

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

**Seventy-Eighth Session
February 4, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Wednesday, February 4, 2015, 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: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Ira Hansen, Chairman
Assemblyman Erven T. Nelson, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblyman Nelson Araujo
Assemblywoman Olivia Diaz
Assemblywoman Michele Fiore
Assemblyman David M. Gardner
Assemblyman Brent A. Jones
Assemblyman James Ohrenschall
Assemblyman P.K. O'Neill
Assemblywoman Victoria Seaman
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman John Hambrick, Assembly District No. 2

Minutes ID: 37



STAFF MEMBERS PRESENT:

Diane Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Nancy Davis, Committee Secretary
Janet Jones, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Ronald P. Dreher, Government Affairs Director, Peace Officers Research
Association of Nevada and the Combined Law Enforcement
Associations of Nevada
David Sayer, Private Citizen, Sparks, Nevada
Megan Bedera, representing Nevada Firearms Coalition
Lynn Chapman, State Vice President, Nevada Eagle Forum
Greg Ross, Private Citizen, Reno, Nevada
John Wagner, State Chairman, Independent American Party of Nevada
Janine Hansen, State President, Nevada Families for Freedom
Vernon Brooks, Private Citizen, Las Vegas, Nevada
Richard Brengman, Private Citizen, Gardnerville, Nevada
Carol Howell, President, Northern Sierra Ladies Gun Club
Brian Vasek, Private Citizen, Las Vegas, Nevada
David Steel, Executive Director, Nevada Faculty Alliance
Dana Galvin, President, Washoe Education Association
Adam Garcia, Chief of Police, University of Nevada, Reno
Police Department
Justin Jones, Private Citizen, Las Vegas, Nevada
Marla Turner, Private Citizen, Las Vegas, Nevada
Marlene Lockard, representing the Nevada Women's Lobby
Lindsay Anderson, Government Affairs Director, Washoe County
School District
Constance Brooks, Vice Chancellor, Nevada System of Higher Education
Nicole Rourke, Executive Director, Community & Government Relations,
Clark County School District
Jessica Ferrato, representing Nevada Association of School Boards
John Madden, Private Citizen, Reno, Nevada
Natalie Wood, Chief, Division of Parole and Probation, Nevada
Department of Public Safety
Mark B. Jakson, Douglas County District Attorney and President of the
Nevada District Attorneys Association
Connie S. Bisbee, Chairman, Board of Parole Commissioners
Steve Yeager, Clark County Office of the Public Defender

Sean B. Sullivan, Deputy Public Defender, Washoe County Office of the
Public Defender

Alex Ortiz, Assistant Director, Clark County Department of Administrative
Services

John T. Jones, Jr., Chief Deputy District Attorney, Clark County Office of
the District Attorney

James M. Wright, Director, Nevada Department of Public Safety

Chairman Hansen:

[Roll was called.] We have one change in the rules that were reviewed yesterday. When you submit exhibits, they must be provided before noon the day before the hearing. We had a question from the Committee yesterday about our rules. The reason we did not vote on them is because they were established and voted for on the floor. Yesterday we were discussing policy.

We are going out of order today. We are going to go directly to Assembly Bill 2. I will open the hearing on A.B. 2.

Assembly Bill 2: Authorizes possession of a weapon in a vehicle that is on the property of certain educational entities or child care facilities in certain circumstances. (BDR 15-75)

Assemblyman John Hambrick, Assembly District No. 2:

I would like to make it very clear that the bill we are addressing this morning is not a campus carry bill. That issue will be presented by other members of this body before this Committee sometime during the session. This bill only addresses certain issues about the possession of a weapon on public education land. Ronald Dreher, a retired homicide detective from the Reno Police Department, will be explaining this bill. I think it is an important bill and ask that the Committee give it due diligence. Mr. Chairman, I appreciate the time you have allowed me. I believe there will be a friendly amendment coming at a later date.

Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada and the Combined Law Enforcement Associations of Nevada:

I am here to ask for your support of A.B. 2. I thank Assemblyman Hambrick for bringing this bill forward again. We are trying to pass this bill to rectify a problem that we found under *Nevada Revised Statutes* (NRS) 202.265 along with another statute that was not mentioned in the bill. We have met with many other individuals from the Nevada System of Higher Education (NSHE) and the school districts who have concerns with the bill. The purpose of the bill is when you have a concealed carry weapons (CCW) permit, you would have the

legal ability to leave the weapon in your vehicle in a locked container when you go into a school or in the listed areas that are prohibited to carry a weapon or possess a weapon as currently listed in NRS 202.265. With me is David Sayer, who had an incident occur several years ago that brought this bill forward in the first place. He is a CCW permit holder and has received many firearm trainings. An incident occurred where, while on school property, with his weapon in a container in his vehicle, his vehicle was opened by another individual who discovered the weapon and told the authorities of the weapon. Mr. Sayer was subsequently detained by school police. As a result of that he went through all kinds of hell.

What we found from that is there is a problem with NRS 202.265, along with the right to carry provisions of NRS 202.3673, which involves carrying a weapon on school property, but not possessing. In a nutshell, a person can possess a weapon under NRS 202.3673 but cannot carry it on school district property. That is the confusion. Assembly Bill 2 explains that if you are found in possession of a weapon on school property, it constitutes a gross misdemeanor.

In most of the counties in Nevada, exclusive of Washoe County and Clark County, everyone has weapons in their vehicles. This is a hunter's state. I have lived here since 1955, and I will tell you that even today when you go to the rural counties, you will find kids with rifles in the back of their trucks, because that is the way it is in the rurals. According to the provisions of the current law, they are guilty of a gross misdemeanor.

The purpose of this bill and the friendly amendment is to take that stigma away, make the bill relevant to CCW, and have the ability to leave the weapon in your vehicle in a locked container when you enter a school building or other areas that are prohibited under law. This bill has nothing to do with campus carry. The point is that David Sayer was arrested for a gross misdemeanor when his training had taught him that he was doing the right thing. There is no reason to convolute the system by having trained individuals go through the type of hell that Mr. Sayer went through. Mr. Sayer is available for any questions you may have.

Assemblyman Wheeler:

Just for clarification, this is basically a parking lot bill, not a campus carry bill, correct?

Ronald Dreher:

That is correct.

Chairman Hansen:

Any other questions? Seeing none, Mr. Sayer please proceed.

David Sayer, Private Citizen, Sparks, Nevada:

I am here representing my own interests today. A couple of years back, I was on a school campus when a person, without my permission and without my keys, entered my vehicle and searched it. He found my firearm that I am licensed to carry. At that point, I fully believed that I was in compliance with NRS 202.3673, which grants CCW permit holders the authority to carry concealed weapons inside public buildings in the state of Nevada. There are certain provisions in it that revoke the ability to carry but not the ability to possess. At that point, I was not aware of a conflict with NRS 202.265. The process involved in this situation was very cumbersome on me and led to about a year of very serious situations in which I had to defend myself. Ultimately, I did prevail, but the fact is that there is a conflict in statute that created this problem. Anyone who has recently taken a CCW course in the state of Nevada was probably given an outline of NRS 202.3673 and told specifically when he goes to places where he is not allowed by law to carry his weapon, that he is to store his weapon in his vehicle. Those places would include airports and schools. When this incident occurred, I believed I was in full compliance with all aspects of NRS.

Assemblyman O'Neill:

If I understand correctly, your vehicle was burglarized?

David Sayer:

Yes, that is correct.

Assemblyman O'Neill:

That person committed a criminal act?

David Sayer:

Yes, sir.

Assemblyman O'Neill:

Yet you were the one prosecuted.

David Sayer:

Yes, that is correct.

Assemblyman O'Neill:

What happened to the burglar?

David Sayer:

He was treated as a hero.

Ronald Dreher:

The situation did not make the individual a burglar. What happened was that he was given a key to a vehicle that was similar to Mr. Sayer's vehicle. It happened to be a Saturn, and every tenth Saturn key is the same. Mr. Sayer's Saturn was a different color than the one the individual was supposed to go into. The individual went into Mr. Sayer's car and rummaged through it. Technically, it was not a burglary; it was an improper entering of a vehicle.

Chairman Hansen:

The irony to this is that I remember in my high school days I used to keep a shotgun in my car as I enjoyed hunting ducks and quail after school. I wonder if this law were in place then if I would have been in violation.

Assemblyman Thompson:

Mr. Sayer, what type of campus were you on when the incident occurred?

David Sayer:

I was on the Reed High School campus in Sparks.

Assemblyman Thompson:

What was the purpose of your being on the campus? Were you picking up someone or there visiting?

David Sayer:

I am an employee there.

Assemblywoman Diaz:

I do empathize. Sometimes there are unintended consequences when statutes contradict one another. I am a schoolteacher, and I have mixed feelings about guns being in locked vehicles. I work in a very urban area of town, where we have had to shut down the school because the police were in pursuit of folks. It makes me feel uneasy to think that now these people could actually be trying to loot cars while in our areas as well. What good does the gun do for you in a locked vehicle?

David Sayer:

The good is that, as a citizen of this country, I have a right to self-defense and I have a right to possess that firearm, after going through the training as outlined in the NRS. I do, in fact, go to my job, and I am in compliance with

policy and law when I am at my job, and on the date that this occurred, I was 100 percent in compliance. The good of the firearm is that I am not always at work. When I leave work, I practice carrying my weapon where I am legally entitled to do so.

Chairman Hansen:

Any further questions? [There were none.]

Ronald Dreher:

As the Speaker pointed out, we are going to have a friendly amendment that I will provide to you and your Committee.

Chairman Hansen:

I will now hear those in favor of A.B. 2.

Megan Bedera, representing Nevada Firearms Coalition:

We want to thank Assemblyman Hambrick and Mr. Dreher for bringing this bill back because we have been in support over multiple sessions as it is a commonsense solution to a challenge that many Nevadans face, whether it be an example of someone who works at a K-12 campus, someone who is simply going back to school and their job requires them to have a firearm, or someone who is picking up a child from day care. We do speak very strongly for this bill, although we are curious to see the amendment. We ask that you support this bill because it affects many Nevadans who may not realize they are in violation of the law.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

We are in favor of this bill. Technically, school district property is really public property. We have CCW permits, we go through all of the classes and firearm training, et cetera. Yet if we cannot carry our weapon, why have a CCW permit? We do need to protect ourselves; the world is crazy out there. These people who are armed are not dangerous; they are out there to ensure that we are safe. I urge you to please vote yes on this bill.

