

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

**Eighty-First Session
February 25, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:04 a.m. on Thursday, February 25, 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:

None



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Ashlee Kalina, Assistant Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Bonnie Borda Hoffecker, Committee Manager
Traci Dory, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Leisa Moseley, Nevada State Director, Fines and Fees Justice Center
Leslie Turner, Organizer, Progressive Leadership Alliance of Nevada; and Founder,
Mass Liberation Project Nevada
Yvette Williams, Chair, Clark County Black Caucus
Yesenia Moya, Private Citizen, Las Vegas, Nevada
Ashley White, Private Citizen, Las Vegas, Nevada
Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of
Nevada
Ayanna Simmons, Private Citizen, Reno, Nevada
Brendan Becker, Private Citizen, Henderson, Nevada
Jodi Hocking, Private Citizen, Reno, Nevada
Jim Hoffman, representing Nevada Attorneys for Criminal Justice
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's
Office
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Maria Nieto Orta, Nevada State Coordinator, Mi Familia Vota Nevada
Nicole Rourke, Director, Government and Public Affairs, City of Henderson
Zachary Bucher, Strategic Analyst, Officer, Government and Community Affairs,
City of Las Vegas
Sean Sever, Division Administrator, Legislative Liaison, Division of Management
Services and Programs, Department of Motor Vehicles
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chairman Yeager:

[Roll called and Committee rules and protocol explained.] I will open the hearing on Assembly Bill 151. Assemblywoman González will be presenting the bill this morning with the assistance of some other individuals.

Assembly Bill 151: Revises provisions relating to offenses. (BDR 14-776)

Assemblywoman Cecelia González, Assembly District No. 16:

Assembly Bill 151 does have an amendment that I sent to everyone last night that Senator Dallas Harris will be joining this bill as a primary sponsor [[Exhibit C](#)]. Here with me today,

I have Ms. Leisa Moseley and Ms. Leslie Turner to present A.B. 151, which reverses the suspensions of driver's licenses. Debt-based license suspensions force an impossible choice to either stop driving and lose access to work and basic necessities or to keep driving, thus risking arrest and even more fines and fees later. This bill is seeking to address one of the many cycles of poverty and incarceration that we have in our communities. I would like to hand it over to Ms. Moseley and Ms. Turner to present the bill.

Leisa Moseley, Nevada State Director, Fines and Fees Justice Center:

We are a national organization that works to eliminate fees that are associated with the criminal justice system and to make fines more equitable and just. I am excited and a little nervous to be copresenting this bill today alongside Assemblywoman González, Ms. Turner, Ms. Williams, and Ms. Moya.

This is an issue that is close to my heart. Some of you have known me for a while and know my story. I assure you I am not alone in this. In Nevada, between July 2017 and June 2019, over 38,000 Nevadans had their drivers' licenses suspended simply because they could not afford to pay an outstanding fee or fine associated with a traffic violation [[Exhibit D](#)]. It seems that the practice of suspending drivers' licenses for unpaid debt is premised on the belief that people are unwilling to pay or just do not want to pay, but what the research shows is that is not the case. Rather than being unwilling to pay traffic fines and fees, people are simply unable to pay. If COVID-19 has done anything, it has highlighted inequities and it has highlighted issues like poverty and unemployment. Rather than looking at this through the lens of people being unwilling to pay, the research shows that people are simply not able to pay.

As an example, we looked at some data around the state. The top five ZIP Codes in the greater Las Vegas area have the highest rates of traffic warrants. While this is not a warrants bill, warrants and suspensions go hand in hand. Looking at the top five ZIP Codes in the greater Las Vegas area, we see that those warrants issued are also the same ZIP Codes where we see the highest rates of food insecurity and the lowest median incomes. It stands to reason that it is not that people are unwilling to pay, it is simply that they are unable to pay.

Our research also shows that suspensions simply make it harder for people to find work, to retain work, and it prevents them from being able to pay these debts. In many cases it also prevents them from being able to support their families. It traps them in a cycle of poverty, and once they are in that cycle, we find that it is nearly impossible to get out of. People who cannot pay their fines and fees, as Assemblywoman González mentioned, face an impossible choice. Do they continue to drive, or do they lose their employment and their ability to take care of their families? People have to drive their children to school, get to doctor's appointments, and get to places that are necessities. With COVID-19 and social distancing guidelines in place, we are being asked to distance ourselves, so people find it necessary to drive. In many cases, we do not have adequate public transportation, and utilizing ride sharing sometimes is also very difficult for people particularly because they do not have the income to support that. People risk the possibility of being arrested, going to jail, and just being assessed more fines and fees.

In looking at jurisdictions that have already ended this practice, two of them being California and Texas, we have seen an actual increase in revenue. I bring this up because in looking at the opposition, much of it comes because people are concerned about the revenue—and rightfully so—to their state. But what the research shows is that for states that have ended this practice, they have actually seen an increase in revenue. Why is that? Because now people are able to get to work, to retain their jobs, and they have mobility. Data out of Phoenix, Arizona, where there is a program for people who have outstanding traffic violations or outstanding debt, shows that when people have their license reinstated, their mobility increases [[Exhibit E](#)]. They are able to get to work, to retain jobs, and Phoenix has seen an increase in their gross domestic product (GDP) of about \$1.49 million. That is pretty significant.

I want to talk for a minute about Fort Worth and Dallas, Texas. Texas is one of the 14 states that has ended the practice of driver's license suspensions. Dallas uses a system of suspending drivers' licenses and Fort Worth does not. In the year that followed their implementing that practice, Fort Worth showed virtually no difference in the revenue that they collected per case. Fort Worth collects about \$116 per case that is disposed of and Dallas collects about \$113. We see that driver's license suspensions do not make people pay more. States are not seeing an increase of revenue as a result of it. They are actually seeing the increase in revenue in many cases when they stop suspending drivers' licenses. We are still working at the Fees and Fines Justice Center to collect more data around the country for the states that have stopped suspending drivers' licenses. Of course, COVID-19 makes that a little more complicated, but we are working on collecting that data so that we can present it to you as well.

Assembly Bill 151 would simply end the ability for jurisdictions to suspend a driver's license for unpaid fines and fees. We think that is a great thing. Section 1 simply removes the authority of the court to suspend a person's driver's license or prohibit a person with a suspended license from applying for a driver's license if they have a delinquent fine, administrative fee, or restitution that was originally imposed for a minor traffic offense. "Minor traffic offense" is defined in *Nevada Revised Statutes* (NRS) 176.0643. The statute states that a minor traffic offense "means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than: (a) A violation of [NRS] chapters 484A to 484E, inclusive, or [Chapter] 706 of NRS that causes the death of a person." These chapters include: NRS Chapter 484A, which covers provisions governing traffic laws generally; NRS Chapter 484B, which contains the rules of the road; NRS Chapter 484C, which contains provisions regarding driving under the influence of alcohol or prohibited substance. I should also mention that this bill does not take away the authority to suspend drivers' licenses for DUI-related offenses and reckless driving. We have had that concern expressed to us, and this bill does not do that. Some of the exceptions to this include a violation of NRS 484C.110 and NRS 484C.120.

Section 2 provides that the court does not need to notify the Department of Motor Vehicles (DMV) for a person's failure to appear for a minor traffic offense. Section 3 provides that if a person is subject to a suspension on the effective date of this bill, his or her driver's license

be reinstated or that the person be notified of their ability to reinstate his or her driver's license. This bill also provides that the DMV must not charge any fee for reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for the reinstatement of their driver's license. Lastly, this bill applies to offenses committed on or after the effective date of October 1, 2021.

As Assemblywoman González mentioned, the proposed amendment [[Exhibit C](#)] is that Senator Harris is going to join the bill as a primary sponsor. That concludes my portion of the presentation, and with the Chairman's approval, I would turn it over to Ms. Leslie Turner.

