MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Seventy-Ninth Session
February 17, 2017

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:03 a.m. on Friday, February 17, 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 Steve Yeager, Chairman
Assemblyman James Ohrenschall, 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:

None

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Janet Jones, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

James C. Howell, Ph.D., Senior Research Associate, National Gang Center, Tallahassee, Florida
Will Jones, Child Well-Being Consultant, State and Local Government, SAS, Waxhaw, North Carolina
Keith Lee, representing Nevada Judges of Limited Jurisdiction
Dana Hlavac, Court Administrator, Las Vegas Municipal Court
Jodi Stephens, representing American Bail Coalition
Alexia Emmermann, Insurance Counsel, Division of Insurance, Department of Business and Industry
Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts
Melissa Exline, representing Nevada Justice Association
Kimberly Surratt, representing Nevada Justice Association

Chairman Yeager:
[Roll was taken. Committee protocol and rules were explained.] On our agenda today, we have a presentation, two bills, and a work session. We will start with the presentation.

James C. Howell, Ph.D., Senior Research Associate, National Gang Center, Tallahassee, Florida:
I will briefly tell you about my background. I have worked at the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Washington, D.C., for more than 20 years. I began when the office was first opened and had the pleasure of serving in several capacities, mainly as director of research and program development and as deputy administrator for seven years. Since retiring in 1995, I have continued to do work in the area of gang issues, mainly as a senior research associate with the National Gang Center in Tallahassee, Florida. The federal Office of Juvenile Justice and Delinquency Prevention funded the Gang Center. Other components of the U.S. Department of Justice also funded this organization.

I would like to talk today regarding what my colleagues and I have been doing to improve the juvenile justice system. In the early 1990s when I was at OJJDP, John Wilson and I developed what we call the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders [slide 2, (Exhibit C)]. The reason we developed that strategy was to try to help bring some balance and greater effectiveness to juvenile justice system reform.

The period between the mid-1980s to the mid-1990s was a tumultuous period in juvenile justice across the United States. Juvenile violence began increasing around 1985, and the spate of school shootings in the next ten years drew sharp attention to juvenile offenders. Some outspoken scientists came up with the notion that there would be a coming wave of superpredators, a very high rate of violent juvenile offenders. The research we conducted at OJJDP did not support that projection.

We developed a comprehensive strategy for treating serious, violent, and chronic juvenile offenders by bringing some balance in the way that juvenile justice system approached these juvenile issues. Our early research focused on those serious, violent, and chronic juvenile offenders.

The example from Maricopa County, Arizona [slide 4, (Exhibit C)] shows that an overlap of 4 percent are chronic, serious, and violent offenders; 64 percent were nonserious, nonviolent, and nonchronic offenders; 34 percent were serious offenders; 8 percent were violent offenders; and 15 percent were chronic for multiple offenses in their history. We reviewed best practices around the United States and developed several tools that states could use in identifying serious, violent, and chronic juvenile offenders, and then being able to deal with other offenders in a more balanced manner.

Many states are using a tool called a "disposition matrix" [slide 7, (Exhibit C)]. The first priority in dealing with serious and violent, or potentially serious, violent, and chronic juvenile offenders is to place them in the appropriate place within the system. Florida juvenile justice officials developed this particular disposition matrix, and they have found that it works very effectively in distinguishing those groups of offenders.

The next slide [slide 8, (Exhibit C)] features some key components of what we call an evidence-based juvenile justice system. We prepared a handbook [slide 2, (Exhibit C)] a couple of years ago that contains the best practices and effective programs that are being used around the country. It is a resource for implementing a comprehensive strategy for serious, violent, and chronic juvenile offenders. It includes best practices and evidence-based programs for an effective juvenile justice system. The program's mantra is, "The right service, for the right youth, at the right time." One of the benefits of using these tools and strategies is a more cost-effective juvenile justice system.

The next slide [slide 5, (Exhibit C)] shows the early development of serious, violent, and chronic juvenile offenders. Most youths who become serious, violent, and chronic in their offense histories begin early in life in their development and progression along that pathway. This particular slide shows research done in Pittsburgh, Pennsylvania, where a large sample of teens were followed for a number of years. It shows their pathways through various offense types over a period from ages 7 to 21.

Most youths begin with stubborn behavior, defiance, disobedience, truancy, running away, and staying out late. Those youths who progress through that pathway are more likely to progress in the serious property damage pathway on the right side of the chart or in

[slide 5, (Exhibit C)] the overt pathway on the left side of the chart. This research showed that most youths who became serious, violent, and chronic juvenile offenders—those that reached the pinnacle in the serious and violent pathways—had progressed through the various stages listed. This gave us hope that it would be possible to intervene in a youth's advancement in those pathways. We expect juvenile justice systems to do that intervention. Every state charges their juvenile justice system with the responsibility of reducing recidivism; in other words, reducing advancement in those juvenile pathways.

The next slide [slide 6, (Exhibit C)] shows the process that should take place within the juvenile justice system to achieve that goal. We call that the "offender-service matching process." The first thing that should be done is a risk assessment and then match that youth with the appropriate level of supervision. You must determine the level of supervision options and then match the youth's treatment needs with available programs to reduce recidivism. It is a matching process on two levels with regard to risk and with regard to treatment needs, systems use, probation service and clinical case management. The outcome we are looking for is a lower re-offense rate.

The next slide [slide 8, (Exhibit C)] shows what an evidence-based juvenile justice system should look like. It flows from left to right from arrest to counsel and release as the first option under the level of supervision, and then lists several program types that may be used. Analytics that Will Jones will talk about can be used to track the outcomes in the flow of youths across the juvenile justice system. The flow of treatment begins with counsel and release, then diversion and informal supervision, then probation and community services, and finally incarceration. If the system operates as it should, then the research should be able to document outcomes given the pathway that a youth has moved through the juvenile justice system. The recidivism rate is then calculated for each of those pathways. We can then see where adjustments need to be made in the system to improve outcomes. To accomplish that, we use the risk and needs assessments and evidence-based programs in those various options A through F shown in this slide.

Those are the details of how a juvenile justice system should operate. In other words, it should manage the flow of youths through the system. Using risk assessments, treatment needs assessments, and a disposition matrix to govern the placement of youth offenders will protect the public and improve our ability to match a youth with the right service at the right time. Using these tools will allow us to follow their progression in those pathways so that the chances of reducing recidivism are greatly increased. The research is bearing that out.

