

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
May 31, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:43 p.m. on Wednesday, May 31, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Eileen Church, Committee Secretary

OTHERS PRESENT:

James L. Wadhams, Nevada Hospital Association
Matthew L. Sharp, Nevada Justice Association
Kathleen Sandoval, Cochair, Statewide Juvenile Justice Improvement Initiative
Task Force

Kelly Wooldridge, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Holly Welborn, American Civil Liberties Union of Nevada
Frank W. Cervantes, Director, Department of Juvenile Services, Washoe County
Scott Shick, Nevada Association of Juvenile Justice Administrators
Sean B. Sullivan, Office of the Public Defender, Washoe County
John J. Piro, Deputy Public Defender, Office of the Public Defender,
Clark County
John T. Jones, Nevada District Attorneys Association
Michael Whelihan, Department of Juvenile Justice Services, Clark County
Daniele Dreitzer, Executive Director, Rape Crisis Center
Kristy Oriol, Nevada Coalition to End Domestic and Sexual Violence
Marlene Lockard, Nevada Women's Lobby
Stacy Shinn, Progressive Leadership Alliance of Nevada; Nevada Immigrant
Coalition
Daisy Rodriguez, Outreach Coordinator, Tu Casa Latina
Leonardo Benavides, Legal Aid Center of Southern Nevada; Washoe Legal
Services; Volunteer Attorneys for Rural Nevadans
A.J. Delap, Las Vegas Metropolitan Police Department
Cody L. Phinney, Administrator, Division of Public and Behavioral Health,
Department of Health and Human Services
Natalie Wood, Chief, Division of Parole and Probation, Department of Public
Safety
Shawn Arruti, Captain, Division of Parole and Probation, Department of Public
Safety

CHAIR SEGERBLOM:

I will open the work session on Assembly Bill (A.B.) 303.

ASSEMBLY BILL 303 (1st Reprint): Requires that core correctional services be
provided only by the State or a local government with certain exceptions.
(BDR 16-1103)

PATRICK GUINAN (Policy Analyst):

The work session document ([Exhibit C](#)) summarizes A.B. 303, which requires
only the State or a local government with certain exceptions provides core
correctional services. There are no amendments proposed for this bill.

SENATOR FORD MOVED TO DO PASS A.B. 303.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:

We will open the work session on A.B. 327.

ASSEMBLY BILL 327 (1st Reprint): Revises provisions relating to records of criminal history. (BDR 14-658)

MR. GUINAN:

The work session document ([Exhibit D](#)) summarizes A.B. 327, which revises provisions relating to records of criminal history. There are no amendments proposed for this bill.

SENATOR FORD MOVED TO DO PASS A.B. 327.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:

We will open the work session on A.B. 183.

ASSEMBLY BILL 183 (1st Reprint): Revises provisions governing the collection of a hospital bill. (BDR 40-694)

MR. GUINAN:

The work session document ([Exhibit E](#)) summarizes A.B. 183, which revises provisions governing the collection of a lien of a hospital bill. The interested

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parties who are at the table have worked out an extensive amendment. There is a summary of that amendment on the bill page of [Exhibit E](#) and Proposed Amendment 5191 ([Exhibit F](#)) drafted by the Legal Division this morning.

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):
I think we have reached a consensus with all the interested parties.

CHAIR SEGERBLOM:

When we met a couple days ago, I asked that you sit down and try to work something out. My understanding is that you have Matthew Sharp and James Wadhams, would you confirm on the record that your clients agree? Mr. Wadhams, have you seen the proposed amendment?

JAMES L. WADHAMS (Nevada Hospital Association):
No. We have talked about it.

MATTHEW L. SHARP (Nevada Justice Association):

We are pleased to announce that with the hard work both with the hospitals and our organization as well as many in this Body, we were able to reach an agreement. I am going to go through the bullet points of the agreement, with the understanding that Mr. Wadhams has not had a chance to look through the specifics of the amendment.

The crux of the deal is that for Medicare and Medicaid cases, the hospital will provide a 45 percent discount. If you recall, that was the major area of dispute.

CHAIR SEGERBLOM:

The 45 percent is off their normal costs, not the Medicare costs?

MR. SHARP:

Yes. It is 45 percent off the bill charges.

We have cleaned up section 2, subsection 1, paragraph (a) to simply confirm in the instance of traditional insurance where the patient has gone to the hospital that has contracted with the insurance company, the hospital's collection efforts are limited to the deductible, copays and coinsurance.

Paragraph (c) has been changed to reflect the agreement that had been reached regarding medical payment coverages that are included in section 2, subsection 2 where we removed the language that was objectionable to the auto insurers.

We brought back into section 2, subsection 3 what is existing law. In section 2, subsection 3, paragraph (a), we just simplified the language to confirm that when care is not covered under the policy of health insurance, the patient does not get the benefit of the contracted rate. The hospitals are free to lien as provided in the statutes.

Further allowed with regard to Medicaid, Children's Health Insurance Program and Medicare, we confirmed that the hospitals could file a lien against the personal injury recovery. The amount of that lien is limited to a 45 percent discount off billed charges.

The next significant part of our amendment concerns adopting a notice of intent to lien. The purpose of the notice of intent to lien was to reach an agreement between the Nevada Justice Association and the hospitals to allow for a notice of lien while a claim is pending. A notice of lien will be sent to the patient and the insurance company for the party causing the accident, which will simply say there is notice of intent to lien that gives the hospital protection to be able to collect its bill in the event the claim is denied. Once a notice of intent to lien is filed or around that time, the hospital will file a claim with the insurance company. Under this amendment, once the hospital has a notice of intent to lien filed, it must file a claim with the insurance company within 30 days. If the hospital does not do that, the notice of intent to lien is void.

