cruel and unusual. This bill addresses the issue of using solitary confinement to punish or force someone to inform on another person. This bill states that it cannot be used as a punishment.

Ms. Spinazola:
I would have to look, but I believe the most recent ruling from the U.S. Supreme Court is an 1890 case-by-case analysis of whether solitary confinement constitutes cruel and unusual punishment. More current district court cases state it is inappropriate for mentally ill individuals, and it is starting to become

inappropriate for juveniles. I believe that is due to the mental effects. States are moving away from the term "solitary confinement." Technically, solitary confinement is inappropriate. States are starting to call solitary confinement by another term in order to still use it. States often refer to solitary confinement as administration segregation or disciplinary, so its use is not technically illegal.

Senator Ford:
Administration segregation was the term used in the case I remembered. Is it appropriate to use when someone has his or her own key? Why can we not use that as a putative and coercive opportunity to receive information that may protect others?

Senator Segerblom:
For the same reason you are not allowed to torture someone—it is a form of torture. Solitary confinement is comparable to torture. You are placing someone in solitary confinement, which jeopardizes his or her mental health. To tell inmates that if they provide information they will be released is inappropriate. There are alternative ways to get that information instead of torturing them.

Senator Jones:
Is there an example in Nevada of issues that have arisen, such as in the Exhibit C audio <http://www.npr.org/2013/03/10/173957675/solitary-confinement-punishment-or-cruelty> and Exhibit G video?

Senator Segerblom:
We were not able to get any information from the Department of Corrections. The Department refers to solitary confinement as single cell housing. The Department would not provide us with actual numbers of inmates in this setting or where they are located. The Department stated there are approximately 10 percent of inmates in single cell housing. It appeared the Department was purposefully withholding information and trying to hide the ball on this issue. The practice goes on within the prison, whether it is called by another name. I would like to get to the bottom of this issue.

Ms. Spinazola:
We met with the Department, but we have not filed a formal public records request. The ACLU has received intake forms filled out by inmates, and you never know how accurate they may be. However, these forms indicate that an inmate was placed in administrative segregation for 2 weeks for saving sugars

from his breakfast cereal for his evening coffee. Another inmate was placed in administrative segregation for 120 days because an inmate made a false claim. We have pages of examples of what I would term petty reasons for placing an individual in solitary confinement for extreme amounts of time.

Senator Jones:
Are there circumstances in which it is appropriate to segregate mentally ill or juvenile inmates for their own safety?

Ms. Spinazola:
Senate Bill 107 does provide for those types of instances. The bill states that if inmates are harmful to themselves or others, they can be segregated but have to be checked upon. This segregation may take place for as long as necessary provided less restrictive means have been previously used.

Senator Jones:
I am concerned about that particular inmate's safety as opposed to others. If you are a 16-year-old boy in prison or are mentally ill, prison is not a safe place. I would prefer to segregate those types of inmates for their own safety.

Senator Segerblom:
If the State of Nevada needs to place juvenile inmates in solitary confinement to protect them from the adult population, then we need to do something about that. We need to find a better facility or way. This cannot be something we condone in this modern era.

Ms. Spinazola:
We need to look for different solutions. The government interest in protecting that child does not outweigh the fact that solitary confinement is causing permanent damage to a child who will more than likely be released back into society. It is a difficult balance. The prison needs to find a way.

Senator Hammond:
I have heard today that the use of solitary confinement in the extreme is bad. Senator Segerblom stated it is torture. If we pass this bill, measures in the bill allow the Department to use solitary confinement as a tool in certain situations. The bill states it may be used in the extreme circumstances. We need to define that term to determine exactly what type of situations would permit its use. In

the extreme, it may be used as a form of torture. It is still an acceptable tool within the bill.

Senator Segerblom:
It is a tool to protect that inmate or other inmates from that particular inmate. It becomes torture once used to punish or extract information from the inmate. It is mentally damaging to coerce inmates to give information in fear of jeopardizing their mental state. To me, that is the definition of torture.

Ms. Spinazola:
An inmate is held in solitary confinement for 23 hours a day. The inmate receives 1 hour a day away from his or her cell. That may be at 1 a.m.; the inmate may not see the sun. This bill limits the time within solitary confinement to 16 hours maximum. It is still a tool, but an improved tool.

Senator Brower:
I look forward to hearing from the State on this issue.

Senator Kihuen:
What other states have passed restrictions on this type of confinement?

Ms. Lawrence:
I do not have a number, but I have found statutes that restrict the use in half to one-third of the states.

Senator Segerblom:
How many states are proposing legislation similar to this bill this Session?

Ms. Lawrence:
I have not looked at those numbers this Session, but I can follow up with additional information for you.

Senator Kihuen:
I know it takes more money to jail individuals than it does to educate them. How much money will the State save with this bill?

Senator Segerblom:
I was not able to get that information, but if 1,000 inmates are in solitary confinement and we can reduce that to half, there would be substantial savings.

Senator Kihuen:
We will open the hearing to hear support for S.B. 107.

Rebecca Gasca (Campaign for Youth Justice):
I will read from my written testimony (Exhibit H) regarding solitary confinement. I would be happy to come back with additional information about which states are banning or limiting the use of solitary confinement for youth offenders. I will outline a letter submitted by Kathy Hill. Her son, David Nolette, was 15 years old when he was incarcerated and held in solitary confinement for 18 months before he was sentenced. Kathy notes that in the 18 months he was held, he was denied an education, and mental and health care. David's braces had broken. Kathy still had dental insurance for David. She had to beg the Department to approve a dentist to remove the braces. David created a chess game out of paper and a variety of other minor issues. He was placed into punitive segregation. David spent 18 months in a system that locked him down for 23 hours out of each day in a room with nothing to occupy his mind—four walls and a one-hour visit, once a week. A phone call was allowed if David was let out during the hours Kathy was at home to speak to him. David did not have proper-fitting clothing and no family, loved ones or any adult to guide him in any way. David will be released at some point, but he is still being held by the State. The Prison Rape Elimination Act of 2003 (PREA) states that solitary confinement should not be used on juveniles. This bill would help bring the State into further compliance with PREA.