Chairman Yeager:

I just wanted to let the Committee know that we will hear from all of the presenters and we will take questions at the conclusion of the presentation.

Leslie Turner, Organizer, Progressive Leadership Alliance of Nevada; and Founder, Mass Liberation Project Nevada:

If we are successful at decriminalizing traffic offenses, which I believe we will be, then it makes sense to also stop the suspension of drivers' licenses for nonpayment. Much like being issued a warrant, having to pay warrant fees, getting your license suspended, and having to pay for reinstatement is another example of the penalty that causes harm to low-income families and communities as the data shows. If the research has not already been sent to you, we can definitely get that research to the Committee.

Suspending drivers' licenses perpetuates systemic harm to Black and Brown people in particular, but also to the broader working class. Last year, the state declared systemic racism a public health crisis. This is an example of how laws contribute to the continuous disintegration of communities of color through systems that deepen debt for people who already could not afford it and prevent them from freely going to work, going to school, getting COVID-19 tests, going to doctor's appointments, and otherwise simply living. Everyday people get stuck in the cycle that brings them in and out of the grasp of the criminal justice system as well, which we also know we are most impacted by.

Research by the University of Nevada, Las Vegas (UNLV) students and the Fines and Fees Justice Center found that Black residents make up 12 percent of the City of Las Vegas and 46 percent of the city's traffic warrants. The numbers are not much better for residents identified as Hispanic or Latino. Together, Black and Brown people make up two-thirds of the city's traffic warrants. It is fair to assume that many of those same Black and Brown people with traffic warrants may have their licenses suspended, again, further perpetuating the problem by keeping people in debt, unable to advance, living in fear of being pulled over, and running the risk of receiving more tickets.

Failure to pay the court is not unequivocally indicative of how safely people actually drive on the road. These folks with warrants and license suspensions are not criminals; they are more likely mothers, fathers, and neighbors who contribute directly to the growth and advancement of their communities every single day and, in fact, contribute to public safety. Not being in

financial compliance with the court does not remove someone's ability to be a safe and defensive driver and obey traffic laws. But on the flip side of that, a person's license being suspended actually can cause a ripple effect that could result in someone getting into a car accident and not having insurance because they are unable to get insured due to the license suspension.

In 2021 in Nevada, driving is less of a privilege and more of a necessity. We have to recognize the reality that most people who do not pay traffic tickets, due to lack of resources, cannot pay their fines. In particular, over the last year, people have less access to resources and added barriers going to the DMV. As you will hear from other speakers, a person can pay off their tickets in whole, but still owe additional fees to the DMV to get their license reinstated, and must retake the written and behind-the-wheel exam, which requires an appointment at a time when appointments are scarce and on average are 90 days out. From an economic standpoint, we must find new revenue streams for the government that do not censure the state's poorest population. Again, the research shows that traffic warrants come from the poorest ZIP Codes in Las Vegas. That seems like a very reasonable demand, and although it will take some creativity to replace lost revenue, it must be done.

What once seemed like a feasible punishment for failure to pay has negatively impacted the broader economic prosperity of not just individuals but also the economic growth and prosperity of the broader community. According to the City of Phoenix Municipal Court's Compliance Assistance Program report [[Exhibit E](#)], a suspended license not only limits mobility, thus limiting work possibilities, but lessens overall quality of life. Families experience reduced activities together and increase the mental health and psychological impacts that cause strain to the family.

Government can and must refrain from causing harm, meaning if a law inflicts harm to one of two vulnerable populations, it contributes to systemic racism, it must then be considered and investigated; alternatives must be found. We supported ending license suspensions in the 2019 Session, and I am grateful that it is back on the table. It will no doubt give relief to thousands of Nevadans across the state by eliminating a barrier for many people to safely and legally be on the road—be on the road to school and work, and as this pandemic comes to a yield, people can be on the road to restaurants and the Strip, a road towards prosperity, which every Nevadan deserves.

If we truly want to deter people from speeding and running stop signs and increase safety on the road, I think we should talk to more drivers. There are people whose licenses have been suspended multiple times for failure to pay tickets. Many of these tickets were nondriving violations such as expired plates or a lapse of insurance, which again represents a financial issue; it is a black hole that can take decades for people to climb out of. Assembly Bill 151 allows those folks most impacted to get a hand in climbing out of that hole.

Free to Drive, which is a national campaign across the country, makes the following arguments:

- Driver's license suspensions cost people their livelihoods. Eighty-six percent of Americans drive to work, and many jobs require a driver's license. Without a license you cannot take your children to school, buy groceries, or get the health care that you need.
- Suspending licenses cuts economic growth. People who cannot work or who lose income due to a suspended license have less money to contribute to the economy and less money to pay off their initial fines and fees—leaving them saddled with court debt for years.
- License suspensions undermine public safety. When law enforcement uses valuable time to stop, cite, fine, and arrest people for driving on a suspended license due to unpaid fines and fees, they have less time to investigate and focus on crimes that endanger people's lives.

All of these things are true, and I would also add that from my personal perspective, it also harms families, causes mental anguish, and contributes to the systemic issues that are rooted in the criminal justice system. If you have never had to drive with a warrant, without a license or without registration, had to get rides, walk miles, or spend almost half of your waking hours on public transportation, you should talk to someone who has had to do it, and you will come to understand that more times than not, if people had the money to pay it all off and take care of it and be in good standing, they would.

We have the opportunity to significantly improve the lives of thousands of Nevadans during a pandemic when, honestly, people just need a break. I urge you to give the people what they need and deserve by voting this bill out of the Committee and ultimately sending it on its path to become law.

Yvette Williams, Chair, Clark County Black Caucus:

The vast majority of Nevada driver's license suspensions are for traffic tickets that residents cannot afford to pay. Between July 2017 and June 2019, over 38,000 Nevadans had their driver's license suspended just because they could not afford to pay court fines and fees. That is an average of 53 Nevadans every day. Many of them in your Assembly district and for some of you, the bulk live in yours, where you find large Black and Brown communities. These are families that you represent, electorate that look to you for fair and just public policy. This cruel practice forces people to make an impossible choice: stop driving and lose access to work, children's school or day care, medical attention, and basic necessities; or keep driving and risk more fines and fees, arrest, or even incarceration.

When the Clark County Black Caucus hosted one of our educational events for Fines and Fees Justice Center a few years ago, I recall one of our members who moved to Nevada and did not have family support and had a horrible experience. She picked up her young children

from day care and school after work and headed home, praying she would not get stopped by police. She had an outstanding warrant for unpaid traffic fines and fees and was hoping to avoid police until she got her tax return. Once she received her tax return, she would be able to finally pay those fees that, by the way, had increased. But as luck would have it, just a few miles from her home, a police car appeared in her rearview mirror, and sure enough, the lights went on and instructed her to pull over. Similar to others in Nevada, she was put in handcuffs and taken away with her young children traumatized by seeing their mother in this state, crying uncontrollably and mom unable to comfort them. Child protective services were called, and her children were also put into custody. You see, she had no family to call, she was all alone here in Las Vegas, which is common. This issue not only impacts drivers, but it also disproportionately impacts children, students of color who are then expected to perform in school after such an ordeal. It was her worst nightmare, she said, one her children still have never forgotten.

It is time to end this harmful policy and restore Nevadans' freedom to drive and to stop attempting to balance the budgets off unfair policies that criminalize good people and create hardships for Nevada families, in particular people of color, due to racial bias and police profiling—not to mention the over policing in Black and Brown communities. Debt-based suspensions disproportionately impact communities of color. Data shows that Black and Hispanic people are more likely to be the subject of traffic enforcement and have their license suspended despite comparable traffic violation rates. In 2015 the *Las Vegas Review-Journal* investigated law enforcement data and found that residents living in the seven poorest, statistically African-American and Hispanic ZIP Codes account for nearly two-thirds of traffic citations. I just want to repeat that, statistically African-American and Hispanic ZIP Codes account for nearly two-thirds—two-thirds!—of traffic citations.