Section 2.6 reflects the agreement on Medicare and Medicaid and Children's Health Insurance Program of 55 percent of bill charges.

We eliminated sections 2.7 and 2.9.

Section 3 affirms that we are going back to what is existing law. Sections 3.3 and 3.7 are structural changes to comply with the changes we have made in the bill, but nothing substantively is being changed in Nevada law.

In section 4, we deleted any changes we were making to existing law.

CHAIR SEGERBLOM:

Mr. Wadhams, does that sound like the agreement?

MR. WADHAMS:

We have been in long discussions with Mr. Sharp. The crux of our disagreement was the amount of lien when we are involved with Medicare, Medicaid or a similar government program. We have resolved that. Obviously, I have not had a chance to see the words. I completely trust Mr. Sharp, but we want to verify it with your counsel once this language is put into written form. I am confident we can accomplish that.

CHAIR SEGERBLOM:

You two reached an agreement. If the agreement is as stated on the record, then you are okay?

MR. WADHAMS:

We have reached an agreement. We have not had an opportunity to review the language specifically but subject to any minor edits, we should be there.

SENATOR FORD:

Is anything Mr. Sharp said incorrect?

MR. WADHAMS:

No.

MR. SHARP:

The bullet points drafted by the Committee legal staff reflect the agreement. Mr. Wadhams and I have discussed the specific language of the agreement. We will work on the language and fine-tune it.

CHAIR SEGERBLOM:

Mr. Anthony will work with you as he drafts it, and he will make sure you see it before we file it.

ASSEMBLYMAN OHRENSCHALL:

I want to thank Senator Roberson for providing a suggestion that I think helped bring the parties together.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 183.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the hearing on A.B. 472.

ASSEMBLY BILL 472 (2nd Reprint): Establishes policies for reducing recidivism rates and improving other outcomes for youth in the juvenile justice system. (BDR 5-918)

CHAIR SEGERBLOM:

I talked with former Justice Nancy M. Saitta, who is in Phoenix. She gave her formal apologies. Kathleen Sandoval, Nevada's First Lady, will discuss A.B. 472.

KATHLEEN SANDOVAL (Cochair, Statewide Juvenile Justice Improvement Initiative Task Force):

Through the Nevada Supreme Court Commission on Statewide Juvenile Justice Reform, Nevada has made progress in reforming our juvenile justice system, but we still have a long way to go.

To build on these efforts, in November 2015, a small team from Nevada including myself, Justice Saitta, Jack Martin, Scott Schick and Youth Parole Bureau Chief James Kingera from the Division of Child and Family Services (DCFS) attended a 50-state juvenile justice forum convened by The Council of State Governments (CSG) Justice Center.

We recognized at the forum that Nevada lags behind other states in adopting policies and practices that are based on what research shows works to reduce recidivism and to improve the outcomes of youth.

At the forum, we learned about and applied for an opportunity to receive technical assistance from the CSG Justice Center through the Statewide

Juvenile Justice Improvement Initiative. We did this to assess our juvenile justice system and to adopt legislative reforms with the goals of reducing recidivism, improving other outcomes for youth in the justice system and more effectively allocating resources. Following a national competitive process, Nevada was selected as the only state in the Country out of 18 applicants to receive this assistance.

In July 2016, Governor Brian Sandoval officially launched the Initiative by establishing the Statewide Juvenile Justice Improvement Initiative Task Force consisting of representatives from all three branches of government and a diverse group of State and local juvenile justice leaders. I would like to thank Senator Segerblom and Senator Scott Hammond for being part of the Legislative Committee on Child Welfare and Juvenile Justice.

The CSG Justice Center conducted a comprehensive assessment of the system, including and analyzing data from the State and our 2 largest counties, as well as conducting over 50 different focus groups and interviews with key stakeholders. Over the last nine months, we have engaged in a consensus-based data-driven process to assess and improve our juvenile justice system.

Based on that analysis, A.B. 472 was designed to address a number of key challenges that prevent our juvenile justice system from effectively protecting public safety and improving the outcomes for youth.

First, Nevada spends almost \$100 million a year on the juvenile justice system, yet the State and counties lack the data and research capacity necessary to determine how the system is performing. The State and counties are not systematically tracking, analyzing or reporting recidivism data or data on other youth and program outcomes.

Second, the limited data available demonstrates that outcomes for youth in the juvenile justice system are poor. Youths in Nevada circle through the juvenile justice system multiple times so by the time they are in the custody of the DCFS, they have an average of 11 prior referrals. More than half the youths while on local probation and state parole, commit new offenses within one year.

Third, statewide we lack objective tools to make cost-effective supervision and service decisions. While we have seen a significant reduction in the number of

overall referrals to the juvenile justice system in the last few years, a greater proportion of youths are receiving formal supervision. The number of youths being placed out of home, in youth camps and in out-of-state and in-state facilities had increased. Between 2013 and 2015, for example, there was a 32 percent increase in the number of DCFS commitments. Nevada is one of the only states in the Country that lacks a use of a validated risk-and-needs assessment at the state level and in the vast majority of our counties to guide disposition and service decisions.

Finally, Nevada lacks the use of evidence-based services and practices in the community and in facilities. Nevada is one of the few states in the Country that do not have legislative or funding requirements or incentives that directly support the adoption and effective implementation of evidence-based practices. As a result, we are spending money on programs and practices that we do not know are effective.

