

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

**Eighty-First Session  
April 15, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:04 a.m. on Thursday, April 15, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/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 Shannon Bilbray-Axelrod  
Assemblywoman Lesley E. Cohen  
Assemblywoman Cecelia González  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblywoman Heidi Kasama  
Assemblywoman Lisa Krasner  
Assemblywoman Elaine Marzola  
Assemblyman C.H. Miller  
Assemblyman P.K. O'Neill  
Assemblyman David Orentlicher  
Assemblywoman Shondra Summers-Armstrong  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator James Ohrenschall, Senate District No. 21

**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Ashlee Kalina, Assistant Committee Policy Analyst  
Bradley A. Wilkinson, Committee Counsel

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Bonnie Borda Hoffecker, Committee Counsel  
Traci Dory, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Harold Wickham, Deputy Director of Programs, Department of Corrections  
Tonja Brown, Private Citizen, Carson City, Nevada  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office  
DaShun Jackson, Director, Children's Safety and Welfare Policy, Children's Advocacy Alliance  
Jessica Adair, Chief of Staff, Office of the Attorney General  
Kathleen Brady, Deputy Attorney General, Office of the Attorney General  
Maria Job, Substance Abuse Counselor 3, Clinical Supervisor, Substance Abuse Programs, Department of Corrections  
Annemarie Grant, Private Citizen, Quincy, Massachusetts

**Chairman Yeager:**

[Roll was called. Committee protocol was explained.] We have three bills on the agenda this morning. We will be taking them slightly out of order. I will open the hearing on Senate Bill 357. Welcome, Senator Ohrenschall, who was a member of this Committee for six sessions. It was an honor for me to serve with him in a couple of those sessions.

**Senate Bill 357: Requires the Department of Corrections to track and report expenses that are directly related to housing youthful offenders. (BDR 16-499)**

**Senator James Ohrenschall, Senate District No. 21:**

I had the distinct honor to be a member of your Committee, work with Chairman Yeager, and to serve as Vice Chairman of the Assembly Committee on Judiciary. I am incredibly proud of the great work you are doing and proud to have been a member of this Committee previously.

I had the honor during the interim to chair the interim Legislative Committee on Child Welfare and Juvenile Justice. We had a lot of work ahead of us. We had two in-person meetings before the pandemic hit. After the pandemic hit, we had four virtual meetings. I want to thank Patrick Guinan, Julianne King, Eileen O'Grady, Karly O'Krent, and the broadcast services staff who made those meetings happen. Once COVID-19 hit, we were not sure how we would continue to carry on our business. Notwithstanding everything we went

through, we were able to continue with our meetings and produce ten different bill draft requests as well as requests for letters from that committee. I think most of our recommendations came out bipartisan and unanimous.

One of our recommendations you see in Senate Bill 357. We were tasked by Assembly Bill 449 of the 80th Session to look at the cost of housing young offenders. Just to highlight for some of the new members on this Committee, many people do not realize that there are juvenile boys under 18 years of age housed with the Department of Corrections at the Lovelock Correctional Center. During the interim we found out there currently is not a facility within the Department of Corrections to house girls under the age of 18 who have been sentenced as adults. Right now, the information we got is that they are being housed out of state.

Our interim committee wanted to look at the cost of housing those boys under 18 at the Lovelock Correctional Center. We wanted to look at the cost of education, communication and interaction with family members, health care, mental health, recreational programming, and any other costs that the Director of the Department of Corrections felt were special for those children. Those children, pursuant to the federal Prison Rape Elimination Act of 2003 (PREA), have sight and sound separation from the adults, but they are still housed at that adult facility. Some of the concerns I have had and others have had, including the American Civil Liberties Union of Nevada (ACLU), are in terms of the programming they are getting versus if they were at a juvenile facility with children their own age. It is hard to make those decisions when we struggled to get that information. I want to thank the Department of Corrections and Warden Tim Garrett at the Lovelock Correctional Center, who tried to get us as much information as they could get. During the interim, we found that it was difficult for them to separate their overall budget for the Lovelock Correctional Center as to what is being spent on the juveniles who are being housed there.

Senate Bill 357 is a recommendation out of our committee to try to get us that information so that during the next interim when the committee meets again, they will have this very important information to look at and to make recommendations for the next legislature. With that, I am happy to answer any questions.

**Chairman Yeager:**

Thank you, Senator Ohrenschall. Are there any questions from Committee members?

