

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Eighty-First Session
February 24, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:05 a.m. on Wednesday, February 24, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Rochelle T. Nguyen, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Cecelia González
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman C.H. Miller
Assemblyman P.K. O'Neill
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Bea Duran, Assembly District No. 11



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Ashlee Kalina, Assistant Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Bonnie Borda Hoeffcker, Committee Manager
Kalin Ingstad, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Justin Watkins, representing Nevada Justice Association
Justin Randall, Private Citizen, Las Vegas, Nevada
Tonja Brown, Private Citizen, Carson City, Nevada
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Nicole Cox, Private Citizen, Reno, Nevada
Nelda Weygant, Private Citizen, Las Vegas, Nevada
Charrise Lothamer, Private Citizen
Ashley White, Private Citizen, Las Vegas, Nevada
Jim Hoffman, representing Nevada Attorneys for Criminal Justice
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Amber Cannon, Private Citizen
Jodi Hocking, Founder, Return Strong: Families United for Justice for the Incarcerated
Ayanna Simmons-Oglesby, Private Citizen, Reno, Nevada
Catherine Greco, Private Citizen, Las Vegas, Nevada
Nicole Williams, Private Citizen, Dayton, Nevada
Jan Salvay, Private Citizen, Tarzana, California
Areli Rodriguez, Private Citizen, Reno, Nevada
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chairman Yeager:

[Roll was called. Committee protocol and rules were explained.]

We have three bills on the agenda today. We will take them slightly out of order. We will start with Assembly Bill 112, then go to Assembly Bill 140, and finish off with Assembly Bill 125.

I will open the hearing on Assembly Bill 112. Assembly Bill 112 revises provisions relating to compromised claims of a minor. We have our own Assemblywoman Marzola presenting the bill today, along with one of our former colleagues in the Legislature and an alum of the Assembly Judiciary Committee, Justin Watkins. We will give the two of you a chance to take us through A.B. 112, and I am sure we will have some questions.

**Assembly Bill 112: Revises provisions relating to compromised claims of a minor.
(BDR 3-806)**

Assemblywoman Elaine Marzola, Assembly District No. 21:

Thank you for the opportunity to introduce Assembly Bill 112, which revises provisions related to compromise of a minor's claim. To give some context, a compromise of a minor's claim refers to a settlement of disputed claim for money damages in a personal injury case on behalf of a minor child under the age of 18. In Nevada, if a minor child is injured in an accident caused by the negligence of another person, just like an adult, they are allowed to sue or make a claim in seek of recovery from the negligent party. The existing law in Nevada right now states that if an unemancipated minor has a disputed claim against a third party, the parent or guardian of a minor child has the right to compromise the claim by filing a petition with the court. If the court accepts the petition of the claim of the minor, the court will direct the money to be paid to the parent or the guardian of the minor. Currently, the parent or the guardian must establish a blocked account in a financial investment, essentially a savings account in a depository institution in the state. The revisions in A.B. 112 simplify and streamline the compromised compensation process by allowing the parent or guardian to have more access to the funds of the small claims' awards for the benefit and interest of the minor child. At this time, I would like to turn the presentation over to former Nevada Assemblyman Justin Watkins to present specific details of the bill and answer any questions about the technical aspects.

Justin Watkins, representing Nevada Justice Association:

My purpose here is to give you context as to what this looks like in practice. Then, I will walk you through each section of the bill.

The idea behind A.B. 112 is to make this a simpler process. Any civil claim that is brought on behalf of somebody under the age of 18 by a parent or guardian can only be settled and resolved by permission of the court. It does not have to be an injury claim; it could be an assault or neglect claim. That permission is sought through a petition in which the court is advised of what the insurance limits are, how much the attorney is going to bill for fees, what the litigation costs are, any other payments that have to come out of that—say, to medical

providers and the like—and then what is going to be left for the minor and where they are going to deposit those funds.

The language that is currently in law as to the options available for depositing the funds into a blocked account are a little antiquated. The cleanup language is in section 1, subsection 8, in which we are taking out the language of a "depository" institution and moving that to a "financial" institution. This will give the courts more clarity and breadth for the types of investments that the parents would like this money to go into. It will remain blocked. It can only go to the minor at the age of 18 upon a petition by the minor once they reach the age of majority. This would allow them to put it into annuities. There are inconsistencies in the state as to what types of financial institutions this could go into because of the language of "depository." Some courts have read that to mean it has to be a savings account in a bank, and currently, the interest rates associated with a savings account are not great. If you put in \$1,000 for a 14-year-old, four years from today, it is likely to be \$1,020. The money is not growing at the rate it should. If they were to put it into a mutual fund or a guardian fund, the interest rates are much more likely to be around 4 or 5 percent, rather than less than 1 percent.

The substantive change that A.B. 112 looks to make is in section 1, subsection 5. In California, they have streamlined the process of when the minor is going to get an amount of \$5,000 or less; they expedite the process. You still have to do a petition to the court, as you would here in Nevada, but they make the process much simpler, and there is a lot more leeway given to the parent or guardian in how that money is assigned. In A.B. 112, we sought to create a line of \$2,500. If the minor is going to get a settlement and the amount in their pocket is going to be \$2,500 or less, we want to give more freedom to the parents to decide what is best for their child for that amount. We think with that lower-dollar value, the likelihood of abuse by the parent of the funds is much less, and this would encourage the parents to bring the claims. In practice I see, on low-dollar-value cases, where the minor is going to get \$500 or \$1,000 or \$1,500, oftentimes the parent will not even bring the claim because there are a lot of things they are signing on to with the court. When they settle a claim and make this petition to the court, they are signing on to yearly accountings with the court to show exactly where the funds are, what the interest has beared, and they have to continually make yearly appearances with the court to tell them what is going on. We feel that for these lower-dollar amounts, that money should go directly to the parent to be used for the benefit of the child. It does not have to go into a savings account. It may be after some trauma, and they want to take the child on a trip or vacation or buy that child something meaningful to help them in recovery. Otherwise, we think that parents are in the best place to determine how to spend those low-dollar amounts rather than the court, and the immediacy of availability of those funds is much more beneficial to the minor than many years down the road when they turn 18.

In summary, this is largely a cleanup bill to give more options available to the minor through their parent or guardian. We think the return on investment will be greater with this kind of language, and we think this will encourage the parents and guardians to bring the claims on

behalf of the minor, rather than waiting until the minor turns 18 and the minor brings the claim themselves. Thank you for your time. I am available for questions.

