MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Eightieth Session
April 29, 2019

The Committee on Judiciary was called to order by Vice Chairwoman Lesley E. Cohen at 9:03 a.m. on Monday, April 29, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Lesley E. Cohen, Vice Chairwoman
Assemblywoman Shea Backus
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Rochelle T. Nguyen
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Jill Tolles
Assemblywoman Selena Torres
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senate District No. 6
Senator Joseph (Joe) P. Hardy, Senate District No. 12

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Linda Whimple, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

James W. Hardesty, Justice, Supreme Court of Nevada
Dan Musgrove, representing Nevada Hospital Association; and The Valley Health System
Jennifer Richards, Attorney, Washoe Legal Services
George Ross, representing Hospital Corporation of America; and Sunrise Healthcare System
Jim Berchtold, Attorney, Legal Aid Center of Southern Nevada
Joan Hall, representing Nevada Rural Hospital Partners Foundation
Gerard Mager, Private Citizen, Sparks, Nevada
Marlene Lockard, representing Retired Public Employees of Nevada
Jen Chapman, Recorder, Storey County; and President, Recorder's Association of Nevada
Homa S. Woodrum, Chief Advocacy Attorney, Elder Rights, Aging and Disability Services Division, Department of Health and Human Services
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office

Vice Chairwoman Cohen:
[Roll was called and protocol explained.] Chairman Yeager is presenting a bill in the Senate Committee on Judiciary and will join us when he is finished. We have three bills on the agenda this morning. I will open the hearing on Senate Bill 20 (1st Reprint), which revises provisions relating to guardianships.

Senate Bill 20 (1st Reprint): Revises provisions relating to guardianships. (BDR 13-493)

James W. Hardesty, Justice, Supreme Court of Nevada:
Thank you for the opportunity to present Senate Bill 20 (1st Reprint). For those of you who were not in prior sessions, the Legislature in 2017 devoted a tremendous amount of effort to recommendations that had come from the Supreme Court's Guardianship Commission that I had the privilege of chairing between 2015 and 2016. Major reforms were initiated—in the Guardianship Commission effort—by the Legislature in 2017 and unanimously approved by both houses and the Governor.

This bill is a follow-up and, for the most part, corrects some of the efforts that were taken in 2017 from what we have learned as a result of those changes. In the interest of time, I will highlight those changes and why they are there. I would principally characterize this as a cleanup bill from what was previously done in 2017, but there is one major significant addition to it that is significant to minor guardianships.

Sections 2, 3, 30, and 31 address authorization of the court to appoint a successor guardian for a protected person or a protected minor. We found this to be very important in order to save time for the guardianship process and assure that if an appointed guardian either passes away or becomes unable to serve or handle their duties, that a successor who has already been approved by the court can step in. We also have limited the period of time for temporary guardians to be appointed to no more than six months and under certain circumstances. You may recall that temporary guardians were a major source of some of the difficulties that occurred in the abuses that were identified by the press in 2014, 2015, and 2016.

Section 3.5 authorizes a person to file a petition who believes it appropriate to discharge a person from a health care facility to another more appropriate health care facility for a less restrictive level of care. This provision is really important in order to allow the court and the health care facility to move folks to a better and less restrictive facility. We have encountered a number of delays which have been unfortunate for the protected person and costly to the health care facility, so the Commission endorses this and recommends it to you as well.

Section 23.3 of the bill requires a court to limit authority of a temporary guardian to that which is necessary to perform any actions required to ensure the health, safety, and care of a proposed protected person. Again, it is another effort to take more control over the temporary guardian's supervision of this process.

Section 23.7 of the bill provides an additional exception to allow a proposed protected person to waive their appearance at a court proceeding. You may recall in 2017, one of the recommendations of the Commission was to make certain that proposed protected persons would be present at hearings and, frankly, had that been the case, we think that would have avoided a number of abuses. What we have learned in the process is that there are some protected persons who have either mental health issues or behavioral needs and, frankly, bringing them to court is more problematic. So for those who are represented by counsel, counsel can waive that appearance. Thankfully, as a result of the work of the Legislature in 2017, all proposed protected persons have lawyers now, and I credit the legal aid organizations throughout the state. They have accepted appointments, and that funding mechanism that you approved in 2017 has worked very successfully in providing lawyers for proposed protected persons in all cases.

A companion area concerns allowing a proposed protected person to appear at his or her hearings by audiovisual. We are doing a lot of that in civil and criminal cases and if someone is hospitalized or if you have somebody in a rural county where the transport issues are problematic, having an audiovisual participation works well. This bill would authorize that to occur.

We had urged in 2017 a requirement that before any proposed protected person be moved, notice must be given. We have relaxed it to a degree, allowing that notices be served, especially now that folks have counsel and we can marshal those issues.

Section 26 of the bill authorizes the court to waive the requirement that a written report be served on the protected person. Once again, there are protected persons with mental health issues or other issues and sometimes getting those reports can be very upsetting and frustrating to them without having counsel confer with them about the content of the report. So the report can be served on their counsel instead.

Section 27 of the bill provides some priority and organization to the disposition of personal property. One of the things that was very troubling in 2015 and 2016 was the sale or simply discarding of a protected person's personal property. A good example is an individual whose military medals were simply thrown out after he had come under guardianship. This process assures a method by which the guardian and the court can dispose of those in order and to whom they should go before they are discarded or sold.

Section 28 of the bill relaxes the requirement for filing all receipts and all vouchers. What we have learned over the past couple of years is that as long as the guardian maintains the receipts and the vouchers, then the court is in a position to require them to be produced when necessary. But having them filed in every case is a little bit of an overshot on that effort.

Finally, most significantly is that we are requesting that the Legislature again increase the recording fee by a dollar. The reason for that is to address the needs of minor guardians and to try to get them the same kind of legal support or self-help assistance that we provided for during the 2017 Session for lawyers to represent adult guardianships. As I said before, this plan has worked out very successfully. This provides a money stream to now provide for minor guardians, but not all minor guardianships are in need of legal counsel. There are alternatives, and we want to afford the court latitude to be able to appoint an attorney. They currently have the ability to appoint investigators and they can certainly appoint self-help assistance folks who may be more appropriate for the minor in those guardianship cases.

