MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Seventy-ninth Session
May 16, 2017

The Senate Committee on Judiciary was called to order by Vice Chair Nicole J. Cannizzaro at 1:46 p.m. on Tuesday, May 16, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom, Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Olivia Diaz, Assembly District No. 11
Assemblyman John Hambrick, Assembly District No. 2
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Pat Devereux, Committee Secretary

OTHERS PRESENT:

James Dold, Campaign for the Fair Sentencing of Youth

John T. Jones, Jr., Nevada District Attorneys Association
Sean B. Sullivan, Office of the Public Defender, Washoe County
John J. Piro, Deputy Public Defender, Office of the Public Defender, Clark County
Holly Welborn, American Civil Liberties Union of Nevada
Scott Shick, Nevada Association of Juvenile Justice Administrators
Michael Dyer, Director, Nevada Catholic Conference
Kristina Wildeveld, Nevada Attorneys for Criminal Justice
Wes Goetz
Chuck Callaway, Las Vegas Metropolitan Police Department
John Borrowman, Deputy Director, Support Services, Department of Corrections
Maria C. Davis, Nevada Interpreters and Translators Association
Karla Rodriguez Beltrane, Progressive Leadership Alliance of Nevada
Leonardo Benavides, Legal Aid Center of Southern Nevada; Washoe Legal Services
Ben Graham, Administrative Office of the Courts, Nevada Supreme Court
Peggy Lear Bowen

VICE CHAIR CANNIZZARO:
We will open the hearing on Assembly Bill (A.B.) 218.

ASSEMBLY BILL 218 (1st Reprint): Revises provisions concerning certain juvenile offenders. (BDR 14-215)

ASSEMBLYMAN JOHN HAMBRICK (Assembly District No. 2):
Assembly Bill 218 is about ensuring our youngest inmates should be able to successfully reenter society. Assembly Bill No. 267 of the 78th Session eliminated life without parole for people who were under age 18 at the time their crimes were committed. It required courts to consider the diminished capacity of juveniles, relative to adults, in order to establish more fair and age-appropriate sentencing standards for serious crimes.

JAMES DOLD (Campaign for the Fair Sentencing of Youth):
Assembly Bill 218 addresses an important component of criminal justice reform. The issue has been percolating up through the national consciousness for several years. In the late 1980s and early 1990s after a juvenile crime wave, a group of criminologists theorized a group of super-predator children was coming of age who were more violent and less remorseful than ever. The youths were characterized as "godless, jobless and fatherless." The criminologists urged

legislators to pass laws that made it easier to transfer children into the adult criminal justice system. The legislators became more open to establishing tougher penalties, lengthy mandatory minimum penalties and extreme sentences like life without parole and death. Many of these punishments were not necessarily contemplated, but legislators responded to the mass hysteria resulting from the super-predator theory.

In 2005, the U.S. Supreme Court began to weigh in on the constitutionality of many of these extreme sentences. In *Roper v. Simmons*, 543 U.S. 551 (2005), the death penalty was struck down as applied to children, creating what is now known as "the kids are different" sentencing doctrine. Citing studies of juvenile brain and behavior that show fundamental differences between them and adults, the Court said death is an unconstitutional sentence under the Eighth Amendment prohibition of cruel and unusual punishment.

A lot of the juvenile behavioral development science referred to by the Court showed the prefrontal cortex, which is responsible for emotive control, was not fully developed in children. They rely on the more primitive and emotive amygdala to process information and make decisions. That is why children are more susceptible to peer pressure, more impetuous and less likely to consider long-term consequences of their actions.

Five years after *Roper v. Simmons*, the Court took up the issue of life without parole for juveniles convicted of nonhomicide offenses in *Graham v. Florida*, 560 U.S. 48 (2010). The Honorable David Kennedy, Justice, U.S. Supreme Court, likened life without parole to death in many ways because no matter how much a child changes or is rehabilitated, essentially the only way he or she will leave prison is in a pine box. A notion originating in the *Graham v. Florida* decision was when juveniles are sentenced for nonhomicide crimes, the state must provide them with meaningful opportunities to attain release based on demonstrable maturity and rehabilitation.