Greg Ross, Private Citizen, Reno, Nevada:

I am a University of Nevada, Reno (UNR) graduate student as well as a teaching assistant. I teach a law class. I am also a CCW instructor, certified by Washoe County. I strongly support passing this bill. It does not make sense that I have to park far away from campus if I want to have my firearm in my vehicle. I have things to do after school, and I do not want to be completely disarmed during that entire time that I am away from campus. Almost every semester I have applied for permission to have a firearm on campus. I have not heard back yet for this semester, but every other semester I receive a letter

stating that they recommend I carry a whistle. That is not acceptable to me. I hope we can pass this bill.

Chairman Hansen:

Who sent you the letter?

Greg Ross:

I do not know the person, but the letter comes from UNR.

Chairman Hansen:

It suggests that you actually carry a whistle for safety purposes?

Greg Ross:

Yes, the letter says to carry a whistle and use the campus escort service. That is just not acceptable to me.

Assemblyman Thompson:

You stated you park your vehicle far away from the building. Are there postings at UNR?

Greg Ross:

There are no postings that I have seen on the campus, but I am aware of the UNR policies and, as a CCW instructor, I advise my students not to carry on campus because I know the repercussions that can happen. I park very far away because I do not want my firearm anywhere on campus where I could lose my employment and my student status with UNR.

Chairman Hansen:

Any questions? Seeing none, we will move on to the next witness.

John Wagner, State Chairman, Independent American Party of Nevada:

We support the previous testimonies. One scenario puzzles me. In Carson City, there are two schools along King Street. Many people walk their dogs there. I used to walk my dog there also. When I did, I carried my weapon. Supposing I am walking by the school and a kid knocks a ball over the fence. I am armed, have a dog in one hand, and go pick up the ball on school property and throw it over the fence. Legally, I am carrying a concealed weapon on campus. If I were to get arrested, it proves that no good deed goes unpunished. If you always take a shortcut through a campus while carrying a concealed weapon, that would be a no-no. Something innocent can get a person into an awful lot of trouble.

Chairman Hansen:

Any questions? [There were none.]

Janine Hansen, State President, Nevada Families for Freedom:

I have had a CCW permit for over 15 years. I do a lot of travelling throughout the state because I live in Elko. In fact, this last month I have driven to the Reno and Carson area three times, to Las Vegas, and to Pahrump. I do carry my weapon with me in the vehicle. I also have grandchildren in the Reno area. Oftentimes I go and pick my granddaughter up from school. I would not have anywhere to leave my firearm when I pick her up. This is a very reasonable bill that addresses real problems that those of us who carry weapons experience. Also, in the past I have been asked to speak at Truckee Meadows Community College. When I went there, I could not leave my gun somewhere, so I was in violation when I went there to speak as a guest speaker. I have done that numerous times. In addition, this weekend I will be speaking for a special citizen lobby workshop at Great Basin College in Elko. I will have another potential problem if I have my gun in my vehicle there. Because I travel so many miles throughout Nevada by myself at all hours of the day and night, I feel that I need to carry my gun with me for protection. It is very important that we pass this very reasonable law so that we will not be in violation when we pick up a grandchild or speak at our colleges and universities. I am so glad this was brought forward, and we fully support it.

Chairman Hansen:

I would like to go to Las Vegas now to hear some testimony.

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

I recognize that this is not the campus carry bill and will keep my comments limited to that. I think it is important to not overlook that this bill means that I can park on the campus parking lot instead of six feet away on the other side of the sidewalk on the public street. The campus parking lot is really not special, and how it is any different than down the street or around the corner is lost on me. This is a logical quality-of-life improvement for anyone who carries a firearm and is currently vexed by the difficulty of trying to fit in his schedule driving home and dropping off his firearm so he can actually park on campus, go to Thomas and Mack Center, pick up his kids from school, or any of the other mundane things throughout the day. I have had my CCW permit for 17 years, and this has been a challenge through all of that. Oftentimes when questions of college campuses comes up, we are pointed to current statute that says we may request permission from the campus principals, be it higher education or otherwise. I think that has been in place long enough that we all know it is not meaningful. Permission is generally not granted. I used to be a part-time instructor at one of the community college campuses in Las Vegas. When I first

came on board, I had my CCW permit. I enjoyed the idea of teaching, and I immediately came up to the office to file my paperwork and apply so that I could have my firearm on campus. I was told by the office personnel not to bother; no one ever gets approved. Typically when these questions come up before the Legislature, we usually get testimony from campus personnel who say this is unnecessary, we already have a process for this, et cetera. I am here to push back against that and say, yes, in statute that seems to be the theory, but in practice they do not approve people, including instructors and students.

Chairman Hansen:

Any questions? Seeing none, is there anyone else in Clark County who would like to testify? [There was no one.] We will bring it back up north.

Richard Brengman, Private Citizen, Gardnerville, Nevada:

I would like to raise a point that I have not seen addressed. Just around the corner here is a school. I am not sure if it is public or private. It appears to share a parking lot with several public businesses. If I go there to shop, there is no marking that states it is school property or private property. There is also the issue of remote parking that may or may not belong to the school. There is a charter school that is in a shopping center. If I go there with my CCW, am I in violation? I really cannot say for sure. This bill addresses that issue of not being clear of where or when you might or might not be in violation. It is not always clear. According to some people, merely driving up a street between two school buildings puts you on school property. We need this bill.

Carol Howell, President, Northern Sierra Ladies Gun Club:

I am here to ask for your support of this bill. Our gun club is made up of about 45 members that range in age from 40 to 82. There are mothers, grandmothers, great-grandmothers, housewives, retired business owners, nurses, and schoolteachers. We are in support of this bill because it does eliminate where we can actually carry weapons and causing problems for us picking up our children and going to schools for various reasons.

I started shooting with my husband and my two boys and found that I was a pretty good shot. At the time, I did not dream I would ever want to carry a gun, but that was a different world. We did not have the shootings in schools, churches, in the workplace, or restaurants. It became important to me when the mass shootings started in churches. That was my first time I thought I might want to carry a gun. I got the training, I got my CCW permit, and I very proudly carried my gun. Then I got lax about it. It was heavy. It caused me a problem figuring out where to put it when I picked up my granddaughter from day care.

I quit carrying it until September 6, 2011. I was at the Nevada State Bank that morning and heard the shooting that took place at IHOP. Had I been in that restaurant with the ability and the training to have stopped those 14 people from being injured, the 4, including 3 National Guard soldiers from being killed, how would I have felt had I not had that gun. I was going to go pick up my granddaughter after the bank, so I left the gun at home. How would I have felt if I had been in that restaurant? I have carried my gun every day since, except when I am in this building. I have never broken a law, other than a speeding ticket 20 years ago. Why am I limited to where I can carry my gun when the bad guys are going to carry theirs regardless of what the law says, or the limitations that are written in the NRS? It does not make sense to prevent me, as a law-abiding citizen, from doing what I feel I need to do to protect myself and my family. Why the limitation? It is not going to stop the bad guys. I am here to ask your support for this bill. Whatever the amendment is, it has to be better than what we have now.

Chairman Hansen:

Any questions? I see none. Next.

Brian Vasek, Private Citizen, Las Vegas, Nevada:

I am a third-year law student at the William S. Boyd School of Law. I testify today in support of A.B. 2. This semester, my final semester, I am a legislative extern for the Clark County Public Defender's Office. Today, however, I testify as a private citizen of our great state. The testimony I am about to provide is in no way endorsed by the Clark County Public Defender's Office. [Continued to read from prepared text ([Exhibit C](#)).]

Assemblyman Elliot T. Anderson:

I would like to welcome Brian to the Legislature; he is a fellow classmate. Congratulations on your testimony.

Assemblyman Nelson:

I would like to also welcome Brian. Having been a former law student, I admire your taking time away from law school and testifying. I am curious, under the United States Court of Appeals for the Ninth Circuit, is the statute that A.B. 2 is attempting to revise unconstitutional, or would the Ninth Circuit strike down our statute the way it currently exists?

Brian Vasek:

I cannot say whether the Nevada statutes would be struck down under the Ninth Circuit's framework at this time. *Peruta v. County of San Diego*, 742 F.3d 1144 (9th Cir. 2014) is currently pending an en banc appeal. The Attorney General for the State of California and several counties have requested

the Ninth Circuit to review the case to determine whether it was accurate. In my opinion, and from my research, I believe the framework that Nevada has could be struck down under the Ninth Circuit only because under the NSHE's current policies, they require what I would call a good cause requirement. I will admit college campuses are what the United States Supreme Court would perhaps consider a sensitive place. Sensitive places are described as schools. However, schools are not defined either as a K-12 establishment or as an institution of higher education. So whether a university would be a sensitive place, I cannot say. That would perhaps afford more protections for schools to enact policies. Whether a college campus could completely prohibit the carrying of concealed firearms, or in this case, vehicular permission, I do not believe that they could under the research I have done.

Assemblywoman Diaz:

During the writing of your publication, was there any student feedback or polling done? How do the students on college campuses feel about this issue?

Brian Vasek:

In a section of my note I do discuss campus carry proponents' and opponents' common arguments. I also address some statistics and also what campus carry opponents on college campuses are suggesting. There are some statistics on what those opinions are. I am also pleased to say that I recently gave a lecture at Nevada State College on gun legislation framework and campus carry specifically. I was pleased to find out afterward from the professor that many of her students were in support of campus carry legislation. I was honestly expecting a little more resistance speaking to college students, but it was a wonderful experience to be able to share my work with a body of individuals who I thought would be more resistant. I actually found that if you explain the sort of framework in which the legislation has to fit within, they were quite receptive to the compromises that need to be made between campus carry opponents, firearm opponents, and general opponents. These individuals were quite responsive to that sort of framework, understanding what legislation has to fit within.