An earlier slide [slide 3, (Exhibit C)] shows the fuller picture of the comprehensive strategy for serious, violent, and chronic juvenile offenders. It also shows how states should have a prevention component and what we call "a graduated sanctions component," or a structured decision-making model with gradations so that supervision can be matched with the level of service.

There are many evidence-based programs available, which I am sure will be discussed today. Many have been demonstrated to be effective in the juvenile justice system in any state to

achieve larger reductions in recidivism and to improve the operations of the juvenile justice system as a whole. It will also make them more cost-effective and meet their statutory mandates.

Chairman Yeager:
I did want the Committee to know that this presentation is likely to have some impact on our deliberations on Bill Draft Request 5-918, (later introduced as Assembly Bill 472); it was submitted by the Office of the Governor, which establishes policies for reducing recidivism rates and improving other outcomes for youths in the juvenile justice system. Once the language is drafted, I anticipate it will probably touch on some of the things we are hearing about today, which is the purpose of the presentation.

Will Jones, Child Well-Being Consultant, State and Local Government, SAS, Waxhaw, North Carolina:
I am a consultant for the human services industry for a company called SAS. SAS focuses on maximizing your data to improve upon decisions made by human services. I have worked in juvenile justice in multiple states for over 21 years. I have managed or worked in conjunction with almost every program or service you can imagine.

I am going to talk today about how data can really help drive programs and forewarn of any possible pitfalls to programs. I will give examples from different states on what they have done to shape and shift what they are doing to improve outcomes for youths and families. I also want to talk about the benefits of taking a more analytic or data-driven approach to juvenile justice.

First, we have three major goals when working with state and local governments [slide 2, (Exhibit D)]. We want to promote safety and hold juvenile offenders accountable. We want to control taxpayer costs. The return on investment is critical. You want to make sure that you are investing in the right services and providers to maximize outcomes for juveniles. We also want to improve outcomes for youths, families, and communities within your state.

I would like to highlight the quote I inserted here. This quote came from a juvenile justice leader in New York City. I think it tells the story of the problems we are facing in juvenile justice today. "We could send a juvenile justice youth to Harvard for what we pay for incarceration, and we don't get very good outcomes." On average, the annual cost of juvenile confinement is about $140,000, more than 3.5 times the amount for typical college tuition [slide 3, (Exhibit D)].

More than 20 percent of state juvenile justice systems do not consistently measure juvenile recidivism rates. As they are not measuring recidivism, they are not measuring other areas that are driving recidivism as well. Some systems have realized recidivism rates up to 75 percent within three years of a youth's discharge from the system. That is reflective of juvenile justice systems across our country that are not working.

Minority youth are still represented at disproportionately high rates. This overrepresentation in the juvenile justice system is not only with youths coming into the system, but how long they stay in the system, or how quickly they can be released. This exists across most continuums. As juvenile crime rates historically drop in multiple states, incarceration rates and youths coming into the system do not decrease.

Here is another quote [slide 3, (Exhibit D)] from a juvenile justice leader that is again pretty telling. "The Department is data rich but analysis poor. They do not use data in assessing, planning, implementing, evaluating, and improving the effectiveness of service delivery." That can be associated with many juvenile justice systems across the country.

We are seeing assessment of risk that is not accurate [slide 4, (Exhibit D)]. This is a big part of why juvenile justice is not keeping up with crime rates. Unfortunately, lower-level offenders continue to make up most of the juvenile justice system population. I will talk about how data can improve, how to assess risk accurately, and how to make informed decisions where children should be placed within your system as well as what services should be introduced to have the maximum potential for a positive outcome. Three years ago in Arkansas, 80 percent of the children who entered their system scored as a high risk of recidivism, yet 70 percent of the children in their system are status offenders.

The risk and needs assessment tools that are currently implemented across the juvenile justice systems are not being completed with validity. Workers often insert bias into those yes and no questions that are used across the country.

Evidence-based services in the community are scarce in many jurisdictions [slide 4, (Exhibit D)]. This is not new, especially in the more rural communities. They are not meeting the needs of the entire population. Evidence-based services are great, but not one evidence-based service meets the needs for all children. Data collection and information-sharing is insufficient and inconsistent in the juvenile justice system. Many visualize data, but very few analyze that data to garner deeper insights.

I have attended several hearings in the last two years where difficult questions were asked of leaders about why outcomes were going in a negative direction. What you generally hear as a response is hypothetical and theoretical. Unfortunately, this data is not understood, so they cannot realize what the problems are in the system, and what can be identified as potential solutions.

I like to insert quotes [slide 4, (Exhibit D)] because I think it is important for us to get perspectives from juvenile justice leaders across our country: "The reason behind the decrease isn't completely clear, but it's a nationwide trend." They had data but no idea why the data was moving in that direction. How can you make informed, appropriate decisions if you do not understand the data?

A data-driven approach to services is about placement of the right youth, in the right place, with the right services, and the right duration [slide 5, (Exhibit D)]. By using this data, you can predict and understand your population much more efficiently and effectively. You can begin to place youths in the right environment. I hope that a status offender is not being assessed as a high risk for recidivism, but is being placed in a community-based service. You will begin to use data to right-size your system.

If someone has been working in juvenile justice and human services for a long time, historically they tend to throw things against the wall and see what sticks in reference to services. Many times what will happen is they regurgitate both parents and juveniles into services until they find the right intervention. Just imagine all the taxpayer dollars that are wasted and the retraumatization to the life of an offender when you do that.

Data can help us do better; we can improve outcomes in the overall development of the youth. Some states are using the data-driven approach in areas where analytics can actually help. Reformation is not a onetime event; it is a journey. You need to continue to assess, measure, reform, and make changes on behalf of the youths you are serving.

Analytics is not the whole solution, but it is definitely part of the solution. It should be in the toolbox, but not the only tool in the box. Analytics can help in three major ways in juvenile justice reform [slide 6, (Exhibit D)]. One is risk assessment. I just gave an example of a state that uses what we call an "actuarial risk assessment" process to assess risk and recidivism. Service-matching will place children in the right service the first time with the highest probability of a positive outcome. Imagine what the return on investment would be. The children would also process rapidly through the system. It continues quality improvement via visualization and analysis of data.

With this next slide [slide 7, (Exhibit D)], I wanted to give you a sense of what is normal in the industry now versus the art of using data in some states. Florida and North Carolina are actually moving away from static risk assessment tools. Predictability analytics were used to inform their juvenile justice system what the biggest predictors of recidivism were. The result was 10 to 15 yes-or no-questions. Based on those questions, they came up with a risk assessment, or a risk of recidivism for each child.

