

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session
March 10, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:00 p.m. on Wednesday, March 10, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator James Ohrenschall
Senator Dallas Harris
Senator James A. Settelmeyer
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Senator Dina Neal, Senatorial District No. 4

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Gina LaCascia, Committee Secretary

OTHERS PRESENT:

Nick Shepack, American Civil Liberties Union of Nevada
Amanda Candelaria
Caleb Green, Las Vegas Chapter of the National Bar Association
Jovan Jackson
Courtney Jones
Catherine Greco
Jan Salvay
Mayra Macias
Will Pregman, Battle Born Progress
Eric Garcia

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Tenisha Freedom
Charrise Lothamer
Jodi Hocking, Return Strong
Ayanna Simmons Oglesby
Nicole Tate
Ken Evans
Ashley White
Leslie Turner
Yarde Retta
Asha Clark
Lisa Rasmussen, Nevada Attorneys for Criminal Justice

CHAIR SCHEIBLE:

Anyone intending to testify today may submit written comments. Each person will have two minutes to testify; you may also simply state you agree with a former testifier. When the hearings for the bills are concluded, there will be time for public comment. To submit written testimony during or after the meeting, the email address is SenJUD@sen.state.nv.us.

Today's hearing on Senate Bill (S.B.) 140 is now open. We have a special guest with us today, Senator Dina Neal, who will present S.B. 140.

SENATE BILL 140: Revises provisions related to the employment of offenders.
(BDR 16-39)

SENATOR DINA NEAL (Senatorial District No. 4):

I brought this bill to highlight and educate on what is a moral issue in need of reform. This bill is not without its own level of controversy.

During the Eightieth Session, I chaired an Assembly subcommittee that weighed in public safety. This was the first time I heard about the wages in the prison industry setup. It was my understanding the work opportunity program within the Nevada Department of Corrections (DOC) provided the inmates with some form of independence with these wages for the preceding two years pending release. Formerly incarcerated persons upon release find themselves released into poverty with no job and potentially no housing. This is concerning.

On average, the State is spending federal money in the range of \$2.8 million in Clark County to help ex-offenders find work. Yet, there is a prison industry

system of private corporations paying wages to these prisoners. This is counterintuitive—that private corporations are paying wages to prisoners at 35 cents an hour and then placing them back on the streets where there is additional government money. Looking deeper into this issue, I discovered that the prison industry system has significant similarities to what is considered convict leasing. Convict leasing is an old process that has its roots in slavery. It is a political backdrop passage of the Thirteenth Amendment and the Reconstruction Era where the South found another way to capture a blocked labor force through incarceration. In 1871, the Virginia Supreme Court ruled that a convicted person was a slave of the state.

The Thirteenth Amendment has often been viewed as ending slavery. There was an exception in the Amendment that said "slavery could occur if you were in prison." This is how I view what is happening today and why I call it convict leasing. It is important for us to understand and define what slavery is, and to understand that slavery was an economic endeavor to use human beings as property to make a profit. This is what is happening now—and it was happening in 1871 and clearly in 1970 and 2021.

The issue I am trying to expose is that convict leasing became a national and systemic adoption. Southern states started it, and it has spread across every state. The practice in place is compelling, and it is a moral issue. The moral issue that must be addressed is whether a human being who has become incarcerated is property of the prison, subject to being leased to a private corporation to work and only be paid a range of \$.35 to \$1.50 an hour. I have submitted Silver State Industries Wage Information ([Exhibit B](#)) that shows the ranges of pay for incarcerated persons who are leased out by the DOC. The wage setup in this exhibit being used in the prison system is similar to an adopted policy called peonage, which means debt slavery or debt servitude. This is when a worker was allowed by the employer to pay off debt with services rendered. The similarity is that these people are in prison to pay their debt to society, but the deductions now being included range across all spectrums. Some deductions include money for capital improvement, operations, restoration, new construction fund, and the list goes on depending on the work. These deductions clearly go beyond restitution.

I brought this bill to challenge the system. Do I believe this bill will unravel a 200-year old system? Probably not—but highlighting and discussing what is going on with this longstanding issue needs to be dealt with. The government is

paying for these people to find work when they are released from prison. While they are in prison, the private industry is paying them wages; as small as that might be, they are still getting paid to learn a skill.

I have a short excerpt from a video to share with the Committee that demonstrates the longstanding problem with convict leasing titled, "Slavery by Another Name" by the Public Broadcasting System. The original video is a 90-minute film that challenges the assumption and belief that slavery in this Country ended with President Abraham Lincoln's Emancipation Proclamation in 1862.

As we can see from the video, convict leasing has been used as a labor force for private corporations for the past 200-plus years. It is still being carried out today. This cannot be minimized and must be addressed.

There is a public policy purpose behind S.B. 140. Section 1 creates an Offenders' Release Fund. This fund will ensure an offender's ability to be independent upon release from prison. Prisoners who were working while incarcerated should have a portion of their wages set aside in a savings account after restitution has been deducted. Once released from prison, offenders should not be forced to live on welfare and continue to rely on the government for financial support.

The goal of the reentry system within the DOC should be job placement, not convict leasing for little pay. These ex-offenders should not have to go to a workforce agency where there are millions of dollars being expended to help people find a job when the jobs they are doing in prison are supposed to be teaching them a skill they can take with them upon release. We cannot allow the prison system to use human beings for two years, pay little to nothing in wages, deduct most of it and then place ex-offenders back on the streets as free human beings with nothing to show for the work they did while incarcerated.

Sections 2 through 5 of the bill make conforming changes related to the existing Prisoners' Personal Property Fund as a result of the creation of the Offenders' Release Fund.