Assemblywoman Diaz:

How many people were present at your presentation?

Brian Vasek:

I believe between 30 and 40.

Assemblywoman Diaz:

These were individuals who knew what they were going to hear from you?

Brian Vasek:

The class was about social problems, and there was an individual there to speak about gun safety and about Senate Bill No. 137 of the 77th Session. The individual did not talk about the framework for gun legislation. I discussed the framework and then moved on to campus carry and the purpose of my note. It was a class about social problems. They discussed everything from incarceration rates to gun violence, et cetera.

Assemblywoman Diaz:

I want to get a perspective of the reach of that dissemination of information and who participated. It is very different when you have all students or a select audience of people who have to be there because they are taking a class.

Brian Vasek:

As a former psychology and sociology student, it was a little bit more of a liberal group of people, and I think I was reaching out to people who may have been more responsive. However, many other individuals I have spoken with on campus, including law students, have been receptive to my note. I look forward to its publication and its wider reach to other individuals to read and provide feedback and to have a genuine discussion about the merits of various forms of campus carry.

Assemblyman Thompson:

I would like to get to the focus of the bill. You are talking about campus carry. The purpose of this bill is to have a weapon in a vehicle. Was part of your presentation focused on that, or is it just about campus carry? Assemblyman Hambrick mentioned that this is not a campus carry bill, this is specifically dealing with having a weapon in your vehicle.

Brian Vasek:

A vehicular permission bill is what I would consider to be one degree of campus carry. It is something that I do discuss at length in my note. I classified it as the Texas model because Texas has granted vehicular permission in either 2011 or 2012. Prior to Texas enacting vehicular permission, many other states have granted vehicular permission, which I classify as one degree of carrying concealed firearms on campuses. It is a concealed firearm that remains in the vehicle and is supposed to remain undetected. I am not sure what the friendly amendment is, but as long as it still pertains to licensed and lawful individuals who have CCW permits, keeping guns in cars is something that I support.

Assemblyman Thompson:

What is your opinion of the campus police as far as feeling safe and your vehicle being secure and safe?

Brian Vasek:

Are you asking if I feel safe leaving a gun in my car and whether it will remain safe if it is there? I cannot speak about the qualifications of campus police. My interactions with them have been very pleasant. I have reached out to some of them to discuss campus carry in the past. However, in terms of feeling safe, that is not the focus of my note and the reason I believe vehicular permission is appropriate. It is off-campus dangers that I believe deserve more consideration in this bill, not necessarily the on-campus dangers that campus police would make me feel safe from.

Assemblyman Ohrenschall:

I would like to thank Mr. Vasek on his excellent presentation. You make me, Assemblyman Anderson, and Assemblyman Gardner proud to be Boyd alums.

Chairman Hansen:

I see no other questions. Are there any other proponents of the bill? Seeing none, I will now hear from the opponents of A.B. 2.

David Steel, Executive Director, Nevada Faculty Alliance:

The Nevada Faculty Alliance (NFA) is an organization representing higher education employees at all NSHE institutions. In general, the NFA opposes guns on campus. We feel the presence of guns in vehicles on campus also increases the risk of injury or death to faculty, students, and staff. Furthermore, the proposed amendment would allow not only guns but other weapons such as dirks, daggers, switchblade knives, nunchuks, ninja throwing stars, and brass knuckles in cars on campus. While possession of an explosive or incendiary device is prohibited elsewhere in the NRS, the proposed law would remove explosives from the prohibited list on NSHE campuses. We see no reason for such weapons to be permitted in vehicles on NSHE campuses. Again, out of concern for the safety of our faculty, students, and staff, we are opposed to A.B. 2.

Assemblyman Gardner:

You stated that you believe there is increased danger by allowing this bill to pass. Do you have any studies or statistics that you could provide to show that?

David Steel:

I do not have any.

Assemblywoman Diaz:

Is there anyone here from the NSHE police department who could provide those statistics?

Chairman Hansen:

I see no one. Please proceed, Mr. Steel.

David Steel:

I base this information on conversations with NFA members and am representing their viewpoint.

Assemblyman Elliot T. Anderson:

Did you say you are reading from the amendment or the bill?

David Steel:

I am talking about the bill.

Assemblyman O'Neill:

How many members are in your association?

David Steel:

We have approximately 500 members.

Assemblyman O'Neill:

What would be the total potential membership of your group?

David Steel:

If you count all eligible categories, which includes administrative, faculty, graduate students, et cetera, it would be 8,000. If you would count only faculty, which is our primary membership group, it would be lower.

Chairman Hansen:

You mentioned that you oppose guns on campus. Does that include the campus police, or just private citizens?

David Steel:

That does not include campus police.

Dana Galvin, President, Washoe Education Association:

I have 20 years experience as an elementary school teacher. Washoe Education Association represents more than 2,400 Washoe County School District educators. Washoe Education Association is a local affiliate of the Nevada State Education Association, which represents more than 24,000 teacher and

education support professional members throughout the state who are dedicated to the academic success and safety of Nevada's public school students. [Continued to read from prepared text ([Exhibit D](#)).]

Chairman Hansen:

Are there any questions? I see none. Assemblywoman Diaz has made a request for some statistics. Is there anyone here who can provide that?

Adam Garcia, Chief of Police, University of Nevada, Reno Police Department:

Could you please repeat the question?

Assemblyman Gardner:

I have heard comments that if guns are allowed in parked cars, it would increase the danger at schools of shootings and deaths. I am wondering if there are any studies to back up that claim.

Adam Garcia:

I do not have access to any study that would support that information. I can tell you that a weapon, unsecured in a car, underneath the seat for instance, could potentially pose problems. We had 14 reported car burglaries in 2013. We had 10 in 2014. If someone was to burglarize a car on our campus and had unfettered access to a weapon, we would then have a weapon that is in the hands of a criminal who could potentially use it against students, faculty, staff, the public at large, or law enforcement.

Assemblyman Gardner:

How likely do you think that is, since not every car would have a gun in it and not in a secured container? Also, what chance would these criminals have of bringing a gun of their own without having to burglarize a car on campus?

Adam Garcia:

In some cases the intent would not be to look for a weapon, but the frosting on the cake for a burglar would be that now he has a weapon. This bill would provide that. Nevada System for Higher Education and the university police are working with Mr. Dreher and Assemblyman Hambrick looking at language that could potentially be appropriate for us as a police department as well as our law enforcement partners.

Assemblywoman Fiore:

You just stated that there were 14 car robberies on your campus in 2013. Your campus police were not able to stop those robberies, is that correct?

Adam Garcia:

They were not robberies. They were burglaries of vehicles. Someone broke into a car, typically looking for things of value.

Assemblywoman Fiore:

The campus police, under your watch, had burglaries in 14 cars and so you took a report, am I correct?

Adam Garcia:

That is correct.

Assemblywoman Fiore:

So you did not stop the burglary.

Adam Garcia:

I would have to look at the reports to see if there were any in which we intercepted the suspects.

Assemblywoman Diaz:

Are you informed about how many people have petitioned to carry their concealed weapon on campus and how many of these individuals have been denied, how many have been granted? I would like to get a feel for how many people are actually asking for this permit.

Adam Garcia:

The process is that an individual would petition the president through a letter requesting authorization to carry as is allowed by law. The UNR Police Department does a number of things, including an investigation to determine if there is a threat against that individual, the purpose behind the request, their CCW licensing, training, and the type of weapon they plan on carrying on campus. We then make a recommendation to the president. On our campus, over the last two years, we have had 11 requests: 5 have been approved, the other 6 were denied.

Assemblyman Araujo:

Do you know what the parameters are for someone to carry a concealed weapon or leave it in their vehicle?

Adam Garcia:

It is the geography of the campus. In the case of UNR, the boundaries are Virginia Street, Evans Street, Ninth Street, and McCarran Boulevard.

Assemblyman Araujo:

Would the same apply for the University of Nevada, Las Vegas?

Adam Garcia:

Yes.

Assemblywoman Seaman:

Do you know approximately how many armed officers you have at any given day on the campus?

Adam Garcia:

It varies; our minimal staffing is two. Last night we had six. It varies widely depending on a number of different variables.

Assemblywoman Seaman:

Approximately how many students do you have on campus per day?

Adam Garcia:

Our student population is 20,000, so maybe half that at any particular time.

Assemblywoman Seaman:

So two officers, minimally, and about 10,000 students.

Adam Garcia:

Again, that is minimal, not the norm.

Assemblyman O'Neill:

How many vehicles are on the campus at UNR in one day?

Adam Garcia:

I would have to guess, maybe 2,000.

Assemblyman O'Neill:

With 2,000 vehicles, you had 14 burglaries in all of 2013. Without disclosing or endangering some of the security procedures, what are the securities that you have in and about the parking lots to ensure that they are secure for your students?

Adam Garcia:

In addition to our sworn staff, we have a cadre of cadets who patrol the parking areas as well as provide escorts. We have an escort service that acts as eyes and ears for the police department. We also have parking service personnel who enforce not only parking but also act as eyes and ears for the police

department. We have a very robust crime prevention program on our campus in which we train our students, faculty, and staff to work with the police and notify us when they see suspicious activity or criminal activity. It goes well beyond the number of officers that we have.

Assemblyman O'Neill:

Would you say it would be safer for me to park my vehicle on the UNR campus or off campus if I wanted to protect my vehicle from being burglarized?

Adam Garcia:

Statistically speaking, I would say that parking on campus is much safer.

Assemblyman Wheeler:

Ms. Galvin stated that all schools should be a gun-free zone. Is it not true that 96.5 percent of the mass shootings in the last five years have taken place in "gun-free zones?"

Adam Garcia:

I do not have that information.

Chairman Hansen:

Are there any further questions? I see none. Thank you, Mr. Garcia.