Vice Chairwoman Cohen:
In section 3.5, I was concerned about the expedited hearing and if there was a possibility for an order-shortening time—if it is needed—as opposed to automatically having an expedited hearing, or if it is not an emergency. I can imagine that we do have situations like this, in that section, where it actually is not an emergency that requires an expedited hearing.

Justice Hardesty:
Actually, the basis for this request is expedited in and of itself. The longer an individual is maintained in a facility where those services are not necessary, it is really critical to get those transfers made. I think that is an appropriate approach. There is actually less paperwork involved than an order to show cause for a shortened hearing. We think the expedited hearing is an appropriate way to handle that.

Vice Chairwoman Cohen:
Do you think the court will be able to accommodate the expedited hearings on the calendar?

Justice Hardesty:
Yes, I think so. We are not talking about a lot of cases. We identified roughly 80 or 90 cases around the state where this would be germane in the last couple of years. I am not sure that this is going to be an overburden, but it is certainly significant to those people who could be moved and avoid costs to the facility as well as delay to the protected person.

Vice Chairwoman Cohen:
Section 23.3, page 8, line 7, talks about applying for Medicaid. To have the ability to apply for Medicaid for a protected person, do we have provisions somewhere else that provide for safety for that, to make sure that if we are dealing with something that is temporary, when the temporary guardianship is over, that access to the Medicaid funds automatically stops?

Justice Hardesty:
It would. One of the provisions that we included in section 23.3 was a requirement that the court assess what the temporary guardianship had done before the temporary guardianship is terminated. That is intended to be the backstop for your question.

Vice Chairwoman Cohen:
In section 27, is there a difference in our determinations between garage sale-type property versus property of real value, whether meaningful to the protected person or of financial value, versus the protected person just having a whole lot of Tupperware? We could get rid of this Tupperware, or we could get rid of the old tape collection. Are we considering those different types of property in how we determine how we are going to address that property?

Justice Hardesty:
No, not from my perspective. I guess what they say about garage sales, one person's junk is another person's valuable property, so we certainly do not want to have a guardian make the assumption that a protected person's Tupperware is not of importance to him or her or more likely other personal property that might not be as important to the guardian. We do not want to treat them differently. Certainly their children, cousins, aunts, or uncles might find that this is an important memorabilia, maybe not a piece of Tupperware, but perhaps a photograph.

Assemblywoman Backus:
I have some follow-up questions going back to section 3.5 with respect to subsection 3, where there could be a change of health care facility outside of the judicial district. I understand what the purposes are and with the "may," we are not precluding a situation where a guardian may be seeking to move someone closer to family. We deal with a lot of people who move into the Las Vegas area that may have family afar and this does not preclude it. They are still able to move for those purposes and this gives that judge the discretion for that purpose of the move.

Justice Hardesty:
Yes.

Assemblywoman Backus:
I was just curious how this works. I am excited that the money under section 33, the increased recording fees, are working out so well. But when I was looking at $1 going to the district court and there being allocation of attorneys for the protected person, is it the district court that is going to allocate monies—for example, the Legal Aid Center of Southern Nevada—for those attorneys? I do not know how that would work under the district court taking in the monies.

Justice Hardesty:
In 2017 when this financial plan was developed, the bill and the legislation at that time required that the district court appoint lawyers from legal aid organizations if they were established in the county to do so. Those funds are under the control of the district court and in some cases there is not a legal aid organization in a few rural counties. What has happened since the legislation was enacted is that many of the rural counties have entered into contracts with Washoe Legal Services, Nevada Legal Services operates in a few of the counties, and Legal Aid Center of Southern Nevada has now been asked to expand their contract to cover minor guardianships, so all of these assignments are made by the district court to that organization under a contract that exists.

You may have seen a report—or at least I hope one was provided to this Committee—on the work of the Legal Aid Center of Southern Nevada and Washoe Legal Services. They have taken on a number of these cases, over 900. So when the court gets the case, in minor guardianships now, it will make the same determination that it makes in the adult case to appoint a lawyer to represent the protected person; or it may be that it appoints an investigator to find out additional information about the child and/or get additional counseling services and appoint those and pay with these funds.

Assemblywoman Krasner:
I was looking on page 12, section 25, subsection 5, that relates back to subsection 4(a), "If an emergency condition exists . . . the guardian may take temporary action to mitigate the condition without the permission of the court, and shall file notice with the court and serve such notice upon all interested parties as soon as practicable after the action is taken." So what is the time period "as soon as practicable"? Could I say, Well, you know, I was

busy, I was doing this, I was doing that, so I could not do it until after 30 or 45 days after I have already taken action? What is a reasonable time? It is a little vague.

Justice Hardesty:
I suppose that reasonable people can differ about that, but I think with the attention being given by the judiciary now to reporting by the guardians, if that report was something that exceeded a week, there would be some serious problems and accountability issues. As you can see, the definition of an emergency is something that involves an issue not more than 24 hours. This is really a prompt response to an emergency condition. I would expect that report to be filed and I think, in practice, they are being filed.

Assemblywoman Krasner:
So somebody could not say six months was practicable for their circumstances?

Justice Hardesty:
I would not want to be the guardian and file that report, no.

Vice Chairwoman Cohen:
Do we have any other questions from Committee members? [There were none.] I will open it up for testimony in support of S.B. 20 (R1) either in Carson City or Las Vegas.

Dan Musgrove, representing Nevada Hospital Association; and The Valley Health System:
I am here on behalf of Nevada Hospital Association. I want to thank Justice Hardesty, the Guardianship Commission, John McCormick, and Bailey Bortolin. We worked on this issue for a very long time and actually appeared about this time last year in front of the Guardianship Commission. One of the unintended consequences of the work that was done by this Legislature last session was delaying the ability for acute care hospitals to move someone who truly has no one to speak for themselves to a more appropriate level of health care. We are precluded by the federal government from making that kind of health care decision for someone who does not have anyone to speak for them. If there is any family or anybody who has stepped forward, then we can make an appropriate choice, whether it is to a new location that is closer to family or to a rehab or skilled nursing facility, but when they truly do not have someone to speak for themselves, we need to engage the guardianship process to make sure that we are doing what is appropriate for that person. It really is a health care decision because an acute care hospital is designed to only have someone three to five days. These are sick and injured people, and once we get them to a condition where they can be discharged, the hospital is not the best place for them. We will candidly tell you that. We want them to be in a facility that can better care for them.

