

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

**Eighty-First Session  
March 18, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:04 a.m. on Thursday, March 18, 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](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Steve Yeager, Chairman  
Assemblywoman Rochelle T. Nguyen, Vice Chairwoman  
Assemblywoman Lesley E. Cohen  
Assemblywoman Cecelia González  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
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:**

Assemblywoman Shannon Bilbray-Axelrod (Excused)  
Assemblywoman Heidi Kasama (Excused)

**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 Hoffercker, Committee Manager  
Traci Dory, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Alexander Wong, Private Citizen, Las Vegas, Nevada  
Leisa Moseley, Nevada State Director, Fines and Fees Justice Center  
Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association  
Jim Hoffman, representing Nevada Attorneys for Criminal Justice  
Nicholas Shepack, Policy and Program Associate, American Civil Liberties Union of Nevada  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Caleb Green, Sponsorship and Corporate Relations Chair, Las Vegas Chapter, National Bar Association  
Ronald Najarro, Nevada State Director, Americans for Prosperity - Nevada  
Sherrie Royster, Legal Redress Committee Chair, Executive Committee, National Association for the Advancement of Colored People, Branch #1111  
LaNiqua McCloud, Private Citizen, Las Vegas, Nevada  
Eddie Diaz, Community Engagement Director, The LIBRE Initiative - Nevada  
Courtney Jones, Private Citizen, North Las Vegas, Nevada  
Warren Hardy, representing Urban Consortium  
Mary Walker, representing Carson City and Douglas, Lyon, and Storey Counties  
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Dylan Frehner, District Attorney, Lincoln County District Attorney's Office  
Arielle Edwards, Government Affairs Specialist, City of North Las Vegas  
Kelley Jones, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender's Office

Stephannie Tucker, Counselor, Las Vegas, Nevada  
Jagada Chambers, Fellow, Mass Liberation Project Nevada  
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Frankie Guzman, Director, California Youth Justice Initiative, National Center for Youth Law  
Kristina Wildeveld, Attorney, Las Vegas, Nevada  
Denise Bolanos, Private Citizen, Carson City, Nevada  
Benjamin Challinor, Policy Director, Faith in Action Nevada  
Jodi Hocking, Founder, Return Strong: Families United for Justice for the Incarcerated, Reno, Nevada  
Leslie Turner, Founder, Mass Liberation Project Nevada  
Michael Whelihan, Assistant Director, Department of Juvenile Justice Services, Clark County  
Annemarie Grant, Private Citizen, Quincy, Massachusetts  
Darlene Anderson, Private Citizen, Henderson, Nevada

**Chairman Yeager:**

[Roll was called. Committee protocol was explained.] We have two bills on the agenda this morning, and we will be taking them in order. I will open the hearing on Assembly Bill 116.

**Assembly Bill 116: Revises provisions relating to traffic offenses. (BDR 43-491)**

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

I will be presenting today with several individuals who inspired me to take on this challenge. My primary copresenter is Alexander Wong, a high school student and resident of Assembly District No. 34. As of last month, he is a newly registered Nevada voter. He was one of the primary people who participated in some of my earlier discussions of this bill during the interim, and he will be presenting some excerpts from a policy research paper prepared by University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law student Dane Smith—another student who has helped me immensely through this process. I also have Ms. Leisa Moseley back with us. Mr. John Jones and Ms. Jennifer Noble with the Nevada District Attorneys Association are with me as well as Mr. John Piro and Ms. Kendra Bertschy from the public defenders' offices.

Again, it is my privilege to be able to present Assembly Bill 116 for your consideration. As you heard, this bill seeks to change our current system for minor traffic and other related violations from being criminal in nature to being civil in nature. I will turn over the presentation to my copresenter, Mr. Wong, who will provide some of the background information.

**Alexander Wong, Private Citizen, Las Vegas, Nevada:**

I currently serve as a Nevada Youth Legislator and I am a United States Senate youth program delegate in Nevada. I have had the privilege to work with Assemblywoman Nguyen

regarding A.B. 116, and I am honored to copresent this bill with her. The following is an excerpt from a policy paper by UNLV William S. Boyd School of Law student Dane Smith.

In Nevada, all traffic violations are classified as misdemeanors. People convicted of misdemeanors are subject to up to 6 months in prison, a \$1,000 fine, or both under Nevada law. This detail might appear inconsequential, but it is at the core of Nevada's current traffic adjudication system. Under this system, if you are ticketed for violating any traffic offense, you are being charged with a criminal offense. Although some may value the traditions surrounding Nevada's current traffic laws, custom alone cannot shield this system from its practical issues and systematic unfairness.

Nevada traffic laws will affect everyone at some point in their lives. However, a person's socioeconomic background often dictates how one will fare in the current system. Many ordinary people who do not live paycheck to paycheck can just pay the fine and forget it. In contrast, indigent people face serious hardship when they are issued a citation that they cannot reasonably pay. At some point during their case, indigent people may choose to not appear in court because they fear incarceration due to delinquency. It is a reality many Nevadans face. A simple \$400 traffic ticket can have a serious, adverse effect on a person's life. Courts, in an effort to enforce the offense, may issue criminal warrants for these people. Many times, this provides a tragic introduction to the criminal justice system. People who are incarcerated, even for a day or two, can lose their jobs, housing, or even have their child taken away by Child Protective Services.

In addition to indigency, racial minorities are subject to more frequent contact with police and thus cited more traffic tickets. This creates a troubling disproportionality between racial communities and the amount of traffic tickets issued. Many tourists are also negatively impacted by the system. Visitors travel to Nevada to escape their everyday lives and enjoy the unique amenities of this great state. These individuals are usually unaware of Nevada's traffic laws when they are pulled over. If they are cited for a traffic offense and pay the fines with all deliberate speed, they are inadvertently pleading guilty to a misdemeanor.

Nevada's traffic law classification is working against the interests of the average Nevadan, its economy, and is demonstrably inequitable. We are funding the courts through these traffic citations off the backs of people who are least likely to afford it. We can potentially harm a tourist's life if he or she were to receive a citation on our roadways and pay it blindly. This system is also intuitively troubling. Because traffic violations are common and typically inconsequential, we, as a society, do not generally view minor traffic offenses as serious as other misdemeanors like shoplifting or simple battery.

There is surely a better method to ensure Nevada roadways are safe and Nevada government is funded.

At this time, I would like to turn the presentation back to Assemblywoman Nguyen.

**Assemblywoman Nguyen:**

I have chosen my copresenter poorly, because now I have to follow that. I thank Alex for participating in this process. I am truly inspired by the young people in our state; their civic engagement is always inspiring. I am humbled to be able to present this bill with him.

As Alex said, most states, including all of our neighboring states, have transitioned to a system that treats minor traffic infractions as civil offenses rather than criminal. Under our current statute and structure, if you are going five miles per hour over the speed limit, that is a criminal misdemeanor. It carries with it a fine of up to \$1,000 and up to 6 months in custody, as does beating your spouse. That is also a misdemeanor and carries with it the same potential penalty and like structure under our current statutes.

All of these states surrounding us that have transitioned from criminal to civil offenses have experienced not only a reduced financial burden for those receiving citations, but it has also reduced the costs associated with criminal proceedings and detention as well as a decreased burden on their court docket. Nevada is one of the few remaining states clinging to this outdated model where all traffic violations are processed as criminal offenses.

This measure has been a long time coming in our state. In fact, there have been a number of bills proposing changes to this system that I can see as far back as 2013. Assembly Bill 281 of the 78th Session was a similar bill with strong bipartisan support, sponsored by former Assemblywoman Michele Fiore. Our current Speaker and primary cosponsor, Jason Frierson, also made attempts during the legislative session in this area. In 2017, we yet again did an interim study that was approved to examine the complexity of this subject, and I can tell you it is very complex. Additionally, our own Chairman took on the task with Assembly Bill 411 of the 80th Session. This bill, in its same form, passed with bipartisan support out of this Committee and onto the Assembly floor in 2019.

It is my hope that we have learned from some of those lessons from that study, the 2015 bill, the 2019 Session, to gain greater support for A.B. 116 during this session. Rather than take you through nearly 100 pages of text section by section, I do want to take this time to address this bill from a policy conversation.

As many of you know, I have been working with a hugely diverse group of stakeholders over the past six months. I was looking at my notes just last night, and I have recorded 37 meetings with various stakeholders including meetings scheduled for this afternoon with court administrators from around the state. I have looked at the work done by those in the past as well as the interim studies and reached out to people who perhaps were hesitant or reluctant in the past, and today I am proud to have a more diverse group of individuals and organizations in support. I think that is what is needed when you are taking on such a

monumental task that has been done in other places; maybe we just need to engage different people and explain to people why this applies to all Nevadans.

Assembly Bill 116 establishes civil penalties for certain traffic and related violations. A violation of provisions of certain existing traffic laws or ordinances would now be a civil infraction, not a criminal misdemeanor. The big distinction that we want to make sure, I think it is clear in the statute, but I have been working with stakeholders to ensure that it is, that under the current A.B. 116, unless a criminal penalty is prescribed for the violation by a specific statute, it would not, out of an abundance of caution. I am not talking about reckless driving, hit and runs, driving under the influence (DUI), those types of misdemeanors. I have been working with various prosecutors who are newly supportive of this bill during this session. I think that is because of those broader conversations about how we can make implementation of this process and this policy more seamless than it has looked in the past. We are definitely looking at carving out certain types of what I would call serious criminal infractions that probably would be and should be considered not a civil infraction for a minor traffic violation.

The main purpose of this bill is to make sure we are not arresting, incarcerating, and branding people as criminals for committing minor traffic violations. Whether they are Nevadans in our own state or tourists who are coming here, especially when these individuals may not have the resources. Today is Indigent Defense Day in Nevada, and I think it is important to recognize the work and how most of these traffic matters—and Ms. Moseley can talk about how this does disproportionately affect our indigent population.

It would affect a wide range of traffic behavior, including speeding, illegal turns, driving without a seat belt, and not complying with directives in a construction or school zone. Please keep in mind, again, more serious traffic matters will still remain criminal misdemeanors, like reckless driving, DUI, or vehicular manslaughter. We are not transitioning all breaches of law to this civil infraction system.

I would like to highlight some of the sections that I think have been most concerning that people are bringing up, as well as sections that we are actively working on to try to get some guidance. I want to make it very clear, a lot of times people say, How do we track whether or not we have people who are repeat bad drivers, or, How do we make sure that this is still being monitored, still capturing that? I want to make it very clear that sections 9, 11, and 12 make it clear that even though these are now civil infractions, they still count as infractions on a person's driving record. I believe we have Ms. Noble and Mr. Jones on the Zoom to answer any questions about the traffic point system and the aspects of it.

Sections 23 and 36 explain the procedure of how a case would be processed in the court under this civil procedure. Ms. Moseley can also speak to this because we have looked a lot at how states and courts transition and how they implement it. A lot of times we still use the same judges, hearing masters, ticket people, and clerks; they are just processing them under a more efficient system. Instead of having the protections under law for a criminal citation, for

example, beyond a reasonable doubt, we have some other provisions that make it a lot easier to process these tickets.

Section 24 provides for the notices of civil infraction and what that would look like when it would be handled by a field officer. I have met with law enforcement and I will continue to do so. One of my main things is I want to make sure that they do not see any differences in the field when they are issuing citations or making arrests. Just because this is a civil infraction, their job should not change. In fact, under the current circumstances of being subpoenaed to court for a criminal trial, they would now be able to potentially submit an affidavit in support because the standard would be so much lower to convict on a civil citation than a criminal conviction.

Section 26 makes it clear—and if there needs to be additional language, we are working on that too—that if a police officer is stopping someone for committing a civil infraction, for example speeding, and then they pull up to the car and realize that the person reeks of alcohol and they are now going to have to arrest them for a DUI, that civil infraction and criminal misdemeanor will now stay together for ease of investigation and prosecution. We are working on how that language will actually look in our statute to be able to enact that policy.

I know that this is a policy committee, but I will recognize that the fear and anxiety of the fiscal impact is continually what seemed to derail this in the past. Section 34 speaks to where and how the money is distributed. It currently suggests that this money exclusively be put in a State Permanent School Fund. Under our current existing structure, that happens to a certain extent. I am looking for and working with stakeholders to find creative ways to address how the funding will go. For example, Colonel Anne Carpenter, from the Highway Patrol Division, Department of Public Safety, has made some suggestions about traffic and public safety education and possibly diverting some of those funds to that. If the goal is to make our roadways safe, and that is what we are trying to accomplish, incarcerating people is probably less effective than the educational programming that we might be able to use with this.

Additionally, I know that many of the current funds that come from our traffic tickets fund a lot of our specialty court programs, which have also shown to have a significant fiscal savings for our municipalities and county courts. I am aware of the current funding structure and I do not want to disrupt that. While I may probably fundamentally disagree that we should be funding our courts and government on the backs of traffic citations, I also recognize and am flexible enough to know that I need to be realistic. I need to come up with pragmatic solutions for our local governments. One of the things we have talked about—and I would love to hear our Committee members' thoughts on some of these policy decisions in this area—is temporarily using this money so it remains with local governments so they can implement these new processes and systems, maintain their specialty courts, and maintain the status quo, if not giving them additional funds to be able to transition into this new system.

This concludes my presentation on A.B. 116. Hopefully, it is evident for all of you that a small debt in fines and fees from the current traffic violation system can be compounded, can

spiral out of control so quickly for so many Nevadans; adopting this measure would alleviate any financial burdens for drivers, local governments, or other people that result from the penalties related to these minor traffic violations. I do have Ms. Moseley ready if you have questions about the implementation and how this has looked in various states. Specifically, she has looked most recently at how this was implemented in Arizona and what they are doing there. I know that Mr. Jones, Ms. Noble, and Mr. Piro are also available to answer any questions you might have.

