

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
March 20, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:37 p.m. on Monday, March 20, 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

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Kate Ely, Committee Secretary

OTHERS PRESENT:

David Helgerman, Captain, Division of Parole and Probation, Department of Public Safety
Natalie Wood, Chief, Division of Parole and Probation, Department of Public Safety
John J. Piro, Office of the Public Defender, Clark County
Sean B. Sullivan, Office of the Public Defender, Washoe County
Connie S. Bisbee, Chairman, Board of Parole Commissioners

Senate Committee on Judiciary
March 20, 2017
Page 2

CHAIR SEGERBLOM:

I will open the hearing and request Committee introduction of the following bill draft requests (BDRs): BDR 12-480, BDR 14-559 and BDR 14-1005.

BILL DRAFT REQUEST 12-480: Revises provisions relating to electronic wills and heir finders. (Later introduced as [Senate Bill 376](#).)

SENATOR DENIS MOVED TO INTRODUCE BDR 12-480.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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BILL DRAFT REQUEST 14-559: Revises provisions relating to marijuana. (Later introduced as [Senate Bill 378](#).)

SENATOR CANNIZZARO MOVED TO INTRODUCE BDR 14-559.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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BILL DRAFT REQUEST 14-1005: Revises provisions relating to public defenders. (Later introduced as [Senate Bill 377](#).)

SENATOR GUSTAVSON MOVED TO INTRODUCE BDR 14-1005.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

I will open the hearing on Assembly Bill (A.B.) 25.

ASSEMBLY BILL 25: Revises provisions relating to certain allowable deductions from the period of probation or sentence of a person. (BDR 14-171)

DAVID HELGERMAN (Captain, Division of Parole and Probation, Department of Public Safety):

Earned compliance credits are the industry name for what is commonly known as good time credits. Credits have been shown to be an effective incentive for a person to pay restitution and supervision fees. This is a housekeeping bill to clarify when a person receives credit and who is responsible for setting the payment amounts. The bill does not remove the ability for a person to earn credits. The Division believes the credits are a positive incentive for offenders to work and pay their fiscal obligations ([Exhibit C](#)).

Assembly Bill 25 proposes to define what it means for a person to be current with payments. Existing law allows a probationer to receive up to 20 days credit, 10 for fiscal and 10 for employment, if they are in an approved program. A parolee may receive up to 30 days credit, 20 days for fiscal and 10 for employment, if he or she is current with restitution obligations and supervision fee payments and is employed or in an approved program.

Because the law does not define “current,” it has created problems in determining what a person owes each month or whether if he or she can ever receive credit after missing a monthly payment without catching up on that payment.

Assembly Bill 25 clarifies that a minimum monthly amount may be set by the court, or the Division will set a minimum monthly amount, and the person will receive credit if paid. The Board will continue to set restitution amounts for parolees.

CHAIR SEGERBLOM:

What are parolees paying for?

MR. HELGERMAN:

Parolees are paying for supervision fees and restitution and receive credits to pay off these fees.

CHAIR SEGERBLOM:

And they are able to do that because they have a jobs?

MR. HELGERMAN:

Yes. If a person has a job, or is in an approved program, he or she will get ten credits for employment. An approved program includes the Salvation Army program. In some cases, a parolee cannot work because he or she is completing an in-patient program.

CHAIR SEGERBLOM:

How would they pay for it if they do not have jobs?

MR. HELGERMAN:

There are cases in which the Division will issue waivers of supervision fees if the person is in an approved program. If he or she does not have a job, the person would not receive the credit for working. If a person did not have someone else who could pay the fees or provide money to pay the supervision fees, he or she would not receive the other additional credits that are available for this use.

CHAIR SEGERBLOM:

I am sure that you have thought this through, but it seems discriminatory against somebody who does not have rich relatives.

MR. HELGERMAN:

The bill would not change that aspect of it. The Division is not looking to change whether a person can continue to receive credits for the employment.

CHAIR SEGERBLOM:

I did not realize this program existed.

MR. HELGERMAN:

There are situations in which the Division will enter a waiver for that person. In the example of employment, if he or she were receiving social security income for disability, the Division would not require that individual to work but would still grant the credit. In situations in which a person could not pay supervision fees because of some other reason, the Division will enter waivers for those individuals.

SENATOR HARRIS:

Are probationers only able to qualify to work in set programs, or is it any employment?

MR. HELGERMAN:

If probationers were in the Salvation Army program, not employed but in an in-patient drug abuse program, they would still get the credit as if they were working.

SENATOR HARRIS:

How many parolees or probationers actually have employment and qualify for the credit?

MR. HELGERMAN:

I can provide that information.

SENATOR HARRIS:

That would be helpful information with respect to what percentage of the population are actually able to redeem these credits.

NATALIE WOOD (Chief, Division of Parole and Probation, Department of Public Safety):

Our entire population of probationers and parolees, if eligible, which a majority of the felons are, would get the credit. It is already in the law. This bill is simply trying to clarify and rectify discrepancies.

CHAIR SEGERBLOM:

If you cannot work, how do you get the credit? Would the Hope Program qualify for this?

