

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON CORRECTIONS, PAROLE, AND PROBATION**

**Seventy-Ninth Session
April 13, 2017**

The Committee on Corrections, Parole, and Probation was called to order by Chairman James Ohrenschall at 8:15 a.m. on Thursday, April 13, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman James Ohrenschall, Chairman
Assemblyman Steve Yeager, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Chris Edwards, Assembly District No. 19



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Devon Isbell, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Natalie Wood, Chief, Division of Parole and Probation, Department of Public Safety
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Gary Lenkeit, Private Citizen, Las Vegas, Nevada
James E. Dzurenda, Director, Department of Corrections
Christy Craig, Chief Deputy Defender, Clark County Public Defender's Office
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
Richard Suey, Deputy Chief, Clark County Detention Center, Las Vegas
Metropolitan Police Department
Martina Geinzer, Assistant General Counsel, Detention Services Division, Las Vegas
Metropolitan Police Department
Nita Schmidt, Lieutenant, Detention Services Division, South Tower Bureau
Administration, Las Vegas Metropolitan Police Department
David Cherry, Communications and Intergovernmental Relations Manager, City of
Henderson
Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County
Cody L. Phinney, Administrator, Division of Public and Behavioral Health,
Department of Health and Human Services
Scott A. Edwards, President, Southern Nevada Conference of Police and Sheriffs; and
representing Las Vegas Peace Officers Association
John Borrowman, Deputy Director, Support Services, Department of Corrections
Devin Brooks, representing North Care Coalition, North Las Vegas, Nevada
Kevin Burns, Chairman, United Veterans Legislative Council
Richard S. Carreon, President, Nevada Veterans Association

Chairman Ohrenschall:

[The meeting was called to order and protocol was explained.] Today we have three bills we are considering, but we also have a work session. I would like to start with the work session and turn it over to our committee policy analyst, Diane Thornton.

Diane C. Thornton, Committee Policy Analyst:

On our work session today we have several bills, and we are starting with Assembly Bill 251, which authorizes the State Board of Pardons Commissioners to commute certain sentences of juvenile offenders, sponsored by Assemblyman Hambrick and heard in this Committee on March 14, 2017, ([Exhibit C](#)).

Assembly Bill 251: Authorizes the State Board of Pardons Commissioners to commute certain sentences of juvenile offenders. (BDR 16-304)

There are no amendments to this bill.

Chairman Ohrenschall:

At this time, I would accept a motion on A.B. 251.

ASSEMBLYWOMAN MILLER MOVED TO DO PASS
ASSEMBLY BILL 251.

ASSEMBLYMAN WATKINS SECONDED THE MOTION.

Is there any discussion on A.B. 251?

Assemblyman Hansen:

I vote no on this, with a right to change my vote on the floor.

Chairman Ohrenschall:

Thank you, Assemblyman Hansen. Is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN HANSEN VOTED NO.)

I will assign the floor statement on A.B. 251 to Assemblyman Hambrick.

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 259 revises provisions relating to certain criminal convictions and sentences, sponsored by Assemblymen McCurdy, Monroe-Moreno, Thompson, and Ohrenschall ([Exhibit D](#)).

Assembly Bill 259: Revises provisions relating to certain criminal convictions and sentences. (BDR 14-657)

There are two proposed amendments for this measure. One is from Andres Moses from the Eighth Judicial District Court. He proposed an amendment clarifying that the defendant must provide notice to the prosecuting office upon their filing of a motion to vacate.

In addition, Assemblyman Yeager proposed an amendment, which seeks to move this procedure to the records sealing statute in *Nevada Revised Statutes* (NRS) Chapter 179, "Special Proceedings of a Criminal Nature; Sealing Records of Criminal Proceedings; Rewards; and Forms;" and requires that any petition brought must be to both vacate the conviction and seal the records.

In addition, it would allow the judge hearing the motion to vacate or petition to seal to enter an interim order to vacate the conviction if the petitioner has met the burden to vacate the conviction but the petition is somehow deficient regarding the petition to seal. It would also require the judge to order the sealing of records related to the conviction being vacated, even if there are other convictions that are ineligible for sealing, either by operation of law or because of a deficiency in the petition to seal the records.

It would also clarify that the petition must be brought in the court where the conviction or convictions happened if the convictions happened in one court; otherwise the motion or petition can be brought in each court where a conviction happened or in the district court.

Lastly, this would limit this legislation to misdemeanor convictions only.

Chairman Ohrenschall:

Thank you, Ms. Thornton, and as I understand it both amendments are considered friendly by the sponsor. I would accept a motion to amend and do pass with both amendments.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 259.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

Is there any discussion on A.B. 259?

Assemblyman Yeager:

I just wanted to let the members know that, as they may recall during the testimony on this particular bill, the opposition was that it was in NRS Chapter 176 versus Chapter 179, record sealing. I worked closely with the district attorneys and the sponsor to try to address those concerns. That is what the amendment seeks to do, to put the procedure into the record sealing statute, but also gives the judges discretion to go ahead and vacate. You may also notice that the original version applied to felony convictions as well; this amended version would only apply to misdemeanor marijuana-related convictions. I am happy to answer any questions the Committee may have on the amendment.

Chairman Ohrenschall:

Thank you very much for clarifying that.

Assemblywoman Tolles:

I am going to vote no on this, philosophically, because these individuals knew that it was against the law when they were breaking it. I understand that there have been some amendments to reduce that down to misdemeanors, and I would like to have a chance to process that more. I am voting no, but I may change my vote. I just need to spend a little bit more time on it.

Assemblyman Pickard:

I am actually in exactly the same spot, because I am not familiar with the amendments. It seems to me that the amendments did not undo that retroactive effect. Given that we are reducing it to a misdemeanor level, I might get comfortable with it. I am going to vote no today, but reserve the right to change my vote on the floor.

Chairman Ohrenschall:

Is there any other discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KRASNER,
PICKARD, TOLLES, AND WHEELER VOTED NO.)

I will give the floor statement for A.B. 259 to Assemblyman Thompson.

Diane C. Thornton, Committee Policy Analyst:

The next bill on work session today is Assembly Bill 286, which revises provisions related to court programs for the treatment of veterans and members of the military ([Exhibit E](#)).

Assembly Bill 286: Revises provisions relating to court programs for the treatment of veterans and members of the military. (BDR 14-872)

It was sponsored by Assemblyman Elliot T. Anderson and heard in Committee on March 28, 2017.

Assemblyman Anderson has proposed an amendment for this bill. The mock-up is on the following pages ([Exhibit E](#)). The amendment clarifies when a veteran is not eligible for a program for the treatment of veterans and members of the military. It allows the applicable court to impose sanctions upon a violation of a term or condition. It clarifies when a court may conditionally dismiss a charge, provides for the determination after arrest if the defendant is a veteran or a member of the military, and determines if the defendant is qualified for the treatment program. The amendment provides that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights, or any statute or regulation or license or questionnaire, or for any other public or private purpose. Last, the amendment requires the applicable court to seal records after seven years from the conditional dismissal.

Chairman Ohrenschall:

I want to thank Assemblyman Anderson. I know he has worked tirelessly trying to bring all the parties together and get this hammered out. Assemblyman Anderson, is there any discussion you would like to make on the amendment?

Assemblyman Elliot T. Anderson:

A bit of the amendment is counterintuitive, so I just wanted to discuss that. As for the line-outs in section 2 [page 3, ([Exhibit E](#))], we had a problem in that the statutes were circling back to each other and nothing really explicitly let in the first-time charge to misdemeanors. We got rid of the exclusion approach and specifically said that the first-timers could be included in the substantive statutes, which you will see in the conforming sections at the end of the bill, in sections 11 and 12. The mock-up only lets in a first-time charge to misdemeanor domestic violence or battery. I wanted to make that clear for the record. Furthermore, I worked with the Clark County District Attorney's Office extensively, reviewing case law to ensure that we could use the conditional dismissals for the purposes of charging a second misdemeanor domestic violence or DUI. I believe that concern has been taken care of because the record is not sealed for seven years, at this point. That would still be available to the prosecution. The language of the statute would require the court to admonish the defendant in veterans court, and we believe that gets rid of our constitutional issue in charging enhancements, which was the big hang-up that we had to get through to make that work.

We also took Judge Saragosa's amendment to allow the court to sanction the defendant if the defendant acts out during the program, which I believe is an appropriate measure. All in all, I believe that this measure helps veterans, but makes them do a lot more than if they were just to go outside of veterans court. I think we took a two-pronged approach with this; either we make them work harder in lieu of punishing them, or if they go through and complete the program, they are able to get a conditional dismissal of misdemeanor domestic violence and DUI records after seven years, which would be an incentive to go through the program and stay out of trouble for those seven years. I am happy to answer any questions the Committee may have.

Chairman Ohrenschall:

Thank you very much for all your work on this bill. I am sure this bill is going to help countless veterans and members of the armed services who find themselves in the criminal justice system. I now accept a motion to amend and do pass A.B. 286.

ASSEMBLYMAN THOMPSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 286.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

Assemblywoman Tolles:

I wanted to thank the sponsor of this bill for working so hard on this. I obviously take issues of domestic violence and DUIs very seriously, and after talking through with the veterans' groups and with the sponsor, I appreciate the intent of this bill to help reduce those further incidents, catch them early on, and the comprehensiveness of this program and the judicial discretion that is applied on the other side. I am thankful for the efforts to really address this issue in a thoughtful and therapeutic way, and so I will be voting in support.

THE MOTION PASSED UNANIMOUSLY.

Chairman Ohrenschall:

I will give the floor statement to Assemblyman Elliot T. Anderson.

Diane C. Thornton, Committee Policy Analyst:

Our next bill is Assembly Bill 291, which revises provisions relating to presentence investigations (PSI) and reports. It was sponsored by Assemblyman Ohrenschall and heard in Committee on April 6, 2017.

Assembly Bill 291: Revises provisions relating to presentence investigations and reports. (BDR 14-1076)

Assemblyman Yeager has proposed an amendment; the mock-up is on the following pages ([Exhibit F](#)). The mock-up amends the bill to require that the PSI contain any prior criminal convictions, unresolved criminal cases, any known warrants, any failures to appear, involvement in or completion of any specialty or diversionary court, and any prior arrests within ten years of the date of the offense. It also amends the bill to retain the recommendation section of the PSI. It requires the Division of Parole and Probation to provide, with the PSI, all scoresheets and scales used to reach the recommendation. The amendment deletes section 3 of the bill, thereby retaining the current time frame of 14 calendar days for the disclosure of the PSI. It allows the court to order the Division of Parole and Probation to correct the contents of any PSI following the sentencing of the defendant within 180 days if the prosecuting attorney and the defendant stipulate to correcting the contents. It amends the bill to retain the financial condition of the defendant, but requires that the Division indicate if the information is verified.

Chairman Ohrenschall:

I want to thank Assemblyman Yeager for working so hard on my bill to get all the parties together and to try to work on making sure PSIs are accurate and to address the concerns of all the parties involved. I will open for a motion to amend and do pass.

ASSEMBLYMAN PICKARD MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 291.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Assemblywoman Krasner:

In my notes I have that Alex Ortiz had a concern and was willing to work with the sponsor of the bill. Did that happen? Were those issues ironed out, and was the fiscal note removed?

Chairman Ohrenschall:

I believe that concern had to do with changing the timeline. The original bill proposed to change the time frame to 21 days instead of 14, and we have kept it at 14. I do not want to speak for Mr. Ortiz, but I believe that has addressed his concerns. I see him nodding in the back of the room, so I believe we have addressed his concerns.

THE MOTION PASSED UNANIMOUSLY.

I [Assemblyman Ohrenschall] will take the floor statement on A.B. 291.

Diane C. Thornton, Committee Policy Analyst:

The next bill is Assembly Bill 302, which transfers the Division of Parole and Probation from the Department of Public of Public Safety to the Department of Corrections, heard in Committee on April 6, 2017.

Assembly Bill 302: Transfers the Division of Parole and Probation from the Department of Public Safety to the Department of Corrections. (BDR 16-596)

There is one amendment for the bill. Speaker Frierson proposed the effective date to be changed to July 1, 2019 (Exhibit G).

Chairman Ohrenschall:

I will accept a motion to amend and do pass A.B. 302.

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 302.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Assemblyman Hansen:

I will be voting no. I thought that the evidence presented in the hearing was that the Division of Parole and Probation is doing a wonderful job under the existing structure and their recidivism rate is excellent, so I do not see a problem that needs to be repaired.

