

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

**Seventy-Ninth Session
May 4, 2017**

The Committee on Corrections, Parole, and Probation was called to order by Chairman James Ohrenschall at 8:32 a.m. on Thursday, May 4, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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:

Senator David R. Parks, Senate District No. 7
Senator Aaron D. Ford, Senate District No. 11



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Brian Connett, Deputy Director, Industrial Programs, Department of Corrections
Richard H. Bryan, representing Vinyl Products Manufacturing, Incorporated
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Brian O'Callaghan, Governmental Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Cody L. Phinney, Administrator, Division of Public and Behavioral Health, Department of Health and Human Services
Wendy Underhill, Director, Redistricting and Elections Program, National Conference of State Legislatures
Richard Williams, Policy Specialist, Criminal Justice Program, National Conference of State Legislatures
Jennifer Noble, District Attorney, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association
Alycia Seabolt Barnwell, Student Intern, Washoe County Public Defender's Office
Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada; and representing Human Service Network
Elliot Malin, Senior Policy Analyst, Americans for Prosperity; and representing Generation Opportunity
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada
Leonardo Benavides, Extern, Legal Aid Center of Southern Nevada; and Washoe Legal Services
James Sullivan, representing Culinary Workers Union, Local 226
Jim Hoffman, representing Nevada Attorneys for Criminal Justice
Ben Graham, Private Citizen, Carson City, Nevada

Chairman Ohrenschall:

[Roll was called and protocol was explained.] We had a late, joint session of the Assembly and Senate Committees on Judiciary last night, so we moved today's start time to 8:30 a.m. At this time, I will open the hearing on Senate Bill 393 (1st Reprint). Thank you for joining us, Senator Parks.

Senate Bill 393 (1st Reprint): Revises provisions relating to the Department of Corrections. (BDR 16-608)

Senator David R. Parks, Senate District No. 7:

Thank you for hearing Senate Bill 393 (1st Reprint). This bill is intended to streamline the purchasing practices specific to the Department of Corrections (NDOC), especially in relation to purchasing needs of Prison Industries, otherwise known as Silver State Industries. I think that as this bill proceeded through the Senate hearings some recommendations were made, but I do not know that they were fully incorporated into S.B. 393 (R1). For that reason, we are in front of you with an issue that still needs to be resolved. I must apologize for the fact that the changes that were made were somewhat incomplete.

The original intention, and how S.B. 393 (R1) was born, was to delete certain provisions that prohibit offenders from engaging in telemarketing or conducting opinion polls by telephone. As you are well aware, telemarketing has come a long way since these prohibitions were put in place many years ago. This bill seeks to allow individuals to provide telemarketing services without knowing anybody's credit card number or their name. It would be an opportunity for inmates to learn a skill and seek employment while they are serving their sentence. The other side of the bill deals with purchasing and seeks to create an exemption for NDOC that may further Silver State Industries' efforts to generate revenue. The economic downturn severely and adversely affected Silver State Industries and, as a result, they lost a lot of contractors who provided inmates with work opportunities.

I would like to ask members from NDOC to speak to this. Former U.S. Senator Richard Bryan, along with other members from the law firm of Fennemore Craig are also here, and he can speak to the work he did on this bill. Mr. Chairman, may we proceed to that?

Chairman Ohrenschall:

Absolutely. I just wanted to let the Committee members know that Senator Parks chaired the Committee on Industrial Programs during several interims and has done a great job. When I served on that committee with you, we heard reports about how much better inmates do in terms of recidivism and working towards earning their parole when they are involved in one of these programs. There are a lot of great programs there, and Senator Parks has done a great job on these issues during the interim.

Senator Parks:

Thank you. I believe that we have the Deputy Assistant Director for NDOC in Las Vegas, and perhaps he would like to lead off. Then I would certainly welcome Senator Bryan to the table, if that were permissible.

Chairman Ohrenschall:

Absolutely. Good morning, Senator Bryan. Thank you for joining us today; feel free to come up to the table. We will go down to Las Vegas first, and then we will go to you next.

Brian Connett, Deputy Director, Industrial Programs, Department of Corrections:

I want to thank this Committee for taking the time to review S.B. 393 (R1), and I appreciate the opportunity to testify. I also want to thank the Senator and Assembly members for signing on and sponsoring this bill.

Section 1 of this bill authorizes the Director of NDOC to purchase items from the Department's inmate work programs. Section 2 strikes the prohibition of inmates performing telemarketing, and section 3 was removed by an amendment. In essence, what this bill does is place permissive language in the statute that would allow NDOC to purchase products and services from its own inmate industry work programs.

Approximately 480 inmates at all but one of the Department's facilities currently participate in inmate work programs. When working at our work programs, these inmates are not milling around the institutions, but working, learning skills that will assist them in obtaining gainful employment upon reentry into our communities and reducing victimization. The work programs are an integral part of NDOC's reentry efforts. The work programs are self-funded at no cost to the General Fund or to Nevada taxpayers and provide no-cost training to inmates. As over 80 percent of our inmates will be released one day, we are training part of tomorrow's workforce. Without this bill, NDOC could be limited in providing vocational training and work for inmates.

Inmates who desire to work for prison industry work programs must have their high school diploma or general education development test (GED), thereby incentivizing inmates to get more education. Research data shows that the more education an inmate has, the less likely he or she will be to return to prison. In addition to this, inmates who participate in these programs must be disciplinary-free for at least six months prior to being eligible to participate, and they must remain disciplinary-free. This assists our institutions with operational safety. Department inmate work programs actually return dollars to the state in the form of contributions to room and board, and the Victims of Crime fund. We also work with Nevada staff and, where we can, purchase materials and supplies from Nevada companies.

Regarding the portion of the bill referring to telemarketing, the current statutory language was put in place long ago when technology was such that inmates were given data and dialed the person to be contacted. Today's technology auto-dials the call or the inmate receives an incoming call, and the inmate never has any access to any personal data. The current, restrictive statutory language that prohibits inmate access to personal data will remain in the statutes.

Prison Industries and any new industries are vetted through this Legislature's Committee on Industrial Programs, which has oversight over Prison Industries. These programs also partner with the Department of Employment, Training and Rehabilitation to educate Nevada employers about the skills inmates learn while incarcerated, as well as to assist ex-offenders with job placement. Testimony heard before the Senate showed support in the community for getting inmates the skills necessary to obtain gainful employment upon release.

Director Dzurenda could not be here today, but asked that I voice his support of S.B. 393 (R1). Again, thank you for your consideration of this bill. I would be happy to answer any questions.

Chairman Ohrenschall:

Thank you very much. As I said earlier, while serving on the interim Committee on Industrial Programs, I heard that inmates who are a part of this do much better during their term of incarceration and have much lower recidivism rates. It seems like a good program all around. Are there any questions from the Committee for Senator Parks or Deputy Director Connett?

Assemblyman Wheeler:

As I look over this bill, I do not see very much about telemarketing, but I do see a lot about manufacturing. Does Silver State Industries have to adhere to the same quality standards for their products as a normal company would? For instance, I took a tour of Silver State Industries and learned they were making mattresses. Are their mattresses held to the same standard as mattresses sold to the public?

Brian Connett:

Yes, the products and services that we provide from Prison Industries must meet the same standards as any other product NDOC would purchase.

Senator Parks:

To further answer Assemblyman Wheeler's question, he indicated that he did not see anything concerning telemarketing in the bill. This bill is really just striking language. Page 4, line 1 of the bill says, "Telemarket or conduct opinion polls by telephone. . ." and you will see that language has been struck. The intent was that there would not be a prohibition against inmates performing that type of activity.