Children in your juvenile justice system that are not static should not be assessed by using static factors alone. What we now know is that data can be introduced in so many ways and so timely. You can insert dynamic factors into your risk assessment process to understand where a youth is on the risk of the recidivism pendulum.

The actuarial tools are generally done every 90 days, when the child comes into the system, or when they exit the system. Therefore, you are not necessarily monitoring on any given day that risk of recidivism while they are in the care of the state or county. There are then many things missing in the middle. Many times you cannot set the right course in reference to intervention until the end when you are doing your post-assessment. By inserting analytics in dynamic factors using your data to inform what that risk is, you can actually monitor it almost in real time on a day-to-day basis. The interventions you are introducing decrease the rate of recidivism.

Another example [slide 8, (Exhibit D)] is the differences with the Jones twins. Both Tom and Tim are 15 years of age, both males, each of them have run away from home three times over the course of their history. They both have one prior drug referral. The only difference is that Tom has one prior misdemeanor. What we know through analytics is that, based on that one misdemeanor, he is 10 percent more likely to recidivate than his brother. You cannot necessarily know that by using yes-or no-tools.

Florida uses many analytics to predict recidivism with their offenders. They have been quoted as saying, "The accuracy of using analytics and inserting dynamic data as you assess risk of a juvenile offender increases up to 60 percent." By doing that, you are able to make clear understandings and assessments as to what systems they should be placed in. In addition, once they go into out-of-home care, you would be able to make the most appropriate placement. The systems that are using these types of tools are actually starting to right-size. They are decreasing their out-of-home population drastically. They are serving more youths in the community. This is having a major impact on recidivism.

"Often times the wrong intervention can be more detrimental than no intervention at all" [slide 9, (Exhibit D)]. Unfortunately, many times juvenile justice systems are introducing the wrong intervention, but by using evidence-based intervention, it corrects that issue. Evidence-based interventions were created and evaluated based on a specific type of population with specific factors. If you take something that functional family therapy says, such as they are going to pepper this across Nevada and they are going to start inserting every child into that intervention, that is not going to work with every child. It has to be individually based, and this is where service-matching comes into play. Oregon has done this on their own accord. They are very research-driven in their approach to juvenile justice reform. They provide practitioners with tools to use during key decision points—particularly during the intake process and how they do case reviews. It is important for juvenile justice systems to evaluate where children are going throughout the life continuum, not at the end. These offender profiles identify needs; they illustrate strengths, information for treatment planning, and guide case planning. They use common language for case reviews.

More so than anything else, you are able to understand going deep into your data and doing something, we call "cluster analysis" [slide 10, (Exhibit D)]. An example of a cluster analysis is with Oregon, [slide 11, (Exhibit D)] that said we had to stop throwing things against the wall; we need to start identifying what really works with specific types of individuals. By doing that, they had to go deep into their data to group the juvenile offender

population over time. They accounted for nine different groups of juvenile offenders that they call "typologies." They have seven typologies for male offenders and two for females. That may have changed, just like anything else, because reforms are an ongoing process. They have to revalidate and redo these tools on an annual basis.

Their goal was to understand the specific groupings or typologies of individuals so they could then go back into their historical data and research to identify what the best intervention would be for a Profile 1 youth offender versus the best for a Profile 2 youth offender. They were able to do that. They developed a tool for their probation officers and treatment professionals using the cluster analysis to get a better assessment of what the youths' needs were. By clustering these youth offenders into groupings, they placed these youths into service interventions that had the highest probability for a positive outcome for typology A and their continuum is now based on research. Before, they were just throwing services at youths and not necessarily being strategic and thoughtful about what would work and would not work. They were able to identify what services, interventions, and what type of providers are needed in our continuum that have the highest probability for a positive outcome. Because of this, workers now fully understand if they have a youth who is a typology A that service interventions A, B, and C will give them the highest probability for a positive outcome. It begins to take the guesswork out of what will help juvenile offenders.

I alluded to some of the things that happen sometimes when legislators ask questions of the leaders in juvenile justice and even child welfare [slide 12, (Exhibit D)]. They either do not necessarily answer or they do not have the ability currently to answer those "why" questions. They can often look at dashboards and say, this is how we are doing, this is what we are doing, but not necessarily know why it is occurring. Why is recidivism spiking? Why is it decreasing? It is just as important to know why things are working as it is to know why they are not working. Through analysis of data, we can lean on data to answer questions—not just answer questions for people in the community and legislative leaders and the judiciary, but also really begin to understand why outcomes are maybe not moving in the right direction, to get to the root of the problem. Once we do, we can begin to insert informed countermeasures and interventions that will improve that and you will begin to monitor that over time. This is critical. I mentioned that you could now monitor performance in real time. You can glean insights into problems and form better solutions. What used to take hours, and what continues to take hours with some juvenile justice systems, can now actually be done in a matter of minutes with the right tools and the right capacity. Again, with a commitment that your system be data-driven, we can increase government and provider accountability. One national juvenile judge said it clearly, “We don't need more data. We need better information” [slide 12, (Exhibit D)]. Because most juvenile systems are data-rich, what we find is many are analysis-poor.

There are many ways to slice, dice, and look at data. This next slide [slide 13, (Exhibit D)] is just an example of different visualizations that are being used across multiple jurisdictions to give better insight about what is happening with the juvenile population. I work closely with county and state juvenile justice and child welfare leaders across the country, and I always

ask them what is the first thing they look at to determine the health of their system of care. Some will say they have visual dashboards, they are data-driven and, unfortunately, some will say they really do not have anything to look at. As a former administrator in this line of work, how do you do that? How can you be proactive? You are basically a fireman at that point waiting for someone to call in an emergency so that you can react to it. Analytics give the ability to get ahead of the problems, identify solutions, and be proactive rather than reactive.

Several states have gone down this pathway of an innovative approach to using data. The adult criminal justice system and adult corrections are already moving in this direction, but juvenile justice is lagging behind. I have mentioned several times during the presentation that Oregon has a 25 percent reduction in their juvenile justice population. They have a 33 percent reduction of youth in close custody and 25 percent reduction in youth recidivism by employing a more data-driven, research-based approach to the way they reformed [slide 14, (Exhibit D)]. North Carolina is another great example where they have a 90 percent reduction in their youth detention centers. Currently, fewer than 180 youths are in close custody in the entire state and they have experienced a 60 percent reduction in youth recidivism. Florida really reformed their system also by leaning on their data to monitor and course-correct, if things are not going in the right direction.