Assemblyman Wheeler:

Ditto.

Assemblywoman Tolles:

I really appreciated the discussion on this, particularly in regards to the intent of the sponsors. I am looking at the people who are with the inmates day-in and day-out being more a part of the process of whether they are prepared to reenter society and work with them. However,

I heard so many concerns from constituents in particular about the logistics of it, that I am going to vote no. I am open to conversation and I appreciate the intent behind it, and I think we need to keep having that conversation in terms of really bringing the parties together. I had too many concerns and I could not get across the board to say yes, but I appreciate the intent.

Assemblyman Pickard:

I want to add on to that. I agree with my colleagues and with everything that they have said. I would add that, having lived through some significant mergers on the civil side, I know how difficult this kind of transition can be. I agree with the opponents of the bill when they expressed the concern that when you change top leadership, you really do change the culture of the operation. Given that they have made great strides and have really proven themselves over the last couple of years at least—to have improved the entire process from top to bottom—I would encourage us to allow them to stay on that course and not create a massive change in culture at the top.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KRASNER, PICKARD, TOLLES, AND WHEELER VOTED NO.)

I [Assemblyman Ohrenschall] will take the floor statement for A.B. 302.

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 303 requires that core correctional services be provided only by the state or local government. It was sponsored by Assemblymen Monroe-Moreno, Ohrenschall, Carrillo, Diaz and Yeager.

Assembly Bill 303: Requires that core correctional services be provided only by the State or a local government. (BDR 16-1103)

There are amendments for this bill (Exhibit H). Assemblywoman Monroe-Moreno, working in conjunction with James Dzurenda, Director, Nevada Department of Corrections (NDOC), proposed an amendment to the bill.

The amendment deletes the bill in its entirety and replaces it with new language. It provides that all correctional facilities and institutions must be under state or local control, unless the inmates are housed in other jurisdictions under the Interstate Compact for Adult Offenders. It also sets conditions for NDOC when contracting with private or other facilities.

Chairman Ohrenschall:

As I understand it, Assemblywoman Monroe-Moreno also worked very hard with other stakeholders and was able to get consensus on A.B. 303. I will now accept a motion to amend and do pass A.B. 303.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 303.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Jauregui.

Diane C. Thornton, Committee Policy Analyst:

The next bill is Assembly Bill 316, which revises provisions relating to offenders. It was heard in Committee on April 4, 2017, and was sponsored by Assemblymen Thompson, Yeager, and Ohrenschall.

Assembly Bill 316: Revises provisions relating to offenders. (BDR 16-961)

Assemblyman Thompson, in conjunction with James Dzurenda, Director, Nevada Department of Corrections, proposed an amendment to the bill ([Exhibit I](#)). The amendment revises the bill to allow, but not require, the Director to provide an offender with evidence-based reentry programs. It revises the time frame of providing reentry programs to a "minimum of three months" before an offender is projected to be released from prison and also clarifies reentry programming offenders may be eligible for and enrolled in. The amendment encourages the Director to work with the Governor's Reentry Task Force. It also defines a "promising practice," and adds Assemblyman Pickard as a co-sponsor of the bill.

Chairman Ohrenschall:

Thank you very much, Ms. Thornton, and thank you, Assemblyman Thompson, as well, for working so hard to try to find consensus on this bill. I will now accept a motion to amend and do pass A.B. 316.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 316.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

Assemblyman Pickard:

I do not mean to take up a lot of time but I really want to commend Assemblyman Thompson for trying to find consensus on this. There are many of us that truly do value reentry programs, and I think that his hard work made that much easier for us to support.

Chairman Ohrenschall:

Thank you very much, Assemblyman Pickard; I second that. Are there any other comments or discussion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement for A.B. 316 to Assemblyman Thompson.

Diane C. Thornton, Committee Policy Analyst:

The next bill is Assembly Bill 326, which revises provisions relating to reports of presentence investigations (PSI), sponsored by Assemblymen McCurdy and Yeager, and heard in Committee on April 6, 2017.

**Assembly Bill 326: Revises provisions relating to reports of presentence investigations.
(BDR 14-1117)**

Assemblyman Yeager proposed an amendment; the mock-up is on the following pages ([Exhibit J](#)). The amendment does the following: it adds that if information is disputed by the defendant, the Division of Parole and Probation or the prosecuting attorney must prove by clear and convincing evidence that the information is accurate; it allows the court to order the Division to correct the contents of any PSI following sentencing of the defendant within 180 days if the prosecuting attorney and the defendant stipulate to correcting the contents.

Chairman Ohrenschall:

I see that we have Assemblyman McCurdy here with us today. I believe that these amendments address the concerns that were brought up at the hearing. I will now accept a motion to amend and do pass.

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 326.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

Assemblywoman Tolles:

I have a question about the statement with the amendments. Are the opponents comfortable with it? Have all the parties come to the table, and are they comfortable with the amendments?

Chairman Ohrenschall:

That is my understanding. I imagine that all the parties are here, so if there is anybody who is not comfortable, please come to the table. I guess I misunderstood. We are not going to have a hearing, but I would appreciate it if you could briefly let me know where you are at.

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

There is an unknown fiscal impact to the Division on this. We will be submitting fiscal notes for this bill and Assembly Bill 291.

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

Although I do not have any concerns with the added language that allows the presentence investigation to be corrected after conviction, the concerns that I raised in the hearing about the requirement to include field interview cards and other such documentation—which I believe will delay the process, keep people in our detention facility longer, and increase the amount of time they are incarcerated—was not corrected in these amendments.

Assemblyman Yeager:

I do not want to rehash the hearing, but I would stand by what I indicated in the hearing. This process is actually going to speed up disputes because, instead of having inmates sit in custody for 30 or 60 days waiting to resolve a gang dispute, that information will be available to the court at the time of sentencing, and the court can make that decision right then and there.

I guess with respect to the fiscal concerns, I would just note to the Committee that the procedure in the amendment requires the district attorney's stipulation, and my estimation is that we would be talking about maybe three or four cases a year throughout the state. I do not think this bill will have a huge fiscal impact. The defendant does not have the ability to petition on his or her own; it has to be with approval of the district attorney.

Assemblyman Pickard:

I was originally going to vote no on this, but with the amendment and the explanation today, I am a little more comfortable. I am not quite there yet, but I will vote yes to pass the bill out of Committee and reserve my right to change my vote later.

Chairman Ohrenschall:

Are there any other questions or comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, KRASNER, AND
WHEELER VOTED NO.)

Assemblyman McCurdy will get the floor statement for A.B. 326.

Diane C. Thornton, Committee Policy Analyst:

Our last bill on work session today is Assembly Bill 327, which revises provisions relating to records of criminal history. It was sponsored by Assemblymen McCurdy, Fumo, Yeager, Frierson, and Carrillo.

Assembly Bill 327: Revises provisions relating to records of criminal history. (BDR 14-658)

There are three amendments proposed to this measure (Exhibit K). The first amendment is from John Jones, Kristin Erickson, and Jennifer Noble of the Nevada District Attorneys Association. This amendment does the following: in section 4 it deletes language

that shifts the burden to the prosecutor; section 7 allows for the sealing of violent felonies and residential burglaries after ten years. The added language also seeks to change the number of years before sealing to five years for other category B felonies, category C felonies, and category D felonies. A minimum number of two years is contemplated for category E felonies and gross misdemeanors. Misdemeanors would seal after one year, except for battery, stalking, harassment, and violation of protective orders, which would seal after two years.

The next amendment is from Assemblyman McCurdy. He proposed deleting section 11 of the bill, which requires the automatic removal of minor crimes.

The last amendment is from Assemblyman Yeager, who proposed removing the presumption in favor of sealing for those with a dishonorable discharge.

Chairman Ohrenschall:

I think I learned my lesson from A.B. 326. I will not say that everyone's concerns have been addressed, but I will say that almost everyone's concerns have been addressed. Someone might pop out of the woodwork and say they are still not happy with the compromise, but I want to thank Assemblymen McCurdy and Yeager for trying to reach consensus here. I believe that almost everyone's concerns were addressed with this series of amendments. I am open for a motion to amend and do pass with these amendments.

ASSEMBLYMAN YEAGER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 327.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Assemblyman Yeager:

I just wanted to let the Committee know with respect to the final amendment, there was some discussion in the Committee about dishonorable discharges, and I think the compromise that was reached was simply that if someone had a dishonorable discharge, they could still petition to have records sealed. If the district attorney agrees—stipulates—to the sealing, then the court could do it without a hearing. If the district attorney felt the conditions of the dishonorable discharge were of such a serious nature that they would not stipulate, then it would go to a hearing. In the case of a dishonorable discharge, the applicant would not have the presumption in favor of sealing. That is what the amendment seeks to address; to recognize that dishonorable discharges may be different and they may be different among different defendants or different petitioners, and that the court would ultimately have the discretion to make the call there. I believe that resolved any of the concerns that remained with the dishonorable discharges.

Assemblywoman Tolles:

I just wanted to thank the sponsor for addressing the concerns with dishonorable discharges. That was certainly a point of consternation for many, and I appreciate the work that was done on that. Clarifying that makes me feel more comfortable, and I will be voting yes.

Assemblywoman Krasner:

I know that there was some concern from law enforcement and the Nevada District Attorneys Association. I am just wondering if those issues were ironed out, and if everybody is in agreement.

Chairman Ohrenschall:

I am seeing nodding heads and a thumbs-up in the back of the room, so I think everybody's concerns have been addressed on this one.

Assemblyman Wheeler:

For the record, I was originally a no on this bill, but I think the amendments have cleaned it up. I will be voting yes, and I want to thank Assemblyman McCurdy, Chairman Yeager, and the Assembly Committee on Judiciary for working on this.

Chairman Ohrenschall:

Are there any other questions or comments? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McCurdy. Congratulations, Assemblyman McCurdy, you have done some great work on these bills.

That concludes our work session. Anyone who is not here for the hearings may feel free to leave; otherwise, I will turn the meeting over to our Vice Chairman.

[Assemblyman Yeager assumed the Chair.]

Vice Chairman Yeager:

The order in which we are going to take the bills on the agenda today is reverse order from which they are listed. We will hear Assembly Bill 421 first, followed by Assembly Bill 420, and Assembly Bill 336. At this time, I will formally open the hearing on A.B. 421, which revises provisions relating to corrections.

Assembly Bill 421: Revises provisions relating to corrections. (BDR 16-1058)

Assemblyman James Ohrenschall, Assembly District No. 12:

I am here to present Assembly Bill 421, which accomplishes two vital needs. The first part of A.B. 421 may look familiar to you. The State Board of Parole Commissioners proposed an amendment to Assembly Bill 25 regarding residential confinement, and I think we had about an hour's worth of hearing on that amendment alone. My feeling—and I think many of the members' feelings—was that the amendment seemed meritorious. Unfortunately, we ran into a germaneness issue; the amendment turned out to not be germane to A.B. 25, and it needed to find another home. It found its home in A.B. 421.

Chairman Bisbee and David Smith, as you will recall back in February in the hearing on A.B. 25, spoke extensively about the benefits they saw from enacting this residential confinement program. I will go over them briefly, and then I will be happy to answer any questions at the end of the presentation. I do not want a duplicate of what they previously presented to the Committee.

I believe that this will ease prison overcrowding and facilitate the transition of certain inmates who have been granted parole but are not yet eligible for release. These inmates would be housed in residential confinement during the transitional period that occurs between the issue of an order granting parole and the eligible date for release to parole.

In January, it was reported that 13,800 inmates were housed in Department of Corrections (NDOC) facilities. It is estimated that Nevada's prison capacity could be exceeded by as many as 700 inmates by the end of the 2017-2019 Biennium. In order to provide for housing, NDOC has converted areas of prisons that were created for other purposes into dormitory-style beds. The goal I think most of us share is that we do not want to have to build a new prison.