Chairman Ohrenschall:

Thank you very much for pointing us to that, Senator Parks. Members, if there are no other questions, there is an amendment on the Nevada Electronic Legislative Information System (NELIS) that is being offered by Senator Bryan and the law firm of Fennemore Craig ([Exhibit C](#)). Senator Bryan, good morning, and thank you for joining us. Would you like to speak to that amendment?

Richard H. Bryan, representing Vinyl Products Manufacturing, Incorporated:

I am an attorney with the law firm of Fennemore Craig, and I am here on behalf of a local businessman who has a company named Vinyl Products. Let me preface my remarks by saying, having served ten years on the Board of State Prison Commissioners as Attorney General and Governor, I completely support and endorse the worthiness of the Prison Industries program. It is a good program, but the underlying premise of the program is that it would not unfairly compete with those in the private sector.

Sometimes a page of history is more instructive than a volume of logic, as the late Oliver Wendell Holmes Jr. once observed. Two sessions ago, Prison Industries entered into a contract with a private sector steel fabricator, using prison labor and actually fabricating within the prison itself. My client, at that time, was not given an opportunity to participate or to bid. Ultimately, that contractor left the state high and dry for about \$500,000 dollars. Two sessions ago, we had to amend the law to provide private businesses the opportunity and notice to bid or participate.

Another iteration of that is what brings me here today. I think the current law is a good law and I support it. The current law simply says that a notice and an opportunity to bid must be extended to the public to those that might compete. The law also says, and I support this too, that there is a preference—whether it is Prison Industries or any other entity of state government that provides a product—as it relates to the matter before us, to prison industries. The private sector client has an opportunity to rebut that, and this would be apropos of Assemblyman Wheeler's question.

Say, for example, that the private sector is selling mattresses—and that is the issue that brings me here today. Say the mattresses that the private sector offers to the state last, hypothetically, for ten years, and the prison industry mattresses last for two years; the private sector may indeed be awarded the bid even though its price may be slightly higher because their product lasts longer. I support the current law.

I want to give the Committee a little historical background on this bill. When Senator Parks requested the bill, he was only concerned with its telemarketing provisions. The Legislative Counsel Bureau (LCB), because they dealt with the same Chapter of the *Nevada Revised Statutes*, included the provisions that Chairman Ohrenschall addressed, namely the amendment to delete section 1. I became involved about a year ago when one of my clients—a Carson City businessman who has been in town for about 40 years—approached NDOC and said he would like to bid on some mattresses but was told that the state did not have to bid. Our office, Fennemore Craig, was contacted, and we met with Mr. Jeffrey Menicucci from the Office of the Attorney General. Mr. Menicucci concluded—and I think correctly so—that the present law requires a notice and an opportunity to bid. This seems fair, but the law gives preference to Prison Industries in terms of getting the sale.

That is the historical background of how and why I became involved; I submitted a chronology on NELIS ([Exhibit D](#)) that I think might be helpful for the Committee to follow. Our client initially contacted us in April 2016. We met with Mr. Menicucci, the Senior Deputy Attorney General, in mid-July. In August, Mr. Menicucci confirmed that his interpretation was the same as that of the Purchasing Division of the Department of Administration, and that indeed, notice and opportunity to bid must be given.

The following scenario is egregious. As some of you know, I have had some experience in state service. I respect the job that state employees do; it is not an easy job. Remember, this conversation occurred in early August 2016. After having been advised by the Attorney General's Office that notice and an opportunity to bid must be given, NDOC made

a series of purchases for mattresses in excess of \$100,000 between August 15 and August 16—after the Department had been given notice. If you have the chronology in front of you ([Exhibit D](#)), you have the exact amount.

We spoke with Mr. Menicucci and confirmed our understanding, but from August 26, 2016, to September 2, 2016, Prison Industries and the Purchasing Division again refused to follow the Attorney General's advice and give us notice and an opportunity to bid. Finally, a memo was sent out on October 14, 2016 ([Exhibit E](#)). In essence, the Administrator of the State Purchasing Division, Mr. Haag, indicated that he and the Attorney General agreed that the statutes, as they currently exist, require notice and opportunity. I want to make sure that is put on the record. After this memo, Prison Industries continued selling the mattresses without the public being given a notice and an opportunity to bid from October 24, 2016 through November 1, 2016. This got my dander up.

Three series of transactions occurred after Prison Industries had been advised by the Attorney General's Office—not me, as an attorney for a private sector client. I have no standing with respect to the law as it must be interpreted and followed by state agencies, but the Attorney General's Office is the state's legal counsel. Notwithstanding the advice and the memo, this activity continued. We saw that section 1 of S.B. 393 (R1) would, in effect, circumvent and allow Prison Industries to set the standard. That is why I think the Senate Committee agreed to process our amendment, which simply deletes section 1 of the bill, so that current law does not impede Prison Industries.

I am fully supportive of Prison Industries, so with all due respect to Mr. Connett, this bill is not about whether you favor Prison Industries; it is about giving an opportunity to those in the private sector who have similar products they would like to sell an opportunity to submit a bid. The preference exists with Prison Industries, which I fully support, I think it is fair, and I hope that you would adopt the amendment. I would be happy to respond to any questions the Committee may have.

Chairman Ohrenschall:

Thank you very much, Senator Bryan. Thank you for everything you have done for our state and for private practice too, and there is a fine balance between the two. There are a lot of benefits to the programs under Prison Industries, but I think the statutes are clear—and the Board of Prison Commissioners are clear—that any industry that NDOC is involved with should not displace anyone in the private sector.

Assemblywoman Krasner:

Good morning, former United States Senator and Governor Bryan. Thank you for all of your service to our state and our country. Respectfully, I would like to ask you a question.

Richard Bryan:

I appreciate "respectfully;" that was not always my experience in the past. You have elevated the level of civility here this morning that I did not always receive, so I thank you.

Assemblywoman Krasner:

Section 2, subsection 3, the section that deals with allowing prisoners to telemarket or conduct opinion polls by telephone, causes me some concern. After we heard another bill in this Committee, Assembly Bill 420, I received many emails and phone calls from constituents who expressed their concern about allowing inmates to have access to iPads, cell phones, or any types of devices that would allow them to have contact with the outside world. If you could talk to me a little bit about that, I would surely appreciate it. Thank you.

Chairman Ohrenschall:

Pardon me for jumping in, but I think this is a separate subject from the topic of A.B. 420. As to how the telemarketing might work, I am happy to have you answer that, Senator Bryan.

Senator Bryan:

I really do not know, mechanically, how the telemarketing would work. Let me be clear for the record. When I initially talked to Senator Parks, section 1 was not part of the bill draft resolution he submitted. Section 1 was added by LCB because the provision which we objected to, section 1, was added at that time. I indicated to Senator Parks, and I want to be very candid with you, I did not express any opposition at all to the telemarketing provision as my client's only concern was section 1. In fairness, I think I ought to defer to Mr. Connett without voicing my own opinion one way or another. I do not have a dog in that part of the hunt.

Chairman Ohrenschall:

Thank you very much, Senator. Deputy Director Connett, do you think you could address Assemblywoman Krasner's concerns regarding how possible telemarketing might work if that were an industry Silver State Industries became involved with?

Brian Connett:

I, too, fully respect Senator Bryan's time with the state. In reference to Assemblywoman Krasner's question, from what I know of that bill you brought up, there would be no interaction at all. If we did telemarketing, it would be separate and apart from inmates having access to iPads or other devices.

Chairman Ohrenschall:

Thank you very much. Assemblywoman Krasner, I will let you ask a follow-up question, but only relating to this bill. This is not a second hearing on A.B. 420.