Section 6 of the bill requires the offenders to be paid a living wage and defines this as an hourly wage that is equivalent to the State minimum. I am sure there

are people who will disagree with section 6 saying, "These people are in prison; they lost all rights to independence and, therefore, should not get paid anything."

Please refer to [Exhibit B](#) where columns contain an "SOC Code," a "Pay Range" and "Cert Pay" categories. I did some research on the Cert Pay and found out if you are part of the Prison Industry Enhancement Certification Program (PIECP), a statute in place allows a company to pay an incarcerated person 10 percent of the prevailing wage. It appears the prisoners are eligible to make more money—just not being paid that money. Next, I researched how one becomes part of the PIECP and found out there is no set criteria. It is a program wherein a prisoner can make a higher wage. A federal law governs the provisions of PIECP and allows for a deduction of 80 percent from prisoners' wages.

If we want to end poverty, end convict leasing, end ex-offenders back on the streets only to end up on welfare and other government assistance, then we need to discuss what wage should be paid to these prisoners. This provision of S.B. 140 is the most controversial because many people may view prisoners as losing their rights when they were found guilty of a crime. The big question here is, are these prisoners human capital, are they human cargo and are their bodies leasable? This is the moral question.

It is counterintuitive to hear that the goal of the DOC is to help prisoners make their way back into society and into their communities with the reentry program—yet deduct so much money from their wages, making it impossible for ex-offenders to start over. This is the impotence of the DOC's reentry program.

I also reviewed the website of the Bureau of Justice Statistics where I found out that under the PIECP, the DOC has paid \$30 million in wages from 1979 to 2019—a span of over 41 years. Of that \$30 million, \$1.4 million was paid to the Victims of Crime Program, \$8 million was paid for room and board, \$472,000 went to family support, total taxes paid were \$2 million—yet the IRS does not consider inmate labor taxable, nor are they considered employees. However, the prisoners are required to fill out Form I-9. The total deductions from prison wages were \$12 million over 41 years, and the net savings was \$96,000.

The historical report of the cumulative wages paid by the DOC combined with paying ex-offenders once they are released means they are getting paid on both ends—inside and outside of prison.

Section 7 of S.B. 140 eliminates all existing categories of deduction except those obligations related to the support of family, restitution and the Victims of Crime Fund. Senate Bill 140 establishes a new deduction for an amount to be placed in an individual account for the offender and for the contents to be disbursed upon release to the offender.

Section 8 of the bill requires the Director of the DOC to provide for the placement of an offender, to the extent practicable, in a program for reentry or other like program that facilitates the employment of an offender upon his or her release from prison in a position that utilizes skills similar to those used by the offender in a program for the employment of offenders while incarcerated.

SENATOR SETTELMAYER:

I knew an individual who had to close his business where he made curtains because he could not compete with the prison wages. I had no idea that the prison wages were so low—it is shocking. They should get at least minimum wage.

How will this work with Marsy's Law and S.B. 22 where victims are paid restitution? Will crime victims get paid quicker?

SENATE BILL 22: Revises provisions governing deductions from the individual account and wages of an offender. (BDR 16-262)

SENATOR NEAL:

It will help the crime victims. This is one of the exceptions in my bill. I am not trying to remove any responsibilities for an ex-offender to a family who was harmed.

Two goals can be served here—restitution and independence from poverty. This is the purpose of paying higher wages to prisoners. Upon release, they will not be a burden on society. Why should they be on welfare after they leave prison where they were working, learning a new skill and being paid by private corporations?

The other problem is ex-offenders are not leaving prison with the skilled position they had while in prison. They do not leave as a carpenter, a maintenance person, an upholsterer or any other skilled position. The work they do on the inside stays on the inside. Why they are not able to take that skill with them is a big problem and a question that remains unclear and unanswered.

SENATOR SETTELMAYER:

Do they choose to work? They are not being forced to work, correct? If someone decides to work, then they would be able to be paid a higher wage, is this correct?

SENATOR NEAL:

No, they are not being forced to work. A select number of offenders are offered the option. This is why I call it convict leasing. A private corporation has the option to enter into a contract with the DOC to use the prisoners for labor. It has never been a prisoner's choice to accept or deny working in a given position. The choice is the DOC during the discussions with the private corporations. The question is, why do private companies get to use prison labor? They should use regular individuals.

SENATOR SETTELMAYER:

I do have some disagreements with you on section 7 of the bill because having them fund DNA testing and certain things like that is not problematic.

Do you have any familiarity with prison work crews, whether working on fires or for other purposes? Are they also only getting paid \$1.50 an hour? If so, where does the rest of the money go?

SENATOR NEAL:

That is a good question. I did have one agency reach out to me regarding this bill, the Division of Forestry (NDF). It pays \$1 an hour, and I confirmed this against the Fiscal Analyst Division. What I took from the conversation with NDF is that it wants to pay more; they want the prisoners to work as firefighters, but they do not have the capacity to do so.

SENATOR HANSEN:

I used to have a restitution center and used the services of many offenders—I hired them as plumbers. I paid them the same wages as my other plumbers. At that time, the DOC was trying to get them back into the private

sector. What I do not know is if the DOC was putting the money earned into a separate account.

At one time, prison labor was used extensively for highway work and similar work until the trade unions made it clear that unions would not compete with prison labor. The unions were allowed to bid jobs because they were doing government work. Otherwise, the positions would go to the unions and the prisoners would be paid union craftsman wages.

I am assuming that the private industries use this labor for profit-style businesses. But if the labor is just to help the prisoners learn a skill, not produce a profit, this would change the dynamics.

The Constitution of Nevada says, "there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted."

If you could cover Marsy's Law in the bill, that would be good.