According to NDOC, there are approximately 375 to 548 inmates who could be eligible to be housed in residential confinement during the transitional period that occurs between the issue of an order granting parole and the eligible date for release to parole. Section 1 of the bill would require the Director of NDOC, with the approval of the Board of State Prison Commissioners, to establish this program for residential confinement of offenders who have been granted parole but are not yet eligible for release on parole. It authorizes the Director to assign identified offenders to the custody of the Division of Parole and Probation (P&P) to serve a term of residential confinement, requires the Director of NDOC to notify P&P and certain victims of the offender of the intent to assign the offender to residential confinement, and prohibits the Director from assigning an offender to the custody of P&P until the offender's proposed plan for placement has been approved. It requires an offender to submit to the Division a signed document concerning compliance with the terms and conditions of the residential confinement, and it provides that if an offender subsequently escapes or violates any of the terms or conditions of their residential confinement, that offender may be returned to the custody of NDOC and may forfeit all or part of any of the credits they have earned through good behavior. That is the first part of the bill, and it is basically the amendment that had been proposed to A.B. 25, presented to this Committee in late February by Chairman Bisbee and Mr. Smith.

The second part of the bill is very important, especially for those of us down in Clark County. I want to go over it briefly. There is also a PowerPoint on Nevada Electronic Legislative Information System (NELIS) that discusses what we are trying to accomplish with the second part of the bill ([Exhibit L](#)). Existing law requires the sheriff of Clark County to provide medical and mental health care for a defendant in the sheriff's custody. This bill provides continuity of care for mentally ill, criminal defendants. Southern Nevada Adult Mental Health Services (SNAMHS) is tasked with providing mental health services to our communities, and as a result, they have the most information about mentally ill individuals in

our community. They also have the most robust community mental health services in the state. Having SNAMHS also provide the mental health services in the jails in Clark County creates a continuity of care for defendants, so that the most accurate information about diagnosis and medication can be utilized. When a defendant is discharged back into the community, they will have greater access to mental health care in their community. This bill intends to improve the system-wide delivery of mental health care to criminal justice-involved individuals and is not a comment or criticism of how mental health care is delivered in the jails now. It is simply a holistic approach to providing a continuity of care model with hopes of diverting defendants from the criminal activity that arises from mental illness.

I will give you a very brief example. Say you have a cousin who has mental health issues. He sees a doctor, and through counseling and medication management, he is stable, functioning well, and able to work, go to school, and take care of what he needs to. Then, for some reason, he stops taking his medication or he stops going to his counseling and therapy, and then he is arrested. The crime is something that is not very serious, but it is serious enough that it sends him to Clark County Detention Center. Perhaps he was waiting at a bus shelter and he pushed someone because he was not stable and he had decompensated. Unfortunately, there was a disconnect and the treating doctor at the detention center had a very difficult time trying to find out what medications had been prescribed to your cousin, who could be stable and function when complying with his treatment plan. Whether it is a loved one or someone we do not know at all, we still want him to have the best care available. Continuity will ensure a better chance of success. The chances of failure are great if, every time a patient meets with doctors, they start from scratch as to what might help the patient—either not knowing or not believing what the patient tells them, or maybe the patient is not able to tell them what he is on. That is the issue that this second part of the bill tries to address—trying to ensure that there is continuity of care.

I am very fortunate today that I have Dr. Gary Lenkeit, one of our state's premier psychologists, with me in Las Vegas. I believe he can make some comments on the bill as well. Vice Chairman Yeager, perhaps you could let Dr. Lenkeit speak next, and then we will open up for questions.

Vice Chairman Yeager:

Thank you, Mr. Chairman. We will do that.

Gary Lenkeit, Private Citizen, Las Vegas, Nevada:

I am a licensed psychologist practicing in Clark County, and much of my practice entails conducting evaluations for the courts. I have conducted civil commitment evaluations since 1994, and criminal competency evaluations for approximately ten years. I am here in support of A.B. 421.

Assemblyman Ohrenschall just gave an example of the need for continuity of care for people who are placed in jails. I would just like to give an example from a case that I worked yesterday. The Henderson Detention Center asked me to conduct a competency

evaluation and to opine whether the individual to be evaluated was in need of mental health services. When I do such evaluations, the first thing I do is consult my own records to see if I have previously evaluated the individual. In this particular case, my records indicated multiple prior civil commitment evaluations and hospitalizations over an 11-year period. This particular individual had been there for several days without medication. I do not believe that records were available showing what medications the patient had been on in the past. If SNAMHS was providing treatment in the jails this information, as well as the hospital treatment records, would be readily available to treating clinicians at the detention center and treatment could be provided in a timelier manner. Assembly Bill 421 would thereby facilitate treatment benefitting both the patient and the detention centers. Thank you, and I am available for any questions that you might have.

Assemblywoman Jauregui:

I know section 1 just found a home in A.B. 421, but I had a question about it. As I was reading it, I was recalling that we had a bill in work session today that would require three months of reentry services be provided to those who are going to be released. If inmates go on to house arrest before they get out, would they still be eligible for those reentry services?

Assemblyman Ohrenschall:

The short answer is I think so—and I hope so—and I do not want to speak for the director of NDOC, but I believe that if Assembly Bill 316 is signed into law, it would harmonize with this bill, assuming this is also signed into law. I believe there are representatives here who might be able to speak to that.

Assemblywoman Jauregui:

Thank you. I just want to make sure that they are not missing out on those services.

Assemblyman Ohrenschall:

That is certainly not the intent of this bill, so if there needs to be a technical correction to ensure that, I am certainly open to that.

Assemblyman Pickard:

Thank you for bringing this bill forward. Dr. Lenkeit, it is good to see you again. I have spoken with several people that are intimately involved with this on the detention and courts side and they all agree—or at least they expressed to me—that continuation of care is critical to stabilization, and stabilization is critical to reducing recidivism, or at least reoffending.

I have a question that may be beyond the scope of this bill. If you think that is the case you do not need to spend time answering it. How do we actually make residential facilities work? We have to place these facilities somewhere, and zoning is often a problem. Certainly, we also have neighborhood issues. Have you given any thought to the next step of this bill, or is that just beyond the purview of the bill and something we will have to worry about later?

Assemblyman Ohrenschall:

I have given it a lot of thought. I think we always run into the problem of "not in my backyard," where people are hesitant to have a residential confinement or a halfway house nearby. That is a challenge that we always face whenever there is this type of program. When Chairman Bisbee and Mr. Smith testified in front of the Committee in February, they seemed optimistic about the ability to make this work. With this program, people will not have to wait around in jail because they do not have a parole plan or do not have anywhere to live. Residential confinement will allow them to get back out into the community. I am heartened by Chairman Bisbee's optimism that this is something that can work and it is not a pie-in-the-sky idea, but I do not have the answers. I expect that there is going to be concern about "not in my back yard" wherever something like this is going to be located.

Assemblyman Pickard:

I actually support the idea of residential, transitional programs. Maybe you and I can have that conversation and we can address that in a coming session. I will also say that I am happy, finally, to be able to support one of your bills right out of the gates.

Assemblyman Ohrenschall:

I figured that if I kept trying, I might get some support. I am very honored to have your support. Thank you, Assemblyman Pickard.

Assemblyman Elliot T. Anderson:

As you know, in 2011 the Supreme Court spoke about special laws and making distinctions under the *U.S. Constitution*. Correct me if I am wrong, but I noticed that the portion of the bill that deals with jails only applies to Clark County. I think regional laws are okay if they are applied urban-to-urban versus urban-to-rural. It is important to figure out exactly why we are making a distinction in the law if we are going to treat Clark County differently from the other counties. Can you comment as to why Washoe County is not included in the jail portion of this bill? I just noticed that the *Reno Gazette-Journal* did a big special on deaths inside of the Washoe County Detention Facility. Maybe the timing is right, based upon that investigation, to include Washoe County in these provisions.

Assemblyman Ohrenschall:

I have repeated this quote often in this Committee. It was a quote given a couple of months before the Legislature started where our sheriff in Clark County stated that he believed Clark County Detention Center (CCDC) was the largest mental health facility in the state. I believe that is still true, and I think that down in our part of the state we face some unique challenges in terms of a mental health crisis and people who may find themselves being brought into CCDC because they are decompensating, because they are not staying on their medication, or because they have not ever been diagnosed or treated. I think we face unique challenges down south: the transiency that comes with being the Entertainment Capital of the World; the transiency of people who, unfortunately, may not be as lucky at the casinos as they thought they would be and might have alcohol problems or drug abuse issues. We face unique challenges. Would this be right for Washoe County? I would certainly be open to that discussion if the residents from Washoe County wanted to consider it, but

I believe this is a unique problem we face in our part of the state that we would be able to address through this bill.

Assemblyman Elliot T. Anderson:

I would encourage you to try to plow that ground because I think that some of those issues probably also exist in Washoe County. Reno has some of the same challenges, and based upon the investigation that just came out, I feel like that psychiatric care could be of real assistance in saving lives.

Assemblyman Ohrenschall:

Those are some excellent points, and I will reach out to my colleagues from Washoe County.

Vice Chairman Yeager:

I have a question for you about the part of the bill concerning mental health treatment. It indicates that the Division of Public and Behavioral Health would provide the services in Clark County. Could you speak to who provides those services now at the Clark County jail?

Assemblyman Ohrenschall:

I think it depends on which jail you are asking about. We have CCDC, but there is also the City of Las Vegas Detention Center within the city limits, the Henderson Detention Center, the North Las Vegas Detention Center, and the Mesquite Detention Center. I believe it varies depending on the jurisdiction and detention center, but I believe in all cases it is a third-party contractor who is contracted to provide all medical care, whether mental health or trying to deal with a broken leg—anything that does not require a trip to the hospital. Many people find themselves arrested, not necessarily due to purely evil intent, but due to decompensating and behaving in a way that may be largely attributable to not taking their medication or not seeing the doctor. Many of these people have been treated by SNAMHS. These are people whose records would be at the facility, and a psychiatrist or psychologist would know what they have been taking and what has worked and what has not. If a patient had been doing very well on a regimen of risperidone in the morning and trazodone at night, and then was suddenly brought into the Henderson Detention Center, what if the treating physician felt that he wanted to try something completely different? The doctor would not know the patient's history and what has been successful. That is what we are trying to cure with this legislation.

Vice Chairman Yeager:

Are there any other questions from Committee members? I do not see any, so I will invite anyone else who would like to testify in support of A.B. 421 to make their way to the table at this time, either in Las Vegas or here in Carson City. I believe I see Director Dzurenda in Las Vegas; did you want to offer testimony or perhaps answer the question from Assemblywoman Jauregui?

James E. Dzurenda, Director, Department of Corrections:

I believe the first part of Assemblywoman Jauregui's question was about home confinement and whether these inmates will qualify for the reentry services. Each individual under home

confinement, as I understand it, will have an individualized supervision plan, a part of the reentry plan. They would still have a part in their plan where they could qualify and still be able to participate in the reentry services. It all depends on the individual. I would have to speak with our reentry services and with P&P, but they would still be offered the reentry services that were mentioned earlier.

The second part is about residential placement. The worst thing we can do to our community is to release offenders out our back door at the end of their sentence. If we keep inmates in custody until the end of their sentences, we have no supervision over them, and they do not receive any community services. We have just let them out the back door and we have no control over that offender again because we lose jurisdiction of them at the end of their sentence. We do not want to put them in the community and wish them luck because that is a public safety issue. With residential placement and housing—whether halfway houses, residential confinement, or inpatient services for offenders before the end of their sentence—if we have a way to monitor them, control what programs they are in, make sure they are going to those programs, make sure that we are connecting them to job services, we can affect public safety. Residential placement would allow us, in Nevada, to be able to put offenders back out in the community who normally would have been let out our back door with a good luck pat on the back.

I am advocating today as a neutral party, but I wanted to let you know that I have been involved with residential placement, or halfway houses, in Connecticut. Connecticut has a law that says that 18 months prior to an inmate becoming eligible for parole they may be placed in residential confinement, as long as there is no history of violence, no sex offense charges, and there are no testimonies from victims attesting that they live in the same community. When you have those wraparound services, putting offenders back in the community—where they are going to go anyway at the end of their sentence—those services have proven to reduce recidivism. We are going to monitor them, supervise them, and put them into those wraparound services such as job placements. Those things should happen so that inmates are more successful and will be less likely to victimize the community.

I wanted to comment about a third thing, which we mentioned today, which is the continuity of care with mental health. I am trying to stress with some of the other committees how important it is that we are entering electronic records into our database at NDOC. Right now, we do not have access to a history of offenders who have mental health issues, who have been on certain psychotropic medications, or which offenders have had bad side effects from medications which could make them more violent. Those things are never even relayed to the outside community because there is no way to do that.