Justin Jones, Private Citizen, Las Vegas, Nevada:

I am a father of two, including a 10-year-old fifth grader at Doral Academy Charter School, and will have a kindergartner going there later this year. I am concerned that in an effort to fix one narrow issue raised by Mr. Dreher, this bill simply creates a much bigger issue. If the intent were to allow for CCW holders to lock their gun in a car, then that is what the bill should have said. However, there is nothing in A.B. 2 which limits it to CCW permit holders. There is no reference to NRS 202.3657, the statute which specifically identifies permits for concealed carry. It is also not limited to locking guns in a vehicle. The bill allows for a gun in a car if it is occupied. Under the bill as written, anyone can carry a gun at any school or day care grounds. It is not limited to universities. There has been a lot of discussion about campus carry and have gotten off-track for what this bill does. It is not limited to universities; it includes all K-12 schools, both public and private. It concerns me that the bill would allow for someone like me, who drives carpool, to be in the presence of others who might have a gun sitting on the front seat of their car, as long as the gun were not commonly observable. *Nevada Revised Statutes* 202.265 was originally passed in 1999 as commonsense bipartisan legislation on a unanimous vote. Day care facilities were added in 2007, again on a bipartisan basis and signed by a conservative Republican governor. There may have been a well-intentioned

reason for this bill, but again, the bill creates more problems than it solves. I urge the Committee to say no to A.B. 2, which rolls back these commonsense bipartisan provisions.

Assemblyman Gardner:

You mentioned that you would be concerned about having people with guns near you. Do you have that same concern everywhere, where CCW holders can already carry guns, or is it just in the school zones where you would have that concern?

Justin Jones:

The bill is not limited to people who have CCW permits. Do I have concerns if I am walking in the store with someone who has a CCW permit? No, I do not because I know that he has been through extensive training in order to get the CCW permit. That is not what this bill does.

Assemblyman O'Neill:

If there were an amendment put in this bill stating that it pertains only to CCW permit holders, off-duty police officers, or people who are trained to handle firearms, would you be in agreement with this bill?

Justin Jones:

I still have concerns with people who have CCW permits leaving a gun in a vehicle on my children's school campus. You have already heard testimony from others here today in which a gun was left in a vehicle, whether occupied or unoccupied, and that vehicle being broken into. Certainly limiting it to CCW permit holders would be an improvement, but I do not think it solves the problem of having loaded weapons on school campuses.

Marla Turner, Private Citizen, Las Vegas, Nevada:

I am a native of Las Vegas and am involved with a number of community organizations, but I am here testifying today as a private citizen. I was raised in this city through our public schools, my children went through the public schools, and now I have two grandchildren who will be entering our public school system. I can appreciate the dilemma faced by those with CCW permits who are concerned about their ability to go from parking lot to parking lot, and I echo what Mr. Jones said about concerns with the way the bill was written. I am also concerned that this bill is just a gateway to campus carry. In fact, we have heard several witnesses who testified in support of this bill express that they are in favor of this bill because of their ability to self-defend. They say this will improve their ability to self-defend, and I do not understand how that is actually possible when the gun is locked away in a vehicle far from their possession. For the record, I am a victim of a violent

crime in which the perpetrators used guns. Having a gun in my locked vehicle would not have protected me or the other woman I was with. I urge you to reject this bill.

Chairman Hansen:

Is there anyone else in Clark County who would like to testify? Seeing none, we will come back to Carson City.

Marlene Lockard, representing the Nevada Women's Lobby:

The Nevada Women's Lobby is a group which supports women and children throughout the state of Nevada. We are a nonpartisan, not-for-profit agency. We are here today because we oppose this legislation. We think that NRS 202.265 already exists with the provisions provided to allow for certain circumstances for the exception to the rule to have a gun on campus. With the gun violence that continues to explode in this country, we feel very strongly that we are moving in the wrong direction with a bill such as this. I can tell you from first-hand experience how quickly two teenage boys can break into a car, not only start the car and steal it, but disassemble the radio equipment and sell it. Any of you who are parents know there is unwritten networking that goes on at school campuses: what kid brought a gun last week, who has a knife in his pocket, who has what in his dad's car. All of that goes on underground among students. Kids know that they can simply go out and break into a vehicle. I think this is exacerbating the gun issues we have in this country and not moving towards resolving them.

Assemblyman Gardner:

The gun violence you are referring to, do you have any statistics to back up that the violence is from CCW permit holders?

Marlene Lockard:

No, sir. When I am talking about gun violence, I am talking gun violence in total, across this country. Every other day you can read a story about gun violence.

Assemblyman Gardner:

You said that once children know about this, they will be breaking into cars. Do you have any evidence besides anecdotal that this is happening in either elementary, high school, or universities?

Marlene Lockard:

I think that campus police may have some evidence. I would ask you, what evidence is there that this bill is necessary? There is no evidence. This is not an issue that needs to be solved. We do not have a big crisis if someone has to

drop off his gun before he picks up his child. That is part of being a responsible gun owner. Where are the statistics that this is an issue?

Assemblyman Gardner:

There are constitutional issues with this bill, as seen by a couple of recent Supreme Court cases. There is also the Second Amendment issue. From a legal standpoint there are issues. Secondly, one of my concerns about this bill is that it basically says that people who have training with guns should be treated like criminals and their rights under our Constitution withheld solely because they have a gun and there is no one to protect them. I am an attorney; when I go to court, I cannot carry a gun, but there are people at the door ensuring there is nobody with a gun there.

Marlene Lockard:

I understand your constitutional concerns; I was referring to statistics. My brothers have CCW permits and are hunters. I am not one of those crazies out there who is anti-gun, I just do not think there is a problem that needs to be fixed.

Assemblyman Nelson:

Picking up on the point of your brothers who have CCW permits, how would you feel if one of them had a gun in his car and parked on campus to pick up a grandchild?

Marlene Lockard:

I would be furious.

Assemblyman Nelson:

Do you think someone who would rob a car to get a gun is going to stop to read NRS Chapter 202 before he decides to steal it?

Marlene Lockard:

That is why the gun should not have been there in the first place.

Assemblyman Nelson:

Is your opinion representative of your group of women and children?

Marlene Lockard:

Our group believes in providing for all safety for women and children to the extent possible. I do not want to lock my group into what you may think of as narrow views on this. I just think this is a commonsense issue.

Assemblyman Nelson:

I am trying to understand the position of your group. I am asking if you are giving your personal opinion, or are you giving the opinion of your group?

Marlene Lockard:

The Nevada Women's Lobby opposes A.B. 2. We do not feel it is necessary.

Assemblyman O'Neill:

I appreciate your presentation. I would like to clarify one statistic that you stated. You have said that gun violence has increased over the last several years, and that is based on what you read in the newspaper?

Marlene Lockard:

It is my personal belief that gun violence has increased. You may be able to cite numbers that say otherwise, but in my view we have had an explosion of gun violence, especially on school campuses in this country.

Assemblyman O'Neill:

I would like to clarify that if you go to the Federal Bureau of Investigation's Uniform Crime Reports that are taken nationally, crime is at an all-time low, including crimes of violence.

Marlene Lockard:

How about on school campuses? Do you think there has been a little uptick there?

Assemblyman O'Neill:

I do not have that information, but I will disagree with you. I think it is amazing to me that crime is at an all-time low and we have also had an increase in CCW carriers. If there is a relationship there or not, I do not know.

Chairman Hansen:

You mentioned that you have seen an explosion in violence on campuses, but school campuses are already gun-free zones. Are there any other opponents to this bill? Seeing none, I will now go to the neutral position.

Lindsay Anderson, Government Affairs Director, Washoe County School District:

We are here in the neutral position. We are one of the stakeholders who participated in the conversation yesterday for the possible amendment to this bill.

Assemblywoman Diaz:

For the record, does Washoe County School District always have school police near public schools?

Lindsay Anderson:

We have school police officers. I believe we have 93 schools and somewhere in the neighborhood of 35 school police officers. We have some officers who are assigned to multiple campuses. We try to put them in a geographic area where they are close to the schools they are assigned to.

Assemblywoman Diaz:

Therefore, there is no security happening in a lot of these parking lots in the public schools, correct?

Lindsay Anderson:

I would say our school police does the best it can with the resources it has.

Assemblywoman Diaz:

Having been a schoolteacher for 12 years, I can recount many occasions when some of my colleagues' cars have been stolen or burglarized from our parking lot. I know that our vehicles are not being monitored; they are not in an inaccessible parking lot where you scan in and out.

Constance Brooks, Vice Chancellor, Nevada System of Higher Education:

We are also one of the stakeholders privileged to work with Assemblyman Hambrick and Mr. Dreher on more comfortable language. We are appreciative of that opportunity. I look forward to working with them as the amendment process progresses.

Nicole Rourke, Executive Director, Community & Government Relations, Clark County School District:

We were also at the table working on amendments to ensure student safety on K-12 campuses and to address concerns that were brought forth.

Assemblyman O'Neill:

All of you are working on an amendment; is there any estimate on when this amendment will be prepared and submitted?

Ronald Dreher:

We are working on it diligently and will have it in your hands as soon as we can.

Assemblyman Elliot T. Anderson:

Could you describe what you are doing while working on this amendment? Obviously, if you are working on the amendment, you have some insight. Will you share that with the Committee?

Constance Brooks:

We have had many discussions with the entire group with Assemblyman Hambrick and Mr. Dreher. We have some concerns about the lack of specificity with respect to a locked container versus a weapon being locked in the vehicle and not secured. We are also exploring the provision that is already in statute and working on language to that effect.

Nicole Rourke:

Another provision that we have requested is the exclusion of students on K-12 campuses. Even with a CCW permit, we do have, in some cases, 18- to 21-year-olds on our campuses.

Chairman Hansen:

We are getting way off in the weeds when discussing a potential amendment. No more questions or statements on what the amendments may be.

Assemblyman Araujo:

I would like clarification on how many burglaries have been reported in the Clark County School District.

Nicole Rourke:

I do not have that information, but I can get it for you.

Assemblywoman Diaz:

I want to make it very clear that conceptual amendments should be shared with this Committee, because eventually this Committee will be making the decision on this bill. The fact that we are keeping the conceptual amendments hush-hush is not transparent. That is not why the people sent us here to represent them. I take great offense in hearing that these conceptual amendments should not be shared, because we always have been very open in this process. When we have been talking to stakeholders, we bring a copy of that conceptual amendment forward and we say this is something we are talking about.