Assemblywoman Krasner:

Of course. In regard to this bill, S.B. 393 (R1), and specifically the provision allowing prisoners to telemarket or conduct opinion polls by telephone, how do you foresee that working in practice?

Brian Connett:

Other states allow their prison industry programs to telemarket, so we are not the first to try this. The inmates would be working for a separate company that would come in, set this up, and would separate any control and connectivity with phone calls coming in. All of this would be monitored and controlled. Inmates would not have any access to any personal information whatsoever, such as credit card numbers. I hope that answers your question.

Assemblywoman Krasner:

You say this will be in a controlled, monitored environment. Does that mean that there will be a room with perhaps 20 telephones where the inmates are using phones to make phone calls, and there will be some type of supervision or guards watching over them? What do you anticipate?

Brian Connett:

Yes. We anticipate that it will be that kind of set-up that will be in a separate room under monitor by a supervisor.

Assemblyman Hansen:

Is the section 1 deletion considered a friendly amendment? It is? Perfect. If I may have a really quick follow-up as well, it is for former Senator Bryan, former Governor Bryan, former Attorney General Bryan, former State Senator Bryan, former Assemblyman Bryan, and former Student Body President Bryan.

Senator Bryan:

I was also a class president. Do not forget that.

Assemblyman Hansen:

I think it is a very unique opportunity for us to meet somebody who has done so much. I had a tour with Senator Bryan at the State Capitol Building the other day, so I missed my Legislative Operations Committee meeting, but that is another story. Senator Bryan is probably the last person we all have an opportunity to know who, in 1969, served in that building in the State Assembly. We have a very unique and historical person sitting in front of us.

Senator Bryan:

That is a kind way of saying that I am a bit long in the tooth. Thank you very much, Assemblyman Hansen; it was a pleasure to take you and your family for a little tour.

Assemblyman Elliot T. Anderson:

I just really wanted to join the Senator Bryan love-fest today. I wish you well up here, Senator, and I am looking forward to supporting your campaign for the Supreme Court.

Chairman Ohrenschall:

Are there any other questions from the Committee? [There were none.] Senator Bryan, thank you again, for all your service this session; we really appreciate it. Is there anyone else in favor of S.B. 393 (R1), either here in Carson City, or down in Las Vegas? [There was no one.] Is there anyone who is opposed to S.B. 393 (R1) who wished to be heard in Carson City or Las Vegas? [There was no one.] Is there anyone who is neutral on the measure? [There was no one.] At this time, I will close the hearing on S.B. 393 (R1) and open the hearing on Senate Bill 177. Thank you for sticking with us, Senator Parks.

Senate Bill 177: Revises provisions governing the assignment of certain defendants to a program for treatment of mental illness. (BDR 14-754)

Senator David R. Parks, Senate District No. 7:

Senate Bill 177 has the plague of being a one-page bill; however, I think I can quickly sum it up by the fact that S.B. 177 addresses a need in our court system relating to the treatment of mental illness, specifically that of the hoarding disorder.

As the Committee is aware, Nevada law allows our district courts to establish specialty court programs for the treatment of offenders who suffer from mental illness. The American Psychiatric Association recently added "hoarding disorder" to those included in the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM). This is significant in that the disorder is now officially recognized by mental health providers as one that is worthy of treatment. I believe our courts should be authorized to officially recognize the condition, thereby enabling them to seek treatment for individuals who have truly debilitating disorders. Senate Bill 177 accomplishes that goal by simply adding hoarding disorder to the definition of mental illness that is found in *Nevada Revised Statutes* (NRS) Chapter 176A, Probation and Suspension of Sentence.

This bill came about because, in recent years, we have seen an increase in individuals who hoarded animals—predominately cats—and have kept them in very unhealthy situations. We had one case in southern Nevada where an individual lived in Las Vegas, then North Las Vegas, and later unincorporated Clark County, and ended up having three different sets of charges brought forward. The court, in its deliberation, found that the only thing they could do was pursue a felony against this individual. There is more than one case that is presently being considered, but we think that these individuals have a mental disability that needs treatment. This bill simply adds, as defined, the illness of hoarding, and it allows judges to seek alternative sentencing through mental health court. Thank you.

Chairman Ohrenschall:

Thank you for the presentation. That case that you mentioned went forward to a felony conviction because this was not available.

Senator Parks:

Yes, this individual was found guilty of a felony.

Assemblyman Pickard:

Thank you, Senator Parks, for bringing this bill forward. I just have a technical question. Section 1 states, ". . . as listed in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders*. . . ." My understanding is that the most recent is the DSM-5, and that the state has not yet adopted that. I could be wrong, but I was wondering if you know whether the state has adopted the DSM-5 because I do not believe this condition is found in DSM-4. Can you enlighten us on that?

Senator Parks:

You are absolutely correct. My understanding is that after the bill was drafted we found out that it appeared that the DSM-4 is one that is currently being used by Nevada. I think the words that we used, ". . . in the most recent edition," might need to be clarified further to reflect the fact that we are still only on edition number 4.

Assemblyman Pickard:

I would just like to make a comment. Because, or if, the state has not adopted the DSM-5 and this diagnosis is not in the DSM-4, we probably should specify "as defined in DSM-5," but I do not know if that will run afoul of any other standards within the state.

Chairman Ohrenschall:

Thank you and perhaps we can get more clarification on that later.

Assemblyman Wheeler:

Senator, I do not know if this question is for you or legal, but if someone is diagnosed, or if this bill were to go through, would these people be subject to the restrictions under Legal 2000 where their rights can be taken away—or they can be held—for 72 hours?

Chairman Ohrenschall:

I think I am going to ask our legal counsel to address that.

Brad Wilkinson, Committee Counsel:

For the purposes of this bill, the definition included is just for the mental health court program, not for any other purpose. It applies just in this limited context.

Assemblywoman Cohen:

I think our counsel just answered my question, but I will ask it anyway, just in case. Does this bill do anything to help our municipalities with code enforcement? I know that is a totally different animal than this, but I am just thinking when they have issues with hoarders and other problems like this, is there any way that this bill helps them?

Chairman Ohrenschall:

I will take a stab at answering that. I think that if more people are eligible for a therapeutic court program it would be a benefit throughout our municipalities. Perhaps we will hear from some of our local governments in a couple of minutes. I am not sure if we will or not, but perhaps that is a question we can ask them.

Are there any other questions from the Committee? [There were none.] Thank you very much, Senator Parks, for presenting this bill. Is there anyone else who is in support of S.B. 177?

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

We want to thank Senator Parks for bringing forth this bill. We wholeheartedly support it and believe it will go a long way in helping individuals who suffer from hoarding. I have represented these individuals in the past, and these people come from all walks of life— young, middle-aged, and older. As Senator Parks described, hoarding is a debilitating illness whether it involves animals or magazines, newspapers, or a bunch of junk and clutter. It is a disorder that can also cause issues within the home or with other people who reside in the home. We support this bill because it will give judges the discretion they need to put these persons into mental health court and get them the treatment they need.

I would like to respond to the question about code enforcement as well. I think this bill would benefit code enforcement officers because, when I have spoken to them about going out to certain homes on code enforcement violations, they indicated to me that hoarding is a recurrent problem. Because hoarding is a debilitating illness, code enforcement officers constantly go out to the same houses to deal with the same people and problems. Therefore, I would think that putting these persons in a therapeutic court system and getting them the treatment they need would reduce the need for the code enforcement officers to keep coming back. I submit that thought to the Committee for its consideration. Other than that, I stand ready for any questions.

Assemblyman Hansen:

Did the individual who was hoarding the cats actually face a felony charge? Was that the only option available? Were you able to plead? We constantly talk about people in our prison system who do not belong there. Certainly, someone who is hoarding cats should not be in the prison system. What happened with that case, if you are familiar with it?