I wanted to echo comments made earlier today about how important this information sharing is to public safety. We need to make sure that there is a continuity of care between the mental health treatment while offenders are in prison and the treatment they receive when they discharge into the community. The sharing of records, sharing of information, sharing of what treatment worked or did not work, and follow up and supervision all becomes a part of successful reentry.

Vice Chairman Yeager:

For the record, may I ask if NDOC's formal position on the bill is one of a neutral position? Is that correct?

James Dzurenda:

That is correct.

Vice Chairman Yeager:

We will make sure that we note that for the record. I will now open up to testimony in support of A.B. 421.

Christy Craig, Chief Deputy Defender, Clark County Public Defender's Office:

I am an attorney at the Clark County Public Defender's Office, and as Assemblyman Ohrenschall noted, the Clark County Detention Center is the largest provider of mental health services in the state of Nevada. I want to note right at the outset that CCDC is doing yeoman's work with the task that they are assigned. They walk a very fine line every day in treating the mentally ill, people with medical issues, as well as maintaining safety and getting everybody to where they need to be. It is a difficult task that is made even more difficult when you add in people who suffer from a mental illness.

I am here, however, in support of A.B. 421, specifically section 4, subsection 8. I think that Assemblyman Pickard hit the nail on the head when he talked about the importance of continuity of care. Collaboration between the jail, the mental health system, and behavioral health services benefits not only the defendant, but also society as a whole. The better that we are as a community in providing continuous care with persons who understand and are aware of a particular person's mental health issues, the better off we all are and the less-likely they become to reoffend. It is when we release people without support directly to the street, without the ability to continue their mental health care, that we end up getting them back in the criminal justice system. I think collaboration between the jail, the jail's mental health services, and NDOC can only lead to greater support and consistency in care, because Southern Nevada Adult Mental Health Services in Clark County provides the vast majority of mental health treatment that criminal defendants are using in the time that they are not actually in custody. They have the patient records, which sometimes can go back as far as 20 years. Having that available when a person first enters into the jail would be enormously valuable. Even more valuable would be what happens when someone is released. They could be immediately transferred to SNAMHS with some outpatient, transitional services set up so the person knows where to go and can get treatment. They could easily be referred to have their Supplemental Security Income (SSI) benefits put back in place, or their Medicaid put back in place so they continue to get mental health care. I think there are some real benefits to this particular bill, and particularly in that subsection.

Vice Chairman Yeager:

Thank you. Are there barriers in statute now, either in state or federal law that would prevent the health care provider in the jail from accessing or obtaining the records from Southern Nevada Adult Mental Health Services?

Christy Craig:

Yes, because they would be required to get a release from the defendant or patient in order to access those records. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires that process to be done in that particular way. Sometimes the mentally ill are not always able or willing to sign those kinds of releases. Additionally, there is some difficulty in the way the systems work, meaning that just because someone signs a release does not mean that the information is automatically available. Sometimes computer systems are incompatible. Sometimes it would require that the jail send a physical form to allow SNAMHS to release those records, and then those records have to be sent back to the jail. That could take a substantial amount of time. If the state and the Division of Public and Behavioral Health were actually providing services, that information would be immediately and readily available as the providers of that service. Does that answer your question?

Vice Chairman Yeager:

It does, thank you. Are there any other questions for Ms. Craig? I do not see any other questions. Is there anyone else in support of A.B. 421? I do not see anyone else in Las Vegas, but we have a couple of people here in Carson City.

Assemblyman Ohrenschall:

I neglected to mention that I proposed an amendment to the bill ([Exhibit M](#)), and it will be posted on NELIS. It just amends the language on page 9 of the bill to indicate that the state would be reimbursed for the cost of services. I am not trying to change the payment method wherein local governments would reimburse the state for mental health care costs rather than paying a third party, as they do now. That amendment will hopefully post on NELIS; I did not see it there, so I just wanted to make that clear to you and the Committee.

Vice Chairman Yeager:

For clarification, your amendment would relieve the Division from the financial responsibility of providing the care that is sought in the second half of the bill.

Assemblyman Ohrenschall:

That is correct. My amendment would say that instead of contracting out these services to a third-party contractor, mental health services within the detention centers in Clark County would now reimburse Southern Nevada Adult Mental Health Services.

Assemblyman Pickard:

Do you know if they are currently seeking Medicaid coverage for patients as well? I know that is sought in many of the outpatient programs, but I do not know if NDOC is doing that.

Assemblyman Ohrenschall:

I believe that when an inmate is in custody they are covered under Medicaid, but I do not want to misspeak. I know that juveniles in juvenile detention centers are covered by Medicaid. As a practitioner in juvenile delinquency court, I see children who are suddenly able to have insurance and medical care that they may not have had access to in the community, and they see it as a benefit of being in the juvenile detention center. I believe that the same is true for adults, but I may be mistaken.

Assemblyman Pickard:

If it is not, I would encourage that because I know that the juvenile program has made great strides in getting these kinds of coverages just by the asking. It seems to me that someone in CCDC said they have a Medicaid coordinator for that purpose. I was just wondering if it was broader than that. From a policy standpoint, I think that would be a good idea.

Assemblyman Ohrenschall:

Thank you, Assemblyman Pickard. Perhaps there will be someone who can answer that question later.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

We just wanted to register support for the beginning sections of the bill and thank Assemblyman Ohrenschall for bringing this bill forward. We are fully in support of anything that can help with reentry, and Ms. Craig spoke fully to the continuity of care issue on behalf of our office as well.

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

We, too, want to thank Assemblyman Ohrenschall for bringing forth this bill. We appreciate that the first half of the bill, concerning residential confinement, helps offenders get back to their families and assists them in finding gainful employment. These are all positive things that will help offenders assimilate back into society. We have already heard a lot of testimony about that. I just really appreciate these efforts.

Concerning the second half of the bill, section 4, subsection 8, we are certainly in support of the spirit and the concept of what this section is trying to accomplish. I only speak for the Washoe County Public Defender's Office; I do not speak for the Washoe County Sheriff's Office or the jail. I appreciate Assemblyman Anderson's comments, particularly in light of what is going on at the Washoe County Detention Center. We would like to be invited to the table to continue further discussions, simply due to the fact that if we are going to say CCDC is the largest mental health provider in the state—which it is—I would submit to the Committee that the Washoe County Detention Center is the second-largest mental health provider in the state. We would be in support of anything that would preserve the continuity of care that we have been talking about this morning for the inmates at the Washoe County Detention Center who need mental health treatment. With that, I will submit to the Committee our full support of this bill.

Vice Chairman Yeager:

Thank you, Mr. Sullivan. I do not see any questions. Is there anyone else in support of A.B. 421? [There was no one.] I will open the meeting up to opposition testimony. Is there anyone opposed to A.B. 421 either here in Carson City or down in Las Vegas?

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

I would like to make a few comments and then have Chief Suey provide testimony from Las Vegas. He is the person who runs our jail. Our general counsel and a lieutenant who works in these facilities day to day are also on hand to provide testimony and answer questions. They are our boots on the ground.

First, I wanted to say that we are opposed to section 4, subsection 8 of the bill. As you well know from previous testimony I have given, the Las Vegas Metropolitan Police Department (LVMPD) is actively engaged in mental health issues, on the front end and in the field through our Crisis Intervention Team (CIT) and our Mobile Outreach Safety Teams (MOST). Judge Voy and I came to the table on a bill earlier this session and spoke about the outpatient services we provide in conjunction with the courts. Mental health is an issue that is very serious to us, both inside and outside of the detention center. We make every effort, through our CIT and MOST programs, to divert people away from the detention center if their issues are mental health-related. Unfortunately, people sometimes commit serious offenses, they end up in our facility, and they do have mental health issues. As has been stated twice already during testimony, we do believe we are the largest mental health facility in the state.

When it comes to section 4, subsection 8, we are not convinced that the state can do a better job of providing mental health treatment to the people in our facility. We agree that continuity of care is critical. I am not sure that I fully understand Assemblyman Ohrenschall's proposed amendment, but the way I understand it, verbally, is that it would not only provide the state take over these tasks, but that we would also pay for it so that there is no fiscal impact. I believe there is a large fiscal note attached to this bill, and I think that if we are going to apply additional resources, those resources should be applied towards the front end, towards mental health services that can divert people away from the detention center, and get them treatment—both on the front end and on the back end—when they are released from the Clark County Detention Center. Our number one priority in the CCDC is the welfare of all inmates and the safety of our corrections officers in that facility. We make every effort to ensure that all inmates who enter our facility are properly cared for and treated for any health issues, including mental health issues that they might have.

Before I turn it over to the people down south who can provide you more detail, my recommendation is that this is an area where I believe there is always room for improvement. I am not saying that CCDC is perfect or that we do everything spotlessly. There is always room to improve. This is an extremely involved area, and I think that we should get all of the stakeholders together to take a more in-depth look at this before we mandate things through legislative action; I think that would be more appropriate. With that, and with your

permission, I would turn it over to Chief Suey and our general counsel, to give you more specifics and answer any questions that you might have.

Vice Chairman Yeager:

Thank you, Mr. Callaway. We will go down to Las Vegas and take testimony, and then we will open it up for questions.

Richard Suey, Deputy Chief, Clark County Detention Center, Las Vegas Metropolitan Police Department:

We have some liability concerns with this bill, and we want to talk about indemnification and ask some questions about that. We also have some concerns about continuity of care. Right now, we have a medical provider that does medical as well as mental health and it is of concern to me that we would divide this care between two entities. Many times in public government, we find that when we have two entities, their software does not talk. I am concerned that this would be the issue if the state took over mental health care but had us use a private vendor for medical care. I think it is imperative that we be able to have continuity of care between medical and mental health. I think there are some misperceptions about information sharing, and I think there are misperceptions that we do not have the information we need on our inmates, as has been stated repeatedly. The Clark County Detention Center is the biggest mental health facility in the state of Nevada. We process approximately 60,000 inmates through our facility a year and we see the same people repeatedly. We do have that history. I would now like to turn it over to our legal counsel to discuss our concerns about indemnification.

Martina Geinzer, Assistant General Counsel, Detention Services Division, Las Vegas Metropolitan Police Department:

One of the issues we have with A.B. 421 is its effect on liability. Under our current contract, if any issues with regard to medical or mental health arise we tender defense to the contractor, which also has an indemnification section. Would the Office of the Attorney General now take over this function? That question remains unanswered. Indemnity costs are larger than might be expected because these types of lawsuits are usually not capped. They are brought in federal court and there is not a \$100,000 cap as in negligence cases. Current statute does not allow one public agency to indemnify another, and when two agencies have no indemnity, there is an incentive to blame each other. It is always easier to point the finger at the other party doing something wrong; that further drags out litigation and makes it more costly.

We also have a few contractual issues with this bill. We currently have a contract in place that gives us certain rights over what happens when we have a provider or contractor who we believe should not be working with inmates anymore. We can revoke their access without any notice. The question, then, is what will happen with background checks for individuals who work in our facilities after the state takes over? Health care is different in a correctional setting from out in the community.

I really appreciate the intent of this bill, but I have several concerns about the logistics included in the proposal. Correctional care is very much based on constitutional law. When a person is in a state mental facility, he or she is usually there on his or her own volition, or there is a civil commitment order or there is another type of court order. When they are in our custody, our biggest problem is that we cannot force individuals to take their mental health medication, absent a court order. There is a high standard we are required to meet in order to obtain a court order. The big legal issue for us at the detention center is to get people to take their medications. We often have difficulty getting patients to voluntarily take their medication, and that is the easy part. The hard part is when, unfortunately, patients come in from the outside and they are already decompensated—they have not been taking their medication on the outside. These patients arrive in the detention center and they refuse to take their medication. There is a huge process involved in order to have somebody take their mental health medications when they do not want to.

Because we are always looking for ways to improve, we entered into a memorandum of understanding (MOU) with the Southern Nevada Adult Mental Health Services in the last six months. We work very closely with SNAMHS— Lieutenant Schmidt can probably speak to that better than I can. The MOU basically allows us to share information in patient medical records. I know Ms. Craig said that HIPAA prohibits any information sharing, but there is actually a HIPAA exception for law enforcement and there is also a state law that allows the type of information sharing I am talking about. Since we entered into the MOU we do get that information, and we also share information back to Southern Nevada Adult Mental Health Services.