A 2017-2018 Interim study by the Nevada Legislature cites the 1983 Session as its primary reason for raising fines and fees for traffic violations as it led Congress to cut approximately \$40 billion from the 1980 budget. Prior, the average city in the United States did not rely on general revenues from fines and forfeitures, but by 2006 it was estimated that the average city generated 1.46 percent of its revenue from fines, and it increased to 2.24 percent in 2012. Further, in 2012 about 6 percent of cities in the United States collected more than 10 percent of their revenues in this manner. Nevada is one of the highest.

Assembly Bill 151 will help thousands of safe drivers regain the freedom to drive by ending driver's license suspensions when the underlying basis is unpaid minor traffic fines, fees, and assessments. We also ask that the sponsors and this Committee please consider making reinstatements of drivers' licenses retroactive to be fair—there are many people who still do not have their license today—as is consistent with many of the great social justice reform bills this Legislature has passed in recent years. And just to be clear, again, this bill does not eliminate suspensions and revocations based on dangerous driving such as DUI or relating to overdue child support.

In closing, legislation like A.B. 151 has bipartisan, national support. In the last three years, 14 states have passed reforms to curb license suspensions for unpaid fines and fees, missed

hearing dates, or both. The Driving for Opportunity Act of 2020, introduced by Senator Christopher Coons, a Democrat, and Senator Roger Wicker, a Republican, will provide grants to states that do not suspend, revoke, or refuse to renew a driver's license of a person or registration of a motor vehicle for failure to pay a civil or criminal fine or fee. The grants would cover the costs of reinstating a driver's license previously suspended for unpaid fines and fees. It has bipartisan support from elected officials and over 50 key stakeholders. We hope Nevada will be amongst these leaders and pass A.B. 151 without hesitation. Some of those that support the federal legislation include our own Nevada Attorney General Aaron Ford and 23 other state attorneys general, along with the United States Chamber of Commerce, the National District Attorneys Association, the Federal Law Enforcement Officers Association, the National Urban League, Vision Zero Network, JPMorgan Chase, Instacart, and many more.

I would like to thank Assemblywoman González for the honor of working with her, and Chairman Yeager for allowing the Clark County Black Caucus to have a seat at the table today in centering the voices most impacted by a driver's license suspension.

Yesenia Moya, Private Citizen, Las Vegas, Nevada:

I have been a resident of Las Vegas for over 19 years and A.B. 151 is personal for me. It is always harder to advocate for oneself, and I tend to speak from the heart and off the cuff. Sometimes the emotions overcome me and my message ends up incomplete, but I want to make sure that I am understood loud and clear about the nightmares this existing traffic-related law has put me, my family, and this community through.

It has kept us living in fear, fear of driving out of pure necessity or because of an emergency. For working class Nevadans, it is often a decision between feeding your kids or paying a traffic ticket. Las Vegas is a sprawling city and a metro area that lacks simple access to public transportation, oftentimes making it impossible to move around the city without a car or access to cash for the bus, which sometimes can cost upwards of \$120 a month if you are just paying for your 24-hour bus pass. I have spent upwards of four hours on buses while wasting five or more just walking or waiting for the next bus.

Losing my driver's license did not just mean I lost the privilege of driving, as Nevada law calls it; it is a domino effect. For my sister, it resulted in her fighting a deportation case because she needed to pay for her family's rent and their food. For some of my friends, it is looking over their shoulders when they are trying to take their baby to school or go to work. December 2019 proved to me that no matter how much I pay the courts, they will always want more. I was able to pay my traffic tickets that totaled \$3,400 in December. But, due to the irregular and unreliable communication between the court system and the DMV, I was not able to receive a COVID-19 test when an officer pulled me over the very next week and took my plates, even though my tickets were paid, and I showed him, and I tried to plead with him and talk to him. The DMV replaced them for free because they knew this was wrong. Guess who again has to pay for the same thing: a traffic ticket for driving without a license when all I was trying to do was take care of myself and my community.

I want to know that when it is my turn to get a vaccine, I can drive myself safely there, that any person in the valley living in fear of this pandemic can and will be able to drive themselves and their families there safely. This is a public health crisis, from food deserts to inability to get health care. When was the last time that anyone here was forced to carry their groceries for two miles because they could not afford their traffic ticket? I urge members of the Committee to support A.B. 151 with us and the rest of our community. I am tired of living in fear of being stopped because the cops need to fill their quota.

Chairman Yeager:

Assemblywoman González, is there anything else you would like to add, or are you and your team ready for questions?

Assemblywoman González:

We have concluded our presentation and are ready for questions.

Chairman Yeager:

Are there any questions from the Committee?

Assemblywoman Cohen:

Can you go through the collection rates in other cities that have done away with suspending licenses?

Leisa Moseley:

I wanted to highlight California. They stopped the practice of suspending drivers' licenses in 2018, and in the year following, they have seen about an 8.9 percent increase in on-time payments from folks with outstanding fines and fees. What we saw in Phoenix, Arizona, was not only the \$1.49 million increase in their GDP, they have also seen a 76 percent increase in mobility for individuals, and they were able to get their kids to school, able to get to work, the grocery store, and doctor's appointments. I know you asked about an increase in revenue and collection rates, but I think this is important to highlight, because if people are able to get to work and they are able to pay, then we are going to see an increase in those rates of collections. As a result of their mobility, about 53 percent of those folks were able to obtain new employment and actually employment where they were able to increase their salary, and 41 percent reported an increase in income as a result of Phoenix's program. That ranged from \$3,200 to \$48,000 per person with a median of approximately \$24,000.

Assemblywoman Cohen:

In lieu of paying fees, there is an option of community service—I do not believe it is required—but can you confirm that the court does not have to offer community service, and what is the availability of community service? I am guessing it is limited right now because of COVID-19, but even before the pandemic, what was the accessibility of doing community service and was that an easy process for people?

Leisa Moseley:

Though this is not Assembly Bill 116, we do hope to address the disparities in community service. Assembly Bill 416 of the 80th Session and Assembly Bill 434 of the 80th Session addressed community service. What we have seen is that people are not always able to work and perform the community service as outlined, and we also know that in 2019, those bills required courts to do an ability to pay assessment. We do not know if that ability to pay assessment is being applied uniformly across the state. We are not seeing where people are having the opportunity to do community service. I know that we talked with a couple of jurisdictions, particularly Las Vegas Justice Court, and they do an ability to pay assessment. It is simply asking people that are in the court, "Are you able to pay these tickets?" If they say no, then they ask them, "Would you like to do community service?" We do not know if that standard is being applied across the board, so we really do not have a lot of data on who is doing community service, the availability of it, or how accessible it is to people. That is something we are hoping to work on with legislation this year also.

Yvette Williams:

I just want to remind the Committee as well that when Nevadans lose their jobs, it puts additional strain on public services and resources that are available in the community. Folks who now may be receiving unemployment because they have lost their job are now applying for food stamps. They have lost their employment insurance coverage so now they are putting more stress on our Medicaid programs. When we think about how it impacts revenue in the state of Nevada, we have to be mindful of that as well.

Assemblyman Wheeler:

I was listening with interest and I think Assemblywoman Cohen's question and your answer to that touched on what I wanted to talk about. I would like to go back to what Ms. Moseley said about this happening to people who are unable to pay. Ms. Turner said this was only happening to people with a lack of resources. I looked up NRS 176.064 and it states that the court determines that the defendant has the ability to pay the amount due and is willfully avoiding the payment. It seems to me that has to happen before they can suspend a license on a person. I am wondering what are the consequences going to be here and are we not taking away judicial discretion in removing from our third branch of government discretion to say this person does not have the ability to pay, but he did break the law so we will give him community service; or it was not that bad, he does not have the ability to pay, so suspend the fine. We are taking that discretion away by telling the courts what to do here and basically blaming it on something we do not know for sure because every case is different and that is what the judge is here for.

