

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

**Seventy-Eighth Session
March 18, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Wednesday, March 18, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/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 Michael Sprinkle, Assembly District No. 30
Assemblywoman Dina Neal, Assembly District No. 7

STAFF MEMBERS PRESENT:

Diane Thornton, Committee Policy Analyst
Nancy Davis, Committee Secretary
Jamie Tierney, Committee Assistant

OTHERS PRESENT:

Brett Kandt, Special Deputy Attorney General, Office of the Attorney General
Chris Ferrari, representing Dignity Health and St. Rose Dominican
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office
John T. Jones, Jr., representing Nevada District Attorneys Association
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Sheryl Foster, Deputy Director, Programs, South, Department of Corrections
John Collins, Reentry Administrator, Department of Corrections
Steve Yeager, Deputy Public Defender, Clark County Public Defender's Office
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office

Chairman Hansen:

[Roll was taken and Committee protocol was reviewed.] We have two bills to hear this morning, but I will begin with a work session. Diane Thornton will review Assembly Bill 139.

Assembly Bill 139: Revises provisions governing the issuance of permits to carry concealed firearms. (BDR 15-522)

Diane Thornton, Committee Policy Analyst:

Assembly Bill 139 was heard in this Committee on February 25, 2015. This bill authorizes a person who possesses a permit to carry a concealed firearm issued by another state to carry a concealed firearm in Nevada in accordance with the state laws. The measure also repeals all provisions of existing law relating to the preparation of a list by the Department of Public Safety of other states'

concealed weapon requirements. [Continued to read from work session document ([Exhibit C](#)).]

Chairman Hansen:

I will entertain a motion on A.B. 139.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 139.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Is there any discussion?

Assemblyman Elliot T. Anderson:

I spoke with Assemblyman Wheeler this morning, and I could support this bill if we kept the requirement for live-fire training in the reciprocity. I think it is critical. In the Marine Corps, we were not allowed to touch a weapon before we knew the weapon safety rules and we knew how to handle a weapon. I think that is a reasonable requirement considering that other measures will expand the applicability of people being able to carry concealed here. Assemblyman Wheeler had indicated to me that it was too late to add that and, without it, I will be voting no.

Assemblywoman Diaz:

I would like to echo the sentiments of my colleague. I think that not all states create a permit to carry concealed weapon (CCW) equally: the amount of education, the classes you have to take, and the live-fire requirement are all very important components. That is why I cannot support this bill as written.

Assemblyman Araujo:

I would like to say ditto to my colleagues' comments.

Assemblyman Ohrenschall:

I think Assemblyman Anderson hit it on the head. I am concerned about the states that do not meet our requirements with live fire. Unfortunately, I will be voting no.

Assemblyman Thompson:

I echo the sentiments of all of my colleagues. I will be voting no.

Chairman Hansen:

I see no further discussion.

THE MOTION PASSED. (ASSEMBLYMEN ANDERSON, ARAUJO, DIAZ, OHRENSCHALL, AND THOMPSON VOTED NO).

I will assign the floor statement to Assemblyman Wheeler. We will move on to Assembly Bill 148.

Assembly Bill 148: Revises provisions governing concealed firearms. (BDR 20-242)

Diane Thornton:

Assembly Bill 148 was heard in Committee on March 5, 2015. This bill authorizes a person who holds a concealed carry weapons permit to carry a concealed firearm while on the property of the Nevada System of Higher Education, a private or public school, or a child care facility. [Continued to read from work session document ([Exhibit D](#)).]

Chairman Hansen:

I will entertain a motion on A.B. 148 as amended.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 148.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

Is there any discussion?

Assemblyman Araujo:

I will be voting no today. During testimony we heard such strong opposition from the students of higher education here in Nevada as well as the faculty and administrators who would be directly affected by this piece of law should it pass. I ask us all to remember the folks who would be directly impacted by this very legislation we are voting on.

Assemblywoman Diaz:

I echo Assemblyman Araujo's comments. Also, I do not see the airport authorities' concerns addressed by the amendment. Since gaming and tourism is such a huge industry in our state, I do not want to jeopardize that. For those reasons I cannot support this bill.