I would like to show a picture by photographer Richard Ross of incarcerated children. This picture was displayed at the Nevada Museum of Art—the first museum in the Nation to exhibit Mr. Ross's photography of incarcerated children. Mr. Ross spent 5 years visiting 1,000 different children at various incarceration facilities across the Nation. This picture depicts a 10-year-old child who was kept in the Washoe County Detention Facility. The child waited at the facility for a day due to his mother's inability to pick him up sooner. This is an example of a child who is isolated for 23 hours a day, often without seeing the light of day. Most children who are incarcerated meet the criteria for one or more psychiatric conditions. These children have been physically, mentally and sexually abused. Two-thirds of all male children held and three-quarters of female children held meet this criteria. These children are being segregated. No matter what you call it, it is solitary confinement. This practice needs to stop, and we are in support of S.B. 107.

Senator Brower:
This is an important issue. I would like to hear from the State, but I would like to move to S.B. 243.

Regan J. Comis (M+R Strategic Services):
I am here today with M+R Strategic Services which, with the MacArthur Foundation, manages the National Campaign to Reform State Juvenile Justice Systems. We support this bill.

Steven Yeager (Clark County Public Defender's Office):
We are in support of the bill. Susan D. Roske, Chief Deputy Public Defender, Clark County Juvenile Division, submitted written testimony (Exhibit I) for your consideration.

Wesley Goetz:
I was in solitary confinement as an inmate. I was supposed to be in confinement for 60 days, but I was there for 180 days. Due to that time spent in solitary confinement, I am paranoid and still always looking over my back expecting some form of retaliation from the system, including the Department of Corrections and the Division of Parole and Probation. I was sentenced to probation but felt my parole officer was retaliating against me because I was making money. He tried to extort money from me. I would not give it to him. My parole officer found a way to put me in prison. I am in support of the bill and have provided additional testimony (Exhibit J) for your review. While in solitary confinement I was given a cell that was unsanitary. I was sick for almost 2 months. I was not allowed to talk to other inmates and did not take showers.

Senator Kihuen:
You were mistreated while incarcerated and are in support of this bill.

Richard Boulware (First Vice President, NAACP Las Vegas; Nevada Attorneys for Criminal Justice):
A disproportionate number of youths in the system are minorities. The inmates have limited opportunities to challenge the imposition of solitary confinement once imposed. There is a reduction of due process rights. No one believes these inmates when they say solitary confinement is unfairly imposed. Poor minority communities are disproportionately in the juvenile justice system. This bill seems

to be the only fair way to address potential discrimination in terms of the lack of due process in challenging solitary confinement.

Senator Ford:
As a public defender, could you help me understand the state of the law as to the issue of cruel and unusual punishment in relation to solitary confinement in terms of the Eighth Amendment and the Due Process Clause? I agree there is a disproportionate amount of people of color who are associated with solitary confinement.

Mr. Boulware:
As I understand, the use of solitary confinement has not been held to be per se unconstitutional pursuant to the Eighth Amendment. It is a case-by-case usage. The main issue is inmates have a reduced due process right. If the Department of Corrections imposes these types of punishments upon an inmate, there are limited abilities, if any, to challenge that placement. If an inmate is placed in solitary confinement, how would that inmate contact a lawyer to challenge the imposition of solitary confinement? Who is going to believe the inmate once placed into that confinement? An inmate does not go to court. He or she goes to an administrative hearing before prison staff to make that initial determination. Legally, it is not the same process with protections normally afforded for other violations of constitutional rights.

Senator Brower:
We have a lot of questions for the State, so we should reschedule this hearing for a later date.

Senator Kihuen:
We will continue this hearing on S.B. 107 at another date. We will now close the hearing on S.B. 107.

Chair Segerblom:
We will now open the hearing on Senate Bill 243. The bill history page provides a link to all documents on record for A.B. No. 552 of the 76th Session (Exhibit K).

SENATE BILL 243: Revises provisions relating to genetic marker analysis. (BDR 14-137)

Senator Debbie Smith (Senatorial District No. 13):
I sponsored similar legislation last Session in regard to this issue. This bill has a potential to greatly impact the people of this State more than any other legislation I have done. I did not see myself as a person who would carry this type of bill forward. In 2009, I was invited to attend a presentation at a national meeting by Jayann Sepich. Ms. Sepich was there on behalf of DNA Saves. This group has made a special effort to reach out and invite legislators to this meeting, and I wanted to see what this was about. I became intrigued on the discussion of DNA and arrestee DNA. Just prior to this meeting, our community experienced a tragedy when Brianna Denison was kidnapped and murdered. I did not have any connection to the Denison family. I watched those events as the rest of the community did. I began following this issue. I was asked to carry this legislation forward. I believe this crime prevention tool will help keep our children and community safer. We have worked tirelessly with a group of experts to ensure the language in S.B. 243 is improved from A.B. No. 552 of the 76th Session. We have involved lab experts and law enforcement in addressing many of the technical issues brought up during last Session.

I have several experts regarding the logistics and specifics of this bill. I would like to discuss the need for this legislation, facts versus fiction, and how the bill works. I will then turn it over to my friends and colleagues who will present additional information. This bill about public safety and justice can help solve crimes and remove dangerous criminals from the streets. This bill can exonerate people wrongfully accused and convicted. This type of legislation has done both across the Country. You will hear my copresenters discuss their personal stories and statistics on the effectiveness of DNA matching for preventing crime and exonerating innocent people. I have provided an overview of a major scientific study (Exhibit L) from the University of Virginia. Two quotes from this study are particularly important. First, "DNA databases reduce crime rates, especially in categories where forensic evidence is likely to be collected at the scene," such as in murder, rape, assault and vehicle theft crimes. Second, "larger DNA databases were associated with lower crime rates from 2000-2008." Expanding databases for serious felony arrests, as opposed to conviction, would result in a 3.2 percent decrease in murders, 6.6 percent decrease in rapes, 2.9 percent decrease in aggravated assaults and 5.4 percent decrease in vehicle thefts. A small percentage of citizens commit a vast majority of crimes.