Leisa Moseley:

We are sensitive to that issue and thought about that. Again, what we have seen and what the research shows is that when barriers are taken away, when people are able to pay their court fines and fees, they do. The data from other jurisdictions around the country supports that. I cited California. When California stopped suspending drivers' licenses for unpaid fines and fees, they saw an increase in revenue of 8.9 percent. I think that is pretty significant. The research does not support that people are simply scofflaws and they just want to escape the

law. It is more of an inability to pay. As I mentioned, the ZIP Codes that have the highest numbers of citations and warrants—and we assume driver's license suspensions as well—also have the highest rates of unemployment, food insecurity, and the lowest median incomes, which means they are hungry and do not have the income to pay for these fines and fees. But it is not that they are unwilling.

Another thing I would like to point out is in past efforts in our own City of Las Vegas and probably across the state, we have seen amnesty programs where jurisdictions hold an event, a few times a year, so people who have outstanding fines and fees can come in on a particular day and get their court and warrant fees waived; we have seen how many people show up to these events and how much collection rates actually go up when people are able to pay their fees. So, removing this driver's license suspension, removing these barriers, makes it so people can pay. It is not that people do not want to pay. We keep processing it through that lens and say that people just simply do not want to pay. The research does not support that. It supports the fact that people simply are not able to pay because they do not have the income.

[Assemblywoman Nguyen assumed the Chair.]

Assemblyman Wheeler:

Thank you for your answer but I do not think you addressed the question. Once again, you say that people do not have the ability to pay. I understand what you are saying, but what I am saying is that the judge should take that into account. So apparently what you are saying to me is that judges do not take it into account so we have to slap them down and make sure that we take their discretion away even though they may be an elected official and they will do it the way we want to do it.

Leisa Moseley:

It is not the intention of this bill to slap down anyone. As of 2019, there was legislation that mandated that courts do an ability to pay assessment before suspending someone's driver's license. The data that we have received from the DMV shows that even after that law went into place, we would think that driver's license suspensions would have gone down since courts were doing an ability to pay assessment. But in many cases, we saw those driver's license suspension rates actually go up versus going down, and I do not think that it is because judges do not want to do the assessment. They have a lot of cases on their dockets and I think it is more that we need some uniformity across the board. That is what I think we need, just more uniformity with the way these processes are enacted. Those are the facts. Again, we have seen in many cases those driver's license suspensions actually go up which supports the fact that maybe some courts are not doing an ability to pay assessment.

Assemblyman Wheeler:

I think we will have to agree to disagree on that one.

Yesenia Moya:

I have never actually seen a judge for any of my traffic tickets. The only time that I have had access to any person was either at the window when they told me I had to pay, or over the phone where the enforcement officer told me that I had to come in and I could not pay over the phone—I was not allowed to and I was hung up on. I have never had a pay assessment nor have the courts reached out to me. I have not had access to information. When I asked an enforcement officer over the phone if I could see somebody about my ticket, she told me no. I am not sure if my experience is the same as other folks, but I can say that, from my experience, this process is not being done correctly. A lot of the times folks show up to these warrant quashing clinics and end up pleading nolo contendere, not understanding what it means. A lack of access, lack of education, and a true power dynamic is at play here where they just assume since folks are not educated that they will not follow up.

Assemblyman Wheeler:

Just so you know—and I believe any of the attorneys on this panel here will be able to tell you—you can demand a trial for that. And just so you know, there is no such thing as police quotas. It does not happen.

Vice Chairwoman Nguyen:

I have a bill that I am working on in this general area. I have been working with a lot of the counties and municipalities and I can see whether or not they can pull the data on how many people actually appear before judges and get some of that data for you, if that would be helpful.

Assemblyman Wheeler:

That would be very helpful, as I would love to see how many actually request a court hearing, how many do not, and how many that request one actually get one. If they do not get one, that is something we definitely have to fix.

Assemblywoman Summers-Armstrong:

Could you please list the top five ZIP Codes that have the highest number of warrants, fines, and fees?

Leisa Moseley:

Those are 89101, 89106, 89108, 89110, and 89030. Those are also the ZIP Codes that have the lowest median incomes: 89101 has a median income of \$25,101; 89106 has a median income of \$30,444; 89108 has a median income of \$46,759; 89110 has a median income of \$44,406; and 89030 has a median income of \$35,484.

Assemblywoman Summers-Armstrong:

Three of those ZIP Codes are partially in Assembly District No. 6. This is a real issue for a community that—at least in 89106, which encompasses Ward 5 in Las Vegas where I live and which is also part of Assembly District No. 6—has for years been experiencing 15 percent unemployment—which is over three times the state average before COVID-19. I just believe this legislation brings some compassion and understanding into an issue that

our community has experienced for a long time. Whether there is agreement or not, I live in a community that I see with my own two eyes is heavily policed all the time, whether there are quotas that are actually spoken out loud to the public or are internal; we see a significant amount of policing in our community. I think that is part of the reason that we see such high numbers of ticketing for these kinds of nonlethal, minor traffic infractions.

I will never forget I was at the City of Las Vegas a while ago to attend a hearing, and I am walking back to my car and the police are ticketing a car that is parked in a paid slot at City Hall. The young lady was walking out with her children to her vehicle and I said, "Oh my goodness, is your meter expired?" She said, "No, my meter is not expired. The tags on the car are expired." She was not moving, her car was parked, but she was still given a ticket. That was in the ZIP Code of 89101, which is also part of Assembly District No. 6. We have to be honest if we choose to be—people do not have to be, but I would appreciate if people were honest about what is going on here—honest to the fact that these communities of Black and Brown people, people who are poor, who are trying to find work, who are struggling, seem to be the target. They are not going to get attorneys; they cannot afford them. That is why they are going to the window to try to get help.

I am just grateful that you are here to talk about this, grateful that you are shining light on a truth, and I am hopeful that the Assembly and the Senate will see the benefit of this to our community, and support legislation that truly helps regular working people. We just want an opportunity to live in peace and do the right thing.

Vice Chairwoman Nguyen:

Thank you for sharing your experiences in your district and personally.

Assemblywoman Hardy:

Maybe there are too many to list them all, but could you give me some examples of minor traffic violations? What are the average fines for those type of violations?

Leslie Turner:

I would say that in my community the most tickets are usually for things that involve financial resources such as failure to have registration or insurance, driving without a driver's license because the license is suspended for previous tickets for violations I just mentioned. The fine for driving without a driver's license is \$400, plus it depends on how many times you have gotten that ticket. The ticket for insurance and registration is \$800, and again, it goes up depending on how many times you have been ticketed for it. If you get pulled over and you do not have registration and your license is suspended, that right there could be \$1,200. Obviously, a person from one of the poorest districts in the state is not going to be able to pay. Every jurisdiction varies, but if you get on a payment plan paying \$50 a month but you do not have it one month, then you are at risk of going into warrant status, and that is how people end up in jail. Also, when it goes into warrant status, that is an additional fine, a bench warrant fee, that you also have to pay, which is \$150 per ticket. In one interaction, you could get three tickets at \$150 per ticket because it went into bench warrant because you missed a payment, or you were not able to keep up with your payments. It creates this cycle

of debt that people cannot get out of. I just wanted to add that a lot of times these are not moving violations. The data shows that these are tickets that do not actually reflect your ability to drive. You are not recklessly driving, speeding, or running stop signs. I am not saying that that never happens, but for the most part, it is things that people cannot afford to pay for.