SENATOR NEAL:

What is important to remember here are the deductions that occur with the DOC as shown on page 4 of my presentation ([Exhibit C](#)). *Nevada Revised Statutes* (NRS) 209.4841 covers deductions for an offender who has been paroled and soon to be free. The deductions include: housing, transportation, meals, medical and dental services. Even if the offender is being paid a good wage, NRS 209.4841 allows so many deductions from wages, there is almost nothing left.

The offenders who have not been paroled have deductions that include: Fund for Prison Industries; room and board; Fund for the Compensation of Victims of Crime; Fund for New Construction of Facilities for Prison Industries, which include prison wage deductions for the cost to construct new facilities, to relocate, expand, improve, upgrade or improve operations, or provide additional training or employment; prison wage deductions to fund Prison Industries if there is a shortfall in the Fund for Prison Industries; and prison wage deductions to advertise and promote the goods and services by the Fund for Prison Industries. These deductions are on a monthly basis.

As to your question about unions, according to the Prison Industries policy, a new employer is required to conduct a prison economic impact study with the Governor's Office of Economic Development. The study includes a checkoff list, including that the job is not being taken from people in the community; the employer is active in the State; there is no impact on union labor and to make sure it is not taking away the opportunity for a free person to work. Once the study is completed, the committee votes on which employers to approve for prison industries programs in compliance with statutory provisions ([Exhibit D](#)).

SENATOR HANSEN:
What about Marsy's Law?

SENATOR NEAL:
My bill does not touch restitution in any way. Restitution is excluded and would be a continuing deduction.

SENATOR HANSEN:
I agree with Senator Neal. We do not want people returning to the prison system once their debt to society is paid. Senator Neal's bill is another commonsense solution to prevent the recycling with offenders.

SENATOR PICKARD:
This bill reminds me of a bill from the Seventy-ninth Session in 2017 when Assemblyman Tyrone Thompson and myself were hearing a bill on education efforts for prisoners as they were about to be released and how we needed to go well beyond that effort. Education should be provided throughout a prisoner's tenure because education is and will be part of the answer to these people and will help them succeed once they are released from prison.

Another concern back in 2017 was there did not seem to be a connection between the skills gained while incarcerated and the efforts to get the offenders employed once they were released.

Then we have Marsy's Law. There was discussion about postrelease probation and parole in order to pay restitution. Unfortunately, the technical violations are such that when an offender is released, without identification, a job skill or at least placement in a job, that person is not paying restitution and ends up returning to prison because of never being given a real opportunity to succeed on the outside.

Regarding the living wage definition in section 6, why did you choose the living wage language instead of just requiring that the wages be a standard minimum wage at the time of the employment? Is this because if there is living wage legislation, this would kick that in?

SENATOR NEAL:

I did not consider it. I chose the term living wage because I wanted the workers to have enough money to be independent once they were released—enough money, minus restitution, to get an apartment, get a birth certificate or identification, whatever they need to do to get back into the workforce. They should not have to get on welfare or other government assistance. The way the DOC is paying the workers, according to [Exhibit B](#), someone could be a Carpenter III and would only be making \$.35 to \$1.50 an hour when the Cert Pay is listed at \$8.54 an hour; then the deductions are applied. No one can take care of anything with that pay—let alone pay restitution.

SENATOR PICKARD:

More to your point in looking at the Silver State Industries Ranch Operations, its pay range is from \$.60 to \$3.50 an hour, which does not even meet the minimum wage standard. I presume this pay includes room and board.

Are we going to cap restitution similar to the cap on garnishing wages? Are you contemplating including this, or will this be left to regulation by the DOC, which may be problematic? Since the DOC has been depleting the offenders' accounts recently, how do we deal with how much the DOC will deduct in restitution?

SENATOR NEAL:

That is a good question. I am aware of the other bill this Committee heard, and I cannot comment on it. We definitely do need to prescribe a cap for the restitution deduction.

SENATOR PICKARD:

I agree. We need to move away from a pure punitive system to a rehabilitative system, one that gives these offenders an opportunity to learn a skill, get an education and create the foundation where once they are released, they can actually succeed.

I do not know if it is possible for these offenders to save money when they are only being paid minimum wage. Worse yet, they may be getting paid

50 percent, half of minimum wage after the deductions. With this pay, an ex-offender will not be able to pay for more than a month or two of living expenses, depending on how long he or she was incarcerated.

This bill might be an incentive for these people—for them to have some control over the money they make. This is what is missing from the system. Why work except to keep yourself busy in the environment of today. If a person is able to save some money and not have it all deducted by the DOC, this can be a good incentive as long as the victims are recompensed through restitution. If we do not give these people a real incentive, we are missing an opportunity.

I support this bill, but I also agree with Senator Settlemeyer. Some items need adjusting in S.B. 140, but for the most part it is a good bill and should be moved.

SENATOR OHRENSCHALL:

I agree with all the prior speakers. Often, we see someone released from prison who may not have family who can help him or her get into an apartment or stable housing, help with finding work, getting drug treatment or mental health treatment or even getting an identification or birth certificate from a different state. All this might require a credit card, and some people just do not have that ability. If this bill passes, do you see it helping with these types of situations? If so, what other ways do you see it helping?

SENATOR NEAL:

Yes. There needs to be a level of independence for these ex-offenders. I want a true reentry system where these people do not need to apply for welfare and other government programs. If for some reason an ex-offender must apply for assistance to survive, then that is something different. There are many jobs listed on [Exhibit B](#) in which offenders can leave prison knowing they will be working and able to take care of themselves.

Prison statistics indicate that ex-offenders spend the first two years upon release unemployed. In addition to those two years of unemployment, Clark County spends \$2.8 million of federal grant money to assist people in finding jobs. This is illogical. Why not just use the money they are earning in prison while they are learning a new skill, and help them save enough to take care of themselves once they are released? It is frustrating to see the poverty when some ex-offenders get out of prison and find themselves a burden or

homeless when there is an opportunity for them while they are incarcerated to set themselves up with jobs and some money on the outside.