Chairman Yeager:

Mr. Watkins, you mentioned that you practiced in California. Did you tell us what the threshold is there for these types of claims that do not have to go through this more thorough process?

Justin Watkins:

In California, the threshold is \$5,000. They have an expedited process. They still must put the money into a blocked trust account. It is optional for the court to give the money, under \$2,500, directly to the guardian or the parent. They still can order it to go into a blocked trust account if the court deems that necessary.

Assemblywoman Cohen:

I think you just answered my question. I was concerned about when you have parents in a joint physical custody situation because the language says that the money is going to go to the custodial parent. It does not say whether it is physical or legal custody. However, if there is a dispute, then the court would be able to make the determination. I was concerned about opening us up for more litigation with parents going to family court and discrepancies there. I think you resolved that issue for me.

Assemblywoman Kasama:

You brought up that in California they have a \$5,000 threshold, and we, in Nevada, are using a \$2,500 threshold. Should it be higher? How was that amount arrived at?

Justin Watkins:

I think we were trying to make an adjustment for different dollars in different states, along with cost of living and what I thought was appropriate. In my practice, I think that at \$5,000, I do not ever see parents avoid making that claim due to the hardship of reporting to the court. When you start to get down to \$2,500 and under, I see parents delay or they do not actually pursue the claim. It is just a number that, in practice, I thought hit the mark.

Assemblyman Orentlicher:

You said, on one hand, that parents do not bring the claims. You had also said something that made me think that the child, upon becoming an adult, could bring the claim. Are you worried that justice delayed can be justice denied?

Justin Watkins:

That is exactly right. A minor has the right to bring a claim for two years from when they turn the age of majority. If the child is 6 years old, and we wait 14 years before they bring the claim, the likelihood of a recovery to the benefit of the minor child turning majority in a fair value is next to zero. I have been practicing in this area for 17 years, and I have not seen a claim brought like that, that was to the benefit, for being delayed.

Chairman Yeager:

Do we have additional questions for Assemblywoman Marzola or Mr. Watkins? [There were none.]

I am going to open up for testimony in support of A.B. 112. [There was none.] I will close testimony in support.

I will now open up for testimony in opposition. [There was none.] I will close opposition testimony.

I will open neutral testimony. [There was none.] I will close neutral testimony.

I noticed Assemblyman Wheeler has his hand up.

Assemblyman Wheeler:

I wanted to welcome Assemblyman Watkins back to his old Committee and tell him I miss our cigars and arguments. Good to see you back.

Chairman Yeager:

We did not have any testimony. Assemblywoman Marzola and Mr. Watkins, I want to give you a chance to provide any concluding remarks on A.B. 112.

Assemblywoman Marzola:

Thank you, Chairman and Committee members, for allowing both myself and Mr. Watkins to introduce A.B. 112. If anyone does have additional questions or comments, please feel free to reach out to me.

Justin Watkins:

It was a real thrill to be back with you guys. Thank you for the kind words, Assemblyman Wheeler. I appreciate it, and I miss the same things. Best of luck to all of you for the remainder of the session.

Chairman Yeager:

I will close the hearing on A.B. 112.

I will formally open the hearing on Assembly Bill 140. That is listed as our third bill on the agenda. Assembly Bill 140 enacts provisions relating to service of process on certain lessors of vehicles. Our own Vice Chairwoman Nguyen will be presenting this bill. We also have Mr. Justin Randall joining us on Zoom. I think he will be presenting, as well, and providing some supportive testimony. When you are ready to proceed with the presentation, please go ahead.

Assembly Bill 140: Enacts provisions relating to service of process on certain lessors of vehicles. (BDR 2-544)

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10:

Like many of the best bills, they come directly from our constituents. They arise organically from conversations that we are having with our neighbors. In this case, Assembly Bill 140 comes after a conversation I had with my neighbor at a block party about issues she was having in our state helping her clients who were injured in accidents, where the person who caused the injury or the accident was a foreign national or someone who lived outside of the United States. I will turn this over to Justin Randall. He has been working with me to come up with language that captures this, and that makes us in line with other states that already do this. This is his first time testifying before the Legislature, so please pressure him with as many questions as you can. He is very excited because he is a constituent of our Chairman.

Justin Randall, Private Citizen, Las Vegas, Nevada:

This is a cleanup measure for a loophole in our service of process that we have currently. In the event we have someone who comes from another country and visits Nevada, they rent a car, and they are required to purchase the liability insurance that the rental car agency provides for any uninsured people driving their cars. Upon purchasing the rental car insurance, they drive on the roads. In the event they get in an accident, that insurance applies and covers them for any damages they have caused. Typically, after they cause an accident, they leave the state and the country and go back to where they are from. In the event we are unable to settle the claim that is made on behalf of the injured party in the state of Nevada, we are forced to file a lawsuit. As part of that lawsuit, we are required to serve the defendant.

This is where it gets complicated and we have somewhat of a loophole. If the person who caused the damages or injuries was a Nevada or United States resident, we can either serve them personally within the United States or serve them through alternative service means. In the state of Nevada, there are several options for alternative service means: We can serve them by publication if we are not able to physically hand them a copy of the lawsuit or we can serve them through the Department of Motor Vehicles (DMV), which essentially authorizes the DMV to accept service on their behalf if they are driving on the roads within the state of Nevada.

Where it gets complicated is if they live outside of the country. In that instance, we only give two options: We can serve through the Hague Convention, which is extremely complicated, cumbersome, costly, and lengthy. That is only if the person who caused the damage is a resident or citizen of a country that is a signatory to the Hague Convention. If they are a resident of a country that is not a signatory to the Hague Convention, it gets even more complicated; we do not have a good way to serve them. Ultimately, a plaintiff in that circumstance has very little recourse to get their damages compensated by the person who harmed them. This gets even more complicated in the event that we are required under the Hague Convention to have a valid address for the person. Nine times out of ten, if people are exchanging information or if there is a police officer who responds to the scene, we rarely

have a valid address. Often, we will get part of an address, a country, or a street, but we might not have a city. I have a case right now where the address that the police officer wrote down was a city in France, for example, Paris, but the country was Belgium. Those cannot be the same. We do not know where they live so we have to attempt to serve in both places. This gets very costly very quickly. This could cost, on the low end, between \$1,000 and \$3,000, if not more, and can take sometimes a year or two just to get through the basic procedural step of the serving process.