Sean Sullivan:

Many times I have seen cat- or dog-hoarding cases—or cases involving other types of animals—where there is usually, and unfortunately, a lot of clutter and feces, and children who are present and subjected to unsafe living conditions. These situations are the ones that usually rise to the felony level.

Assemblyman Hansen:

I do not want to see people incarcerated because they have mental health issues. I want to make sure I am clear; are you saying that these cases involve extenuating circumstances beyond just the hoarding?

Sean Sullivan:

That is correct.

Chairman Ohrenschall:

Thank you. I have some more questions on this bill, but I have to ask our Vice Chairman to take over as I have a bill to present in the Senate.

[Assemblyman Yeager assumed the Chair.]

Assemblyman Pickard:

I want to follow up on Assemblyman Hansen's question. I do not practice criminal law, but I seem to remember from law school that there is a mens rea component to this. Are you saying that even though mental illness could have been proven in that case, we were unable to reduce it from a felony? I do not know how that works. Is this the only tool we have to address this problem? Is there no other way, or avenue, for reducing the charges?

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

To answer your question, Assemblyman Pickard, you are a resident of this state just as we are. You know that in Nevada, we have not put a lot of effort into mental health care on the front end, so the criminal justice system is the back end of that. Part of the problem with this would be, even if we pled the case down from a felony to something lesser, that person would just be on regular probation with a regular probation officer and would not have access to the services of mental health court that would really help him. Therefore, this bill is a great bill, and we thank Senator Parks for bringing it forward.

Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

I was not going to come up and speak on this, but many points have been brought up, and I have worked on these cases and been in these homes. One case involved a lady who was a professor from California. She moved into an apartment complex, and her hoarding was so bad that by the time I arrived I had to bend over because my head was going to touch the roof. Her hoarding may have caused disease as well because she had some dead cats in her home, too. Many times these cases are treated as felonies because individuals will hoard animals that are not being taken care of. In the case above, we had to go into her house and clean it out. There is nothing wrong with having a mental illness, but in Nevada, there is no recourse to hoarders into our mental health system. I think this bill would be supportive of that.

Vice Chairman Yeager:

Thank you for your testimony. Is there anyone else in support of S.B. 177? [There was no one.] Is there anyone opposed to S.B. 177? Seeing no opposition, how about neutral? Is there anyone who is neutral on the measure?

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

The Division is neutral on this bill. I would like to point out that the inclusion of hoarding in the diagnoses that we can incorporate into mental health court is very much consistent with

the services currently provided in mental health court. Specialty courts can be a very helpful road, particularly when individuals are resistant to the concept that they, themselves, are mentally ill, and therefore, do not voluntarily wish to participate. Thank you very much. I am happy to answer any questions.

Vice Chairman Yeager:

Do we have any questions? [There were none.] Is there anyone else in the neutral position on S.B. 177? [There was no one.] Senator Parks, would you like to make any concluding remarks?

Senator Parks:

Thank you for hearing this bill. I hope that you will look favorably on it, and we can provide the type of health care that is necessary for individuals that come in front of our judicial system. Thank you.

Vice Chairman Yeager:

Thank you, Senator Parks. I will close the hearing on S.B. 177. At this time, I will open the hearing on Senate Bill 125 (1st Reprint), which revises provisions governing the restoration of certain civil rights for ex-felons. Welcome back to the Committee, Senator Ford, and please proceed when you are ready.

Senate Bill 125 (1st Reprint): Revises provisions governing the restoration of certain civil rights for ex-felons. (BDR 14-20)

Senator Aaron D. Ford, Senate District No. 11:

This measure immediately restores the right to vote and the right to serve on a jury—as a juror in a civil or criminal case—for certain persons convicted of specified felonies upon completion of one year of probation or parole. It also provides an official document to the person that states that their civil rights to vote and to serve as a juror have been restored. The document must also provide the date upon which the person's civil right to hold office will be restored, and revises the waiting period to petition to court for sealing criminal records under certain circumstances.

I have in Denver, via videoconference, members of the National Conference of State Legislatures (NCSL), who I would like to defer to for a quick presentation on the current state of these types of laws in other states, if that would be okay with the Committee.

Wendy Underhill, Director, Redistricting and Elections Program, National Conference of State Legislatures:

I am here with my colleague, Rich Williams, who represents our criminal justice program here at NCSL. We thank you very much for the opportunity to be here with you today, as best we can, via videoconference.

I will start by noting that NCSL is a national, bipartisan organization that supports the work of both legislators and legislative staff. Our elections and redistricting program provides

assistance to legislators and legislatures in matters relating to election administration, which includes the topic of restoration of voting rights for felons. We also help on redistricting, campaign finance, and related topics should those come before you as well. As with all of our work here at NCSL, we do not make recommendations on policy concerning restoration of felon voting rights or other things; instead, we provide 50-state research and analysis.

My testimony this morning will focus on when the right to vote is restored to those who have been convicted of a felony. I will give you the highlight right up front, which is that the trend for the last two decades has been in the direction of automating the restoration of voting rights for felons, and doing so earlier in the process. Senate Bill 125 (R1) fits that trend. I want to start with a brief overview of current state policies concerning the restoration of voting rights. Then, I will discuss recent legislative trends and state action in this area. I will conclude my remarks with just a couple of comments about the restoration of the right to serve on a jury. At that point, I will hand the presentation over to Rich Williams.

Forty-eight states and the District of Columbia take away the right to vote for those who are convicted of a felony. This practice has been common among nation-states since Ancient Greece. The National Conference of State Legislatures organized state policies into four categories that fall along a continuum from states where felons never lose their right to vote to states where felons never get the right to vote back unless there is specific action taken on the part of a board or a governor. I would like to note that there are many nuances regarding this issue, and the four categories are not entirely distinct from each other. For instance, some states may have different policies depending on the type or the severity of the crime. The National Conference of State Legislatures has tried to generalize these state policies, so it can be better understood at the 30,000-foot level.

There are only two states, Maine and Vermont, in the first category, and they do not take away the right to vote from felons. That means that felons there can vote even while incarcerated.

The second category includes states where felons lose the right to vote during the time of incarceration only. That means that, at the time of release from prison, the right to vote is automatically restored. Thirteen states, as well as the District of Columbia, fall into this category. I am happy to name these states for you at any point during this presentation, but I thought I would spare you that unless asked to do so.

The third category is by far the largest with 29 states. Nevada is currently in that group of states. In this category, felons lose the right to vote until the completion of their full sentence, which includes parole and/or probation. Completion of the sentence may or may not also include the payment of fines and restitution. Some of these states mandate a waiting period after completion of the sentence. At the end of that waiting period, that is when the right to vote is automatically restored. If S.B. 125 (R1) were to become the law as currently written, Nevada would still be in this category. It is my understanding that Nevada would be the only state to restore voting rights for felons one year into their parole or probation period, rather than after the completion of the full sentence.

The last category is made up of ten states that restrict the voting rights for felons unless restored by an action of the governor, a board of parole, or a court. This category can be broken down further into two subcategories. Six states take away the right of the felon to vote until or unless the governor or a court takes an action. In four other states—Arizona, Tennessee, Wyoming, and Nevada—whether an action by a board or the governor is required depends on the type of crime. You will notice, because of this, those four states are listed in both of the final categories.

I will now move on to current legislation on restoration of voting rights. While legislative enactments are not frequent, the trend is generally in the direction of restoring voting rights earlier. The big news right now is that the Nebraska legislature passed a bill this session that removed a two-year waiting period after the full completion of a sentence. Last week, however, the governor there vetoed the bill, and now, the legislature is considering whether it wants to seek an override.