MR. HELGERMAN:

There are individuals in the Hope Program who would still receive the credit even though he or she is not working. The Division reviews those on a case-by-case basis and decides whether the person is not working for a reason beyond his or her control, such as participating in a program. The Division would continue to give that person credit.

SENATOR HARRIS:

Do you consider lack of job skills a reason for not obtaining employment?

MR. HELGERMAN:

Not necessarily. If a person absolutely could not work because of something beyond control, such as a disability, the Division verifies this information. If he or she simply lacks job skills in a certain area, the Division would not continue to give the person credit.

SENATOR HARRIS:

Are there programs that provide job skills for individuals who are leaving the prison population?

MR. HELGERMAN:

We have programs. Most of these programs are from outside providers. The Division is looking at budget enhancements for a separate program for day reporting centers which would help individuals find employment.

SENATOR HARRIS:

Are we meeting the demand?

MR. HELGERMAN:

If you are asking whether there are enough people in the community able to provide these job skill services, I would say no. The Division definitely needs more assistance in that area. That is one of the reasons we are seeking budget enhancements.

The second change under this bill will clarify when a person may receive credits. Different district courts review the application of credits differently. Many courts believe a person can receive partial credit if he or she complies with one requirement but not the other. For example, a person is paying a fiscal obligation but is not working. Some courts have interpreted the statute to mean credit is all or nothing. For example, a person must work and must pay fiscal obligations or receive no credit. This bill clarifies that a person may receive partial credit if the individual is fulfilling one obligation but not the other.

Assembly Bill 25 also removes compliance as a factor in determining credits. Existing law requires a probationer to be in compliance in order to receive credit. However, it does not define what compliance means and leaves the interpretation up to the Division. The requirement for compliance is only for probationers. Parolees are not required by statute to be in compliance to earn credit for working or paying their fiscal obligations. The bill removes the

language regarding compliance for probationers so that it more closely mirrors the language in *Nevada Revised Statutes* for parolees.

Assembly Bill 25 will remove court fines and fees as a factor in determining probation credits. The bill does not reduce the amount of fines or fees owed to the court, and the Division will continue to enforce collection of those amounts.

The bill removes court fines and fees as a factor in determining credits for two reasons. The Division cannot automatically calculate the amount of fines and fees owed to the court on a monthly basis without contacting the court and then manually adjusting the credits in the case management system. The second reason is a probationer has the entire term of probation to pay court ordered fines and fees. In requiring a monthly payment as part of the credit calculation, every fine and fee is divided by the number of months of probation and adjusted for every month the term is shortened after receiving those credits.

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

We supported this bill in the Assembly and we want to register our support of this bill before the Senate.

CHAIR SEGERBLOM:

Can you explain why this is good for the people you represent?

MR. PIRO:

It is going to help individuals who lack financial means to continue successfully on the road to completing probation. In some cases, the required fees prevent an individual from receiving good time credits because he or she is unable to pay the fees. We think this bill would alleviate some of that problem.

CHAIR SEGERBLOM:

Does it not seem unfair, though, that the fee would be the determining factor as to how much time you have to spend on probation or parole?

MR. PIRO:

I would agree with that. That is why I think this bill helps in that regard.

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

We also supported this bill in the Assembly, and we want to register our support of this bill.

You are asking good questions, Mr. Chair. If a person is truly indigent and cannot pay the fines and fees but is doing something, for example, participating in treatment, counseling or dual diagnosis programs, then the Division is always willing to work with that person. The Division desires to ensure an individual will complete probation early if he or she demonstrates a willingness to complete treatment or at least make a good-faith effort to pay fees or the minimum monthly restitution payments.

We do believe this is good bill. It is definitely a step in the right direction for getting individuals off probation and parole earlier. It rewards them for their efforts.

CHAIR SEGERBLOM:

What I have a concern with is the rich person who sits around and does nothing and gets one-half credit for doing nothing because he or she pays the bills.

I will close the hearing on A.B. 25 and open the hearing on A.B. 27.

ASSEMBLY BILL 27: Transfers certain duties from the Executive Secretary of the State Board of Parole Commissioners to the Department of Corrections. (BDR 16-262)

CONNIE S. BISBEE (Chairman, Board of Parole Commissioners):

Assembly Bill 27 is friendly and purely housekeeping and reflects what actually happens versus the statutory language. In actuality, certain information on the eligibility list of the Department of Corrections (DOC) has been provided to the Executive Secretary for the State Board of Parole Commissioners to the Parole Board. This has always been done this way. The Parole Board has no way of providing this information to the DOC to do the eligibility list and scheduling. The bill would instead require the information on the eligibility list be provided to the Executive Secretary of the Parole Board by the DOC.

It is a friendly bill and there are no objections from DOC. The Administration is changing; people are leaving and new people are coming on board, and we felt that this was the perfect time to clean it up and put it in statute the way it actually happens.

Senate Committee on Judiciary
March 20, 2017
Page 9

CHAIR SEGERBLOM:

I will close the meeting on A.B. 27 and adjourn the meeting at 1:54 p.m.

RESPECTFULLY SUBMITTED:

Kate Ely,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
A.B. 25	C	4	David Helgerman Department of Public Safety	Earned Compliance Credits