In *Miller v. Alabama*, 567 U.S. 460 (2012), the Court struck down the use of mandatory life without parole sentences for children, reasoning they have a different, underdeveloped sense of responsibility and are more vulnerable to negative influences and outside pressures. They have a limited capacity to remove themselves from horrific crime-producing settings. Mandatory life without parole, even for children convicted of homicide-related offenses, was ruled a violation of the Eighth Amendment.

In *Montgomery v. Louisiana*, 577 U.S. (2016), the Court issued a broad-reaching ruling that the *Miller v. Alabama* decision was meant to be applied retroactively. It clarified that life without parole is unconstitutional for the overwhelming majority of children, including those convicted of homicide, and that states must provide a meaningful opportunity to attain release for them. However, the ruling does not apply to the small group of defendants deemed to be irreparably corrupt children.

Between those two rulings, the Nevada Legislature enacted A.B. No. 267 of the 78th Session, which banned the use of life without parole and clarified that children convicted of nonhomicide offenses must be offered parole after 15 years and 20 years after homicide-related offenses. Another provision required judges to consider the differences between children and adults when a child is being sentenced in an adult court.

Assembly Bill 218 builds off that provision in section 1, subsection 2, which grants more discretion when sentencing children. If a judge has a child convicted of a serious crime who has been transferred to the adult system, he or she can depart from the statutory minimum sentence by not more than 35 percent. The bill will allow judges to look at children's backgrounds and how they ended up in the adult court system and to depart from overly harsh mandatory minimum sentencing.

SENATOR HARRIS:
How many Nevadans who committed serious crimes while they were juveniles would be impacted by the bill?

JOHN T. JONES, JR. (Nevada District Attorneys Association):
In Clark County in 2016, there were 12,418 referrals to the juvenile justice system. The Office of the District Attorney, Clark County, filed 5,651 cases, 79 of which were sent to the adult system through certification or direct file processes.

The Nevada District Attorneys Association supports A.B. 218. Here are two examples of juvenile crimes that the Clark County District Attorney sends to the adult system. Multiple juveniles broke into a home, held the husband at gun- and knife point, threatened the children and their grandmother with a gun and then three of the juveniles sexually assaulted the wife. A 15-year-old boy robbed the cell phones of three people along a trail. In the same place, he broke

the jaw of a woman with a skateboard and sexually assaulted her. He then pushed a woman into a ditch and sexually assaulted her in broad daylight. The cases we send to the adult system are extremely serious. Assembly Bill 218 will give judges in the adult system another avenue by which to reevaluate children and perhaps depart from mandatory minimum sentencing.

SEAN B. SULLIVAN (Office of the Public Defender, Washoe County):
The Office of the Public Defender, Washoe County, supports A.B. 218, which give judges more discretion to help juveniles.

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):
The Office of the Public Defender, Clark County, supports A.B. 218.

HOLLY WELBORN (American Civil Liberties Union of Nevada):
The ACLU of Nevada supports A.B. 218 as an enhancement to A.B. No. 267 of the 78th Session.

SCOTT SHICK (Nevada Association of Juvenile Justice Administrators):
The Nevada Association of Juvenile Justice Administrators supports A.B. 218.

MICHAEL DYER (Director, Nevada Catholic Conference):
The Nevada Catholic Conference strongly supports A.B. 218.

KRISTINA WILDEVELD (Nevada Attorneys for Criminal Justice):
You have my written testimony (Exhibit C), which includes a certification petition for a young man certified for DUI from a juvenile court. The Nevada Attorneys for Criminal Justice supports A.B. 218.

VICE CHAIR CANNIZZARO:
We will close the hearing on A.B. 218 and open the hearing on A.B. 251.

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

ASSEMBLYMAN JOHN HAMBRICK (Assembly District No. 2):
The purpose of A.B. 251 is to bring current law into conformity with recent judicial opinions. It allows the State Board of Parole Commissioners, Department

of Public Safety (DPS), to commute sentences of people who committed crimes when they were under the age of 18.