**Nita Schmidt, Corrections Lieutenant, Detention Services Division, South Tower
Bureau Administration, Las Vegas Metropolitan Police Department:**

I am the administrative lieutenant over the medical contract in the South Tower Bureau. I wanted to discuss the concerns that Attorney Geinzer and Chief Suey brought up, as well as provide some more information about a subject that was brought up previously. We do currently have a memorandum of understanding with SNAMHS so that we can provide information back and forth. Therefore, we already have the ability to obtain medical records information, and that problem has already been resolved. We also have the ability to get medical records from University Medical Center of Southern Nevada for any person in our custody who was previously hospitalized in that facility, or any of the other area hospitals.

Additionally, there is a presumption that everybody in CCDC is also a user of Southern Nevada Adult Mental Health services. As you know, Las Vegas is one of the largest tourist destinations in the United States, and a portion of the population that comes into our jail with mental health issues and concerns are from other areas. I would like to reiterate that because CCDC is the largest mental health service provider in this state, we have medical records on site already, because we maintain medical records each and every time individuals are brought into custody.

One of the questions that came up earlier was about Medicaid. Medicaid stops when somebody becomes incarcerated; however, at CCDC we started a program through

a partnership with the state Division of Welfare and Supportive Services to have two caseworkers on site who provide application services and immediate enrollment in Medicaid. That way, when individuals are released out the back door of our jail, they have active services in hand.

We currently participate in a number of different programs that allow increased communication with the courts as well as mental health services in the state. One of those is the Lakes Crossing Task Force, where we have discussions on a monthly basis with mental health providers, the public defender's office, and the courts; there we discuss people and competency-related issues. We welcome any type of coordination and consultation, and welcome the conversation to continue on this topic because we believe it is in everyone's best interests to provide the best medical and mental health care possible in our jail.

Another issue that was discussed earlier is our ongoing accreditation with the National Commission on Correctional Health Care, which prohibits any type of forensic involvement with treating providers in the jail. It also gives the jail providers medical autonomy in order to provide those types of services.

Assemblyman Pickard:

You mentioned MOUs. As I understand them, I think they can be used to resolve all of the issues you raised. We know that liability and information sharing are always problems when we are transferring information between government agencies. Do you think these are things that could not be worked through, through a memorandum of understanding?

Martina Geinzer:

I believe that some of these issues can be worked out with an MOU. I just do not know if the MOUs allow for anything like putting the state in charge of mental health care. Furthermore, there is already state law in place that specifically prohibits agencies from taking over indemnification, and I do not know that a contract can be written around that. Does that answer your question?

Assemblyman Pickard:

Yes, thank you. Maybe that is something we can address in an amendment. Those are certainly things that appear to be technical details to me.

Vice Chairman Yeager:

I had a question about the MOU. You indicated that there was a memorandum that allowed information sharing between the SNAMHS and the local jail. How often is information shared and is that information available at the time an inmate is booked into the jail, or is there a time lapse before the jail has access to the outside information from the state agency?

Nita Schmidt:

A couple of things happen with the MOU and continuity of care. When an offender enters our detention center, the very first thing that our medical contract provider does is pull up his or her medical history from the last time they were booked. Our physicians take a look at

what medication protocol the offender was on, what his or her needs were, if he or she has any current diagnosis, and if there are any other factors involved. It is just like when you or I go to the doctor; you may have gone to another doctor previously, but your doctor is most likely going to treat you based on the observations that he or she makes at that time. Your needs may have changed. Again, all of this presumes that every single person that comes into the jail is ready and willing to take any kind of medication that they have taken before, whether it was forced on them from the state or whether it was offered them by a provider.

As far as specific statistics about how often we share information back and forth, I do not have that information. What I do know is that we communicate with the "super list" on a monthly basis. The super list is a list of people who use our resources as well as resources from the state and the local hospital. They are people who have been booked into the CCDC ten times or more. We communicate with that list of people going back and forth. I can tell you that for the people who continually cycle in and out of our jail, we are their primary care providers. When they are released into the community, they do not immediately go to a provider to get treatment. We continually try to make coordinated releases into different programs in the community for those that are applicable, to provide discharge medications at the time of release, and to provide any type of warm hand-offs to other organizations that are willing to accept and assist us.

Vice Chairman Yeager:

Thank you for your response. Are there any other questions? [There were none.] We will now take testimony from Mr. Cherry here in Carson City.

David Cherry, Communications and Intergovernmental Relations Manager, City of Henderson:

I wanted to start by saying that we were originally going to be neutral on this bill. When the bill's sponsor introduced his amendment—which we have not had a chance to review—I felt that it was important to come up and state our opposition, based on this idea that we no longer have a clear picture of what the requirements will be for the City of Henderson under A.B. 421. When testifying in the neutral position, I was going to place some questions on the record because the bill does not address the things that we will be required to do or exactly how the process will be handled. We also have questions about our chief of police's responsibilities, including the following: Does the new framework apply to mental health screenings when a person is going through the booking process? How often will these services be provided? Will the state have employees stationed at our detention center around the clock for when we have intake? Where will the treatment take place—will it be at our detention center or provided at a state facility? Finally, what does it mean when the bill says that the chief of police shall arrange for this care with the state? Given the compliance requirements of A.B. 421 and the questions that it raises, I appreciate the chance to place these concerns on the record. In addition, in the amendment that we just became aware of, it is really unclear, at this point, what the financial impact will be on the City of Henderson. We would like the chance to review the amendment to determine the answer to those questions.

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

I am also here in opposition to A.B. 421. I was originally in the neutral position as the bill was originally proposed. I will tell you, Clark County wants the best care and services for all inmates at CCDC. As you may or may not know, Clark County actually funds CCDC at approximately 98 percent. Therefore, this would potentially have a fiscal impact on Clark County. If this bill does continue to move forward and is voted out of Committee and through the Legislature, we will definitely continue to speak with the sponsor on this. If the discussion continues throughout the interim or after session, we would like to be a part of that discussion as well as to continue to be a part of the solution to this issue we have down south.

Vice Chairman Yeager:

Is it Clark County or LVMPD that is the contracting agency with the third-party medical care provider?

Alex Ortiz:

Clark County has the contract with the third-party provider at CCDC.

Vice Chairman Yeager:

Would you be able to provide a copy of that contract to the Committee?

Alex Ortiz:

Yes, I could.

Vice Chairman Yeager:

Thank you. Are there any other questions for Mr. Ortiz? I do not see any. Is there anyone else in opposition to A.B. 421? [There was no one.] We will now take neutral testimony in either Las Vegas or Carson City. It does not look like we have anyone in Las Vegas, but we do have a couple of people here in Carson City.

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

The Division of Parole and Probation fully supports any type of reentry programming. I think it is in the best interests of the community, and also health and human services and the well-being of the offender. The only thing I would bring up is that this is an unfunded mandate. The Division submitted a fiscal note, and we are concerned about the funding in this issue. We asked that if this is approved and it passes all the way through that the Division is obviously funded appropriately.

Cody L. Phinney, Administrator, Division of Public and Behavioral Health, Department of Health and Human Services:

We are here in a neutral position this morning. You have access to the fiscal note that we submitted, based on the original language of the bill that provides some estimation of what it would cost for the state to provide all of those mental health services. I will say that the fiscal note is based on some assumptions that are specified, including that we would be providing a full spectrum of mental health services for 30 percent of the population in

detention centers in all of Clark County. Certainly, there is opportunity for more discussion about the level of care that is needed. I would also say we share concerns from the Department that, as people move through the detention system and many of them are served by other Medicaid providers besides Southern Nevada Adult Mental Health Services, there is the opportunity to lose that continuity of care. We would certainly want to discuss how we address that issue. We are absolutely supportive of the goal of continuity of care for people who are moving through the system, but we are not the only provider that addresses that and we need to make sure we have a broad spectrum approach.

I believe we share the concern expressed by CCDC that separating from the medical services provider could have an unintended and detrimental consequence for patients who need care for both issues. We would want to make sure that this is addressed as discussions progress. I am happy to answer any questions the Committee may have.

Scott A. Edwards, President, Southern Nevada Conference of Police and Sheriffs; and representing Las Vegas Peace Officers Association:

I represent the major law enforcement labor groups in southern Nevada. I am also the President of the Las Vegas Peace Officers Association, representing the corrections officers and sergeants at the City of Las Vegas Detention Center. We are here in the neutral position.

I can speak, first-hand, as an officer who deals with these inmates on a regular basis. Our concern is that whenever an individual enters our facility there is a bit of a lag time at our facility—I cannot speak for other facilities. As was testified to earlier, there oftentimes are delays in getting signatures to send to pharmacies to verify medications. For this reason, we welcome any continuity of care that can be given. One of the trends we have seen lately is that we have many new inmates coming in with mental health issues in addition to our regular inmates who come in on a regular basis. Everybody knows what they need and where they need to go, and after a period of time, they normalize; but the new inmates coming from other locations within the country, I am not sure how they get there but the bottom line is that we just are not used to what we are supposed to do with them. There is a learning curve right there and that is where some of the lag time comes in as well.

John Borrowman, Deputy Director, Support Services, Department of Corrections:

I just wanted to clarify that when we have adults released to residential confinement, if they are otherwise eligible, Medicaid would be a possibility for them. Offenders are not eligible while they are confined within the institution, but residential confinement does not qualify as that, so they should be eligible for Medicaid.

Vice Chairman Yeager:

Thank you for that clarification. Is there anyone else who is neutral on A.B. 421? [There was no one.] I will invite Chairman Ohrenschall back up for concluding remarks.

Assemblyman Ohrenschall:

I had a PowerPoint presentation ([Exhibit L](#)) but I am not going to try to play it now, with the exception of one slide that I wanted to share with the Committee. Slide 2 says, "Research shows that seeing the same psychiatrist over time is associated with reduced mortality in patients using mental health services, particularly those with bipolar disorder, major depressive disorder, or schizophrenia." What I see very often is a vicious circle—people who are not taking their medication, not compliant with treatment, who may be arrested for something that is not drastic. They are then released back into the community and end up in a cycle of homelessness, hopefully getting mental health treatment again, but very often ending up back in one of our detention centers.

I believe that Southern Nevada Adult Mental Health Services is in the best position to ensure continuity of care for our mentally ill inmates, since they already treat mentally ill individuals in our community through a variety of services. Third-party contractors do not provide those services out in the community, and they will not follow up with patients who need the follow-up and who need the continuity of treatment the most. The intent of this bill is to prevent a break in care, which is accomplished through having one service provider throughout the mental health care system. Ensuring a continuity of care improves our criminal justice system, makes our communities safer, and is the most effective systemwide approach to mental health care in our community. I am willing to work with all the stakeholders; perhaps there are amendments I can process to the bill or perhaps I can work on extending out the effective date, but I do believe that the goal that we are trying to accomplish here is a noble one.

I will not speak to the first part of the bill; I think that we had a lot of testimony there. I appreciate your hearing this measure and I appreciate all of the good questions.

Vice Chairman Yeager:

Thank you, and I am encouraged that it sounds like everyone, even those in opposition, has the same goal of ensuring continuity of care for the mentally ill, particularly in southern Nevada. I would certainly encourage everyone to work together to see if we can continue to work on that and make that happen in the near future.

[A letter in support of A.B. 421 was submitted by the Nevada Attorneys for Criminal Justice ([Exhibit N](#)).]

With that being said, we will close the hearing on A.B. 421. I will now formally open the hearing on Assembly Bill 420, which revises provisions governing the use of electronic devices by offenders.

Assembly Bill 420: Revises provisions governing the use of electronic devices by offenders. (BDR 16-1073)

Assemblyman James Ohrenschall, Assembly District No. 12:

Thank you for hearing both of these measures today. I know that we have a time crunch with caucus and the floor, so I will try to work through this as quickly as I can.

There is an amendment on Nevada Electronic Legislative Information System (NELIS) that was submitted by the Department of Corrections (NDOC) that I consider to be mostly friendly ([Exhibit O](#)). I had a discussion with Deputy Director Borrowman, and I believe they are agreeable to deleting, on page 2 of the amendment, proposed strikeouts under subsections 7 and 8 that alter *Nevada Revised Statutes* (NRS) 209.221. Their proposed language adds subsection 9, starting with, "The Director may, with approval of the Board, establish by regulation, a charge for the use of video visitation" It goes on for another couple of sentences and I agree that it is a friendly amendment. I just want to let the Committee know that they have agreed to remove the recommended strikeouts in subsections 7 and 8.