**Chairman Yeager:**

Thank you, Mr. Wong, for helping on the bill presentation. You did a fantastic job this morning. Before we take questions, I want to thank you for taking this issue on. Members of the Assembly Committee on Judiciary who were with us last session may be having déjà vu on this issue. We did hear this bill in some form or fashion last session. I certainly can attest to the fact that it is way more complicated than you would think at first blush to try to get this figured out. It sounds like efforts are still ongoing. Thank you for bringing a lot more people into this conversation. I learned very quickly last session that you need to have a Zoom room full of 50 people to get this figured out.

Committee members, obviously we had a pretty high-level presentation about what the bill seeks to do. I think if we get to a work session on this bill, it will probably look very different than A.B. 116 that you have in front of you. Are there any questions from the Committee?

**Assemblyman O'Neill:**

On the crimes, the courts can still add their court assessments or fees on top of the original penalty for the infraction, is that correct?

**Assemblywoman Nguyen:**

That is a section that I am really looking at. Currently, the way I have it included in A.B. 116 is that it all goes to the Permanent School Fund. While I think funding education is appropriate, I think under these circumstances while we are transitioning, I would like to come up with a more pragmatic, realistic fine collection. I am not opposed to temporarily allowing these city and county governments to keep all of the funds to a certain extent. I know they are using them for things like specialty courts. That is something that I am definitely open to, to make this transition easier. I do not want to make it a permanent thing because I think that we should be putting that money into the education fund. We are working with the Legal Division, Legislative Counsel Bureau, and just waiting for them to finish up all of our other bills to be able to put some of these concepts in writing. I do not know if that answered your question, but that is my intent.

**Assemblyman O'Neill:**

It does, thank you.



**Chairman Yeager:**

I will note for the record too, just because I remember working on this, that the way the system works now, if it is a state fine, not a county or local fine, it goes into the Permanent School Fund and that is an account that just sits there and really is a trust fund. The interest that is generated on that account goes to fund schools. I am not going to pretend to know the mechanism by which it funds schools. But that is a pot of money where state fines have gone, and over the years there has been concern about how fines are being levied and who is levying those fines, whether it is the state or local government, and where that money goes. Hopefully, that is helpful for some context. It certainly makes sense that we might want to give locals some of that money to be able to implement something we are asking them to do. Hopefully, that did not bleed too much into testimony, but I just wanted to help answer that question.

**Assemblywoman Nguyen:**

That is very helpful. One of the things that I learned through this process last session and watching our own Chairman go through the process and struggle with this complex system of traffic citations is that if the ticket is written, under *Nevada Revised Statutes* the funds are to be diverted into that education fund, but a lot of our municipalities and counties have their own corresponding traffic ordinances. Officers are writing tickets under those ordinances and they are not going into the education fund, they are going into the local governments. When I had indicated initially that I would have it go where it goes now, transitioning into this new system, which is my intention to include county and city ordinances and decriminalizing those as well, that inadvertently would take away a lot of the financial resources from those local governments. That is why I have been open to diverting more of those funds directly back into the courts and municipalities.

**Assemblywoman Summers-Armstrong:**

Does anyone have any statistics or dollar amounts? I am particularly interested if anyone has data on municipal or county minor infraction tickets that are issued each year and what they are generating in income or fees for those municipalities and government agencies.

**Assemblywoman Nguyen:**

I do not know if I have any specific numbers, but I bet Ms. Moseley might have had some general conversations about what those numbers look like. I am meeting with court administrators later today from some of the municipalities and I can probably get that information to the Committee so you have a better understanding. I know in working and watching Chairman Yeager go through this last session, it was quite difficult to get that kind of information from most of the local governments to put a number on exactly how much money they are collecting from that. Ms. Moseley, do you have any answers to that?

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

As you said, Assemblywoman Nguyen, it has been a bit of a challenge to get that kind of data out of some of the jurisdictions. We have submitted records requests to almost every jurisdiction. We do not have a lot of the numbers as far as how much they are collecting. We do have some data on the number of warrants in some cases. For example, Las Vegas

Justice Court alone had over 270,000 outstanding warrants just last year. As a result of COVID-19, they suspended them. When we looked at Henderson, they had about 58,000 outstanding warrants. Jurisdictions across the state had similar numbers. We do have some data as far as the number of warrants and it is pretty dire. As far as what jurisdictions are actually collecting from those warrants, what kind of revenue, we have not been able to collect that data yet.

**Assemblywoman Summers-Armstrong:**

If we cannot parse out the dollar amount that these warrants and tickets are generating, how then do we move forward against the concerns of these courts and municipalities and deal with what we do know, which is that when people's licenses are suspended or they are arrested, they are put in jail, lose custody of their children as Mr. Wong indicated, and lose jobs? Because in this state, if you do not show up for two or three days and you do not have bail money, you are going to lose your job, your housing. How do we balance the needs of the community and then the needs of the municipalities for income? It is a little frustrating, and I just want to make sure that I am clear on how this will affect everyone so that the decision-making is easier for me to do.

**Assemblywoman Nguyen:**

That is a very real concern. Obviously, we have had difficulty getting those numbers. I will say that in submitting this bill, if you look at the Nevada Electronic Legislative Information System (NELIS), you will start to see some of these fiscal notes being submitted from various jurisdictions about what the costs are going to be or what they are going to see potentially disappear. I have seen some of those fiscal notes that say there are certain jurisdictions that are collecting over \$250,000 in ticket warrants and they are concerned that they will lose that.

On the flip side, we have had ongoing conversations, and I will tell you that all of the municipalities and county governments that I have talked to so far are willing and recognize that we probably need to make this shift in policy. It is how we implement that policy shift and how we pay for it, at least temporarily, because there are going to be added costs in doing this. I have also asked them to try their best to quantify some of the other fiscal savings. I think that is why A.B. 116 has a lot of broad support from organizations like Americans for Prosperity and the Nevada Policy Research Institute. I think some of these organizations that are big on fiscal responsibility also recognize that there is a significant cost savings that these municipalities are not quantifying.

In meeting with Carson City during the interim, they had done a pseudo-type of decriminalization. They were not issuing warrants any longer, they were not adding additional warrant fees or collection fees, and they were utilizing a collection agency in collecting their traffic matters. I think they saw some of the movement from 2013 to 2019 and they wanted to see how they could implement that. One of the things that stood out to me—and I believe Mr. Wong and Ms. Moseley were on that call as well as some other individuals—was they were able to try to quantify these other costs that they were now saving by not arresting people on traffic warrants. I think they calculated \$565 for the

amount of time that the officer had to spend on stopping an individual on a traffic warrant, impounding their car, searching their car, doing an inventory, taking the individual down to the police station, and booking them. They also tried to quantify the amount of time that it took their clerks to enter in warrants when they were not issuing warrants for robberies, when they were issuing thousands of warrants for traffic matters. They were trying to quantify the number and resources that went to that. They found on average, people spend 72 hours in the jail, so quantifying that at \$150 to \$170 per day for the three days, just on that aspect, how much money was going into collecting that \$150 speeding ticket warrant? How much money on the other end did you have to save?

I have John Jones here from the Clark County District Attorney's Office. I am sure he would be able to answer questions about how the deputies in his office want to be able to prosecute real crimes. They want to get out of the courtroom and the business of enforcing parking tickets because their resources, skill set, and knowledge could be used in a better mechanism. Everyone is hurting, and this is the time to be able to consolidate your resources and use them more effectively and efficiently.

**Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:**

In 2020, in Washoe County we had about 2,400 citations come to our office. That does not include people who have citations that go before the judge and then just plead guilty based on whatever offer the judge gives them. Most of these citation trials—and I can tell you because I am a very experienced traffic trial deputy—involve essentially my asking the following questions: "Officer so-and-so, calling your attention to this date and time, what happened that brings you to court?" "What happened next?" "What happened next?" The defendant would then tell their side of the story and the judge would make the call. In these scenarios, at least in my view, for the bulk of traffic trials that I have done, the district attorney does not serve an essential role.

I will also add that in Washoe County, our office services Sparks Justice Court, Reno Justice Court, Wadsworth Justice Court, and Incline Village Justice Court. I believe in Reno, justice court deputies would spend five days a week, at least pre-COVID-19—now they are trying to work with Zoom—but we do spend a substantial amount of time with deputies driving back and forth to courts in Wadsworth and Incline for what are mostly fairly simple trials where the officer could perhaps just give his version of events and the defendant could give his version. In Elko County the district attorney has shared with me that they are having deputies drive 1 hour and 40 minutes each way just to do traffic court. In times of not having enough resources to do everything we want to do, having traffic become civil in nature would assist district attorneys in being able to focus on criminal cases.

**Chairman Yeager:**

Are there any questions from the Committee?

**Assemblyman Wheeler:**

I was heavily involved with the Nevada Youth Legislature in my first four sessions, so I would like to ask Mr. Wong a question. I know you do your homework when presenting a bill. Ms. Moseley said there were 58,000 outstanding warrants right now just in Henderson alone, which means probably well over 100,000 throughout the state. This bill takes effect on January 1, 2023. Do you know, Mr. Wong, if this will be retroactive and everyone who receives a ticket now will have that move to a civil infraction on January 1, 2023?

**Assemblywoman Nguyen:**

I know that I had him step out of school, so I am not sure if he is still on the Zoom. He is a high school senior and trying to finish up and waiting on college admissions. But I will tell you even that date is flexible. Just so you know, it is my intent to make it retroactive.

**Assemblyman Wheeler:**

I figured it was, but I just wanted to see if he knew.

**Assemblywoman Nguyen:**

I know he knew it.

**Chairman Yeager:**

He may be accessing multiple devices as well today to participate in school as well this morning.

**Assemblywoman Hansen:**

I love the idea of decriminalizing this. Back in 2019 I had discomfort with A.B. 411 of the 80th Session even though I agreed with the principle. I appreciate that you are trying to navigate it. Here is where I am; I have seven counties with seven county commissions and seven sheriffs who will need to deal with this. I know you are trying to do this dance and it sounds like there is a restructuring that has to take place with the fees or breaking out things. I am hoping this can come together. If the bill were to get the right stakeholders on board, there would be kind of a temporary rollout. Is that what you were saying, so we could kind of figure out, long term, how this is going to look?

**Assemblywoman Nguyen:**

I am definitely open to that. I think Ms. Moseley might be able to speak to how it rolled out in Arizona or how they transitioned. Is that correct?

**Leisa Moseley:**

Yes. Arizona's justice and municipal courts both hear traffic cases, civil and misdemeanors. What they have done is they created two classes of infractions: level 2 misdemeanors and civil infractions. The level 2 misdemeanors are what we would consider the more serious ones that you spoke of earlier. The other ones are civil, things like expired registration, rolling stop, or something like that. But the more serious ones that we talked about earlier, they have classified those as level 2 misdemeanor. Their justice courts and their municipal courts hear those cases concurrently. They did not change a lot of their software. The same

judges who were hearing those cases continued to hear them. They just created a level 2 system of misdemeanors for more serious offenses that are not civil infractions, and they hear them the same way.

**Assemblywoman Nguyen:**

Assemblywoman Hansen, I think that has been the biggest impediment. When I am talking to some of the court staff or a judge, they are asking, How do we do this? I have told them that we do have about 40 other states to look at to see how they have done it, how they have implemented it, and they seem to be pretty successful. It is not like we are number one in traffic safety because we criminalize traffic. I think we need to look at some of the things that do make our roadways safer, and it obviously does not appear to be a correlation between making it a criminal citation as opposed to a civil infraction because most people honestly do not know that it is a criminal infraction. That is what we are looking at. In talking to some court administrators, they have indicated that they could seamlessly incorporate this, and it might cost us a couple thousand dollars to figure it out. And then I have had other jurisdictions indicate it is going to cost \$40 million to come up with a new system. I really do feel like there is some sort of happy medium. It is difficult, and other states have gone through this as well. How do you effectively, efficiently, and fiscally transition into this civil thing? I think it is reminding people of the bigger picture as well.

**Assemblywoman Hansen:**

Thank you for taking on this monumental task. I am on the sidelines cheering. I hope we can get there.

**Chairman Yeager:**

I think we should move to testimony on the bill, as there are a number of people on the Zoom and on the phone. My intent is to take about 20 minutes of testimony in support. Is there anyone who would like to testify in support?

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

There is a hidden cost to criminalizing traffic tickets. Mr. Wong in his testimony hit the nail on the head. If somebody gets arrested on a Thursday and they do not get out until Monday because they are arrested for a traffic warrant, Clark County Detention Center costs all of us \$190 a day, so that is \$570 more than the ticket probably costs that we as taxpayers are going to front to imprison that person for not paying their traffic ticket. Moreover, traffic tickets are delaying people from getting treatment in specialty courts. Oftentimes specialty courts cannot start somebody on a course of treatment without first handling a municipal court warrant. So you have a person sitting in custody for up to a week, seven days, just to handle this traffic warrant before they can go get their mental health treatment, before they can go get their drug treatment, and be released to start working on their life and repairing the damage they have done to their community. If we keep that person in there for a week in the Clark County Detention Center, that is \$1,330 that we as taxpayers are paying.

I am not Jeremy Aguero. I wish I was because then we could work out all these numbers and figure out that really the counties and the cities are not making their money by criminalizing these things, because we are paying for a lot of this in incarceration. There is a big economic deep dive that we need to do that has not been done. But I think if we did it, we would see that we are really not making the profits that need to be made by criminalizing, because we are losing a lot of money by putting people in custody at the cost of a day in jail where, at a minimum, you are looking at \$190 in the Clark County Detention Center.

There are medical students who have to report these as crimes on their record because of the way Nevada does that, and that is hurting those students, especially when UNLV has just started their medical school. Touro University Nevada has been here and testified on this bill before. There is also a human cost, not just the taxpayer cost. I have handled bench warrant clinics where people were unable to pay their ticket. Then they get arrested on their warrant, they are in prison for the week, they are already living paycheck to paycheck, so now they cannot afford their rent anymore because they have lost their job. A traffic bench warrant has basically ruined that person's life and it has taken them a long time to get it back. I have also shown Chairman Yeager and Assemblywoman Nguyen traffic tickets from the municipalities that skyrocketed in costs up to \$2,300. I do not know about anyone else, but I personally would have trouble paying a traffic ticket at \$2,300, and I would be super frustrated about that cost. I urge this Committee to please pass this bill, and thank you for considering it.