Chairman Hansen:

I see no further discussion.

MOTION PASSED. (ASSEMBLYMEN ANDERSON, ARAUJO, DIAZ
AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblywoman Fiore. Next up is Assembly Bill 167.

Assembly Bill 167: Authorizes the storage and carrying of firearms and ammunition on the premises of a family foster home or by certain persons who reside in a family foster home under certain circumstances. (BDR 38-234)

Diane Thornton:

Assembly Bill 167 was heard in this Committee on March 3, 2015. This bill authorizes a person lawfully in possession of a firearm or ammunition to store the firearm or ammunition on the premises of a family foster home in a locked secure storage container. [Continued to read from work session document ([Exhibit E](#)).]

Chairman Hansen:

I will entertain a motion.

ASSEMBLYWOMAN FIORE MOVED TO DO PASS
ASSEMBLY BILL 167.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Assemblyman Gardner:

I would like to state for the record that I spoke with some of my Las Vegas Metropolitan Police Department friends after we heard this bill. A good friend of mine is a cop, and because he has a gun, he was stopped from being a foster parent. I think this is a really good bill that needs to be passed.

Assemblyman Ohrenschall:

I will be voting yes, but I want to reiterate what I understood from the testimony that if the Division of Children and Family Services (DCFS) felt they had a child who had been a victim of gun trauma or had a history of violence in the home, they would still have the discretion to not place that child in a specific home. Similarly, if the foster parent who is a law-abiding gun owner was not being responsible and had the gun accessible to the children, then DCFS could pull his right to be a foster parent. It is with that understanding that I am going to vote yes. I do not think the fact that someone is a gun owner should preclude him from being a foster parent. We need foster parents.

Assemblyman Wheeler:

I am obviously a yes vote on this bill. It is reprehensible to me that a department in the state of Nevada, not by law, but by department regulation, can keep someone from exercising his Second Amendment rights or keep a child out of his home. I think that is ridiculous.

Assemblywoman Diaz:

While I do understand that value of an individual's right to own a gun, I also think it is very important that we honor our children in the foster care program who have been through hard times. We have to think about them long and hard, and their safety is of utmost importance. If something happens to a child, how can we, the state, face the parents? For many reasons I just cannot support this. Things happen; even with good-intentioned people, sometimes bad things can happen.

Chairman Hansen:

I see no further discussion.

MOTION PASSED. (ASSEMBLYMEN ANDERSON, ARAUJO, DIAZ
AND THOMPSON VOTED NO.)

I will assign the floor statement to Assemblywoman Seaman. That closes our work session. We will have another work session tomorrow. I will now open the hearing for Assembly Bill 214.

[Assembly Bill 214](#): Makes various changes related to public safety. (BDR 16-68)

Assemblyman Michael Sprinkle, Assembly District No. 30:

I would like to start with a little background on where this bill came from. This is a continuation of some legislation that was passed last session. This bill continues the effort to try to stop human trafficking and those people who are soliciting and perpetrating that crime. Also last session, I personally sponsored a bill that had to do with establishing an account for victims of human trafficking where services being provided or organizations that provided those services could utilize this account to provide those services for victims.

I will review the bill, beginning with section 1, which allows for money from the contingency account for victims of human trafficking to be used during fundraising type activities. One of the things we found is that since this is not a government-funded account, fundraising is an instrumental part of getting money into the account so that we can provide these services. One of the legislators described this somewhat like seed money which can be used to help sponsor a fundraising event specifically for this account. There is a cap of up to

\$10,000 or 10 percent of the amount that is in the account, whichever is less in one calendar year.

Section 2 allows the Director of the Department of Health and Human Services to allocate funds from the account if, at his or her discretion, there is an emergent need for the funds. This stems from an issue that arose shortly after we first had some money in the account. We realized we needed some money immediately to help a victim of human trafficking. The current process, which is still a good process, is similar to applying for a grant where an organization needs to put together a formal presentation and proposal. That process takes too long when there is an emergent situation. Again, at the discretion of the Director of the Department of Health and Human Services (DHHS) that money can be allocated to help with that immediate situation.