We have the DMV service if the person is a United States citizen or a Nevada resident, but we do not have any option like that for a foreign resident. That is essentially what this bill does. This bill requires the rental car agency to accept service on behalf of any foreign insured, that they have written a policy for it and are allowed to drive that vehicle on the roads in Nevada. The plaintiff will serve the rental car resident agent with the process, and they are required, within 30 days, to forward that to their insurer. They are in the best position to do this because when they rent the car, they are collecting the information, like the driver's license number and the contact information, and they know how to get ahold of this person. They are in the best position to forward the service to them so that we can get the judicial process started for the injured party.

We are one of the few states that deals with high tourism that does not have this law. This law is very similar to a law that has been enacted in California and a law enacted in Florida. These are long-standing laws that have been in each of these states, and we have reached out to our colleagues in other states, and they have said there are no issues with this law. The insurance companies know how to deal with it. The plaintiff attorneys know how to deal with it. Essentially, we are just cleaning up a loophole that allows an injured party that is injured by no fault of their own in the state of Nevada to get the justice they deserve. I will now receive any questions.

Chairman Yeager:

I have often said, for the lawyers on the Committee and those watching, we should get continuing legal education credits for this Committee. I give you points, Mr. Randall, for being the first one to mention the Hague Convention, which is a first in my three sessions on the Assembly Judiciary Committee.

You answered most of what I was wondering about, which was the cost and the time that it takes to serve someone overseas through the Hague Convention. Normally, when we file a lawsuit, we have 120 days to serve the other party, and it sounds like when you have to go through this process, it can take years. In that circumstance, are you having to go back to the court essentially every four months to ask for additional time, or is there something in our statute that allows you more than 120 days to try to serve a foreign national overseas?

Justin Randall:

There is nothing in the statute that extends the time. We are required to go back to the court every 120 days, which is a waste of judicial resources. We have judges deciding the same

motion over and over because of the extended time it takes to serve the defendant through the Hague Convention.

Assemblywoman Bilbray-Axelrod:

I was curious how often we see this. Is this a problem that is occurring often? Is this a rare case but something that needs to be addressed?

Justin Randall:

I am a partner at a small, four-person law firm, and I think I myself alone at my law firm have about five to seven cases right now, in the past year, where this has happened. This is not a small issue. This is something that happens on a regular frequency to an injured party in the state of Nevada.

Assemblywoman Summers-Armstrong:

Will this bill be retroactive? Will you be able to apply this procedure to your existing cases, or will this only be for cases going forward?

Justin Randall:

There is nothing currently in the bill to make it retroactive; however, I believe once the bill is passed and signed into law, we would be able to ask a judge through a motion to apply this to a prior case as an alternative means of service.

Assemblyman Miller:

You mentioned that the bill is similar to bills in other high-tourism states. How is our bill different from theirs?

Justin Randall:

At this point, it is identical to California statute. I believe it is slightly different from the Florida statute. They are virtually the same besides slight wording changes that we made. In terms of substance, they are identical bills.

Assemblywoman Nguyen:

Some of the changes that are different from Florida and California have to do with our existing procedural rules here in our state.

Assemblywoman Kasama:

The insurance company pays the claim, and then it is up to them if they want to pursue the person overseas. Do they go that far, or do they pay the claim and settle it?

Justin Randall:

That is not exactly how that works. When they purchase the insurance policy through the rental car agency, the rental car agency indemnifies and defends the lawsuit. Once we serve the person, they will get a lawyer from the insurance company for the rental car agency. Typically, they are self-insured but the lawyer will represent the defendant, the actual person who caused the harm, and they will pay based on whatever the coverage of the policy is and

the value of the case. They are being represented by the insurance company, regardless of the method of service.

Assemblywoman Kasama:

They would be responsible for the deductible based on their insurance plan. It is the insurance company's attorneys that deal with it, then they deal with the person who rented the car.

Justin Randall:

Typically, they will assign an outside attorney, not necessarily an attorney who works specifically for the insurance company. They will hire and pay for an attorney to represent the defendant. On this type of policy, where it is a one-time-use rental car policy, there is typically not a deductible. You are just paying a daily rate or an hourly rate, depending how you rent the car, for the coverage of that time frame.

Assemblywoman Hansen:

It is mandatory right now that if somebody from another country comes here, they do have to get the insurance coverage, right?

Justin Randall:

Yes, that is correct. They are required to purchase it, and this bill does not change anything about that. This only changes the method for service of process.

Assemblywoman Hansen:

Instead of going through the Hague Convention and this foreign process, this bill would allow the process to serve the lessor, and then it cuts out the foreign aspect of it, and you deal with the lessor.

Justin Randall:

Yes, that is correct. The lessor, the rental car agency, is required to accept service on behalf of their insured, the foreign driver, and then they forward it to the foreign driver within 30 days and the process proceeds normally from there.

Chairman Yeager:

Are there additional questions for Mr. Randall or Vice Chairwoman Nguyen? [There were none.]

I was fact-checked. We have mentioned the Hague Convention in the past few sessions in the context of child abduction and child custody cases overseas. I was wrong. I am still impressed by the reference. At this time, I want to thank the two of you for presenting. We will give you a chance to do some wrap-up testimony at the end after we take testimony on the bill.

I will go to testimony in support of A.B. 140.

Tonja Brown, Private Citizen, Carson City, Nevada:

I am in support of this bill. Some years ago, I had some friends that were home sleeping in their beds when a vehicle drove through their bedroom wall. The driver was from out of the country. They caused a lot of damage to the house. The woman sustained major injuries. They were unsuccessful in getting those individuals to be sued. They had to go through their homeowner's insurance to recoup any money lost from the damage that had been done. I am in favor of this bill.

Chairman Yeager:

Is there anyone else in support of A.B. 140? [There was no one.] I will close testimony in support.

I will open opposition testimony. [There was none.] I will close opposition testimony.

I will open neutral testimony. [There was none.] I will close neutral testimony.

Vice Chairwoman Nguyen and Mr. Randall, I will give you a chance to make concluding remarks.

Justin Randall:

I want to thank members of the Committee for allowing us to speak here today. I want to highlight that Ms. Brown's comments are the exact type of scenario we are trying to prevent here. This happens more than I think people realize within the state of Nevada, given our significant numbers of tourism at a normal time. That situation is exactly what happens and what we would like to prevent through the passage of this bill. If you have any questions, please let me know.

Chairman Yeager:

Mr. Randall, normally on your first bill, we require a song and dance of some sort in concluding remarks, but we will let you off the hook today. You did a great job presenting your first bill in the Committee. Thank you for being here.

I will close the hearing on A.B. 140.