I cannot thank Justice Hardesty and the Guardianship Commission enough for listening to us and for putting a process into this bill that allows for us to follow some very definite steps and some very important steps to make sure that the court feels comfortable that what we are doing is in the best interests of that protected person. Again, we ask for your support and appreciate the work that was done on this bill.

Jennifer Richards, Attorney, Washoe Legal Services:
My primary practice is adult guardianship and senior services. I have the privilege and honor of serving on the statewide Guardianship Commission with Justice Hardesty and participated in helping bring forward this bill to you in a very small way. I wanted to testify in support this morning and answer any questions about the day-to-day practice in guardianship.

In response to Assemblywoman Krasner's question, in practice, I would say usually we see those notices within a week or so. We are talking about major medical issues. I had a client who had a heart attack recently and they had to be rushed to the hospital, so what is practicable in practice is usually within a week.

I can inform the Committee that this proposal has been well vetted through months of meetings and consideration with the Commission. With regard to the proposed fees, at Washoe Legal Services we provide counsel in Carson City and Washoe, Lyon, Douglas, and Storey Counties for proposed protected persons and we are nearing capacity. Anecdotally, I can tell you that I think our representation has led to uncovering exploitation, issues of elder neglect and abuse, issues with children aging up who have intellectual disabilities or other disabilities, and that component of this bill is very important. I encourage the Committee to pass it as presented.

George Ross, representing Hospital Corporation of America; and Sunrise Healthcare System:
We strongly support S.B. 20 (R1) and we thank Justice Hardesty for all of his work on this and completely agree with Mr. Musgrove's testimony.

Jim Berchtold, Attorney, Legal Aid Center of Southern Nevada:
I head up our center's guardianship advocacy program which provides legal representation to adults with disabilities and seniors who are facing or are under guardianship. As previously mentioned, one of the big revisions in 2017 was the requirement that all persons under guardianship or facing guardianship be provided with an attorney. Legal Aid Center has been privileged to provide that representation in Clark County. We are currently representing well over 1,000 people under guardianship. We see S.B. 20 (R1) as a continuation of the really good, important work of this Committee, the Legislature as a whole, Justice Hardesty, and the Guardianship Commission. We encourage your support and thank you for your hard work on this issue.

Joan Hall, representing Nevada Rural Hospital Partners Foundation:
We, too, really appreciate this bill making sure that patients are at the appropriate level of care. We have long-term care associated with our hospitals and have had much difficulty getting patients placed in the appropriate setting. This bill clarifies the role of guardians, and we really appreciate it. We urge your support.

Gerard Mager, Private Citizen, Sparks, Nevada:
I totally support this bill and I have not heard anything concerning the protection of these vulnerable people and of their finances. We have heard over the years how many people have had their money misappropriated by their guardians or stolen. I am sure there is something in the bill, but I have not heard anybody say anything about it. As a person who has had his mother and brother under guardianship, I find this an important issue of the protection of their funds. I support the bill.

Vice Chairwoman Cohen:
We do have different bills that we heard last session that do address it more specifically. If you would like to leave your email address, we can get you some more information about that.

Marlene Lockard, representing Retired Public Employees of Nevada:
We support this bill.

Vice Chairwoman Cohen:
Do we have any other testimony in support of S.B. 20 (R1)? [There was none.] Do we have any testimony in opposition to S.B. 20 (R1)? [There was none.] Do we have any neutral testimony on S.B. 20 (R1)?

Jen Chapman, Recorder, Storey County; and President, Recorder's Association of Nevada:
We are speaking in neutral on this bill. We understand that this is good and it is something that is needed. We would be affected by the raising of the recording fees. We are just hoping to work with Justice Hardesty and any of the stakeholders in possibly a slight amendment to the effective date and pushing it back to January 2020. Even such a small change in fees impacts our office significantly, which can also affect individuals trying to buy or sell a house. We need to make sure that we put everybody on due notice and have plenty of time to implement that before any sort of change. Even something as simple as a dollar could actually delay a closing.

Vice Chairwoman Cohen:
I will certainly invite you to discuss that with Justice Hardesty.

Homa S. Woodrum, Chief Advocacy Attorney, Elder Rights, Aging and Disability Services Division, Department of Health and Human Services:
We feel that S.B. 20 (R1) is very consistent with person-centered approaches and efforts. We are appreciative of language in this bill to correct an error regarding the identification of supported living arrangements as supported living facilities. These amendments will help protect the privacy of other residents of these arrangements from having their identities disclosed in guardianship reporting. The comments today and the bill itself highlight the need for ongoing discussions regarding patient rights, transfers, and the need for possible continued discussions in the interim regarding medical-legal partnerships so that we are making sure that on both sides we are achieving the same goals.

Vice Chairwoman Cohen:
Do we have any further neutral testimony on S.B. 20 (R1)? [There was none.] I will invite Justice Hardesty back to the table for concluding remarks.

Justice Hardesty:
I do not have anything to add. I will certainly consult with Storey County about the effective date. I would note that we specifically set the effective date for the fee increase to October 1. All the other provisions have an effective date of July 1. It seems as though that would be adequate time to address any pending escrows and any administrative issues, but I will inquire further and am happy to talk about that.

Vice Chairwoman Cohen:
Thank you, Justice Hardesty, for your presentation on S.B. 20 (R1). I will close the hearing on S.B. 20 (R1). I will now open the hearing on Senate Bill 223 (1st Reprint), which revises provisions relating to persons in need of care or assistance.