**Jennifer Noble:**

The Nevada District Attorneys Association is in support of A.B. 116 with the understanding that there will be some changes, as Assemblywoman Nguyen referenced. We certainly want to make sure that reckless driving, DUI, perhaps revoke due to DUI, hit and run, and some of the more serious offenses are not part of this bill. I think there is general agreement on that. For the vast majority of these tickets, I do not believe that prosecutorial involvement is necessary. I think we can do this without changing things for officers in the field. Passage of this bill, in addition to the points Mr. Piro mentioned, would allow us to conserve some resources and not be traveling to a bunch of different courts just to ask people, "What happened next?" I think that we are a little bit obsolete in a lot of these traffic trials. We urge your consideration of this bill.

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

I want to thank Chairman Yeager and Assemblywoman Nguyen for bringing this bill. I know that last session, Chairman, you championed this issue and now Assemblywoman Nguyen has taken it over. This is my sixth session representing the elected district attorneys at the Legislature. Over the course of every one of those sessions, we have had discussions about making traffic violations civil in nature. I, myself, have been opposed or in the neutral position on this bill in the past because the language was not exactly right. But we are here in support this session and we believe that the time is now. I do not want to come back six sessions from now still referencing this testimony, because in all of the discussions that we

have had about criminal justice reform, it seems we have ignored the most obvious candidate for reclassification in terms of bill passage, that being traffic. We are talking about low-level, minor traffic offenses like speeding or having your taillight out. It surprises most people to learn that they are committing a misdemeanor offense when they commit a traffic violation.

As Ms. Noble indicated, there are offenses that we think should remain criminal, but a large number of these current misdemeanor crimes can be reduced to civil infractions with little to no impact on public safety. Some of the points that were already discussed by Ms. Noble are giving prosecuting agencies discretion to prosecute these cases based on their own individual agency resources and priorities. I want to point out that prosecutors in Maricopa County, Arizona, the Phoenix District Attorney's Office, do not appear in civil traffic court. Judges, from small claims court to temporary protection order hearings, regularly have to make decisions about two interested parties without input from a prosecuting agency, so this really would not be that new for them.

We have had conversations with Assemblywoman Nguyen, the defense bar, and others about this bill and we are close to getting this done. I want to point out—and this goes to Assemblywomen Summers-Armstrong's and Hansen's questions—we are not going to get this perfect this session. Nobody expects it to be perfect. I am thinking of Assembly Bill 236 of the 80th Session to our new Cannabis Compliance Board. Every big bill that this Legislature has passed has required changes over multiple legislative sessions to get it right. We should be under no delusions that this bill will be any different.

To end on a famous legislative cliché, let us not make the perfect be the enemy of the good and pass A.B. 116.

**Leisa Moseley:**

I echo everything that Mr. Jones just said. We know that this bill will bring relief to a lot of people who are experiencing getting warrants for not being able to pay minor traffic violations. I will tell you that since we have been in this hearing, I have gotten a call from a 70-something-year-old gentleman who is still terrified that he is going to be arrested. He lives on social security, got a ticket before COVID-19, and was not able to pay it. It is in warrant status. He calls me at least every week to find out how we are doing and if there is any way that we can help him. I am thinking of people like him. I also want us to be mindful of not only what courts think they are going to lose or how much money it is going to cost them to implement this; there is going to be savings to the state. Not jailing people, making sure that law enforcement officers are not taking time out of their day to jail someone, tow their car, and transport them to jail—those things cost money and those things cost a lot of money with non-court staff, civilian staff—all of these things cost money. I think the overall savings to the state is going to be much greater than what we expect. As Mr. Jones said, let us not let perfect be the enemy of the good. Let us get this bill passed and figure out a way to implement it. We have a lot of smart people on this Committee, in our Legislature, and in our courts. There is no reason why we should not be able to pass this bill

and implement this in a way that is going to be effective for everybody. I urge the Committee members to pass this bill.

**Chairman Yeager:**

Is there anyone who would like to provide support testimony?

**Jim Hoffman, representing Nevada Attorneys for Criminal Justice:**

We support this bill on both the practical and moral levels. Previous speakers have given a lot of examples of why this is good on a practical level, but I want to talk about the moral level a bit more. We are not supposed to have debtors' prison in the United States. That is literally something out of a Charles Dickens novel. The idea that people should be locked up because they are too poor to pay is something that we as a society firmly reject. And yet this accidental loophole has developed where people are taken away from their jobs, homes, and children and put in jail because they cannot afford to pay traffic fees. That is not just practically wrong, it is morally wrong. Nevada Attorneys for Criminal Justice is in support of A.B. 116 because it is a way of fixing that moral harm and making Nevada a better place.

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

I want to thank Assemblywoman Nguyen for bringing forward this important piece of legislation. I also want to thank Youth Legislator Wong for his amazing presentation. Few presenters are as clear, easy to understand, or prepared as he was. The criminalization of traffic tickets is a major issue in this state, an issue that we can fix this session. It is a racial justice issue; as two-thirds of Las Vegas traffic warrants go to Black and Brown drivers. It is an economic justice issue. Those with the least money are at the highest risk of being unable to pay fines and are most likely to be issued a warrant. It is a public safety issue that forces law enforcement to spend countless hours serving bench warrants for minor traffic violations instead of focusing on violent crime. It is a budget issue as it is the taxpayers who pay the courts to file warrants, law enforcement to enforce them, and jails to house those who are arrested on those warrants. It is a public health issue as potential medical students who live in Nevada may have criminal records due to minor traffic violations that candidates from other states do not have even though they committed the same traffic violation. This puts our candidates at a disadvantage, favoring those who are more likely to leave the state after graduation. It is a child welfare issue as a single parent who is forced to spend the weekend in jail for a traffic warrant is in danger of losing custody, at least temporarily.

We understand that the transition from criminal to civil may be challenging, but we as a state are up to the challenge. The sponsors and stakeholders are all willing to work with the courts to make this work. Nevada is one of only 13 states that prosecute minor traffic violations as criminal offenses rather than civil infractions. We are committed to working with all stakeholders to make this happen. We urge your support.



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

This legislation will impact all citizens in Nevada. The more contact someone has with law enforcement and our system, the more likely it is for them to become involved in the criminal justice system and swept up in mass incarceration. This will break that cycle for individuals who should not have been involved in the criminal justice system in the first place. According to *The Nevada Independent*, 37 states do not treat traffic tickets as criminal offenses. Our state can become one of them. The current penalties and threat of jail time that results from traffic violations should be reserved for serious criminals who endanger the safety of our citizens, not for someone only going five miles over the speed limit. Between July 2017 and June 2019, over 38,000 Nevadans had their driver's licenses suspended because they could not afford to pay court fines and fees. Without a license, many Nevadans lost their ability to work, care for their children, or access basic needs. I agree with the statements that were said before me and I believe that with this bill, we have been able to strike a balance that will enable courts to have sufficient teeth in order to ensure that people are able to pay their fines and fees while also ensuring that Nevadans can continue to become and be productive citizens of this state.

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

We are in support of A.B. 116. For many people in Nevada the first step into the criminal justice system is a traffic stop. Nevada's traffic tickets are currently criminal violations; something as seemingly harmless as a broken taillight or an unpaid parking ticket could lead to your arrest, incarceration, or, as you have already heard this session, the suspension of your license. Often the fines associated with these criminal penalties are outside the economic needs for many Nevadans. A recent report by Edelman Financial Engines found that nearly half of American households with incomes less than \$50,000 report having no money set aside for emergencies. Similarly, when households in this range were asked how they would cover a \$400 unexpected expense, only 41 percent said they would pay it in cash or pay it off on their next credit card statement. The rest said they would resort to borrowing debt or raiding their retirement savings, and 1 in 5 said they would be entirely unable to come up with the money. By making minor traffic violations civil infractions, we remove overly harsh punitive measures and prevent the physical, emotional, and economic harm that being incarcerated can have, such as loss of employment and housing instability. Since 1970, at least 22 states, including most of Nevada's neighbors, have already taken the step to decriminalize minor traffic tickets. We believe it is time for Nevada to join them and we urge your support.

**Caleb Green, Sponsorship and Corporate Relations Chair, Las Vegas Chapter, National Bar Association:**

We are in support of A.B. 116. I want to start my remarks by reiterating a point I believe that this Committee would agree with, which is that our criminal system should be rehabilitative and not punitive. However, under the existing laws, citizens are unjustly and disproportionately punished with financial penalties that, if they go unpaid, render stiff criminal consequences. Ultimately, we believe that A.B. 116 eliminates the financial and

criminal tax on the disenfranchised while addressing the disparate treatment of racial minorities in low-income families.

To illustrate, I want to share a brief story about how the current laws impact everyday people. The very first pro bono case I had the opportunity to take on involved representing a young man in quashing a warrant issued by the City of Henderson. This gentleman had been cited at the age of 19 for something as minor as jaywalking. However, he had no job and no means of paying off that citation. Like many other people, that citation lapsed into a warrant and he was later incarcerated for other minor traffic violations. Not only that, but this outstanding warrant also barred him from passing background checks that would have allowed him to secure gainful employment necessary to support his family and ultimately settle the outstanding citation and additional administrative warrant fees. This exemplifies that under our current laws, our system remains unjustly punitive and disproportionately impacts racial minorities and low-income families.

We believe that A.B. 116 will mitigate the real-world consequences of systemic racism and class discrimination existing in our criminal justice system. As such, we urge our elected officials to support A.B. 116.

**Ronald Najarro, Nevada State Director, Americans for Prosperity - Nevada:**

Thank you for this opportunity to testify in support of A.B. 116, a bill that ends criminalization of minor traffic violations and aligns Nevada with the practice of most other states [[Exhibit C](#)]. Assembly Bill 116 will change minor traffic violations from criminal to civil infractions, which would end the practice of issuing warrants when fines cannot be paid. We are only 1 of 13 states that prosecute minor traffic violations as criminal offenses rather than civil infractions. Major violations, and this is important, such as drag racing, reckless driving, and DUI, would still be considered criminal under A.B. 116.

Requiring law enforcement to execute warrants for unpaid traffic tickets distracts them from activities that improve public safety and can unnecessarily rob individuals of the opportunities to improve their lives—particularly those already struggling. Such actions waste time and resources, lead to unnecessary contact between citizens and police, and can erode trust between law enforcement and the communities they serve.

Furthermore, warrants are a counterproductive and expensive method of coercing people to pay for a traffic ticket. According to the Fines and Fees Justice Center, the average person arrested in Clark County on traffic warrants spends almost three days in jail at a cost to taxpayers of over \$400 per day. This cost to taxpayers quickly adds up and these expenditures do nothing to improve public safety. The reality is that most unpaid traffic tickets are a consequence of (1) a valid inability to pay, or (2) simply a matter of an individual forgetting the date their payment was due.

For these reasons, we support efforts to introduce an amendment allowing for community service options to pay for fines and fees and basing these options on income. The harm three days in jail can have on an individual and a family can range from losing a job, their housing,

and even their children, making it far more difficult to earn the money to pay their court debt or care for themselves and their family.

Lastly, we should not be funding our court system on fines and fees. Courts and the judicial system are a core function of our government. They should be funded as wholly as possible from the State General Fund and not on the backs of those experiencing economic hardship. On behalf of our over 96,000 activists statewide, we urge you to support A.B. 116.

**Sherrie Royster, Legal Redress Committee Chair, Executive Committee, National Association for the Advancement of Colored People, Branch #1111:**

Thank you to everyone who has already given great testimony. I echo a lot of that testimony. I also want to look at the intent of the statute itself, the intent of imposing fines for traffic violations. We will inevitably have to go back and at some point correct the language to figure out how payments will go to different municipalities. But I want to look at its intent. The intent is to protect the community and to protect the citizens from certain driving infractions. That can still be done by making it a civil penalty as opposed to a criminal crime.

There is no doubt that lower-income communities, which sometimes tend to have higher crime rates, are also policed more. And because of that, there is a disparate impact and treatment in terms of those who are being deemed criminals under this statute. I know that some people have already talked about certain licenses as well, such as medical licenses, but we also have to think about college applications. We are at a place now where they ask you to include criminal offenses, even misdemeanors. We are also having to think about licenses like attorneys, where they also want you to include criminal offenses including misdemeanors. Removing this, as other states and jurisdictions have done, will benefit the community in Nevada and those who come in and those who leave to go do great things outside of Nevada. I think by making it a civil matter where you still have to pay fees, it still has the same impact of deterring minor infractions for driving.

**LaNiqua McCloud, Private Citizen, Las Vegas, Nevada:**

Thank you for allowing me the time to speak on A.B. 116. I want to share my testimony in support, as I really would hope that it would bring individuals like me who have encountered such harsh things with having to deal with being arrested just for a traffic violation. I actually got arrested when I was about six months pregnant, driving to a high-risk pregnancy appointment. If you can imagine, I was in jail for the first time for a traffic ticket while six months pregnant and had to stay there for 17 hours to get bailed out for \$380. Not only that, but I am also an individual who has a bachelor's degree and two master's degrees and could not get into a particular agency in our state because I still had that on my record. Today it still affects certain opportunities that I would like to pursue despite how highly educated I am and how much experience I have; it is very discouraging. I just wanted to point out that there is this misconception that just because you have one traffic violation or just because you have one arrest for a traffic violation, it does not impede on your opportunities, and I just want that to be addressed and noticed that it does.

**Eddie Diaz, Community Engagement Director, The LIBRE Initiative - Nevada:**

Thank you for this opportunity to testify in support of A.B. 116, a bill that ends the criminalization of minor traffic violations and aligns Nevada law with the practices in most other states [[Exhibit D](#)]. The LIBRE Initiative exists to advance the principles and values of a free and open society to empower the Hispanic and Latino communities so it can thrive and contribute to a more prosperous America. The LIBRE Initiative supports A.B. 116 because members of the Hispanic and Latino community—many of whom have lower incomes and less job security—would be among the greatest beneficiaries of this change.