MR. DOLD:
Assembly Bill 251 is a cleanup bill from A.B. No. 267 of the 78th Session, which was passed before the *Montgomery v. Louisiana* decision. The decision caught many legal advocates off guard by broadening the scope of *Miller v. Alabama*. In that case, the Court said, "Even if a court considers a child's age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects unfortunate yet transient immaturity."

Miller v. Alabama barred life without parole for all but the rarest of offenders: those whose crimes reflect permanent incorrigibility. The finding that life without parole is disproportionate for the vast majority of juvenile offenders raises a grave risk that many are being held in constitutional violation. The Court further stated:

> By allowing those offenders to be considered for parole ensures that juveniles whose crimes reflected only transient immaturity and who have since matured will not be forced to serve a disproportionate sentence in violation of the Eighth Amendment. Those prisoners who have shown an inability to reform will continue to serve life sentences. The opportunity for release will be afforded to those who demonstrate the truth of *Miller*'s central intuition that children who commit even heinous crimes are capable of change.

The State is in compliance with both decisions because life without parole is no longer a sentencing option. However, A.B. No. 267 of the 78th Session had a carveout of four cases ineligible for retroactive release. Assembly Bill 251 will create an avenue by which the State Board of Pardons Commissioners, DPS, can bring Nevada into full compliance with both *Miller* and *Montgomery* by revisiting those decisions. States do not have to release individual inmates but must afford them meaningful opportunities to obtain releases after their sentences are reviewed. If the Board of Pardons Commissioners commutes sentences, the State will be in full compliance, and there will be no need for resentencing hearings. Nevada is in the forefront of states that balance the need to protect public safety while recognizing the severity of juveniles' crimes.

SENATOR HARRIS:
How many Nevada juvenile inmates would the bill apply to?

MR. DOLD:
We are aware of four individuals who would be impacted who received life without parole who did not fall under the provisions of A.B. No. 267 of the 78th Session. There are other children who did not get life without parole with multiple victims who were outside the gamut of that bill.

ASSEMBLYMAN HAMBRICK:
We should ask how many children benefitted from A.B. No. 267 of the 78th Session by early release. I know of eight or nine defendants.

MR. DOLD:
I would be surprised if there were more than a dozen or two beneficiaries.

MS. WILDEVELD:
The Nevada Attorneys for Criminal Justice supports A.B. 251. I can confirm there are four juveniles serving life without parole who were precluded from release under A.B. No. 267 of the 78th Session because their crime was double homicide. Kenshawn Maxey was convicted at aged 16 of killing his second victim, his codefendant. I would like to see the bill extended to allow the State Board of Pardons Commissioners to hear cases of juveniles serving life who were convicted a week or two after their eighteenth birthdays. One was convicted within 11 days of his eighteenth birthday and another within 2 months.

MS. WELLBORN:
The ACLU of Nevada supports A.B. 251. Ms. Wildeveld and I were part of a working group that formed after the passage of A.B. No. 267 of the 78th Session. We determined to track every person in the Department of Corrections (DOC) who would fall under the bill's provisions. We want to ensure they have representation—mostly free—at their parole hearings. More than half the defendants were granted parole but not released because they lacked postrelease plans due to a belief they would never get out of prison. I am cocounsel for a young man who was not the primary perpetrator of his offense but convicted of felony murder. He will now be given an opportunity for parole.

MR. JONES:
The Nevada District Attorneys Association supports A.B. 251 as a compliance measure.

MR. PIRO:
The Office of the Public Defender, Clark County, supports A.B. 251.

MR. SULLIVAN:
The Office of the Public Defender, Washoe County, supports A.B. 251.

MR. SHICK:
The Nevada Association of Juvenile Justice Administrators supports A.B. 251.

MR. DYER:
The Nevada Catholic Conference supports A.B. 251.

ASSEMBLYMAN HAMBRICK:
I would like the Committee to keep in mind when considering A.B. 251 what positive outcomes these offenders might have if it passes.

VICE CHAIR CANNIZZARO:
We will close the hearing on A.B. 251 and open the hearing on A.B. 420.