We already take DNA samples upon arrest and send those samples to federal databases for federal crimes. Arrestee DNA collection is in place as approved by

Congress and the President. Ex-President George W. Bush signed that legislation into law and President Barack Obama recently signed into law funding to establish this type of legislation. We already work with the system, and it is safe and secure. Currently, DNA samples are taken after conviction. This bill would expand that to taking of DNA upon booking for a felony arrest. This bill provides a mechanism to pay for this process. Twenty-five states take DNA at the time of booking as do federal law enforcement agencies for federal crimes. We already do this. Law enforcement would be required to collect a DNA sample when a person is booked for a felony, just as officers collect fingerprints and mug shots. The DNA sample would be sent to one of our laboratories when a judge or magistrate determines probable cause for the arrest and booking. If not, the sample would be destroyed. If a sample is submitted to our labs, that lab will extract and submit that DNA to the federal Combined DNA Index System (CODIS). CODIS runs the sample to see if there is a national match.

I thank you for attending lab tours and presentations during the interim toward education on how CODIS and DNA samples work. Senator Michael Roberson worked with us in helping to refine legislation. In the beginning, he was not sure how he felt about it; in the end, he became a huge supporter and helped to draft some language. Our lab that holds the DNA does not send the DNA to CODIS. Only the 13 markers and a numerical ID for the sample are sent. The 13 markers are specifically selected by a genetic scientist because they contain no genetic information other than gender. The DNA has over 3 billion genetic markers. These 13 markers are enough to identify and differentiate samples, but not enough to do anything else with that information. The only thing sent to CODIS is an identifying number for the sample. No name, social security number or any other information is sent. If there is a match between samples in CODIS, only the FBI knows the identity of the lab with the match. The FBI must contact the lab and provide the identifying number. At that point, the lab reruns the sample to ensure it is correct. Although CODIS is called a database, it is only accessible to select FBI laboratory staff who have undergone background checks and other national certification standards. It is not accessible to other FBI personnel, law enforcement or any other federal agencies. The lines the information is sent through are secure. This process is in place.

This bill states that you must give a sample at the time of booking for a felony. This is similar to a fingerprint or mug shot. I understand this issue is important to people. Unlike a fingerprint or mug shot, the sample is not sent to the lab for analysis until probable cause is established. If probable cause is not established,

the sample is destroyed. The sample may also be destroyed if the person is found not guilty or the charges are dropped. The bill requires that anyone required to give a sample must also be given clear instructions on when and how to have their sample destroyed. A $2 fee is to be paid by anyone who pleads guilty or no contest or is found guilty of a misdemeanor or felony. The fiscal note will be addressed by the Senate Committee on Finance.

Sections 1 through 10 of the bill contain the definition of terms. Section 11 establishes the State database. Section 12 sets the basics of what the State lab can do with the DNA and establishes the protocol. Section 13 defines when to take the DNA sample; subsection 8 deals with the destruction of the sample; subsections 8 and 9 address the requesting of the destruction of a sample; subsections 10 through 12 deal with notification of destruction or denial of that request; and subsections 13 and 14 deal with confidentiality. Section 14 states the Department of Public Safety must establish procedures. Section 15 deals with the costs of the program. Additional information in the bill amends the statute to reflect the addition of CODIS where necessary and the implementation of fees.

Chair Segerblom:
What are the differences from the last bill?

Senator Smith:
I will provide that. I would first like to have Bridgette Zunino-Denison and Jayann Sepich present.

Bridgette Zunino-Denison:
I am sorry, I am having issues with this today. I will have my sister-in-law read my testimony (Exhibit M).

Lauren Denison:
When Brianna went missing, the community outpouring of support was amazing. We felt that we should start a foundation and raised thousands of dollars to clear up the DNA backlog at the time. There were search teams and people did anything they could do to help find Brianna. It is not going to bring her back, but we want to give back to the State. We would not wish this horrible experience on anyone, and this bill will help make sure that does not happen. In a poll—taken by KRNV News 4 of Reno—asking whether anyone

arrested for a felony should be DNA tested, 75 percent of the community responded yes. I think that speaks as to what the people want.

Senator Brower:
I was U.S. Attorney for Nevada when this happened. I remember getting daily updates from the FBI regarding the search. I cannot imagine what that was like for your family. This may be the most important criminal justice legislation this Legislature has dealt with in decades. Thank you for your work and for being here today.

Jayann Sepich:
I will read from my written testimony (Exhibit N) and presentation (Exhibit O). There was a mistake in the crime scene collection. The database alerted law enforcement of the error, and it was corrected thanks to the database. Nevada should be first in line to get the federal funding of $30 million for this program.

Senator Ford:
I am ambivalent about this bill. I understand it is the fingerprinting of the future. It works. My cousin is a DA in Texas and a former defense attorney. He has used DNA to exonerate over two dozen clients. There is a qualitative difference between accepting DNA from someone claiming innocence and forcibly taking it from someone who is arrested—especially when certain DNA markers are to be uploaded into CODIS. I know there have not been any breaches in the system, but there may be. What is the potential misuse of the DNA information uploaded into CODIS? How does this bill compare with other states? How does this bill compare to the federal law? What safeguards are in place for misuse, abuse and fishing expeditions, since a majority of arrestees are minorities in the system? What is the potential for misuse of the 13 markers?

Ms. Sepich:
The predominant scientists in the field submitted reports to the U.S. Supreme Court of no potential misuse of these markers as they do not have any health, mental, behavioral or physical characteristics in the markers. These scientists submitted the briefs as neutral parties. The ultimate conclusion indicated no potential in those markers for disclosure of any identifying information. What other states do varies widely. In New Mexico, the law is similar to this bill, with DNA taken upon all felony arrests after a judicial finding of probable cause. California takes DNA immediately upon booking. Of the 25 states, 13 take the DNA for all felony arrests. The remainder of the states

take it from violent felonies down to burglary. There are 25 states that take the DNA prior to conviction. In the federal system, DNA is taken for all arrests upon booking for any federal crime, including federal misdemeanors. Safeguards include federal penalties for any misuse or tampering of the system. Safeguards are in the bill. Since established in the early 1990s, CODIS has been going well over 20 years without a breach or misuse.