No one benefits from a system where the cost to taxpayers from unpaid traffic tickets is compounded through incarceration. If our laws can be reformed in a way that improves collection, reduces costs, and keeps people out of prison, it ought to be a no-brainer. The fact that 37 other states no longer prosecute minor traffic violations as criminal offenses affirms the prudence of this policy change and proves that this will not harm our ability to collect these debts.

We believe A.B. 116 offers just that type of reform. Lawmakers in both parties should support moving it through the state Assembly and Senate promptly, and Governor Steve Sisolak should sign it into law.

**Courtney Jones, Private Citizen, North Las Vegas, Nevada:**

I have a family member who currently cannot drive their son around, grocery shop, and more because they have a warrant for a minor traffic violation. There is no reason to not move this to civil court except if the system wants to blatantly admit that what they are doing is prioritizing money over human well-being. The community does not agree with nor advocate for this system. It is unfair and discriminatory. It is a system of power and control that, quite frankly, we can see police enjoy being able to incarcerate people over minor offenses that have not harmed anyone but has been made into a crime. In my own research I have come to see that this injustice system does not make all harms crime and all crimes have not been made into harm. But we are incarcerating people just to keep up with the system that continues to work against us in America.

People are being criminalized. This is an old tactic of mass incarceration, and when you have many Nevadans not able to pay their bail or free their car to be back in their possession, that harms their housing, that harms tons of things in their lives, and these fines and fees in this injustice system hurt millions of Americans, entrenching them in poverty and continuing racial disparities and diminishing, of course, the trust that people already lack in the courts and police. This, as previously said, is a human cost, not just a taxpayer cost. If we do see further into it that we are trying to keep up, we are hiring more prosecutors and public defenders and judges and court staff, again, just to keep up with the system that does not and continues to not work for us. The increase in the number and value of fines and fees, again, is just coinciding with the rise in mass incarceration, and this has been used for policymakers to justify the increase in fines and fees. I really do hope that we do not continue to use these unnecessary fees as a substitute for taxes simply for us to continue funding this criminal injustice system. I hope you continue thinking of the bigger picture and pass this bill because

we are putting many Nevada residents in positions where they may lose their jobs, housing, children, and more. Thank you for letting me speak.

**Chairman Yeager:**

We will close support testimony at this time due to time constraints. I know there were others on the phone wanting to participate today. I thank you for your patience and apologize that we were not able to get to you this morning. I encourage you to submit your comments in writing. I will note for Committee members that there are some additional letters of support on NELIS. We have letters of support from the Nevada Immigrant Coalition [[Exhibit E](#)] and the Clark County Black Caucus [[Exhibit F](#)] as well as from individuals [[Exhibit G](#) and [Exhibit H](#)].

Is there anyone who would like to testify in opposition to A.B. 116?

**Warren Hardy, representing Urban Consortium:**

The Urban Consortium is made up of the cities of Las Vegas, Henderson, Reno, and Sparks. We are in opposition today due to the rules, but it sounds like we are probably in a position like most of the folks who are in support are. We have met with Assemblywoman Nguyen and appreciate her willingness to hear our concerns. In her testimony she actually addressed most of our concerns and the things we are working on. Obviously as the cities, we are a little bit concerned about how all of the bills relative to decriminalization and other things are going to match up at the end, but we will do our best to be supportive and try to help the Legislature work through those issues. We look forward to continuing to work with the sponsor and appreciate her willingness to address our concerns, most of which she has already spoken to. We will keep working on this and process this great piece of legislation.

**Mary Walker, representing Carson City and Douglas, Lyon, and Storey Counties:**

We do oppose A.B. 116 as written due to the financial impact of the bill. For decades, local governments have relied on the sources of revenue from traffic fines and fees to fund in small ways—because it does not fund everything, but it does help—the costs to issue and dispose of the tickets. Assembly Bill 116 would make local governments have to pay all the expenses of issuing and disposing of these tickets, including our sheriffs' and police vehicles, equipment, court time expenses, while the revenue would go to the Nevada Distributive School Account to fund schools. I sincerely appreciate Assemblywoman Nguyen's efforts and appreciate her and Chairman Yeager's comments regarding being open to changing section 34, paragraph 1. I look forward to working with the sponsor to come up with an amicable resolution.

**Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

We are in opposition due to the Committee rules only, but we have full confidence that this bill will arrive at a place where we are not in opposition. We appreciate Assemblywoman Nguyen and Ms. Leisa Moseley reaching out early on to have us as part of the discussion and look forward to nailing this down to move this bill forward this session.

**Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County:**

Even though this is a policy committee, it is our only opportunity to express our concerns about the fiscal impact to Clark County. Therefore, Clark County opposes A.B. 116 as written only due to the fiscal impact to the county. I want to thank Assemblywoman Nguyen for assembling several work groups to discuss our concerns and ideas to ease these concerns. My position is only based on the fiscal impact to the county and not the policy issues discussed today. We submitted a fiscal note based on the original bill; however, that fiscal note may change based on any future amendments to this bill. Once again, thank you to the sponsor for meeting with us and keeping the conversation going on this very important issue.

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

Like many of the opposition before me, I am opposed to A.B. 116 based on the rules of the Committee. We definitely support the concept of minor traffic offenses being civil. The concept is great, but the question is, How do we get there? There are a lot of unanswered questions in the bill as written. There are logistical issues that must be addressed. As Assemblywoman Nguyen stated, our hope is that procedures for officers in the field remain the same. As we all know, minor traffic violations often lead to major arrests. Just a couple of examples of that is the case of Warren Jeffs, the child rapist, who was stopped for a temporary plate on his vehicle; and Timothy McVeigh, the Oklahoma City bomber, who was stopped with no license plate on his vehicle. The number one complaint that we receive from citizens in our communities is traffic. They are upset about speeders in their neighborhood or the way people are driving in school zones. And, as you know, we have had 21 fatalities in our jurisdiction this year, and those are often a result of speed being a major factor in those accidents.

Traffic safety is one of our number one priorities right next to addressing violent crime. Our fear is that if this is not properly implemented, officers will simply be spinning their wheels. We are concerned with how this bill might address the adjudication process, specifically with officers being in a position where they would have to prosecute their own civil citations. We believe that a proper system should be set up similar to the current Department of Motor Vehicles system for license revocation to address these types of violations. I like the statement made by Assemblywoman Nguyen that we would be able to submit an affidavit rather than have officers appear in court.

Section 28, the proof of insurance section, has language that the agency shall immediately forward a copy to the registered owner of a citation by registered mail. That could be a logistical issue for our agency to be in a position to have to track down registered owners and submit to them by mail copies of citations that were written to a driver who was not the registered owner.

We also may have some data and information technology impacts as we change our systems over to address civil rather than criminal infractions. There is the old saying that you eat an elephant one bite at a time. I would recommend that there is a time frame established for implementation with specific pieces being implemented first, such as the adjudication

process that I mentioned. This has been a discussion since 2013. We have traditionally supported the concept and have participated in the interim study on this. We will continue to work with the sponsor moving forward. I am very optimistic that we can get there because I do think that it is the right direction.

**Chairman Yeager:**

Is there anyone else who would like to testify in opposition?

**Dylan Frehner, District Attorney, Lincoln County District Attorney's Office:**

Lincoln County is in opposition to A.B. 116. The county commissioners voted this past Monday to go in opposition of this as it is currently written. Our major concerns have mostly been discussed with regard to the implementation of this bill and also to the impacts to the county. Currently, through our two justices of the peace in our county, we handle over 3,000 traffic citations. A handful of those generally go to trial. The number one issue I see when people come to negotiate is the points. They have issues with points going on their driving record, so if the points are going to stay, what we are going to see is, even if this goes to civil, there will continue to be a lot of people challenging these. If the district attorneys' offices are not involved—and I know the Nevada District Attorneys Association wants to get out of traffic enforcement and I do not disagree with that—but the problem that is going to arise is that it is actually going to be the judges, even though the last caller indicated that law enforcement will be the ones prosecuting these traffic citations. The people who are going to be calling to negotiate will want to negotiate them to no points.

We here in Lincoln County take our traffic citations very seriously, especially speeding, because we see deaths frequently from just speeding citations. If someone has to negotiate these, it should not be the judge. I know I get many calls from Las Vegas and Clark County defense attorneys indicating that, Can't we just negotiate these down to a parking ticket? First off, we do not have any parking citations out here in Lincoln County other than handicapped parking. We do not even have traffic lights, so we do not negotiate these down to non-moving violations so that someone who is more well off can pay additional money to get a non-moving citation. We try to take these very seriously and the points are an important thing and will continue to cause issues moving forward.

There were questions with regard to the funding. I can tell you for Lincoln County, in the last budget session, the county budgeted that fines and forfeitures would be about \$350,000 to the county. I can tell you with COVID-19, that went down to a little over \$100,000 and that caused some major issues with our budget. We have very limited income out here in Lincoln County and our whole budget for the general fund is about \$4 million, so \$300,000 to \$400,000 is a big portion. It does not pay for all of our courts, but it does help to offset the cost of running the courts.

I do believe that if this goes civil, I know there was discussion with collection of delinquents in the bill in section 36. In my experience of being a private attorney for 15 years before becoming the district attorney, when you try to collect civil judgments, it is very difficult and time-consuming. My office has one and a half attorneys and two staff. Our justices of the

peace are not legally trained and they have minimal staff of one or two clerks. The impact that this will put on us to change our systems to be able to do additional work to go outside and try to collect these is going to make it very difficult on the county.

Finally, the county is in opposition with regard to restrictions that are being placed on local authority (1) to impose a criminal penalty or (2) to restrict what we can charge. I know the bill currently has restrictions of \$20 per mile per hour over on county roads. We believe these are county decisions and should be based upon the county's ability to do that.

**Chairman Yeager:**

I encourage you to connect with the sponsor of the bill on your concerns. As you have heard, she is willing to work with folks. If you have not already done that, I would encourage you to connect with her in the very near future to see if some of those concerns can be addressed.

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?

**Arielle Edwards, Government Affairs Specialist, City of North Las Vegas:**

We are testifying in neutral to A.B. 116. We would like to thank the bill's sponsor for bringing this piece of legislation forward. We appreciate the intent of the bill, as the City of North Las Vegas is largely a minority-majority city and we are still identifying the long-term fiscal impacts of this bill.

**Chairman Yeager:**

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

**Assemblywoman Nguyen:**

As you can tell, there is still a lot of work to do to implement what I think is a very good policy, and I think it is the direction our state needs to go in. I think I have tried my best to work with as many stakeholders to get it right, and as Mr. Jones said in his supportive testimony, we are not going to get it right. I would be naïve to think that I am talented enough to make a perfect bill. I just know that they do not exist, and our process is meant to be dynamic and change with our society and what is happening. I look forward to that.

I did want to put a little bit of clarification on the record. I know that at one point Ms. Moseley had said that the Las Vegas Justice Court had 58,000 warrants, and then another one of the speakers had questioned whether or not that was in Henderson. That was not Henderson; in fact, Henderson Municipal Court has less than 12,000 active warrants, which is still a lot.

I will continue to reach out and work with all of the stakeholders to try to address all of their concerns. At the end of the day, I want to make sure that we are, again, doing this safely, efficiently, fairly, and equitably. I would love your support on A.B. 116.



**Chairman Yeager:**

Thank you to the presenters. I will close the hearing on A.B. 116. I will open the hearing on Assembly Bill 230. Before we take the presentation, I will let Committee members and the public know that there are two amendments on Nevada Electronic Legislative Information System on this bill. I do believe that both of those amendments are viewed as friendly by the sponsor of the bill.

**Assembly Bill 230: Revises provisions relating to juvenile justice. (BDR 5-791)**

**Assemblyman C.H. Miller, Assembly District No. 7:**

I appreciate this opportunity to present Assembly Bill 230, which aims to eliminate direct filing provisions in Nevada statute that require youth to be tried in adult criminal court when charged with certain offenses.

Before we get into the details about the bill, I want to offer some context so that we are all on the same page. Direct filing, also known as autocertification depending on the jurisdiction, refers to the process where juveniles are automatically certified to be tried in the adult criminal justice system when they commit certain crimes. Throughout the '80s and '90s, nearly every state in the country adopted and expanded direct filing laws that removed children, in some cases as young as ten years old, from juvenile courts and exposed them to adult sentences, including life without parole. Many of these children were also put in adult correctional facilities with adults. Much of this legislation stemmed from the devastating narrative that a monstrous wave of mythical creatures known as "super predators"—impulsive, remorseless elementary school youngsters who pack guns instead of lunches—would take over. So the obvious solution must have been to lock them up as young as possible to save the world, right? This is something we now identify as the "school-to-prison pipeline." Today we all know that narrative was not true, and it led to more problems than it could have ever solved. So, we—the members of this Committee, the members of this house, the members of this Legislature—are now tasked with continuing the fight to right the wrongs of that time.

Fortunately, we have the power of information from a number of research studies to use as tools to aid us in our efforts, studies that prove mature brain development and the capacity to make sound decisions are not achieved until an individual is closer to their mid-twenties—information we have all heard before in this Committee and will continue to hear as we aggressively attack juvenile justice issues in our state. Additional research also shows incarcerated youth experience greater childhood trauma than those in the general population. To speak on this, I have Ms. Stephannie Tucker, a national board-certified clinical counselor, with us today.

Now let us not forget that in August of 2020, this state declared racism a public health crisis. Mounting evidence shows that direct file laws, like most other laws, disproportionately affect communities of color. Nevada is no different. From 2012 to 2017, 140 of the 147 juveniles directly filed into adult court in Clark County were young people of color—Black and Brown kids. I am going to repeat that for the people in the back: from 2012 to 2017, 140 of the

147 juveniles directly filed into adult court in Clark County were young people of color. Mr. Jagada Chambers of the Mass Liberation Project and Silver State Voices will provide some additional information on the racial disparities in this area.