Chairman Hansen:

It is actually more a matter of time. We have spent 1 1/2 hours on this bill, and we have one more bill to hear. When this amendment is ready, it will be brought before this Committee, and we will have a full hearing on the

amendment as well as the bill. If we start talking about theoretical angles of what the amendment may be, we simply do not have the time for it. Who is next to testify in the neutral position?

Jessica Ferrato, representing Nevada Association of School Boards:

We are also participating with the group of stakeholders working on an amendment. I am here in support of Clark and Washoe School Districts as well as the other districts in the state.

Chairman Hansen:

Is there anyone in Clark County who would like to testify in the neutral position at this time? Seeing none, we have one more here in Carson City.

John Madden, Private Citizen, Reno, Nevada:

The UNR police chief pointed out that the likelihood of car burglaries off campus is far greater than on campus. I was a public school teacher for 35 years in high school, junior high school, and adult education. Never was my car broken into on campus, nor do I know of a faculty member whose car was broken into on campus. However, off campus is a totally different story. Personally, my car was broken into at a movie theater and in downtown San Francisco. I do believe that the security of parking on a school campus is far better and it is far less likely that there will be burglaries on a school campus. If people with concealed firearms in their car are forced to park blocks away in unprotected places, their vehicle is much more likely to be broken into.

Chairman Hansen:

Your testimony would make you a proponent to the bill. What you are suggesting is that people with cars parked on campuses would have less likelihood of having their weapons stolen from them.

Assemblyman Thompson:

We had Washoe County School District and Clark County School District here. Being that we know we will be getting an amendment, can we get some statistics from these school districts for 2014, the number of burglaries on all campuses? I wish there were a day care provider here to testify.

Assemblyman Araujo:

I would also like to see statistics from law enforcement within these schools and their capacity to take on potential scenarios that could be harmful.

Chairman Hansen:

Thank you very much. Is there anyone else wishing to testify on A.B. 2?

Assemblyman Elliot T. Anderson:

Is it possible that legal counsel could clear up some confusion? There has been different testimony saying whether this applies to CCW holders or the general public. Could we get some clarification?

Chairman Hansen:

The bill is clear, it applies to all members of the public, not just CCW holders as currently written.

Assemblywoman Diaz:

I do have a question for the proponents of the bill. As written, this bill would apply to everyone, not limited to CCW permit holders. Who is liable for anything that is done with a weapon on a public campus? If someone breaks into a car, takes the gun, and a tragedy happens on one of our campuses, who then would be liable for any type of losses, whether property or lives that are taken?

Ronald Dreher:

From a practical standpoint of being a prior law enforcement officer for many years in this state, it would be the same as any other place when your vehicle is burglarized. If someone takes your gun out of your car and commits a crime, he would be responsible. There could be liability from a civil aspect. This bill does not limit liability, nor does it create liability.

Assemblywoman Diaz:

We do, as a state, have the responsibility to educate our children. Our parents entrust their children to our campuses. I know that every parent wants the safest environment for them. I am concerned as a policymaker about that part of this bill. Are we creating safer school environments or not?

Ronald Dreher:

My opinion is based on my experience. I am a father of 4, a grandfather of 19, and I have 2 great-grandchildren. I preach safety constantly. We look for ways to take issues like this and clarify it so we do create safety. There are problems in the legislation, and we are trying to fix it and make it safer. We are trying to let those people who are trained to have the right to possess and not be subjected to a gross misdemeanor.

Assemblyman Wheeler:

Many people in the state open carry and do not have a CCW permit. Would this bill protect them as well?

Ronald Dreher:

As it is written today, yes.

Assemblywoman Fiore:

As the Clark and Washoe County School Districts are gathering their burglary statistics, would they add how many guns the burglars got out of those cars?

Chairman Hansen:

I am now closing the hearing on A.B. 2. [Provided but not mentioned is [\(Exhibit E\)](#).] I will open the hearing on Assembly Bill 11.

Assembly Bill 11: Revises provisions governing reports of presentence investigations. (BDR 14-356)

Natalie Wood, Chief, Division of Parole and Probation, Nevada Department of Public Safety:

The Division of Parole and Probation (P&P) is seeking to allow for submission of the presentence investigation report (PSI) to the court and respective counsel 14 calendar days in advance of sentencing in lieu of the 21 working days currently required by statute introduced under Assembly Bill No. 423 of the 77th Session. I would like to provide you with a high-level overview with a slide presentation ([Exhibit F](#)). Slide 2 identifies our command locations and judicial districts. We have 10 judicial courts across 17 counties. Each district court has a unique set of needs in sentencing timelines imposed by their corresponding courts. *Nevada Revised Statutes* (NRS) 176.153 causes compliance issues for the personnel that service the judicial district, specifically for P&P. Basically, across the state different courts, different jurisdictions on average have different requirements from the point of arraignment to the point of sentencing. It is different in the north and the rurals than it is in the south. In the south, it averages 62 days for in-custody cases. The rurals are averaging 49 days, and the north is averaging 57 days.

Slide 3 is an overview of court services. [Read from presentation ([Exhibit F](#)).] The PSI provides criminal history information to the defendant: information concerning the characteristics of the defendant, financial conditions and circumstances of the offense; information concerning the effect the offense had on the victim, including physical, psychological harm, and financial loss; information concerning the defendant's child support obligation, if applicable, and the status of his payments; any evaluation outlined in NRS 176 and, if applicable, a psychosexual evaluation, which is specifically related to sex offenses; a recommendation of the minimum and maximum term of imprisonment or term of imprisonment authorized by statute; the recommendation that P&P deems appropriate for a regimental discipline

program; and any information required by the court, or any information P&P believes would be helpful to the court in imposing a sentence, in granting probation, or correctional treatment.

Slide 4 discusses the PSI statewide average of roughly 871 per month. Presentence investigation reports are due to courts 21 working days prior to the sentencing date. From the point a person is arraigned to the point that he is sentenced, P&P has to submit that PSI 21 days in advance. This is quite the operational challenge for P&P. We are actually making every effort to meet the 21-day statutory requirement. It is important to note that there are different concerns, as mentioned, in the north and the south and the rurals. We have undergone significant internal operational, personnel, and fiscal adjustments in an attempt to meet the in-custody goals. Southern Command, for example, in December 2014, issued 220 continuance letters on out-of-custody cases with a priority on staffing, overtime, and comp time issues being given to in-custody cases because of the impact that would have on the jails. We are having difficulty meeting the 21-day requirement in the north and in the rural areas because of the turnaround times. Parole & Probation has not been budgeted to meet the 21-day statutory requirement. As previously stated, it has had a significant impact on P&P. We have spent roughly \$67,000 since October 2014, primarily in Southern Command, to meet the statutory requirement for in-custody cases and, short of mandating overtime in the north and the rurals where I have limited staff, it would be very difficult to come into compliance with the 21-day mandate.

Slide 5 is a visual effect between calendar days and working days. Assembly Bill 11 is simply to address timelines. It is not meant to address the content of the PSI. With the current 21 working days, a defendant is arraigned and a request for a PSI is delivered to the Division on March 12. For a 45-day in-custody sentencing, sentencing would be April 16. Under the current law, the PSI would be due to court by March 19. This leaves P&P with 12 working days to complete the PSI. Similarly, if we look at the proposed revisions with A.B. 11, we are asking for 14 calendar days. A defendant is arraigned and the request for the PSI is delivered to the Division on March 2, for a 40-day in-custody sentencing date. Under the proposed A.B. 11, the PSI would be due to the court on April 2, which would allow for 22 working days to complete the report. I think it is very important to note that each PSI writer is assigned somewhere between 16 to 18 PSIs at any given time. I could be actively working on a PSI, on several of them at any one time. I do not control when the criminal history records are received; I do not control when victims respond back to P&P and the same with financial information. We are limited on how quickly we can get a return of that information in order to complete the PSI.

Slide 6 shows that from October 2014 to December 2014, the Southern Command, Las Vegas office, and the Northern Command, Reno office, conducted a survey of 345 offenders, newly sentenced to a grant of probation, to find out if the implementation of NRS 176.153 had allowed for adequate time for review of their PSI with their legal counsel. After all, that is what A.B. 423 of the 77th Session was for—to give respective counsel an opportunity to correct any deficiencies that they may see prior to sentencing, whether it be in the personal or criminal history. [Continued to read from prepared testimony ([Exhibit F](#)).]

This is a service level that P&P is being asked for where, despite our internal reorganization and our efforts to comply with the law, we were not budgeted to meet these service level demands. We are asking for a reasonable compromise. We believe that a reasonable compromise would be the 14 calendar days that is being proposed. We believe it would give both counsel and the courts an opportunity to take a look at the PSI almost two weeks in advance, and then address any discrepancies. Currently, fiscally, I do not believe we are being responsible to the community or to the state in overtime alone. I think there is a better way to do business, and that is through A.B. 11, which I think is a fair and equitable compromise.

Assemblyman Elliot T. Anderson:

For clarification, did you survey any of the counsel who are representing these clients, or just the clients? Also, do you have the results of this survey, what you asked exactly so I can get a better handle on the results?

Natalie Wood:

Yes, we actually have a list of the questions asked. We specifically spoke with newly sentenced probationers who came into the office for their initial intake. We asked them a certain set of questions that they either elected to respond to or chose not to. We can certainly provide the information to the Committee.

Assemblyman Elliot T. Anderson:

Do you have any feedback from the defense counsel? Obviously, they have a very complicated schedule to handle. Just like you, they have a very large workload.

Natalie Wood:

Yes, I have personally met with the public defenders in Las Vegas and here in the north. We have spoken about some potential compromises beyond what A.B. 11 is proposing. My concern is that I have different issues in the south in meeting the requirements than in the north and the rurals. I cannot split the state and do one set of rules and hold the south accountable at a different

standard than the north. In essence, I would be agreeing to something and setting my command up for failure. I do not think that is a good way to do business. I feel this is an amicable compromise.

Assemblyman O'Neill:

The real issue is we would not need this bill if you were properly staffed, correct?