Senate Bill 223 (1st Reprint): Revises provisions relating to persons in need of care or assistance. (BDR 13-67)

Senator Nicole J. Cannizzaro, Senate District No. 6:
It is an honor to be here today to introduce to you Senate Bill 223 (1st Reprint), which sets forth additional protections for our most vulnerable, those who are in need of care and assistance. Last session, by way of background, we worked to address a number of issues in our adult guardianship system. The impetus for these changes came as a result of several reports from families, neighbors, and friends whose loved ones had been subjected to numerous abuses in the adult guardianship court system. These issues ranged from cases where individuals were placed unknowingly under a guardianship where a professional guardian rather than a family member was appointed and given full rein over the estate and the health and well-being of the individual.

Some of these professional guardians wiped out the estates of these individuals, profiting from the sales of assets including heirlooms and homes, all while placing those individuals who they were in charge of into assisted living facilities, isolating them from friends and family. These abuses were widespread and common among conversations I had with constituents at the door. Senate District No. 6 also encompasses a large retirement community known as Sun City Summerlin, and I cannot tell you how many of these conversations I had with people while I was running for this seat in 2016. I have continued to have those conversations with my neighbors in Senate District No. 6 in the interim.

I think that these changes that were made last session did a number of things to help to address and remedy these issues. We passed a number of bills last session to ensure that individuals who were the subject of a guardianship had proper representation. We included requirements for guardians to submit documentation of accounting to the court on a regular basis. We placed protections into the law to ensure that the least restrictive alternatives to guardianship were considered first, and as part of Senate Bill 360 of the 79th Session, which

I sponsored as well, we placed into law the rights of individuals who are subject to a guardianship order. These rights include: the right to communicate with loved ones; the right to know what is happening with their court case and to make their wishes heard; the right to have access to their money and bank accounts; and the right to stay in their homes or to live where they are most comfortable, among other things.

I offer these examples to illustrate why this is such an important bill because this does dovetail on the changes that were made last session to our guardianship program. These efforts to protect our most vulnerable individuals are, of course, still ongoing, and where we see the need to change the law to ensure protections for those most vulnerable people, we have an obligation to do so, and that is exactly what S.B. 223 (R1) does.

In speaking with a number of community partners, it became apparent that there is a need to strengthen protections governing the residency and placement in assisted living facilities, skilled nursing facilities, or secured residential homes for individuals who have in place a power of attorney. Similarly, I was also made aware of several issues involving instances where individuals are residing within such a facility but upon transfer to a medical facility, they end up losing their placement without any opportunity to be made aware of such a transfer or even to discuss it and explore options that may be available to them.

Senate Bill 223 (1st Reprint) attempts to address this particular issue in several areas wherein the guardianship system is affected and the parameters for when, where, and how a person may be placed into an assisted living facility, a facility for skilled nursing, or a secured residential long-term care facility where a power of attorney is in place. Senate Bill 223 (1st Reprint) also seeks to define the notice requirements surrounding the transfer from a facility for intermediate care or residential facility to a medical facility or a facility for the dependent. Finally, S.B. 223 (R1) corrects errors in the wording surrounding the language of a notary declaration that was amended during last session's work to provide a lockbox resource for personal documents with the Office of the Secretary of State.

Section 2 adds additional language to make clear when a power of attorney grants the authority to place an individual into an assisted living facility, a facility for skilled nursing, or a secured residential long-term care facility. Specifically, S.B. 223 (R1) requires a power of attorney to expressly grant such authority. The requirement to expressly grant such authority is critical to ensuring the needs and wishes of the person granting the power of attorney are met and also to prevent the types of abuses that we have seen in the past.

Section 6 amends *Nevada Revised Statutes* (NRS) Chapter 449A to include certain notice provisions to an individual who is currently in a facility for intermediate care or a group residential facility before that individual may be moved and placed into another medical facility, a facility for the dependent, or when that individual may be discharged from that facility. Specifically, 30 days prior to any such transfer or discharge, the facility where the individual currently resides must provide written notice of the intent to transfer the patient and also to the Office of the State Long-Term Care Ombudsman, Aging and Disability Services Division, in the Department of Health and Human Services. Ten days after

providing that same written notice, the patient or his or her authorized representative must be provided an opportunity to meet with the administrator of the facility to discuss the proposed transfer. These notice requirements are notably not applicable where there is a voluntary discharge or transfer of a patient to another medical facility at the request of the patient or where there is an intermediate and immediate and necessary need to transfer to another medical facility.

Sections 1 and 3 through 5 made changes to the notary declarations used in applying for a guardianship. In Senate Bill 229 of the 79th Session, which is reflected in NRS 159.0753, the Secretary of State was tasked with preparing a notary form for use in the event of a guardianship application and was responsible for making it available on the Secretary of State's website. As currently written, the certificate of acknowledgement of notary public contains a statement that is different from the standard acknowledgement language and it has created a problem for the notaries to execute. Under the current law, the statement is, "I declare under penalty of perjury that the persons whose names are subscribed to this instrument appear to be of sound mind and under no duress, fraud or undue influence." Obviously, the purpose of this language, as a result of the legislation in 2017, was to ensure that individuals would not be forced to sign such a declaration; however, this additional language requires a notary to make determinations of competency of the persons appearing before them, and notably notaries are typically only making declarations that the persons who appear in front of them are actually who they say they are and not making a clinical assessment of that person's sound mind or his or her capabilities. Senate Bill 223 (1st Reprint) seeks to strike, therefore, this additional language to better align the guardianship process with the duties and responsibilities that notaries actually have by striking that language from the statute.

Finally, section 3 provides for additional language in the power of attorney acknowledging that a protected person consents specifically to a placement in either an assisted living facility, a facility for skilled nursing, or a secured residential long-term care facility.

That concludes my remarks on S.B. 223 (R1), and with your permission, I would like to turn it over to Ms. Richards, who I think can better illustrate some of the reasons and the impetus for this bill.

Jennifer Richards, Attorney, Washoe Legal Services:

I practice exclusively in the area of adult guardianship and senior services and would like to thank you for allowing me to be here this morning. I would also like to offer our thanks to Senator Cannizzaro for her work with legal aid providers across the state during the interim to introduce this bill. I would also like to thank Homa Woodrum of the Aging and Disability Services Division for her insights and comments which resulted in an amendment to the bill to include a referral to the long-term care ombudsman. I think that is an important addition and will increase our ability to help persons in these situations.