Vice Chairwoman Nguyen:

It is laid out in statute what is considered a minor traffic offense. Additionally, what I think Ms. Turner was referring to, in practice they are called "fix-it tickets," such as broken taillights or failure to display your license plate appropriately. I am sure Assemblyman O'Neill can provide more information about that as well.

Assemblywoman Hardy:

I wanted to get an idea in my head of what things we are talking about, and you had mentioned that it does not include DUIs and more serious violations. To clarify, this bill would remove the ability to suspend for those infractions. Does that mean the fines go away or are they still required to pay them? They could do the amnesty program that you mentioned. Is it just so they are not getting their license suspended? Do I understand that correctly?

Leisa Moseley:

What we hope to do with this bill is not remove the fines. What we want to do is remove the ability of the courts to suspend. We are hoping, not with this bill but with other legislation, to put into practice a civil system. People who have tickets can get on a payment plan to pay these tickets. You asked about some of the violations that we see that people get tickets for. Although I do not have the fee schedule in front of me, Ms. Turner did a good job of laying out what some of those fines looked like. We worked with some UNLV sociology students who did some research for us on warrants. Again, this is not a warrants bill, but it stands to reason that if people have warrants, then the next step is the license suspension. The top ten reasons they found for traffic warrants had absolutely nothing to do with public safety or driving; they were for driving without a valid license, having no proof of insurance, driving with suspended license plates, driving on a revoked or canceled license, an unregistered trailer, public parking, expired license plates, or no driver's license in possession.

When someone requests a payment plan, most jurisdictions charge a fee to initiate a payment plan. The data that we have received from some jurisdictions, the fee can be as low as \$50 or it can be as much as \$100. There is also a fee if your violations go into warrant status. Before you can pay on that violation, you now have to pay warrant fees. Those warrant fees range anywhere from \$150 to \$400. So, before you can pay on that violation, you have to pay those warrant fees. As you can see, this is what creates the large amount of debt. It is not always the initial violation; it is the fees and assessments. There is also an assessment that is applied to traffic violations and misdemeanors, which are all misdemeanors by the way. When you start stacking up all of these fees and these additional charges, then you see it creates the amount of debt. Once somebody gets in that cycle, it is nearly impossible for them to get out.

Assemblywoman Hardy:

I appreciate your expanding on it and can see how these can build up and lead to the inability to pay. I would be interested in further conversations about how we help people pay the fines without the suspension of the driver's license. There is still the ability to be accountable to pay but not be restricted by the suspension.

Vice Chairwoman Nguyen:

I would encourage all of our members to review the research done nationally through the National Conference of State Legislatures. I know they have been a good resource in the area of reform of citations and civil infractions.

Assemblyman O'Neill:

I appreciate the intent and the conversation we are having. Assemblywoman González has brought forth an interesting bill. I think we could spend quite some time on dealing with it. Help me understand, Ms. Moseley, you said that Fort Worth does not have suspensions, but Dallas does, and Fort Worth has a better collection rate. Do I understand that Texas allows the local jurisdictions to decide what program they want to go with?

Leisa Moseley:

Texas is one of the states that has stopped suspending drivers' licenses. I have the data for Fort Worth and Dallas that I shared earlier. I am not clear on how the other jurisdictions are implementing that. I can tell you that I can get that data for you. Does that help?

Assemblyman O'Neill:

It may. I am just trying to understand how one jurisdiction does suspend and the other does not?

Leisa Moseley:

There is a program that Dallas uses that they suspend through and Fort Worth does not. This is for the year immediately following the implementation of this law, so this may have been data from before that. I am sorry, Assemblyman O'Neill, I cannot seem to find it.

Assemblyman O'Neill:

Here is what I was trying to get to: what is the carrot and stick, the incentive? You said that California increased their payment rates, so what incentivized those individuals? It cannot just be that they had a job. Because you said during amnesty days, people come in and pay, so they know they have to pay. I am trying to learn what is the incentive. You are not going to lose your license if there is no penalty or no detractor attached to not paying the fines. As much as I like to believe in the goodness of people, I find it difficult to believe that they would go ahead and pay their fine just out of the goodness of their heart. Maybe I misunderstood, but maybe we should also look at requiring or tightening up the requirement of the payment plan program and requiring the courts to be more attentive to that before we go to suspensions. I know it is a confusing question, but I need to know what is the incentive or the carrot and stick here, and could it actually just be by forcing the courts to be more attentive to the income of the party and instituting payment plans?

Leisa Moseley:

I am going to use a phrase that we have used many times over the years: the numbers do not lie. The research shows that when barriers are removed, people want to pay. We have processed this through the lens of people's unwillingness to pay. As I said earlier, it is premised on the belief that people just do not want to pay, that somehow they are scofflaws and they just want to escape the system. But the data simply does not support that. Perhaps it is us in our thinking and having to rethink how we look at this issue. The data does support that. People want to pay. California and Phoenix have both seen an increase in their collection rates. And though this is not related to driver's license suspensions, I want to highlight Carson City. They stopped issuing warrants for unpaid fines and fees in 2019. Since they implemented that, Carson City has seen an increase in collections, revenue assessed versus what is collected, of 8.5 percent on average per month. It also stands to reason that people are not getting warrants, they are not getting suspended.

People do want to pay. We see that with the amnesty programs, the warrant-quashing programs, and in the data. People do want to pay. We think that people simply do not want to pay their fines and fees, but I do not believe that is the case. I do believe in the goodness of people. I do believe that people are responsible. It is the premise of our country. We raise our children to be responsible and take responsibility for their actions. This is what this country is built on, so I do believe in the goodness of people. And I believe that without these barriers in place, people will want to pay their fines and fees because they want to take responsibility and contribute to their society.

Assemblyman O'Neill:

I agree that I would like to believe in the goodness of people, but I am still having trouble with the carrot and the stick. How do they incentivize? I appreciate your time and will contact Carson City—since it is a local jurisdiction—and talk with the judges and the district attorney to see where they feel that there needs to be no stick on this.

Leisa Moseley:

What we are seeing is that when the courts have stopped suspending licenses, when they take away or waive the additional fees, and people can just pay on their fine, that they pay it. The research shows that. Those are facts; the research simply shows that. So perhaps we do not really need a stick or a carrot for people to pay. We believe that if we take away your ability to drive or issue a warrant or something like that, that is going to force you to pay. The data does not show that. In fact, what it shows is when those barriers are in place, courts do not collect the revenue that they have assessed. We at the Fines and Fees Justice Center do have some data to show that. I do not have it in front of me but can certainly submit it to the Committee if you would like to look at it. When courts have warrants and suspensions in place, it limits the ability of people who have been assessed fines and fees to pay. That is a fact. I have that data. When those things are removed, that is the incentive—providing a way for people to be able to pay. If there has to be an incentive, that would be it.

Vice Chairwoman Nguyen:

Ms. Moseley, I am going to cut you off there and ask Assemblyman O'Neill and any other Committee members to follow up offline as I want to get to questions from other Committee members and public comment.

Assemblywoman Hansen:

I am very sympathetic and what I try to do on the Committee is to weigh mercy and justice. I think that is the sweet spot we are always trying to find. I think there is room for both in this situation. What I have had some concerns about from what I have learned today is the fee structures and the assessments. I want people to be accountable. I do think that is important, so I really wanted to explore more of the community service side of it when a person cannot pay or if they are on a payment plan. Full disclosure, I have a lead foot, 38,000 square miles in my district, and I have been pulled over numerous times and those fees are high. What really concerned me was the most common violations—registration, insurance, and no driver's license—it is almost as if there is a racking of fees, which worries me. Perhaps there is room, maybe not in this bill but in the future, to figure out a way that these fees are not so exorbitant. I can see how this would be very discouraging particularly in the economic median incomes we have been talking about. Can you clarify, if community service is an option, if they cannot pay now, and also if they are on a payment plan, does the suspension stop if they are current with the payment plan?