I will now get to the heart of the bill and explain what this measure accomplishes. As we all know, a telecommunications device is a tool that can enable an offender to communicate with a person outside the institution or facility at which the offender is incarcerated. Such devices include telephones, cell phones, personal digital assistants, and radios or computers capable of communicating with a person or device outside the facility. Existing law prohibits offenders from having access to telecommunications devices except under the following circumstances: the use of a telephone to communicate with a family member or child, or entering into an agreement to access a network for the purposes of obtaining training, searching for employment, or performing essential job functions. Section 2 of the measure expands these circumstances to include the use of a telecommunications device to conduct certain visits and correspondence, or to enter into an agreement to use a telecommunications device for purposes related to correctional activities and educational, vocational, and legal research.

Section 1 of the measure authorizes the Director of NDOC, with approval of the Board of State Prison Commissioners, to establish by regulation a charge for the use of videoconferencing equipment by offenders for visits. The collected funds must be used to defray the costs of operating and maintaining such equipment.

Section 3 makes conforming changes. Section 4 provides that the measure becomes effective upon passage and approval for purposes of adopting regulations and performing other administrative tasks necessary to carry out the requirements of this bill. All other provisions become effective on January 1, 2018.

We have had a lot of hearings in this Committee in these first 60 days, and a lot of hearings have focused on how we can assure that when an offender comes out of an NDOC facility we will not see them again. We hope we will hear that they are gainfully employed, taking care of their family, and doing positive things—whether that is getting drug treatment, mental

health treatment, or just staying out of trouble. I believe that the connections someone has with family are very important. A lot of our facilities are very far from our population base down in southern Nevada. Even for inmates who are housed at High Desert State Prison or Southern Desert Correctional Center, it is a challenge for many families to have reliable transportation to get up there. I believe this bill will bridge that gap, and that the closer connections people have with their families, knowing that there are loved ones who are awaiting their return and may try to help them land on their feet and succeed, will aid in everything—whether it is the bill Assemblyman Thompson presented, the reentry programs we have heard about from NDOC and the Division of Parole and Probation (P&P). This will try to aid in that success of that offender. That is why I hope this Committee will consider processing this bill.

Vice Chairman Yeager:

Thank you.

Assemblyman Elliot T. Anderson:

I am glad to see that NDOC is backing away from its proposed amendment to the Offenders' Store Fund Account with the strikeouts in section 7 and 8 as to the Nevada Administrative Procedure Act. I just think some history is important here. In February 2010, there was a special session to account for the economic downturn. One of the changes that the Legislature made was allowing NDOC to use Offenders' Store Fund accounts for some of the expenses related to that, in order to defray costs because we were going through such a cataclysmic crisis. The Department of Corrections traditionally had an exemption from the Administrative Procedures Act and the regulatory process coming through the Commission. We changed that because of the huge imbalance of power at NDOC vis-a-vis the inmates, and also because the Offenders' Store account is basically a trust account. Since we were given the ability to use the Offenders' Store Funds it was important that there was some legislative oversight. I would encourage the Committee to keep watching that issue because if we are allowing Offenders' Store Fund accounts to be used, we need to ensure that we level the playing field on that imbalance. It is just a matter of what is right, and in the past NDOC has not complied with that law as they stated here last session when they tried to change it. I know that NDOC is listening. I know a lot has changed in two years in the Department, and I think that it is important that the law be complied with faithfully because of the imbalance of power.

Assemblyman Ohrenschall:

Assemblyman Anderson, I appreciate your putting that on the record. There are only a handful of us here on the Committee who were present during that special session and that was very important to us for very good reasons. I think the current movement in the department is all very laudable. Directors change, administrators change, and I think that was put there for a reason. Thank you very much for clarifying that.

Assemblyman Pickard:

There are two exhibits on NELIS in terms of the proposed amendment from NDOC. I am trying to figure out if there is a difference between them.

Assemblyman Ohrenschall:

I spent some time last night also trying to figure that out. As far as I can tell, they are mirror images. If I am mistaken, then please correct me. For some reason that was posted twice. I think that was a mistake, probably on my part.

Assemblyman Pickard:

I went through the same exercise and could not find it either.

Vice Chairman Yeager:

It is deadline week; these things happen.

Assemblywoman Krasner:

I am looking at the bill and I just wonder about section 2, subsection 3, where it says, "An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence" Is this going to allow inmates to use computers and cell phones, and is that something they are doing now?

Assemblyman Ohrenschall:

That is exactly what I believe this would do if it were allowed. As I understand the current state of the law, while an offender may use such a device for educational purposes, I believe it is completely internal and there is no access to the Internet or an ability to communicate. This bill would change that. If I am misspeaking, perhaps the director could correct me, but that is how I understand the current state of the law and the proposed change.

Assemblywoman Krasner:

Is there any concern, or have you given any thought to people who are in gangs contacting other gang members, or drug dealers, or things like that?

Assemblyman Ohrenschall:

I have and I would like to address that, but perhaps the Director could address that first and I will reply second.

James E. Dzurenda, Director, Department of Corrections:

There are two things that you need to understand. There is the confinement in the prison, where our prison inmates are asking for access to internal, not external, communication. Inmates will not be able to communicate outside the facilities. It is an internal communication that would allow inmates access to used iPads or tablets to be able to order forms and supplies from our stores. They will be able to use programs that we put on the devices. They will be able to do homework from their educational programming. They will be able to write email to our counselors and make requests for medical care, which will speed up those processes. Inmates will be able to place services requests to mental health that will be documented, and they will not be able to say that they turned a note over to an officer and it never got to anybody. This will be an entirely internal communications system. We cannot do that now because state law does not allow us to use electronics in our facilities.

The second component to this concerns reentry services and our transitional centers. We have two large transitional centers, one in Reno and one in Las Vegas. The inmates in the centers actually leave during the day. They apply and search for jobs while they are being supervised by the Division of Parole and Probation. Our inmates need access to electronics because, in today's day and age, you cannot apply for a job unless it is online. Inmates cannot return calls because they are not allowed cell phones. As it is now, how can an inmate apply for a job when he is out of the center all day, and how does an employer get back to him to schedule an interview? Inmates cannot do that without communication. We want to make sure our transitional centers have access to the community, and that inmates can search and apply for jobs online, and that they can use their cell phones to get messages from employers for potential jobs. Inmates cannot do any of those things without access to communications devices.

As I said, with the internal communications inside our prisons, there will be no communication to the outside, whereas the transitional centers would have access to external communications, which would be supervised by us. We would log and register an inmate's phone or iPad to make sure it is the same one that they are always using and that they are not stolen products. We will make sure that we have full access to the device at any time. We will have the inmates sign over full access to us so we can check their emails, look at their text messages and see what calls were made, because they are still in our custody. Inmates need iPads and tablets, laptops, and cell phones in transitional centers to be able to get jobs in the community.

Assemblywoman Krasner:

Thank you, Director Dzurenda. You said that the devices will only be used internally, but then you said that inmates are going to have cell phones to apply for jobs. I am not sure what you mean by that.

James Dzurenda:

The electronic devices in our prisons will only have access to internal communication, and inmates in our prisons will not be given cell phones. They will be given iPads or tablets that will only allow them to communicate within the facility. These devices will not have Internet connection, and will have no capability of getting to the outside of a facility into the community. The devices with external capabilities will be used in our two transitional centers in Reno and Las Vegas. The inmates in these two facilities are out in the community every day anyway. They are already communicating verbally with the community. This bill will allow them, when they come back to the transitional centers, to search for jobs and to receive phone calls from employers to set up interviews. The only external access will be in the transitional centers. The other external communications piece concerns education inside our prisons, specifically the general education development (GED) test. Currently, GEDs must be taken and completed online. As of now, inmates take the test and the institution downloads them later on. I cannot testify to that but I believe GEDs have to be done online. Inmates who are confined within prisons will not be given tablets, iPads, or cell phones that communicate to the outside. They will not even be given an iPhone or a phone; that is only for the transitional centers.

Assemblyman Ohrenschall:

I apologize. I guess I misunderstood. I thought that this bill would allow video visits with family to supplement in-person visits. If I misunderstood, I do apologize.

Vice Chairman Yeager:

The communications that you are talking about, both internal and at the transition centers, would those communications be monitored by NDOC?

James Dzurenda:

Yes, they would. We have the capability to do that. Information from the internal communications devices is downloaded to a cloud, and that information is always monitored. Our system can automatically identify certain passcodes and gang wording so we can automatically go after those offenders.

What Assemblyman Ohrenschall described with video visits falls into another category that would allow the communication, not in the inmate's cell, but in our current visiting room. Where there is usually a physical person sitting at a table will be a laptop or a computer that will be able to communicate with a visitor on the outside. Inmates will be able to conduct video visits in our visiting room with our staff physically monitoring. Our staff already does this with the regular visitors; this will allow video visits to be done as if the person was really sitting there.

Assemblyman Pickard:

In terms of the individuals in the transitional centers, when does NDOC stop providing electronics devices? Is it when the inmate gets a job or when he is released? When does the state stop picking up the bill?

James Dzurenda:

First, we would not be picking up the bill in the transitional centers. Inmates would be personally responsible for that. This bill would allow us to give them access to their own computers and cell phones, but we would not be paying for it. If an inmate had a cell phone—or a family member who gave them a cell phone—that cell phone would just be logged as the inmate's cell phone. We would be given access to the phone through the inmate's permission. We would be providing devices that would be utilized inside the prisons. When inmates begin utilizing services such as video visits, charges for those services will pay for the system, not the state. That is why we are asking for that to go into the Store Fund, because that will pay for the services so the state does not have to. It keeps providing the services itself through its own pay. I do not know if that helps.

Assemblyman Pickard:

That makes sense, but then the question becomes: if we are allowing inmates to use their own phones, does that mean that NDOC is no longer monitoring communications?

James Dzurenda:

No. That is why the inmate has to sign a waiver or agreement giving NDOC full access to his communication device.

Assemblyman Pickard:

Great. Thank you.

Assemblywoman Tolles:

The videoconferencing makes sense in terms of visitation. As you said, on the internal communications, inmates will be able to use the devices for education, setting up counseling appointments, or communicating with the store. Would inmates be able to use devices to communicate with other inmates, internally, or is the communication only from the inmates to the services that are provided to them?

James Dzurenda:

No, it will not allow any device-to-device communication. Individuals will not be able to communicate from inmate to inmate. That would be an extreme security risk on my end. We will have full control over what we want the devices to do. We can control who we want emails to go to—such as medical, mental health, and counselors—and the services provided on the devices, which are currently done on paper.

I also wanted to let the Committee know that every inmate in the state of Colorado is issued an iPad upon entry. Inmates utilize the iPads for services, and that is the model I want to adopt in Nevada. These devices will teach inmates, especially inmates who have been incarcerated since the 1970s, how to function back in the community and give them an idea of what a cell phone or an iPad looks like. Some inmates have no clue what they are doing because they have never seen these devices. Most jobs on the outside require proficiency with electronics devices, but it is also a good training for inmates to get used to the devices, especially if they have never seen one before.

Assemblywoman Tolles:

Do you anticipate that this bill is actually going to streamline some things because they are done manually or on paper right now? Will this bill help streamline a few things and maybe cut costs?

James Dzurenda:

I cannot guarantee that this will cut costs, but it will probably cut some lawsuit costs. When you have inmates who want to request medical or mental health services at ten o'clock at night, they write a note and drop it in a box and the box gets picked up sometime the next day. This bill will allow direct communication to medical or mental health, and it is documented so inmates cannot say the note was lost or that someone failed to pick it up. With the devices, communication is automatic. The services will be able to be tracked, so if I have issues on my end that medical or mental health is not seeing someone who is suicidal or has potential medical issues, I can verify when the inmate actually wrote medical, what medical did with it, track down the time frame that they received it and who provided the services, and I can prevent lawsuits down the road.

The same is true with our stores. When an inmate orders something from commissary, they place their orders on chits, they drop the chits, and the chits are processed somewhere down

the road. Somebody currently has to process the chits but the tablets will do that automatically. I do not want to say that implementing this system will eliminate jobs because we do not have people on staff that only process chits; they do other things too. I cannot guarantee this bill will reduce staffing or full-time employees, but I know that it will allow employees to do more functional, usable work, rather than just processing chits or letters. As I said, this communication will be documented so inmates will not be able to complain that they did not order or do something or that they never received medical or that they never got a response. This communication will all be documented, and that is a big deal.