Assemblyman Thompson:
Which group of professionals in this system is the best to service-match?

Will Jones:
Can you rephrase your question?

Assemblyman Thompson:
Evidently, some interventions are going wrong. Could the matcher not be the correct person, or is there a certain professional in the system who would be the best to match the youth to the right services?

Will Jones:
In most juvenile justice systems, usually the juvenile court counselor or probation officer is making that determination. Sometimes it can be in conjunction with their supervisor or administrator. Some of it is also driven by what is available. I currently have a youth on my caseload who I referred to the service which I believe, based on our current risk and needs assessment tool, would benefit him the most. Unfortunately, there is a waiting list for that intervention. I might have to go to the next service that may have a slot available. I have often gone to a juvenile officer and asked, "Why did you refer John to this service intervention?" Their reply will be, "Because Joe Smith, counselor down the road, who used to be in our unit several years ago, and he is a nice guy, comes around to drum up business and asks for referrals for his services." Then I ask how good are his services? There are different ways of looking at it. I think systems are different, but I also think that in most cases it is the caseworker and juvenile court counselor who are generally making those decisions in systems that I am aware of.

Assemblyman Thompson:
When you talk about an evidence-based program, do you feel a community needs to have a mix of evidence-based programs and culturally competent grassroots programs? How do you get those culturally competent grassroots programs such as a faith-based organization from the neighborhoods? These people may not have all the technical skills, but they are great with the youth.

Will Jones:
The community may not be able to invest the $50,000 to $100,000 to become evidence based. That is another inherent problem I see in juvenile justice. I think there is a space for both. That is where the analysis becomes so much richer. Once you do the cluster analysis, then cross-reference it to the interventions that have been put in place, you then identify what has been working versus what is not working. That analysis can inform you that a grassroots program, and not necessarily an evidence-based program, actually can work with a specific type of an offender.

James Howell:
Dr. Mark W. Lipsey, of the Peabody Research Institute at Vanderbilt University, conducted a comprehensive review of nearly 600 programs to determine the essential features that were associated with reductions in recidivism. Dr. Lipsey's 2012 comprehensive review, "Research-Based Guidelines for Juvenile Justice Programs," published in *Justice Research and Policy*, identified the essential features of the most effective programs that were in place. He was able to develop a standardized program evaluation protocol that could be laid over existing programs to see how they measure up.

States have a combination of model programs that are mostly homegrown programs. A major finding by Dr. Lipsey's review was that many of the homegrown programs outperformed the model program. With careful use of that tool, you can determine what effective programs they have in their system and use all of them in the development of comprehensive service plans that address the multiple needs of offenders. The goal is to have a comprehensive service plan that governs the matching of offenders across the entire continuum of their juvenile justice system.

Assemblyman Pickard:
The juvenile justice systems are very different from the adult justice systems. Adults are punished and incarcerated. The juvenile justice system is intended to intervene in the lives of these youths and to redirect them and ultimately rehabilitate them. We tend to look at juvenile justice systems from a therapeutic approach rather than a law enforcement approach. You talk a lot about recidivism, which is an easy way to determine whether the programs are working. However, are you able to gather the data that relates to the therapeutic and rehabilitative outcomes beyond recidivism?

Will Jones:
When I started in this business 23 years ago, we measured outcomes by if the youth and family seemed happy. Sadly, 23 years later, some states, counties, and private agencies are still measuring outcomes in that way. Implementing and analyzing mental health gains using a validated mental health assessment instrument, social skill games, and improved education should be used in a programs evaluation. A number of states and counties are doing different things across that front. Absolutely, those intermediate outcomes can be measured and probably should be correlated as a driver to the larger program that I keep referring to, but they are definitely not less important.

Assemblyman Pickard:
I am glad to hear that. How long does it take you to gather enough data to be able to make reliable conclusions as to the efficacy of those various services being provided and whether or not other services should be sought?

Will Jones:
As SAS only does data analytics, we can ingest data from juvenile justice systems and other available data and have it evaluated within three to six months.

Assemblyman Pickard:
Is that real time? You do not have to go back and look at historical data, but you are getting real-time data?

Will Jones:
First, we would go into the historical data, which we refer to as the model. The model is based on Nevada data. Current needs assessment tools are being developed based on the Washington State model. That model brings in pre-existing factors, and then local data is ingested. This dilutes the accuracy, as Nevada's needs can be different from Washington's. You have to go deep into Nevada's historical data and then begin looking at real-time data.

Assemblyman Ohrenschall:
Dr. Howell, you have tremendous expertise in juvenile justice. In your experience, do you find that youths have outcomes that are more successful when they are sent to an alternative therapeutic placement such as mental health or substance abuse treatment, or to youth correctional facilities?

James Howell:
The typical offender performs much better if they are dealt with in a community-based setting. Incarceration should be reserved only for serious, violent, and chronic offenders who need to be confined to protect the public. Community-based programs are by far more effective. That has to be taken into account using the disposition matrix. It is important to avoid using excess restrictions, including confinement, because those decisions can backfire.

Assemblyman Ohrenschall:
Mr. Jones, in Nevada, a child's juvenile records are sealed when they turn 21 years of age. I have been frustrated when representing children in delinquency court and not knowing how successful a certain alternative placement will be. Will a child sent to an out-of-state drug treatment facility have a good chance of staying clean the rest of his life, or will he end up back in trouble again? I have also been frustrated by the lack of data showing how many children sent to a state youth correctional facility recidivate and end up back in that facility or are put in the adult system. I appreciate the possibility that we might be able to get that data. The one concern that has been expressed to me and others is that a child's juvenile delinquency record should be sealed at 21 years of age and we do not follow them into their adult life. How can we get that data and still preserve that child's youth record so there is never a leak? As Assemblyman Pickard said, the model of our juvenile justice system is to rehabilitate the child.

Will Jones:
Every jurisdiction is different in reference to the ability to access data. There are different ways that may not be as informative as simply being able to access their juvenile records versus their adult records to compare how many youths in the juvenile justice system ended up in the adult correctional system. You can collect data percentages without knowing the child's actual name. Systems as a whole look at recidivism differently. There are different ways you can measure recidivism prior to their turning 21 years of age.

Assemblywoman Tolles:
One of the concerns that has surfaced is implicit bias in the system. It could establish a pattern that ends up setting up a trajectory for someone's life. Could you speak to how this objective analysis of data can help committees like ours and various departments identify where there may be bias and how that is playing a role so we can make better data-based decisions?