**Assemblywoman Bilbray-Axelrod:**

I was shocked early on in the session when the Department of Corrections talked about the kids in their facility. How many kids are we talking about, both boys and girls? I know you said boys were at Lovelock and girls are being sent out of state, and I am just wondering how many, if you know that number.

**Senator Ohrenschall:**

My recollection is that there were three juvenile females being housed out of state because currently there is no provision for them to be housed at the Florence McClure Women's

Correctional Center, which is the only female correctional center in Clark County. There was testimony during the interim that in the past, there had been a juvenile female housed at Florence McClure. As to the boys housed at the Lovelock Correctional Center, I apologize. I do not have that information in front of me. I believe it is between 10 and 20, but I might be incorrect. I think Ms. Welborn from the ACLU might be calling in, and she may have that exact number of boys who are currently housed at Lovelock. I know that it has fluctuated. I apologize for not having that information. If Ms. Welborn does not have the information, I will get that to the Committee.

**Assemblywoman Cohen:**

We have heard about issues with adult prisoners and the cost of communication with family members. Are the juvenile prisoners under the same cost system? How are their needs met versus the adult prisoners?

**Senator Ohrenschall:**

There was testimony in the interim from the Department of Corrections as to how hard they do work to make sure that educational and mental health needs are met as well as communication with family. As to the actual costs that are spent on phone calls or video calls, I do not have that. I hope that might be information we will get during the interim with this bill, but I do not have that information right now.

**Assemblywoman Cohen:**

I am not necessarily asking what the cost is for the juveniles. I know that is what the bill is about, getting that information. But are they under the same rules and guidelines? For instance, if adult prisoners are charged and the money comes out of their account for telephone communication with family members, is that the same thing with juveniles? Or because they are juveniles, is that something where the state covers that cost? How does that work?

**Senator Ohrenschall:**

That is a very good question I do not have an answer to. That is something we did not find out during the interim as to whether families can put money on children's books the way they could on an adult's book so that they could call or buy something from the commissary at that correctional facility. I do not want to give incorrect information, but my assumption is that things like that would be similar since these juveniles have been sentenced as adults. They are at the Lovelock Correctional Center with sight and sound separation. I will try to find out the answer to that question and let you and the Committee know.

**Assemblyman Wheeler:**

I am wondering what the actual purpose of this is. What does this lead to? Are we looking at maybe in the future after reports like this of changing the system so there is a separation? What are we going to get out of this?

**Senator Ohrenschall:**

Knowledge is power. I think this is very important information for the interim Committee on Child Welfare and Juvenile Justice. What that next interim committee decides to do with it will be up to them. I can tell you that my feeling is that diverting children out of adult prisons and adult criminal courts leads to more positive outcomes for those children. I think there is a lot better programming for children in the facilities that are run by the Division of Child and Family Services, Department of Health and Human Services, at the Caliente Youth Center, Nevada Youth Training Center, and Summit View Youth Center, where the number one focus is children. Education, programming, mental health needs, physical health needs, trying to rehabilitate those children so they hopefully will not end up back in the system. I think the knowledge is important to have. What the committee decides to do with it will be up to that interim committee. I personally feel that having this information and being able to decide whether it is more costly to house a juvenile at an adult correctional center or perhaps at a youth correctional center would be important information for the Legislature to have, and it would be up to the interim committee and the next Legislature to decide what to do with that information. The problem we had during the interim was we could not get a breakdown about the overall budget of Lovelock versus what is spent on those kids, and that is what we are trying to get.

**Assemblywoman Kasama:**

Assemblyman Wheeler asked my exact question. I was just wondering what the end goal was, but you answered it. They need the information to decide what is the best way in the future, so I look forward to the results of that study.

**Senator Ohrenschall:**

A lot of information was gathered during the interim in terms of the new developments in brain science and how a child's brain, mainly the prefrontal cortex, does not fully develop until 25 years of age. Many of the children who have been sent to the adult system, there is no question, they are there for very serious crimes that they have been charged with. But many of these children have been the victim of abuse and neglect, they have had very unstable upbringings, they may not have known whether they would have a roof over their head, whether the parents are incarcerated themselves or they have lost a parent, and there is a lot that can be done for these children in a better fashion, not in an adult correctional center. That is not what this bill does. This bill does not change that, but this bill would at least let us know the costs of housing these juveniles in an adult facility.

**Assemblyman O'Neill:**

I am really disappointed that the Department of Corrections does not already have this in their line-item budgeting on what it costs when the children have to be separated from the adults anyway at Lovelock. I understand the need for it; I truly do. Do we need this in statute? Will this be ongoing every year, or once we get the information for the interim study, will they need it for the following years? Could it just be a requirement that the Governor asks or is required to submit to the government without statute? We only meet every two years as you well know. We put something in statute and then we have to come back next session to remove it.