So where are we today? Well, several states have passed measures to revise their direct filing statutes, and some have even eliminated the practice of trying youth as adults altogether. Several of our neighbors have passed legislation that allows juvenile courts greater discretion when certifying youth as adults and have established more stringent standards for the certification process. Now it is Nevada's turn. Mr. Frank Guzman, Director of the Youth Justice Initiative and National Center for Youth Law, who was instrumental in eliminating California's direct file legislation, will share his personal story with us and tell us the work he is doing in our neighboring states to end the practice of trying youth as adults.

I just briefly mentioned the school-to-prison pipeline, and I am not yet an expert in the area to know all the best ways to end it. But with my whole heart and the little bit of common sense I operate on, I can tell you one thing we can do for sure—that is to eliminate the direct route of taking kids out of school and placing them in the adult criminal justice system. We do that by leveraging the tools of information provided by the professionals whom you will hear from today and those who have worked hard on this legislation. Then we must take the bold and courageous step to apply that information and pass this bill for Nevada's future.

Chairman, with your permission, I would now like to turn the presentation over to Kelley Jones, Deputy Public Defender in the Clark County Public Defender's Juvenile Division, who will walk us through the bill as it is written.

**Kelley Jones, Chief Deputy Public Defender, Juvenile Division, Clark County Public Defender's Office:**

Assembly Bill 230 eliminates provisions in the *Nevada Revised Statutes* (NRS) that require juveniles to be treated in the adult criminal court when charged with certain offenses. The measure initially keeps juvenile crimes within the juvenile court yet allows juvenile court to certify a young person as an adult when an investigation and hearing show that it is proper in the most extreme cases.

Please keep in mind that A.B. 230 does not change the existing criteria that make a youth eligible to be certified. Also remember that the primary focus of the juvenile justice system is for rehabilitation. Consistent with this philosophy, the research has demonstrated that youthful offenders retained in the juvenile system have a lower recidivism rate than those who are transferred to adult correctional facilities. With this bill, we can more fully and appropriately address and perhaps even stop circumstances that lead to concerning behavior of youth. Not allowing a child the opportunity for a second chance to redeem themselves seems to be especially and particularly cruel.

Just to give you a little background, taking a youth from the juvenile justice system to the adult system is quite cruel. This transfer actually takes out of the hands of the juvenile court system the opportunity for the court to actually determine based on circumstances and

behaviors of the child and makes them actually have to send the child to the adult system. What we found is that youth who are sentenced to adult facilities are 5 times more likely to be victims of sexual abuse and 36 times more likely to commit suicide than their peers who are in juvenile facilities. But we have also seen that youth who are prosecuted in the adult system are 34 percent more likely to recidivate, and to more violent offenses. Mandatory transfer statutes and statutory exclusion statutes tie the hands of the juvenile court judges as I mentioned before. It can work on the psyche of a child when they are placed in an adult system.

In 2014, the Iowa Supreme Court struck down mandatory minimum sentencing for juveniles as unconstitutional [*State v. Lyle*, 854 N.W.2d 378 (Iowa 2014)]. They decided that any law that writes off a child based on a category of conduct without considering all of the background facts and circumstances was cruel and unusual punishment. Our juvenile court judges are actually more trained to understand and more familiar with the services that are available to youth, which does not happen in the adult court. Juvenile courts are specifically created to address the individualized needs of youth and they recognize that youths are much different than adults.

We also want you to realize in A.B. 230 that by repealing direct file, it does not repeal or limit the state's ability to actually recommend children for certification for extreme cases. And note that 45 states, including Washington, D.C., have transfer statutes that allow the juvenile court judges to determine if a youth can or cannot be rehabilitated in the juvenile system.

As Assemblyman Miller mentioned, the adolescent brain is not fully developed, particularly in the area of the prefrontal cortex, which is critical to a higher order of cognitive functioning and impulse control. Youth correction professionals recognize that young people who commit crimes often come from troubled backgrounds. Studies have shown that 75 to 93 percent of the justice-involved youth have been exposed to some degree of traumatic victimization, they have witnessed violence, and they are more likely to have emotional, behavioral, social, and academic problems. This emotional and physical trauma can inhibit effective adolescent brain development. Youth who are traumatized are more likely to cope with it by becoming aggressive and fighting back. However, youth correctional facilities across the country have been successful at rehabilitating youth. There are several programs out there that have provided results that we could actually replicate here in Nevada.

It was based in the 1990s myth of the super predators that got us these laws. They are basically saying that we are writing off children and believing that they are more like adults than children. We are criminalizing their behaviors—which is absolutely unnecessary. There have been several jurisdictions that have removed youth under the age of 18 out of adult jails, allowing them to remain in the juvenile system and juvenile detention centers.

We know that there is quite a bit of emotional stress on juveniles when they are placed in adult jails. One case that comes to mind that has happened in the last ten years is Kalief Browder. He was a youth who was accused of stealing a backpack. He was on Rikers Island

for three years in the adult system without ever being charged. That was at the age of 17. When he was released in 2014, he had massive trauma. He could not sleep, was always concerned about what was going on around him, thought he was going to be jumped in the subway system, and in 2015 he committed suicide. This shows you the impact of what being in an adult system can do to a child.

Today we are asking that you support A.B. 230 to eliminate direct file, and allow youth to remain in the juvenile justice system and to have an opportunity to have their due process of a certification hearing to determine, based on their background and their emotional and psychological needs, whether or not they can actually be served in the juvenile system.

**Stephannie Tucker, Counselor, Las Vegas, Nevada:**

I am a national board-certified counselor and I went to University of Nevada, Las Vegas. Right after I got out of school, my first assignment was to work on people who had been through the court system. I saw court-mandated counseling clients. The vast majority of them broadly showed signs of post-traumatic stress disorder (PTSD) such as hypervigilance, anxiety, panic attacks, depression, suicidal thoughts, and intrusive thoughts. Many of these people had been through some kind of juvenile court system, but also many of them had actually been taken to jail or adult jail as kids. It is not my personal anecdotal experience here, but in fact, people who are jailed when they are minors are much more likely to be adults with PTSD, various mood disorders, and trauma-related stressors. As Ms. Jones alluded to, the prefrontal cortex of a minor is not totally developed, and in fact, we do not think that it is completely developed until around age 25 for most people. So while we are putting many of these people in jail, they are developmentally immature.

I think anybody who has been around teenagers or remembers being a teenager themselves will know that maybe the choices and decisions that you made as a teenager are not the same ones you would make as an adult. A study done by University of California, Los Angeles shows about 66 percent of juveniles who enter adult jail probably, most likely—this was a study done of about 14,000 people—have some sort of undiagnosed mental illness. It also shows that aggressive punishments like jail time actually worsen those things.

This is where I want to bring in the concept a little bit of epigenetics. Epigenetics can be thought of with mental health sort of like you might think about cancer. You might have a predisposition to have some kind of a problem—trauma-induced stressor problems or depression—because we have some genetic factors, but really what causes mental health problems are the interplay of both genetics and environment. When these two things come together, you get the perfect storm of difficulties with mental illness.

One of the reasons I want to talk about this in particular is because I want to talk about the Adverse Childhood Experiences (ACE) scale. Adverse childhood experiences are really important. I think a lot of people think because it happened in childhood, it is not as important as it is today. Maybe they do not know much about developmental theory. A very longtime study in longitudinal studies has shown that one of the most adverse childhood experiences is being taken away from your parents, removed from your family, being

abandoned and/or witnessing violence, which for many people can also be the result of being arrested. It is typically a very emotionally charged and violent thing to be arrested and to be taken away from your family and put into the court system.

This causes a ripple effect of problems far beyond what is happening currently with a child in that system. I tell you that because what we see with ACE, is that those people actually grow up—and I want to appeal to you kind of fiscally here—to have mental and emotional health problems over the entirety of their life. When I say physical health problems, people who have ACE grow up to be people who have back problems, gastrointestinal issues, chronic headaches, and things that they are visiting doctors for frequently. The other portion of that is that they grow up to be people who are more likely to have mental health problems. They are also much more likely, as Ms. Jones also alluded to, to commit suicide, to have depression, and much more likely to be entangled over a lifetime with both mental health and psychiatric services like hospitalizations.

I do want to hit on the fact that kids are also disadvantaged in the system when we put children—whose brains are not completely developed until after age 25—into a system where they are expected to act and make decisions the way that an adult might. They are highly disadvantaged in the fact-finding process because they occupy a lower social status. When we are interrogating children—I know there is also Assembly Bill 251 in the works here—many times we have to recognize that children occupy a lower social status. They may say or do things that adults would not do, and unfortunately once they go into prison systems, they are expected to make choices and decisions the way an adult might. That is actually not pragmatic. As all of us know, there are certain things that we do not allow kids to do because they are not developmentally ready to do them. Some examples of that are, of course, drinking alcohol or driving a car. In this case, we would be putting people whom we do not trust enough to drink alcohol responsibly, for instance, but we would expect them to be able to make responsible decisions about their own lives and the future projection of their lives in a prison system.

I have to say there have been a multitude of studies that show that there are impacts beyond the incarceration for a lifetime over this, and probably you have been presented with a lot of them. But I think maybe the important piece to take away is it is not just that the person is disadvantaged, but it is something that all of us have to deal with, whether it is their getting arrested later on or needing a greater amount of social services, mental health services, or physical health services. This actually is a bad thing for everyone to incarcerate children. As Ms. Jones alluded to as well, there are better outcomes for keeping people inside juvenile systems.

**Jagada Chambers, Fellow, Mass Liberation Project Nevada:**

I am also the Rights to Restoration Coordinator for Silver State Voices and a Clark County School District father. I want to acknowledge my privilege. My birth father was in the home his entire life for me and definitely impacted my way of life in a positive way and how I personally approach the sacredness of fatherhood. While I am in this space with you today, 22 years ago tomorrow—actually during a spring break trip to Florida my senior year of

college—I got into a physical altercation with a close friend of mine. That trip culminated with my losing at jury trial and being convicted of second-degree attempted murder. In the early stages of my incarceration, there was a 14-year-old who was a national story. His name is Lionel Tate. He was sentenced to natural life in Florida for the murder of a 6-year-old girl he injured doing wrestling moves. Again, it was national news, but 20 years ago, as I was helping build the library at the annex facility where this youth was being housed, I was seeing Lionel regularly. He was never in a hurry; he was always walking with his head down. As hard as prison was for me to digest in my early twenties, it used to plague my spirit when I saw that youngster. I think therein lies my passion for youth. It had a huge, profound impact on me. Youth in common conflict with the law should be treated fairly and definitely not treated as adults. I think my purpose is assisting the mothers and the grandmothers who navigate those kids through the criminal justice system. But my hope in that work is showing those youth it is a better way than what they are entangled with now.

I will dig right into A.B. 230 and divulge some of the realities as to Clark County's usage of direct filing a youth into the adult court system. The data will highlight racial and ethnic disparities that are troubling to say the very least, and some would say are, to be honest, a civil rights issue. I want to begin this portion by commending Clark County's Department of Juvenile Justice Services. They have consistently prepared reports that tell the ugly truth, and I do think that is commendable to put that data to paper instead of camouflaging it or trying to hide it. I also want to salute our allies to the north, especially the comrades in Washoe County. This is a state issue. They have been stakeholders in it throughout in making sure we have a whole state approach of how we can navigate through this.

Since 2013, there have been over 200 youth directly filed into the adult court system in Clark County, and 90 percent of them, to be honest, are kids of color. Black youth, who have routinely hovered around 10 percent of the youth population in Clark County, make up the undeniable majority of the direct files. For instance, of the 219 filed since the report of 2013, 131 of those are Black youth. Combined with 68 of the 219 being Latinx youth, that will make 199 of 219 of the uses of direct file being youth of color.

Direct file is real time. During our election work this year, we came into contact with the family of a 14-year-old who was charged with murder and direct filed into the adult court system. In meeting and spending time and developing a relationship with his mother, it was three youths who were friends and a firearm accidentally went off. The gentleman who lost his life, his father made acknowledgement of that immediately on social media and to the appropriate authorities; but that 14-year-old is dealing with the reality of being charged with murder and being housed in the Clark County Detention Center now.

I think, personally, what drove my dedication to the issue was the grim reality of 2017. The reports showed that all 41 of the youth direct filed into the adult system were youth of color. Again, of the 41, 27 were Black youth. At that time in 2017, Black youth made up, in the whole of Clark County's population, right around 9 percent. Needless to say, I just got invested into the information. What we can do to change this has been a collective effort and I am proud and honored to have been in these workspaces and to be considered a stakeholder.

I know, truthfully, that I am a stakeholder as a byproduct of these mothers, grandmothers, and parents who are enduring this personally.

I do want to admit in 2017 when it did become an issue, I and the Mass Liberation Project's lead organizer, Leslie Turner, were able to acquire a meeting with the district attorney's office. We wanted to dig into the direct files. We wanted to know the kids' literacy levels, were the children in foster care, did they commit their crimes with adult codefendants, and a lot of the stuff that should go into place. To be fully transparent, none of that stuff was available. Recordkeeping was almost prehistoric at that stage. I know it has taken some strides in the right direction, but even the arresting agency, I think all those play a part. We wanted that information and again, it was not able to be made available.

In conclusion I will just say that what is most alarming to me today is that, dating back to 2012, Clark County personally had never direct filed a girl; a young girl had never been thrust into the adult court system. To be honest, over the last two reports, there have been 12 young girls now thrust into that adult court system. I am not trying to say that girls are more precious than the boys, but if that does not kind of sit wrong with you, I think there are other issues at the table. I do not want folks to think that all of these kids are murderers; a lot of other stipulations fall into place with a kid falling into that adult court system. It goes without saying that it is time for us to end the practice.

**Assemblyman Miller:**

The intent and goal of this bill is to eliminate direct filing—period. I want to be very clear that is my ultimate goal and I am fully committed to it—hard stop. To accomplish that goal, we have some infrastructure delinquencies that create gaps between the current jurisdiction of the juvenile system and the adult criminal system. So there are two amendments that will allow us to make a significant step forward while also gathering information we need to close those gaps so our children can live, grow, and prosper in a Nevada where all children are able to remain children.