ASSEMBLY BILL 420 (1st Reprint): Revises provisions governing the use of electronic devices by offenders. (BDR 16-1073)

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):
Assembly Bill 420 has a proposed amendment (Exhibit D) that clarifies the language of the bill and deletes section 2, subsection 4, paragraph (a) regarding prison telecommunications devices. After conversations with DOC Director James Dzurenda and other DOC staff, I believe some sort of tablet-like device allowing internal communications would be useful for inmates and the prisons. Inmates could access educational programs and learn to use computers. Almost all job applications are now online instead of on paper. When some inmates went into custody, paper was the only way. Familiarity with computers and the age of electronics will benefit inmates after their release.

Some inmates rarely leave their cells, including about 200 at the Ely State Prison Facility who never leave. Devices would allow them to communicate with

staff concerning medical, mental health and security issues or if they were feeling suicidal. There was a concern about the security of devices, specifically if an ingenious inmate could hot-wire a device so it could access the outside Web. Jamming signals to prevent that were discussed. Programs like the one proposed in A.B. 420 have been successful in other states.

In the proposed amendment, Exhibit D, section 1, subsection 9 provides that the DOC Director may assess a fee for videoconferencing for visits with family and friends. *Nevada Revised Statutes* (NRS) 209.221 provides that a charge would not be assessed for videoconferencing between parents and children. The family brings the child to a DOC facility room like a kiosk to communicate with a parent in another DOC facility. The new language ensures that while videoconferencing will be expanded, no fees will be assessed. Even though many DOC facilities are close to urban centers, it is still a challenge for families to visit loved ones therein. With remote facilities like Ely and Lovelock State Prison, it is even more of a hardship. It is important to keep families intact so inmates have a better chance after release.

The proposed amendment would change section 2, subsection 3 from "approved videoconferencing equipment" to "approved telecommunications device" to match the language in section 1.

MR. PIRO:
The Office of the Public Defender, Clark County, supports A.B. 420. A similar program has worked well in Colorado. When inmates get iPads to use in their cells, the devices can be removed as punishment. Prisons have an extraordinary amount of downtime, so allowing prisoners to take classes, fulfill counseling requirements and do things to prepare them for release would be good. When we put people in prison, the goal is they come out different and better people. The bill would go a long way to facilitate that.

VICE CHAIR CANNIZZARO:
Does Colorado have a closed universe system?

MR. PIRO:
Yes. You cannot contact other inmates and things like that. Colorado allows messaging with families, but the texts are screened. It is easier and faster for officials to screen texts than to screen a large amount of written mail.

MR. SULLIVAN:
The Office of the Public Defender, Washoe County, supports A.B. 420, which will allow inmates to reintegrate with family, which is a key component of postrelease success.

WES GOETZ:
I spent about 10 years in DOC prisons and support A.B. 420. Being able to communicate with family via teleconferencing is good. I hope devices may be used for educational purposes so inmates in solitary confinement can take college classes.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):
Before this Legislative Session, DOC Director Dzurenda talked to me about allowing inmates access to computers for education, job resumes and applications, and other reasons. My understanding was it would take place in computer labs or places under supervision. When the bill was heard in the Assembly, questions arose based on the Colorado model about how when inmates are booked, in addition to clothing, they receive iPads for use in cells. My 18-year-old son told me how easy it is to jailbreak an iPad using Internet instructions. Recently in an Ohio prison, inmates built a computer for outside use like apply for credit cards, commit fraud, download pornography and communicate with other prisoners within the system.

If the intent of A.B. 420 involves strictly controlled and secure access to devices for education, I have no issues. If it is unfettered, unsupervised access, that raises security concerns. I would hate to see people further victimized and the safety of other inmates and guards compromised.

MS. WELLBORN:
The ACLU of Nevada is neutral on A.B. 420 because we have questions about the program's effectiveness and how it will actually benefit prisoners if it is amended to say "videoconferencing devices" versus "telecommunications devices." It is not entirely clear inmates will have access to new technologies and what the model will look like. We talked to DOC Director Dzurenda and DOC Deputy Director of Programs David Tristan about our concerns, including that not many Legislators have been inside a prison to see how these technologies will be protected.