I have an amendment to section 3 of the bill ([Exhibit F](#)). Originally, this bill would increase the penalties for someone who is convicted of solicitation of child prostitution. We were asking for the first conviction to be a category E felony, the second conviction to be a category B, and the third and subsequent convictions to be category A. Many people have said that was too strict. The amendment, to get everyone in consensus with this bill, would change the second offense to a category D felony, and the third and subsequent convictions would be a category C felony; however, there would be no opportunity for parole. If someone were convicted a third or subsequent time, he would be doing his entire prison sentence.

[Chairman Hansen left the hearing. Assemblyman Nelson assumed the Chair.]

Vice Chairman Nelson:

I appreciate your willingness to bring forward this bill.

Assemblyman Gardner:

How is this account currently funded?

Assemblyman Sprinkle:

There are several different potential funding mechanisms for it. Primarily it comes from private donations. There was the large fundraising event that occurred last summer for the account. The DHHS is able to apply for grants and such to help put money in the account. The genesis of the account was that there were multiple organizations, private, faith-based organizations that wanted to donate money, but there was nowhere to put it.

Assemblyman Wheeler:

I am obviously in favor of this account since I was one of the first contributors to it when it was established. I am wondering, is this a pilot program? Limiting yourself to \$10,000, if the account starts to grow and you are able to do some television advertising, this seems like a small amount to me. Is this something where we are going to look at it for a couple of years and then raise the minimum?

Assemblyman Sprinkle:

Certainly, in the future, if there shows a need to increase that limit, I would be open to it. This is a consequence we had not thought about when the initial legislation was passed. Fundraisers are expensive. Anyone who has put on a fundraiser knows that you need some upfront money to get it going. This is a way to start doing fundraisers. We found it difficult to get the seed money for the large fundraiser that I referred to earlier. If in the future we are fortunate enough to have multiple fundraisers coming our way, and all of these different entities that want to help build the account, then absolutely we can look at it again. I certainly do not look at it as a pilot program. This limit will stay where it is now, but I would be more than happy to raise it in the future if we find it necessary.

Assemblyman Wheeler:

I liked section 3 of the bill better the way it was originally written. Your amendment has taken some teeth out of it, and I am wondering why that is. There is nothing more reprehensible than someone hurting a child. Why do we even bother with this amendment?

Assemblyman Sprinkle:

I agree. The intent was to go after people who are soliciting. What I found, as I talked with multiple agencies, is that to build a consensus and get everyone to a place where they were comfortable with what we are doing, a category A felony was too much. In this way, especially with the part that states, "A court shall not grant probation to and shall not suspend the sentence of such a person," we know that any third or subsequent conviction, that person is going to be doing his full prison time. Everyone I spoke with, prosecutors and public defenders alike felt that was an appropriate category for a third and subsequent offense.

Vice Chairman Nelson:

I love the intent of this bill. In section 1, where the money is allocated for fundraising, it states, must not exceed \$10,000 or 10 percent of the money in the account, whichever is less. Maybe we should consider making that whichever is more.

Assemblyman Sprinkle:

I think the intent here was that we identify the problem, but at the time, there were not a lot of funds in the account. We are trying to be very careful about the amount of money we are willing to take out of the account for fundraising activities. You never really know how much a fundraiser is going to bring in. We are trying to have a cap there to protect the account so there is still money available if services need to be given to a victim. Again, in the future, if this account were to continue to grow, then we would look at raising the limit.

Vice Chairman Nelson:

Is there anyone here who would like to testify in support of the bill?