Based on this analysis, the Task Force reached consensus on a set of data-driven policy reforms. Assembly Bill 472 will align Nevada's juvenile justice system with what we know works to reduce recidivism and improve outcomes for youth. I am proud to have cochaired the State Improvement Initiative in Nevada with former Justice Saitta, and I am very excited by the consensus reached by the Task Force and the resulting legislation you have before you.

CHAIR SEGERBLOM:

We have been trying to do this for many years. It was not until you got personally involved that we were able to accomplish this. These issues tend to get complicated and die in the process.

KELLY WOOLDRIDGE (Administrator, Division of Child and Family Services, Department of Health and Human Services):

Assembly Bill 472 seeks to address the findings from the CSG analysis that the First Lady discussed. The goal of this bill is twofold. First, it is to establish policies to reduce recidivism and improve other outcomes for youth in Nevada's juvenile justice system. Second, it is to assist policymakers in State and local agencies to use resources more effectively.

The bill focuses on three key improvements to Nevada's juvenile justice system. First is the adoption of validated risk-and-needs screening and assessment tools to guide disposition, case planning and service decisions. Second is the

requirement that limited state resources are used for evidence-based practices and services. Third is the establishment of youth outcome and other key performance measures. The bill has reporting requirements to increase data-driven decision-making and system accountability. I will review the bill in sections according to these three objectives.

We are working with the Legislative Counsel Bureau (LCB) Legal Division for a conceptual amendment that we will get before the work session on section 4 of the bill. Section 4 of the bill creates the Juvenile Justice Oversight Commission. The conceptual amendment will modify this section to ensure that the membership of the Commission does not have any separation of powers issues.

Sections 5 through 7 outline the main duties of this Commission.

Section 13 redefines the facilities for the regional detention of children to facilities for the treatment and rehabilitation of youth pursuant to a court order.

Section 8 requires DCFS and local probation departments to implement the validated risk assessment and mental health screening tools selected by the Commission. It also establishes a cost-sharing model so that in the first few years of implementation, the cost of implementing these tools is covered by the State. Local departments will fully assume responsibility in fiscal years 2020 and 2021.

Section 15 requires local probation departments to conduct risk assessments and mental health screenings for all adjudicated delinquent youth prior to disposition.

Section 16 requires local departments use the results of risk assessments to develop individualized case plans and reentry plans for youth committed to a youth camp.

Section 17 requires DCFS to use risk assessment results to develop a length of stay matrix and release criteria for State facilities. The Division of Child and Family Services is required to develop written case plans that have to be updated at least every six months or when significant changes occur and to develop reentry plans.

The second major objective of the bill focuses on the adoption and implementation of evidence-based practices.

Section 9 establishes a five-year phase-in approach that requires all State funds for juvenile services, except Medicaid dollars, be used for evidence-based practices and services.

Section 10 establishes an evidence-based program resource center to provide technical assistance, training and other support to State and local departments and providers on the effective implementation of evidence-based practices.

Section 11 requires the State to submit an annual report to the Governor, Commission and LCB Director on the evidence-based standards established in the Commission's strategic plan.

Section 12 requires DCFS and local probation departments to develop and implement a family engagement plan that increases family contact and engages families in case planning.

Section 18 requires the court, in order to place a child out of state, to make a finding that an in-state institution has not met the needs of the child and that reasonable efforts were made to consult with agencies within the State to place the child within the State, but that those efforts were unsuccessful.

The third major change in this bill focuses on increasing system performance and accountability by improving data collection and analytic capacity across the system. In order for a system to make more effective decisions, it needs to evaluate recidivism rates and other outcomes, analyze this data to account for other variables and use the data to inform policy practice and resource allocation.

Section 22 requires DCFS to annually analyze information submitted by local departments of juvenile services to identify trends and determine the effectiveness of services and supervision.

Section 24 allows the State to withhold money from a juvenile court or local probation department that does not comply with the data collection regulations and the evidence-based practices requirements.

Section 25 adds to the measures that must be collected and maintained by a local probation department, juvenile court, and staff in youth camps and State facilities.

Sections 26 through 28 require the Youth Parole Bureau to develop policies that help determine the most appropriate response to parole violations, including the development of a sliding scale of responses based on the assessed risk of the child and severity of his or her violation.

Section 29 allows the Youth Parole Bureau to recommend a revocation of parole and a commitment to a facility only if there is a determination that the child poses a public safety risk and that other responses outlined in the Bureau's new policies around parole violations are deemed inappropriate.

SENATOR HARRIS:

I really appreciate the thoroughness and the thoughtfulness that went into the bill. I have a question with regard to section 12 and the establishment of the family engagement plan. What happens if you have a family with an older juvenile offender, 17 years of age or almost 18 years of age, and for whatever reason that family chooses not to want to engage.

MS. WOOLDRIDGE:

That does unfortunately happen. Research has shown that if we can find one person to be an important person in that child's life, that has the highest factor of turning the child around. We would look for that one person.

SENATOR HARRIS:

We would expect that you would. That is not going to impair somebody's ability to go through the reentry process into the community if, for whatever reason beyond their control, there is not a family or a family member who wants to participate.

MS. WOOLDRIDGE:

There would be no impairment.

CHAIR SEGERBLOM:

I want to commend you again. We have been trying to do risk assessments for quite some time, and the fact that we are finally going to get one is a great start. I hope we can spread it around the State because that is the future.

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HOLLY WELBORN (American Civil Liberties Union of Nevada):

We support this bill. Risk assessments are the future, and they are the basis of further reforms.

FRANK W. CERVANTES (Director, Department of Juvenile Services,
Washoe County):

We support this bill.

SCOTT SHICK (Nevada Association of Juvenile Justice Administrators):

We support this bill. It has been thoroughly vetted. These improvements will help us nail down what works for kids in the State.