Senator Smith:
Section 21 delineates that anyone who discloses or shares information will be guilty of a Category C felony. Representatives from the labs can verify the seriousness of this fact. Fingerprints pale in comparison to the technology of today and the intense security of the CODIS. I sit on a Committee in which I heard about thousands of fingerprint cards with personal information that had been misplaced which contained identifying information. As a citizen, I feel more comfortable with my information in a secure system that very few people may access versus a card which could end up misplaced on someone's desk. This is the future of crime prevention.

Senator Kihuen:
How does S.B. 243 differ from A.B. No. 552 of the 76th Session?

Senator Smith:
The substance of the bill is primarily the same. We can do a side by side of both bills if you prefer. This bill cleaned up and clarified the CODIS language. We put the federal model language and descriptions in as requested by the labs. We clearly delineated the expungement process. One issue regarding social security numbers has been clarified. We took another look at the bill this morning and felt that language could be additionally clarified. The intent and concept are similar to A.B. No. 552 of the 76th Session.

Senator Kihuen:
I am looking at the Twitter feed right now and see that a Green Valley student was kidnapped earlier this morning. It is ironic to have this discussion while these events are taking place. We are all keeping an open mind on this issue.

Chair Segerblom:
The funding source for this bill is the same as A.B. No. 552 of the 76th Session? Does this bill go from here to the Senate Finance Committee of which you are the chair?

Senator Smith:
Yes. This is an emotional hearing, but it will be my most significant piece of legislation. People come before us to give us their story. We hear emotional stories about animals, children and education. The powerful stories help us understand the work we do and the people we represent.

Keith Munro (Assistant Attorney General, Office of the Attorney General):
Thank you, Senator Smith. This is important legislation. The Attorney General has been working with Senator Smith and the BRI foundation for several years. The Attorney General is in full support of this bill. We support the prosecution efforts, and this bill provides protection for the State. This bill prevents future victims. Additionally, this bill helps those who are falsely accused. The State has Jane and John Doe Websites set up by coroners for individuals who have been murdered but are unidentified; this bill will help with the identification of those individuals. The Attorney General was pleased to sign the amicus brief before the United States Supreme Court. I have included the brief (Exhibit P) for your review as to whether the Fourth Amendment allows for the collection of DNA from people arrested and charged with serious crimes. We expect a response to the brief in June. Every attorney general in the Nation signed the brief. If Committee members have any concerns regarding the language in the bill, we can work through those issues.

Chris Hicks (Deputy District Attorney, Washoe County District Attorney's Office):
I was cocounsel on the prosecution of James Michael Biela. The DNA evidence in that case was compelling and significant in the successful prosecution of Mr. Biela. The thought that we could have had his DNA from his previous felony arrest before these crimes occurred would have drastically changed this case. The initial attack reported was a rape and attack of a college student which occurred over a month before Brianna Denison was abducted. Law enforcement had a description of Biela, his vehicle and a DNA sample. That sample could have been run against the database. When Brianna was abducted, Biela left a DNA profile on the door when he took her. Law enforcement had that sample, and it was consistent with the DNA taken from the initial attack. The last victim came forward and provided a compelling sketch of him after Brianna went missing. Law enforcement knew there was a serial rapist and murderer. We knew what he looked like and what he drove. We had his DNA profile; we just did not know to whom it belonged. For 9 months in Washoe County, great investigative efforts were made to find this man. The community was terrorized.

People were afraid for their daughters to attend school, and women were afraid to walk to their cars at night. Law enforcement received thousands of tips and over 700 DNA samples were run against the database, looking for a man whom we genetically knew. Had this law been in place, none of this would have happened. It would be possible Denison's life would have been saved along with the extraordinary costs in investigating this crime. This community would not have been terrorized. The Washoe County District Attorney is very much in support of this bill.

Ed Smart (Former President, Surviving Parents Coalition):
I belong to a group of parents, such as Bridgette and Jayann, who have lost their children. It has been an honor to work with them. We hear story after story of children who have been raped and murdered. Those crimes could have been prevented by this type of legislation. There is a learning curve of what can and cannot be done. We are at a point where we need to implement this legislation so other families will never know of a needed miracle. I had a miracle when Elizabeth came home. This type of legislation stopped the criminal from moving forward on to his next victim. You saw the list of what one man can do. It will make a huge difference in the community. It will solve crimes and exonerate those who are wrongfully accused. It prevents crime. Prevention is usually the last thing to be looked at because of the lack of money to implement preventative measures. The Brianna Denisons and Katie Sepichs—and those other situations that ended in nightmare and trauma—may have been prevented if this legislation were in place. Only then do we as a community say we need to step forward and make the difficult decision to make the change and implement these preventative matters. I hope you find this is the right thing to do. It will impact Nevada.

Chuck Callaway (Las Vegas Metropolitan Police Department):
We are in full support of this bill. We appreciate Senator Smith and others involved in this bill for reaching out to us and getting our input.

Chair Segerblom:
Do you have any concern in the funding for this bill?

Mr. Callaway:
Yes, we do. The mechanism outlined in this bill may fix that. We are willing to discuss this issue further once it reaches the Senate Committee on Finance, but we are supportive of the policy.

Linda Krueger (Executive Director, Criminalistics Bureau, Las Vegas Metropolitan Police Department):
Legislation for the collection of arrestee DNA is a growing trend throughout the Nation. It has been confirmed by studies and described by the victims' families that DNA saves lives. Nevada has two forensic labs. We operate like no other state in regard to DNA analysis and participation in CODIS. Both labs, which are associated with two independent agencies, operate together as the State DNA system. Each laboratory is responsible for the analysis of DNA samples from crime scenes, convicted offenders and, hopefully, arrestees in the future. When the FBI established CODIS in 1998, it defined a specific CODIS hierarchy of national, state and local DNA databases. Participating CODIS labs must comply with the FBI's strict standards, which include rules, requirements for quality assurance, privacy and sample expungement. We take those rules very seriously. A state must have a single lab which serves as the conduit for samples to be transmitted to the national database. Washoe County serves this function as the State administrator of CODIS. The Las Vegas Metropolitan Police Department (Metro) laboratory serves as a local DNA site and is a vital part of the State DNA database. A majority—over two-thirds—of approximately 81,000 profiles contained in the State system were contributed to CODIS by the Las Vegas laboratory. These samples have solved many crimes for law enforcement agencies. For this reason, we support this bill and expansion of the database to include arrestee DNA. This expansion will allow the State to harness the full power of CODIS to prevent and solve crime, exonerate the innocent and ensure safer communities. We thank Senator Smith for including the laboratories in the drafting of this bill.