**Senator Ohrenschall:**

During the interim, our committee was appreciative of all the help from the Department of Corrections, but this is information that we really needed and it would have been important for us to have. I believe that S.B. 357 is the right way to go to ask that this information be produced, that we put it in statute, and that we get this information in perpetuity. You and I, Assemblyman O'Neill, have served with three or four directors of the Department of Corrections and different members of the Board of State Prison Commissioners. While it might be a priority to come up with this information for a particular director or a particular commissioner, it may not be for the next one. I believe that this is the right way to go here rather than ask that it just be a request. Unfortunately, we were not able to get that during the interim. So as much as I agree with you, sometimes you do not want to fill up the statute books with too much stuff. But here I think this is something important so that future legislatures and future interim committees can have this information.

**Assemblywoman Krasner:**

I am actually shocked that we do not already have this kind of information. My only question is why are we putting kids in with adults? Do they get attacked, assaulted, and raped? Why are we still doing that?

**Senator Ohrenschall:**

Talk about great memories of serving on this Committee and fighting for important issues in a bipartisan way. I certainly have great memories of working with you in a bipartisan way on a lot of important issues that we both cared about. Thank you for keeping up the good fight on so many of those issues.

The children at Lovelock Correctional Center have sight and sound separation from the adult inmates pursuant to PREA. There should be no contact with those children. What I believe would be important information for us to have, as a result of S.B. 357, is the cost of housing those children at an adult facility. Then an interim committee or future legislature could look at the costs of housing those children at maybe a juvenile facility that is more geared toward programming for kids, trying to make sure that mental health needs are met and that past traumas that those kids have suffered are dealt with. I am sure that many of those children at Lovelock Correctional Center have witnessed someone die in front of them, oftentimes a relative. There is a lot that can be done for those children, and I think that if we know the current cost of housing them at an adult facility and compare it with the potential cost of housing them at a more child-centered facility, there is a lot better chance they are going to get the help and treatment they need, and they are not going to be long-term residents of the Department of Corrections as young adults. I appreciate the question, and I think that this information is important for future legislatures to have.

**Assemblyman Orentlicher:**

I like the bill but have a small question about the list of the different kinds of expenses in section 1, subsection 1, paragraphs (c) and (d) relating to health care and mental health. My concern is we often have problems with recognizing mental health as deserving parity with other kinds of health care, so separating it out reinforces that. On the other hand, I can see

why you would want to have special attention to mental health costs because of the population. Is there a way not to reinforce the parity issue while still making sure we collect this information specifically?

**Senator Ohrenschall:**

I certainly am open to any changes in the language of the bill that you would suggest. During my time on the Assembly Committee on Judiciary, we were never fortunate enough to have a law professor as a member of the Committee. If there is any language you think would improve the bill, I am certainly open to that.

My day job is a deputy public defender in juvenile court. Many of the children I see get arrested not only have untreated mental health needs, there are substance abuse issues and some kids are self-medicating. A lot of times, as unfortunate as it is to admit, when a child is arrested and appears before the juvenile court judge, sometimes the order of the juvenile court judge is the first time that child gets some of the mental health care that they needed and was just going untreated. I think if we can try to quantify what is being spent, what needs to be spent, and whether the children are getting access to someone who specializes in mental health needs of children would be important as opposed to someone who maybe does not have that kind of specialization. I certainly will not argue if there is some language you think would make this stronger.

**Chairman Yeager:**

Are there any additional questions from Committee members? [There were none.] I noticed that we have representatives from the Department of Corrections on Zoom with us. I thought it made sense to allow them a chance to answer a few of those questions that were asked that Senator Ohrenschall was not able to answer. Hopefully, they were taking notes during the presentation and can answer some of those questions.

**Harold Wickham, Deputy Director of Programs, Department of Corrections:**

We have eleven juvenile males currently incarcerated at the Lovelock Correctional Center. We have one female offender housed in Arizona, and that is because we do not have a facility for juvenile females. Our female facility does not protect from sight and sound in accordance with PREA to keep the offenders safe.

These offenders are certified by the court as adults, so they are treated the same. They are given the same privileges as available, same use of the store, telephones, and inmate accounts; however, we do everything to ensure that these offenders are kept separate from adult offenders. There is a unique pattern there.