Leisa Moseley:

Community service is an option, and A.B. 434 of the 80th Session put in place two things: the ability to pay assessment that courts are supposed to use to determine a defendant's ability to pay; and the option to perform community service in lieu of paying cash for their fines and fees. What we have seen is that we do not know if there is uniformity across the state in all of the jurisdictions in applying that law. We do not have any data to show that courts are uniformly applying this. We do know that some courts are offering community service initially. From what I understand from Las Vegas Justice Court, when someone comes to their window, the first question they ask is if they are able to pay their fines and fees. If they say no, they are asked if they would like to do community service. That is a shining example. We do not know if that standard is being applied across the board. The Fines and Fees Justice Center has submitted language for legislation that would make payment plans uniform, it would waive some of the initiation fees for a payment plan, and we have also asked about community service.

I will highlight, again, Texas. They have put in place a model of community service that I think is something we could look at implementing here in Nevada. Texas has expanded the definition of what qualifies as community service. For example, if someone who has been assessed fines and fees is already volunteering at their child's school or if they may already be in a particular court-ordered program—such as anger management or a drug program—Texas allows that to serve as community service premised on the fact that we are making people better members of their community through these programs so they are allowing that to serve as community service. That is not in this bill, but that is something that we hope to work on this session also. That would also provide some relief.

Vice Chairwoman Nguyen:

Good discussion on the bill, and if any members of the Committee have follow-up questions, please reach out to any of the presenters. Is there anyone who would like to testify in support?

Ashley White, Private Citizen, Las Vegas, Nevada:

I am here to support A.B. 151. I believe this bill would be beneficial in many ways. Some individuals are already out here struggling with a job and just everyday life. A simple traffic violation is not a reason to go to jail. To practice criminalization of poverty seems to be extreme and unfair. It creates a vicious cycle with snowball effects that destroys lives and ruins careers and sometimes people. Individuals need careers and jobs to support and take care of their family. People work hard to go to school to obtain the grades and licenses, and to lose all of that for something that is not a crime is very unfair. I know personally, I have had times that I have struggled with life due to lack of employment and especially with COVID-19, but to think that, due to a suspended license, I could lose all of my degrees and licenses along with my career, then go to jail and lose my kids and now have a criminal record is very scary. I have worked very hard to be able to provide the life my children and I have, along with many other individuals. This situation could happen to any of us at any given time. My mother was personally impacted. She got a parking ticket and at the time was unable to pay due to being unemployed and was given the opportunity for community service. She completed it and went back to court and was told that she did it at the wrong place even though that is where the court sent her. The judge asked her if she was able to pay and she said no because she was still unemployed. The judge sent her to jail for the first time in her life. She has been very mentally impacted behind that. I think passing A.B. 151 would relieve a lot of worry, fear, and stress from individuals. It would also make things a lot more effective and successful instead of destroying lives; let us help individuals who really need the help.

Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada:

We stand in strong support of A.B. 151. The number of people impacted by driver's license suspension in the state between 2017 and 2019 bears repeating. It is more than 38,000. Research shows that on average 40 percent of people who face license suspension lose their job. This criminalization of poverty must end in the state. The pandemic has only exacerbated this issue with hundreds of thousands of jobs being lost either permanently or temporarily. Throughout the state people have been forced to search for work farther and farther from home. Our public transportation systems in the state leaves much to be desired. Buses do not always arrive on time or stop where people live or need to go. Add to that the fear and danger of contracting COVID-19 in close, confined spaces. Public transportation can also be dangerous for vulnerable individuals who often have to ride home alone at dark after work.

As rent and home prices skyrocket in much of Nevada, commuting to work has become a much more common practice. In Assembly District No. 39 where my parents live and work, many minority, low-wage casino and hospitality workers commute from the valleys to

the lake five or more days a week. They have seen their hours cut and have been placed in situations where they may have to choose between paying minor traffic tickets and putting food on the table or keeping the lights on. A lack of financial resources should not be a barrier to maintaining work. It is also a public safety issue as we know that some people will choose to drive without a license and thus uninsured if their other option is the loss of their employment. For Nevada's economy, for struggling Nevadans, for racial justice, and for the safety of the state, we urge you to support A.B. 151.

Ayanna Simmons, Private Citizen, Reno, Nevada:

I support A.B. 151. I was incarcerated for 100 days because of a suspended driver's license which happened because I was shot in the neighborhood that I live in and was in a cast and it went into warrant. I had verifiable proof, but because it went into a warrant, it accrued more fees. The cost of housing me for those 100 days superseded the amount of the fine that I was charged for the suspended driver's license. It is way past time to look at these laws in a different lens because during that time one of my children was hurt, and we are still dealing with the trauma of what happened that many years ago. It is definitely past time. I am in full support of this because it will help single mothers and people who are obligated to pay and, if possible, to do community service but not be hurt, because after completing the 100 days, I still had to pay a fine to have my driver's license reinstated. It did not go away because it was applied to my credit, so that was a double standard because I had to do the time and still pay the fine afterward. Therefore, it would behoove all of us to revisit and look at these laws through a different lens and stop preventing people to elevate when they desire to work and do other things which warrants and fines will prevent if we just do not have it, clearly stated. Again, we are Nevada Strong, we are Battle Born, and we can do better.

Brendan Becker, Private Citizen, Henderson, Nevada:

I am in support of A.B. 151. I wanted to show my support because I believe this bill would be greatly beneficial to many people, especially people with disabilities, because already in the city it is hard to navigate with public transportation especially with the public city bus and also with the Regional Transportation Commission (RTC) bus as well. With the RTC and the city bus it can be quite costly. If they cannot rely on someone with a driver's license, then they could not navigate anywhere. Also, with that, they could lose access to many things such as prescriptions or doctor's visits or many things like that. I am hoping this bill gets passed and that this will be fixed soon.

Jodi Hocking, Private Citizen, Reno, Nevada:

I am speaking today from a personal perspective, one that is extremely uncomfortable but needs to be said. Fifteen years ago, I was a single mom raising two kids on my own and struggling to maintain. During the recession, I worked low-wage jobs and every side job I could hustle up. My significant other was incarcerated, and everything was left on me. Someone gave me a vehicle so I could get back and forth to work but the car would not pass inspection in New York at the time. The failed inspection was due to something I could not afford to fix, but it was the only way to get to work. For years I drove that car illegally. We called it the "death trap" actually, but I did not have any other choice. When you are living with your back against the wall, sometimes you make decisions out of survival that you

would not make if you had actual choices. There was no public transportation with a 45-minute drive to my job, there were no closer jobs, and I could not pay rent or feed my kids without it. Ultimately all of the problems led to the suspension of my driver's license and consequently my insurance, yet I had no choice but to continue to drive. Often, I heard people say, You had a choice, but sometimes there just really are not any. I did not need a carrot or a stick, I only needed to be able to have the financial resources to pay the tickets and repairs in order to be able to keep the car functioning legally.

I want to take this one step further. I am white; driving with a suspended license and no insurance or registration eventually did lead to me being pulled over one night. My story is very different than the others who have told their story. The officer did give me a ticket and towed the car, but he also gave me a ride home. When I wrote the courts because I knew how to use the system, the tickets were dropped. I never paid a penny and the suspension of my license was ended. That is white privilege. Had I been Black or Brown, I would have gone to jail or worse. In my panic, I could have alarmed an officer and not lived through that encounter.

I am in support of A.B. 151 for many reasons, but simply put: (1) it removes barriers to driving for people that keep people trapped in poverty; (2) no one should be worrying about warrants or jail over license suspension or fees that they cannot pay; and (3) any law should ensure that it is fair to all and does not provide opportunities for white and/or wealthy people to have a different level or access to justice by their natural-born privilege while Black, Brown, and poor people literally can give their lives and freedom for it.