The overall goal of S.B. 223 (R1) is to provide autonomous decision-making and self-determination for persons and we hope to do that by amending the power of attorney statutes so that you could theoretically decide what you want. In representing families in guardianship—because the power of attorney statute is ambiguous—we have facilities that will accept that for placement and we have facilities that will not accept that for placement. Really the goal would be, What would mom want? If we can have that reflected in the document, we can do a better job of respecting the wishes of our loved ones and what they would want in their life and where they would want to live.

I would also include that the long-term care and residential facilities aspect of this bill finally incorporates the due process notice requirements of the National Nursing Home Reform Act and that is an important addition to close that gap. We did have cases at Washoe Legal Services of individuals being evicted from these group homes that kind of fall in the gap of regulation and so, in working with Senator Cannizzaro, this will close that gap and provide them protection, notice, and referral to the ombudsman so that they will not be homeless or lose their placement.

I did submit written testimony (Exhibit C) at the time of this bill being heard in the Senate Committee on Judiciary, and so I am happy to answer any additional questions that members of the Committee may have.

Assemblywoman Backus:
When looking at the durable power of attorney for health care decisions and likewise, specifically pages 19 and 20, there is the option of having either the notary sign off on the power of attorney or at least two witnesses. In just a practical sense, when these are signed, sometimes it could just be two witnesses—the "personally known" could be proven by a driver's license. Included under the two witness sections, and that would be pages 20 and 25 of the bill, it still requires that the two witnesses signing off attest to the sound mind. Is it the intention to maintain that in there? From what I heard during testimony today, it may not be. I just wanted to make sure we got that clear if we need to.

Senator Cannizzaro:
Purposefully I think that language was left in. I am certainly open to any suggestions on how to make sure this is clear. The intent is that we still want to ensure that the person who is appearing in order to sign over this power of attorney or durable power of attorney in its various forms is not under duress, but asking a notary to make that declaration in the course of their own professional duties was causing an issue with the notaries because they are only educated and trained—and their provisions as a notary, their practice area—to ensure that the people who are in front of them are those actual folks. But I think that having those two witnesses and having someone there to say, Listen, this person who is signing this is not under duress, is still the intent, and I think between that and other protections that currently exist, for example, in the Wards' Bill of Rights, that we can ensure that individuals are not being taken advantage of in signing over these types of powers of attorney while still allowing the notaries to do their job. I think it is our intent to retain that language, but certainly I think if it is causing an issue, then we can certainly work around that.

Assemblyman Daly:
In section 2, with the new language that is being added there about a person being able to consent to the placement, and then it says it is only if there is express language in the power of attorney. How is that going to work if you have one now? Are you going to have to go back in and get that language amended in, or are you grandfathered in? Then it creates a question, if you have to amend it in and that person is degraded to the point where they can no longer make the decision to grant power of attorney, how do you handle that? I was just curious on functionally how that would work?

[Assemblyman Yeager reassumed the Chair.]

Jennifer Richards:
I will try to field that question the best that I can. I would think that you would need to execute a new power of attorney. If the person lacks capacity to execute a new power of attorney, then placement would be effectuated through guardianship. But the goal of amending the statute in this way is to allow people to make their own determinations about where they want to live and so we would have that memorialized. This would be an important part of estate planning and fully vetting your directives. Certainly if you had a private attorney that prepared a nonstandard power of attorney and included that language, maybe it is already written in, but the idea here is to make this available to everyday Nevadans by incorporating it into the template so that you do not have to go hire an attorney to write your wishes in. This would be available to everybody on the statutory form.

Assemblywoman Tolles:
Thank you for all of the explanations and I think we are all touching around the same edges here. I definitely appreciate what you are trying to accomplish here. My question is more on a broader scale. It seems unusual to me that we would put forms in statute and that typically we would have, in statute, language directed toward a form that is housed elsewhere so that it is easier for that form to be modified between sessions as opposed to putting word by word the form in statute. But I think what I just heard you say is the reason that you are putting it into statute is so that it is uniform and available to all. Is there an alternative so that we do not have these questions of having to change this particular sentence and then waiting two more years to change it again and then some conflicts perhaps with grandfathering? I wonder if there is another model for doing that when it comes to forms.

Senator Cannizzaro:
I think that you actually see both of those reflected in S.B. 223 (R1). I would first start by noting that the standard statutory power of attorney, durable power of attorney for health care decisions, and the like are already reflected in statute. They currently exist, and I will also defer to Ms. Richards in terms of the use and applicability of those. Typically speaking, those forms already exist in statute for the purpose of allowing access to individuals who may be utilizing those forms.

With respect to the portion of your question that deals with why we would put specific language into a form, which I think you can see reflected in section 3 on page 9 of the bill, where you can see that there is a specific authorization to consent to placement in one of the three facilities which S.B. 223 (R1) addresses, you can see where that is actually made part of the form. Then in section 2, you can also see where there is the language that would direct, for example, if you were to hire an attorney and they were to draft a power of attorney, there is language there that directs that it must be expressly granted. I think you see both of those things; you see where there is direction for individuals who may hire an attorney and then you can also see where in the current existing statutory forms, that language has been provided for as well.

Jennifer Richards:
I will just add that Nevada's power of attorney statute is derived from a uniform law which was developed nationwide through the Uniform Law Commission, and the language that is included in the statute is just a sample. You could have an attorney prepare powers of attorney that deviate from the statutory form, but the goal of having the statutory form is to provide substantially what powers of attorney should look like. There are many goals of having the uniform statute in that way for banks and health care providers to rely upon. Ultimately, the goal with S.B. 223 (R1) in incorporating this language into the statute—of course if you had your own attorney to do that before S.B. 223 (R1), you could include what you would want in your directive, but in working with seniors in my work a lot of them are low-income, they do not have the money to go to a private attorney, and we also serve clients in rural counties.

If we incorporate this language into the statutory form, we are going to make autonomous self-decision-making available to more seniors and younger persons throughout our state. This will be available for the everyday person, not just the person who can afford to hire an attorney to draft that specific language in. It is also important to have that added to avoid these issues with placements in nursing homes where sometimes they will take it under a power of attorney and sometimes they will not. We have also had cases where persons have been placed in a facility against their will under a power of attorney when that person has also been alleged under elder protective services or law enforcement.