SENATOR OHRENSCHALL:
I appreciate the bill.

SENATOR CANNIZZARO:
I agree this is a good bill. Have you had a chance to speak with the Director of the DOC about your bill?

SENATOR NEAL:
I did try. I made an appointment but had to reschedule because my dad was hospitalized. Then the Director became unavailable. I decided to move forward with this bill. If the DOC wanted to oppose, the Department would be able to at this hearing. It was not a matter of disrespect, and it was not that I was not going through the right channels for the bill. When I was contacted by NDF to discuss this bill, I did advise that I would be speaking with the Director of the DOC as well. I am aware if this bill passes, money is being taken from the prison industry—money that is being recycled to pay for the prison's building fund and other prison industry funds.

SENATOR CANNIZZARO:
I only ask because the explanation in a fiscal note from the DOC states there is not a fiscal impact to this bill which is somewhat odd. Since the DOC has not reached out to speak to you before today, Senator Neal, maybe that will change after today's hearing and you can have a meeting with the Director.

Are you aware of the process that includes employment contracts being signed between inmates and the DOC?

SENATOR NEAL:
I am not aware of individual contracts between the employees and the DOC. It was my understanding that the DOC was acting as the middleman. I did know that the inmates had to fill out an I-9 form, getting identifications so they could work because the I-9 form requires a social security card and other items for the inmates to be legally represented within that corporation. I was not aware of an actual contract between the inmates and the DOC. It is my understanding that the contracts were between the DOC and the private corporations or local governments.

SENATOR CANNIZZARO:

That would make sense because there is reference that the DOC and offenders together enter into employment contracts which determines that the offenders cannot be considered employees and cannot be paid a living wage or minimum wage.

SENATOR NEAL:

This is because of the Thirteenth Amendment exception that involuntary servitude is allowable because the person is incarcerated. The IRS has designated that inmates are not employees as well. And it is my understanding that inmates are neither considered employees under OSHA nor under the Toxic Substances Control Act or the Clean Air Act. This begs the questions then, if the inmates are not employees, why are they required to fill out the IRS Form I-9, and why does documentation show taxes paid? How are the revenue increments being handled by the DOC? How is the DOC dealing with the tax implications of prisoners' wages?

When I researched the website of the IRS, I found prison handouts for the prison industry and/or prison correctional facilities. These handouts for the inmates explain the reentry program and tax implications. I was left with a big question mark I hope the DOC will address at today's hearing. If these inmates are not considered employees but are quasi-something else, then define what they are, and tell me it is not convict leasing.

SENATOR CANNIZZARO:

You bring up a good point. In your bill that specifically references NRS 209.461 and the definition of a living wage, is it your opinion that this language—regardless whether inmates are employees or not—would effectively mandate the DOC to pay the inmates this particular amount?

SENATOR NEAL:

Yes.

SENATOR CANNIZZARO:

This may be worth a conversation with the Director because NRS 209.461 specifically addresses the duties of the Director with respect to employment of offenders. Your bill does not amend NRS 209.461 because that bill outlines the Director's duties to provide job rehabilitation and training. In looking at other pieces that go along with that bill, it seems as though without some kind of

change in that particular portion of the NRS, there appears to be an obstacle or misunderstanding by the DOC that it cannot pay regardless of whether your bill includes that language of living wages being the minimum wage.

SENATOR NEAL:

If it is the duty of the Director to help train and employ offenders on the inside, why are they leaving prison with no money and no job to go to on the outside? Furthermore, if this is the duty of the Director, why is the federal government spending an additional \$2.8 million through the workforce agencies in Clark County to help ex-offenders get trained and find jobs?

I do think it is possible for the DOC to pay more than what is being paid to offenders because of the PIECP, even if they are not classified as employees. The reality is that without this bill and the language added to section 6, if I said mandate the DOC to apply the PIECP Cert Pay, the offender would receive that higher wage. This would already be in statute and I would not need to reinvent it because it would already exist. Does that make sense?

SENATOR CANNIZZARO:

It absolutely does. Thank you for bringing this bill; we are headed in the right direction.

You have highlighted issues that need to be addressed, especially when we are looking at the rehabilitative purposes and what the DOC is preparing people for on the outside when they are back in the community and society as a whole.

SENATOR SETTELMAYER:

What about gate fees? Does Nevada have this policy for offenders to receive gate fees, or is this completely at the discretion of the Director of the DOC?

SENATOR NEAL:

I am unaware of a specific gate fee. The DOC will need to share that information with us. There is an existing fund where upon parole, offenders can receive the balance in the fund after the deductions listed in [Exhibit C](#) have been finalized. These deductions are mandated by NRS 209.4831 to NRS 209.4841. It is my understanding that this existing fund can be comprised of money that offenders' families place on the books, or it could be wages earned through the PIECP. The balance could range from zero to \$200. I would like to share page 5

of [Exhibit C](#) so the Committee can have a better understanding of these deductions.

You can tell from this information that there is not a large number of offenders working, but the wage number is based on the lower hourly wage and not the Cert Pay. When this number is averaged for the year, it ends up at a pay of \$2.56 an hour.

I am trying to get the offenders living wages because the private corporations have already contracted for the labor and are using the offenders for that labor. The offenders deserve to be paid living wages. It is not as though the offenders are getting something for free. On the contrary, they are working for living wages and should receive some of it when paroled. I want to solve the problem of poverty upon release, and I want to remove or reduce the dependency on government assistance. The government is already a part of this industry, and the offenders should be allowed to receive the money they earn while incarcerated, whether the work is for private corporations or local governments. The figure listed in [Exhibit C](#), page 5 of \$456,883 being deducted from offenders' wages should be paid to offenders upon release because it is wages they earned. My point is, what if those 494 offenders who worked during fiscal year 2018 received the \$456,883 upon their release?