Assemblyman O'Neill, you made a comment earlier about not believing in the goodness of people wanting to pay. I am going to assume something different. The goodness of people's intent who have resources is no different than the people who do not have resources. The only difference is what they have and their ability to pay. Let us apply the same principles of goodness to all Black, Brown, and poor people as well.

Jim Hoffman, representing Nevada Attorneys for Criminal Justice:

We support this bill for the same reasons that many other people have already given. I just wanted to address specifically Assemblyman O'Neill's question about carrots and sticks. I think there is a stick in the law already. The stick is that if you do not pay your fines, it goes into collections. Then you have debt collectors calling you, hounding and annoying you, and then if you do not pay for a long enough time, it gets turned into a civil judgment, and a civil judgment goes on your credit record and then it is harder for you to rent an apartment or get a car loan. We already have these sticks in the existing law. Assembly Bill 151 would not get rid of those, so there would still be a good incentive for people to pay their fines.

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

We support A.B. 151 because it is one step toward ending the criminalization of poverty. Suspending licenses to punish someone's inability to pay fines and fees is counterproductive

and leads to costly consequences for Nevada citizens. Regarding Assemblyman Wheeler's question, as a public defender I know firsthand that unfortunately not every court conducts a hearing before first issuing the warrant and arresting someone for their license suspension. Some courts will issue the warrant first and suspend the license first, and then after that person is arrested, they will hold a hearing. It is heartbreaking and frustrating when we have to meet a new client, a community member, at jail in custody because they were simply trying to drive to work and earn a living for their family. They wanted to pay their fines and fees but the fees just kept increasing and they had to make that difficult decision whether to use their limited resources on housing, keeping a roof over their heads, food in their family's mouths, or to pay their fine. Unfortunately, the choice they made was to protect themselves and their family. Suspension is not an option to threaten people that work. The data shows that it is ineffective and rather has that crippling effect on our community members which keeps them from engaging with the court. A driver's license suspension for failure to pay creates a vicious cycle of crushing debt and prolonged involvement with the legal system.

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

I want to echo the comments of those who spoke before me and address a few things that members brought up. Assemblywoman Hansen, the fines and fees are pretty outrageous and range in the thousands of dollars, especially in municipal courts which largely go unchecked. It makes it very difficult for people to pay, and eventually they will enter into a cycle where they get arrested, lose their job, lose their housing—all over a traffic ticket. I do not think we want that for Nevadans. Responding to Assemblyman Wheeler, this bill does not remove discretion from judges. Judges interpret law; the people's house provides for good policy. This bill is good policy, both fiscally and sound in its criminal justice-seeking equity. I would ask and urge this Committee to pass this bill.

Maria Nieto Orta, Nevada State Coordinator, Mi Familia Vota Nevada:

Mi Familia Vota Nevada is a national civic engagement organization that unites Latino, immigrant, and allied communities to promote social and economic justice. Mi Familia Vota supports A.B. 151 in hopes to end driver's license suspension for minor unpaid traffic fines, fees, and assessments. Black and Brown communities are more likely to get their licenses suspended due to unpaid fines and fees. This causes a bigger issue in being able to survive and continue feeding their family and loved ones. We need to ensure this ongoing issue stops, and it should not have taken an unprecedented pandemic to shine an even harsher light on already presented issues. The impact is people have to choose between driving to work or not being able to drive and losing their job and financial support, meaning they can no longer pay that fee. This bill can help alleviate an inequality that is currently in our criminal legal system in Nevada. We ask the Committee to support A.B. 151.

Vice Chairwoman Nguyen:

Is there anyone who would like to testify in support? [There was no one.] There was some difficulty with Assemblywoman Krasner's technology in her office, so she is in my office. I wanted to make sure that she had the opportunity to ask her question.

Assemblywoman Krasner:

I am very sensitive to the issues at hand and I believe we should have equal justice under the law regardless if you are rich or poor. With that, I understand sections 1 and 3 of the bill but my question is concerning section 2. How does somebody's failure to appear in court connect to their inability to pay?

Leisa Moseley:

Many of the jurisdictions do not distinguish between failure to pay and failure to appear, so if someone does not show up in court, they have automatically been deemed as a failure to pay. We are just asking that whether the DMV suspends for either one of those reasons, that the ability to suspend would be eliminated for either of those. I am not sure how that relates to someone's inability to pay. If you could explain that question a little bit more.

Assemblywoman Krasner:

Repeatedly the presenters have made it clear that this is about how it is not fair that if someone cannot pay a fine or fee, they should lose their driver's license, and I agree with that. Equal justice under the law regardless of whether you are rich or poor, that is our system of justice in the United States. But in section 2, it is specifically talking about someone's failure to appear in court. As a society, do we not want to encourage people to appear in court if they are supposed to? That does not have anything to do with paying a fee or fine or if you are rich or poor, it is just not appearing in court. I am just not sure how that plays in.

Leslie Turner:

Usually people do not appear in court in relation to traffic tickets because they are afraid of going to jail or afraid of getting warrants and they know they do not have the money. Also, it is the system—for instance, the municipal system online does not differentiate between failure to pay and failure to appear. So if I have to make a payment that is due on the twelfth of the month for \$50 on a payment plan, that shows in the system as a court date but it is actually just a payment that is due that day. We have to look at the people who are impacted by this. We have to look at what the data shows, which is that low-income communities, Black and Brown people, are the ones whose licenses are being suspended and getting these traffic warrants. I think it is very important that we are talking to those people and trying to figure out solutions with them to understand the problem. A lot of folks might have never had a warrant or their license suspended, so they might not understand the process and how you get stuck in that cycle.

[[Exhibit F](#), [Exhibit G](#), and [Exhibit H](#) were not discussed but were submitted in support of [Assembly Bill 151](#) and will become part of the record.]

Vice Chairwoman Nguyen:

Is there anyone who would like to testify in opposition?

Nicole Rourke, Director, Government and Public Affairs, City of Henderson:

I would like to thank Assemblywoman González for meeting with us yesterday to talk through the bill and hear our concerns. We are not opposed to the concept of the bill; however, there are several offenses included under the definition of minor traffic offense that are clearly not minor, including hit and run, reckless driving, tampering with a breath interlock device, and others that should be excluded from this bill. We appreciate that these were not intended to be included. We also believe that there needs to be consistency between the proposed exclusions of the civil traffic bill [Assembly Bill 116] and this bill regarding the definition of a minor traffic offense so that both bills can achieve their common purpose. We look forward to working with the sponsor to address these technical issues.

Zachary Bucher, Strategic Analyst, Officer, Government and Community Affairs, City of Las Vegas:

We understand this legislation is part of a broader and very important discussion this session. The City of Las Vegas would like to align itself with the comments just made by our friends and colleagues at the City of Henderson. We look forward to being part of this process going forward with the sponsors of this bill.

Vice Chairwoman Nguyen:

Is there anyone else who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position?

Sean Sever, Division Administrator, Legislative Liaison, Division of Management Services and Programs, Department of Motor Vehicles:

I would like to thank the bill's sponsor for meeting with me this morning. We are neutral on this bill and understand the concerns. However, we did submit a fiscal note on this bill as written. We are willing to absorb the programming costs that the bill would create for us, which are basically information technology changes we would have to make to our system. However, there is a large revenue impact to the DMV with this bill. As many of you have seen with the people standing outside our offices waiting to get in, the DMV is suffering right now, particularly with our revenue due to the pandemic. We are making budget cuts and not filling positions, but we are willing to work with the bill's sponsor to see if there are ways we can lessen the impact to the DMV. We can also look to the American Association of Motor Vehicle Administrators, which is our federal agency that all state DMVs fall under to see how other states are dealing with this issue. We look forward to working with everyone.

Vice Chairwoman Nguyen:

Is there anyone else who would like to testify in the neutral position? [There was no one.] I would invite the presenters back up for any concluding remarks.