Brett Kandt, Special Deputy Attorney General, Office of the Attorney General:

I am here in support of this bill as amended, specifically to section 3. I was a party to the discussions about what the appropriate penalties should be for a third or subsequent offense of soliciting a minor for sex. We felt that with the proposed amendment, this imposes an appropriate, escalating penalty for this crime. As drafted, the penalties listed would actually be greater penalties for soliciting than for trafficking a child for sex. Once again, as amended, we think this will focus on the issue of demand. That is the issue here. When it comes to trafficking children for sex, we need to address the demand side. The grim reality is, in this country, on any given day, there are about 100,000 of our children engaged in prostitution. The average female who is trafficked for sex is trafficked beginning at the age of 13. We need to address the demand side of this problem. We believe that this bill, as amended, will help in addressing it.

Chris Ferrari, representing Dignity Health and St. Rose Dominican:

We are in support of A.B. 214. Unfortunately, my folks have the challenge of seeing some of these victims in the emergency room and we believe that Assemblyman Sprinkle's bill will go a long way to raise the necessary funds to ensure they get what they need. I am very happy to be here in support. I have also provided a statement of support from Dignity Health and St. Rose Dominican ([Exhibit G](#)).

Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:

I am here in support of A.B. 214. I want to thank Assemblyman Sprinkle for bringing this forward for the additional protections and provisions for the victims of human trafficking. I thought the original language of the bill was spectacular and strong. I do submit to the professionals on the prosecution side. This still provides for great protections and is a good compromise for those who had opposition to those strong penalties.

Assemblyman Wheeler:

Mr. Kandt, you and I rarely disagree on penalties. We are talking about kids. Why would we reduce the penalty for crimes against children? You and I both know it is the solicitors who create the market. Without that market there will be much less trafficking.

Brett Kandt:

I agree that we need an appropriate penalty. We are not talking about trafficking here; we are talking about soliciting. As I indicated, when we were viewing the entire spectrum of the problem of trafficking, we were talking about creating stronger penalties for soliciting than for trafficking. We wanted some proportionality there. It was not so long ago that soliciting a child for sex was a misdemeanor. It was not until Assembly Bill No. 238 of the 75th Session that we made it a felony to solicit a child for sex, distinguishing it from soliciting an adult for sex. That bill also made it something that would require you to register as a sex offender. This is the next step in the process of creating an appropriate escalating penalty for the individual who does not learn the first time that it is inappropriate to be soliciting children for sex. Ultimately, you are the policy makers and if you think a stronger penalty is appropriate, we will defer to your good judgment. We were trying to fashion a compromise with all the parties involved and still bring something for your consideration that we thought was appropriate.

Eric Spratley:

When you read the bill and you see "a child," it is problematic to wrap your mind around why we would want to consider this. This makes it move forward and creates some consistency in the statute.

John T. Jones, Jr., representing Nevada District Attorneys Association:

We are in support of A.B. 214 and would like to thank Assemblyman Sprinkle for bringing the bill forward.

**Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are here in support.

Vice Chairman Nelson:

Is there anyone else who would like to testify in support of this bill? Seeing no one, is there anyone neutral on this bill? I see no one. Is there anyone in opposition to the bill? [There was no one.] Assemblyman Sprinkle, would you like to make any closing remarks?

Assemblyman Sprinkle:

You guys are awesome, thank you.

Vice Chairman Nelson:

I will now open the hearing on Assembly Bill 225.

Assembly Bill 225: Revises provisions governing programs for reentry of offenders and parolees into the community. (BDR 16-45)

Assemblywoman Dina Neal, Assembly District No. 7:

I am here to present Assembly Bill 225. I have provided a small presentation to help give you some framework on this bill ([Exhibit H](#)). I had a couple of stakeholder meetings last year. They were fairly large groups. I invited nonprofits, the Nevada Department of Corrections (NDOC), the Division of Parole and Probation (P&P); everyone who was doing the work involved in reentry. I wanted to bring them together to discuss the gaps. I used the Council of State Governments' website where you can find out everything under the sun that has to do with reentry. I realized that we were not consistent in our reentry practice. What I saw was that we had moments of effectiveness where we were able to build relationships with the nonprofits. There were also situations where the nonprofits may have run out of money and were not able to continue the process of servicing a reentry person. This bill attempts to get at the issue of consistency. I decided to take baby steps this session. I was only going to touch on how can we provide a continuum of services for a nonprofit engaging in the practice of trying to service a reentry person. Our goal is to reduce re-arrests, re-convictions, and re-incarcerations.