CHAIR SEGERBLOM:

Did your association meet and vote to support this bill?

MR. SHICK:

Yes.

SEAN B. SULLIVAN (Office of the Public Defender, Washoe County):

We support this bill.

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender,
Clark County):

We support this bill.

JOHN T. JONES (Nevada District Attorneys Association):

On behalf of Jo Lee Wickes, Chief of the Juvenile Division in Washoe County, and Brigid Duffy, Director of the Juvenile Division in Clark County, we are in support of this bill.

MICHAEL WHELIHAN (Department of Juvenile Justice Services, Clark County):

We support this bill.

DANIELE DREITZER (Executive Director, Rape Crisis Center):

We support this bill.

CHAIR SEGERBLOM:

I will close the hearing on A.B. 472 and open the hearing on A.B. 122.

ASSEMBLY BILL 122 (1st Reprint): Revises provisions related to the manner in which the State Board of Examiners awards compensation to certain victims of crime. (BDR 16-305)

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON (Assembly District No. 27):

The Fund for Compensation of Victims of Crimes is financed by fines and penalties paid by convicted federal offenders and not by tax dollars. The source of the fines are criminal fines with the exception of funds related to certain environmental fines, railroad unemployment insurance, postal service violations, forfeited appearance bonds, special forfeitures, collateral profits from crimes, assessments that range from \$25 up to \$400 from persons convicted of offenses, and gifts and bequests.

The eligibility requirements in Nevada to qualify for and to receive Victims of Crimes funds define a victim as a person who is physically injured, threatened with physical injury or killed as the direct result of a criminal act. The types of crimes for which assistance may be requested are assault and battery, sexual assault, domestic violence, physical abuse, child abuse, elder abuse, homicide and drunk driving.

The Fund in Nevada can help cover certain expenses. The expenses are, for example, hospital and ambulance bills, medical and dental treatments, mental health counseling, wage or income loss, funeral and burial expenses, emergency shelter relocation costs, insurance copayments, crime scene cleanup, medically necessary equipment such as wheelchairs, vision prosthetics, eyeglass replacement, home health care and home security repair. The Fund cannot pay for expenses for lost or stolen property or cash, property damage, and any expense not directly related to the crime. The total amount that can be awarded to each eligible victim is \$3,500.

Four basic criteria are required to apply for Victims of Crimes funds. The crime must be reported to the police, child protective services or another law enforcement agency within five days of the crime unless the victim is physically or mentally unable to do so. The application must be submitted to the State Board of Examiners within a year of the crime or within a reasonable time frame if the victim is unable to apply within one year. Minor victims of sexual assault, molestation or pornography have until the age of 21 to file a claim.

Victims must cooperate with law enforcement during the investigation and prosecution of the crime. In addition, a victim cannot have participated or been involved in the crime, and the applicants have to cooperate with the Victims of Crime office.

Assembly Bill 122 removes the requirement that the victim be a citizen of the United States or legally entitled to reside in the United States. The premise behind it is pretty clear, if you have been a victim of any of the crimes that I have listed, have the necessary expenses and are engaging in helping law enforcement with the prosecution and investigation of that crime, then you ought to be able to apply for these dollars to see if you eligible and see if you can be supported as a victim.

CHAIR SEGERBLOM:
How much money is in the fund?

ASSEMBLYWOMAN BENITEZ-THOMPSON:
We did vet the fiscal on the Assembly side. The Fund has healthy reserves. It is anticipated this will cost an additional \$1 million each biennium for up to \$2 million. Even with expenditures of \$2 million, the reserves for this fund will be well above the general level that we ask departments to retain.

CHAIR SEGERBLOM:
Is this a federal program?

ASSEMBLYWOMAN BENITEZ-THOMPSON:
It is a federal program, and federal dollars roll into the states.

KRISTY ORIOL (Nevada Coalition to End Domestic and Sexual Violence):
You have a copy of my testimony ([Exhibit G](#)), so I will not read all of it. Nevada is only one of two states that has this prohibition, so this would be bringing us in line with what other states have done around this issue. We want to reiterate that advocates from across the State have indicated how important this is for victims because any person can be a victim of crime regardless of his or her citizenship status. Sixteen percent of those visiting Las Vegas in 2015 were from foreign countries, and any of those folks who had been victimized in Nevada as of now would not be eligible for the funds. We think that it is important that we open this up not only for out-of-state tourists but for our undocumented residents.

CHAIR SEGERBLOM:

Thank you especially for opening it up for the undocumented.

MS. DREITZER:

We support this bill. This bill would affect at least ten clients a month who we see who have not been eligible for these funds, who would now be eligible with these changes.

MARLENE LOCKARD (Nevada Women's Lobby):

We support this bill.

MS. WELBORN:

The ACLU of Nevada strongly supports this bill. Providing compensation to one group over another based on citizenship runs contrary to principles of due process and equality under the law. It also turns a program that is supposed to aid crime victims into one that punishes them based solely on their immigration status.

From our perspective, the law is clear that citizenship does not establish a sufficient rational basis to deny certain benefits. For example, undocumented persons or persons who do not have citizenship status are entitled to emergency medical care, education, labor law protections and access to the judicial system. We believe that the way the law currently stands undermines those well-established legal principles, and we encourage your support for this bill.

STACY SHINN (Progressive Leadership Alliance of Nevada; Nevada Immigrant Coalition):

We support this bill.