Will Jones:
In our work, we see different levels of bias. There are system biases and worker biases that exist. When I am assessing an offender, I am bringing my history to bear. I am inserting how I am relating empathetically or not empathetically to him or her. The data analysis and the ability to harness and leverage analytics does a lot more to minimize the worker bias. The system bias is difficult to eliminate because it is imbedded in the system. Hopefully, the data can right-size it over time by leaning on data to make informed decisions of risk and what programs children should be in versus following your gut or the way the system has reacted to a specific type of offender. In our analytic risk assessment, it is not that race, ethnicity, or gender are not factors, but they are not weighted factors. By taking a fresh new look at how a risk assessment is done, you can begin to make a dent in that. Ongoing analysis of data is so important because it can tell you a lot more about your system's bias and whether it is improving over time. Currently, hardly anyone is monitoring that over time.

James Howell:
You should put in place objective risk and needs assessment tools. This will help take the bias out of the hands of those who are developing dispositions. Using your disposition matrix along with that will help to ensure objectivity. There are new risk and needs assessment tools that have been developed that are easy to use. That would be the first step to achieving the goal of eliminating bias.

Chairman Yeager:
I think this was a valuable presentation for our Committee as we go forward. I hope we can reach out and continue to discuss how we can make effective, efficient, and fiscally responsible choices in our juvenile justice system.

We will now open the hearing on Assembly Bill 38. This bill revises provisions relating to bail.

Assembly Bill 38: Revises provisions relating to bail. (BDR 14-399)

Keith Lee, representing Nevada Judges of Limited Jurisdiction:
I am here with two hats on today. I am presenting Assembly Bill 38 on behalf and as a member of the Judicial Branch legislative team and representing the Nevada Judges of Limited Jurisdiction in support of the bill. Perhaps in the interest of time, I can indicate now that the justices of the peace and municipal court judges support A.B. 38.

Let me say first what A.B. 38 does not do. It does not change the substantive bail law or any of the procedures with respect to how the courts deal with bail. What it does is provide an alternative method of notice in certain situations. Currently, notices are sent by mail, and this bill provides that notices may be sent by electronic transmission. From the courts standpoint, this increases efficiencies and, most importantly, it saves costs.

Section 1 is a definition of "electronic transmission" and "electronically transmitted," terms used in the bill's language.

Section 2, subsection 5, provides for the electronic transmission of a notice. This will be used in a situation when a defendant is exonerated under one charge but their bail must remain in place for a certain amount of time. If that person is arrested on a subsequent charge, then that bail will stay in place. Most likely the bail will have to be transferred to another court, so this section provides for the use of electronic means to transfer the bail to a different court. Beginning on line 17 of page 3, it sets forth when notice is deemed to be given. It is deemed to be given when the electronic transmission is successfully initiated.

Section 3, subsection 1, paragraph (c), also provides for electronic transmission of a notice if a defendant fails to appear. Lines 43 through 45 reiterate the language above about when notice is deemed to have been given. Section 3, subsection 2, provides for the electronic transmission of an order of forfeiture. If the defendant fails to appear, the court enters an order of forfeiture.

Section 4 provides for giving the notice and notice of motion for a judgment on the forfeiture. In subsection 3, it is deemed to be given when it is successfully initiated.

Finally, section 5 provides certain requirements for people who work in the bail industry about what they must create and maintain to receive these electronic transmissions.

We have an amendment which affects section 5, subsection 1 (Exhibit E). It removes the term "bail enforcement agent" and "bail solicitor." This was done in consultation with the Division of Insurance, Department of Business and Industry, who has advised us that this bill should not apply to them.

Dana Hlavac, court administrator of the Las Vegas Municipal Court has a report showing specific numbers on cost savings.

Assemblyman Fumo:
Thank you for bringing this bill forward. I think it brings us into the twenty-first century. In the past, the courts would send the bail bondsman notice through certified mail. That way there was a receipt that the bondsman had to sign. When the courts received that signed form, they knew that the bondsman was on notice. This change will now mean that when the court clerk clicks "send," it is automatically deemed to be received and the ownership has shifted from the court to the bail bondsman.

In section 3, subsection 1, paragraph (b), in the past when the courts were required to send notices by certified mail, the court was given 45 days to send a notice. I see that the number of days has not been changed. If notices will now be sent electronically, the day they have the defendant in warrant, a notice should be sent electronically to the bail bondsman. Would you consider reducing the requirement from 45 days to 7 judicial days? What happens is, if the court does not send this notice for 45 days, they have now given the defendant a 45-day head start. In Nevada, the police are doing an excellent job, but their job is to arrest. They do not have the time to arrest people on warrants. If they catch the defendant and they are on a warrant, the police can make an arrest then. Ninety-eight percent of the people who are brought back based on a failure to appear are brought back in by the bail enforcement agent. To give the defendant a 45-day head start seems unreasonable when we are bringing this procedure into the twenty-first century.

Keith Lee:
I will certainly take that back to the court, but our intent was not to change any of the substance of the bail bond process, it was only to provide for a more efficient and less costly means of sending notices.

Assemblyman Fumo:
I would have a difficult time supporting this bill without such a change. Would the court be agreeable to a read receipt request so they would know the bondsman had received the notice? I would like to see that correction also before I can support this bill. In addition, will

it be reciprocal? Will the bail bondsman be able to surrender a person when he is in custody by sending the court an electronic message?

Keith Lee:
I will take that back to our legislative team and indicate your concerns.

Assemblyman Elliot T. Anderson:
I agree with some of Assemblyman Fumo's issues. I do not think it is necessary to have a mailbox rule for electronic transmissions. My question is regarding the definition in section 1, subsection 2, which says, "Is retrievable and reproducible in paper form by the recipient through an automated process used in conventional commercial practice." Does that mean a person has to be able to make a copy?

Keith Lee:
I believe that is what it means, but I will check on it.

Assemblyman Elliot T. Anderson:
I have questions concerning the actual system of electronic transmissions. Do you have a program in mind that the court is going to adopt? Is this technology readily available? Do other states use it?

Keith Lee:
I do not know the answer to that, but I will find out and get back to you.

Assemblywoman Jauregui:
Information security is very important, and I want to be sure that the electronic transmissions are being sent in a secure manner or encrypted. It is my understanding that these notices do contain personal identifiable information. I would suggest adding the word "secure" or "encrypted" in front of every area where electronic transmission is listed.

Keith Lee:
I will take that back to my team as well.