I have a feeling the next bill will take a little more time. I will now open the hearing on Assembly Bill 125. Assembly Bill 125 revises provisions relating to credits against sentences of offenders. We have one of our Assembly colleagues, Assemblywoman Duran, with us on Zoom. I believe she is joined by Mr. Piro and Ms. Bertschy, and they will collectively present A.B. 125 to us. We will have a chance to ask questions, and I think we will have quite a bit of testimony on this bill. Welcome to the Committee, Assemblywoman Duran. Welcome back, Mr. Piro and Ms. Bertschy.

**Assembly Bill 125: Revises provisions relating to credits against sentences of offenders.
(BDR 16-233)**

Assemblywoman Bea Duran, Assembly District No. 11:

This is my first time. I am a little nervous. I am here today to present for your consideration, Assembly Bill 125, which revises provisions relating to credits against sentences of offenders, commonly referred to as "good time credits." First, I am going to give you background on good time credits. Then I will turn the discussion over to Ms. Bertschy and Mr. Piro for further comments.

Existing law allows offenders who have no serious infractions and who perform duties assigned in a faithful, orderly, and peaceful manner to earn credits to reduce their sentences for good behavior, educational attainment, or successful completion of certain treatment programs. The last time good credits were substantially revised was in 2007 with Assembly Bill 510 of the 74th Session. This bill doubled the amount of credits that an offender can earn. One of the reasons the bill was introduced was to reduce prison overcrowding by encouraging offenders to earn good time credits to reduce their sentence.

There is still much to do, and A.B. 125 attempts to balance public safety, offender rehabilitation, and fiscal responsibility. I want to clarify a few things for the Committee. First, this bill will not apply to individuals who have been convicted of violent offenses, sexual offenses, or felony drunk driving. I have listened to the concerns of the opposition, so I am proposing a conceptual amendment, which takes into account some of the opposition's concerns. The conceptual amendment would preclude habitual offenders or people who commit residential burglary from receiving good time credits off their minimum sentence. I am also open to working with the opposition to address some of their concerns. I would now like to ask Assemblywoman Nguyen, Ms. Bertschy, and Mr. Piro to offer their comments before we move to questions.

Chairman Yeager:

Before we get to Ms. Bertschy and Mr. Piro, I wanted to confirm with you; I did not see an exhibit on Nevada Electronic Legislative Information System, but I think what you are proposing today is a conceptual amendment that would not apply to somebody who has been deemed a habitual criminal or somebody serving a sentence for a residential burglary. Is that correct?

Assemblywoman Duran:

Correct. Mr. Piro can follow up. I think we made a list of ones that will not be included in this bill.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

This bill has a big impact. While many individuals are behind bars for a short period of time, the backbone of mass incarceration is people serving very lengthy sentences, often decades long, and far longer than they would serve for comparable crimes elsewhere in the world.

Nevada was heading towards that trend, incarcerating our population at a rate 15 percent higher than neighboring states and similarly situated states before the passage of Assembly Bill 236 of the 80th Session. That led to an emerging recognition that overused imprisonment has heightened calls for change. This bill takes the next step forward as a tune-up to A.B. 236 of the 80th Session, addressing category B felonies, in order to truly dismantle a mass incarceration system that has made us no safer and has taken up larger portions of our state budget.

In Nevada, people are sentenced to a range as opposed to a fixed number. For example, instead of a person being sentenced to 10 years in prison, they could be sentenced to a range from 1 to 10 years. If a judge sentenced somebody to 4 to 10 years in prison on a category B felony, the start of the sentence is 4 years, and the back end is 10 years. The offender would only get credit on the back end of the sentence for good behavior, not on the front end. Any good behavior on the front end, they would still do day for day on that 4 years. They would do 365 days a year for 4 years. That is 1,460 days, or for any fans of the Broadway musical, *Rent*, that is 525,600 minutes by 4 years, which takes 2 million minutes away from children in need of a parent or aging grandparents and parents, or 525,600 minutes spent in a COVID-19 incubator, as Nevada prisons have become over this pandemic.

You only get good time credits for good behavior, educational programming, workforce programming, or attending a treatment program. In other words, you are trying hard to become a better person upon your release and rehabilitate, so when you are released you can come back into society and do things better. Only those people trying to do better and be better will get credit. If you get an infraction, you do not complete your programming, or you do not do anything to make yourself better while incarcerated, you will not get good time credits on the front end of your sentence or the back end. I want to pass it over to Ms. Bertschy to explain a few other things this bill does.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

This bill will not apply to individuals who have committed a violent crime against another person or a sexual offense, and with the conceptual amendment, it will also not apply to those deemed to be a habitual criminal, those who enter another's home to commit a crime, and felony DUIs.

Section 1, subsection 8, of this bill specifies the offenses where an individual is not eligible to receive the deduction in their minimum sentence for good time credit due to their conviction. Section 1, subsection 8, paragraph (d), removes the category B felony from this preclusion if it is a crime that is not a crime of violence, sexual offense, or felony DUI. Those charges are already statutorily determined ineligible from receiving good time credit. The conceptual amendment adds habitual offenders and people who commit residential burglaries.

When the Crime and Justice Institute evaluated our state's prison population, they found that 66 percent of people who were in prison were there for nonviolent crimes, and four out of ten

of them had no prior felony convictions, meaning over half of our prison population consisted of nonviolent offenders. Section 2 sets forth a path to try to make our criminal justice system a little more fair and more equitable for the men and women who were sentenced to a term of incarceration before A.B. 236 of the 80th Session went into effect.

According to the data from 2019 from the Department of Corrections (NDOC), still more than half of our prison population, both male and female, are serving time on a category B offense. I want to highlight some of the inequities. There are women currently serving time on a category B offense for possession of a stolen motor vehicle, for driving—not stealing—a vehicle they knew or should have known was stolen that is worth more than \$3,500. If someone committed that exact same crime today, it is a category C charge, punishable by 1 to 5 years in prison. That woman who is already in custody on the category B charge would serve a longer sentence, even if she were working harder and doing all the programming, than someone who is currently convicted and sentenced to prison on that same exact charge. Even though that first woman was working harder, she will end up serving longer. We can correct this inequity through Assemblywoman Duran's bill.

An even bigger distinction is with individuals sentenced to drug-related offenses. Seventy percent of females are in custody on drugs or property-related offenses, meaning no crimes of violence and not involving a victim. As such, this bill will have a dramatic impact on women involved in the criminal justice system. The request to get these mothers, sisters, and wives the ability to receive good time credit simply makes sense. It costs us all \$25,000 a year to house someone at NDOC. That is more than we are spending on educating a student.