DAYSI RODRIGUEZ (Outreach Coordinator, Tu Casa Latina):

We are geared to helping immigrant women, men and children who are victims of crime, domestic violence abuse and trafficking in northern Nevada. Previous to that, I was a lead advocate for a shelter in Reno for five years. Much of my experience has been doing outreach work, witnessing firsthand the devastating impact of victim compensation denials on immigrant women living in poverty. I submitted my testimony ([Exhibit H](#)).

It is my experience that victims without support would not only be at risk for further abuse but the very real possibility that they will continue to burden a

system with unpaid medical costs, repeated calls to law enforcement and cycling in and out of domestic violence programs or turning to drugs and alcohol for untreated mental health issues that stem from the abuse or the traumatic crime.

The Fund for Compensation of Victims of Crimes for this population is one source to help bridge that gap. We support A.B. 122.

LEONARDO BENAVIDES (Legal Aid Center of Southern Nevada; Washoe Legal Services; Volunteer Attorneys for Rural Nevadans):

We support this bill. Each of these units has domestic violence sectors that help people in these situations. They are assisting law enforcement in convicting the perpetrators. We feel this bill is important because if you pass A.B. 122, we will leave Alabama as the only state that does not provide this funding for immigrants.

SENATOR ROBERSON:

I am looking at this letter from Bryan A. Nix ([Exhibit I](#)), Department of Administration. He is the coordinator for the Victims of Crime Program. I am trying to square the language of this bill with the letter he has provided to the Committee. I will read from part of it:

This bill would remove the limit on payments to non-U.S. Citizens.

This bill would not only require us to accept undocumented immigrant claims, but would also require us to pay non-Citizen visitors from around the world, as Nevada is the leading tourist destination in the world.

We already help undocumented immigrants. Any victim of Domestic Violence, Sexual Assault, Trafficking, Felonious Assault, etc. qualifies for a U Visa, as long as they are willing to assist law enforcement with the prosecution and investigation of the crime. Their dependent family members also qualify for a U Visa.

I am just trying to square the language of the bill with this letter from Mr. Nix.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

If I may respond. I thank you for bringing that up because I want to make sure we have a record that is clear and accurate.

Number one, nowhere in the language do we remove that \$35,000 total limit that can be awarded to victims. There is no language in the bill that does that. As the bill's sponsor, I can say that it is not the legislative intent to change the current caps that exist right now and that the department has.

Number two regarding tourists, I am going to ask Ms. Oriol to respond to the tourist issue specifically, but we would be opening this up to tourists who come in our State. This fund is a payer of last resort. If there is any other type of payer source that is in place, they are not eligible and that is part of the application screening process that the administrator and his staff do presently.

The Fund only pays for medical care a victim receives while in the United States. Once the victim goes back to his or her home country, the obligation stops.

The assertion that the Fund already helps the undocumented is not true. We have conflicting information from the office. We know this is not true because we have information from the office that last year 54 applications were denied based on citizenship status.

The information about the U Visa is correct. This is one of the things that I really like about this bill because it is encouraging to say if you are a victim of crime, file the police report within five days, help with the investigation and help with the prosecution. As long as you do that, then applying for the U Visa is part of the program.

This is a way to bring people out of the shadows and start into the U Visa process program. If they want help and support from the fund, they have to stay cooperative with the Victims of Crime office and with law enforcement.

SENATOR ROBERSON:

I am having a hard time understanding this because it is pretty clear in Mr. Nix's letter that he does not believe this bill is necessary because of what is already in place. I am trying to understand your perspective on why you believe this is necessary.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

It is necessary because that office told us it denies claims based on citizenship status. The office probably should because payments are not permitted under *Nevada Revised Statutes* (NRS) unless this bill is enacted. I would hope that office is complying with NRS 217 as it reads right now.

I only had the opportunity to talk with the administrator once. On the Assembly side, we had to clean up some confusion as well. In a letter he provided to the Assembly Ways and Means Committee, he made a suggestion that we were making this open to people who were victims in jail. I had to point out once again that as you look at the language in the bill in front of you, we do not. There have been some communication problems, but the intent is what you are seeing here in the first reprint, to get at the undocumented.

The fiscal note and letter that the office submitted to the Assembly Committee on Ways and Means speaks specifically about the number of applications it believes will be received by serving undocumented people—hence, the authority that we provided for that office to use up to \$2 million in its reserve allocations to fund those. I would be confused if the office is telling us it does not do this. If the office does it with enactment, there would be money that it would need to pull out of reserves.

SENATOR ROBERSON:

Is there still a \$2 million fiscal note on this bill?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

There is on our side. We have done the authorization for the Victims of Crime Program to pull \$1 million a year from the reserves. It has really healthy reserves. With a \$1 million a year reduction in the reserves, it is still sitting above the balance required for reserve funds.

SENATOR ROBERSON:

I appreciate what you have said. It sounded like you were articulating that maybe the office is not following statutes?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The question I have is in Mr. Nix's letter if he is telling you that the Program is funding undocumented persons. That is not in compliance with NRS.

SENATOR ROBERSON:
It is not?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

It is not. Therefore, as it reads right now and per the Program's own literature on its Website, the victim must be a citizen of the United States or legally entitled to reside in the United States. If you look at A.B. 122, we are taking out of section 1.3 the definition which states: "Is a citizen of the United States or who is lawfully entitled to reside in the United States."

SENATOR ROBERSON:

I have read the bill, and I understand where you have made that proposed change in the statutes. It sounds like Mr. Nix is saying that the Program helps undocumented immigrants now. You are saying it really is not supposed to do that without a change to the statute.