NICK SHEPACK (American Civil Liberties Union of Nevada):

The American Civil Liberties Union (ACLU) thought we would be coming in today to defend this bill, and we are heartened by the support.

Prisoners are excluded from the legal protections enjoyed by all workers. They are not allowed to unionize, and they are not covered by minimum wage laws. The limited wages they do earn can be seized by the prison. If they are injured or killed on the job, they are not covered by workers' compensation, and their ability to recover damages in courts is severely limited. All of these factors combined make the prisons a uniquely vulnerable workplace.

Many prisoners leave prison penniless. They often struggle to find employment as they are faced with furious discrimination in the job market. Finding housing is yet another challenge. More than a few former prisoners become homeless. Overwhelmed by these challenges, many return to prison before long. Why not pay prisoners a real wage so when they are released, they can pick up where

they left off? The benefits in successful reentry will lower recidivism and reduce human suffering.

Support for raising prisoners' wages has come from unexpected sources. In 2016, the American Correctional Association (ACA), who has been representing correctional organizations since the 1800s, passed a resolution calling for the repeal of the Thirteenth Amendment's exclusionary clause. The Association decried that the historical applicability of slavery and involuntary servitude is an acceptable punishment for those convicted of a crime. If the ACA believes it is time for prisoners to be paid more, perhaps now is that time.

The ACLU supports S.B. 140.

AMANDA CANDELARIA:

I support S.B. 140 not only for the prison industries but for all the incarcerated people who are working. My fiancé is incarcerated at Northern Nevada Correctional Center and has been working there for almost 15 years. He has jobs such as barbering, cleaning bathrooms and acting as a translator. He is paid \$2.50 per month after deductions. He is being subjected to various people during this pandemic and with what he is being paid, he cannot even afford to buy medicine if he gets sick with Covid-19 again.

I understand that the wages in prison are considerably lower than regular pay, and I understand that the State wants to save money, everyone does. What I do not understand is why our loved ones are being paid slave wages. They can choose not to work and simply serve the time, but some want to be productive and learn new skills. There should be a better compensation for their attempt to rehabilitate. Not only are they trying to make money for their necessities on the inside, they are trying to save money to have once they are released. A policy that allows inmates to reserve enough money for a fair start upon release would make a huge difference in bringing down the recidivism rate.

CALEB GREEN (Las Vegas Chapter of the National Bar Association):

The Las Vegas Chapter of the National Bar Association (LVNBA) supports S.B. 140 in a written statement ([Exhibit E](#)). I want to echo the points of our representatives from the ACLU and state that I am also heartened to hear the bipartisan support for this bill.

It is well-established that African Americans are subject to higher levels of criminalization and harsher collateral consequences in comparison to other groups. The remnants of convict leasing exacerbates these disproportionate effects of our criminal justice system. As Senator Neal provided in her presentation, convict leasing has significant ties to slavery and alternatives dating back to the Civil War era. This evidence alone is sufficient enough to support the bill. Senate Bill 140 also exists to relieve the standing barriers of reentry, as well as reducing recidivism rates. Under Nevada law, prisoners earn small wages when working for private companies. These egregious low wages are not only significantly below Nevada's minimum wage standard but also insufficient for released prisoners to start a new life upon reentry and almost guarantee reliance on government assistance programs.

The LVNBA believes S.B. 140 brings attention to the gross postslavery practice of convict leasing while removing barriers to reentry on those who have paid their debt to society. The proposed legislation will provide the appropriate level of empathy as well as a living wage for soon-to-be-released prisoners with the means and resources to prepare for reentry into society. This will no doubt reduce recidivism rates. The LVNBA urges our elected officials of the Nevada Senate Judiciary Committee to support S.B. 140.

JOVAN JACKSON:

I support S.B. 140. I was once an inmate and worked with NDF. It was very hard work. I risked my life for \$1 an hour. I was working for noodles, Top Ramen noodles. That is the only thing you can afford and maybe a bar of soap. You really do not work for the money, you do it to have something to do—for your mind to be somewhere else.

I also did a lot of highway work and that paid \$1 for the entire day. There was city work, lumber work, a lot of hard labor where I used a chainsaw. But when I was released, I could not work for NDF or get a wildlife firefighter job. The inmates who do these jobs do it for peace of mind, not for the pay because the pay is insufficient. People are risking their lives fighting fires to be able to eat noodles and have a bar of soap. I hope this bill passes.

COURTNEY JONES:

I am happy to hear all the support for this bill. We all are tired of seeing people who are released from prison and fall into poverty. Where the system has failed, it has fallen back on the communities to continue supporting the people around

us through mutual aid and nonprofits, including housing, food, health care, transportation and child support. State offices with State employees, like the DMV, are making things ten times harder for everyone.

People with felony convictions are typically ineligible for government benefit programs like welfare. They face serious barriers when looking for stable housing and employment. Leaving prison with just a bus ticket and gate money is absolutely nothing. The laws are preying on minority families and poor families in the first place. The burden will continue to fall back on these families.

We will see where allegiances lie for those who do not support this bill because this is a highly destructive and unjust system of capitalism. This is what is funding the leadership where we see some of the Republicans and some of the people not voting with the community—the people who are being funded by this capitalist system.

Once we know you have our support and that you are supporting us, we will know that people are coming out of what has been so much of a status quo and those who do not. We understand that the anti-Blackness is still going to show up in the system and in the Senate. We want this bill to keep moving. Once we support these bills that will help our community, it will help us all. Everything else at this point is truly destroying our communities.