Assemblyman Watkins:
I have a concern about the definition of electronic transfer. We have in the civil and criminal code, through use of WIZnet and other means, a definition that seems a bit more pointed and restricted. Could we not have bail bondsmen voluntarily add themselves to a case through WIZnet—through their email—and then we will know that they are receiving the electronic transfer?

Keith Lee:
Again, I will have to take that back to my team.

Chairman Yeager:
I will comment on that. My experience in the justice courts of Las Vegas is that they do not have an electronic case management system at this time. There is no opt-in function. I believe it is different in district court. It is certainly something to think about with our municipal courts and justice courts, as there may not be an infrastructure in place for that.

Assemblywoman Cohen:
Some of my concerns echo Assemblyman Fumo's concerns regarding putting the onus on the receiver of the electronic notice. I am also concerned about how the bail bondsman will know about this change. Not everyone is electronically savvy, and in that industry you have the stereotype of the gruff old bail bondsman. Are we expecting someone who has had a firm for several years to now change their entire processes?

Keith Lee:
As I read the bill, yes, they would be required to make those changes. I understand what your concerns are and will talk to my team regarding them.

Assemblywoman Cohen:
Do we know if there is a way to get them noticed through the licensing agency? Not everyone follows what we do in the Legislature, and I would like to ensure they are made aware of this change.

Keith Lee:
I think the Division of Insurance licenses bail bondsmen, and they may possibly be the division to inform them.

Assemblyman Thompson:
Once the notice is sent to the bail bondsman, from there, where does it go? Does it go to the courts, or the entity that would potentially release the defendant? There is always that bottleneck of when a person is bailed out it usually takes hours to get them physically out of jail. Is this part of that flow?

Keith Lee:
As I read the bill, it does not affect that provision in respect to notices. This only has to do with notices of either a transfer of bail to another court, notices of failure to appear, notices of forfeiture, and motion to seek judgment on the forfeiture. I think one of the primary reasons we are retaining mail in the language is for when a private citizen posts bail.

Chairman Yeager:
At this time, I would like to have anyone else in support of the bill come forward to testify.

Dana Hlavac, Court Administrator, Las Vegas Municipal Court:
When I became the administrator for the Las Vegas Municipal Court, we began the process of reviewing all of our internal processes to see where we could streamline and either save money or shift resources in order to do a better job, while continuing to preserve the rights of

defendants and the integrity of our justice system. Early on, we came across the fact that we were spending about $25,000 a year in staffing and hard costs by sending certified mailings to bail bondsmen. I questioned why we still did that, and the answer was that it is just not allowed in statute to send them electronically. We have a public portal where bond agents or bond companies can come into our system electronically and post bonds or check the status of their clients—whether they are in court or when their next court dates are scheduled. In reality, nearly all the bond companies that work with our court utilize electronic technology to communicate with us through that portal. Our desire is to provide those notices as quickly as possible.

Concerning Assemblyman Fumo's suggestion to change the number of days for notice from 45 days to 7 days, even if the courts had the technology to do it, their case management systems may not do it automatically, and they would still require a manual process. Our desire is certainly electronically. Once a defendant fails to appear, our system would automatically generate the notices and send them out as quickly as possible. It is in our best interest and that of the individual bail company that they receive notice as quickly as possible. Then they can help that individual come back to court and resolve the issues they have before the court.

Assemblyman Elliot T. Anderson:
Can you comment as to the read receipt issue Assemblyman Fumo brought up? How does your system work at this time? Is it written that way because you do not have the capability to get a read receipt? I know a number of automated court processing systems have the ability to tell if an electronic transmission has been received.

Dana Hlavac:
The language was originally written in conjunction with the Administrative Office of the Courts and other jurisdictions, and it was determined that there are other electronic transmission protocols and provisions within court rules which do not necessarily require a return receipt. This was written to mirror the other court rules so they would be consistent.

Assemblyman Fumo:
As I understand it, the municipal court is a four-day-a-week court, and you have Fridays off in the Las Vegas area. Is that correct?

Dana Hlavac:
Not today, Assemblyman Fumo.

Assemblyman Fumo:
I am talking about the judges in your court.

Dana Hlavac:
The judges do not hold formal court on Friday, but work on probable cause reviews and other issues.

Assemblyman Fumo:
If I understand you correctly, your judges could handle the seven-day turnaround? Would seven judicial days be an efficient process for the municipal court in Las Vegas?

Dana Hlavac:
Once our electronic system becomes live, it would be able to handle that.

Assemblyman Fumo:
You said the read receipt notice is going to be more in line with what other courts are doing. I would like to see it more in line with the intent this was written, which was to give the bail agents an adequate notice so they had to sign a receipt, return it in the mail, and a read receipt could be done electronically as well. That would keep with the spirit of this law as it was intended. With that, I could then support this bill.

Chairman Yeager:
Is there anyone else wishing to testify in support of the bill? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position?

Jodi Stephens, representing American Bail Coalition:
We are here in the neutral position; however, we do have concerns. Because of the effective date on this bill, we are not sure the industry would have enough time to update their procedures. We would like to work with the court and those that do not have the infrastructure at this time.

Assemblyman Pickard:
To your knowledge, are there any bail bondsmen who do not have a computer or Internet access?

Jodi Stephens:
I have not polled everyone, but my guess is that, yes, there are people in the industry who are not set up for electronic transmissions.

Alexia Emmermann, Insurance Counsel, Division of Insurance, Department of Business and Industry:
The Division of Insurance regulates bail under *Nevada Revised Statutes* (NRS) Chapter 697. Under Chapter 697 there are four types of licenses listed under bail: a bail agent, a bail enforcement agent, a bail solicitor, and a general agent. Of those licensees, only bail agents are authorized to act on behalf of insurers. They can post bonds and deal with forfeitures and exonerations. I just wanted to clarify this so there was not a misinterpretation of the language allowing bail solicitors and bail enforcement agents to do anything that requires a bail agent license.

As to Assemblywoman Cohen's question, the Division keeps a distribution list of bail agents and whenever there is new information that needs to be distributed, they send it out. If there

were a change of law, we likely would issue a bulletin and send it out to our distribution list of bail agents.

Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts:
The main purpose of this bill is to give notice. I can see that there is some concern about the effective date and people being aware of the changes. We will work carefully with the Division of Insurance to make sure this takes place. I am sure there is a way that we can acknowledge that the notice was delivered.

Chairman Yeager:
I am going to invite Assemblyman Fumo to work with the parties on this bill. I would appreciate the help in seeing if we can find something that works for everyone.

Assemblyman Fumo:
Absolutely, Mr. Chairman. I am looking forward to it.