MS. ORIOL:

I believe the letter from Mr. Nix is referring to the U Visa and the Violence Against Women Act (VAWA) of protections. Those are not issued by the Victims of Crime Program. He is saying he believes that the current remedies are enough to help undocumented victims of crime. I would argue that is not accurate. While these are valuable ways victims can access and sometimes obtain compensation, these are more geared toward citizenship and residency, which is not what we are aiming at with this bill. In addition, there are federal caps on the amount of U Visas and VAWA protections issued each year. We are seeing a dramatic decline in victims seeking these remedies because of some of the chilling effects that are happening at the federal level as well as seeking any type of assistance from law enforcement. This is a separate effort that goes to address a population that is not being served.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

The other piece is once you begin the U Visa process, it typically takes about two years to get that status awarded. Victims of crime have to apply within one year, and we obviously want to close that gap.

SENATOR CANNIZZARO:

I wanted to clarify on the record that the U Visa program requires the victims to participate in the court proceedings. Because they have been cooperative, there is the potential for them to apply for a special visa. We have tourists who are

victims of crime and cannot seek medical treatment or will not follow up with medical treatment.

To the point of the Rape Crisis Center, just by way of example, individuals who might go there are able to make sure that they are following up with any recommendations following an exam with any medical treatment or counseling. This is a good step to ensuring that we can prosecute people who are committing dangerous and violent crimes that result in injury to these victims and also to ensure that we are taking victims seriously.

I wanted to clarify that the U Visa program and these other federal programs are geared more toward citizenship versus the Victims of Crime Fund which actually helps with some of these other tangential issues that come as a result of being a victim of crime.

SENATOR SEGERBLOM:

Just to clarify, is it \$3,500 or \$35,000 cap?

MS. ORIOL:

Thirty-five thousand dollars. I would just add that this was unopposed on the Assembly Floor. This is truly a bipartisan issue.

CHAIR SEGERBLOM:

Seeing no more people wanting to testify, I will close the hearing on A.B. 122 and open the hearing on A.B. 421.

ASSEMBLY BILL 421 (2nd Reprint): Revises provisions relating to corrections.
(BDR 16-1058)

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

Assembly Bill 421 has changed quite a bit from how it originated in the Assembly. What remains has a tremendous amount of merit.

There is a recent amendment. We had a consensus amendment, but there was a concern that was brought to my attention. We have addressed that now, and we have an amendment that really addresses the concerns of the Las Vegas Metropolitan Police Department, the Division of Health and Human Services, and the providers.

In an interview about six months ago, the Clark County Sheriff said that the Clark County Detention Center is the largest mental health facility in the State. What I see as an attorney and what practitioners see who practice in the mental health field is that there are many of our citizens down in southern Nevada who struggle with mental issues. Many of them may get treatment through Southern Nevada Adult Mental Health Services (SNAMHS). They may do well for a period of time and then may not continue on their medication or the therapy that they are supposed to be getting. They may find themselves being arrested and at the Clark County Detention Center or at the city jail operated by the City of Las Vegas or the Henderson Detention Center.

What happens when an inmate comes in and is acute in terms of mental health status? The physician who is going to treat that person there, whether it is the Clark County Detention Center or the city jail, is not going to have access to the medical records and know what kind of treatment he or she got through SNAMHS. The doctor is not going to know if a certain antipsychotic drug worked without side effects or had horrible side effects. The physician is starting at ground zero. That really puts the doctor at a disadvantage.

The goal of A.B. 421 is to ensure continuity of care. The physician at that detention center is going to know what kind of treatment an inmate received at SNAMHS, what worked, what did not work, what the diagnosis has been in the past and would not have to start from scratch.

The benefits we will see if this can be accomplished will be less people cycling in and out of Clark County in terms of people spending time at SNAMHS or Rawson-Neal Psychiatric Hospital, being released, finding themselves homeless, getting arrested, not continuing in the regiment of care, being at the Clark County Detention Center for a while and then being released and having it all start over again.

The hope is that people will continue with their mental health care. We did amend the bill in the Assembly to also include substance abuse treatment. I have seen while practicing law, especially with people who are going through methadone treatment, that if treatment stops cold turkey, it is very painful for them. I have seen clients I have represented with cravings for heroin that are even stronger. I am hopeful that this bill would allow mental health care to continue.

I do have an amendment that reflects an agreement from all parties.

CHAIR SEGERBLOM:

We have a conceptual amendment ([Exhibit J](#)) from the Las Vegas Metropolitan Police Department.

A.J. DELAP (Las Vegas Metropolitan Police Department):

Assembly Bill 421, as you can see from the second reprint, has been significantly edited. We are back to section 4 where the bill remains. We submitted this conceptual amendment, provided some language but yet some intent language as well. We are hoping to fall on the good graces of the LCB to clean it up for us.

The amendment establishes collaboration and coordination between the Department of Health and Human Services (DHHS) and its services that relate to our inmates who are suffering from mental illness as well as substance abuse. It also provides for treatment, which is already taking place in some degree, but it adds a little more to the idea of using U.S. Food and Drug Administration (FDA)-approved medication to assist with treatment of persons who are suffering from substance abuse.

In the last section of the amendment, the idea is that we are going to form a working group of interested stakeholders. We will try to get the stakeholders from private community detention centers, DHHS or other providers to work together as best they can to ensure the continuation of care for a mentally ill person who becomes incarcerated.

What can happen is a person can be taken into custody for a criminal act and there can be a lapse in his or her treatment. We want to facilitate that exchange of information to our services that are provided in the jail and then, more important, as the person exits our jail and is put back into society, that care continues as best it can. We certainly do not want to continue the cycle where the inmate is in our facility, he or she is doing very well, exits and begins to decompensate. A lot of times, the individual winds up back in our jail via our police officers, which is often dangerous for all persons involved and in some degree heartbreaking for the family as well. The idea is that we are going to lay a pathway for that care to continue. That is what this group plans to do in the Interim. You will see that we are subject to reporting back to the Legislative

Committee on Health Care on our progress. By the next Session, we hope to have some fruit to show the Committee as we work down that path.