Although existing law says that the Director of NDOC can enter into certain contracts, there was a situation where things were not consistent. Let me give you a good example that made me believe that I should bring this bill forward. We had a nonprofit that entered into a contract with NDOC, and they had a person who was supposed to drive to the prison every week in order to visit a particular segment of the population. Suddenly, he just stopped going. No one knew why. When we had the reentry meeting, we found that they had run out of grant money and the actual staff person said that he did not feel like driving out there any more, even though he was supposed to be servicing a certain population. There was no dialogue about the nonprofit stopping coming to the prison. There was no dialogue about the money running out. There was no dialogue about the decision to just not drive out to the prison anymore. How is that a good business model? This bill tries to at least promote consistency in terms of what the NDOC should require if a nonprofit enters into a contract relationship.

We will now get into the amendment ([Exhibit I](#)). This language is a collaborative work between NDOC and me. The amendment states, [continued to read from amendment section 1, subsection 4 ([Exhibit I](#)).] That language is what the federal government is currently using, which is best practices. It will eliminate nonprofits who take on grants just because it is a grant. You should take on a grant that you can fulfill and perform. What is happening currently is that we have multiple entities who want to apply for a program. Just because the money is there does not mean you are the best person to receive the grant. We have people who think, I am doing a little piece of reentry, so I will apply for a grant, even though I cannot do the entire continuum of services that the NDOC is asking for. This requires them to have that discussion when a request for proposal (RFP) drops, when they enter into a contract and they do a memorandum of understanding (MOU) between that nonprofit and NDOC. That is when the discussion should be had. Regardless of who you are, whether you are Las Vegas Urban League, or Nevada Partners, is this the best move for you?

Additional language in the amendment is: "require the entity, to the extent financially practicable, to assess the risk level of offenders and parolees." I found that not everyone was assessing offenders at the same level, using the same data system. It is very important in reentry strategy that you understand the risk level of the offender. He can be a low-risk offender, but have some mental health issues. He can be a low-risk offender but still be dealing with substance abuse issues. At the end of the day, once he exits the corrections facility, our goal is for him not to return. Our goal is that while the offender is in corrections, reentry starts. Reentry starts within the 6 to 12 months prior to his release. Once he is out, we need to ensure that a nonprofit can speak to the issues that he is facing; the high-risk and low-risk issues that he needs to conquer in order to be a successful individual within society. That is why I added the requirement to assess the risk levels. We need to know what he is dealing with and how he can effectively get treatment. Once he leaves, he goes on parole, and is then picked up by another entity who needs to understand what he is facing and have access to services.

This amendment will also require the entity to meet annually with the director in order to talk about the glitches or tweaks, where we need to grow, what the problems were, what the issues were that need to be addressed. Maybe the grant we entered into did not meet the need, but if we do not have a conversation about it, we never know what was done right. The next time we do an MOU, we will be wiser and better able to meet the issues that are coming along.

Basically, that was my intent behind the bill. When we had the stakeholders meetings, I was wishing I could change the business model of nonprofits to make them perform a particular way. That is clearly something I cannot do, but that is what I wanted to try to get at with this bill. I want to change how the nonprofits function, how they operate with the NDOC. There are multiple sides to this issue, but I am taking baby steps. I started with the NDOC, and they said, yes, we will try it.

Assemblyman Ohrenschall:

As a deputy public defender, I have worked with many clients who are trying to transition from prison back into the community. I feel that currently they are being set up for failure. Many folks trying to transition end up homeless. Many have relatives who either do not want to help or cannot help. Trying to ensure that the reentry program works is very important.

Assemblyman Jones:

Is this working with people who are still in prison or after they are released, at places like Casa Grande or Hope for Prisoners?

Assemblywoman Neal:

It is actually going to reach Casa Grande as well. I did reach out to them to ensure that this language was acceptable. Most of this is going to reach the population that is currently being housed and ready to be released. I did not want to go further than that because I did not have enough time. This is a huge issue, and it requires P&P to be involved, and we did not have enough time to have a conversation with them.