Chairman, at this time I would like to turn the remainder of the presentation over to Ms. Brigid Duffy from the Clark County Public Defender's Office, who will present on their amendment. She will be followed by Holly Welborn, who will present the amendment submitted by the American Civil Liberties Union. Then we will close out with Mr. Frankie Guzman, and then we will be ready for questions.

**Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County:**

In the introduction by Assemblyman Miller, he bounced me over to the Clark County Public Defender's Office, but I am with the Clark County District Attorney's Office in the Juvenile Division. I would like to start my presentation by walking you through our amendment [[Exhibit I](#)] that is considered friendly and is available on the Nevada Electronic Legislative Information System (NELIS).

In section 1, we are asking to restore the original language to statute. In section 2, the amendment would restore subsection 3, paragraphs (a), (d), (e), and (f) to NRS 62B.330. We would continue to strike section 2, subsection 3, paragraphs (b) and (c). I am going to pause there and let you all understand what those are and the recommendation to remove those from direct file or autocertification.

Section 2, subsection 3, paragraph (b) is a sexual assault or attempted sexual assault involving the use or threatened use of force or violence against a victim and any other related offenses arising out of it if the person who committed the offense was 16 years of age or older; and before the sexual assault was committed or attempted to be committed, they had previously been adjudicated, or in terms some may understand better, had been found guilty of a prior felony.

Section 2, subsection 3, paragraph (c) is "an offense or attempted offense involving the use or threatened use of a firearm." Most commonly, in Clark County, these are offenses which involve armed robberies. That child would have been 16 to 17 years of age and would also have had a prior adjudication of a felony or a prior felony conviction on their record. The Clark County District Attorney's Office is supportive by policy of striking paragraphs (b) and (c) of subsection 3.

We are asking to restore section 3 to its original language. We are asking to remain section 4, which would be the removal of all presumptive certifications. A presumptive certification for 16- and 17-year-olds would be the court would go into the argument presuming that he or she needs to send this child to the adult system and then the child would show the burden of why they should not go. We are asking to have that remain out of statute and allow all certifications to be at the discretion of the court.

Section 5 we would restore to the original language, and section 6 we would restore to the original statutory language. Those restorations in sections 1, 3, 5, and 6 are just references back to NRS 62B.330 because that section will not be stricken in its entirety.

I appreciate Assemblyman Miller's reaching out to me early in this process to start this conversation. This was not a conversation you could have with a bill draft and a bill dropping in 24 hours. This involved a lot of conversations around a very important and significant piece of legislation. There is no mistake that I am a prosecutor by title, that I am charged with public safety as my main priority. I sought my public service profession because I wanted to help my community and keep my community safe, and I do take that oath and my responsibility seriously. My family was not thrilled about my choice of profession at first. I think it was something about their being afraid that if I handled too many child abuse and neglect cases, my soul was going to break. But instead, it actually gave me the strength to look at the system, which I am an important part of, and ensure better, stronger lives for all children no matter the trauma or circumstances that are often out of their control and that they just find themselves in.



In 2012, Clark County District Attorney Steve Wolfson honored me by placing me in a position to run the entire Juvenile Division, not just the foster care section of that division. For nine years, I have supervised a team of district attorneys who prosecute juvenile delinquency, which is the prosecution of children. And that is what brings me to the table today. Assemblyman Miller brought me an opportunity to balance the rights and protections of victims who are often also children, but the ability to find opportunity to help a child who is making some serious, egregious, and dangerous choices; help that child get placed on the right path to a positive future.

I want to be very clear to this Committee and to the public who is watching, the delinquent act, or what may be better known as a crime, may still be prosecuted. Robbery with use of a firearm is a very serious offense, especially a gun in the hands of a child, and it leaves lasting trauma on my victims, changing their lives forever as well. What this amendment [[Exhibit I](#)] to A.B. 230 will require is only that now prosecutors must choose to file a motion to certify those children as adults for those crimes and therefore allowing those 16- to 17-year-olds who have a prior felony record. Those children must first go before a juvenile judge and the juvenile judge will determine if the child may be treated and rehabilitated in the juvenile system or if they should be transferred to the adult criminal system. These statutory sections being removed will mean they will not automatically go to that adult criminal system.

In closing, I emphasize that keeping our community safe is my number one priority, and the amendments to A.B. 230 are an opportunity, I believe, to improve community safety by allowing those children who commit terrible acts a chance at rehabilitation and services in the juvenile system. A treated, rehabilitated child; a child who receives an education, job training, and counseling becomes an adult who could possibly go live a good life and not continue to victimize our community. The juvenile prosecutors across our state hope that these children will embrace that opportunity that is provided to them and change their trajectory.

I would like to clarify some comments by Mr. Chambers, whom I have enjoyed working with over the past years on juvenile justice reform. We cannot direct file 14-year-olds to the adult system. We have not been able to do so, I believe, since the 2013 Legislative Session and that went into effect in 2015. So that 14-year-old would have been a certification, not a direct file. I am not sure how old that case is, but we do not direct file 14-year-olds. They go through the court and it is the court's discretion. As to the 12 girls, I do not have a direct file on a female. Those would have also all been certifications, to my knowledge, that would have gone before a juvenile judge prior to going into the adult system.

I truly appreciate the opportunity to be here this morning, and I look forward to any questions you may have.

**Chairman Yeager:**

Just before we move on to additional testimony, we are going to be running short of time, given the length of this presentation. I just wanted to ask you a quick clarifying question. To make sure we are all on the same page with the bill, the original A.B. 230 would have

eliminated all direct files of juveniles, period, so that there would have to be a motion filed and a judge would have had to essentially sign off on the certification. I believe what your amendment [\[Exhibit I\]](#) does is it reserves a few categories of offenses that can still be direct filed into the adult system, but the remainder of those offenses would have to go through the court process for certification where a judge would make the call. Can you confirm if that is correct in terms of my understanding of the amendment?

**Brigid Duffy:**

Yes, that is absolutely right. It would remain categories of murder and attempted murder for 16- to 17-year-olds. It would remain for a Parkland- or a Columbine-type event, which would be a mass casualty situation or an attempt at a mass casualty situation on school property. It also maintains what we call "gap" cases or those children who are now adults. They commit offenses at 16 or 17 years of age, and we do not have them identified or in custody until 20 years 3 months or 21 years of age. We lose jurisdiction in juvenile court at 21, so there is not much we can do in terms of rehabilitation there. It preserves three sections and the importance of that is that infrastructure portion that Assemblyman Miller spoke about. Our jurisdiction only goes to 21 years of age and we only have one locked juvenile facility, and our facilities are only designed to be for a 6-month length of stay on average.

**Chairman Yeager:**

Are you able to give us any sort of context about the kinds of cases that are still going to be able to be direct filed were this bill to pass with the amendment? What are the numbers of that based on? I am wondering with the changes that we are making, how many kids are we talking about who would not get a certification hearing if this bill did not pass?

**Brigid Duffy:**

I did the numbers the best I could based upon our statistics and, as Mr. Chambers alluded to, we do not have a case management system in the Juvenile Division. These are all kept by hand and so when I give them to you, you can probably figure maybe plus or minus one or two. They are the best statistics that I have kept since 2017. This will impact about 60 percent of the direct files, or approximately 25 kids a year. I did the statistics over four years, so on average it is 40 children a year who are direct filed. We had a spike in 2018 of 51 kids. We had a deep decline in 2020 to 34 kids. So on average I am saying 40 kids, and this will impact 60 percent to remain in the juvenile system for a certification hearing with approximately 25 kids a year.

**Chairman Yeager:**

Just to be clear, they would remain in the juvenile system for a certification hearing, but if indeed a judge decided certification was appropriate, they would then go to the adult system to answer to the charges?

**Brigid Duffy:**

That is correct.

**Chairman Yeager:**

We will go next to Ms. Welborn, who will discuss their amendment to the bill.

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

For several of you who have been around for a while since at least my time with this organization, I have been working on this issue since Day One. It is getting exhausting; it really is. But we move forward, take each step, and yesterday we had a stakeholder's meeting with Ms. Duffy and the community advocates who have been pushing for this legislation and came to the conclusion that the infrastructure needs bind our hands in being able to move forward with a full repeal of direct file. This amendment [[Exhibit J](#)] is quite simple. It allows us to carry on this conversation. It allows us to utilize the Legislative Committee on Child Welfare and Juvenile Justice. That is a committee where we can continue the conversation on a wide range of different juvenile justice issues. There is at least one member of the Assembly Committee on Judiciary who sits on that interim committee, Assemblywoman Hansen. It is a space where we can take time to really understand what these infrastructure needs are, what the costs are that are associated with bringing juvenile facilities up to par in a way that positively impacts youth. It would just be a very simple amendment that would add an additional section to this bill that requires the Legislative Committee on Child Welfare and Juvenile Justice to conduct this study. It would allow us as community advocates, as impacted individuals, to bring in experts to talk about ways that we can improve systems in our state so we can keep moving in the direction of ending direct file once and for all. I am here to answer any questions.

**Frankie Guzman, Director, California Youth Justice Initiative, National Center for Youth Law:**

I lead a team of attorneys and policy advocates working to transform the youth justice systems in California, Colorado, and Nevada. We partner with state and local leaders to shift policies, practices, and investments away from outdated punitive models of justice toward evidence-based, health-focused approaches at improving youth outcomes and public safety while also reducing recidivism and unnecessary incarceration costs to the state. I strongly support [A.B. 230](#).

The decision to send a young person to the adult system is the most serious decision the juvenile court can make and one that should be made by a judge, trained in adolescent development and juvenile justice best practices. Extensive scientific research shows that children are less culpable for their actions and have tremendous capacity to learn and to grow, a capacity that is wasted when youths are sent off to adult prisons. The research also shows that young people handled in the juvenile system are more likely to thrive while those sent to the adult system are more likely to commit new crimes and create new victims.

If passed, this bill will improve public safety by allowing more opportunities for Nevada youth to receive treatment in the juvenile system while ensuring that the state does not overly rely on the adult prison system for children who do not belong there. [Assembly Bill 230](#), if passed, would make important changes to Nevada law by limiting prosecutors' authority to directly file charges against children in adult court to only the most serious cases. As a

result, the bill would require juvenile court judges, rather than prosecutors, to consider how children are different than adults for the purposes of prosecuting and sentencing in juvenile or adult court in the majority of cases that are eligible for transfer in Nevada. Because judges receive training and have statutory guidance and judicial oversight around decision-making, they are better suited and more appropriate to make determinations about whether a youth can benefit from the rehabilitative programs available in the juvenile justice system.

This issue is deeply personal to me. As an attorney, my work focuses on reducing the harmful practice of prosecuting youth in the adult criminal justice system. Youth sentenced in the adult system often receive very lengthy prison sentences and get little to no education or rehabilitative services. I advocate for youth to get developmentally appropriate treatment offered in the juvenile system because without it they are more likely to fail. I know this personally. When I was 15 years old, a friend and I robbed a liquor store armed with handguns. We were arrested and received transfer hearings in the juvenile court where a judge decided whether we should be transferred to the adult system. After the hearing, a judge decided that I should be kept in the juvenile system, where I ultimately served six years in the California Division of Juvenile Justice. There, I received the education and treatment that I needed. When I was released, I went off to college. I thrived later in life, in part because I had a chance to be in the juvenile system. My friend, however, was not so lucky. He was removed from the juvenile system and sent to adult criminal court. He entered adult prison and his life spiraled down from there. He did not get the rehabilitative opportunities that I received. I did not know how much we both needed direction and help. I got it and he did not.

This issue is also important to me for professional and ethical reasons. As an attorney, my work focuses on reforming laws that impact youth charged with serious offenses in partnership with elected officials, system administrators, local courts, and community stakeholders by improving data collection and analysis to better understand the impact that criminal laws have on youth; by raising public awareness of the harms of youth incarceration; improving state and local policies and investments to create effective alternatives to incarceration and punishment for youth; and working with communities most impacted by harsh prosecutions of children to improve justice for all.

As such, I had the privilege of partnering with former California Governor Jerry Brown and a broad coalition of system and community stakeholders, including leaders in law enforcement, faith, labor, and justice-impacted communities of color, to pass a ballot initiative or referendum that ended California's direct file law entirely. The California electorate passed that measure by 65 percent in support. In order to achieve that victory, we led a campaign rooted in lived experience, data, and scientific research.

Notably, our data and research on direct file practices in California demonstrated that prosecutors used direct file despite plummeting youth crime. Eighty percent of youth prosecuted in the adult system were placed there by prosecutorial direct file despite a 55 percent drop in youth felony arrest rates. District attorneys reported 23 percent more direct filings per capita in 2014 than they did in 2003. These opposing trends suggest that

there was no clear relationship between serious crime and the use of direct file. Also, racial and ethnic disparities had grown. While the rate of direct file was decreasing for white youth, it had increased for Black and Latino youth. For example, in 2003, Black youths were 4.5 times more likely than white youth to be direct filed, but by 2014, this figure rose to 11.3 times more likely. Moreover, between 2003 and 2016 when direct file was finally abolished, California had prosecuted more than 11,000 youths as adults; 90 percent of these youths were Black and Latino. Also as noted before, of these 11,000 youths, 80 percent of them were placed there by prosecutors and not judges.

Lastly, our data showed that county-level disparities led to an inequitable system of justice by geography. We found that in addition to race, the county in which the youth was arrested was a greater indicator of whether a youth would be direct filed than was the severity of the offense. For example, Yuba and San Diego Counties reported identical rates of youth arrests for serious offenses, but youth living in Yuba County were 34 times more likely to be direct filed in adult court than youth in San Diego County.

Meanwhile, scientific research clearly demonstrates that young people charged with serious offenses can learn from their mistakes and grow to become responsible adults if given the opportunity. For example, studies published by the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention have shown that 94 percent of all youth who commit crimes, even the most serious crimes like murder, will age out of criminality by age 25, corresponding with adolescent brain development research and maturation.