CHAIR SEGERBLOM:

I see it has to be FDA-approved, so the offenders cannot get medical marijuana in jail?

MR. DELAP:

That would be correct.

ASSEMBLYMAN OHRENSCHALL:

Although the door is always open if the FDA ever moves on that issue.

The amendment does state that the jail or detention center will not be responsible for providing mental health care or substance abuse treatment once the offender has left custody and that DHHS will be responsible to coordinate. You cannot force someone unless there is some voluntary commitment to get that care. If there is continuity, there is a better chance that people will keep up with medication or therapy and not end up back in the criminal justice system or homeless.

CHAIR SEGERBLOM:

It is very expensive and not good for anybody.

MR. PIRO:

We support A.B. 421. Part of the discussions that surrounded this bill are what we would call repeating lopers where he or she goes into the jail, gets medicated and gets out of the jail. Without services you decompensate, you commit a new crime, you go back to the jail. You get medicated, you get released with no services or medication and it happens again. Part of this is trying to develop some type of continuity and care so we avoid those problems and shrink the population at the Clark County Detention Centers.

CODY L. PHINNEY (Administrator, Division of Public and Behavioral Health, Department of Health and Human Services):

I wanted to go on the record expressing gratitude to the Assemblyman and stakeholders for participating and making sure in the language addressed that the Division of Public and Behavioral Health does not provide direct substance abuse treatment services. That language ensures that all community providers

can be included in those things that we are coordinating and that DHHS services in general can be coordinated to maximize those benefits.

CHAIR SEGERBLOM:
You have seen the most recent amendment?

MS. PHINNEY:
I have.

ASSEMBLYMAN OHRENSCHALL:
This is a great bill.

CHAIR SEGERBLOM:
Seeing no more people wanting to testify, I will close the hearing on A.B. 421 and open the hearing on A.B. 23.

ASSEMBLY BILL 23: Authorizes the Division of Parole and Probation of the Department of Public Safety to establish and operate independent reporting facilities. (BDR 16-170)

NATALIE WOOD (Chief, Division of Parole and Probation, Department of Public Safety):
Captain Shawn Arruti will be reporting on the independent reporting facilities or the day reporting centers (DRC).

SHAWN ARRUTI (Captain, Division of Parole and Probation, Department of Public Safety):
This bill is but one part of our progressive proactive changes in how the Division will operate in the years to come and adopts the evidence-based practice of DRC. The DRC will provide officers with an additional tool to address offender noncompliance through the use of intermediate sanctions.

This would authorize the Division to establish and operate one or more independent reporting facilities for the purpose of providing daily services to any parolee or probationer who has been referred to attend such an independent reporting center as an intermediate sanction. It authorizes the Chief of the Division to contract for services necessary to operate such independent reporting facilities. I would like to emphasize that the Division still retains autonomy and authority, but we simply contract with providers and vendors for

services. This also authorizes the Division to adopt any regulations necessary to establish and operate these independent reporting facilities.

What is a day reporting center? It is a nonresidential facility that provides at-risk offenders with varying forms of rehabilitative services as an alternative to incarceration. Parole and probation officers always have the ability as peace officers to effect an arrest for an offender who is at the point where he or she needs to be returned for revocation. What this would allow us to do is build an intermediate sanction for those offenders who are not yet violent predators; they are not at the point where the Division feels if we have an alternative to incarceration that we need to take them into custody. This is for the person who is maybe self-sabotaging by not engaging in the rehabilitation program. This allows us to have a structured setting to address that and hopefully avoid returning the offender to incarceration.

When we talk about "at risk," "at risk" for us is defined as offenders whose noncompliance with the terms and conditions of their supervision has not risen to the level that requires the officer to place the offenders into custody and return them for revocation proceedings for public safety reasons. Actions are nonviolent or nonpredatory in nature; offenders are more self-sabotaging and lacking basic skills that can be addressed in the structured setting of a DRC.

Implementing the DRC would provide the alternative to incarceration for up to 250 offenders.

This would allow funds for the DRCs and training for officers to focus on intervention and provide proven alternatives to incarceration. It funds the sergeant's position, five officer II positions and two specialist III positions.

The vision is that we would have one DRC in the greater Las Vegas area and one reporting center in the Reno area. This would be able to address the majority of our population.

The services the DRC provides would be assessment of the offender, individual plan development, job search assistance and GED preparation. This also allows for cognitive skills programming to include courses in substance abuse prevention, anger management, parenting, employment preparation and for issues of domestic violence. This would allow us to address a lot of those

things when offenders are not engaging in their rehabilitation. These are the areas that we see that they struggle in.

The DRC provides the officers the ability in a structured setting to address those concerns and potentially avoid having to return the person to incarceration for revocation proceedings.

Operationally, we would use an independent vendor to create these two DRCs and work with our offenders.

When the Department of Corrections (DOC) presented its budget, the DOC shared that the daily cost to institutionalize someone was just a little over \$58. The daily cost at a DRC would be \$15.34 in fiscal year (FY) 2017-2018 and \$14.67 in FY 2018-2019. It is a cost-effective solution to incarceration while still allowing the Division to address the individual offender's noncompliance.

The DRC has a cost savings of a third to a fourth the cost of incarceration at the Department of Correction facilities. When you factor in the cost savings to the local jurisdictions where incarceration in local facilities runs anywhere from \$100 to \$120 to \$140 a day, the DRC costs are only a sixth to an eighth the cost of incarceration in those local facilities.