Chair Segerblom:
How many additional tests per year would be required in Clark County if this bill were to pass?

Ms. Krueger:
Basing the numbers upon those provided by the Central Repository for Records of Criminal History, we believe approximately 70 percent of all samples will come from the Las Vegas laboratory. There will be over 17,000 samples.

Chair Segerblom:
What is the cost per sample?

Ms. Krueger:
The cost is $75 per sample.

Eric Spratley (Lieutenant, Washoe County Sheriff's Office):
We support this bill. We worked on it during the interim, and we appreciate Senator Smith bringing it forward.

Renee L. Romero (Director, Forensic Science Division, Washoe County Sheriff's Office):
I will read from my written testimony (Exhibit Q) about DNA testing.

Chair Segerblom:
If this law is passed, would it take 90 days to get the sample from an arrestee into CODIS?

Ms. Romero:
Yes.

Stephen Gresko (Senior Criminalist, CODIS Manager, Forensic Science Division, Washoe County Sheriff's Office):
I am the CODIS administrator for the State. I have been involved in the forensic DNA testing for more than a decade and have overseen the Nevada CODIS program for the last 3 years. We support S.B. 243.

John T. Jones, Jr. (Nevada District Attorneys Association):
We are in support of this bill.

Chair Segerblom:
We will now hear from any opposition to this bill.

Mr. Yeager:
We are against the bill as written. We have heard discussion over the U.S. Supreme Court case. That case will be decided before the implementation of this bill, if approved. The Supreme Court may uphold part of the law but not the law in its entirety. There may be litigation if the Court rules in that manner. I am not here to question the effectiveness of the DNA evidence. We need to question from whom we are taking DNA evidence. For example, I would not be against taking DNA samples from everyone in the State if we take from a few. If we took DNA from everyone in the State, it would lead to a solid conviction

rate. The Supreme Court mentioned that application and the need for discussion about where the line is drawn. The bill reads that DNA would be taken from anyone who is arrested for a felony offense. At a minimum, that language should be pared back to violent felonies or felonies of a sexual matter. The taking of DNA from violent felony arrestees is a tool, but felonies encompass a wide range of crimes, such as writing a bad check and fraud.

Chair Segerblom:
Do you know what the percentage rate is between arrest and conviction?

Mr. Yeager:
I do not. There is a gap in this bill. If there is a conviction, the DNA would stay in the database; yet, the bill does not state that a felony conviction is required. A person may plea to a lower conviction, but the DNA would still remain in the system. Senate Bill 243 has no mechanism to have that DNA removed because even though there is a conviction, it is not a felony conviction. If a person is acquitted or the charges are dismissed entirely, a person can get it out of the system. That is missing from this bill. I have an issue with the expungement process. It is confusing. It is confusing as to whether a person is initially arrested pursuant to a warrant or not. That creates a potential for confusion to those in the system who may not have the experience to know the process to have it expunged. Given no felony conviction, I would like to see an automatic process so innocent people would not have to jump through hoops to get that DNA removed.

As a State and as a society, we should be concerned about wrongful convictions. Anything we can do to exonerate those who are wrongfully convicted should be discussed. It does raise a broader question of why people are being wrongfully convicted. What can we do better on the front end to make sure these things do not happen? Having an innocent person in prison is unacceptable. There are a lot of ways to raise conviction rates and ensure we convict the correct people. A few examples would include taking DNA from everyone in the State or taking DNA upon receiving a driver's license. This Committee needs to determine where to draw the line.

Senator Brower:
We need to do a better job on the front-end problem of wrongful convictions. What about the untold number of those persons sitting in prison who are wrongfully convicted? This is the way to exonerate those wrongfully accused.

For example, in white-collar cases, the arrestee is photographed, fingerprinted and possibly strip-searched. Is a swab of the inside of one's cheek that much more intrusive than what already occurs upon arrest?

Mr. Yeager:
A cheek swab is a search under the Fourth Amendment. The question is whether it is reasonable. I am not sure how I personally feel about that issue. The U.S. Supreme Court will make that determination. Upon arrest, a person is subject to those things you mentioned. The idea behind this bill is that taking DNA from an arrestee may reveal someone who has committed prior crimes or may in the future. That link is not there between certain other felony crimes. I do not have numbers to back that statement, but I would not have any problem with persons accused of violent or sexual crimes being required to have DNA taken. Property crimes may fall into a different category.

Chair Segerblom:
Was the crime a violent felony in the pending U.S. Supreme Court case?

Mr. Yeager:
I do not know. I think the person was arrested for a felony and the case was later dismissed. I am not sure if the particular law in Maryland was broader than just felonies.

Senator Jones:
Would you agree that sometimes rapists and murderers write bad checks and are subsequently arrested?

Mr. Yeager:
I could not disagree with that premise, but not everyone who writes a bad check is committing murder or rape.

Senator Jones:
If someone swabbed for writing a bad check is later found to be the subject of a rape or murder felony charge, would we have not saved one more victim?

Mr. Yeager:
I do not dispute the effectiveness of this. If the DNA of every child who is born in this State went into that database, we would solve a great number of crimes.

The policy decision before this Committee is where to draw the line in terms of protecting people versus solving crimes.

Senator Jones:
Swabbing people at birth, when they receive driver's licenses, arrest warrants on any offense, felony charges or convictions covers the spectrum of DNA collection points. You suggested the extreme line would be upon birth; where should that line fall?