We can continue the progress we made last session. This bill allows people who are trying to better themselves to be rewarded for trying to change, be better, and do better. This bill is both fiscally sound policy and good criminal justice policy. I would like to turn it back to Mr. Piro for closing remarks.

John Piro:

The last thing I want to talk about is Marsy's Law. The benefit of being here for three sessions now is that I was here when Marsy's Law passed. You may hear that some category B felonies target elderly people or victimize vulnerable people. We have enhancements for those. If you have an offender who targets a vulnerable victim or an elderly victim, they have to serve consecutive time, meaning if they get 1 to 10 years in prison, they have to finish that prison sentence and then serve another 1 to 10 year consecutive prison sentence, or whatever the judge decides, before they would be considered for release.

Sometimes Marsy's Law is used as both a sword and a shield, depending on what is more convenient at the time. Marsy's Law is a recognition that a victim of a crime should be allowed to participate in the process and be given notice of all the important parts of the process. In this light, a victim has already had the chance to say their piece at sentencing if they were informed by the district attorney to be present there. They are also informed of

parole board hearings. Nothing this bill does is going to automatically release people from prison. They still have to go before the State Board of Parole Commissioners and be evaluated by the Parole Board for their good behavior before they would even be eligible for release. Nevada pays a lot of money for the VINE [Victim Information and Notification Everyday] system, and that informs victims of any upcoming procedures or processes that will be taking place in an incarcerated person's case. The victim will still have a chance to say their piece and be informed. There is nothing this bill does that is offensive to Marsy's Law in the *Nevada Constitution*. I just wanted to make that clear. All this bill does is allow people who are trying to better themselves to be rewarded for trying to change, be better, and do better.

Chairman Yeager:

I want to ask either Mr. Piro, Ms. Bertschy, or Assemblywoman Duran, after the hearing today, could you submit those conceptual amendments in writing so we can make sure they are uploaded to the website?

John Piro:

Absolutely.

Kendra Bertschy:

Yes.

Chairman Yeager:

Mr. Piro referenced Marsy's Law. Marsy's Law is the name for rights that victims have in the criminal justice system. There was a resolution that went through the Legislature in the 2015 Session, and the 2017 Session, and the voters approved those constitutional amendments at the 2018 ballot. The *Nevada Constitution* includes some rights that victims have in the criminal justice system. That whole set of rights is sometimes called Marsy's Law. You will hear those interchangeably.

Mr. Piro mentioned the VINE system. That is an electronic, automated system where victims of crime can sign up to receive notification. The acronym stands for Victim Information and Notification Everyday. If you Google "VINE" in Nevada, you can see how that works. Folks can get signed up to get updates for when an offender is due for parole or if they are released.

Assemblywoman Nguyen:

You talked a little about Marsy's Law and the fact that this was not going to interfere with victims' ability to be present during sentencing. This law is not suggesting that people be resentenced. Is that correct?

John Piro:

That is correct.

Assemblywoman Nguyen:

The other question I have has to do with the passage of Assembly Bill 236 of the 80th Session. Can you give some examples in the area of drug trafficking and drug charges on how they differ today and prior to the passage of that bill? During one of our presentations by NDOC's Director Charles Daniels, he talked about his willingness to try to figure out ways to safely depopulate some of our women's prisons because of these nonviolent drug offenses. Can you speak a little about that and the inconsistencies and how this law would change that?

Kendra Bertschy:

If someone had 4 grams of methamphetamine, before A.B. 236 of the 80th Session, that was considered a trafficking amount. Even if it was just a possession for personal use, it was considered a trafficking amount which was a mandatory prison sentence of 1 to 6 years. With A.B. 236 of the 80th Session, we realized we needed to do something to change the overcrowding of the prison population as well as provide those individuals with the treatment they need, because it is a nonviolent offense for a drug charge. That is now a category E felony where it is deemed to be eligible and mandatory for diversion to provide them with the treatment necessary to be successful.

Assemblywoman Nguyen:

Was it previously a category B felony? Someone serving 1 to 6 years would not be eligible to earn good time credit.

Kendra Bertschy:

Yes. It was a category B felony so they would receive no good time credit off that minimum sentence.

Assemblywoman Cohen:

In section 1, there are a lot of subjective words that are used. For instance, section 1, subsection 1, there is reference made to "no serious infraction of the regulations." In subsection 2, there is reference to "an offender whose diligence in labor and study merits such credits." In subsection 4, "diligent and responsible manner" is used. In subsection 5, there is reference to "exceptional meritorious service." Then in subsection 6, there is reference to the Board adopting regulations. Are those regulations determining what those subjective terms mean? There is reference to the director making some of the determinations, but it is very subjective. Could you address how that determination is made, or if the director just gets to make the subjective determination for each instance?

John Piro:

Director Daniels will probably be the best person to answer that. As I understand it, it is up to the wardens and associate wardens of the prisons that make those decisions. It is a very subjective standard, currently.

Assemblywoman Cohen:

If you are in prison and you get on the wrong side of the warden, there is really no place to go from there.

Kendra Bertschy:

Hopefully, Director Daniels can provide information on this. I spoke with individuals from the prison yesterday who informed me that when someone commits an infraction, and they are considering removing good time credit, they will have a disciplinary hearing where they can address if the good time credits should be removed.

Assemblywoman Bilbray-Axelrod:

I have a question for Ms. Bertschy. You said something about if someone drives a \$3,500 car that they should have known was stolen, it is a category B felony, but after last session, now it is not. Can you clarify that for me?

Kendra Bertschy:

There is a current charge in statute for possession of a stolen motor vehicle. You do not have to be the person who stole the vehicle, but if you are in possession of that vehicle or driving that vehicle, before A.B. 236 of the 80th Session, depending on the amount the car was worth, it could be a category B felony. That was one of the things we looked at. Based on our data, we decided it was more appropriate to reduce that charge, so now it is a category C felony, and the value is not the same. It does not matter for the value.

Assemblywoman Bilbray-Axelrod:

Assembly Bill 236 of the 80th Session did not do anything retroactive. Currently, there are people in prison with a category B felony for driving a car that was worth \$3,500. Is that correct?

Kendra Bertschy:

Yes, you are correct. That is exactly one of the inequities we are hoping to change through A.B. 125.

Assemblyman O'Neill:

Whom did you work with to make the conceptual amendments?

John Piro:

We listened to some of the concerns of the district attorneys. We are trying to address those concerns through the conceptual amendment. With Assemblywoman Duran's permission, we are open to making this a bill that works for everybody.