Assemblyman Jones:

I have hired a lot of people from Hope for Prisoners and Casa Grande. It seems like most of them do well until they get past the drug testing. As soon as drug testing is finished, within three to six weeks, they are gone. I have hired over 50, and most of them did fine as long as they were being drug tested.

Assemblywoman Neal:

There are a lot of issues, and there are a lot of people who are engaged in the substance abuse portion of reentry. We need to deal with each stratum of the reentry process separately. This bill is trying to deal with these individuals. They are facing many issues. They do not consistently keep a job, regardless of whether they go through a nonprofit who is specifically doing training and services in reentry. We tried to talk about that during the stakeholder meetings to determine where the problems are to ensure the parolees get the right support.

Assemblyman Araujo:

Coming from the nonprofit world, I really appreciate your bringing this forward. We are seeing a lot of trends with accountability in the nonprofit world. There is a need for the connection.

Assemblyman Gardner:

There are a lot of things in this bill that I am surprised we are not currently doing. Do you think this is flexible enough for the NDOC to be able to adjust?

[Chairman Hansen reassumed the chair.]

Assemblywoman Neal:

Yes. This is the third amendment between NDOC and me. The NDOC felt that my initial wording tied their hands. I wanted the nonprofits to provide a contingency plan. If they fail, I wanted contingency plan A, B, and C, something that said, I ran out of money but here are my additional plans to continue to run this program. The NDOC felt that tied the hands of a nonprofit who wanted to engage in a contract relationship with NDOC. This amendment is what NDOC felt was flexible enough, gave them program requirements, and allowed for a discussion around the nonprofit's budget. It eliminates the nonprofit who comes to the table just because there is money. We want the nonprofit who has the intent to do the work, the intent to be consistent, and the intent to complete the program. Currently, if we have a 12-month grant and the nonprofit suddenly evaporates at the 6-month timeframe, what happens to the population it was servicing? This amendment allows us to have a conversation regarding, can you do this, do you have the money to do this, and is this the right thing for you to do? This is going to be in the MOU and in the RFP. The NDOC believed this created enough flexibility.

Assemblyman Thompson:

I want to say that I am a little perplexed that we have to be this prescriptive. This should be something that has always been happening. I would like to suggest a fourth friendly amendment. One part that is missed is outcomes. What I see in section 1, subsection 4, paragraph (c) is pretty much outputs, for example, serve 50 people. That is fine, but we need to go a step further. What did we do with those 50 people? Did we get 20 hired? Did 15 of them enroll in a class to become gainfully employed? Those are the types of things that we cannot miss the boat on.

Assemblywoman Neal:

We tried to get to outcomes a little bit in the amendment in the section that states, "The services provided by the entities, including the growth and success of the services, any problems with the services and any potential solution to

such problems." It was hard to really be more prescriptive in terms of outcomes. We can work on making that more flexible with the NDOC who will be administering this.

Chairman Hansen:

Is there anyone else here to testify on A.B. 225?

Sheryl Foster, Deputy Director, Programs, South, Department of Corrections:

In general, we are in support of the overall idea of this bill. We do understand the importance of the reentry program. Reentry falls under my division, and I certainly think it is one of the most important things we do, which is to prepare incarcerated individuals for release back to society. Originally we had some concerns about the amendment, but that language has been removed. In regard to the newest amendment, I would like to clarify a couple of things. There are things we agree with, but there are things that you probably do not know that we already do. Section 1, subsection 4 deals with items required to be in the contract. Many of these are already required, either by us or by the grant application process. Particularly, paragraph (b) states, "Require the entity to provide program curriculum to the Nevada Department of Corrections for content approval." The NDOC has a program review committee for all of our programs, whether it is a grant program or a staff sponsored program. We have a thorough process for reviewing curriculum and making a determination if it is an evidence-based program or best practices, or if it is a positive activity for social behavior. We also already do risk assessments. The only concern I have with the amendment is where it says that we would require the entity to assess the risk levels of offenders. I think there may be some areas where there would not be a risk assessment per se that they would normally use to place someone in a job. The NDOC already utilizes the Nevada Risk Assessment System, derived from the Ohio Risk Assessment System, which is a nationally known and recognized risk assessment system. Since we have been certified in using this, we are now able to call it the Nevada Risk Assessment System (NRAS). We do this risk assessment at various levels of incarceration, beginning at intake. If the offender goes into a substance abuse therapeutic community, he is assessed again. Our reentry staff assesses all those going into the reentry units.