Ultimately, California completely abolished prosecutorial direct file in all children's cases five years ago. To date, California continues to experience declining juvenile crime and arrest rates reaching historic lows. So while many argue that direct file was necessary to keep communities safe and that without it, crime and victimization would increase, that never happened. Reflecting on our experience with direct file in California, I am reminded that if it were not for direct file, thousands of California children would have received judicial transfer hearings and an opportunity to remain in the juvenile system to learn from their mistakes and to grow to become responsible, productive adults and even lawyers, like myself.

Alternatively, I am also cognizant of the fact that if I had been prosecuted under direct file laws, I would likely have been directly filed in adult court and sentenced to serve decades in prison. In short, I would not be sitting before you today.

In conclusion, I would like to impress upon all of you the sad reality: all kids make mistakes. Some kids commit serious crimes. However, research has clearly shown that, depending on the race of the child and the jurisdiction where they are prosecuted, some youth will receive the opportunity to learn from their mistakes in the juvenile system while others will pay with their lives in prison. The practice of direct file and its stark racial and ethnic disparities highlights the need for more appropriate, effective, and humane treatment of youth. Returning greater decision-making power to judges about which youth should remain in the juvenile system would introduce greater transparency and oversight into these important decisions.

Youth sentenced to the juvenile system have access to education and rehabilitative services that they are not entitled to in the adult system. Upon release, youth retained in the juvenile system are less likely to recidivate, are better able to build greater family and community connections and to develop skills that lead to greater economic opportunities later in life. By limiting prosecutors' authority to direct file in only the most serious offenses involving youth, leaving the decision to transfer to judges in most eligible cases, Nevadans would reduce the high cost of unnecessary and harmful long-term incarceration of youth while improving public safety and expanding opportunities for adjudicated youth to engage in school, work, family, and community.

Members of the Assembly Committee on Judiciary, I urge your support of A.B. 230.

**Chairman Yeager:**

We have time for a few questions from Committee members before moving on to testimony.

**Assemblywoman Cohen:**

In NRS 62B.330, which is section 2 of the bill, my question is about the language your amendment [[Exhibit I](#)] puts back in. Throughout that section, there is reference to related offenses. Section 2, subsection 3, paragraph (a) states in part: "For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act: (a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, . . ." and it goes on from there. If there is a murder or attempted murder but that charge does not go forward, is the direct filing still happening on any related offense without the murder or attempted murder in play?

**Brigid Duffy:**

Yes. Those lesser included charges, potentially, or other charges—so if it is a murder that resulted from a robbery, that could still go forward in the adult system and any of the other charges that may be there that all happened from the same event.

**Assemblywoman Cohen:**

But even if the murder or attempted murder is no longer in play?

**Brigid Duffy:**

Yes, that is correct.

**Assemblyman Wheeler:**

Thank you, Mr. Guzman, for sharing your story of how the system worked for you. I appreciate that. I believe Ms. Duffy answered my question on certification. Assemblyman Miller, you said 147 cases were tried as adults in the last few years. I am wondering if you know how many of those were repeat violent offenders or gang affiliated?

**Assemblyman Miller:**

I do not know the specific details of those cases. If Ms. Duffy or if someone else does know, please provide that information. If not, I am sure we can look into it.

**Brigid Duffy:**

Can you tell me again what you are looking for?

**Assemblyman Wheeler:**

Assemblyman Miller said that there were 147 cases of youths being tried as adults. I was just wondering of those 147, how many were repeat violent offenders or how many were gang affiliated?

**Brigid Duffy:**

During my presentation to the interim committee, I did drill down on some numbers with regard to the direct file cases—again, hand kept—to find out what prior services those juveniles had had, how many prior cases, how many chances at probation, if they had been to our facilities in the juvenile system before even being direct filed. You have to remember in direct file, the juvenile court does not have jurisdiction. The prosecutors do not decide if we direct file, we do not have jurisdiction. I drilled down on those numbers and I do have some information, but I do not have it off the top of my head. I think Assemblyman Miller might have my color chart.

I also want to say to Assemblywoman Cohen's question, just a point of clarification, if the case goes to the Criminal Division on a murder or attempted murder and they decide not to file the attempted murder or murder, it would come back to Juvenile. It would only be if it went to trial or it was negotiated that it would stay in Criminal on the lesser charges if he or she were found not guilty or the charges were negotiated. But if Criminal gets the screening and they say this is not attempted murder, everything comes back to Juvenile.

**Assemblyman Wheeler:**

Thank you, Ms. Duffy. If you could get those numbers to the Committee, I would appreciate it.

**Assemblywoman González:**

Section 4, subsection 3, paragraph (b) indicates that the child may petition for transfer upon a showing of exceptional circumstances. What is an example of an exceptional circumstance?

**Brigid Duffy:**

I am waiting to see if my criminal public defenders out there are going to want to answer this question and not the prosecutor, because I do not prosecute in criminal court, so I do not know what is being argued out there.

**Assemblyman Miller:**

Ms. Wildeveld, is this a question you could answer?

**Kristina Wildeveld, Attorney, Las Vegas, Nevada:**

Yes, it is. The court does not certify if the court finds by clear and convincing evidence the existence of a substance abuse issue, emotional or behavioral issue, and problems that are appropriately treated in the juvenile system. The way this typically works in Clark County is when the state moves for certification, the child is then referred to a mental health professional for an examination to see if there are any of these problems; then to see what exactly this specific child is dealing with. For instance, a lot of children are witnesses of domestic violence or their parents recently split up and they are acting out as a result of that. Those findings are unique to each child and it goes back to the court to determine whether or not those are exceptional circumstances to keep the child in the juvenile system.

When you go through the certification process, each child is individually examined by a clinician. A report is then generated which goes to the defense attorney, the state, the court, and probation, and everyone reads it to determine whether or not they should retract that certification petition that they filed or let it go forward. That is why I feel that every child deserves that unique look, that second look, and that no child should be direct filed and instead each child should be taken on a case-by-case basis to determine whether or not they belong in the adult system. I hope that answered your question.

**Assemblywoman González:**

If the court finds that the child has experienced all of these hardships, what resources are being offered to the child? And, if the court still has this background information and they still make the determination to go forward with the certification process, what do those resources look like going forward?

**Brigid Duffy:**

I can talk about what we have available in the juvenile system and where we get exhausted on our children who commit higher-level offenses. We have probationary services—trauma-informed services like counseling and anger management. We also have juvenile camps north and south, Spring Mountain Youth Camp and China Spring Youth Camp, which also serve girls. Those facilities are programmatic-based with an average length of stay of six months. I am most familiar with Spring Mountain Youth Camp. The Clark County School District provides educational programs there through the Spring Mountain High School. They have programs in culinary, forestry, or boot camp-type programs where they are sometimes earning money, helping to step them back into the community with jobs.

Then we have the state facilities which include Summit View Youth Center, Caliente Youth Center, and Nevada Youth Training Center. Caliente Youth Center and Nevada Youth Training Center are open-air, camp-type facilities, programmatic-based with an average stay of six months. They have sex offender counseling, education programs, and technical programs. Summit View is our only locked facility and has about 40 beds. It is located in North Las Vegas and is programmatic-based with an average stay of six months. That is what the juvenile system can offer. There are also a lot of services in our community and we have officers who engage with and are trained to deal with children. Again, I am speaking on behalf of Clark County and I do have a lot of contact with the rest of the state. I know our



officers are very engaged with children and families and understanding child development and working with them.

When a child goes to the adult system, we do have a little bit of a void, because adult probation and parole officers are not used to dealing with children. I have often been contacted, especially with The Harbor program, by some adult probation officers looking for services for children who have been sentenced to probation in the adult court. Then we have the Lovelock Correctional Center operated by the Nevada Department of Corrections, which is where they are now sending any child who has been imprisoned.

I also do have some statistics that I can send out as well that talk about the outcomes of kids who are direct filed—those kids who are direct filed who are getting probation, boot camp, or are sentenced to prison. I have those statistics as well so you can see them. I hope that answers a little bit of your question. I am happy to follow up with you more offline.

**Chairman Yeager:**

We have time for one more question before we have to go to testimony. Is there anyone who would like to ask a question?

**Assemblywoman González:**

I am curious in terms of resources like therapy and counseling. You said a lot about programming like culinary and education. But if a child is experiencing harm in the home or witnessing domestic violence, what kind of psychological help is being offered to them?

**Brigid Duffy:**

The Department of Juvenile Justice Services has a clinical team, so that would be our Probation Department run by Clark County. Oftentimes we have full clinical assessments on children to determine what their needed services are, and then we have referral sources in the community. We have specific counseling to address all kinds of trauma that a child can endure. For our sex trafficking victims who may come in on offenses, we have specific programs that work with them and mentor them through their needs and their very complex trauma. There is a clinical team that would determine, and we do have resources in the community to refer to.

**Kelley Jones:**

Just to add onto what Ms. Duffy mentioned, there is also an assigned psychiatrist to the Spring Mountain Youth Camp. There are also psychiatrists who work from the community to help juveniles with different issues.

**Chairman Yeager:**

In the interest of time, we are going to have to move on. I would encourage the Committee, if you do have questions that you were not able to ask today, please follow up with the sponsor of the bill.

Given the time we are at, I am only going to be in a position to take about 15 minutes of testimony in support, opposition, and then we will see if there is some neutral. Is there anyone who would like to testify in support?

**Kristina Wildeveld:**

This piece of legislation should be important to all of us. The proposed amendment [\[Exhibit I\]](#) does not guarantee that a child facing charges of murder or attempted murder would remain in the juvenile system. Instead, it only guarantees a hearing before a juvenile judge to determine if that specific child should remain in the juvenile court if he is over 16 years of age. What I am proposing is that every child get that certification clinical examination that we had discussed [\[Exhibit K\]](#).

The proposed option of eliminating presumptive certification but still allowing direct file for certain charges is flawed. There are plenty of imaginable circumstances where a kid who has committed a specific crime should remain in the juvenile system despite the charges. It is not a solution even for a limited population of kids. Furthermore, prohibiting retroactive application would adversely affect those children who are currently lingering in adult prison or awaiting trial in adult court who should have otherwise gone before a juvenile judge to make a determination if they belong in the adult prison in first place because there are extenuating circumstances in those cases.

We believe, much like the military, in the concept of leaving no man behind. The amendment [\[Exhibit I\]](#) will only affect kids going forward but leave those who currently suffer under the present laws without remedy. It is not sufficient. Nor can we not fight for those kids who should not be in the adult system because we firmly believe that there should never be a child in the adult prison, and if there is, it should only be for very, very limited circumstances. Such a proposal is inherently unfair. Nevada cannot wait another two years for another legislative fix to demonstrate the compassion for this population of youth who may one day be eligible for relief. To do that would defeat the purpose of this bill.

Assembly Bill 230 eliminates presumptive certification with the amendment but still makes those facing murder charges be directly filed into the adult court. There is scientifically very little difference between a 15-year-old and a 16-year-old. Therefore, if a juvenile finds themselves in a situation a day after their sixteenth birthday or having committed a certain offense, they will lose that protection of going before a juvenile judge. All juvenile offenders are unique in their ability to be rehabilitated.

The group of kids this bill would apply to committed crimes, but they were committed as juveniles and this bill must give them a chance at being kept in the juvenile system. It is not a guarantee. It is allowing that clinician to put forth their exceptional circumstances for each individual child and make that determination if they could be rehabilitated in the juvenile system, or in fact, they need to go to the adult court to face the charges.

As somebody with extensive experience working in the juvenile justice system, I can attest to the fact that our system still needs improvements. We encounter kids in the juvenile system

who are often experiencing great crises in their lives not only because they are dealing with ordinary juvenile issues but also issues that include homelessness, substance abuse, and undiagnosed, untreated mental health issues. This is true of any child, and even those up to the age of 21 to 25, but most certainly those children under the age of 18. Children are brought into custody for everything including a fight, graffiti at school, or homicide. The age does not change their circumstance.

**Chairman Yeager:**

Ms. Wildeveld, we are beyond two minutes, so could you please wrap up your testimony?

**Kristina Wildeveld:**

Thank you. I will leave it at that. I urge you to support A.B. 230 without the amendment.

**Chairman Yeager:**

I want to be clear on your testimony. The bill was presented with two amendments that are considered friendly amendments. Are you opposed to the way that the bill was presented, because it seems like you want the bill as drafted, but I do not think that is the way it was presented today? I want to be clear on the record what your position is.

**Kristina Wildeveld:**

Thank you. I just want to give consideration and echo what the other presenters indicated, especially Assemblyman Miller, who indicated that he wanted this to include all children and that is what I am echoing.

**Chairman Yeager:**

I will categorize it as supportive testimony, but I do not know if that fits in the Committee rules. But if your position is that you support it as presented but would like it to go further but would prefer to see it passed rather than not, then I think that would be supportive. Is there anyone who would like to testify in support?

**John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office:**

I will make it brief as I want the impacted community to have a chance to testify over the telephone. Direct file harms children. This bill goes in a long measure to help children, and we urge you to pass this bill.

**Chairman Yeager:**

We are having an audio problem with Mr. John Jones' testimony on the Zoom, but he gave us the thumbs-up as supportive testimony.

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

I want to thank this Committee for hearing a number of important bills addressing the juvenile justice system. We believe that this bill is an important first step as we continue to address systemic racism and build resources for the juvenile justice system to support all youth in the state.

**Denise Bolanos, Private Citizen, Carson City, Nevada:**

I am a member of Return Strong: Families United for Justice for the Incarcerated. Today, I am reading a statement from a person who is directly impacted who could not be here today. It reads as follows:

My name is Chasa and I have a loved one incarcerated in the NDOC [Department of Corrections] and I also have a child incarcerated in another state. But I believe our story is relevant to what is happening here today and needs to be told. I am a single mother with two wonderful boys, nine years apart. I have raised my children with compassion, empathy, communication, and consequences for their actions. My oldest son started his first serious relationship at 16 years old. At first it went well. But within a few months I started to see red flags and I tried to inform him that this was not a good idea. But he was 16, I was not going to forbid him because he would just lash out and want the relationship even more. His father was mostly absent during his life and at this time he was deployed in Afghanistan.