Assemblywoman Tolles:

As far as the transitional centers, once inmates are outside and able to use cell phones during the day for job search, is there any concern that it would be easy to hide the authorized cell phone and replace it with an unauthorized cell phone—that has the appearance of being monitored and used for official purposes—however it has been swapped out with something else? I just have some concerns about the logistics of actually monitoring the use of these cell phone devices while inmates are in the transitional period.

James Dzurenda:

There are two aspects to this with respect to the transitional centers. During the day, inmates are out in the community, so if they wanted access to illegal phones, they can already do that if they want to. When inmates are back in the facility at nighttime or on the weekends, or when they are not out job searching or going for applications, the staff members have a list of authorized phones. We already have processes in place to shake down and search cells. We do that with everything because inmates could do the same thing with Walkmans, TVs or other property. We have a system in place where we track offenders' property so they are not swapping, trading, stealing, or extorting. We already do that anyway, and we search the cells for any type of property, not just cell phones but also for drugs. Once we confiscate property from an inmate, we verify that it is actually theirs. If it is not, they get charged.

Assemblywoman Tolles:

Thank you for the clarification.

Assemblywoman Krasner:

I have some questions and I need clarification. You said that the taxpayers are not paying for inmates' tablets, iPhones and cell phones, but then you said you wanted to follow the Colorado model where every inmate is issued an iPad on entry. If an inmate is indigent, are they denied a proposed iPad, cell phone or laptop?

In addition, from my conversations with people, inmates are able to wire a little 3DS device or any type of device so it can access the outside world. Can you comment on those two things?

James Dzurenda:

Colorado already does this. The devices have Wi-Fi service removed so inmates cannot get any type of outside access even if they wanted to. We do not even have Wi-Fi service in our facilities for inmates to even gain access to, so they would not be able to do that.

The other piece of this would be that Colorado does not pay for the iPads in their institutions. A company provides the services on them and, in turn, the charges go back into a Store Fund that pays for the tablets. So if an inmate downloads music or a video—all of which are approved by NDOC—or if they purchase a book through the iPad, the money goes into a fund that pays for all those services. Right now Colorado does not pay for those, the company does. That is the same with the video visits. The visitor pays for the service or the inmate would pay for a service, and the money goes back into a fund that pays for the product as well as the services.

Assemblywoman Krasner:

You told me previously, though, that inmates are able to wire any device they want to and get access to the outside world, so your people are constantly monitoring that.

James Dzurenda:

That would have to be an illegal cell phone. We have confiscated many—inmates get them in through various ways and we are now monitoring through the sky because we have had drones drop phones into recreation yards. We have inmates who conceal them upon entry in various crazy ways. If they do get cell phones into their possession, that is when they are able to communicate to the outside world. When you provide a device and you remove the capability of connecting to the Internet, it prevents them from going outside.

Assemblyman Elliot T. Anderson:

I think I have the most important question of this entire hearing. Did you say that Walkmans still exist?

James Dzurenda:

I would have to have our Deputy Director, John Borrowman, who runs our stores, speak to what inmates can and cannot purchase. I do not think they are Walkmans anymore, but other devices that are similar.

Assemblyman Elliot T. Anderson:

Dropping stuff with drones is now illegal, so be sure to arrest the people who do that.

Vice Chairman Yeager:

I think that was courtesy of Assemblyman Anderson's bill from the 78th Session as well.

Thank you, Director, for answering all those questions. I think we are still, as far as I know, on the presentation of the bill. We will go to testimony in support at this time.

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

We appreciate the comments from Director Dzurenda and we appreciate Assemblyman Ohrenschall bringing forth this measure. It is an important measure that would allow inmates, internally to keep abreast of education, NDOC services, mental health issues, and also on the outside, the reentry or transitional centers to seek gainful employment or to complete their GED online if necessary—which we all know is the key to success when integrating back into society. With that, we want to lend our full support for this measure.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

I echo the sentiments of my colleague, Mr. Sullivan, and would also state that we hope that this technology will enhance communications with our clients that are currently in the prisons to facilitate faster negotiations for those clients who are in prison but have pending cases as well.

Devin Brooks, representing North Care Coalition, North Las Vegas, Nevada:

I just wanted to say that I am in support of this bill. I think it could be beneficial for many inmates. However, I did want to state for the record that I hope they are having relationships with those who are currently already providing those medical and outpatient mental health services. A lot of the members who are health care providers and are part of our coalition find themselves working with the underserved population, and a lot of the underserved population ends up in jail, prison, corrections, et cetera. For that reason, I think it is important that the institutions have a relationship with primary health care providers so that there is no disruption of services during incarceration and treatment can be continued once offenders get out. We are in support.

Vice Chairman Yeager:

Just for clarification, this bill, A.B. 420, is simply about electronics. The bill we heard before, A.B. 421, dealt with mental health treatment. Is that the one that your comments pertain to?

Devin Brooks:

Yes. However, I would say that you mentioned that they are using that technology to provide those mental health and primary care services, correct?

Vice Chairman Yeager:

I think the testimony from the Director was that they could use the technology to schedule appointments and such inside the prison, with relation to A.B. 420. Assembly Bill 421 was about medical care. I just wanted to make sure that we had your testimony correct, but it sounds like you are here in support of A.B. 420.

Devin Brooks:

Absolutely. I am actually here in support of both.

Vice Chairman Yeager:

Is there anyone else in support of A.B. 420? [There was no one.] Is there anyone opposed to A.B. 420? [There was no one.] Is there anyone neutral on the measure? [There was no one.] Chairman Ohrenschall, I will invite you back up to make concluding remarks.

Assemblyman Ohrenschall:

Thank you very much for hearing A.B. 420. I think this bill has the potential to lead to outcomes that are more successful for our offenders, and the last speaker who spoke made me think of something that goes on right now in our juvenile system in Caliente Youth Center, where many juveniles from Clark County are housed. The juveniles housed there actually have video visits with one of our state's premier child psychologists who is based out of Las Vegas. While he tries to physically get up to Caliente, it is a three- to four-hour drive. He is not able to do it every week, and he will treat these children through video visits, and that is another option given our limited manpower in terms of psychiatrists and psychologists in the state. This may be open now to inmates, allowing them to continue treatment with their psychologist or psychiatrist through this expanded technology. Thank you again, and I hope the Committee will consider processing this bill.

[A letter from Nevada Attorneys for Criminal Justice in support of A.B. 420 addressed to the members of the Assembly Judiciary Committee was submitted ([Exhibit P](#)).]

Vice Chairman Yeager:

Thank you, Chairman Ohrenschall and Director Dzurenda. We will formally close the hearing on A.B. 420, and at this time, I am going to turn the meeting back over to our Chairman.

[Assemblyman Ohrenschall reassumed the Chair.]

Chairman Ohrenschall:

I will now open the hearing on Assembly Bill 336. Assemblyman Edwards, thank you for your patience. I know we have many supporters here. I appreciate everyone's patience; it has been a long day and we have heard many bills since we are getting near the deadline.

Assembly Bill 336: Establishes provisions governing certain offenders who are veterans. (BDR 16-1151)

Assemblyman Chris Edwards, Assembly District No. 19:

I know that time is precious, so I am going to try to make this as simple and clear-cut as I can today. I want to thank you for the opportunity to present Assembly Bill 336. I would like to make some brief remarks, talk about the bill, and then ask Major Burns to come up and talk about the educational programs in greater detail.

While listening to the new director of the Department of Corrections (NDOC), James Dzurenda, I became very interested in some of the reforms and programs that he has implemented in the prisons. I learned that there was a program specifically started to not

only help veterans to do their time, but also to be ready to return to society, be able to succeed, and not have to return to prison. I asked Warden Wickham if I could meet with him and the inmates who are also veterans. He agreed, so I went to Warm Springs Correctional Center about four or five weeks ago. I did not realize it was only two miles away from where we are sitting today.

I was able to speak with four of the veterans who are inmates, and we talked for about an hour and a half. They were intelligent, rational individuals, but life had intervened and they did something stupid or got into a jam that led to their imprisonment. Too many of them had not gotten their high school diplomas, and many do not have long-term employment on the outside. Director Dzurenda and his wardens, both north and south, have started the Veterans Inmate Program to help veterans do their time in a productive way and get ready for the future on the outside.

I visited Prison Industries a couple of weeks later. I was shown the facilities at Northern Nevada Correctional Center, which is only about nine miles from where we are sitting today. There are excellent opportunities to train inmates in various trades such as carpentry, metalwork, car restoration, and much more. I have seen the quality of the inmates' work and the talent of the individuals. This program definitely sets inmates on the road to success on the outside. I also visited High Desert State Prison and Southern Desert Correctional Center down in Indian Springs. The wardens there have also started the Veterans Inmate Program at those institutions. I have met with about 150 or so of the veteran inmates a couple of times. They, too, exhibited a desire to get their lives in order and are looking for the path.

Assembly Bill 336 aims to accomplish the following: determine the number of veterans in Nevada prisons and their educational and vocational needs—I know we currently have about 1200. In conjunction with the director of NDOC, it causes an evaluation and implementation of improvements or expansions of the educational services and workforce vocational developments in their prisons. Given the opportunities, veterans eagerly take advantage of such opportunities. The director then consolidates the veterans populations in the prisons to make the maximum number of programs possible. This also helps the veterans to be in an environment where they can trust each other, support each other, and keep each other focused on the positive results of getting their lives in order. Wardens and others have seen that this works out well, simply because of the natural synergy between veterans.

In short, A.B. 336 seeks to prepare our veterans who end up in prison to be paroled with the skills needed to be self-sufficient, law-abiding, respectable citizens. You have probably heard the slogan "leave no man behind;" well, I would like to try to not leave any of my fellow veterans behind. With that, I would like to turn the conversation over to Major Burns.

Kevin Burns, Chairman, United Veterans Legislative Council:

I have testified in this Committee before on other issues. This time I am wearing a different hat because I am also the coordinator of the Veterans Resource Center for Western Nevada College, and my latest job—as of last year—is that I am now the coordinator of our prison program too.

Eight years ago, Western Nevada College (WNC) stopped teaching in the prison system here in Carson City because of the economic downturn; that was the first program to go. Last year my president, who is a retired Navy commander, came to me and said he wanted to use the veterans to get our foot back in the door in teaching in the prison program. I met with Associate Warden Lisa Walsh at Warm Springs—who at the time was the interim warden prior to Warden Wickham, and I certainly found that Associate Warden Walsh was one of the sharper knives in the drawer. She is a superb programmer. As most of us realize, 90 percent of the individuals who are incarcerated will be released back into society, and the key here is to give them some skill sets so they do not have to rely on what got them into prison in the first place.

Warden Wickham is a retired U.S. Army soldier, and when that soldier and this Marine got together and talked about a lot of things, the whole veterans program took form at Warm Springs. All of the veterans are now in one cellblock—Cell Block 1—and we started teaching classes. Now, when you teach classes from a college standpoint, a higher education standpoint, or a vocational standpoint, the challenge will always be how students pay for classes. We started teaching this time last year, in January, for our spring semester, and had nine inmates whose families were able to come up with the cash to pay for the funding. We started with three classes: remedial English, remedial math, and a college education class—what we call educational psychology, or how to succeed in college.

One of the challenges, again, is how to pay for the program. Associate Warden Walsh is a very creative woman and she came up with an idea to hold a cookout, because the inmates are allowed to have money on the books. We got together, and I had eight of my student veterans from WNC go down to the correctional center, procure the items that the prisoners signed up for, and we cooked it for them. We made \$4,500. That turned into 15, one-class scholarships, because each of our classes costs about \$300. We had a little promotion for the newspapers and the media where Warden Wickham gave me a big check for \$4,500, and a woman in Reno saw that and called Warden Walsh. We all met down at Warm Springs, and the end result of that is that she was so impressed with the program that she is now donating \$10,000 a year so that we can increase the size of the program. Last spring semester nine inmates participated. Last fall semester, because of the funds we were able to raise, 27 inmates were able to take classes. This semester we have over 50. Creativity is the key, because the bottom line is that it has not cost the taxpayers of the state of Nevada a penny to this date.