CATHERINE GRECO:

I support S.B. 140. My daughter worked at Jean Conversation Camp on a fire crew for 12 months and made \$20 a month. In June 2019, she was moved to Casa Grande Transitional Housing where there is a rigorous cleaning schedule due to the Covid-19 pandemic. She worked as a porter for 17 months during Covid-19. She was paid absolutely nothing, not one penny. In almost four years with the DOC, my daughter has made a total of \$240. Basically, she has nothing to show or to help her buy anything for herself.

During her time at the DOC, my daughter was able to complete her associate's degree through the College of Southern Nevada (CSN). She depends 100 percent on her family. Casa Grande provides absolutely nothing. Family buys everything—bedding, laundry supplies, hygiene, medicine, dish soap, towels, summer and winter clothes, all school supplies, college tuition, books and food boxes—when allowed.

My daughter caught Covid-19 in January at Casa Grande, and I sent her vitamins with zinc, vitamin D3 and Benadryl because she was not being paid for the work she was doing as a porter. My daughter is only 5-foot-1 and ended up weighing barely 92 pounds after Casa Grande worked her down to just skin and bone. The facility had no regard for her health. It would have been nice for our daughter to at least receive a wage while working at Casa Grande, especially during the pandemic. Anything would have been appreciated. She will get zero pay, no accolades, not even a pat on the back. She will get nothing for the work she gave to these facilities.

When she was transferred to Florence McClure Women's Correctional Center, I had to withdraw her from the University of Nevada, Las Vegas, where she was on the dean's list. She does not get the opportunity to work at all or finish her bachelor's degree in communications.

Anything she could have made over the past 29 months, she would have saved. But that is not happening due to the fact that she was used for her slave labor. This is how Casa Grande rehabilitates. Now, Casa Grande has a new porter who replaced my daughter for absolutely no pay, nothing. Slave labor is called a privilege at Casa Grande.

JAN SALVAY:

I support S.B. 140, and it is great to hear all the support for the bill. It is also sobering to hear the testimony from the last speaker and Mr. Jackson. My nephew was incarcerated in Nevada for most of his adult life. He had a lot of ambition and always tried to do the right thing so he would get the opportunity to work while incarcerated.

The last time I saw him was about a year ago at Humboldt Conservation Camp. He was proud of himself for getting there. I met with him in the dining room, and we were so excited because he was getting out soon. He did not want to go on probation or parole; he wanted to finish out his sentence and go home to Florida where his children lived. He racked up \$80,000 in back child support because he was not making any money the entire time he was in prison. But he was excited about getting out, getting a job and finally being able to pay his child support.

When Covid-19 started, he was transferred to Lovelock Correctional Center with medical issues. Months after he was supposed to be released, he came out

of prison with advanced hepatitis C and passed away four weeks later. We are awaiting his autopsy.

While he was incarcerated, his wife was taking care of their family and looking forward to his homecoming. The wages at the prisons are so important because the ones left behind to take care of the families are the sole providers. What the last caller said is true. The prison will use you and get out of you what they can. By the time my nephew was released, he was just broken—in spirit and health. I appreciate this bill and hope it helps other people. There are so many others just like my nephew who are in prison. I am hopeful we can get something out of this bill and start treating people like people and not like cattle.

MAYRA MACIAS:

I support S.B. 140. Paying living wages to inmates will give them the ability to save some money so they can support themselves and find housing. Oftentimes, when prisoners finish their sentence, they do not have a way to support themselves, and some do not have families to help them. If we want to reintegrate ex-offenders back into the community, having this baseline in paying living wages will definitely help. I hope this bill passes.

WILL PREGMAN (Battle Born Progress):

We are in support of S.B. 140. All workers deserve a living wage, and the key words here are "all workers." This includes those who are incarcerated and working, trying to build a baseline of skills and resources to successfully reintegrate into society upon release. The Offenders' Release Fund created by this bill will help those returning citizens have a smoother transition into housing and employment. They will be less likely to rely on government assistance programs, reducing recidivism.

It is shameful that prisons have exploited the labor of incarcerated people only to benefit the prisons. Senate Bill 140 would take steps toward allowing these people to earn what they ought to be paid if they are working while serving their time. We ask the Committee to support this bill.

ERIC GARCIA:

I was an inmate at the DOC and given the opportunity to be a part of NDF. I made \$1.25 a day to clean highways and repair fencing, cleaning communities and helping out in the areas surrounding the fire camp. During fire season, no matter where the fire is, if your crew was chosen you would go.

If California was declared a state of emergency, we would go fight fires alongside other firefighters. We were paid \$1 an hour. That dollar is taxed for room and board. It is also taxed for federal taxes and restitution. Even if you do not have any victims in your crime, you still pay restitution because the State is declared a victim.

Hopefully, S.B. 140 will pass and give inmates the opportunity to make a little bit of money and have a chance to go home with a little bit of it. I was homeless when I was released from prison, having some money would have made a big difference for me. It would be nice to go home and not have to think I will go back to jail for trying to commit a crime just so I can have some money in my pocket. Inmates will have a better chance if this bill passes.

TENISHA FREEDOM:

The section of the State's Constitution that only exists to allow slave labor while in prison needs to be eliminated. We know this type of language was introduced specifically to systematically harm Blacks, and it has done so. We cannot shift blame to Alabama or any other state. It was introduced, accepted and written into the Nevada Constitution by constituents of this State. We now need the concurrent constituents to step up and make sure that any and all racist language is removed from the laws, bylaws and Constitution.

Any company allowing a profit to its bottom line based on prison slave labor should be exposed. A demand should be made on such a company to withdraw from business or pay a living wage. Truth be told, based on the conversations today which revealed that many entities within the State, even the federal, are financially benefiting—we say follow the money. Stop slave labor.