Chairman Yeager:
We will now close the hearing on Assembly Bill 38. At this time, we will open the work session.

Assembly Bill 75: Revises provisions governing the licensing and control of gaming. (BDR 41-264)

Diane C. Thornton, Committee Policy Analyst:
Assembly Bill 75 was heard in Committee on February 10, 2017 (Exhibit F). This bill allows a manufacturer who is licensed to assume the responsibility for the performance of another manufacturer or independent contractor. The measure exempts persons who are already licensed as a manufacturer or distributor of gaming devices or systems from certain licensing requirements. The measure also authorizes the Nevada Gaming Commission to exempt a trustee of an Employee Stock Ownership Plan from certain requirements for gaming licensing and regulation. The bill allows for the expenditures to exceed the authorized amount in the revolving account if the expenses are incurred by the Nevada Gaming Control Board for confidential investigations and the money for payment of the expenses is not derived from the State General Fund. Lastly, the bill transfers certain duties from the Commission to the Board.

There are three proposed amendments to this measure. The first is an amendment proposed by Jamie Black, Senior Research Analyst, Nevada Gaming Control Board. It removes the erroneous technical reference to *Nevada Revised Statutes* (NRS) 463.660, as it is not a section under which a person is licensed, but a fee for licensing. Page 8, line 38 deletes the word "by" and replaces it with the word "with" to make registration administrative.

The second amendment is proposed by Tony Alamo, M.D., Chairman, Nevada Gaming Commission, amending NRS 463.220 to allow the Commission to reject a gaming

application in certain circumstances. Additionally, NRS 463.220 is amended allowing a rejection by the Commission to not constitute a finding of suitability or a denial.

The third amendment is proposed by Jamie Black, Senior Research Analyst, Nevada Gaming Control Board to tighten up the language on page 6, line 24, referring to expenses derived from sources other than the General Fund. This language is replaced with "the money for payment of the expenses in excess of the amount authorized by the Legislature is derived solely from state or federal forfeiture funds as approved by the Chair."

Chairman Yeager:
I am looking for a motion to amend and do pass with all three amendments listed in the work session document.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO PASS ASSEMBLY BILL 75.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:
I wanted to thank the Gaming Control Board for tightening the language on this bill. I wanted to note for the record, that the erroneous internal reference that we were amending should not be interpreted any differently, even though it is referenced in the rest of the chapter as well.

THE MOTION PASSED UNANIMOUSLY.

Chairman Yeager:
The floor statement is assigned to Chairman Yeager.

I will now open the hearing on Assembly Bill 102.

Assembly Bill 102: Revises certain provisions relating to the proper venue in civil actions. (BDR 2-591)

Assemblyman Keith Pickard, Assembly District No. 22:
Assembly Bill 102 seeks to reduce the impact on litigants by allowing a court to remove a civil proceeding, particularly a domestic proceeding that is filed in one county to a different county. Many litigants seek divorce through paralegal companies or others who recommend they file in rural counties to save on filing fees. They sign a joint petition and obtain a divorce in summary fashion. When a modification is required later, they are then forced to travel to the rural county to resolve the issue.

The bill also allows the respondent to request in writing, before the filing time expires, that their motion be heard in a different county. The proceeding may then be removed either by consent of both parties or by order of the court.

There is an amendment (Exhibit G) for the Committee's consideration. It takes into consideration the best interest of the child by allowing the action to be transferred to where the child resides. In every custody action, it is the sole consideration of the court to consider the best interest of the child. We made this change to make it consistent with state policy. Assemblywoman Cohen will give more insight into the genesis of the bill. Kimberly Surratt and Melissa Exline will review the individual sections of A.B. 102.

Assemblywoman Lesley E. Cohen, Assembly District No. 29:
Not only are people erroneously going to other counties because they are being told by document preparation and paralegal services that it is less expensive, they are also going to these smaller counties as a way to avoid certain requirements in the larger counties. For instance, anyone getting a divorce or having custody issues in Clark County is required to take the COPE class. This is a class to help children cope with divorce. Even though it is just a three-hour class, costs approximately $40, and can be taken on the Internet, some parents do not want to do it. That leads to problems in the future because the class does work and parents get good information from it.

There are situations where people get divorced in the rural counties, even though they live in Clark County, where there is a problem later on and they need the court to make a determination. We are having trouble getting them back to Clark County from the rural counties because the court may not want to give up the case. Even though the parents and children do not live in that county, this bill will enable them to move the case back to the correct county.

Melissa Exline, representing Nevada Justice Association:
People file in a different county for various reasons. It can be because they are getting advice from someone that it could be more efficient to go to a rural county to file. Sometimes people move to a different county and need to change the venue. This statute as it existed did not encompass a clear plan on how to address cases with ongoing jurisdiction. It was written mostly from the civil perspective without addressing domestic cases. Domestic cases are often ongoing jurisdictions in child custody situations, if the parties have an ongoing retirement issue or have to return to court for whatever reason. If they no longer live in that court's jurisdiction, this allows for a clear protocol, post-final decree judgment, or order on how to make the right request to the court to allow it to be heard in the proper county.

Kimberly Surratt, representing Nevada Justice Association:
I am on the Executive Council of the Family Law Section of the State Bar of Nevada. I would like to give some history on A.B. 102. We solicited ideas from the Executive Council of the Family Law Section of the State Bar of Nevada at our annual conference for areas where changes to the laws were needed and what new laws we could bring to this session. The suggestions we received were similar from all parts of the state. These suggestions were not only a Clark County issue or against the rurals. The issues were brought up by the rural attorneys, Clark County attorneys, and Washoe County attorneys. There were various scenarios such as termination of parental rights or divorce cases and everything across the board.

There is a big difference between civil and family law cases. With a civil case, you file and there is a time when you can change the location of the court. These cases then reach a final conclusion. In family law cases, they often have continuing jurisdiction. Our courts often will return to the case regarding custody, child support, and alimony to make modifications. Because the statute is written for civil cases, it does not contemplate the case coming back to court. Assemblyman Pickard and Assemblywoman Cohen referenced the issue of paralegal services and filing in the rurals. It is common for cases where a family lived in Las Vegas, filed there, and then in the future has a problem with their custody case, but one or both of the parents have moved to another part of the state. They may not be able to afford to travel back to the original court and hire a lawyer long distance to handle their case. If their case was in a rural county, it can be difficult to locate a lawyer because there are not so many lawyers available and they might be conflicted out. Therefore, they need to move the case to a more convenient court. Ideally, they should return to a court in the county where the children reside.