We used the veterans to get back into teaching in the prisons. I meet with a lot of the veterans when the Legislature is not in session. I am down here every week. Parts of that are the integration and reentry programs, particularly for those veterans who are getting paroled or ending sentences here in the local area. We want to make sure that this is not the old Humphrey Bogart movie where the door opens up, the inmates are given \$20 and the general feeling is that the prison just wanted to "get them out of here." We want to make sure that we, in the veterans' community, take care of those veterans who are walking out the door so that they have some stability and some structure aside from what is offered in those programs. We want veterans to know there is someone they can call 24 hours a day:

a mentorship program if you will. There is a reason we do not call institutions "prisons" anymore and we call them "correctional centers" instead. If we are going to be serious about this, we have to actually do something so that we give them some ability to survive when they get out.

Director Dzurenda's staff at Warm Springs has been superb; they have been creative, and when I walk in the door Warden Wickham and Associate Warden Walsh always look at me and ask me what I need. The challenge, again, is always going to be how we pay for the programs. We have been able to increase the program tenfold from the time we started, and we plan to increase it again. We are teaching an associate of general studies from a community college, which is your basic all-around degree, but starting in the fall we want to break into the career and technical field. The first program that we want to offer is welding. You heard Assemblyman Edwards mention the Prison Industries program; we want to offer classes in career fields that ex-convicts can actually get jobs in when they walk out the door. For those who are going to have more extended sentences, we want to teach them and then give them the opportunity to practice their craft before they get out. We want to help them so that when they do walk back out into society they will actually have a fighting chance.

I thank you, and I will be happy to answer any questions.

Chairman Ohrenschall:

Thank you very much, Major Burns. Assemblyman Edwards, would you like me to call anyone else in support, or open it up for questions now and take support afterwards?

Assemblyman Edwards:

I would go ahead and take any questions that you have.

Assemblyman Thompson:

Thank you for bringing this bill forth. Looking at the bill, are you just looking at an assessment of this program? I want to see where the action is in this bill. It is good that we find out which programs—such as automotive repair—are successful, but we need an actionable part too. Additionally, I think we also need to add a reentry part because while inmates are learning these skills in prison there needs to be a connection for when they exit, because they are not always going to be in jail. All I see in this bill is that the director will assess educational needs. I see some definitions about program development, and program workforce development, but I just do not see actions for those who are in custody.

Assemblyman Edwards:

Section 1, subsection 1, paragraph (c) says, "In coordination with the Director, evaluate and implement improvements for expansions in the programs of educational development and workforce development. . . ." The ability to actually have the rubber meet the road is in that section there. This would actually play into the reentry programs that NDOC has. Does that help?

Assemblyman Thompson:

That would be one interpretation. I think you need to make the bill say what it needs to say. I did not read the bill as such. I am just one person, but I think you need to add a little more detail to it. I know what you are trying to do, but I think it needs to be clarified. In addition, there are some great opportunities because I know that Senator Ford is working closely on workforce development in the prisons. There are some great opportunities out there.

Assemblywoman Miller:

Thank you, Assemblyman Edwards, for bringing this forward, and thank you, Assemblyman Thompson, for giving me a segue into exactly where I wanted to go. I think I will be more specific in echoing and following up on what Assemblyman Thompson was saying. Right now, the language in the bill is up for interpretation. Is there going to be a specific person designated to do this? Especially with reentry and service providing, we want to make sure that there is actually someone designated to do this. Will there be a case manager or a specialist within the system to service the veterans? Even if it means leveraging with other service providers from other agencies, other institutions, to come in weekly or on a regular basis to make sure that individuals are actually being served.

Assemblyman Edwards:

Yes, there actually are people who are designated for this purpose. I found that most of the wardens are designating their associate wardens to be in charge of the program. They are already ahead of us on that.

Assemblywoman Miller:

Are you finding that to be effective, or would you find it to be more enriching if there were additional service providers as well, or someone designated as a case manager or specialist?

Assemblyman Edwards:

They are extremely effective. As Major Burns indicated, Lisa Walsh, the Associate Warden at Warm Springs, does a phenomenal job. She is a creative woman with over 20 years of experience. Jennifer Nash is down south; she has been placed in charge of the program and she is doing a great job.

Assemblywoman Miller:

Is this the direction we really want to go in, because there is a lot of value in keeping the community together? If you are saying Warm Springs is one of the prisons that we know this is happening in and that you are trying to develop this in the south as well, would there be some abilities to ensure that, if a veteran is incarcerated, that they are actually sent to one of these prisons because of the specialized programming?

Assemblyman Edwards:

Yes. The wardens are working on that now, and not just within their institutions, but also throughout the institutional system.

Assemblywoman Miller:

Perfect. Thank you.

Kevin Burns:

We are finding out a lot of things as we develop these programs because we are basically starting from scratch again. As Assemblyman Thompson talked about, the College of Southern Nevada (CSN) is working in the facilities in southern Nevada. One of the things that we want to do is get together with our Nevada System of Higher Education counterparts so that we are not duplicating efforts. We can work with NDOC to move inmates around, as long as they are certified for whatever institution, so that if I am teaching welding up here and CSN is teaching something down there, as long as the classification system works, then we can move some of those individuals around.

Assemblywoman Miller:

Great, thank you.

Assemblywoman Cohen:

I have a question about the definition of "veteran" in section 1, subsection 3(c). We have talked about the definition of veteran in this Committee before. I guess we actually talked about veterans getting certain preferences in different bills. I was just wondering, is the intent that any person who had been in the military receives these benefits? For instance, if someone has been dishonorably discharged, is this still going to cover them?

Assemblyman Edwards:

The intent of the bill is to cover everybody. I think that those who are closer to being released would probably be given priority, but we want to include everybody. It is the team-oriented mentality within the veteran community that everybody is included.

Assemblywoman Cohen:

Major Burns, you mentioned the veterans' cellblock. Can you give us a little more information about that? For instance, is it regimented to feel more like being in the military? I understand life in prison is pretty regimented already, but please give us a little more information.

Kevin Burns:

Structure is not new to people in the military; it is something that comes fairly naturally. As Assemblyman Edwards talked about in his initial presentation, part of what we are trying to do here is to get back that esprit de corps—if you will—that worked for military members. It is very easy, when you are in prison, to feel very isolated from family and from society. Warden Wickham really identified that using the good things we learned in the military like covering each other's back is beneficial to veteran inmates. The Army calls it "battle buddies," the Marine Corps calls it "covering somebody's six," the Air Force calls it "wingmen." Utilizing that positive energy in helping each other get through what can be a difficult situation builds teamwork. When you build teamwork, you get a group of

individuals who are moving forward together. When you get them doing that together it is amazing, the things that can happen.

We are noticing tutoring and cross-pollination going on between individuals who are strong in different subjects, and it is amazing. I get to see it every Friday when I go down for study hall. We actually have a veteran in Warm Springs who has a master's degree. I really do not have to do a lot of the tutoring because he does it all for me. There are a whole lot of good things that we keep from the military side—and it is the same thing that I talk to my veterans up at the college about—we do not necessarily fall out for physical training at 5 a.m. but there are a lot of good things that we learn that will help us out in life and those are the things that we try to hold on to.

Assemblyman Elliot T. Anderson:

I just have a comment about something that is related that Clark County Detention Center (CCDC) is doing right now. They are putting people in quasi-squad bays, where there are bunks lined up. The whole idea is to treat them more like adults in an effort to improve behavior. I look at this sort of concept that is being discussed in the same vein, where we are trying to change the paradigm in the way that people are treated inside, and having that sort of environment. I do not think this is something that would only work for veterans; I think it has been shown that if you treat people like adults in that environment, for the people who are not huge security risks, it can be beneficial in reducing behavioral problems. I just wanted to add that context to this.

Assemblyman Edwards:

One of the interesting results of the veterans inmate program is that the other inmates see how the veterans work together, how they have greater teamwork and look after each other, and some of them are actually beginning to emulate them because they finally see a good example of how they should be conducting themselves. It kind of transfers over to the way they conduct themselves. One of the comments that an inmate made to me is that ever since he has been in the squad bay or the cellblock with the other veterans, he has felt much safer than he has ever felt in several of the other institutions he has been with. He just has that trust that people are not going to be causing him any kind of harm. That is just one of the other benefits of this.

Chairman Ohrenschall:

Thank you very much, Assemblyman Edwards. Are there any other questions, for either Assemblyman Edwards or Major Burns? [There were none.] Is there anyone else in support of A.B. 336? I do not see anyone in Las Vegas unless they are hiding behind that pole, but I do see a couple of people in Carson City.

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

We appreciate Assemblyman Edwards and Major Burns for coming here today to speak about this important measure. Over the years, I have heard feedback from former clients about the various vocational training programs at NDOC, and they have all indicated to me that it is nothing short of excellent. They were able to take the skills that they learned and

transfer them to the outside when they were released from incarceration and were able to seek gainful employment. This is a very important measure, and we certainly appreciate it and offer our full support.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

Ditto on everything Mr. Sullivan said.

Chairman Ohrenschall:

Thank you, and I appreciate your brevity.

Richard S. Carreon, President, Nevada Veterans Association:

There are two concepts in this bill that are very important. One is that the people who are incarcerated are from the Vietnam War era up to the present day. One of the things that we are realizing in the civilian sector is that there is a disconnect between the skill sets of Vietnam veterans and the war fighters who came back from Afghanistan and Iraq. One of the good things about this bill is that even while they are incarcerated, veteran inmates are able to exchange their skill sets. You have the ability for resiliency that has been put into practice by the Vietnam era people, and then you have the ones who have been school trained during my generation. To piggyback on, or better define, a couple of the things that have been said, "master resiliency" is a new thing in the military. When you take a service member who is facing adversity and you put them in a situation where they are able to work in concert with one another to accomplish a task or mission, that person is in a much better position to then accomplish things on their own in times when things are not going so well.

I want to talk about a couple of things included in master resiliency. It talks about goal setting, hunting the good stuff, energy management, avoiding thinking traps, and then detecting icebergs. Many of those things, when not practiced, lead to things like incarceration or getting into trouble. When you have a program like this and you are able to not only embody but also indoctrinate these skills, that veteran, once leaving that situation, is in a much better place and will most likely not return.

Chairman Ohrenschall:

Are there any questions? [There were none.] Is there anyone else who would like to speak in support of A.B. 336 in Carson City or down in Las Vegas? [There was no one.] Is there anyone who is in opposition to A.B. 336? [There was no one.] Is there anyone who is neutral on the measure and wants to be heard in Carson City or Las Vegas? [There was no one.] I will invite the sponsor back up to make closing remarks.

Assemblyman Edwards:

Again, I want to thank you for hearing the bill today. My closing remarks are this: I think we currently have the right people in the right positions to get a great program like this up and running and helping a whole lot of people out. Director Dzurenda has been fantastic, the wardens are absolutely supportive, and the associate wardens are completely included. I think now would be the real time to make this happen for everybody. Thank you.

Chairman Ohrenschall:

Thank you so much for your presentation and for bringing this bill forward. I will now close the hearing on A.B. 336 and open the meeting for public comment. Is there anyone who wishes to make public comment, either here in Carson City or in Las Vegas? [There was no one.] Before I adjourn, I do want to remind members that about five minutes after I hit the gavel Chairman Yeager will be opening up a meeting for the Judiciary Committee. I believe he has a work session. Please do not go far because we also have caucus and then floor session. We are adjourned [at 10:47 a.m.].

RESPECTFULLY SUBMITTED:

Devon Isbell
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 251](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 259](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 286](#), dated April 12, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 291](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 302](#), dated April 12, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 303](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 316](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 326](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 327](#), dated April 11, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is a copy of a PowerPoint presentation titled "Mental Health: Continuity of Care Service Delivery System within the Jail," submitted by Assemblyman James Ohrenschall, Assembly District No. 12.

[Exhibit M](#) is a proposed amendment to [Assembly Bill 421](#), presented by Assemblyman James Ohrenschall, Assembly District No. 12.

[Exhibit N](#) is a letter dated April 12, 2017, in support of [Assembly Bill 421](#), to members of the Assembly Committee on Judiciary, authored by Jim Hoffman, Nevada Attorneys for Criminal Justice Legislative Committee.

[Exhibit O](#) is a proposed amendment to [Assembly Bill 420](#), submitted by the Department of Corrections, presented by James E. Dzurenda, Director, Department of Corrections.

[Exhibit P](#) is a letter dated April 12, 2017, in support of [Assembly Bill 420](#), to members of the Assembly Committee on Judiciary, authored by Jim Hoffman, Nevada Attorneys for Criminal Justice Legislative Committee.