Going back to the news from 2016, there were four notable bills passed by state legislatures. Each was just a little bit different, and together they demonstrate the wide variety of approaches states can take. First, in Alabama—which is one of the stricter states in the country—the legislature eased the process by which an ex-felon could obtain a certification of eligibility to vote after completion of the sentence. It shortened the time for that from 45 days to 30 days, and it made that certification of eligibility a statement rather than a determination by the board of pardons and parole.

The next state is California. Last year, it differentiated between felons in state and federal prisons on one side, and those in county jails on the other, by restoring the right to vote for felons currently serving time in county jails. This happened at the same time that California shifted many corrections program responsibilities from the state to local government, which caused the transfer of many low-level felony offenders to county-run jails and programs.

Third, Delaware, last year, removed the requirement that felons pay all fines, fees, and restitution before their voting rights could be restored. They still need to complete their full sentence, however, including probation or parole.

Last, in 2016 the Maryland legislature overrode a gubernatorial veto to restore voting rights for felons when they are released from incarceration. Previously, Maryland required felons to complete their full sentence, including parole, probation, and restitution before voting rights were restored.

So far, all the legislative action I have mentioned has fallen right along with the national trend towards easing restrictions. I would like to touch, briefly, on the other side, and that is easy to do because there are only two states that have further restricted voting rights to ex-felons since 2009. In 2012, South Dakota mandated that felons on probation would not have voting rights restored until probation was completed. In 2011, Tennessee added specific crimes that make convicted felons eligible for permanent disenfranchisement.

Fast forward to 2017, and at least 49 bills in 18 states have been introduced addressing various aspects of this issue. That is on par with the amount of legislation we have seen in recent years. In addition to bills that do the kinds of things we have talked about so far, we have also seen bills that relate to how ex-felons are notified of their right to vote, requiring that voter registration be offered as part of the release process, or allowing arrestees who have been convicted to vote by provisional ballot.

Now I will move on and touch, briefly, on the executive actions side of felon voting rights. As noted earlier, in several states the governor or a board of parole play a role. That means that the person or the people in those positions can set policy, at least for the time that they are in office. I have four examples of this for you. The Florida Board of Executive Clemency has taken action twice in recent years: First, in 2007, it adopted a policy to automatically restore voting rights to nonviolent offenders. Then, in 2011, it reversed that policy. The existing policy now requires that all ex-felons wait between five and seven years before applying to regain voting rights. There was no change in the law, but there was a change in the policy and procedure in Florida.

In Iowa, governors have gone both ways: In 2005, the governor signed an executive order automatically restoring the voting rights to ex-felons, and in 2001, the new governor reversed that action. Since 2011, ex-felons must apply to regain their voting rights.

In Kentucky, in 2015, the outgoing governor, Steve Beshear, signed an executive order to automatically restore the right to vote as well as hold public office. The order excluded those who were convicted of violent crimes, sex crimes, bribery, or treason. The incoming governor, as one of his very first acts, reversed that order in 2016.

You will probably all remember that last year the Virginia governor, Terry McAuliffe, announced an executive order automatically restoring voting rights to convicted felons. That decision was a source of contention with the legislature there, and it sued the governor over this action. In July 2016, the Virginia Supreme Court overturned that executive order and Governor McAuliffe, at that point, continued restoring voting rights on an individual basis.

The right to serve on a jury is often, but not always, restored at the same time that the right to vote is restored. Here we have the states categorized into six groups, and these look quite similar to the earlier groups we discussed for voting rights. The first category includes states where the right to serve on a jury can only be restored through governor action; there are 21 states in that camp. The second category includes 15 states that restore jury service after completion of the full sentence. The third group includes states that have a waiting period; seven states and the District of Columbia fit here with waiting periods that can begin with the time of conviction, after a pardon, or after discharge. The fourth category includes three states that restore the right after the completion of a prison term. After that, four states never take away the right to serve on a jury—even though individuals could not do that from prison. Last, Louisiana is in a category of its own; it is the only state that permanently revokes the right to serve on a jury. With that, I will conclude my remarks, and I can either take questions now or after my colleague speaks.

Vice Chairman Yeager:

Thank you. I would like to hear from Mr. Williams, and then we will open up for questions.

Richard Williams, Policy Specialist, Criminal Justice Program, National Conference of State Legislatures:

I am in the Criminal Justice program here at the NCSL. I am going to provide a bit more context for where restoration of voting rights comes into the justice system. Restoring the right to vote is part of a larger set of policies known as "collateral consequences of a criminal conviction." This term refers to the loss or disqualification upon conviction of civil rights, public benefits, government licenses, and other statutory entitlements. Absent of law stating otherwise, these legal disqualifications remain in place after a court-ordered sentence is complete. The civil loss of rights is distinguished from, and in addition to, the direct criminal consequence of committing their crime.

There are more than 45,000 collateral consequences of state and federal law. The most common rights that are taken include voting—as we are discussing today—sitting on a jury, serving in a public office, and carrying, possessing, or using a firearm. State and federal loss of benefits include public welfare, food stamps, housing assistance, and student loans and scholarships. Convictions can also disqualify individuals from employment in certain professions or from regaining certain parental rights. Collateral consequences can apply broadly to all felonies or misdemeanors; voting is an example of a right that is most often removed regardless of the type of crime. For others, there are specific offenses that can trigger other losses. This is common with employment-based restrictions; for example, people who commit crimes against children often cannot work at daycares or schools, and those who commit crimes similar to fraud or embezzlement render a person ineligible for managing stock portfolios.

There has been a recent trend in state law to distinguish between restrictions that are directly related to the crime that individuals commit, and those that create a barrier for people to successfully reenter their community and become a productive member of society. Most notably in that trend are the expansion of expunge and conceal laws. In most cases, an expunged record automatically restores the lost rights and benefits, and in 2016 alone, at least six states substantially expanded the pool of ex-offenders who are eligible to have their convictions concealed or expunged. For example, Maryland and South Dakota now allow for expungement of some misdemeanors, while Kentucky and Missouri expanded their expungement laws to include low-level felonies.

The second trend has been a creation of certificates of restoration, rehabilitation, or employability. These documents show that an individual has successfully completed their sentence. They note which rights or benefits are being restored, and sometimes include a list of rehabilitative accomplishments that that particular individual has made. Courts, parole boards, or corrections departments have been given the discretion to grant these certificates. Since 2009, 14 states and the District of Columbia have created new certificates or expanded applications of existing ones.

Waiting periods are commonplace for any form of restoration of rights and are seen as a time for the ex-offender to prove that they are law-abiding and have rehabilitated. Waiting periods generally range from one to five years, but it is not uncommon to see them go for ten years or more. At least 12 states and the District of Columbia have shortened the amount of time that a person must wait before applying for restoration. At the same time, many of the certificate and expungement laws I just mentioned also include waiting times prior to their application.

Addressing collateral consequences is part of a larger second chance—or fair chance—trend we are seeing in the states. Since 2010, basically every state has adopted policies to break down the barriers offenders face when leaving prison, or to increase access to other services to help their reentry into society. These policies seek to help ex-offenders become productive members of the community and break cycles of recidivism. That concludes my testimony, and I would be happy to take any questions.

Vice Chairman Yeager:

Thank you for your testimony. Senator Ford, did you have anyone else who you wanted to have testify or would you like to open up for questions?