As an agency, we are happy to provide whatever data, whatever cost analysis you need. We actually think it is very relevant to provide that because we are in agreement: this is something that needs to be addressed. Frankly, kids should not be in adult prison. It is just not good for their psychological health. As far as cost and data, we are happy to provide that. I will tell you that the services we do provide are unbudgeted. We do not have a separate budget for our juveniles. We do not have a budget for the staff who supervise them, which

includes the caseworkers, mental health providers, or correctional officers who are charged with overseeing them. Because we have to keep them separate, we have a separate place where we house them. I hope that answered all the questions. If there are any other questions, we are certainly available.

**Chairman Yeager:**

Are there any questions from Committee members?

**Assemblywoman Cohen:**

I am trying to understand. I understand somewhat about PREA with respect to the sight and sound separation. Once a juvenile goes into the Department of Corrections, are they considered wards of the state, where beyond what the state is required to do to care for prisoners that technically we are caring for them as minors, as wards in our care versus just prisoners in the state's care? Do you get the difference that I am trying to understand?

**Harold Wickham:**

Yes, Assemblywoman Cohen, when they come into the system, they are certified as an adult offender. They are certified under the same sentence structures as the adults in the prison system. Because of PREA, we are required to keep them separated or segregated from the adult populations that would tend to try to victimize the juvenile offenders. They are treated exactly the same and come under the same sentence structure from the court as any other offenders.

**Chairman Yeager:**

Are there any additional questions from Committee members? [There were none.] Is there anyone who would like to testify in support?

**Tonja Brown, Private Citizen, Carson City, Nevada:**

We would like to say that to separate these children would be instrumental in preventing any undue influence by an adult. It also becomes a hardship for the families and the juveniles when they are separated and placed out of state or due to phone calls as you have been told they are treated the same as the adults. Advocates for the Inmates and the Innocent are in support of S.B. 357; anything to bring families closer together instead of separating them would be wonderful. It would help with adjusting for the juveniles and the families and prepare them into the prison system as an adult instead of just throwing them into the wolves, so to speak. We do support this bill.

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

First, I want to apologize to Senator Ohrenschall and the Committee. This bill popped up quite quickly. I did present this bill with the Department of Corrections and Senator Ohrenschall in the Senate, and we are glad to see that it so quickly made it over to this Committee.

I wanted to back up and paint the picture on where these bills come from and how we have been involved in this process. I first want to say that this has been very much a partnership between the American Civil Liberties Union of Nevada (ACLU) and the Department of Corrections. All stakeholders agree that the Lovelock Correctional Center and any adult institution are the wrong place to house youth, whether or not they have been transferred or direct-filed to the adult criminal justice system.

I submitted a report [[Exhibit C](#)] that the ACLU drafted. We went to most juvenile facilities and the Lovelock Correctional Center youth pod multiple times and did a minimum practices assessment on those institutions to determine their fitness for children. The conclusion, of course, was that the juvenile institutions are a better fit. Out of that arose a study that led to the drafting of a package of bills that will be before this Committee in the coming days.

Senate Bill 357 is a critical part of that to start looking at exactly how much it costs to house young people. Deputy Director Wickham explained that currently they are not tracking juveniles and what the expenditures are, and that information is necessary and pertinent in order for us to determine whether or not there might be some sort of cost-sharing agreement between the Department of Corrections and the Division of Child and Family Services in order to start finding alternative housing placement for young people. That is the background of the bill, and as we go through this legislative process, you will see that there are some plans to establish a pilot program to house some of these youth in a juvenile facility. But we are very much in agreement with a lot of the questions that were asked and agree with Assemblywoman Krasner that it is time for us to start moving away from this system, particularly in an era where life without parole for juveniles has been abolished through the United States Supreme Court and through statutes here in Nevada. We have to treat our youth like youth in order to have the best possible outcomes when those young people leave prison, so this is a part of that process. I can remain on the line if there are questions for me. I am more than happy to take questions via email or meet with any of you if you would like more details on our study and where we are going with this program.

**Chairman Yeager:**

Thank you for your testimony, Ms. Welborn. Committee, if you do have questions for Ms. Welborn, I would invite you to reach out to her. She will be very responsive to any of those questions.

**Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice:**

We are in support of S.B. 357 because we believe that no child should be housed in an adult prison. This bill is just about gathering data on that practice, but more data is always good. I wanted to speak specifically to Assemblywoman Krasner's concerns, because the main way that adult prisons protect kids from being physically attacked is to keep them physically isolated. They have to stay in their pod for the vast majority of the week because if they leave, then all the adult prisoners have to go on lockdown. This is, of course, very expensive and difficult for the prison as a whole, so it does not happen very often. This causes all kinds of problems for the kids. They get limited access to exercise, fresh air, classrooms for school or other kinds of programming, and so on. The kids are physically safe in most

circumstances, but it really comes at the cost of their ability to do all these normal kid things that help them work through their problems and be rehabilitated. Holding kids in adult prisons is setting them up to fail. Senate Bill 357 does not directly fix this problem, but it gives us better information so that we can do a better job of fixing it later on. We support that and so we support this bill.

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

We would like to echo our support of S.B. 357. We agree with the statements by the ACLU and the Nevada Attorneys for Criminal Justice who came before us, and we would like to thank Senator Ohrenschall for bringing this bill forward.

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

As you have heard us say all session, that unfortunately, Nevada is a data-dry state, and this is one additional way that we can ensure we are enacting policy based off of data-driven solutions. We appreciate this bill and urge your support.

**DaShun Jackson, Director, Children's Safety and Welfare Policy, Children's Advocacy Alliance:**

We support Senate Bill 357.

**Chairman Yeager:**

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in neutral? [There was no one.] Senator Ohrenschall, I would like to give you a chance to make any concluding remarks on Senate Bill 357.

**Senator Ohrenschall:**

I appreciate your taking the time to hear S.B. 357. I think this information will be of paramount importance to the interim Committee on Child Welfare and Juvenile Justice, the future legislatures to try to make the right decision for these children. I think these children, like all children, can receive treatment and there is a lot more that can be done in terms of rehabilitation versus what is currently being attempted at the Department of Corrections. I appreciate all their work and what they are doing for those kids, but I believe there is information here that we can get that will help future legislatures make important decisions to try to improve outcomes for these children.

**Chairman Yeager:**

Thank you, Senator Ohrenschall. I will close the hearing on S.B. 357. I will open the hearing on Senate Bill 161.

**Senate Bill 161: Eliminates the Advisory Committee to Study Laws Concerning Sex Offender Registration and transfers its duties to the Advisory Commission on the Administration of Justice. (BDR 14-514)**

**Jessica Adair, Chief of Staff, Office of the Attorney General:**

I want to give credit where credit is due; this is a bill sponsored by Senator Spearman. I do not know if she is able to join us this morning, but I am happy to present the bill and explain why we had recommended this change to the Sunset Subcommittee of the Legislative Commission over the interim.

The Advisory Committee to Study Laws Concerning Sex Offender Registration has been in statute for over ten years. Recently, the committee has been unable to meet due to lack of appointments of statutory members that prevented the committee from having a quorum. Previously, when the committee was able to meet quorum, the committee did thoroughly examine federal and state sex offender registration statutes, but it never sought to substantially alter or repeal the Adam Walsh Child Protection and Safety Act as it applies to adult offenders.

Registration continues to be an important topic for examination, but the committee's narrow scope leaves out many other critical issues such as lifetime supervision for offenders, presentence psychosexual evaluations conducted by the Division of Parole and Probation and their effectiveness, recidivism rates and reduction, prevention of sexual offenses, victim services, offender services, and others.

Another important feature of the advisory committee is the lack of certain stakeholders and its membership. The statute does not require a representative of the Department of Public Safety or the Central Repository for Nevada Records of Criminal History, the Department of Corrections, the Division of Parole and Probation, or the State Board of Parole Commissioners. These agencies play a critical role in the implementation of any sex offender registration requirements.

It is for these reasons that the Attorney General's Office recommends the continued study of sex offender registration laws within the Advisory Commission on the Administration of Justice (ACAJ). Thank you, and I am ready for any questions.

**Chairman Yeager:**

Ms. Brady, if you would like to make any remarks on the bill as well, please go ahead.

**Kathleen Brady, Deputy Attorney General, Office of the Attorney General:**

I have been involved in some of the litigation, and I am here to answer questions should there be any regarding the sex offender litigation.

**Chairman Yeager:**

Are there any questions from Committee members?

**Assemblywoman Kasama:**

Section 1 adds a new subsection 5 to "Identify and study issues relating to state and federal law concerning the registration of sex offenders and any litigation concerning those laws." We were already tracking all this before, correct? Were we already doing it, but this is just putting it in statute that it needs to be done? I just assumed you were already doing that.