Assemblywoman González:

I do not have any closing remarks, but I believe the other presenters would like to provide closing remarks.

[Chairman Yeager reassumed the Chair.]

Yvette Williams:

Before my closing remarks, I just want to reiterate that there were questions about the suspension and whether or not the person was able to drive or was reinstated if they were on a payment plan. The answer is, no, they do not. Until the fines and fees are paid in full, they do not restore any driving privileges even though they may be on time with their payments.

I just wanted to say that, following the promises made last summer around racial justice and the promise that systems of racial injustice would be addressed this session and dealt with, I want to just say to you that the communities most impacted are holding their breath right now during this session, and we hope at the end of the session we will finally be able to exhale. We earnestly ask for your support on A.B. 151. If there are any reservations at all or anything preventing you from giving your support, please reach out to our sponsor and presenters to allow them the opportunity to have those discussions with you before you make your final decision.

Leslie Turner:

I just want to thank the Committee and Assemblywoman González for working with us and bringing us on as a part of this presentation. It is really important that we are centering the voices of those impacted by this. Again, if you look at the data and the people whose licenses are suspended, the people who are in warrant status are Black and Brown people, people from the low-income ZIP Codes, and I think we have to include those people in coming up with a solution. We have to talk to those people and ask them, What is going to help you take care of this? I appreciate and thank everyone for the opportunity to speak with you today.

Leisa Moseley:

I wanted to thank everyone for the thoughtful questions and dialogue on this issue as well as those calling in their support and opposition. It provokes thought and it makes us all think about how we look at these laws, how we think about why we actually implement these laws the way that we do. Fourteen other states have already stopped issuing suspensions for unpaid fines and fees. Nevada has led the way on so many other issues, including having the first majority female legislature around the country. We are moving in directions that are leading other states, and I am hoping that Nevada will be adding its name to the list of states that no longer use this harsh and unfair practice as a form of justice. I think it is high time that we find other ways of incentivizing or to make it easier for people to be able to live every day, to support their families, and to be responsible and pay their fines and fees. We know that is what people really want to do. I look forward to working with the sponsor and the DMV on how we can provide some relief while being sensitive to the revenue loss that

they may face. I do not believe it is as extensive as it has been presented. Our research does not support that, but I certainly do look forward to having conversations with the DMV so that we can get this bill passed.

Chairman Yeager:

Are there any other concluding remarks?

Yesenia Moya:

As an impacted person who has had their driver's license suspended, I have lived in three of those ZIP Codes that were mentioned earlier in the meeting. I have tried payment plans. I tried community service. I tried to see a judge. I tried to make the payments. I ended up in warrant status three or four times over the last few years. The tickets have compounded. I paid them off and, go figure, one week later, I got another ticket and my plates were taken. Without any more being said, I really hope that this bill gets passed out of Committee and that you are willing to work with the community, as this is a serious issue.

Chairman Yeager:

I want to thank the five of you for presenting and Vice Chairwoman Nguyen for chairing the meeting in my absence. I will definitely go back to watch the questions and discussions. I will close the hearing on A.B. 151. I will open it up for public comment.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

Thomas Purdy was killed by the Reno Police and the Washoe County Sheriff's Office. Today I would like to tell you about Justin Morgan Thompson who was 35 years old when he was asphyxiated to death by Washoe County Sheriff's Deputies Kenneth Cameron, Randy Hill, Joel Hospodar, Peter Michel, Brad Mustafa, Kimberly Peek, Nicholas Tone, Trevor Solano, and Paul Hubbell, who asphyxiated my brother less than a year earlier. Justin had only marijuana in his system when he was asphyxiated.

I would like to give you some of the communications between Justin and the deputies.

Justin: "Why are you doing this?"

Deputy: "You are the a-hole, this is all on you, you asked for this. Believe me, by your actions you asked for this. This is where we are, and we are not going to de-escalate. Maybe you should rethink your decisions."

Deputies then had a brief discussion about excited delirium. The male nurse from NaphCare came in and asked ridiculous questions such as, Do you wear contacts, Do you have allergies, at a rapid-fire pace to a man who clearly was in need of medical attention.

As six deputies or more were on top of Justin, Justin begged for water. The female deputy said, "Don't f-ing touch my hands." Justin tells them he cannot breathe. The nurse asked if Justin feels threatened with six deputies on top of him; he replies, "What do you think?" The female deputy swears at Justin again. Justin tells them again he cannot breathe. The nurse clears Justin to be put in a cell. Justin asks if they can please get off of his back. The answer

was, No. Justin yells for help. The deputy says, "Nobody is going to help you. We are the help and as I stated before, we are not going to step down until you are in a cell. Why? We don't trust you."

Justin is threatened with a Taser. Deputies are repeatedly [unintelligible] by him on his stomach. A deputy with a Taser kicks Justin. "What's it going to take for you to stop being stupid. Do you not get it? We own you right now and we are going to continue to own you. Figure it out. You are not going to win. You better figure it out. My arm, yes, you just lost that arm and I own that arm. This is now my arm and every time you try to squirm, I'm going to tune it up a notch. We are going to throw you in a cell and you can act stupid by yourself." Justin's breathing is fairly labored and he struggled for almost an hour. Six deputies then put him in the cell facedown and he was smothered to death.

I noticed during the video there was one African-American deputy who, the whole time, never went hands-on with Justin, and every deputy that went hands-on with Justin then did not want to give him cardiopulmonary resuscitation (CPR). Only the African-American deputy who never went hands-on immediately attempted CPR on Justin.

Please do not support bills that promote bad police. Please support bills that promote transparency and accountability.

Chairman Yeager:

Is there anyone else wishing to provide public comment? [There was no one.] I want to thank our staff in Broadcast and Production Services who really make these meetings happen. Without them, we would not be able to do this. They are behind the scenes—the voice of God—and they make these meetings happen. I just want to thank them and our Committee staff who are working very hard behind the scenes as well.

Are there any comments from Committee members? [There were none.] We have a meeting tomorrow at 8 a.m. with a bill and a work session on the agenda. We will start with the bill presented by Assemblywoman Nguyen. There are a number of bills on work session and we will make sure to get the work session document to the Committee members sometime today. Please take a look at that and if you have concerns, please reach out. You are not required to, but it is helpful if you can express those to me prior to the work session tomorrow morning.

For next week, we are not going to have a meeting on Monday. I expect to have meetings the rest of the week and they will most likely start at 8 a.m.

The meeting is adjourned [at 11:12 a.m.]

RESPECTFULLY SUBMITTED:

Traci Dory
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 conceptual amendment to [Assembly Bill 151](#), dated February 24, 2021, submitted by Assemblywoman Cecelia González, Assembly District No. 16.

[Exhibit D](#) is a document titled "Introducing [AB 151](#): an end to Nevada's debt-based driver's license suspensions laws," submitted by Leisa Moseley, Nevada State Director, Fines and Fees Justice Center, in support of [Assembly Bill 151](#).

[Exhibit E](#) is a report titled "The City of Phoenix Municipal Court's Compliance Assistance Program, 2016, An Economic Assessment, Final Report," dated June 2, 2017, submitted by Leisa Moseley, Nevada State Director, Fines and Fees Justice Center, in support of [Assembly Bill 151](#).

[Exhibit F](#) is a letter to Chairman Yeager and Committee Members, dated February 24, 2021, submitted by Paloma M. Guerrero, Legislative Committee, Nevada Immigrant Coalition, in support of [Assembly Bill 151](#).

[Exhibit G](#) is an email dated February 26, 2021, to the Assembly Committee on Judiciary, submitted by Teresa Crawford, Private Citizen, Henderson, Nevada, in support of [Assembly Bill 151](#).

[Exhibit H](#) is written testimony submitted by Zachary Kenney-Santiwan, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 151](#).