My son's relationship continued to spiral, and he pulled farther and farther away from me and his brother, wrapping himself in the relationship of the girl who became more controlling and manipulative. He was not sleeping, he was not eating, he started skipping school, and I was done with it. And then I came home from work one day and he attacked me. They found evidence that his girlfriend had convinced him to kill me. She walked him through, step by step, what to do.

They were both arrested and given separate lawyers. Both of them were facing 25 years if tried as adults. She was given a plea deal immediately for 18 months and her mother was able to be with her every step of the way. After a few weeks, my son was given a plea deal for assault with a sentence of a lot longer. When he is released, he will be a felon for the rest of his life, all before he can buy alcohol or even smoke. I was unable to be there for him due to a no-contact order. He was given a court-appointed attorney who was incredibly overworked, and I feel she pressured him into a plea deal. I am not saying my son should not have gone to jail, I just feel he should not have been charged as an adult and there should have been someone looking out for him.

Our brains are not fully developed until we are 25. There are so many chemicals and hormones coursing through our brain for the brain to fully develop, and it is difficult to treat minors the same as adults when they are not functioning with the same tools as adults are. I am both the parent and the victim and understand the plethora of layers of situations like this, but the reality is that children are children. They do not belong in an adult system that is not prepared to deal with them appropriately and they certainly do not belong in adult prison. At the point we as a society choose adult prison and

systems, we have stopped choosing justice. Our children need support services and restorative justice.

I know there is discussion of amending this bill to not include certain crimes, but I am here to stand in support of A.B. 230 as it is now. No child under any circumstances should be direct filed into adult systems. Thank you, Assemblyman Miller, for sponsoring this bill. It is bold, it is courageous, and it is the right thing to do. Again, I am in support of A.B. 230.

**Benjamin Challinor, Policy Director, Faith in Action Nevada:**

In the interest of time, I will be brief. We are in support of A.B. 230. This process is the continued perpetuation of the school-to-prison pipeline and we are in extreme support of this bill as it is an important step in correcting the juvenile justice system.

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

I also am an impacted family member as my spouse is incarcerated in the Department of Corrections and he has been directly impacted by what we are talking about today. He entered the juvenile system at 9 years old for crimes that he committed with his mother that were part of her addiction. Her addiction and poverty led him to begin committing crimes at a very young age; crimes that were deeply rooted in survival and not an inherent evil on his part. The way the system is currently designed, the underlying issues that were never addressed, by the time he was a teenager he made some poor decisions which happens when you have poor choices and no guidance. The best decision led him to juvenile life in California, to Folsom, to Nevada State Prison, to Ely State Prison, to High Desert State Prison, to Southern Desert Correctional Center, to Warm Springs Correctional Center, to Ely State Prison, back to Southern Desert Correctional Center, and then he came home for ten months and now is back in prison. This journey tells nothing of who he is as a human being. His crimes are all related to the same issues that are connected to the PTSD and trauma that he endured as a child. Prison is never going to help him do better in a community or in society.

Yesterday I spoke to a young man at Ely State Prison who was incarcerated as a juvenile in Nevada through the certification process. He told me,

Jodi, I remember the day that they sent me to prison and I know I am not supposed to say this, but I was both scared and excited at the same time because I was going to go be with all of the big OGs [original gangsters] and in my life, it was like an honor. But now, ten years later, I am scared. I am getting ready to come home in a few years, but I am terrified of facing life out there. I do not know how to live like that. I was a baby when I came here, and I have nothing to come home to and NDOC has done nothing to help me get ready for that. But I also do not want to come back here and I do not know how to do it.

We have to do better by our children. None of them belong in adult court systems and we can stop this now, right here, by changing the law that does not fix everything, but it is a huge step in the right direction. We support A.B. 230.

**Leslie Turner, Founder, Mass Liberation Project Nevada:**

There should be no time that a youth is sent to adult court. If a youth pulls the trigger and kills someone, that does not change the fact that they are still a child. Holding a child accountable is not what we are debating. What is acceptable accountability for a youth who commits a very serious crime? The answer is healing for everyone; counseling, resources, mentoring, culturally relevant programming, mindset shifting, spiritual growth, exposure to what life could be, and investment in their future. These forms of accountability may not seem enough to prosecutors or victims because we have been brainwashed to believe that punishment, retribution, torture, and confinement are our only means of justice. We, as a society, have conflated the emotional satisfaction of revenge with justice. Justice is getting to the root cause; justice is building legacies for the future; justice is healing and restoration—none of which are delivered by putting youth in adult systems—none of which are delivered by the criminal legal system as a whole. Research that goes back to the 1990s can be referenced that tells us how we should be handling kids and how we should be handling delinquent behavior.

Here are some questions to consider. Is there data that connects more serious crimes or violent crimes to increased levels of maturity or adult mentality? I would argue that if a child takes someone's life to solve a conflict, it is actually indicative of underdeveloped problem-solving skills, poor social interaction skills, and low maturity. Although there is plenty of anecdotal evidence, is there any research specifically on what actually brings a child to take someone's life or join a gang or shoot up a school? Justice requires us to get to the root cause. We cannot solve a problem if we do not know why it is happening, and we are not solving the problem by putting youth in the adult system.

What is the purpose and goal of placing a youth in the adult system? From my lens it seems it is just the way to give youth longer sentences for more heinous acts. If these longer sentences are supposed to serve as a deterrent, have we surveyed youth whom it did not deter and ask them what could have helped? Have we talked to them and their families and investigated at length and in-depth to truly understand what happened to these kids that brought them to the point of being put into the adult system? How much are we spending annually per youth in the adult system? Can that money be repurposed to service kids in the juvenile system and create infrastructure that is supposedly lacking?

Ultimately, we need to keep kids as kids. We need to treat kids as kids. If they do something, we need to hold them accountable in the juvenile justice system. It is not a matter of their not being held accountable; it is a matter of how we are holding them accountable and how we are rehabilitating them.

**Chairman Yeager:**

We are going to have to leave our supportive testimony there due to time constraints. If there were others on the phone who were not able to testify in support today, I would ask you to please submit your comments in writing. I would also note for the record that there are some exhibits with some additional testimony in support on NELIS.

[[Exhibit L](#), [Exhibit M](#), [Exhibit N](#), and [Exhibit O](#) were not discussed but will become part of the record in support of [A.B. 230](#).]

Is there anyone who would like to testify in opposition?

**Michael Whelihan, Assistant Director, Department of Juvenile Justice Services, Clark County:**

I would like to thank the Committee members for their time. We are opposing the bill due to the fiscal impact, an unfunded mandate. This is good policy for our youth. These cases are serious in nature. Youth will need to get proper mental health assessments and counseling prior to the judge's decision as to whether they should be certified or not. Investigations will take longer to complete prior to the judge's decision. Some youth will not need to be remanded to the adult system and will remain in the juvenile justice system. This will add additional costs for mental health needs and placements. Youth with these charges will be housed separately; they will not be allowed to have roommates due to the serious charges that are pending. We will have to open an additional unit or two depending on the language that is agreed upon today. We will need to hire detention, medical, and mental health staff, get contracts for mental health needs so the needs of the youth are met.

Our population approaches 175 at times, but the facility only has 192 beds. The Department of Juvenile Justice Services is not budgeted or staffed to meet that capacity. Currently we are budgeted for 120 youth. We are working with county management in looking for a contract for a unit to provide emergency placement for the Department of Family and Youth Services for youth who have emergency mental health needs. That could put that program in jeopardy or on hold. There are several other bills that if passed will impact detention capacities. Detention capacities will be overcrowded and will place youth at risk by having too many youth in the facility. Other programs will have to be closed if there is no funding for this mandate. This will impact programming for current youth and outcomes for the children currently in juvenile probation.

**Chairman Yeager:**

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? [There was no one.] I would invite the presenter back up for any concluding remarks.

**Assemblyman Miller:**

In closing, I appreciate the remarks of many of those who called in today. I understand that you are supporting the bill with the amendments because you have to and not because you

are in love with the idea of not capturing all youth at this time. I share your feelings and your passion and will work hard to continue moving the goalposts closer.

I would like to acknowledge former Assemblywoman Shea Backus, who worked on this bill in the interim and planned to bring it forward this session. I was happy when Assemblywoman Selena Torres brought the bill to my attention and I was able to pick it up. I thank the cosponsors of the bill, many of whom are on this Committee, who have a lot of questions, who asked great questions, and who care about making sure that our juvenile justice system is just, that our criminal justice system is just, and want to correct the wrongs that previous bad legislation brought forward. I want to let everyone know that Senator Pat Spearman will be amended on as a primary sponsor. She was the first Senator who agreed to sign on to the bill but was unable to sign it before I had to turn it in. I am also open to anyone else who would like to join this bill as we move forward.

We are tasked every day with correcting the mistakes of bad legislative decisions of the past, and it is time to correct one that has created generational devastation for communities of color in Nevada. We must pass A.B. 230 with the amendments [[Exhibit I](#) and [Exhibit J](#)] for our children's children.

**Chairman Yeager:**

As referenced, this issue has been brought up over several sessions. I want to thank you for your work and talking to folks. I think the broad group of stakeholders you brought to the table in support of this bill speaks to the hard work you put into it. I will close the hearing on A.B. 230.

I will open it up for public comment.

**Benjamin Challinor, Policy Director, Faith in Action Nevada:**

One of items that has been heard and we hoped to be heard is Assembly Bill 141 and Assembly Bill 161. As you know, March 31, 2021, is the expiration of both the Centers for Disease Control and Prevention and Governor Steve Sisolak's eviction moratorium. Last night at Governor Sisolak's press conference, when asked what could be done on the eviction moratorium, he said that the state is working with local partners and the Judicial Branch to determine how to handle that. One thing that the Legislative Branch can do is pass both A.B. 141 and A.B. 161 to make sure that tenants who are at risk of eviction or who may be evicted due to the COVID-19 crisis will have some support from the state in addition to the long list of federal aid and unemployment aid. I do hope the Committee takes those two measures up.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

My brother was asphyxiated to death by Reno police and Washoe County Sheriff's Office in 2015 during a mental health crisis. Today, I wanted to read a letter on behalf of Candice and Jared Leach, the children of Ronald William Leach, Jr., who was killed by Reno police on September 14, 2006, during a mental health crisis. He was shot in the parking lot of a mental health facility in Reno.



Ronnie is the father of two children and a grandfather of six, five of them he never had the chance to meet. He lived life to the fullest, was always adventurous, and loved to travel. He would go without to make sure that others had the things they needed. He had such a big heart and was loved by many. His life being taken from him by another human was just another day on the job and extra paperwork for some, but to us he was our daddy and our lives were shattered and altered on September 14, 2006, when our daddy was taken from us by unnecessary lethal force resulting in homicide. Time never will heal these kinds of wounds when your loved one is killed by police without consequence.

Please support bills that promote transparency and accountability.

**Chairman Yeager:**

Is there anyone else who would like to provide public comment?

**Darlene Anderson, Private Citizen, Henderson, Nevada:**

I am calling because of the requirements under the Individuals with Disabilities Education Act and what happened during the individual disability act when they were passed, or to address these issues and provide support. It amazes me that the local school district does absolutely nothing in providing the preventative services for children who could end up incarcerated. But there is an assessment that takes place prior to the direct filing of children who go to criminal court, criminal prison institutions, and the data for that must be examined under the scope of the offer of a free and appropriate public education. Involving the justice system just continues to perpetuate the internal slavery and the plantation. And I am sick of it. I can see it is as blatant as they do absolutely nothing to deter children from ending up in juvenile court.

**Chairman Yeager:**

Is there anyone else who would like to provide public comment? [There was no one.] Are there any questions or comments from Committee members? [There were none.]

We will have a meeting tomorrow morning at 8 a.m. with two bills on the agenda. We do have an agenda out for Monday. The meeting will be at 10 a.m. with one bill. I do anticipate that we will have Committee meetings the rest of next week, I just do not know what time and how many bills as we continue to have bills come out of drafting and be introduced on the floor.

This meeting is adjourned [at 11:25 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 written testimony dated March 18, 2021, signed and presented by Ronald Najarro, Nevada State Director, Americans for Prosperity - Nevada, in support of [Assembly Bill 116](#).

[Exhibit D](#) is written testimony dated March 18, 2021, signed and presented by Eddie Diaz, Community Engagement Director, The LIBRE Initiative - Nevada, in support of [Assembly Bill 116](#).

[Exhibit E](#) is a letter dated March 17, 2021, submitted by Paloma M. Guerrero, Legislative Committee, Nevada Immigrant Coalition, in support of [Assembly Bill 116](#).

[Exhibit F](#) is a memorandum dated March 18, 2021, submitted by Yvette Williams, Chair, Clark County Black Caucus, in support of [Assembly Bill 116](#).

[Exhibit G](#) is a written statement submitted by Yesenia Moya, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 116](#).

[Exhibit H](#) is a written statement submitted by Zachary Kenney-Santiwan, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 116](#).

[Exhibit I](#) is a proposed conceptual amendment titled "Proposed Conceptual Amendment to AB 230," submitted and presented by Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Office of the District Attorney, Clark County.

[Exhibit J](#) is a proposed conceptual amendment titled "Proposed Conceptual Amendment to AB230," submitted and presented by Holly Welborn, Policy Director, American Civil Liberties Union of Nevada.

[Exhibit K](#) is written testimony dated March 18, 2021, submitted and presented by Kristina Wildeveld, Attorney, Las Vegas, Nevada, in support of [Assembly Bill 230](#).

[Exhibit L](#) is a written statement submitted by Zachary Kenney-Santiwan, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 230](#).

[Exhibit M](#) is a letter dated March 17, 2021, submitted by Jim Hoffman, representing Nevada Attorneys for Criminal Justice, in support of [Assembly Bill 230](#).

[Exhibit N](#) is a written statement submitted by Courtney Jones, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 230](#).

[Exhibit O](#) is a written statement submitted by Theresa J. Yancy, Private Citizen, Las Vegas, Nevada, in support of Assembly Bill 230.