John Collins, Reentry Administrator, Department of Corrections:

To expand on the NRAS that we are using now, it is giving us the ability of actually placing individuals in the correct area of training. If we had an entity from the outside, we have some idea where the offender should be placed within that training, or even if that training is valuable for him. With that, I think we could still move to get more information. I did hear concerns about

outcomes. Those outcomes are very important. I would love to see something added to the bill to further address the outcomes.

Assemblyman Thompson:

Do you currently have a grants analyst or a management analyst to monitor the activity once the contracts are solidified?

Sheryl Foster:

Unfortunately, the NDOC does not have a grants division. We do monitor a grant at several different levels, one of which is in our fiscal division. Everything that occurs financially within a grant is monitored by our fiscal division. Several grants have an audit requirement, where part of the money for that grant goes to an independent auditor to audit the program. Mr. Collins monitors what is going on with the program. Our fiscal division monitors the financial piece of it.

Chairman Hansen:

Are you here on behalf of the NDOC? Is the NDOC in favor of this bill as amended?

Sheryl Foster:

We are in favor of most of it. The only thing we are not in favor of is where it requires risk assessment. I think it would be more appropriate to state that a risk assessment may be done. There are some organizations in certain aspects, such as job skills or vocational training, that would not have a risk assessment that would be applicable.

Chairman Hansen:

Are you here on behalf of Director Cox?

Sheryl Foster:

Yes, I am.

John Collins:

I would like to explain how we monitor our grants. Evaluations of our programs are generally done by the University of Nevada, Las Vegas (UNLV) or by the University of Nevada, Reno (UNR). At present we have one program that is being monitored for evaluation and a new program that will also have UNR doing an evaluation on the program.

Chairman Hansen:

Is there anyone else who would like to testify in favor of this bill?

Steve Yeager, Deputy Public Defender, Clark County Public Defender's Office:

I had the pleasure of attending the stakeholder meetings in Las Vegas. At the first meeting, some of the folks in that room probably did not want to be there. As we often say, there are silos between agencies, and I think we had that in the nonprofit sector, particularly in regard to reentry services. By the third meeting, everyone was talking about ideas and focusing on the goal of getting people ready for reentry. Because this bill seeks to do that, and hopefully reduces recidivism, the Clark County Public Defender's Office is in full support of this bill.

Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:

Me too.

Chairman Hansen:

Is there anyone else who would like to testify in favor of this bill? Seeing no one, I will move to opposition. Seeing no one, I will move to neutral. Seeing no one, Assemblywoman Neal would you like to have some closing comments?

Assemblywoman Neal:

I would like to address Sheryl Foster's comments. I agree with changing the wording to ensure that the NDOC is not being required to do additional assessments. We are trying to make the nonprofit do additional assessments in conjunction with the NDOC.

Chairman Hansen:

I will close the hearing on A.B. 225 and open it up for public comment. I see no one. This meeting is adjourned [at 9:03 a.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman Ira Hansen, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 18, 2015

Time of Meeting: 8 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 139	C	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 148	D	Diane Thornton	Work Session Document
A.B. 167	E	Diane Thornton	Work Session Document
A.B. 214	F	Assemblyman Sprinkle	Proposed Amendment
A.B. 214	G	Chris Ferrari, Dignity Health and St. Rose Dominican	Letter of Support
A.B. 225	H	Assemblywoman Neal	Presentation
A.B. 225	I	Assemblywoman Neal	Proposed Amendment