Natalie Wood:

There are varying issues. The timeline is an issue. In the south it is a staffing issue. Our budget presentation is requesting additional positions. In the north it is a timeline issue between the arraignment and the sentencing.

Assemblyman O'Neill:

How do you transmit the PSIs to the courts and defense counsel?

Natalie Wood:

We e-file the majority of them. Obviously, in some of the rural districts we still hand-deliver them.

Assemblyman Nelson:

What about the district attorneys? Have you surveyed them, and how do they feel about this proposed bill?

Natalie Wood:

We have spoken to them in informal settings. I believe they understand it. I think they can certainly appreciate the predicament P&P is in and the fact that we are doing the best with the resources we have.

Assemblyman Ohrenschall:

I have some concerns about the bill, coming from a defense attorney standpoint. In 2011, the Nevada Supreme Court issued the *Stockmeier v. State, Department of Corrections*, 124 Nev. 313, 183 P.3d 133 (2008), and what *Stockmeier* says is that after sentencing, there is no remedy to the defendant to correct an error in the PSI. The Nevada Supreme Court directed the Legislature to look to how the federal system handles their PSIs. I believe the federal system provides 35 days for the defendant to have the PSI and look for errors and a procedure to try to correct errors, is that correct?

Natalie Wood:

I do not know the exact timelines for the federal PSIs. The federal system is very different in volume. You can relate that to being a defense attorney in the federal system as opposed to perhaps working for the public defender's office.

The volume is significantly different and the content and the requirement challenges are different.

Assemblyman Ohrenschall:

The Supreme Court did direct us to look at the federal guidelines in the *Stockmeier* opinion. Since there is no remedy to correct the PSI, past sentencing is the concern I have in terms of trying to shorten the time and shorten the window that the defendant and the defense attorney have in terms of going through the PSI with a fine-tooth comb to ensure there are no errors. If these are staffing issues, maybe it would be better addressed in front of one of the money committees, not in front of a policy committee in terms of a policy change.

Natalie Wood:

I think A.B. 11 is a fair compromise to both sides. It is a service level that we are being asked to comply with, but if you look from a public defender's standpoint, if A.B. No. 423 of the 77th Session is not being taken advantage of, which the survey results that we provided would clearly indicate, what are we really achieving?

Assemblyman Ohrenschall:

I question that survey, how many attorneys participated in it, and what their points of view were.

Assemblywoman Diaz:

There was an ongoing discussion with former Assemblyman Jason Frierson about this issue. Can you share what that discussion was?

Natalie Wood:

When I took over as chief of P&P, I introduced myself to Assemblyman Frierson to explain the concerns we had with A.B. No. 423 of the 77th Session and some of the operational and fiscal issues that P&P had. My impression is that we both understood one another's positions at the end of the conversation. I was able to articulate both in the north and the south what our concerns were with the understanding that we service every district to the best of our ability. We understand that 70 percent of our business is in the south, but it does not mean to say that we cannot provide that service level to the north and rurals.

Assemblywoman Diaz:

Assemblywoman Carlton did work on this issue last session, and I know they are discussing this in the Assembly Committee on Ways and Means, and I hope that we keep Assemblywoman Carlton informed on the policy end of this.

Chairman Hansen:

Are there any further questions? Seeing none, who is next to testify?

Mark B. Jackson, Douglas County District Attorney and President of the Nevada District Attorneys Association:

I would like to address the questions by Assemblymen O'Neill and Ohrenschall. This arose from the *Stockmeier* decision. That decision was authored by Justice Hardesty of the Nevada Supreme Court. Justice Hardesty also served as the Vice Chair of the Advisory Commission on the Administration of Justice during the 2012 Interim. I was also a member of that advisory commission. One of the issues brought before the commission specifically was to look at the PSI reports and how they were being handled here in Nevada. The Advisory Commission created a subcommittee to review the PSI reports. That was chaired by Phil Kohn, who is the Clark County Public Defender. I served on that subcommittee as well. Phil Kohn and I were the primary drafters of the proposed bill language that became A.B. No. 423 of the 77th Session. That bill language went through the Assembly Committee on Judiciary on behalf of the Advisory Commission. It went to the Assembly Committee on Government Affairs where the bill was basically eviscerated with respect to the *Stockmeier* decision. It did not address *Stockmeier* whatsoever, and it left a one-sentence bill that would require P&P to prepare the PSI reports and submit them to the prosecution, the defense attorney, and the courts within seven days. That then changed to 14 days, and most recently it changed to 21 days. There was no mandate under the *Stockmeier* decision that this legislative body had to provide some procedure to address the issues with respect to any alleged factual errors that were contained within a PSI report. In footnote 5 of the opinion, Justice Hardesty did in fact point out that there were other states and the federal system that did have some procedures in place. There is no constitutional guarantee for that or any laws which require that those factual errors have to be corrected prior to the sentencing hearing. The thrust of that decision is that if those factual corrections are not made at the time of the sentencing hearing, then the defendant is later barred from appealing the decision, which Robert Stockmeier had done after serving approximately ten years in prison and brought an appeal alleging that there was a factual inaccuracy or error within his report.

Because there is no procedure attached to these specific days of 21, 14, or 7, I am here in support of this bill. I will tell you that, as a prosecuting attorney who appears before the judges in sentencing hearings, the district attorneys do not need to get these reports 14 days prior; we definitely do not need them 21 days prior. The defense attorneys do not need them 21 days prior. I believe that 7 days would be the most appropriate. I believe that P&P has bent over

backward on this and is definitely doing the right thing with respect to bringing this particular bill forward.

Chairman Hansen:

There was quite a bit of concern about the survey and the groups who participated. Right now, under current law, the PSIs are always served 14 working days or less. Is that your experience?

Mark Jackson:

I think what happens in Clark County is much different than what happens in Washoe County and significantly different than what happens in the rurals. Within Douglas County, Carson City, and Lyon County, the tri-county area, there is definitely not an issue with respect to the defense attorneys meeting with their clients. We do not see the issues about defendants never seeing a PSI report until the day of the hearing. I think that the contract attorneys that are used and the Office of the State Public Defender do a good job in seeing their clients within a week before the sentencing hearing to go over these reports and identify what the alleged factual corrections are and bringing them to the attention of the appropriate people prior to the sentencing hearing.

Assemblyman Elliot T. Anderson:

Would you be amenable to possibly considering an urban versus rural distinction in this statute?

Mark Jackson:

I think it would be extremely difficult to establish the difference between the two. The issue is not with respect to staffing with the 21 days; with the majority of the cases in Clark County, the defense attorneys are not even reviewing these reports until the day of sentencing. It does not matter if they have 30 days or 45 days beforehand. What you have is a report that is sitting there for 44 days, under a 45-day scenario, and no one is addressing it. I think that the issue needs to be handled by holding the defense attorneys accountable.

Assemblyman Elliot T. Anderson:

With all due respect, I am going to want to hear from the defense attorneys to find out what they are, in fact, doing. How many defense attorneys have you spoken with to see when they review their PSIs?

Mark Jackson:

Prior to becoming the district attorney in Douglas County, I was a criminal defense attorney for 10 years. I was a member of the National Association of Criminal Defense Lawyers. I attended numerous conferences. I have spoken

with criminal defense attorneys from every corner of the state; in my career, over 100. I am aware that there are different issues in Clark County, the rurals, as well as Washoe County.

Assemblywoman Fiore:

Why does P&P want this?

Mark Jackson:

Because the true purpose of A.B. No. 423 of the 77th Session did not come into effect, which was to address some of the issues that were brought forward by the Supreme Court in the *Stockmeier* decision. Instead, all that was left is that P&P had to prepare these reports by a certain date. It started out as 7 days for several months, then went to 14 days, and just recently went to 21 days. The idea behind this proposed legislation is to take it down to something that is workable. Again, this does not address *Stockmeier* at all. It does not necessarily need to be addressed; that was the decision made by this body in 2013. Instead, all it has given is a due date for P&P to prepare the report, get it to the prosecuting attorney, the defense attorney, and to the court, a date specifically prior to a sentencing hearing. Prior to A.B. No. 423 of the 77th Session, reports were typically coming in anywhere from two days to seven days prior to a sentencing hearing. The seven days was never really an issue; that is why I believe that the 14 calendar days is extremely reasonable.

Assemblywoman Diaz:

So it is reasonable for the rurals and everyone else in the state except Clark County. You cannot compare apples to oranges and say everyone has to make do with what works for one part of the state. It has to embrace the entire state. What would be the ramifications for a constituent of mine who is being defended by a public defender?

Mark Jackson:

The rules of professional conduct control what all attorneys are supposed to do, regardless of whether you are a prosecuting attorney or a defense attorney. Those rules require us to communicate with our clients. They require us to meet with our clients to discuss these issues. A PSI report being prepared for a sentencing hearing is something very important within the criminal justice system. It gives the judge something more objective—information that is put together, background information about the particular defendant. I think the issue is about when those reports are being prepared and when they are being provided. That should be a top priority of the attorney. It is a top priority of the prosecutors because we need to identify if there are issues that we may need to subpoena a witness, for example, to testify at a sentencing hearing, if it is

something that is not addressed in the PSI. It should be just as important, if not more, for the defense attorney. Their duty is to represent their client, and they should do so in a timely manner. If there are instances when they are receiving these reports in 14 days, as the statistics show based upon over 300 people who were contacted, there is evidence that they are not seeing their client who is going to be sentenced until the day of the hearing. The issue has nothing to do with what P&P did, or when they prepared the report. That falls 100 percent upon that defense attorney and for his failing to abide by the rules of professional conduct for which he took an oath.

Assemblyman Thompson:

I agree, the PSI is extremely important, more so for the defendant. Currently, with 21 days, are there certain standards in which you require that the draft of the PSI be ready so you have enough time? What I am hearing you say is that there is a rush in Clark County, with maybe one day or no days.