**Jessica Adair:**

Yes, we were. This committee was put into statute ten years ago. What we are recommending is that these duties do not change, they simply move from this advisory committee that had a very narrow scope and narrow membership to the Advisory Commission on the Administration of Justice. The ACAJ has a larger statutory membership and a much more comprehensive scope to look at sex offender registration laws but also lifetime supervision, victim services, and all the other things that go into a more comprehensive look at how we treat offenders of sexual crimes when they are released from incarceration. Yes, Assemblywoman, you are absolutely correct. We have been tracking this all along through this committee. We are not recommending that we end these duties at all; they simply transfer to the Advisory Commission on the Administration of Justice.

**Chairman Yeager:**

Are there any additional questions from Committee members? [There were none.] Is there anyone who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in neutral? [There was no one.] I would invite Ms. Adair to make any concluding remarks.

**Jessica Adair:**

I would also add that the Attorney General is a statutory member of the ACAJ, and we look forward to working with Chairman Yeager and many other members of the Committee on these critical issues. I look forward to testifying in person starting next week.

**Chairman Yeager:**

Thank you, Ms. Adair and Ms. Brady. Thank you for sharing with us. I will formally close the hearing on S.B. 161. I will open the hearing on Senate Bill 32.

**Senate Bill 32: Makes various changes relating to offenders with substance use or co-occurring disorders. (BDR 16-327)**

**Maria Job, Substance Abuse Counselor 3, Clinical Supervisor, Substance Abuse Programs, Department of Corrections:**

Senate Bill 32 revises the provisions governing certain programs of treatment for offenders established by the Director of the Department of Corrections. An amendment to Senate Bill 49 of the 80th Session had the unintended impact of increasing our fiscal note from zero dollars to \$844,600 and \$1,044,492 in the following biennium. The recommended changes submitted in S.B. 32 bring with them a current zero-dollar cost. This amendment

seeks to clarify and update the current verbiage in *Nevada Revised Statutes* (NRS) Chapter 209 and meets current evidence-based programming practices that we provide within our facilities.

This bill defines these programs as "program of treatment for offenders with substance use or co-occurring disorders." The term "substance use disorder" is defined as a cluster of cognitive, behavioral patterns and psychological behaviors indicating that the individual will continue to use substances as listed in the *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5). In addition, the term "co-occurring disorders" is defined as the presence of at least one mental disorder and at least one substance use disorder as defined by the DSM-5.

As stated earlier, the language included within this bill is more in line with what is considered acceptable within our field and will match what services we are already providing within our department. This update in verbiage will also allow us to qualify and apply for additional grant funding that will provide us the opportunity not only to improve our current programming efforts but to expand statewide programming to include co-occurring programs. These changes are necessary in order to provide a continuity of care for releasing offenders, continue our recidivism reduction efforts, improve treatment for incarcerated offenders, and reduce long-term costs to the state of Nevada. This concludes my presentation, and I am available for any questions the Committee may have.

**Chairman Yeager:**

Are there any questions from Committee members?

**Assemblywoman Cohen:**

Section 9, subsection 5, indicates that an offender has to be within two years of the expected release date to be eligible for this type of program. If there is an offender who needs these programs but their release date is longer out, is there anything for them? Getting them treatment saves us money in the long run even if they are five years or even ten years out.

**Maria Job:**

Yes, the program is specific to the end of their sentence due to the fact that research predicts that once they receive the treatment at the very tail end of their program, then once they release, they will have that information to themselves to carry on into the community versus if they were to have the programming at the beginning of their sentence, then throughout their stay at the Department of Corrections, that information may get lost or may not have the same effect once they are leaving prison.

**Assemblywoman Cohen:**

Are there other programs for people who are longer out from their release? Are they getting anything if they are five or ten years out?

**Maria Job:**

Yes, there are a variety of other programs within the Department, but substance abuse programs are specifically at the tail end of their sentence.

**Assemblywoman Cohen:**

Throughout the bill there is language about the Director and the Director making decisions. I am sorry, I am not trying to put you in an awkward position because I know this is your job and the Director is your boss. But how much of these decisions are being made by the mental health care providers versus the prison officials who are not necessarily trained in mental health care?

**Maria Job:**

The information is provided directly to the inmates by the substance abuse and mental health providers. The Director just places us in those positions, but the mental health and substance abuse programs are provided by those providers.

**Assemblywoman Cohen:**

I was not trying to imply that non-mental health care providers were providing it. But who is making the decision if an inmate needs treatment and what treatment they need?

**Maria Job:**

The substance abuse and mental health providers make those decisions. There are criteria they have to meet in order to come into our program and those are set forth by both mental health and substance abuse programs.

**Assemblywoman González:**

What is the purpose and goal of reducing the time in programs? Would the aftercare programs be shortened in this process as well?