The original bill was presented to the Executive Council of the Family Law Section of the State Bar of Nevada for input; however, after the bill was dropped, we then, of course, received input about how we could write it better. The substance of the amendment is still exactly what our intent was and what we wanted to accomplish. The Legislative Counsel Bureau gave us exactly what we gave them to start with, but we gained a lot of input from people and modified it to what it is today.

Assemblyman Pickard:
One great thing about the Family Law Section of the Nevada Bar is that most of the section attorneys participate on a listserv email distribution application. If someone has an issue or a question, they put it out on the listserv and we are very collaborative as a group. Most people want to do the right thing and help us get the most solid legislation we possibly can. It is customary for us to get last-minute comments.

Assemblywoman Miller:
As a schoolteacher, I have often seen where my students need to take days off from school to travel with their parents for court. My students are still young enough that they need to be with their parents and they cannot be left home alone. It is not uncommon to have the same students take leave two to three times in a school year. Would this eliminate this issue for my students?

Kimberly Surratt:
The parties still have to take action to get it moved to the right county. If they do move it, yes, it will eliminate this issue for your students.

Assemblyman Ohrenschall:
Are requests to change the venue being denied as a punitive matter or for other reasons?

Melissa Exline:
I think the best way to answer your question is to give a personal example. I had a situation where the parties filed in a rural county. One of the parties moved, but neither of them had ever lived in the rural county where they filed. A few years later, there is a motion to modify visitation and custody. What would have to happen in that situation is a bit cumbersome and time-consuming; there would be a traditional motion to change venue. That is a process that would have to be heard and approved by the court. As this bill is written, a demand to address the situation and make it more pragmatic and realistic can be made.

Assemblyman Pickard:
In my practice, I have seen instances where there was a sense that if you file here you are going to hear it here. It has been difficult at times to get a court to release it when both parties and children are in Clark County. The children were old enough to be identified as witnesses. I think we can simply say that we want to move this case to the best and most convenient court to hear it.

Assemblyman Elliot T. Anderson:
I have a question about new language in the proposed amendment in section 1, subsection 1, paragraph (b). I want to ask first about the applicability in terms of the actions for continuing jurisdiction. I always think carefully when we list specific items, as courts might interpret it that we tried to get rid of something. You put some general language in, ". . . or other action where the court has continuing jurisdiction . . . ." Might it be better to have that language, period, to make sure it is as inclusive as possible?

Melissa Exline:
The intent was to squarely address that this is a family law matter and make sure that it was clear. There is a specific portion here, ". . . or other action where the court has continuing jurisdiction . . . ," that may be an all-encompassing phrase that supplants potentially in a subsequent amendment the other preceding language. To be clear, the intent is to address domestic cases that do have ongoing jurisdictional issues. Because the facts travel with the players, the convenience argument goes with them, and so to the extent that it is more appropriate to address this as any action where there is continuing jurisdiction, it is appropriate to move the venue. I think that is a very important point to address.

Assemblyman Elliott T. Anderson:
My second question is in regard to section 1, subsection 1, paragraph (b), ". . . a responding party may demand in writing . . . ," and I thought that could be more clear as well. Does it mean that they can do a notice of removal and give it to someone, or does it have to be in a pleading? I think it would make more sense if it were in either a notice of removal or some sort of affirmative defense in a response or opposition to a motion. It looks like that is what you are trying to do, but I want to clarify that as the language is confusing to me.

Melissa Exline:
It was meant to mirror the language above where we have an ability to do a change of venue as a matter of right as referred to in section 1, subsection 1, paragraph (a) of the bill.

In a regular civil or criminal proceeding, if the action was filed by a plaintiff in a county and the defendant does not in reside in that county, then they can make a demand for a change of venue. It is actually filed as a demand for change of venue with the court. It is not a motion, but a demand, so it is a different type of a pleading but it is indeed a pleading. It is a pleading filing a demand for change of venue.

Assemblyman Pickard:
With respect to the final order, judgment, or decree, the intent was to assure that we are talking about post-judgment issues. We are not opening the door in the middle of a case to ask for a change of venue; we are waiting until after the final order or decree is made. To that extent, I think it is important to leave in the bill. The open-ended language later would give them more opportunity if that came up in the future under the continuing jurisdiction scenario.

Assemblywoman Krasner:
I seem to remember there is federal law that required a custody case remain in the jurisdiction that it was filed. How does this play into that?

Kimberly Surratt:
What you are referring to is called the Uniform Child Custody Jurisdiction and Enforcement Act. That applies to state jurisdiction over a custody matter. It applies to which state is proper and not which venue within the state.

Chairman Yeager:
Is there anyone who would like to testify in support of A.B. 102? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.]

Assemblywoman Cohen:
I was not trying to imply that this was a rural versus urban issue; I was just using my personal experiences. We see this bill as a way to save clients' money and to have their case heard in the county where their children are located. Additionally, we feel this is going to help litigants who do not understand that when they get a divorce, issues will often arise later.

Melissa Exline:
Being the chair of the Domestic Committee of the Nevada Justice Association and a member of the Executive Council of the Family Law Section of the State Bar of Nevada, having family law attorneys in the Assembly that we can communicate with and bring these bills forward to make our practice more efficient is an absolute pleasure.

Assemblyman Pickard:
I appreciate the Committee and I am grateful for the opportunity to present the bill and ask for your support.

Chairman Yeager:
At this time, we will close the hearing on A.B. 102. Is there anyone who would like to give public comment? [There was no one.] This meeting is adjourned [at 10:05 a.m.].

RESPECTFULLY SUBMITTED:

Janet Jones
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE:

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a copy of a PowerPoint presentation titled "A Comprehensive Strategy for Juvenile Justice Systems," presented by James C. Howell, Ph.D., Senior Research Associate, National Gang Center, Tallahassee, Florida.

Exhibit D is a copy of a PowerPoint presentation titled "Data Driven Approach to Juvenile Justice Reform," presented by Will Jones, Child Well-Being Consultant, State and Local Government, SAS, Waxham, North Carolina.

Exhibit E is a proposed amendment to Assembly Bill 38, provided by Ben Graham, Governmental Relations Advisor, Administrative Office of the Courts, and presented by Keith Lee, representing Nevada Judges of Limited Jurisdiction.

Exhibit F is the Work Session Document for Assembly Bill 75, dated February 17, 2017, provided by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

Exhibit G is a proposed friendly amendment to Assembly Bill 102, presented by Assemblyman Keith Pickard, Assembly District No. 22.