Mr. Yeager:
On the criminal defense side, I am more comfortable with giving people the presumption of innocence and doing what we do in this State, which is upon conviction of a felony or gross misdemeanor offense. The U.S. Supreme Court will determine whether it is reasonable to do it upon felony arrest. I would feel more comfortable with the bill if specific felonies were included.

Senator Jones:
Would you advocate not fingerprinting a person until he or she is convicted as well?

Mr. Yeager:
I would not—based upon it being the standard practice for many years.

Senator Ford:
There is a disproportionate amount of minorities arrested. De facto, a disproportionate of minority samples will be taken if people are charged with felony crimes. What type of discretion is involved in deciding whether a person is charged with a felony versus a misdemeanor? Under this law, a person charged with a misdemeanor will not be swabbed. But take an unscrupulous police officer who just does not like someone. Is there a possibility of misuse under those types of circumstances?

Mr. Yeager:
When humans are involved, there is a possibility for misuse. You cannot write that out of the law. My understanding of the process is that upon arrest, law enforcement will prepare a booking sheet with recommendations of what charges apply. The arresting officer determines the recommended charges. The person is taken to jail to be booked. Under this law, a person would be swabbed at this point. A district attorney then makes the decision as to what offenses

will be charged. Under this bill, the officer who has the control over whether the DNA is taken considers the charges that he or she writes on the booking sheets.

Senator Ford:
Does this bill provide a correction for DNA taken mistakenly or if a lower charge is approved?

Mr. Yeager:
I do not know. It does occur when a felony charge is recommended but the approved charge is a misdemeanor. I do not know what we are to do with those samples in such scenarios.

Senator Brower:
The Maryland law requires a felony arrest. Alonzo Jay King, Jr.—the respondent in that case—was convicted of rape; the case was not dismissed.

Ms. Spinazola:
We are in opposition to this bill. The main point remains that this issue is before the United States Supreme Court as addressed in my letter (Exhibit R). If the Supreme Court overturns Maryland's law, we will be faced with a scenario where dozens of convictions could potentially be undone if any evidence used to convict those individuals was a result of this law. We should wait. Supreme Court Justice Samuel Alito stated this is among the most important criminal procedure cases to come before the Court in the last 50 years. I will refer you to the amicus brief on *Maryland v. King,* 133 S.Ct. 594 (2012), on the Fourth Amendment search and seizure. This does not fall under any of the warrant exceptions and does not serve any special need of the government. Once a person is convicted, the diminished expectation of privacy enables the government to take the DNA at that time. We as a Country and State need to decide whether there is a diminished expectation of privacy upon arrest. We believe not and that this bill goes against a fundamental American principle: one is innocent until proven guilty.

We would be creating a database of mostly innocent people. Senator Smith stated that society is full of a small amount of people who commit a vast majority of crimes. With racial disparities, it is creating a database of communities of color who are innocent. Only 20 percent of arrests result in convictions in Nevada. In 2007, there were 86,000 arrests and only 13,000 convictions. This database creates more hay in a haystack and makes it

more difficult to find the needle. There is an increase of available DNA in a database without getting more crime scene DNA. California had an uptick in crime-solving capabilities not due to this type of legislation but because the state simultaneously put more money toward the collection of crime scene DNA. Only when you have actual evidence left by criminals are you able to compare it to a database. Otherwise, you just have a huge haystack of innocent DNA. We address reports in the amicus brief, such as a RAND Corporation study finding that more samples in the California database before improving crime scene collection decreased the efficiency in solving crime. The United Kingdom, which has the largest database sample of DNA in the world, found a similar situation to California. The United Kingdom's ability to solve crimes went down when the database became larger. Additionally, John Hopkins University did a study regarding the public's mistrust in law enforcement. Of the study, 86 percent of the public would trust their doctors with their genetic profiles, but 54 percent have little or no trust in law enforcement having the same access. In 2008, John Hopkins did another study which showed that 84 percent of Americans think it is important to have laws protecting genetic research from law enforcement. Even if the government's general interest in solving crimes was adequate for an exception to the warrant requirement, taking DNA from innocent people does not substantially serve this purpose. Seizing and searching the genetic blueprint of Nevadans who have not been convicted of crimes should require warrants supported by probable cause.

Chair Segerblom:
What is the difference between fingerprints and DNA?

Ms. Spinazola:
The difference is that genetic code. Nevada labs state that only 13 of the thousands of markers are provided to CODIS. It is similar to IRS agents coming into your home and seizing your entire file cabinet and promising they will not look at your drug trafficking files. It is a slippery slope. Law enforcement will have the information, and the expungement process is difficult for many people to comply with, requiring transportation to police stations and filling out written forms. That information may be mishandled during several steps in the process. I am concerned the information will stay with the government, and we will be back here in 2 years having law enforcement ask for more access to genetic information. That information is inside your body, whereas a fingerprint is on the tip of your finger for use only as an identifier. You can tell a lot of information from a person's DNA.

Senator Jones:
You suggest that we hold off until after the U.S. Supreme Court renders an opinion due to the pending brief. Do you suggest we should hold off on other important matters currently before the Supreme Court?

Ms. Spinazola:
Yes.

Chair Segerblom:
Even if this bill passes, nothing would happen until that decision is issued.

Senator Hammond:
The framers of the U.S. Constitution separated the powers in order to allow us to make good policy for the State. You say we should wait until the Supreme Court makes a decision. If the Supreme Court comes back and says this is constitutional, we would have to wait another 2 years to decide this issue. This is another example of the Tenth Amendment right to make those policies for ourselves. It is in our jurisdiction to decide and wait for the Supreme Court. If we need to change things later, we can do that.

Ms. Spinazola:
I understand it is the decision of this Committee. Injunctions could be filed by third-party individuals and cases could be undone. We are in a different position than 2 years ago when A.B. No. 552 of the 76th Session was initially introduced.