JOHN BORROWMAN (Deputy Director, Support Services, Department of Corrections):
I can answer any technical questions concerning the devices provided for in the bill. In regard to the Ohio inmates' computer, they were involved in computer recycling so had access to components to build a laptop. That is not what A.B. 420 contemplates. The tablets would be controlled and assigned to individuals, and staff would never ask them to remove components to create another product. Staff would ensure tablet cases were not physically altered. Yes, you can jailbreak an iPad or tablet, but it still requires some form of outside communication and support network. The tablets would not have cell phone compatibility. They would be dependent on a Wi-Fi or Bluetooth signal provided solely by DOC. We would install a central software application to monitor activity over the internal network.

Visitors would have to have authorized visitation status to telecommunicate with inmates. We would be vigilant about who can telecommunicate, just like we do with videoconferencing visits. Both parties would have to be vetted and allowed through the technologies DOC controls.

Texts are definitely more manageable than paper letters. We can record and analyze text messages as potential evidence. Contraband is passed through mail. As an example, paper documents came in with artwork by an inmate's child. We did not realize the seagull drawing in the cloud in the corner was written with heroin powder. Inmates licked the drawing and became high. We have a few staff members reviewing all hard-copy documents received in prisons. If communications were all electronic, we could install strategic intelligence software that could search for key words.

SENATOR HARRIS:
Would the bill allow prisoners to have tablets or other devices in their cells?

MR. BORROWMAN:
Yes. Giving access to traditional education is very labor-intensive, and some inmates resist participating in such programs.

SENATOR HARRIS:
Would videoconferencing be done in a more secure location than cells?

MR. BORROWMAN:
Videoconferencing equipment is different from telecommunications devices. The DOC's pilot program videoconferencing equipment is a wall-mounted television with a phone handset. An officer is watching and listening to all communications to ensure the interaction is appropriate. If it is inappropriate, the officer can terminate the exchange. This takes place in a room with all visitations prearranged and all participants vetted. Tablet communications devices would primarily be used for email exchanges in cells.

SENATOR HARRIS:
Would the tablets have texting capabilities, or are you just anticipating emails?

MR. BORROWMAN:
Whether it is a text, email or letter, nothing can be sent or received that staff does not collect and analyze electronically or hands-on. No real-time texting would be exempt from interception and termination.

ASSEMBLYMAN OHRENSCHALL:
Section 2, subsection 3 of A.B. 420 refers to NRS 209.423 and NRS 209.419. In the language proposed to be deleted, Exhibit D, any electronic communication—telephone or the limited videoconferencing between parent and child now allowed—is subject to interception and surveillance by DOC staff. The bill will increase inmates' chances of success at reintegration into our communities.

VICE CHAIR CANNIZZARO:
We will close the hearing on A.B. 420 and open the hearing on A.B. 125.

ASSEMBLY BILL 125 (1st Reprint): Revises provisions relating to court interpreters. (BDR 1-297)

ASSEMBLYWOMAN OLIVIA DIAZ (Assembly District No. 11):
Assembly Bill 125 seeks to increase justice in our courts for people who are limited English proficient (LEP). I will read part of an August 16, 2011, letter (Exhibit E) that the Honorable Michael L. Douglas, then-Chief Justice, Nevada Supreme Court, wrote and sent to district, justice and municipal court judges warning against discrimination against LEP defendants that violates federal civil rights' requirements. He went on to state courts are "required to have a plan so that LEP persons are not impeded, hindered, or restricted in participation in

court proceedings and access to court operations." Failure to comply could mean loss of federal funds to the individual court or State. Justice Douglas cites examples of concerns, including limiting types of proceedings for which interpreters' services are provided, charging interpreters' costs, restrictive language services in courtrooms and failure to ensure effective communication with court-appointed or supervisory personnel.