Mark Jackson:

Recently, I did a sentencing on a murder case. At the time of the conviction, while setting a sentencing hearing, I wanted additional days to be able to obtain the PSI. The defense attorney wanted the same thing. There was a representative from P&P, the report writer, who was present in court, and it was discussed. I believe that we had 17 days prior to the particular hearing for us to obtain that PSI. I have also done that recently on a sexual assault case. Those are things that can be agreed upon between the judge, the defense attorney, the prosecutor, and P&P. There is another issue which is something that generated a lot of testimony before the Advisory Commission as well as the subcommittee on PSI reports, which is the fiscal impacts to the counties, specifically the sheriffs, with the additional housing of these inmates within the jails having to wait a certain number of calendar days for the PSI reports, because it could potentially prolong the process. I know that Chuck Calloway testified for Las Vegas, and it was a pretty significant cost of approximately \$150 per day.

Assemblyman Thompson:

If we were to go from 21 days to 14 days, using your example, we are talking about a murder case. This is a person's life. Are we compromising efficiency and thorough reporting by going to 14 days? Why would 14 days help that process? It sounds like it is not quite an issue in Clark County, but more so in the rurals.

Mark Jackson:

Prior to A.B. No. 423 of the 77th Session, there were no days. This is something new, and the 21 days just came into effect a few months ago.

After A.B. No. 423 of the 77th Session was passed, it started out as 7 days, moved to 14 days, and now is at 21 days. We have seen a requirement on P&P to prepare the report prior to the sentencing hearing. You heard about the rurals, with sentencing set at 49 days. Douglas County is right around 49 days, so there is not a lot of time to prepare that report within the 21 days. The argument that can be made is that it can potentially hinder the independent investigation by P&P because they have to get this report put together so quickly. In that recent murder case I mentioned earlier, there were some attempts to contact the surviving family members of the victim. There were two family members who were not included in the report because of the time constraints that were put on P&P. We basically had to provide an addendum to the PSI because there was not sufficient time to prepare that information for the sentencing judge.

Assemblyman Gardner:

I have a question regarding the *Stockmeier* case. It is my understanding you get the case and you have 45 calendar days before the sentencing hearing. In the way the law is currently written, you have 21 working days to get the PSI to the various parties. Basically, this is requiring P&P about two weeks to prepare the report, is that correct?

Mark Jackson:

I believe that was Chief Wood's testimony. It is even worse than that because, at the time of an entry of a plea, there is a pretty big packet that is provided to the defendant. That defendant has to go through the packet and start answering the questions. The majority of it is self-reporting, but there is also verification that needs to be done. The defendant is not completing the packet that day, so that also delays the process. These are some of the major time factors that P&P is facing under the current 21-day requirement.

Assemblyman Gardner:

I understand they can still object to the PSI on sentencing day and get a judgment to have it adjusted. So the law says they need 21 working days to review the PSI to determine if there are any issues with it so they can bring it up at the sentencing hearing. Is that correct?

Mark Jackson:

That is correct.

Assemblyman Ohrenschall:

Earlier Chief Wood talked about a possible compromise of 14 calendar days versus 21 working days. Is that something you would be amendable to?

Mark Jackson:

Yes.

Chairman Hansen:

Are there any further questions? [There were none.]

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

I am here to speak in support of A.B. 11 as written. We are a stakeholder of PSIs. In fact, we deal with over 8,000 PSIs and postconviction reports on an annual basis. We are very concerned about this. Mr. Ohrenschall mentioned the *Stockmeier* case and the errors that brought it up. I have been doing this business for a few years now. Years ago we would have multiple complaints when an inmate came to a hearing, because we are very dependent on the PSI and the information in the PSI. We would have complaints about the report being wrong. In the last few years, I cannot recall one inmate coming to us claiming there is an error in his PSI. This leads me to believe that the PSIs are pretty darn good in terms of accuracy.

Assemblyman Ohrenschall:

You agree that, pursuant to *Stockmeier*, if there is an error in the PSI, once the sentencing is passed, there are no remedies for that person. That error, whether it says someone was in a gang as a teenager or any other scenario that is not true, can affect his ability to go to a conservation camp or even be paroled. Do you agree?

Connie Bisbee:

Absolutely. If the PSI were in error, that could have consequences. From our perspective, we are not receiving the errors that we used to get several years ago.

Assemblywoman Diaz:

Currently, we are in compliance, correct?

Connie Bisbee:

As was explained, what started out as A.B. No. 423 of the 77th Session in terms of correcting errors was taken out of the bill. Assembly Bill 11 is correcting that piece of how much time they have to complete the report.

Assemblywoman Diaz:

Are we getting our business done, the PSIs complete in the 21 days as required by the current statute?

Natalie Wood:

As stated previously, we are in compliance in the south on in-custody cases as a result of significant overtime and additional staffers being reallocated to this specific issue. In the north and the rurals, we are not in compliance with it. We would have to mandate overtime, and that is causing significant issues.

Assemblywoman Diaz:

Are we dragging out the process to conform to the 21 days? I do not understand why you would require more overtime?

Natalie Wood:

As mentioned, there are different sentencing timelines from arraignment to sentencing in the rurals. Different judges have different styles, and there are different averages from the arraignment to when they set the sentencing date. It is difficult to comply. If you had a 30-day sentencing date from the time of arraignment to the time of sentencing, under the current 21 days, it would be due either the day before or the day of the arraignment. It is not a question of personnel or manpower, it is actually a question of timing. I would like to clarify we are talking about calendar days, it is actually more feasible and more doable for P&P than working days.

Assemblyman Gardner:

These PSIs that are being prepared, approximately how many pages long are they?

Natalie Wood:

It varies. It will be less for a drug-related offense than it will for a capital murder offense. I would say on average 8 to 10 pages, which is significantly less than the federal reports, but the workload and requirements are different.

Chairman Hansen:

Ms. Bisbee, you testified that you see about 8,000 of these without any significant errors. We heard that the 7-day, 14-day, and 21-day timelines are a fairly recent thing. In your experience, were there significantly greater problems prior to this 21-day window? Is this making things better?

Connie Bisbee:

We have not noticed a difference in the quality of the PSIs based on these timelines. It is a very difficult concept. There are points, depending on where the judge is, where you would be having a PSI due practically before the person was arraigned. If you have an arraignment this day and you have a sentencing 30 days from now, it is not physically possible to prepare a PSI in 21 working days. It is due before you even start the report. We have not seen any

difference in the quality based on 7 days or 14 days. We started seeing problems with 21 days. There has not been a difference in quality. The errors, over the years, have gone to virtually nonexistent.

Chairman Hansen:

So your testimony is that if we went to 14 days, you would not anticipate any problems based on your track record?

Connie Bisbee:

That is correct.

Assemblyman O'Neill:

Chief Wood, you stated that the average PSI report is 8 to 10 pages?

Natalie Wood:

That is correct.

Assemblyman O'Neill:

How many hours does it take the writer to put together that report?

Natalie Wood:

It is a significant amount. Sometimes it can take days. We do not have control over the information that goes out that we request from the victim or from the criminal histories. It is a very substantial document. Just discerning the criminal history in and of itself is an art that takes a significant training period to pull in all of the dispositions. So, 8 to 10 pages can very quickly turn into 15 or 20 pages.

Assemblyman O'Neill:

How large is a caseload?

Natalie Wood:

They produce roughly 16 to 18 PSIs a month, which is not desirable, but they do a very good job with what they are tasked with.

Chairman Hansen:

Thank you. Is there anyone else here to testify in favor of A.B. 11? Seeing none, we will now hear the opponents of A.B. 11.

Steve Yeager, Clark County Office of the Public Defender:

We are opposed to this bill. We are talking about PSIs; I have one with me. I cannot give it to you because it contains sensitive information, but it is about an 8-page document. These are critically important because they follow

a prisoner throughout the system. A judge looks at it to decide sentencing, the prison looks at it to decide classification, and it is also used for parole consideration. Assemblyman Ohrenschall is correct in that the Nevada Supreme Court said if you do not change this PSI at the time of sentencing, too bad, so sad, you have to live with it. That really changed the way we did business at the public defender's office, because before we did not pay as much attention to these PSIs. This was a Nevada Supreme Court saying you have to pay attention, these are important. Before 2013 there were no timeframes in the law. We would get them, typically, around four to six days before sentencing. Just with the logistics of the paperwork, there were times when we would show up to court and still not have the PSI reports. Maybe the district attorney or judge would have it, and we would need a delay because the defendant would not have had time to review it.

What the timeframe sought to do was to save costs by getting the PSI done quicker, avoiding delays from not having the opportunity to review the PSI. The Advisory Committee on the Administration of Justice was an interim committee that looked at this issue and compared it to the federal reports. That Committee included public defenders, law enforcement, the parole commissioner, and a host of other people. They ultimately recommended 21 days. There was a vote, with only one dissenting vote from P&P. The other individuals agreed with this. Last session, the Legislature looked at this as a policy determination. I will be the first to admit that the bill that was signed by the Governor was very different than the one that was drafted. What essentially happened was that it was a phased-in approach where we would aspire to get to 21 working days. I will tell you we did not ask for 21 working days; we wanted 21 calendar days. No one asked for the 21 working days but, on the same token, no one objected to it either. In Clark County, it was very painful getting to where we are. There was a resource problem. We continued to have a number of delays which had an impact on Clark County, because individuals would be spending more days in jail waiting to either review the PSI or get corrections made. It was a burden but, credit to P&P, they put the staff together.

Now in Clark County we are at 21 working days, which is what the bill requires. I see this bill as taking two steps back. We are going from 21 working days to 14 calendar days. That is a two-week difference in the timeframe. I did contact Chief Wood and said we would be happy with 14 working days. To get back to what was intended, we would support that.

You heard from Chief Wood that they are in compliance in Clark County. On behalf of the Clark County Public Defender's Office, we do not have a problem if we want to use a population cap. We just do not want to take

two steps back in Clark County. Just when we are starting to solve this problem, when delays are reduced, when our county jail is saving money by not having to have individuals stay longer, now it seems like we are taking two steps back.