Chairman Yeager:

Do we have other questions from Committee members? [There were none.]

I will open up testimony in support.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

My colleagues at the public defender's offices did an exemplary job of laying out the reasons why the American Civil Liberties Union supports this. I want to talk a little about the work that I have done with many members of this body and with my colleagues at the public defender's office on category B felonies. Examining category B felonies, their disproportionality, and how that disproportionality drives up our prison population is not a new concept in the state. We have been talking about it for decades. During the 2015-2016 Interim, I was appointed to the Advisory Commission on the Administration of Justice. At that time, we examined over 200 category B felonies, and from that list recommended approximately 13 to 25 different crimes for recategorization to a category C. The major difference between a category C and a category B felony was eligibility for sentencing credits, but that proposal, unfortunately, was rejected. Thankfully, A.B. 236 of the 80th Session moved us in the direction we needed to go. We developed a permanent Nevada Sentencing Commission and created the Department of Sentencing Policy to evaluate and overhaul the sentencing structure, as a whole. I see this bill as a complement to those efforts to adopt smart justice policies throughout the State of Nevada to drive down our prison population and save the state millions of dollars in incarceration costs. For these reasons, we strongly support this legislation.

Nicole Cox, Private Citizen, Reno, Nevada:

I am calling in support of A.B. 125. Prior to incarceration, my husband had always been a hard-working man and in fact, had been working two full-time jobs, prior to leaving, to assist in supporting our family. While he was gone, he continued to work as a porter in the prison and has completed several programs to assist and better himself. He has had no write-ups or infractions and is spending most of his time planning for our future and family life. He has planned to continue his education and continue working to provide for his family. He is and has always been an integral part of this family. To say he has been missed and is needed at home is an understatement. The passage of A.B. 125 would not just help him, but would help many others who are purely trying to do their best to better themselves and provide for their families. I sincerely hope we pass A.B. 125.

Nelda Weygant, Private Citizen, Las Vegas, Nevada:

My husband is currently incarcerated at NDOC. My husband was sentenced from 10 to life as a habitual criminal. My husband has made many mistakes in his life and I know he must pay for what he has done. I am very sick and have three daughters. My youngest is two years old. To think she may not know her dad is terrifying. My husband is at NDOC working as a porter. He has no write-ups and is trying to do everything right. He knows that without him, our family is incomplete and broken. Before his incarceration, he was working and providing for his family. My husband is an essential part of our family. I am here to support A.B. 125. My husband needs hope—hope that one day he will be free and able to, once again, provide for his family and learn to become a better member of society. I support this bill and can only pray that, upon passing, this will not only give my husband, but all other people that are hopeless at this time, enough hope to not give up. Please pass A.B. 125, not only for my family, but for all the other families who are suffering without their loved ones.

Tonja Brown, Private Citizen, Carson City, Nevada:

The Advocates for the Inmates and the Innocent strongly support this bill. This is something that is long overdue. I would also like to echo the comments made by Mr. Piro, Ms. Bertschy, and Ms. Welborn.

Charrise Lothamer, Private Citizen:

I am in support of A.B. 125, which would impact my loved one, as well as many others. This bill could possibly bring my loved one home up to eight years sooner. In the last few years, he has received [unintelligible] diplomas to culinary classes, [unintelligible], all while continuing to have a job running the laundry and being write-up-free. When he was home, he was a caring and hard-working father and son. He worked as a construction worker and had his own team, which he managed. Having the chance to bring my loved one home sooner will bring our family back together again, showing him and many others that people do believe in rehabilitation, and this would impact them hugely. I am fully in support of A.B. 125, an opportunity to give people a chance to return to their families sooner. For doing the work needed on themselves, they should be rewarded, and A.B. 125 gives them that motivation to do so.

Ashley White, Private Citizen, Las Vegas, Nevada:

My fiancé is currently incarcerated. I am here to support this bill because I believe it would benefit him and other individuals, as well. He is considered to have a category B felony but does not fit the category B felony criteria, in this case. He has done over 90 percent of his sentence and is due to expire soon. He is working and doing everything he can to get home quicker. He has done everything he has been asked of, including programs and classes. His current situation is making his depression and anxiety increase, and he has had to increase his medications, as well. He just wants to come home and be able to help raise his young children. With this bill, it would help give individuals an incentive to put effort into doing their time to prepare themselves when they are free. Right now, many of them feel like my fiancé; he feels like no matter how hard he tries, there is no real way out. This bill will give them hope and sometimes hope can sustain. I do support this bill.

Jim Hoffman, representing Nevada Attorneys for Criminal Justice:

We support this bill. We are thankful to the sponsor for bringing it. The people who have just testified, their partners are the ones who already want to be rehabilitated and want to do the work to become productive members of society. That is great, and that is important, but we know there are also people in prison who have trouble finding that motivation. The reason many people are in prison in the first place is that they think about short-term consequences and immediate rewards. They may think less about the long-term impact of their action. Good time credits are a really important tool for reaching those people and convincing them that they need to rehabilitate themselves. Their short-term incentive is getting their freedom back, with a long-term incentive of becoming a productive, healthy, capable member of society. Aligning the short-term incentives with the long-term incentives is ultimately going to produce more rehabilitation and be better for society. We support this bill.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

I want to echo the sentiments of those who spoke before me. This is a good bill that, as you have heard from the families who have testified, will make a meaningful difference in people's lives. We want to add our support for A.B. 125 to the record.

Amber Cannon, Private Citizen:

I am in support of A.B. 125. I currently have a loved one incarcerated at the NDOC on a category B felony. While he does have a few years left to complete, he has been doing all he can to make sure he transitions into a successful member of the community. Unfortunately, the time he has been incarcerated has taken a huge toll on his mental health. There are phone calls that I spend being his counselor and talking him through his depression and post-traumatic stress disorder for him to just make it through the day. He has not received any write-ups and complies with his programming so he can come home as soon as he can. I know he is not alone. There are others who suffer the same fate. The longer they are in the corrections system, the higher the risk of developing mental health issues or exacerbating the mental issues they already have. In support of this bill, you are showing these individuals that you are watching them take the right steps in the right direction and supporting all their efforts.