Assemblywoman Tolles:
It was not a question to object by any means, it was more just clarification to understand. This is uniform in statute and then it can be customized from there.

Assemblywoman Cohen:
I have a suggestion about the language throughout in the form language where there is reference to an "agent who is not my spouse." The person filling out the form is saying, This is what I want. I want someone who is not my spouse to be able to use my property to benefit someone else. It is throughout a lot of the form language. One reference is on page 9, line 25, but there are a few places where it is in the form language. I am wondering if there is a reason it is not spouse or domestic partner, and if we should be adding domestic partner into that language?

Senator Cannizzaro:
I cannot speak as to why the prior statutory language only included spouse and not spouse or domestic partnership, but we can certainly look into that. Obviously, that is existing language within the NRS so I am not sure if that has always existed as an "agent who is not my spouse" and was never amended to reflect the change in the law to add domestic partnerships or if there is some other reason why those two relationships would be reflected differently in a legal document. We will certainly look into it. I see your point and, if warranted, would be open to adding that as well.

Assemblywoman Krasner:
I just want to thank you for your attention to detail on this. Last session we talked about guardianships during the interim committee on the Advisory Commission on the Administration of Justice. The sword is double-edged, and so for you to bring the bill that looks at the other side where, once somebody has the power of attorney, they cannot say, Too bad, now you are going into an assisted living facility. Your bill addresses that detail of making sure that there is that specific granting of power to do that. I really appreciate your detail.

Chairman Yeager:
Do we have additional questions from Committee members? [There were none.] I will now open it up for testimony in support of S.B. 223 (R1) in Carson City or Las Vegas.

Joan Hall, representing Nevada Rural Hospital Partners Foundation:
We appreciate this bill and support it as it brings clarity to both facilities and patients. We are especially excited about the notary component because for rural Nevadans it has created some issues where notaries have said that they could not sign a form because they would have to make that legal decision. We support and appreciate this bill.

Gerard Mager, Private Citizen, Sparks, Nevada:
I am reaching an age where this durable power of attorney can be important, and I am confused at what I have heard. We already have one between my wife and myself, and I am confused as to whether or not I need to go see the attorney again and get it changed from what it currently reads and spend that money. I find it a bit cumbersome the way it has been presented for all residents of the state as to exactly what to do and when to do it. I would like some clarification on that issue. Otherwise, anything you can do to protect these vulnerable people is certainly worthwhile and I would support the bill, but I definitely have a major question in that area.

Chairman Yeager:
Thank you for your testimony, sir. If we do not get an answer for you today on the record, I would invite you to confer with our presenters of the bill and hopefully they can answer some additional questions for you. Do we have any additional testimony in support of S.B. 223 (R1)? [There was none.] I will now take testimony in opposition to S.B. 223 (R1). [There was none.] I will now open it to neutral testimony on S.B. 223 (R1).

Homa S. Woodrum, Chief Advocacy Attorney, Elder Rights, Aging and Disability Services Division, Department of Health and Human Services:
We are testifying in neutral. We appreciate the Senator's continuing attention in the area of legal rights for potentially vulnerable individuals and the much-needed advocacy of legal aid organizations across the state. This bill does address something that is unclear between possibly the intent in drafting of powers of attorney and the interpretation among facilities across the state. We appreciate the amendment that Ms. Richards mentioned regarding involving our long-term care ombudsman and that is a really robust program within our state to provide that direct advocacy to individuals. I have been brought in on several cases with them about transfer issues, individuals who are possibly being transferred by their agent and they do not want to be. You meet with them and you discuss with them why, and the reasons can be varied. One that I had recently was, the gentleman was very much in love with the neighbor in his facility and he did not want to leave her. Those are very reasonable issues that should be considered instead of just talking about things as a medical determination because in a lot of these cases, this is someone's home.

This session we have several other bills that are looking at the power of attorney form—Senate Bill 121 and also Assembly Bill 299 brought by Assemblywoman Backus. I think it is part of that global attention that Assemblywoman Krasner mentioned to how people are getting in guardianship and what we are really doing about working together about these decisions. I will also mention that aside from our long-term care ombudsman, we also see these issues in our elder protective services and would probably also see them in adult protective services under Bill Draft Request 1201 [BDR 14-1201]. I will say that Aging and Disability Services Division does not direct or make recommendations regarding placement of individuals, but we do see the interplay of rights and concerns about abuse, neglect, exploitation, isolation, and abandonment on issues such as transfer.

Chairman Yeager:
Do we have any questions from Committee members? [There were none.] Do we have any other neutral testimony? [There was none.] I will invite the presenters back to the table for concluding remarks.

Senator Cannizzaro:
The one thing that I want to note about S.B. 223 (R1) is that it does provide protections and I think the most practical application of this is if somebody does have a power of attorney, we want that power of attorney to expressly say that that person can be placed into a skilled nursing facility or a long-term care facility. Those are not decisions that are obviously easy to make, but we do not want someone to use vague language in a power of attorney to put someone into a placement facility against their will when that was never their wish.

I think that asking for powers of attorney to clearly have directives as to where and when that person can be placed in those facilities not only provides some assurances for those of us who are going to be in that position, or have family members who are in that position, to make those very difficult decisions in the appropriate fashion, but also to ensure that powers of attorney cannot be abused. I think that is fundamental in protecting our most vulnerable,

and I think it is something that we should be willing to do. I know that there are some outstanding questions with regard to some of the language and I am happy to follow up with Committee members on that. But I do want to thank everyone for their time.

Jennifer Richards:
Thank you again for letting us present today. This bill is just one piece of a larger discussion happening this session about supported decision-making, about less restrictive alternatives to guardianship, about self-determination, and about letting Nevadans speak for themselves and supporting them. I think that is a really powerful conversation to have and I think passing this bill is part of that larger conversation. It puts Nevada ahead of the nation in that regard, and that is a proud moment, especially considering where we have been in the last couple of years. I thank you for your time today, and I am happy to follow up with any further questions. Our lobbyist, Bailey Bortolin, is also here and she can facilitate any questions as well.