Mr. Boulware:
The primary concern with this bill and with DNA collections is that targeting people who are innocent disproportionately affects those who are African Americans and Latinos. A study done more than 10 years ago specifically found that Hispanics and African Americans are disproportionately and unfairly arrested and detained by law enforcement. They are more likely to be arrested without charge. They are more likely to be searched without finding evidence. They are more likely to be held without probable cause. In fact, most of the arrestees will not be charged with a crime. I am here for those individuals. To be a minority is to always have a minority voice. We cannot forget we are residents of this State. We do not have equal representation in the Legislature or on the Committee. The rights of African Americans and Latinos should not be in any way ignored.

I am concerned that no safeguards in this bill exist to ensure racial profiling or its misuse do not occur. Previously when I testified on A.B. No. 552 of the 76th Session, I asked that those safeguards be added, requiring any law enforcement agency which was collecting DNA to collect demographic information of arrestees and detainees. As a result of the consideration of that amendment, law enforcement officials previously backed away from their support of the bill. This gives me great pause as to the purpose of the bill and who it targets.

It is unfortunate that we feel it is not okay to collect information from anyone who may obtain a driver's license or a ticket, but it is okay to do so for those who have been arrested but not convicted of a crime. It sends a message to the minority members of this community that it is okay to have their rights violated and their DNA collected in the context of these arrests. Improper arrests can have devastating effects. Recently in Las Vegas, there was an improper arrest of Stanley Gibson who was shot seven times by law enforcement. He had not been charged with any crime. He had committed no crime. It is not just a buccal swab when there are documented studies in this State about law enforcement agents abusing their authority in racial profiling. What comfort would any minority have in knowing that authority will not be abused. I am not unmoved by the testimony today. I am here to speak for those who will be arrested, have charges dismissed and have no recourse.

I am a public defender as well. I am not sure the FBI sample can actually be destroyed once uploaded to CODIS. Even if there is a mechanism to remove the sample from the State database, there is no mechanism to compel the FBI to destroy that information. I strongly disagree that this bill will eliminate racial biases without any accompanying provisions to track the unfair use, by racial category, of arrest and DNA. There is no way for us to show that it eliminates racial bias. It will not increase exonerations because there is no provision for those who are incarcerated to have regular DNA checks to the evidence in their cases. I disagree that this bill will reduce or eliminate racial bias. It will not without some other mechanisms in place. We should not be able to target certain members of our population in terms of collecting their DNA without the rest of the community sharing in that burden. It only sends a message to the minorities in our communities that it is okay to take their DNA but not DNA from the main populace.

Senator Ford:
I disagree with the aim of the bill. I do not think there is any desire to target minorities. I do believe there will be a disproportionate impact on those minorities. Aside from the racial profiling aspect you suggested, do any other provisions provide additional safeguards against inappropriate use of power by unscrupulous law enforcement?

Mr. Boulware:
I did not mean to say the supporters of this bill are intentionally or unintentionally targeting minorities. The effect of the bill would be disproportionate to minorities. There are no improper motives from the drafters of this bill to track information on ethnicity upon arrest. Another suggestion would be a body appointed by the Legislature that would monitor the use of the DNA in terms of arrest. We could collect information on arrestee DNA and determine whether there is an unwarranted racial disparity. There should be a permanent standing body to oversee this type of information to ensure it is not abused in any way. Most law enforcement officers in this State do an exemplary job and are not involved in racial profiling. However, a significant enough number of individuals who do not follow those procedures disproportionately affect minorities.

Senator Brower:
The system already affects those of color in a disproportionate way. This Committee is not going to solve a societal problem that is bigger than we are. This bill will not affect that. There have been 303 postconviction exonerations by the use of DNA. Before exoneration, 18 of those had been sentenced to death. Of those exonerated, 70 percent were persons of color and 60 percent were African Americans. David Allen Jones, referenced earlier, was African American. Kenneth Adams who served 17.5 years of a 75-year sentence before being exonerated was also African American. James Bain who served 35 years of a life sentence before being exonerated was African American. The list goes on. Given the fact that this bill is racially neutral and not intended to target any racial minority combined with the technology that has resulted in the exoneration of hundreds of people—a majority of them persons of color, it seems this has to be done to allow the system to find justice for those who have been wrongfully convicted.

Mr. Boulware:
We should not give up trying to solve racial bias and profiling in this State. I do not think we should pass a law that further exacerbates that type of profiling by creating incentives to improperly collect evidence. This Committee cannot solve the problem of racial profiling. It does not mean we should ignore the reality in terms of its impact on our society. The bill does not have any provisions to track or address whether profiling occurs. I agree DNA is a compelling piece of evidence which has exonerated a large number of minorities who are wrongfully convicted. I have not seen evidence that these exonerations have come from arrestee DNA. We are not allowing those who are in custody to uniformly access the DNA to check against convictions. The process for an inmate or individual to go through and collect DNA to be tested is incredibly onerous and expensive in almost every state. This bill should provide a mechanism by which inmates could also check their DNA against the crime scene. This bill does not have a strong DNA exoneration component or mechanism for inmates or others to easily access that DNA.

Senator Jones:
Do you believe that if we pass this bill, our State's law enforcement officers are going to consciously arrest persons without probable cause in order to build up the DNA database?

Mr. Boulware:
I refer you back to A.B. No. 552 of the 76th Session. Racial profiling was found. I cannot say what the motivation would be for officers. A lot of psychological studies exist on that issue. Racial profiling exists in this State. I have seen actual pretext stops. Though rare, instances exist in which law enforcement conducted pretext stops in order to collect information.

Senator Brower:
We cannot legislate to the rare circumstance. We have to do what is right for the people in the face of compelling evidence that this is a valuable tool for law enforcement.

Senator Ford:
My cousin uses DNA in Dallas to exonerate people. Out of the 300 or so exonerations mentioned, 20 have been from Texas since my cousin has been in office. There clearly is a proper use for DNA evidence. There is not a causal link between the arrestee DNA we are discussing in this bill and that of

postconviction circumstances in which those individuals are ultimately found innocent. I will make sure that any law we pass with a potential for disproportionate impact has the appropriate level of safeguards. Those safeguards suggested are not wild ideas out of the realm of possibility. It should be simple enough to include additional safeguards in this bill that protect against inappropriate discretionary use of whether an officer will charge a misdemeanor versus a felony. We need to keep that in the forefront of our minds and discuss those issues as well.

