

**MINUTES OF THE SUBCOMMITTEE OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session  
April 14, 2015**

The subcommittee of the Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:47 p.m. on Tuesday, April 14, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Greg Brower, Chair  
Senator Becky Harris, Vice Chair  
Senator Michael Roberson  
Senator Scott Hammond  
Senator Ruben J. Kihuen  
Senator Tick Segerblom  
Senator Aaron D. Ford

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nick Anthony, Counsel  
Julia Barker, Committee Secretary

**OTHERS PRESENT:**

Andres Moses, Eighth Judicial District Court  
David Barker, Chief District Judge, Department 18, Eighth Judicial District  
Steve Yeager, Office of the Public Defender, Clark County  
Sean B. Sullivan, Office of the Public Defender, Washoe County  
John T. Jones, Jr., Office of the District Attorney, Clark County  
Lauren Parobek, M + R Strategic Services  
Natalie Wood, Chief, Division of Parole and Probation, Department of Public Safety

**Chair Brower:**

I open the subcommittee of the Senate Committee on Judiciary with the hearing on Assembly Bill (A.B.) 46.

**ASSEMBLY BILL 46 (1st Reprint):** Revises provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution. (BDR 5-489)

**Andres Moses (Eighth Judicial District Court):**

Assembly Bill 46 was brought on behalf of the Nevada Supreme Court. It removes an unworkable provision in the law. Last Session, S.B. No. 106 of the 77th Session passed, allowing juvenile court to reduce financial obligations such as fines, fees and restitutions into civil judgments. Included in S.B. No. 106 of the 77th Session was a provision seeking to carry over civil judgments of adult criminal cases, should one ever exist for the juvenile or parent with an outstanding civil judgment. In the summer of 2013, the court began looking for ways to implement the specific provisions. At the discretion of the Eighth Judicial District, Judge Douglas Herndon, we set up a subcommittee of judges, public defenders, district attorneys and court staff to look into ways to implement this provision. Eighth Judicial District Chief District Judge David Barker chaired the subcommittee.

The problem was the criminal court did not know if a civil judgment was entered in juvenile court. If a juvenile or parent had an outstanding civil judgment and a traffic violation in Washoe County, there was no way for the sentencing court in Washoe County to know of that civil judgment. No database or mechanism notifies a criminal court of these civil judgments, making it difficult to include them in sentencing.

**David Barker (Chief District Judge, Department 18, Eighth Judicial District):**

The Eighth Judicial District Court supports A.B. 46. I echo what Mr. Moses said.

**Steve Yeager (Office of the Public Defender, Clark County):**

I was on the subcommittee that looked at this issue. Our system structure makes the provision in S.B. No. 106 of the 77th Session unworkable. I hope we soon have a way to communicate with each other in terms of what transpires in juvenile court and different district courts. The Clark County Public Defender's Office supports A.B. 46.

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**Sean B. Sullivan (Office of the Public Defender, Washoe County):**  
The Washoe County Public Defender's Office supports A.B. 46.

**John T. Jones, Jr. (Office of the District Attorney, Clark County):**  
The Clark County District Attorney's Office supports A.B. 46.

**Lauren Parobek (M + R Strategic Services):**  
M + R Strategic Services supports A.B. 46.

**Chair Brower:**  
I close the hearing on A.B. 46 and open the hearing on A.B. 11. This bill is on behalf of the Division of Parole and Probation.

**ASSEMBLY BILL 11:** Revises provisions governing reports of presentence investigations. (BDR 14-356)

**Natalie Wood (Chief, Division of Parole and Probation, Department of Public Safety):**

Assembly Bill 11 revises provisions governing presentence investigation (PSI) reports. The Division seeks to allow submission of a PSI report to court and respective council 14 calendar days in advance of sentencing instead of the 21 working days required by statute. That statute was introduced under A.B. No. 423 of the 77th Session.

I have a presentation to go in tandem with my testimony ([Exhibit C](#)). Slide 2 of [Exhibit C](#) is an overview of the Division's command locations and judicial districts. Nevada has a total of 10 judicial districts within 17 counties. Each district has unique needs and sentencing timelines. Assembly Bill No. 423 of the 77th Session creates compliance issues for personnel in the judicial districts. Across the State, we are faced with both a time and personnel issue.

It is a time issue in the north and a personnel issue in the south. The timeline from the arraignment to sentencing hearing was reduced from 62 days to an average of 52 days for in-custody cases in Las Vegas. This impacts the Division's ability to meet statutory requirements, even with extensive overtime. We can no longer meet that 21-day requirement. Average timelines between arraignments and sentencing hearings for in-custody cases vary across the State. In the rural counties, it is 49 days; in northern Nevada, 57 days.