If indeed these facilities are called correctional, they should be providing opportunities for correction. This should include wages equal to the State minimum required for all people for any and all labor. Providing economic and educational options for reentry has been shown to decrease the chances of reoffending. Eliminate the business of using people as property. Eliminate the business of so-called crimes and break the cycle of Black and Brown people being targeted by the State in masses because of desperate survival methods in conditions designed by the State. I urge Legislators to make the correction to eliminate slave labor and to assist with successful reentry—support S.B. 140.

CHARRISE LOTHAMER:

My loved one has been incarcerated at Warm Springs Correctional Center for the past five years. He is being supported by his elderly parents, who are on fixed incomes, and myself. I work full-time jobs and try to get as much overtime as I can. I am still raising my two young children. We all do the best we can to ensure he has everything he needs to feel somewhat normal by having adequate food, hygiene and clothing, but it is still difficult.

He has held a job for the last three years but has never received any pay. The only jobs within the facility that receive any type of pay are those in the kitchen. It is rumored that when these workers do receive pay, it is only \$80 a month. This is cut by room and board and other fees pertaining to being incarcerated. It is important to see these people, these human beings, as trying to better their lives and not to return to the system.

There is no reward for prisoners to work toward, nothing to motivate them to get up and go to work—earn a wage. Give them a little bit of normalcy and extras that families cannot. What happens to those who have no families to go home to, no one to help when they are released, and they have no money saved from working? They will most likely end up back in the system. What if those same individuals were able to hold down a job while serving their time and save some money? Then when they are released, they will have something to help them get back on their feet. They will then have the knowledge and the discipline needed to have a stable life once again. Why not have a lower chance of having them return to prison? Once again, I support S.B. 140.

JODI HOCKING (Return Strong):

This legislation is desperately needed. My testimony will somewhat answer Senator Settlemeyer's questions.

My loved one returned home from prison in 2018 after serving twenty years, and I found out much about the prison system. While incarcerated, 10 percent of the money sent an inmate by his or her family is put into a savings account. The maximum used to be \$400; the DOC has increased it to \$550 because of the pandemic. My loved one walked out of the prison gates with his little green TV, a box of letters and some pictures, and a \$400 debit card.

We were blessed in the fact that he had a family who was there for him to come home to, but that is not the case for everybody. The inmates who work

do not receive pay. The only money they do get is recycled from their families who are already supporting them. This situation of prison slave labor is ethically and morally corrupt. For the State to continue to profit off the backs of incarcerated people is just disgusting. This is why I am so happy with the conversations today because of S.B. 140.

The inmates are working for slave wages or no wages at all. The Director and the State are asking inmates to pay restitution and child support while they are incarcerated. How are inmates supposed to do this? The DOC and the State continue to take and take and take from the inmates while they are trying to rehabilitate and get ready to go back to their community and what happens? It turns into a revolving door. They come out and they have nothing. They are expected to rebuild their life. If you lost everything today, how would you do that?

On January 15, the DOC posted on its Facebook page about Silver State Industries, bragging about how inmates had made sandstone markers. The sandstone markers are a skilled craftsmanship type of work and are phenomenal pieces. They are being used to mark historical trail areas in Carson City. The DOC was proud, saying, "Look, our inmates did this." I just want them to remember that these inmates who used skilled craftsmanship to make the markers were not paid. They received absolutely nothing for their hard skilled work. Now, every time I look at those markers, I think of how it is connected to slavery; it has been connected to slavery for hundreds of years, and it continues. It is time for Nevada to step up and say "no," we are not participating in slave labor anymore. I am in full support of S.B. 140.

AYANNA SIMMONS OGLESBY:

I support S.B. 140. I would like to say "ditto" to the previous people who have spoken. After release from prison, being able to show you have a work history is a step toward positivity. Nevada ranks at the bottom of everything—education, food, security, poverty and homelessness. We can take the lead by treating our humans like humans and paying them wages. If they were to unionize, come together, strike and refuse to work, then what? Social services and welfare are on their release documents; they are told to go to welfare. This is a vicious repetitious cycle.

Even if the IRS sees inmates as not being employees, they are still human. Money earned builds self-esteem. Consider the drug dealers and the thieves,

whatever the crimes—when they get in the habit of budgeting and earning money, they can bring that home at release with them. This is an opportunity for Nevada to take the lead in something and show the rest of our Nation we are indeed Nevada Strong—Battle Born—and we can do this.

NICOLE TATE:

I support S.B. 140. Some incarcerated persons are fortunate enough to have the ability to obtain a job while incarcerated. Some may think that it is great. They can now provide for their own food and hygiene needs. But can they? They cannot because they only make slave wages at best, and that is if they are even paid at all.

Let me share with you the prices of a few commonly used products. The cheapest stick of deodorant is \$2.20, average shampoo price is \$4.00, one pair of socks is \$1.83, a pack of men's underwear is \$15.00, and a regular doctor's appointment is \$8.00. It has been said that someone's wage could be 35 cents an hour. A prisoner would have to work 8 hours to pay for 1 stick of deodorant and 23 hours for a doctor's appointment. This is all before deductions are taken out of the wages. The deductions are up to 83 percent of every dollar made or sent in by family. With regard to Marsy's Law deduction, while it remains up for debate, being paid minimum wage would net more money for victims yet allow for those who can to invest in the basic necessities to care for themselves. It would also lower the amount of restitution owed postrelease. Paying a better wage would not only allow for better care and living conditions, it takes some of the burden off the families. It would also allow for better reentry plans because they would not be destitute upon release. This would lower the rate of recidivism. Due to this, I sincerely hope that you vote yes on S.B. 140.