Senator Ford:

I would like to finish discussing the bill and then there are some others who want to testify in support. Thank you, NCSL, for presenting some very helpful information for the Committee. I appreciate that. As you just heard, state approaches to felon disenfranchisement are vastly different. You have also heard, for example, that in Maine and Vermont, felons never lose their right to vote, even while they are incarcerated. On the other side of the aisle, in Florida, Iowa, and Virginia, felons permanently lose their right to vote in certain circumstances.

According to the National Center for State Courts, 12 states bar convicted felons from jury service until the full completion of their sentence. Other states provide for a timeline before rights are restored. In Maine, there are no restrictions on a convicted felon's opportunity to serve as a juror. Here in Nevada, voting rights and participation as a juror in a civil action are restored to all persons convicted of a nonviolent felony after either an honorable discharge from parole or probation, the sealing of a criminal record by the court, the granting of a pardon, the restoration of the right to vote, or a sentence completion.

Persons convicted of a category A or B felony, however, are not entitled to immediate restoration of their civil rights upon completing their prison sentence, parole or probation. Instead, they must seek a court order granting restoration of civil rights. For jury service in a criminal action, a person must wait six years after the date of an honorable discharge from probation.

So why is S.B. 125 (R1) important? According to The Sentencing Project, in 2010—the most recent information that we have available—approximately four percent of Nevada's adult voting age population was deprived of the right to vote. I think it comes as no surprise that those numbers disproportionately fall upon more impoverished individuals and people of

color. This rate increases to nearly 12 percent when looking at African Americans, in particular. According to a 2003 report for the American University Law Review, the lifetime exclusion of felons from jury service used in 31 states and in federal courts results in over 6 percent of the adult population being excluded. Again, there are various differences based on socioeconomic status and ethnicity, including approximately 30 percent of African American men being in that category.

Reintegration into society is essential for the safety of communities and the reduction of recidivism among those who have been incarcerated. According to the Brennan Center for Justice, civil participation instills in the offender a feeling of belonging to the community and a sense of responsibility toward it. Education of ex-offenders regarding voting rights has been found to be inadequate. In a survey conducted by Matthew Cardinale, it was found that 86 percent of respondents, ex-offenders noted confusion with voting rights. Ninety percent said they were not told during the pre-incarceration legal process that they may lose their right to vote, and 96 percent received no information from prison or parole staffing regarding how to get their voting rights back. According to NCSL, from whom you just heard, even in states where ex-offenders automatically regain their right to vote upon completion of a sentence, the process for reregistering to vote is often complex.

The measure before the Committee today will immediately restore the right to vote and the right to serve as a juror in a civil and criminal case for persons convicted of specified felonies—there are exclusions and we will get to those—upon completion of one year of probation or parole. In order to decrease the complexity of reregistering to vote and serve as a juror, this measure requires that each person who is restored these civil rights be given an official document stating that restoration. The measure also provides for a process to follow in the event the official document is lost, damaged, or destroyed. The measure also clarifies that the civil right to hold office is not immediately restored upon completion of one year of probation or parole for persons who have previously been convicted of a category A or B felony, or two or more times of a felony. These persons may still petition the court for an order granting restoration of the civil right to hold office. Finally, the measure revises the waiting period before being authorized to petition the court for sealing criminal history records.

I will quickly take you through the bill section-by-section. Section 1 provides that unless a probationer was convicted of a specified felony, the right to vote and the right to serve as a juror must be immediately restored upon the completion of one year of probation. This section also provides for an official document that states that that person has had his or her rights restored. Finally, that section clarifies that the civil rights to vote and serve as a juror are not immediately restored upon completion of one year of probation for persons who have been previously convicted of a category A or B felony, or two or more times of a felony. These persons, however, may still petition the court for an order granting the restoration of their right to vote.

Section 2 clarifies that the civil right to hold office is not automatically restored. Persons may petition the court for an order granting the restoration. Section 3 makes conforming changes to our *Nevada Revised Statutes* (NRS) relating to probation. Section 4 revises the waiting period for a person convicted of certain crimes before being authorized to petition the court for sealing criminal history records. This section also contains definitions of terms related to crime that are referenced. Sections 5 and 5.5, again, make conforming changes to NRS.

Section 6 provides that the director of the Department of Corrections (NDOC) must provide notice of the provisions of section 7 to offenders given parole. Section 7 provides that, unless a parolee was convicted of a specified felony—I am talking about parolees now, the first section was probationers, and essentially section 7 says the same thing about a parolee as it does a probationer—unless that person is convicted of a specified felony, the right to vote and serve as a juror must be immediately restored upon the completion of one year of parole, or if less than one year, completion of what the parole term was. This section also clarifies that certain rights are not immediately restored upon the completion of the term of parole, if less than one year, or of one year of parole for persons who have been previously convicted of certain categories of felonies. Section 8 provides definitions related to parole. Section 9 clarifies the civil right to hold office, again, is not automatically restored, although individuals can petition the court for that. Sections 10 through 12 make conforming changes to our statutes, and finally, the measure will become effective on October 1, 2017.

I am urging your support and reminding you of your personal interactions with friends and family. Sometimes you mess up. Sometimes you have to say you are sorry. That does not mean that there is not a consequence; you must pay the consequence, but after so long, that consequence should be sufficient. We are a compassionate country and a forgiving country, not one that is overly condemning and one that forever puts people on the outskirts of our society. I think that this type of bill allows people to reintegrate back into society, giving them a sense of ownership, a sense of dignity, and as you would in your personal interactions, a sense of reconciliation with that person with whom you may have had an argument. With that, I urge your support and I will open up for questions. I know that we have public defenders, district attorneys, and several others here to testify in support of this bill.

Assemblywoman Krasner:

Would this restoration take place after the prisoner has completed their debt to society and paid all back fees and restitution? Does this occur after that, or would that be waived?

Senator Ford:

That is exactly the point of this bill. I am going to back up very quickly and highlight something that NCSL said. If I had it my way, I would say that the minute you walk out of jail, your rights are restored. That is what I would like, but that is not what I am pushing for. I would like to be Maine or Vermont where you never lose your right to vote, but that is not what I am pushing for. What I am pushing for is placing Nevada in a category all by ourselves. You heard NCSL say, if we pass this law, we are the only state moving out of the

category of 13 to 29 states that have different approaches. This approach does exactly that. The bill requires ex-felons to complete their sentence and one year of parole or probation. While some may argue that it is not a "completion of sentence" because they are still on parole or probation, it is a sufficient amount of time. They have served their debt to society and—I am not a criminal lawyer, so I do not want to misspeak in this regard—it seems to me that if there are conditions of parole or probation that require restitution, that also would be in consideration relative to the time frame that we are talking about.

Vice Chairman Yeager:

I notice in both sections 1 and 7 you have the portion about the person being provided an official document. Have you put any thought toward envisioning who would be producing and providing that document to either the probationer or parolee?

Senator Ford:

I believe the Department of Corrections is going to be the entity responsible for that.

Vice Chairman Yeager:

Are there any other questions? Seeing none, I want to thank Senator Ford and the two people from Denver who joined us here this morning. At this time, we will open the hearing up to testimony in support of S.B. 125 (R1). If there is anyone in Las Vegas who would like to testify in support, please come forward as well. For now, it looks like we only have people here in Carson City.

Jennifer Noble, District Attorney, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:

We would like to thank Senator Ford for working with us on this bill. Our focus was on section 4, which regards sealing. We proposed an amendment, which is reflected in the first reprint. Again, we would like to thank him for listening to our concerns.