Lynn Chapman (Independent American Party):
I understand the depth of the loss and pain of losing someone you love. My brother was violently murdered. I understand the motivation of this bill. Timing is everything. Why not wait until preliminary hearings to collect the DNA? At that time, a judge can decide on probable cause. Innocent until proven guilty is our fundamental right in this Country. University of Colorado forensic experts stated that removing information from law enforcement databases is virtually impossible. The DNA is not infallible. In 2004, Chicago detectives were investigating a robbery and found skin cells with six DNA markers that matched a woman named Diane Myers. When the burglaries were in progress, she was in jail. It could not be her. In 2005, an Arizona employee had run a series of tests on the state's DNA database, which included over 65,000 profiles. That search found multiple people with nine or more identical markers. The chances of any two persons in the population sharing that many markers was supposed to be 1 in 750 million. The database probability for a match in a system the size of that in Arizona is approximately 1 in 11,000. I know of a man who was accused of being a serial rapist and murderer. The man was wrongfully convicted. The actual perpetrator was his identical twin, and the DNA matched perfectly.

Janine Hansen (Nevada Families):
Being arrested is an intrusive process. I was arrested in 2004 for collecting signatures at the bus depot. My son and I were handcuffed and booked at the jail. We were exonerated up to the Nevada Supreme Court. That experience has been indelibly impressed upon me. A concern of this bill is the possible progression. Initially, we collected DNA only for sex offenders. Now it has been extended to all felonies with this bill. Federally, we collect it for all misdemeanors. My main concern is this. If a person applies to have it removed, it should be an automatic removal so an individual would not have to proceed with filling out paperwork. If the charge is dismissed, it should automatically be

removed. Many people who are arrested are innocent. I believe it is impossible for this Legislature to compel the FBI to remove those profiles from CODIS. This State has no jurisdiction over the FBI. How would this bill ensure those profiles are removed? I see no way that would happen. If the FBI even had a procedure to do so, I am sure that process is just as cumbersome as the process suggested in this bill. These issues need to be addressed. When John Adams was defending the Boston Massacre, he made the statement that it is more important to protect the innocent than to punish the guilty.

Senator Smith:
I was reminded about nonviolent crimes and why we should take DNA for all felonies. The most prolific rapist in Colorado history who raped 14 women was originally arrested for writing a bad check. If his DNA had been taken at that time, those rapes would have been prevented. The probable cause language in this bill is important. I am sympathetic about the minority aspect of this bill. I am a minority in this building. I am underrepresented in this building as a woman. In this world of violent crime, women are disproportionately affected. I am sensitive to that issue. I may not have an experience based on my skin color but I do have it as a woman and certainly regarding crime. Hearing about these two young women, that needs to be considered.

Regarding the pending U.S. Supreme Court decision, this bill would be implemented after a ruling. There is an additional year after that as well. The labs have a year to prepare for implementation if this bill is passed. This bill should be passed if it is the right policy decision for this Legislature to make. The ACLU testimony asked the Supreme Court to rule in the broadest sense. There is an expectation that the Supreme Court's decision will be in the broadest sense.

Senator Jones:
I met with the witnesses this morning and wanted to touch upon the due process issues brought up during the lab tours. If people are booked, swabbed and immediately or shortly thereafter released, they could be given a form to have their DNA immediately expunged. This would be opposed to the process defined in S.B. 243, section 13, subsection 8. This would make sure you do not have a situation to which Mr. Boulware alluded. There would still be probable cause; bookings would not be made just for the sake of getting cheek swabs, letting people go and retaining their DNA in the database.

Senator Smith:
We will work with the labs on that issue.

Chair Segerblom:
There would be 17,000 new tests, and each test would be approximately $75. Does that seem accurate?

Senator Smith:
We are in general agreement with the costs. We are working with the laboratories and the Central Repository. We will continue to work with them in getting as close as possible on the costs. There would be federal funding coming for the implementation as well. We have committed to both the Washoe County Sheriff's Office and Las Vegas Metro to get as close as we can to ensure adequate funding.

Chair Segerblom:
I believe Julie Butler from the Central Repository was here to testify regarding the Repository's ability to implement this plan.

Senator Smith:
Ms. Butler indicated that she was here today to listen. She will work with us once this bill is referred to the Senate Committee on Finance.

Senator Ford:
There is an opportunity to work with everyone to get this done effectively.

Chair Segerblom:
We will now close the hearing at 9:41 a.m.

RESPECTFULLY SUBMITTED:

Lindsay Wheeler,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE:

EXHIBITS				
Bill	**Exhibit**		**Witness / Agency**	**Description**
	A	1		Agenda
	B	8		Attendance Roster
S.B. 107	C	NA	Senator Tick Segerblom	NPR Audio File
S.B. 107	D	8	Senator Tick Segerblom	Restricting the Use of Solitary Confinement
S.B. 107	E	3	Alison Lawrence	Written Testimony
S.B.107	F	1	Alison Lawrence	Testimony on State Solitary Confinement Laws
S.B. 107	G	NA	American Civil Liberties Union	Video
S.B. 107	H	2	Campaign for Youth Justice	Written Testimony
S.B.107	I	5	Susan D. Roske	Information regarding solitary confinement
S.B. 107	J	6	Wesley Goetz	Written Testimony
S.B. 243	K	1	Senator Tick Segerblom	Legislative History of A.B. No. 552 of the 76th Session
S.B. 243	L	3	Senator Debbie Smith	UVA Today Article
S.B. 243	M	2	Lauren Denison	Written Testimony of Bridgette Zunino-Denison
S.B. 243	N	16	Jayann Sepich	Written Testimony
S.B. 243	O	90	Jayann Sepich	Presentation on Brianna's Law March 2013
S.B. 243	P	51	Keith Munro	Amicus Brief, U.S. Supreme Court
S.B. 243	Q	1	Renee Romero	Written Testimony
S.B. 243	R	4	ACLU	Opposition to SB 243