Jodi Hocking, Founder, Return Strong: Families United for Justice for the Incarcerated:

I represent Return Strong: Families United for Justice for the Incarcerated, and we have over 1,000 members, both inside NDOC and families outside. I am the founder and also part of an impacted family. My loved one is incarcerated at Southern Desert Correctional Center, and has done [unintelligible] at NDOC, not because he is a horrible person, but because from a very young age, his life was shadowed by the incarceration of his family members, their addictions, and the resulting trauma that does not lend itself to great decision making. I often think of how his life could have been different if he had been born at a different time, in a different place, or in a different society that invested in restorative practices as opposed to being born in a state that uses punitive measures and incarceration as a primary method of dealing with unwanted behavior in society. It is time that Nevada does better by incarcerated people, and A.B. 125 takes a large step in that direction, by recognizing that there is opportunity for growth from all people; by acknowledging that no one should be judged forever by a moment of poor decision making; by providing the opportunity for people to demonstrate their own capacity for change, rewarding that work, and allowing people to earn the chance of a life outside of prison to redeem their own stories. We recognize that A.B. 125 is just one way that we can help to balance the injustice and disparity that currently exists. We fully support A.B. 125 and the Assembly sponsors and cosponsors for the courageous steps towards a more just Nevada.

Ayanna Simmons-Oglesby, Private Citizen, Reno, Nevada:

I thank you for this opportunity. I, too, have several loved ones incarcerated in NDOC. I am here today to express my gratitude to the Assemblymembers who brought this bill to the table. This is desperately needed in the state of Nevada. We have a huge number of people who made decisions as young people, decisions that were often made under duress and not

because they are inherently bad, but because they were trying to survive and did not necessarily have the guidance or the means to do so. Under pressure, you do not always make the best decisions. With that being said, we definitely need to, as we apply this bill, consider the mental illness amongst the inmates who are repeat offenders. We also have a system in place that gives exceptionally long sentences and gives those same long sentences disproportionately to young black men.

Assembly Bill 125 is an opportunity to give people a chance to do something different, take different paths, and have a different ending. They cannot change what happened, but they can start where they are and build a different ending. Assembly Bill 125 would allow them the opportunity to believe in a life outside of prison. There are those who have been sworn and taken an oath to the *Constitution*. There is an obligation for morality. We are Nevada strong. We are battle born. We can do this together and address the problems and issues that reoccur. I want to thank you for your time, for allowing me to address this, and for putting this on the table. I am representing many families who cannot be here today. We are in full support of A.B. 125.

Catherine Greco, Private Citizen, Las Vegas, Nevada:

I am in support of A.B. 125. My daughter is an inmate at Florence McClure Women's Correctional Center. She went to prison for a DUI. She has never been in trouble before. She was my easy child. One night and one poor decision has impacted her life and the lives of another family forever. She has been incarcerated since June 2016, almost 60 months. Whitney would be one of the people who would benefit from A.B. 125. She has already served close to her minimum and has now done everything that she can to get her time. She was in college working on her associate's degree when the accident happened. Since receiving her sentence in 2017, she has received her associate's degree while working as a porter on property at Casa Grande Transitional Housing. She also has received 18 As and is currently enrolled at the University of Nevada, Las Vegas, finishing her bachelor's degree in communication. My daughter is someone who took responsibility for her mistake and has done everything she can to improve herself during her incarceration. She is a great example of what can be accomplished when everyone works together. I feel that people deserve a chance to build a new life after incarceration. That night should not be the sum of her life. This bill gives people who have been convicted of category B felonies an opportunity to show their growth and be given a chance to redeem their story.

I am in support of A.B. 125 and giving good time credits to people with category B felonies. One law makes it hard for the person who did not ever do anything wrong, did not plan on anything happening, and would have never gone out, if they would have known this was going to happen to them. Now, because of a certain way the law reads, my daughter is excluded from A.B. 125, which is very unfair for someone who has never been in trouble her entire life and is trying so hard to be a decent person in society. Thank you.

Nicole Williams, Private Citizen, Dayton, Nevada:

I am here in full support of A.B. 125. I have an incarcerated loved one, and I agree with the points that others have made in support.

Jan Salvay, Private Citizen, Tarzana, California:

Thank you for letting me speak today in support of A.B. 125. I am calling on behalf of my nephew who was incarcerated in Nevada, and who recently passed away, unfortunately. He was supposed to get out in October 2020, but because they stopped the work program, they kept adding time to his sentence. They delayed his release up until a month ago. He was diagnosed in June 2020 with hepatitis C and was refused treatment because they said he was getting out too soon. I am sad to tell you this, but he passed away on Sunday. He has always been a hard worker but suffered from mental health issues and substance abuse. He was with me for four weeks and we kept trying to get him health care, but the treatment kept getting put off. He decided to go to Florida to see his two children, 10 and 12 years old. They had dinner at night, and he passed away some time during that night. There is an autopsy pending, but he was very sick, and he told me over and over while he was incarcerated, "Please get me out of here. Find out what is wrong with me, medically." He was panicking. I talked him through it, and I kept trying to call people. They added another month to his sentence. They said they made a clerical error in October 2014. It was tortuous for him and for our family—for him to finally get out and literally die. I was very excited to hear about this bill because I want to do everything I can for families who are still in there, who are suffering, and it is really unfair. I am grateful for all the legislators and the families who are in support. [An email in support was submitted as [Exhibit C](#)].

Areli Rodriguez, Private Citizen, Reno, Nevada:

While my brother is incarcerated, he would not be impacted by this bill. I am speaking today on behalf of another family whose loved one would be impacted, but they cannot be here today so they asked me to tell their story. Thank you for creating this bill. It is important to so many people to receive hope in a hopeless situation. Losing your physical freedom is horrible. For so many people who are incarcerated, the hopelessness is what leads them to give up. Today I want to share a story of a loved one who has had a long-time issue with abusing drugs and alcohol. Since the beginning of his addiction, he has been sent to prison repeatedly. He did not get help or alternative sentencing or restorative justice options. Prison was the only answer that he had to address his substance abuse issues. He has never had violent felonies. Everything was in relation to his addiction. Now, he is doing a very long sentence for a habitual crime. What if somewhere along the way we dealt with the real issue, which was not criminal; it was related to his mental health and addiction.

Assembly Bill 125 is one small way we can do the right thing as a society and as a community. Give people the opportunity to earn back some of their life. I and my family are in full support of A.B. 125 and are happy to see our legislators doing the right thing for our incarcerated population. Although this will not help the person I am talking about because of habitual crimes; I just want to make sure to tell his story. Thank you.

Chairman Yeager:

I will close testimony in support. I will open testimony in opposition.