Several studies on DRCs in other parts of the Country show the success rate of those programs. When these programs are effectively run, you have a recidivism rate that is as low as anywhere from 20 percent to one-third of the population that goes through the DRC. That means that anywhere from a little over 66 percent to 80 percent of the folks who successfully complete the DRC are folks who go on and become productive, who have corrected what they have done as far as their noncompliance and have reengaged in their rehabilitation. These are folks who do not wind up having to go into custody. These would be additional successes.

When we use the term offender, it is kind of an ominous word. An offender really is our brother, sister, parent, grandparent or grandchild. These are folks we want to see be successful. The purpose of the Division is to help rehabilitate offenders. We always have the public safety aspect and the ability to arrest those offenders who need to be arrested, who need to be returned to custody. This gives us another level of service that we can provide to the offender as

kind of a last-chance step before we have to take him or her into custody and return that person to the sentencing authority for revocation proceedings.

CHAIR SEGERBLOM:

Who decides who is assigned to this program?

MR. ARRUTI:

It would be individual officers working with offenders. Once we develop our guidelines, policies and directives, we would have supervisors who mentored the officers. Ultimately, it is going to be the officer who is working with the offender who makes that decision.

CHAIR SEGERBLOM:

It is kind of like the officers are thinking maybe this person needs to have his or her parole revoked, but maybe we ought to try this transitional thing first. Do offenders show up every day, or how does that work?

MR. ARRUTI:

With the DRC, it is based on the individual need of the offender. An assessment is done based on the report of the officer and what the center staff does with the offender. Yes, the idea is that the participant would be reporting on a daily basis to the center. These centers would be cognizant of work programs and other obligations the person had. If somebody is doing what he or she is supposed to, we want to encourage that. Employment is one of those things that the Division recognizes is a critical part of an offender's success.

To answer your question, offenders would report based on whatever schedule the DRC established with the offenders, what classes they need, what guidance they need, and what counseling services they need.

CHAIR SEGERBLOM:

You said you had a fiscal note. It seems to me you are saving money as opposed to costing money. But you probably cannot use that as an argument.

MR. ARRUTI:

That is correct. We recognize that there would be a cost savings based on the DRC being a third to a fourth of the cost to what it would cost to incarcerate folks in the DOC and a sixth to an eighth of the cost of what it would cost the local facilities to hold offenders. The goal here is that we have another level of

service to provide to these offenders that will correct the ship so they do not have to go into custody and be returned for revocation. That is the focus of the program.

CHAIR SEGERBLOM:

Are you looking somewhere down the road that this is for 250 people? It seems like you could have a lot more at some point.

MR. ARRUTI:

It would be 250 people on a rotating basis. We expect that we would be able to service about 200 at one time down in the greater Las Vegas area and 50 in the greater Reno area. Ideally, we show that this program is successful and will be coming back to look at expanding the service.

CHAIR SEGERBLOM:

Obviously, to get them out of custody is the way to go.

MR. ARRUTI:

Slide 7 of Ms. Wood's presentation ([Exhibit K](#)) shows beyond the statistics, going back to what we were talking about who an offender is. There are several DRC out there. This particular one in Yolo County, California, has a social media site, and slide 7 has testimonies provided by participants of the program on how the DRC changed their lives.

We are talking about an investment in people who are hoping we will correct the issues so that they can go on and lead successful, productive lives. That is the end goal here with the offender. This would give our officers a tool to be able to do that.

CHAIR SEGERBLOM:

Southern Nevada is a pretty large area. Would you have transportation for people?

MR. ARRUTI:

The idea is that when this is approved, we will be contracting with the vendor. The vendor will be locating a place to establish the business, and we would take into consideration something that is centrally located that folks would be able to get to.

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CHAIR SEGERBLOM:

Seeing no more people wanting to testify, I will close the hearing on A.B. 23 and open the hearing on A.B. 514.

ASSEMBLY BILL 514: Authorizes the Division of Parole and Probation of the Department of Public Safety to provide money for transitional housing for indigent prisoners released on parole under certain circumstances.
(BDR 16-1230)

MR. ARRUTI:

During the Division's budget closing hearing on May 18 of the Joint Subcommittee on Public Safety, Natural Resources and Transportation by the Assembly Committee on Ways and Means and the Senate Committee on Finance, Assemblyman Jason Frierson and the Subcommittee recognized that there was a need for a change to the statutory language in order to allow the Division to manage indigent funds for inmates releasing to the grade of parole supervision as it had been approved in our budget. Assembly Bill 514 is simply the language that the Subcommittee had legislative staff draft.

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CHAIR SEGERBLOM:

If there is no more testimony on this bill nor any public comment, I will close the hearing on A.B. 514. We are adjourned at 3:04 p.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	6		Attendance Roster
A.B. 303	C	1	Patrick Guinan	Work Session Document
A.B. 327	D	1	Patrick Guinan	Work Session Document
A.B. 183	E	6	Patrick Guinan	Work Session Document
A.B. 183	F	6	Patrick Guinan	Proposed Amendment 5191
A.B. 122	G	2	Kristy Oriol/Nevada Coalition to End Domestic and Sexual Violence	Letter of Support
A.B. 122	H	1	Daysi Rodriguez	Written Testimony
A.B. 122	I	2	Bryan A. Nix / Department of Administration, Victims of Crime Program	Letter of Opposition
A.B. 421	J	2	A.J. Delap / Las Vegas Metropolitan Police Department	Proposed Conceptual Amendment
A.B. 23	K	8	Natalie Wood / Division of Parole and Probation	Presentation