I just want to make a quick note about section 4. This section does still ensure that, although some of the time frames are modified, we have kept the original statute's seven-year time frame for the sealing of misdemeanor DUIs, misdemeanor stalking, and misdemeanor domestic batteries. That is important for enhancement and public safety. It also prohibits, in section 4, subsection 5, subparagraphs (a) through (f), persons who are convicted of crimes against a child, a felony DUI, felony domestic battery, sexual offenses, and felony stalking would not be able to get the sealing. The bottom line is that we are appreciative of the fact that these changes ensure public safety and ensure that we will be able to enhance crimes where necessary. With that, we support the bill.

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

We sincerely appreciate Senator Ford's efforts in bringing forth this bill. Senate Bill 125 (1st Reprint) allows the people we represent to have a purpose or a sense of belonging in their community and allows them to assimilate back into society, which is very important for getting them back on their feet, reconnecting with their family, having them achieve gainful employment, and having that sense of purpose that Senator Ford talked about. We wholeheartedly support this bill.

I brought one of my expert witnesses with me, Ms. Alycia Seabolt Barnwell. She is a social worker intern from the Washoe County Public Defender's Office, and she has prepared some remarks. With that, I would like to turn the floor over to her. Thank you.

[Assemblyman Ohrenschall reassumed the Chair.]

Alycia Seabolt Barnwell, Student Intern, Washoe County Public Defender's Office:

I am here in support of S.B. 125 (R1). Restoring voting rights to a person that has served their debt to society is very important because the loss of voting rights has many social implications for people with felony convictions. Specifically, research done by Professor Downey at Cambridge University shows that the loss of voting rights can make a person with a felony conviction feel more alienated within their community, as well as making them feel like a second-class citizen. Moreover, the loss of voting rights also makes prior felons feel disenfranchised, stigmatized, and socially isolated. These feelings also held true for felons who had voted in previous elections and were now restricted from voting.

Restoring a person's voting rights, after they have completed their sentence, is important because they get to have a say on how their taxes are spent, how policies are created, and they feel empowered to be an engaged stakeholder within their community. Therefore, I strongly urge you to pass S.B. 125 (R1) and help welcome members of our society back into the democratic process. Thank you for your consideration.

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

We would like to thank Senator Ford for bringing this important piece of legislation forward. Several members of the Committee were at that record-sealing event last fall along with Senator Ford, and you heard some of the heartbreaking stories of people who could not get their life moving in the right direction because of the stigma of a conviction that happened years prior. This bill will allow these people to move forward and become productive members of society. I think I have told everybody on this Committee that I do love what I do, but I would be happy to switch careers if we had less of a problem and more people moving back into society with their lives. That would be a happy job switch for me as well. I urge your support for this piece of legislation. It has been worked on with the district attorneys to come to terms that we all can live with, so I ask, humbly, for your support.

Chairman Ohrenschall:

Thank you very much, Mr. Piro. I was there at that record-sealing event, and I know how hard you worked that day, and throughout the years on that record-sealing issue.

Stacey Shinn, Policy Director, Progressive Leadership Alliance of Nevada; and representing Human Service Network:

I am with the Progressive Leadership Alliance of Nevada (PLAN). I also serve on the board of the Human Service Network, so I am representing both organizations today. The Progressive Leadership Alliance of Nevada has a long history of fighting for the re-enfranchisement of people who have been formerly incarcerated. I also want to say that, as a social worker, my profession states in our national policy platform that we support full restoration of voting rights upon completion of sentences.

I also want to point out that research demonstrates that people are more likely to succeed in reintegration—meaning they are less likely to reoffend—if they are engaged in the democratic process. Around six million Americans are barred from voting due to felony convictions. Additionally, the origin of state felony bans is racist in nature, as the number of states passing such laws began in the 1860s and the 1870s in the wake of the Fifteenth Amendment that gave black men the right to vote. I want to point out that this is a racial justice issue as well. Thank you.

Elliot Malin, Senior Policy Analyst, Americans for Prosperity; and representing Generation Opportunity:

Generation Opportunity is a millennial, grassroots organization dedicated to advancing a free society. One issue Generation Opportunity has constantly been advocating for is criminal justice reform, and we are speaking in favor today of S.B. 125 (R1), which would restore voting rights to nonviolent offenders and save Nevada.

Too often, those who have made a mistake early in life are punished over and over again by draconian laws long after they have paid their debt to society. Often these laws create barriers to opportunity for these people, making it difficult to find employment, participate civically, or even to simply join the day-to-day life in society that we take for granted.

Generation Opportunity advocates reforms to the criminal justice system that promote human dignity, reduce costs, enhance public safety, and make victims whole to advance freedom and well-being for all. Too many people in Nevada go to prison—and for far too long—for low-level and nonviolent crimes. All criminals should be held accountable, but punishment should be proportional to the crime committed. In our state, thousands of laws keep people from obtaining jobs and productively reentering the community once they have served their sentence. Yet, after being held accountable, an ex-offender should be allowed to put his or her life back together.

For example, Generation Opportunity has advocated for the removal of laws which prevent ex-offenders from obtaining occupational licenses and for ending certain mandatory minimum sentencing laws.

We view the returning of voting rights to nonviolent ex-offenders in the same way. Preventing those who have not committed violent crimes from exercising one of their most basic democratic rights only acts to further isolate these people from their community and the institutions that can work to prevent recidivism. Other states, such as Maine and Vermont, have similar laws to the one proposed here today and have seen no negative repercussions for returning rights to nonviolent people who have already paid their debt to society.

I want to leave you today with a quote from one of the greatest leaders of the twentieth century, Winston Churchill, on how society should deal with those who have broken our laws: "We cannot impose these serious penalties upon individuals unless we make a great effort and a new effort to rehabilitate men who have been in prison and secure their having a chance to resume their places in the ranks of honorable industry."

I urge you to heed the words of Winston Churchill and hope in the effort to reintegrate these nonviolent offenders into society by passing S.B. 125 (R1). The last thing I want to say is that it is not every day that you see me up here testifying together with PLAN and the American Civil Liberties Union in support of a bill. We view it as that important, so please pass this one. Thank you.

Assemblyman Hansen:

My question is for all three people at the table. Would you support laws that would allow felons to vote while they are still in prison, as they do in Vermont and Maine?

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

The American Civil Liberties Union of Nevada takes that position, so yes.

Elliot Malin:

We do not have a position on that.

Stacey Shinn:

Yes, we would support that.

Assemblyman Hansen:

Thank you.

Holly Welborn:

Many of the statistics I was going to discuss have already been mentioned, but right now, the current process for rights restoration in the state of Nevada is illusory in effect. It results in few people having their rights restored, often less than one half of 1 percent of individuals. Voting is a fundamental right; without a vote, citizens have no voice. Taxpaying citizens deserve a say in their government, and voting and serving on a jury is an essential part of readjusting to society.

Restoration of rights may also increase public safety. One study found that those who voted—those who had their rights restored—were half as likely to be re-arrested. Finally, re-enfranchisement is a significant part of combating racial injustice. One of every 13 voting-age African Americans is disenfranchised, four times the rate of non-African Americans. Senate Bill 125 (1st Reprint) will make it easier for individuals to reacclimatize to society and participate in their communities, and for this reason we urge your support. Thank you.

Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:

The Libertarian Party of Nevada believes that the permanent disenfranchisement of felons who have served their sentences is a systematic injustice, one that S.B. 125 (R1) helps to correct. According to estimates from The Sentencing Project, approximately four percent of Nevadans are ineligible to vote as a result of felony disenfranchisement. Nevada is also presently one of the 12 states in the country with the harshest felony disenfranchisement laws. Since 1997, however, 24 states have revisited their penalties and reduced or eliminated the scope of felony disenfranchisement, Nevada among them. In 2001, Nevada repealed the five-year waiting period, and in 2003, Nevada restored voting rights to persons convicted of first-time, nonviolent offenses. We encourage Nevada to take the next step in a reform that could improve the lives of thousands of people, especially in economically disadvantaged or majority-minority communities.