Chairman Yeager:
Thank you, Senator Cannizzaro and Ms. Richards, for presenting the bill this morning. I will now close the hearing on S.B. 223 (R1). I will open the hearing on Senate Bill 252 (1st Reprint), which authorizes residential confinement or other appropriate supervision of certain older offenders. Welcome back to the Assembly Committee on Judiciary, Senator Hardy.

Senate Bill 252 (1st Reprint): Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-1050)

Senator Joseph (Joe) P. Hardy, Senate District No. 12:
Senate Bill 252 (1st Reprint) does a few things and I am going to go over a story. When I was in my medical training, I was taught that the people who have an antisocial personality burn that out after so long. When we start looking at that burning out ability to do things that are mean, ugly, and nasty to people, then why are we still keeping them in a position of confinement? This bill has a genesis of over 40 years.

This session I picked up a hitchhiker who was not actually hitchhiking. I saw a car coming up the hill into Carson City and it was just sitting there and I went a little further and there was a fellow walking in the dark and I stopped, backed up, and picked him up. Turns out he was a prison guard who was going into the hospital, being on-call to babysit a prisoner who had been admitted who was sick from the prison here in Carson City. I picked his brain and, lo and behold, he was on call. He gets paid extra for being on call and then coming in and watching the prisoner. Those kinds of things are happening with us and the prisoners are not eligible for Medicaid or Medicare when they are in prison, which means that we, the state, have that in our budget and we cannot avail ourselves of federal funding for their medical care.

In residential confinement, as the bill is suggesting, they have an opportunity to prepare for real life. We are not paying guards to go into the hospital and be with the patient. They become eligible for Medicaid or Medicare. When we did this bill last session, it passed and was vetoed. It applied to five people, but then when they looked at all of the criteria that the bill proposes in section 1, it came down to two people. Inasmuch as it did not apply uniformly to a lot of people, it was vetoed. You have the veto message in your exhibits on Nevada Electronic Legislative Information System.

Old people cannot run as fast as young people. It is kind of a medical observation. They are less prone to crime. There is less recidivism. The bill allows for the victim to be notified as well as the county board of commissioners. The nuts and bolts of the bill are in section 1, where the Director of the Department of Corrections can make a decision regarding this person if the person is, as was amended in the first bill, 65 years and older who has not been convicted of a crime of violence against a child, a sexual offense, vehicular homicide, or one that caused major injury. The person has to have served over half of his term and/or the aggregate thereof, and only then, if they meet those criteria, the Director is allowed to make that decision.

Chairman Yeager:
Thank you, Senator Hardy, for the presentation. Do I have questions from Committee members?

Assemblywoman Backus:
I read that one of the purposes was looking at someone who had less than a year to live. With respect to that, I understand that is probably possible for somebody under 65 years of age. Is there any way you would be open to an amendment under those situations? Obviously, I want to take your word that someone who has less than a year to live may not run that fast. I thought that would be a nice thing to do especially if they do qualify for Medicaid upon residential confinement.

Senator Hardy:
It has been my impression that the Director already has that in statute that he or she can allow them to leave. That is on page 1 of the digest at line 10 where, if they are expected to live less than 12 months, he or she has the ability to let them out, as well as line 7, if they are in ill health or physically incapacitated. That is not changing any of those kinds of conditions.

Assemblywoman Tolles:
I do remember this bill from last session as well, and we have had similar conversations as we have looked over all the other bills and reforms. I have two questions that combine together. Section 1, subsection 3, discusses notification of victims and under the caveat there, it says that the "Division of Parole and Probation must not be held responsible if notification is not received by the victim." Then under section 4, it says that the board is going to be the one to do the notifying of the victim and that the Division, under section 4, subsection 2, is not required to notify the victim. I just had a little bit of confusion about who is notifying the victims. We have the Division that is in charge of deciding whether or not to

release this individual, but then we have the board that is in charge of notifying the victims, and we, of course, are paying more attention to this now that Marsy's Law has passed. I just have a lot of questions about the notification of victims and just wondering if you could provide some clarity.

Senator Hardy:
On page 3, line 3, "If a current address has not been provided by a victim as required by subsection . . . ," et cetera, then "the Division of Parole and Probation must not be held responsible." That is the caveat. If the victim has not kept up with their current address as indicated in lines 6 through 8, then the Division is not responsible; if they do not know who to call, then they cannot call them. Then I am going to have a lifeline for page 8 to your Committee staff to bail me out on that one as I see that the Division may again relate back to that if they do not have the address and the information, but I am not sure on that one. If it needs to be changed, I am a very amendment-friendly kind of guy.

Chairman Yeager:
We may need some time, Senator Hardy, to get an answer to that question given the complexity of the references in the statute, but we will figure that out.

Senator Hardy:
You are making me feel a lot better, sir.

Chairman Yeager:
That is what I am here for.

Assemblywoman Cohen:
I believe other states are already doing this, is that correct?

Senator Hardy:
I cannot be accountable for all states, but yes, allowing my people to go free, particularly the elderly, has been a major push by a lot of states. Washington, particularly, has looked at a 2 percent recidivism rate if they are over a certain age. There is a publication titled *Aging in Prison: Reducing Elderly Incarceration and Promoting Public Safety* from the Center for Justice at Columbia University that is bigger than I am going to read to you. It lists several states that are doing the same kind of thing.

Assemblywoman Cohen:
In the last couple of years, have we seen any problems with this in the other states that are already doing it?

Senator Hardy:
They have looked at recidivism rates and we talk about age, and the older you get, the slower you run, and so you have a lower recidivism rate. We recognize that there are some crimes that some people, it does not make any difference what age you are, you are more

susceptible, for instance, in child-associated crimes, and that is why we put that in there. Yes, it is a nationwide thing.

Assemblywoman Nguyen:
I see that the language was changed and amended multiple times with the age from 60 to 65. Were there any discussions? I know that in other sections of the statute the age enhancement is always at 60. Can you discuss a little bit about how that came about? I know it is inconsistent with other enhancements and other age determinations.