With all due respect to Mr. Jackson, I would not purport to tell him how to do his job; I do not know how to do his job. But I would invite him or anyone else in this room to come spend the day with the Clark County Office of the Public Defender. We have 150 to 300 cases minimum that we do a year, sometimes more. We are preparing for trials; we have court calendars to cover. We would like to say the second a PSI comes in we can make time to review it with the client. It is just not the practical reality of the resources we have and the situation we are dealing with. We get to them as quickly as we can. We have issues in Clark County where a lot of our inmates are being housed out at the North Valley Complex, which is by Nellis Air Force Base. It is not like you can just walk across the street to make the visit.

In terms of the study that was shown, that apparently did not apply to anyone who had been sent to prison because they only surveyed probationers who showed up. I probably should not say anything more than that because we are potentially looking at federal litigation for violation of the attorney-client privilege on behalf of our clients. I do not think it is appropriate for them to be talking to our clients about what we discussed in the PSI. That is a decision that will not be made by me, but it is a distinct possibility, given the testimony today.

I proposed some amendments ([Exhibit G](#)) that basically fall under two categories. One is go to the real compromise here, which is the 14 working days. There is also a set of amendments that can make the PSI more accurate on the front end. This deals with things that should not be in the PSI. They are areas where we have the most concern from clients regarding inaccuracies. If any of the amendments are adopted, or if the Committee wants to do a population cap to make it different in Clark County, the Clark County Public Defender's Office would support the bill.

Assemblyman Gardner:

Approximately how many public defenders are there in Clark County?

Steve Yeager:

I believe there are approximately 120. Not all of them are reviewing PSIs. Most of them are what we refer to as "track attorneys" where you have a full caseload of about 150 to 300 per year.

Assemblyman Gardner:

It is my understanding that first the public defender would review the PSI and then go meet with the client and discuss it with him.

Steve Yeager:

We have been trying to streamline the process. I cannot speak for everyone in our office, but typically, once the PSI comes in, our secretaries will put it in our file and tell us it is there and also send it to the client. That process will take a few days. Then it is incumbent on either the client to reach out to us to report any errors, or we will reach out to the client to ask if there are any errors. If there are errors, there are things we can do to try to get it resolved before sentencing. There are times we can reach out to P&P to discuss the errors. Sometimes we just have to go to court and bring it up with the judge. The judge might order an additional investigation. The point is, when you are getting to court and no one has had a chance to look at the PSI, there is an additional delay because, before you can even object to what is in the report, you have to continue the case one time.

Assemblyman Ohrenschall:

There are other obstacles that make that timeframe ever so much more important. There are times when the jail is closed or days when the phones are not working. It is not just the caseloads that take time to review the PSI before sentencing.

Steve Yeager:

That is correct. Sometimes there are lockdowns at the jail, with no visits allowed. The phone system usually works, but not always. Many of my clients are suspicious of talking on the phone and prefer to do those visits in person. You may have a situation where a teammate is sick and you get 20 more files dumped on your desk. We do the best we can, and I am certainly respectful of the obstacles that P&P has, but I think we are trying to get to a place where we are all doing business in a way that makes sense, and we are doing the best we can. We just do not want to shorten the timeframe and look at further delays.

Sean B. Sullivan, Deputy Public Defender, Washoe County Office of the Public Defender:

I echo Mr. Yeager's statements. Another issue that should be highlighted: I recently represented a young lady where I received the PSI report. This young lady did not have a felony conviction, yet the PSI showed one, but it was her sister's. I notified P&P as quickly as I could, and they requested more time. These are issues that need to be raised and litigated in court, whether it be an erroneous felony conviction contained in the PSI report, erroneous juvenile

records, whether it is unknown dispositions, gang affiliations, these are all obstacles and issues that need to be addressed because the focus is getting an accurate snapshot of that client before the sentencing judge. I do parole board hearings from time to time, and if those PSIs are not accurate, it may have bearing on parole revocation proceedings.

Assemblyman Gardner:

You mentioned that you have had PSIs that needed correction. What percentage of the PSIs that you review are incorrect?

Sean Sullivan:

I do not have those figures before me, but as a ballpark number I would say anywhere between 10 to 15 percent.

Alex Ortiz, Assistant Director, Clark County Department of Administrative Services:

I am here to discuss the potential budget impact to Clark County by reducing the number of days. Reducing the number of days for the disclosure of the PSIs to counsel will potentially increase the number of days for in-custody at the Clark County Detention Center. At the Clark County Detention Center, it costs approximately \$135 to \$140 per day for an inmate. That is our concern. Also, since the timeframes are being met in Clark County, there has been a reduction in cost to the county at the Detention Center for those in custody. Also, in the 2011 Legislature, there was a budgeting process where the costs were shifted to the county from 100 percent state to 70 percent county and 30 percent state.

Chairman Hansen:

What was your estimated savings when you went to the 21-day timeframe?

Alex Ortiz:

I do not have the amounts with me, but I will provide it.

Chairman Hansen:

Is there anyone else who would like to testify in opposition to A.B. 11? Seeing none, is there anyone who would like to testify in the neutral position?

Assemblyman Elliot T. Anderson:

Would it be possible to hear from Mr. John Jones from the Clark County District Attorney's Office? I would appreciate his perspective.

John T. Jones, Jr., Chief Deputy District Attorney, Clark County Office of the District Attorney:

I am here on behalf of both the Clark County Office of the District Attorney and the Nevada District Attorneys Association. You heard from our president, Mark Jackson, and I am going to stand behind his testimony.

Chairman Hansen:

Any further questions? [There were none.] Is there anyone else wishing to testify? Seeing none, I am going to close the hearing on A.B. 11. Unfortunately, I will need to limit the Nevada Department of Public Safety presentation to ten minutes.

James M. Wright, Director, Nevada Department of Public Safety:

I appreciate the opportunity to speak to you about what the Nevada Department of Public Safety (DPS) does, who we are, and what we do. The main thing that I want to express today is that there is a perception out there that the DPS is basically the Nevada Highway Patrol (NHP). I want to share with you that we are a lot more than the NHP, which is just one of the eight divisions that make up DPS. We have provided you with a presentation ([Exhibit H](#)) and I would like to touch on the highlights.

The organization as we know it today was created in 2001, by a legislative action that separated us from the Department of Motor Vehicles. We are a fairly young organization. Our mission is to provide services to citizens and visitors by promoting safer communities through prevention, preparedness, response, recovery, education, and enforcement. My vision and direction to the department is that DPS is a unified, multidisciplined, and total force organization. What I mean by total force is that I instill that every employee with the DPS provides a very important aspect to achieving our public safety mission.

Our department staffing is approximately 1,400 employees, about 60 percent is officers and the other is support staff. We are organized into eight divisions and three offices. Those divisions are Capitol Police, Emergency Management and Homeland Security, Highway Patrol, Investigations, Parole & Probation, General Services, State Fire Marshal, and Training. We also have the Office of Criminal Justice Assistance, the Office of Professional Responsibility, and the Office of Traffic Safety. The Department of Public Safety also provides administrative support to the Parole Board. Included in our presentation is our organizational chart. The director's office is responsible for setting the policies across the department.

Capitol Police is responsible for state buildings throughout the state, with key emphasis on the State Capitol, the Attorney General's Office, the Grant Sawyer Building, and the Governor's Mansion. Emergency Management and Homeland Security coordinates the efforts of various entities to reduce the impact of emergencies. Basically, if a disaster happens within the state or a local jurisdiction, they help coordinate the response to the emergency.

Highway Patrol, obviously our most visible and known division, enforces traffic laws, investigates traffic crashes, assists motorists, and enforces regulation of motor carriers. We also manage and conduct criminal interdiction programs with the use of interdiction officers, K-9s, and other interdiction tools to reduce criminal activities.

On to the Investigation Division, a small but mighty organization within DPS that supervises narcotic task forces across the state, does criminal investigations, and provides polygraph services. Parole and Probation we heard from earlier. Our General Services Division incorporates our Records Bureau, which is where the criminal history is retained, all the activities they do to collect that information, and disseminate to and support the entire law enforcement community across the state. The Sex Offender Registry is housed in the Records Bureau. Brady Point of Sale Program and the Fingerprint Units are also located in the Records Bureau. They also conduct civil name checks and background checks for employers. There is also the Communication Bureau, which is the dispatch provider for the entire department. The State Fire Marshal Division develops fire codes and regulations and provides fire service training and certification to the fire services across the state. The Training Division obviously trains our recruits coming into the Department and also provides ongoing training for existing officers.

The Office of Criminal Justice Assistance assists the law enforcement community with grants and funding available to them through federal programs. The Office of Professional Responsibility is our arm that conducts our administrative investigations within the department and provides training to our divisions for administrative investigations. The Office of Traffic Safety administers the state's Highway Safety Program. They also offer a lot of grant funding. You have probably heard of a lot of programs we are doing to reduce crashes. Those funds come through our Office of Traffic Safety out to the local law enforcement jurisdictions.

That is a very quick snapshot of a large department, but one that I am very proud of, and an organization in which I feel we take care of business with a very limited amount of resources.

Chairman Hansen:

Very well done, Director. I apologize for not giving you enough time to make your presentation.

James Wright:

We are always available to you for any questions.

Assemblyman Ohrenschall:

I have a request relating to the bill we heard earlier. At a future date will you make some time so the presenters could at least present the amendments?

Chairman Hansen:

Of course.

Assemblyman Araujo:

Mr. Wright, this information is very valuable. I am wondering if maybe we could reschedule this presentation to a time where we have more time to understand how beneficial those services are that are provided by this Department.

Chairman Hansen:

We may try that. I am also sure that Mr. Wright would be more than happy to have someone give you a personal presentation. With that, thank you Director Wright. I will now open up a public hearing. Is there anyone who would like to have public comment? Seeing none, this meeting is adjourned [at 10:58 a.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman Ira Hansen, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: February 4, 2015

Time of Meeting: 8 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 2	C	Brian Vasek	Prepared Testimony
A.B. 2	D	Dana Galvin, Washoe Education Association	Prepared Testimony
A.B. 2	E	Nevada Firearms Coalition	Letter in Support
A.B. 11	F	Natalie Wood, Parole & Probation	Slide Presentation
A.B. 11	G	Steve Yeager, Clark County Office of the Public Defender	Proposed Amendments
	H	James M. Wright, Department of Public Safety	Overview Presentation