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:

We are in opposition to A.B. 125, but we have begun a dialogue with Assemblywoman Duran and Vice Chairwoman Nguyen regarding our concerns. We look forward to further discussions regarding this bill. Category B felonies are designed to be significant crimes against a person: property crimes with a higher value threshold, substantial identity fraud cases, or crimes involving a significant public safety entrance. Over the years, we have reviewed these offenses to make sure only the most severe are listed as category B felonies. There is more work to be done but because of the severity of these offenses, district attorneys have opposed efforts to apply credits to the front end of these sentences. Credits can reduce the sentence by approximately 40 percent. If a judge tells a victim that due to the serious nature of the offenses, the defendant will serve a minimum of 12 months, then the entire 12 months should be served prior to the defendant being eligible for parole.

We appreciate Assemblywoman Duran accepting part of our suggestion with respect to residential burglary, but there are still several other very serious offenses that would now be eligible for front-end credit, including child neglect, elder exploitation, possession of firearm by felon, domestic abusers, and others. None of these crimes have an element of use, or threatened use, of violence and thus would be entitled to credits under A.B. 125, and we strongly oppose this. Persons convicted of these and other crimes should serve the minimum sentence in its entirety. Be very skeptical when people say, "nonviolent crime." Residential burglary, for example, where someone comes into your home, ransacks, and violates the place where people feel most safe, is defined as a nonviolent offense in the State of Nevada.

As I previously referenced, other examples of serious offenses can be considered nonviolent. Section 2 of the bill makes the application of these good time credits to the front end of the sentence retroactive. It is our opinion that section 2 violates the truth in sentencing laws and the spirit of Marsy's Law by significantly changing a defendant's sentence without input from the victim. When a defendant is sentenced to a category B felony, victims are told that the defendant will serve at least their minimum sentence before being eligible for parole. If A.B. 125 were to pass, a defendant could parole out of prison having spent significantly less time in prison than a victim had been assured at sentencing. Defendants are not opposed to applying credits to low-level felonies, and over the years we have engaged in efforts to move lower-level felonies to category C or even lower, thus allowing credits to be applied. Last session, we agreed to reduce quite a few category B felonies to lower offenses. We feel this reclassification process is a better way to accomplish a similar goal. I look forward to continuing this discussion with Assemblywoman Duran and others. I appreciate your time.

Chairman Yeager:

Thank you for your testimony, Mr. Jones. I always appreciate your willingness to continue the dialogue to see whether there might be common ground there. Please keep us updated as those discussions go forward.

Is there anyone else testifying in opposition today? [There was no one.] I will close opposition testimony.

I will open neutral testimony.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I support the bill. I am sorry I spoke at the wrong time.

Chairman Yeager:

I will close neutral testimony.

Committee members, as you probably noted, we did not have Director Daniels or anyone else from the NDOC on today. They are not required to be here. Assemblywoman Cohen had some questions about how some of existing law works. I would encourage you to reach out to the NDOC. I also believe Vice Chairwoman Nguyen knows quite a bit about how the law works, in terms of what you are reading in the bill that are not changes to existing law. She is a good resource to reach out to, as well, if you are not able to connect with the NDOC.

We will take any wrap-up testimony. We always try to give presenters the last words on their bill. Assemblywoman Duran, Ms. Bertschy, and Mr. Piro, please go ahead.

Assemblywoman Duran:

Thank you, Chairman Yeager and Committee members, for considering A.B. 125. We look forward to working with Mr. Jones regarding his concerns, with the help of Mr. Piro, Vice Chairwoman Nguyen, and Ms. Bertschy. If you have further questions, we will be available. We urge your support for A.B. 125.

John Piro:

One of the callers summed it up best; you cannot change what happened, but you can begin again and create a better ending. This bill encourages people on category B felonies to do just that. We urge its passage.

Kendra Bertschy:

Thank you so much for allowing us to present this bill. We look forward to working with all stakeholders.

Chairman Yeager:

I will close the hearing on A.B. 125.

Three bills in less than two hours: I feel proud about our work today. I was not sure if we were going to get through all three of these, but we did. That is a good sign for things to come and processing the work in front of us.

I will now go to our final agenda item, which is public comment.

Tonja Brown, Private Citizen, Carson City, Nevada:

I would like to send our sincere condolences to the woman and her family over the loss of her nephew. She touched on something that I have an understanding of. Over the years, I have seen inmates trying to get help for hepatitis C and being put on the back burner because of their parole. If they are coming up for a parole hearing, it is one way that they get around not doing medical treatment for these individuals. Then, they will come for their parole hearing, and they will get a dump. Again, they will have another parole hearing coming up and they will be given a dump again, and no treatment start. Normally, they do not start the treatment until it is too late. By that time, their disease has progressed, and they die. This is something that really needs to be looked at. Thank you very much.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother, Thomas Purdy, was killed by Reno police, hog-tied for 40 minutes, and asphyxiated by Washoe County deputies in October 2015. The medical examiner on my brother's case said my brother would not have died but for the restraint and physical force used against him. Today, I want to talk about another asphyxiation death that occurred at Washoe County jail. Niko Larome Smith was 31 years old when he was asphyxiated at Washoe County jail on August 29, 2015. The inmate death rate was five times the national average when Niko died a horrible, torturous death at the hands of Sergeant Corey Solferino, Deputy Brandon Wood—who I believe is the deputy who surrounded my family and me at the jail when we were holding a banner—Deputy Emmanuel Figueroa, and multiple unnamed deputies. Niko was taken into custody at a bail bonds, clearly, in the midst of a mental health crisis. He thought someone was trying to poison him with peanut butter cups. According to deputies, Niko attempted suicide while in a jail cell. He was dunking his head in the toilet. Deputies ran in and stopped him. Then, six to eight deputies surrounded Niko, who was found face down with two officers kneeling with their full weight on his back, cutting off his ability to breathe. No deputy attempted cardiopulmonary resuscitation. Niko was a father of one young son, a brother, a son, and a friend to many. I have gotten to know Niko's brother, Romeo Smith, through our shared nightmare. He, too, hopes for transparency and accountability, and for no other family to know this unnecessary nightmare.

Please do not support bills that protect bad police. Please support bills that promote transparency and accountability. I would like to send my condolences to the caller who lost her nephew at the jail who recently died from lack of treatment. Thank you.

Chairman Yeager:

I will close public comment.

Is there anything else from any Committee members? [There was nothing.]

This meeting is adjourned [at 10 a.m.].

RESPECTFULLY SUBMITTED:

Kalin Ingstad
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of an email dated February 23, 2021, to members of the Assembly Committee on Judiciary, signed by Jan Laudise Salvay, Private Citizen, Tarzana, California, in support of Assembly Bill 125.