Judges are given bench cards stating the Civil Rights Act of 1964, Omnibus Crime Control and Safe Streets Act of 1968 and Executive Order No. 13166 of 2000, directing that competent court interpreters must be provided for all LEP persons. The bench card states there is no clear statutory guidance or existing caselaw that fully satisfies these questions, and judges are encouraged to undertake their own analyses and refer to the letter of Justice Douglas.

As a Legislator, I have heard from many court interpreters who believe courts have denied LEP persons full access to proceedings. I sponsored A.B. No. 365 of the 77th Session and A.B. No. 219 of the 78th Session to remedy this. I understand the need to use certified court interpreters, who should be the gold standard in all Nevada courtrooms. The difference between certified and uncertified interpreters is like that of licensed and unlicensed teachers. Certified interpreters must meet many requirements (Exhibit F) and undergo continuing education. As a State, it is imprudent to hire semi-, quasi-qualified people who have not fulfilled the testing requirements to perform court interpreting. Someone who has passed all the tests and completed a background check is superior to someone who may have falsified his or her credentials and has a criminal background. The latter has happened in our State.

Assembly Bill 125 will help ensure such an injustice does not happen. Nevada lacks a method to check the credentials of interpreters or perform periodic audits to verify every interpreter is doing his or her best to assist LEP persons. In section 1, subsection 6 in the proposed amendment in Exhibit F, the term "a person with a language barrier" was changed to "a person with limited English proficiency." That is the term of art used in the craft. Sections 1 through 6 and 8 through 10 of the bill provide that court interpreters must obtain professional certificates. The provisions also remove the authority to appoint alternate court interpreters.

By law, an interpreter must be provided at public expense for a person with a language barrier who is a defendant or witness. However, courts only do that

for criminal proceedings. In the bill, I changed that to include civil cases. However, due to a large fiscal note, namely that it would cost more than $3 million just to implement that, we reverted to the original language in the proposed amendment, Exhibit F. The job of the Legislature is to ensure interpreters are the best, most competent individuals to sit before a court of law.

MARIA C. DAVIS (Nevada Interpreters and Translators Association):
I was appointed to the Judicial Council of the State of Nevada's Certified Court Interpreters Advisory Committee. Why do interpreters need to be certified? Some will argue the Nevada Constitution does not require certified interpreters, only that courts have to provide meaningful access to justice.

Interpretation and translation are essential to providing meaningful access to courts and maintain the integrity of our judicial system. Cases are often highly structured with elements requiring specialized terminology. Without careful attention to effective language services, many people face a process that places unfair and unconstitutional burdens on their ability to participate in court proceedings. Relying on uninterpreted or poorly interpreted testimony from LEP witnesses or from improperly interpreted documents hinders the ability of courts to determine the facts and dispense justice.

Being in the criminal or civil court system is an extremely scary experience for everyone before you add a language barrier. Imagine you are in a foreign country with no one you can trust to say exactly what you tell a court. When certified interpreters pass the exam, Exhibit F, that is just the first step in the process. It is up to the individual to decide how good a job he or she wants to do.

It is similar to passing the bar exam. The Constitution does not require attorneys to pass the bar, but that has been implemented to guarantee quality service in the representation of clients. Passing the bar does not necessarily produce great attorneys. They have to still learn a lot by practicing. It is the same thing for interpreters.

We want to provide equal access to justice. Language used in court is very complex and difficult to understand even for English speakers. We want to put LEP persons on the same playing field as English speakers.

SENATOR GUSTAVSON:
You say being certified is the gold standard. If so, why is the phrase "or registered" being added to "certified or registered court interpreter" throughout the bill? What is the difference?

ASSEMBLYWOMAN DIAZ:
That language is at the request of the Administrative Office of the Court (AOC), Nevada Supreme Court. That is how the law is structured to fully vet competent interpreters. Yes, the gold standard is interpreters certified to the point the AOC can test them in the foreign language, Exhibit F. Their proficiency must be at least 70 percent in oral and written tests and simultaneous interpreting. Applicants must also pass the background test.

The registered court interpreter category is for less common and more exotic languages. The AOC cannot administer the same proficiency tests it can for certified languages. However, applicants must still demonstrate competency.