**Maria Job:**

Our programming meets current criteria. The reason for aftercare is because that is what research suggests, that if it is a shorter amount of time, then they have to get into the community and program beyond the walls of the prison.

**Assemblywoman González:**

Is there any research that suggests or supports moving in this direction?

**Maria Job:**

Yes, there is. I do not have it here in front of me, but I can provide that information.

**Assemblywoman González:**

Is it the intent of the bill to provide services and help the inmates, or is it more about cost?

**Maria Job:**

The bill is just to clarify language. We are currently doing these things; therefore, we would not change anything that we are doing. This is just to update the verbiage of *Nevada Revised Statutes* Chapter 209.

**Chairman Yeager:**

Are there any additional questions from Committee members? [There were none.] Obviously, we are not a money committee, but my interest was piqued a little bit when you indicated there was a prior piece of legislation that resulted in a rather large fiscal note. I believe you indicated that you thought that was an unintended consequence and this bill is essentially to clean up that language. Can you give us a sense of what the issue was in the prior legislation that generated the fiscal note, and how does this language fix that problem?

**Maria Job:**

The difference before was it specified "and" mental health disorders. Currently, the language we suggested is "or" co-occurring disorders. If you say "and," it requires additional programming, including staff members, requirements, an entire package deal versus what we are doing currently, which is create a substance use disorder or co-occurring disorder. So we have both instead of a mandatory "and." I hope that makes sense.

**Chairman Yeager:**

It does make sense. Are there any other questions from Committee members?

**Assemblyman Orentlicher:**

If I could just follow up on Assemblywoman Cohen's question just to focus it a little bit. If someone comes in with a 5 year sentence and a substance use disorder, they are not eligible for this particular treatment for their substance use disorder until three years later. What kind of treatment do they get for their substance use disorder when they enter the prison on their 5 year sentence?

**Maria Job:**

The Department of Corrections provides a variety of different programming, and substance use is specific to the tail end only because that information may get lost on them while they are in their first three years. Say if they entered prison, got substance use programming, and then went back into the general population, that information would not be as available to them or it would not be used as much as if they were going straight to the community and having that community surround them at the end of their sentence. They have a variety of other programming available to them, not substance use specifically.

**Assemblyman Orentlicher:**

I appreciate why it is important for it to be close to their leaving to remember, but they are still suffering from a substance use disorder while in prison, and that may affect their conduct and behavior while they are in prison. What programs are there for that?

**Maria Job:**

They have mental health available to them and other programming. I do not want to indicate specifically which ones because I do not want to misspeak on all of them. But they have a variety of other programming available to them as well. It is not just that they are left to do nothing. They have a variety of other options available to them, and then they can catch ours at the very end to enhance what they have already learned.

**Assemblywoman Hansen:**

I just wanted to expand a little bit on this conversation about treatment programs being two years out from release. I am trying to understand the logic of it. To me, it is making sense, having had family members who have suffered with substance abuse issues. They are five years from release and you are saying that we want to do it closer to their release because it will be fresher in their mind, they will be more dialed in, and when they are incarcerated they are not exposed, hopefully, to the issues that they are going to have once they are released. They will not have access to alcohol or drugs and the substances that have been a problem when they are not in prison. You are saying that they might not have it available to them as soon as they need. Are you saying that the two years is justified because maybe some of the substance abuse programs have shown success in a certain period of time? Do we have any data or studies that show we have success when we do a substance abuse program within a certain framework of time?

**Harold Wickham, Deputy Director of Programs, Department of Corrections:**

We have a great deal of programs for offenders, and typically when they come into the facilities we do an assessment to determine what programs are best suited for the offender for the best outcomes based on evidence-based practices. Some of those classes are Alcoholics Anonymous or Narcotics Anonymous, but also a lot of programs that offer necessary skills prior to getting into the substance abuse programming—such as Moral Reconciliation Therapy, Thinking for a Change, or Getting It Right. These are the precursors to get into the substance abuse programming. While all these programs involve making good choices and ancillary things that relate to substance abuse, evidence-based programs suggest that it is best to provide the therapeutic communities as we get closer to release, and that way it continues to create that continuum of care in the community-based programs with our community partners.

**Assemblywoman Hansen:**

Thank you for clarifying.

**Chairman Yeager:**

Are there any additional questions from Committee members?

**Assemblywoman González:**

In sections 1 through 5, it talks about inmate accounts and money. Are we making the inmates pay for their programming?

**Maria Job:**

No, they are not required to pay for their treatment.