KEN EVANS:

I support S.B. 140 for two reasons. First, everyone, despite their offense, is due a second chance at coming back into society as a productive citizen. Second, by ensuring that people get skills and pick up the ability to support and sustain themselves upon reentry into society, they will be in a position to reduce recidivism and have something to transition to, especially if they have been adequately and appropriately compensated in the form of a livable wage. Therefore, I support S.B. 140, and I hope the Committee will pass it.

ASHLEY WHITE:

I am in support of this bill and believe it would be productive. My fiancé is incarcerated in Southern Desert Correctional Center and working as a porter but does not get paid. He says the job is degrading because he has to get up and scrub toilets every day for free. If he would get paid, it would help a lot because I am helping him. He has no family to support him, it is just the two of us to support each other. Due to Covid-19, I am unemployed and if he could get paid for his job as a porter, or whatever job he does, it would help him support me out here with our two young children. This is a good bill to support. Thank you for bringing it to the table.

LESLIE TURNER:

I want to thank Senator Neal for connecting the past to the present because it is important to know that we just did not arrive at this place in society where it is widely accepted to allow incarcerated people to work for less than minimum wage in this Country. It has been a journey. It is connected to the past, slavery, Black people and Jim Crow laws. Taking the time to learn and digging into those weeds is important in terms of eradicating systemic racism. This is about humanity.

YARDE RETTA:

I am in support of S.B. 140. I am a formerly incarcerated prisoner, a constitutional slave—that is exactly what it is. It is inspiring to hear that everybody is for this bill.

I was just released from prison 14 days ago, and I understand how degrading the labor that is available can be. Many different inmates will not be able to provide for themselves. What is the point in getting a job when it is slave work at conservation camps, doing landscaping and remodeling the entire facility with our own hands while getting paid absolutely nothing? Sometimes, we will be doing fire camps and firefighting work with the NDF, and only getting \$1 an hour. This is while NDF is paying its regular workers almost six figures for a whole season.

I am for this bill and really appreciate Senator Neal. Rest in peace to her father—he was a great Senator as well. For us to reduce recidivism, we need to condition our Nevadans in prison so they can earn at least minimum wage, learn how to handle money and gain financial literacy. If not, we are unable to reform

our minds because all we do is conform to all of the negativity surrounding our environment.

I have worked in the kitchen, doing 40-hour weeks, 10-hour shifts with 3 days off. But if I do not go into work on my days off, I will get fired or level-reduced. I was only getting paid \$1 a day. It is just ridiculous; it is extremely oppressive. Nevada needs to take a radical step in passing this bill.

I was part of prison education with CSN through Ms. Devine. I am still with CSN and part of student government as a leader; I am a senator for the Henderson campus. I wanted to share my story in support of S.B. 140.

ASHA CLARK:

Thank you for introducing this bill and allowing me a chance to speak. I am in support of S.B. 140 because I am a formerly incarcerated individual. I have been in those shoes and behind those walls. I had to work and endure hard labor. To me, this is just slavery by another name. It is unfair because you never know what chances you will get in life or where the road may take you.

In passing this bill, the Committee needs to self-reflect and think about it. How would you like to have to be a porter, cleaning up behind hundreds of inmates daily and not getting paid anything, not a penny? It is degrading, disgraceful, cruel and inhumane. I have worked in prison and in the jails in Las Vegas. I worked in the laundry room. I also worked in the warehouse doing hard labor, sweating for eight hours a day nonstop, standing on my feet. I now have arthritis because of working in prison under these horrible conditions. Put yourself in someone else's shoes and think if it was you having to work, doing hard labor or cleaning up behind someone else at a huge facility and getting paid nothing, no wages—how would you feel?

I support this bill and ask the Committee and everyone to consider it because no one wants to work for free; no one wants to do any type of labor, especially hard labor, for free.

LISA RASMUSSEN (Nevada Attorneys for Criminal Justice):

I want to offer my support of S.B. 140 for a couple of different reasons. First, people do not often realize how much of a burden it is on families of incarcerated people, not only the fact that their family members are not at home but because the families are supporting them by sending money so they can

literally buy hygiene items. This bill would obviate the need for families who are already financially struggling, to send money.

Second, paying prisoners to work will provide funds that could be paid to people who have restitution orders and funds that could be paid to victims. We have had a lot of discussion in other contexts, on other bills and in other commissions for the past six months about monies being taken out of inmate accounts. Those conversations revolve around what is the appropriate amount to take from an inmate to satisfy restitution. A lot of this has to do with Marsy's Law. If you pay prisoners actual wages where they are not receiving any wages or very low wages, this becomes a different conversation. It becomes a conversation about making people whole. It is not just about making the inmates self-sufficient, able to support themselves, but it is also about making the victim whole again when the inmate makes good on restitution orders. It is about giving people a means to support themselves when they come out, a means to have some funds necessary to do that.

This is a great bill. I encourage all of you to support it and vote for it.

SENATOR NEAL:

Thank you Committee for hearing Senate Bill 140. I was surprised at the commentary, but I appreciated the dialogue and hope we can work out some of the squeaks and kinks. Thank you for hearing an issue that I thought was going to have very serious opposition.

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CHAIR SCHEIBLE:

Thank you for a thorough presentation, for answering all of our questions and for joining us today. I will now close the hearing on S.B. 140. We are adjourned at 2:58 p.m.

RESPECTFULLY SUBMITTED:

Gina LaCascia,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 140	B	1	Senator Dina Neal	Silver State Industries Wage Information
S.B. 140	C	4	Senator Dina Neal	Presentation
S.B. 140	D	1	Senator Dina Neal	Relevant Constitutional and Statutory Provisions
S.B. 140	E	1	Caleb Green / Las Vegas Chapter of the National Bar Association	Written Support Statement