MS. DAVIS:
The AOC does not have tests for all languages for certified interpreters. The alternative is to have applicants become registered.

KARLA RODRIGUEZ BELTRANE (Progressive Leadership Alliance of Nevada):
The Progressive Leadership Alliance of Nevada supports A.B. 125 because we have seen multiple times how interpreters in criminal cases facilitate increased justice for LEP defendants. When people lack adequate English comprehension to advance their cases, do they really have a fair chance to attain justice? If they cannot understand the essence of the cases against them, how can they help themselves? What if the defendant did not understand what was happening and the verdict was unclear?

LEONARDO BENAVIDES (Legal Aid Center of Southern Nevada; Washoe Legal Services):
The Legal Aid Center of Southern Nevada and Washoe Legal Services support A.B. 125. Interpretation entails a difficult skill set, which is exacerbated in a court setting. Nuances and cultural aspects need to be taken into consideration. As an example, in many Latin American countries, you answer in the affirmative before actually answering the question proper. You may start out saying, "Sí, bueno," or "Yes, I understand." That might be misinterpreted if a person has not been trained how to say no to an admission of guilt.

BEN GRAHAM (Administrative Office of the Courts, Nevada Supreme Court):
Assembly Bill 125 is a road marker in a long, long journey of working on LEP services, of which the interpreter aspect is just one part. The upgrade to NRS in the bill may seem like a small step, but it is significant. The AOC is neutral on the bill. The AOC has worked to guarantee LEP persons receive qualified interpreters.

VICE CHAIR CANNIZZARO:
We will close the hearing on A.B. 125 and open for public comments.

PEGGY LEAR BOWEN:
On February 14, the Senate Committee on Legislative Operations and Elections heard Washoe County Registrar of Voters Luann Cutler say there were no voting irregularities. The County and perhaps the entire State have violated voting laws by having poll workers seek information before people are allowed to vote. The questions are supposed to be asked only if signatures do not match those on record.

In November 2016, my 98-year-old former mother-in-law, Joycie, was asked at the Registrar of Voters Office for her identification or sample ballot. Joycie had left her ID and sample ballot at home. I told the poll worker that Joycie just had to have a matching signature and that I would assist her in voting. The poll workers said they would help Joycie, then asked for her birthdate, address and other information without obtaining her signature. Despite my protests, she was finally allowed to vote.

I had my sample ballot, which would not scan. The poll workers then asked me the same questions as they had asked Joycie. The next day, I went to see Cutler, who told me, according to NRS you need to show identification to vote. When I told her that was untrue, Cutler checked with the Office of the Secretary of State, which said the law was vague and that in order to clean up voting rolls, poll workers should ask the questions. Children assisting their LEP parents to vote would be intimidated when asked to supply answers to the questions and denied the ability to help the parents vote.

I am asking the Committee to investigate what Cutler said at the February 14 Legislative Operations and Elections meeting and determine if poll workers were instructed to ask questions and if voter intimidation is occurring. I also ask you to look into whether Cutler knowingly misled the Committee. No one should

have to endure any barrier to voting in Nevada. As a result of my inquiries, the *Reno Gazette-Journal* ran an article on November 6, 2016, titled "Signature is usually all you need to vote."

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VICE CHAIR CANNIZZARO:
Seeing no more business before the Senate Committee on Judiciary, we are adjourned at 3:24 p.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Vice Chair

DATE:

EXHIBIT SUMMARY				
Bill	**Exhibit / # of pages**		**Witness / Entity**	**Description**
	A	1		Agenda
	B	4		Attendance Roster
A.B. 218	C	28	Kristina Wildeveld / Nevada Attorneys for Criminal Justice	Written Testimony
A.B. 420	D	1	Assemblyman James Ohrenschall	Proposed Amendment
A.B. 125	E	9	Assemblywoman Olivia Diaz	Letter from the Honorable Michael Douglas, Justice, Nevada Supreme Court
A.B. 125	F	21	Assemblywoman Olivia Diaz	"Court Interpreting Qualifications"