Given that implicit bias in the criminal justice system results in the disproportionate conviction of people of color, minority communities are particularly, severely affected by harsh felony disenfranchisement laws. The result is a cycle of poverty, crime and disengagement from society for those who believe they are not wanted. We believe that nonviolent felons deserve a second chance to participate in our democracy; S.B. 125 (R1) gives them that chance. The Libertarian Party of Nevada supports this measure wholeheartedly and urges you to do likewise. Thank you.

Leonardo Benavides, Extern, Legal Aid Center of Southern Nevada; and Washoe Legal Services:

I am a legal extern with the Legal Aid Center of Southern Nevada and Washoe Legal Services. Today, I am representing Jon Sasser, who could not be here, as well as Sofia Romero, our consumer rights attorney from Legal Aid Center down south. We are here today to testify in support of S.B. 125 (R1), specifically section 4, relating to the shortening of timelines for record sealing.

As Mr. Piro mentioned earlier, the record-sealing event was something that Legal Aid helped organize, and I have some statistics from that event. We had 379 people sign up for that event. Since then, we have had 271 orders that are still being processed, and 108 people who are still waiting to be helped. I, myself, volunteered that day and spent about ten hours helping out. In that time I helped only two people, and one of them was not able to get his record sealed because there was not enough time that had passed.

I also wanted to quickly share the story of a client of Sofia Romero, one of our Consumer Rights Project attorneys down south. From 1993 to 2003, she was arrested multiple times due to drug addiction, which led to prostitution and other crimes. She finally turned her life around in 2004. For the last six years, she has been employed at a local nonprofit, which provides a broad spectrum of behavioral and mental health services including drug counseling. She currently is a certified drug and alcohol counselor intern. She received her bachelor's degree in human services and is in the process of pursuing a marriage and family therapy master's degree. She is eligible to take the test to become a certified alcohol and drug counselor.

However, despite her record being 14 years old, it still haunts her every day, and it still bars her from obtaining higher employment—despite numerous recommendations from supervisors, coworkers, and even a veteran Las Vegas Metropolitan Police Department officer. The client's file is still pending as not being eligible for sealing because the appropriate time frame has not passed. We believe that the passage of S.B. 125 (R1) will help people such as this woman turn their lives around with these shortened time frames. We want to thank the sponsor for supporting this bill, and we are happy to support it.

Assemblywoman Cohen:

Can you tell us, again, when was that record-sealing event?

Leonardo Benavides:

I do not have the exact date on me, but it was around the end of August 2016.

Assemblywoman Cohen:

Thank you, so it was nine months ago.

Chairman Ohrenschall:

There were quite a few of us there—Vice Chairman Yeager, Assemblyman Anderson, Senator Ford—and it was a very long, and at times, very frustrating day. I had a similar experience; I think only one of my clients successfully got their records sealed, and I am surprised that so many are still pending. I would have thought they would be resolved by now. I think that speaks to the difficulties under our current framework for trying to get records sealed, even when the individual is qualified, because of the interplay of the courts and trying to make that work. Thank you very much, Senator Ford, for bringing this bill.

James Sullivan, representing Culinary Workers Union, Local 226:

I am here representing the Culinary Workers Union. I would like to read a statement from our secretary treasurer in support of S.B. 125 (R1):

Mass incarceration over the past 40 years, which disproportionately affects people of color, has led to the disenfranchisement of 6.1 million Americans, including many Nevadans. Of these 6.1 million Americans who have been disenfranchised, only a minority are currently in prison or jail. In fact, more than half are disenfranchised through the state laws that restrict voting rights

even after completion of sentences, like here in Nevada. This is unacceptable. Disenfranchising an entire class of citizens is deeply problematic to a democratic society and counterproductive to effective reentry. Ex-felons are not broken people unworthy of the right to vote; rather, they are members of our communities and families who deserve to have their voices heard in the political process. Thank you.

Jim Hoffman, representing Nevada Attorneys for Criminal Justice:

We support this bill. We think it is a good bill. I just wanted to speak about the jury service component, because the premise of a jury is that it is a random cross-section of the community. Juries are composed of 12 different people with 12 different perspectives on the world, and all of those perspectives put together get a fair and accurate result in a civil or criminal trial. As you have heard, however, there are problems with the representativeness of the jury pool because disproportionately poor people, disproportionately non-white people are screened out of it by this felony disenfranchisement. This bill is a good bill because it would restore the fair cross-section of the community in the jury pool. It would make sure that really all of the community is represented and will ensure the fairness and accuracy of the trial result. That is why we think this is an important bill, and we think you should pass it. Thank you.

Chairman Ohrenschall:

Thank you very much, Mr. Hoffman, and that is an excellent point. Are there any questions from the members? [There were none.] Is there anyone else in support of the measure who wants to be heard, either in Carson City or down in Las Vegas? [There was no one.] Is there anyone who wants to testify in opposition? [There was no one.] Is there anyone in the neutral position and wants to put anything on the record? [There was no one.]

Senator Ford:

I just want to say that we have a great opportunity here. We have right-leaning organizations and left-leaning organizations sitting right next to each other, advocating on behalf of something that, frankly, is a bipartisan issue and has become more so over the course of the last few years. I think the last time I spoke to you in this Committee was with Speaker Frierson on his bill for voter rights restoration. At that time, I said that if Cory Booker and Rand Paul are working together at the federal level on this exact same issue, then I am looking forward and hoping that we can see bipartisan support for this bill on this side of the house. I am open to any questions, but if there are none, I appreciate the opportunity and time to speak.

Assemblywoman Cohen:

We have an exhibit from the City of Henderson, but it looks like it is from the March 16, 2017, work session. Was that worked into the reprint?

Senator Ford:

Yes. The first reprint incorporates the district attorney's amendment and the City of Henderson's amendment.

Assemblywoman Cohen:

Thank you very much. It was kind of by itself with our exhibits, so I was not quite sure about that.

Assemblyman Ohrenschall:

Are there any other questions from the members? [There were none.] Thank you for spending your morning with us. I will now open the meeting for public comment. Is there anyone who wishes to make public comment, in either Carson City or Las Vegas?

Ben Graham, Private Citizen, Carson City, Nevada:

Today I am here on behalf of fond memories. Some of you may remember a state senator named Jack Regan who was a university professor. I find it hard to believe that back then, he was urging reading programs in the prisons, and that was a struggle at the time because he knew that if prisoners could read when they got out of prison, they had a good chance of staying out. Congratulations on helping to move these people into the next century. Thank you.

Chairman Ohrenschall:

Thank you very much. Senator Regan was an administrator at the community college back when there was just the campus there on Cheyenne Avenue, and I know he worked hard trying to educate our young people. I know he cared a lot about trying to make sure inmates did not end up back in a facility. I will now close public comment. We are adjourned [at 10:05 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 a proposed amendment to [Senate Bill 393 \(1st Revision\)](#) presented by Richard H. Bryan, representing Vinyl Products Manufacturing, Incorporated.

[Exhibit D](#) is a document titled "Timeline of Communications with the Nevada Department of Corrections," by Vinyl Products Manufacturing, Incorporated, presented by Richard H. Bryan, representing Vinyl Products Manufacturing, Incorporated.

[Exhibit E](#) is a memorandum dated October 14, 2016, regarding Nevada Department of Corrections purchases from Prison Industries, to James Dzurenda, Director, Department of Corrections, from Jeffrey Haag, Administrator, Nevada State Purchasing Division, Department of Administration, presented by Richard H. Bryan, representing Vinyl Products Manufacturing, Incorporated.