**Chairman Yeager:**

Are there any additional questions from Committee members? [There were none.] Is there anyone who would like to testify in support?

**Tonja Brown, Private Citizen, Carson City, Nevada:**

Advocates for the Inmates and the Innocent is in support of S.B. 32. I think it would be beneficial in the long run for the inmates under this bill.

**Chairman Yeager:**

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

**Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice:**

We are neutral on S.B. 32. This bill gives more discretion to the Department of Corrections in how to treat offenders with substance abuse problems. Discretion can be a double-edged sword. This could be used as a way to do a better job of treating offenders, but it could also be used as a way of cutting costs on the backs of prisoners. We believe that Deputy Director Wickham is committed to using this discretion in a positive way, but in a longer-term sense, we are concerned that different leadership could use this discretion in a negative way. Therefore, we are testifying in neutral to note these concerns for the record.

**Chairman Yeager:**

Is there anyone else who would like to testify in neutral? [There was no one.] Ms. Job, I would hand it back over to you if you would like to make any concluding remarks on Senate Bill 32.

**Maria Job:**

I appreciate your hearing the bill today and thank you for your time.

**Chairman Yeager:**

I will close the hearing on S.B. 32. Is there anyone who would like to provide public comment?

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

I am the sister of Thomas Purdy, murdered by Reno Police and hog-tied and asphyxiated by Washoe County Sheriff's deputies. Tomorrow at 8 a.m. at the Clark County Government Center, there will be a public fact-finding review in regard to the murder of 25-year-old Jorge Antonio Gomez. He was murdered by the Las Vegas Metropolitan Police Department on June 1, 2020, while attending a Black Lives Matter protest while exercising his First

Amendment rights. He was out there supporting families like my own who have lost a loved one to police brutality. Please attend or watch the hearing via YouTube link, which I will send by email.

There is no expectation for true justice for Jorge. You all should be aware that Clark County District Attorney Steve Wolfson has never charged one single officer or ruled a police murder of a community member unjustified. Sergeant Ryan Fryman fired seven lethal rounds, Officer Dan Emerton fired four lethal rounds, Officer Vernon Ferguson fired three lethal rounds, and Officer Andrew Locher fired five lethal rounds. Nineteen lethal rounds were fired at Jorge. Jorge was not out there fighting for himself. He was out there as an ally to support the injustices that were and are happening. Now us families, who already have known this heartache, fight for him, and I will stand as an ally until my last breath for Jorge's family, my family, and all families affected by police violence.

We need real change and real consequences for anyone who takes a life. Wearing a badge and gun should not protect a murderer. Promoting Federal Bureau of Investigation investigations, federal mediation, federal receivership, civilian review boards, body cameras, racial sensitivity training, and other methods like these as a way to defend the community against police brutality. These methods are not designed to prosecute police, but rather to restore public confidence in the police. They are used to defuse demands for prosecuting police brutality and minimize punishment for guilty cops. It is time to follow suit like New Mexico and Colorado and end qualified immunity for police. If anything, those who have the ability to take a life and currently without consequence should be held to a higher standard. We have given them armored vehicles, bulletproof vests, robots, shields, stab vests, et cetera, yet community members are still being tried, convicted, and executed by police. Change is needed right now.

**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.]

It is nice to have you all in the same Committee room. You are probably feeling a lot like me; this feels very unusual given the last year. We will be able to work through it as we move forward. Thanks to our staff for making this happen as well. It is another wrinkle for broadcast services to have a Committee room to broadcast as well as Zoom and telephones. We appreciate all of the work that you are doing and your ability to adapt to these ever-changing circumstances.

In terms of where we go as a Committee, we do have an agenda for tomorrow with a 9 a.m. start with three bills. There will be no committee meetings on Monday and Tuesday in anticipation of long floor sessions to make sure that we get the bills out before the deadline on Tuesday. I do anticipate having meetings Wednesday through Friday of next week. I do not know what we will do yet because we are waiting on a lot of bills from the Senate. We will ramp up again after Tuesday.

This meeting is adjourned [at 10:22 a.m.].

RESPECTFULLY SUBMITTED:

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Traci Dory  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled, "Youth Confinement in Nevada: Facility Assessment and Recommendations for Housing Youth Sentenced as Adults," authored by Holly Welborn, Policy Director; Rex Reed, Outreach Coordinator; and Max Larnerd, Policy Intern, American Civil Liberties Union of Nevada; submitted by Holly Welborn, Policy Director, American Civil Liberties Union of Nevada, in support of Senate Bill 357.