Slide 3 of [Exhibit C](#) provides an overview of Court Services. The Court Services Unit of the Department of Public Safety, Division of Parole and Probation conducts detailed investigations of persons convicted of felony or gross misdemeanor offenses. It makes sentencing recommendations to the district courts with a PSI report. The report details crimes varying from the most serious offenses—including murder, sex offenses and crimes against children—to less serious offenses—theft and substance abuse. *Nevada Revised Statute* (NRS) 176.145 mandates PSI reports contain specific information to help the district courts impose sentences. Assembly Bill 11 addresses the timeline submittals of PSI reports, not the content in any way. Those larger issues that impact multiple stakeholders distract from our purpose here.

Slide 4 of [Exhibit C](#) highlights the differences between A.B. No. 423 of the 77th Session and A.B. 11. Statewide, the Division averaged 871 PSI reports per month in fiscal year (FY) 2015. Assembly Bill No. 423 of the 77th Session became effective in October 2013. Planning its implementation started immediately after the Session and incorporated 21 working days for a PSI report due to court per statute. The Division has been making every effort to meet this 21-day statutory requirement. We streamlined our operation, added additional staff, reviewed our workflow and established internal safety nets. We made significant internal, operational, personnel and fiscal adjustments. In order to achieve the 21-working-day submittal for PSI reports to court, as of April 13, 2013, the Division worked 2,563 hours of overtime at a cost of \$105,056 for FY 2015.

Southern Command issued 237 continuance letters for out-of-custody cases since December 2014. The Division is no longer meeting the 21-day requirement, despite significant overtime. Assembly Bill 11 changes the 21-working days to 14 calendar days for a PSI report to be due to court before sentencing. We can meet the proposed guidelines and maintain a quality document at the same time with this change.

Slide 5 of [Exhibit C](#) provides a visual understanding of the timelines. In this scenario, working days—as opposed to calendar days—are not as beneficial for the Division as a whole. Under the law, a defendant is arraigned and a request for a PSI report is delivered to the Division on Monday, March 2, for a 45-day, in-custody sentencing to be held on April 16. The PSI report is due to court on March 19, leaving the Division 12 working days to complete the PSI report.

If A.B. 11 is passed, the defendant is arraigned and a request for a PSI report is delivered to the Division on March 2 for a 45-day, in-custody sentencing hearing to be held on April 16. The PSI report would not be due to court until April 2, providing the Division has 22 working days to complete the PSI report. Specialists are actively working on over 16 PSI reports at any given time. Specialists do not have control over when they receive dispositions or victim or criminal history information. We need the same amount of time to complete a quality product. We have to meet public defenders' caseload demands, meet with defendants inside custodial facilities and reach out to victims to complete the report. The 21-day statutory requirement has impacted our ability to gather necessary information. As much as we agree with a defendant's right to review his or her PSI report, the Division needs adequate time to prepare a comprehensive and thorough report. The time to prepare the report is of equal or greater value than the time needed to review it.

Slide 6 of Exhibit C provides the results of our PSI report survey. It is telling in regard to the fiscal cost to the State and demands of an unattainable service level. The purpose of A.B. No. 423 of the 77th Session was to satisfy requirements set forth in the 2011 Nevada Supreme Court decision *Stockmeier v. State*. Assembly Bill 11 will still satisfy those requirements. It is an appropriate compromise to ensure courts and counsel have adequate time to address any inaccuracies prior to sentencing while also allowing the Division to meet statutory requirements without overtime, additional personnel and resources.

From October 2014 to December 2014, the Southern Command, Las Vegas office, and Northern Command, Reno office, conducted a survey of 345 offenders newly sentenced to grants of probation to find out if implementation of NRS 176.153 allowed adequate time for review of PSI reports with legal counsel. Seventy-two percent of probationers were represented by public defender's offices. Eighty-five percent of probationers revealed they reviewed their PSI reports with legal counsel within 14 working days or less prior to sentencing. Sixty-two percent reported they first saw their PSI reports either the day of sentencing or not at all. Eleven percent reported reviewing the PSI reports 1 to 7 days in advance. Twelve percent reported reviewing the PSI reports 8 to 14 days in advance. Despite significant overtime and the service level we uphold, the Division's statutory requirement of 21 working days is not exercised in regard to requirements established in

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*Stockmeier v. State* and the importance of having a defendant review his or her PSI report prior to the sentencing date.

**Chair Brower:**

I adjourn the subcommittee of the Senate Committee on Judiciary at 2:04 p.m.

RESPECTFULLY SUBMITTED:

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Julia Barker,  
Committee Secretary

APPROVED BY:

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Senator Greg Brower, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	3		Attendance Roster
A.B. 11	C	6	Division of Parole and Probation	Presentation