Senator Hardy:
I put in 60, and Senate Majority Leader Cannizzaro felt that 65 was wiser, so I quickly agreed with her.

Assemblyman Roberts:
I really think that it is something that moves in the right direction when you talk about your story and backstory. I read the Governor's veto message and it talked about having a venue through a pardons process. In the Assembly Committee on Legislative Operations and Elections, we got a briefing on the pardon process and discovered that they had 200 backlogged and were only doing 14 a year of those. That would make me more inclined to go with this bill than with the last one. In the bill, you have that you notify the board of county commissioners and the Division requires it. I was just curious what the purpose is and why we need to do that?

Senator Hardy:
When you are letting somebody out of prison and there has been a victim, the local people care about that. They are interested and they will probably hear about it and they will probably have some person who is upset, justifiably upset. It is appropriate to let the local jurisdiction know what is happening and I think that is something that is appropriate to do.

Assemblyman Edwards:
I appreciate your modesty. I think that although you may be senior to many of us, you could probably run circles around many of us as well, especially on a Monday morning.

Senator Hardy:
I refuse to answer.

Chairman Yeager:
With the exception of Assemblyman Roberts, who ran a very fast half-marathon on Saturday morning.

Assemblyman Roberts:
It was not fast.

Chairman Yeager:
Faster than I could run for sure. Do we have other questions from Committee members? [There were none.] I will now open up for testimony in support of S.B. 252 (R1).

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:
I want to share some statistics on this issue and thank Senator Hardy for once again bringing this legislation forward. In 2012, our national organization issued a report which found that the United States spent $16 billion annually housing mature—not old—individuals who pose little safety risk to our community. That report estimated that states would save an average of $66,000 per year per inmate. There is universal agreement among criminologists that the propensity to commit crime plummets with age. When the American Civil Liberties Union last looked at this data, only 2 percent of individuals 50 or older were rearrested and virtually no one 65 years of age or older was arrested at all. Also, the recidivism rate is quite low for individuals who are 60 years of age or older. It averages about 5 to 10 percent across jurisdictions. Compare that to the 67.8 percent of the overall prison recidivism rate. It is important that we take this step as it will alleviate a lot of our prison overcrowding population in this state and address the mass incarceration problem in our country.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:
I would like to thank Senator Hardy for bringing this bill back again and we support this measure.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:
We want to thank Senator Hardy for bringing forward this important legislation. As we have heard, this could potentially save Nevada a significant amount of money, even if it is only helping two individuals, that could then be used to reinvest in our communities.

Chairman Yeager:
Are there any questions from Committee members? [There were none.] Do we have any other testimony in support of S.B. 252 (R1)? [There was none.] I will now open it to testimony in opposition to S.B. 252 (R1).

Gerard Mager, Private Citizen, Sparks, Nevada:
I am opposed to S.B. 252 (R1). I find that it is nothing more than musical chairs of money. You are just transferring the cost of incarceration to the probation department while saving no money at all. Secondly, it is offensive to victims, and being a victim of a felony driving under the influence (DUI) for marijuana that killed our 17-year-old son, I find that letting these people out early, even if it does not include those particular people, is offensive to victims all over and it just tells victims that they do not matter. If the law these people were convicted under has an inappropriate penalty, that should be addressed rather than just saying, Well, we are going to let you out early just because you are 65 or older. I do not find that appropriate.

The other thing that I think is going to be a problem is that other inmates are in prison for the exact same crime and, everything else being equal except age, you are creating reverse discrimination. I suspect the courts will not be kind to that, where a younger person who committed the exact same crime spent his time in prison in the same manner as the older person, and does not get this option. This is not a good bill. It is not a good way to handle people who are offenders. It is offensive to victims. If the laws are not appropriate for the crime, then that should be changed. Just because a person gets older does not mean that they should get out early. I think this is really bad legislation and I think it should not be passed.

Chairman Yeager:
Thank you, sir, for your testimony. As a note of clarification, as you had mentioned, S.B. 252 (R1) on its face does exclude the crimes of vehicular homicide as well as felony DUI offenses, so I wanted to make sure that was clear for the record. Is there any other testimony in opposition to S.B. 252 (R1)? [There was none.] I will open it up for neutral testimony on S.B. 252 (R1). [There was none.] I will invite Senator Hardy to make concluding remarks.

Senator Hardy:
Truly, it is a tragedy when someone has lost either limb or life and my heart goes out to Gerard, recognizing those kinds of things that were addressed in the bill to prevent that very thing. I am unaware of any state that has done this that has been reversed as far as the age component because there has been a difference in the recidivism rate, and if they looked at the recidivism rate, they can see that is part of it.

One of the other things that happens is that the person who has been incarcerated and becomes eligible has to have served at least half of his sentence with good behavior. I think the opposition testimony has made very good points. At the same time, I need to say that there have been six people right now who would qualify for this. By the time it becomes effective, there will be three of those probably who have finished their terms and, as we all know, people in prison are getting older too, so there will be other people who will become eligible for these strict conditions of being allowed to get out, and the cost of residential confinement is far less than that of being confined in prison.

Chairman Yeager:
Thank you for the presentation, Senator Hardy. I will close the hearing on S.B. 252 (R1). I will now open it up for public comment either in Carson City or Las Vegas. [There was none.] Are there any questions or comments from Committee members this morning? [There were none.] I want to thank you for your attention and questions, and thank Vice Chairwoman Cohen for starting the hearing this morning. We will be starting at 8 a.m. tomorrow morning.

We have four bills on the agenda, three of them are from the Office of the Attorney General and one is from Senator Ohrenschall. We do have three bills agendized at this point for Wednesday. We will be starting at 8 a.m. on Wednesday. The rest of the week is to be determined at this time. This meeting is adjourned [at 10:30 a.m.].

RESPECTFULLY SUBMITTED:

_____
Linda Whimple
Committee Secretary

APPROVED BY:

_____
Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a letter dated April 26, 2019, to members of the Assembly Committee on Judiciary, authored by Jim Hoffman, Nevada Attorneys for Criminal Justice, and presented by Jennifer Richards, Attorney, Washoe Legal Services, in support of Senate Bill 252 (1st Reprint).