

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session
April 7, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:35 p.m. on Wednesday, April 7, 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

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nicolas Anthony, Counsel
Gina LaCascia, Committee Secretary

OTHERS PRESENT:

Brigid Duffy, Chief, Juvenile Division, Office of the District Attorney, Clark County
Jim Hoffman, Nevada Attorneys for Criminal Justice
Arielle Edwards, City of North Las Vegas
John Piro, Office of the Public Defender, Clark County
DaShun Jackson, Children's Advocacy Alliance
Ross Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services
Kendra Bertschy, Office of the Public Defender, Washoe County

CHAIR SCHEIBLE:

Today's hearing of the Senate Judiciary Committee of April 7 is now open. We will start with the work session on [Senate Bill \(S.B.\) 147](#).

SENATE BILL 147: Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons.
(BDR 14-377)

PATRICK GUINAN (Policy Analyst):

This bill was brought on behalf of the Interim Pretrial Release Study, and this Committee first heard it on March 1, which is referenced in the work session document ([Exhibit B](#)).

Senate Bill 147 authorizes a victim to request the prosecuting attorney to get an order from the court prohibiting the accused from contacting or attempting to contact the victim or attempting to have another person contact the victim prior to releasing the accused on bail. The prosecution attorney must consider such a request, but a prosecuting attorney is not required to receive such a request before seeking an order or prohibiting contact. If the court issues an order imposing, modifying, suspending or canceling such an order, the court must transmit a copy of the order to all law enforcement agencies within the jurisdiction.

Senator Harris, who was chair on the Legislative Committee to Conduct an Interim Study of Issues Relating to Pretrial Release of Defendants in Criminal Cases, has proposed an amendment to the bill which is attached to [Exhibit B](#). The amendment removes references to a prosecuting attorney from the bill and instead authorizes the victim to request a no contact order from the court stipulating that the court shall consider such a request. The order shall include a 120-calendar-day expiration date for such an order and provides that the court may extend that order or grant a temporary restraining order. It requires a copy of such an order to be sent by the court to the Central Repository for Nevada Records of Criminal History rather than to law enforcement agencies. It provides that knowingly violating such an order constitutes an unlawful trespass for which the offender may be arrested. It adds new language clarifying that nothing in that section prohibits the court from finding that violating a no contact order constitutes contempt of court.

SENATOR PICKARD:

The testimony during the hearing of March 1 suggested this bill does not place the no contact order into law enforcement agencies. It also suggested that the trespass is similar to a temporary restraining order (TPO) in terms of the penalty

and TPOs, which would have the contempt powers. Does the language in the amendment change any of this?

SENATOR HARRIS:

The intent of the amendment is specifically about the reporting to the Central Repository and making it more of a simple process where there is just one central location to house the no contact orders and to make it easier for law enforcement agencies to access the information.

SENATOR PICKARD:

Do you know if TPOs are similarly reported to the Central Repository?

SENATOR HARRIS:

Yes, they are.

SENATOR CANNIZZARO:

Does this bill and amendment ensure that either a court, a prosecuting attorney or a victim could request a no contact or protective order since one or more of these parties will be involved in the litigation? Could any party request the extension of such an order?

SENATOR HARRIS:

Yes, any party can request the orders. Currently, the courts are able to put these orders in place depending on the situation with an indeterminable amount of time. This bill is not designed to limit the court's ability to extend the expiration date.

SENATOR CANNIZZARO:

It does read as if it is conditional upon seeking a TPO. But there may be instances when this is not the case and yet still be extended regardless as this also makes sure there is the due process piece for review in the event a no contact order is no longer necessary. Is that correct?

SENATOR HARRIS:

Yes, that is correct. I would be happy to switch around the clause if we need to make sure the section is clear.

CHAIR SCHEIBLE:

The language that indicates a victim is allowed an opportunity to seek a TPO is suggestive and not binding so that victims of domestic violence and sex assault know that they are still able to access that legal process. There is nothing included that would prevent a court from extending the no contact order even if it were denied. I can foresee a situation in which I may not qualify for a TPO through the civil process for whatever reason and it is denied. I can still go before the criminal court and request that same TPO, correct?

SENATOR HARRIS:

That is correct.

SENATOR PICKARD:

Senator Harris, you said that it could be indeterminable, but one of the amendments in section 1 indicates it cannot exceed 120 calendar days. I am not opposed to this, but usually TPOs are enforced for up to one year, after which time there needs to be compelling reasons to extend the date. We do not provide an indeterminable expiration for a restraining order and wonder if this would open the door to an indeterminable order? Or does the 120-day limitation apply to all of these types of orders?

SENATOR HARRIS:

This does not touch the existing TPO process. When I mentioned that they could be brought for an uncertain amount of time, I was referring to the current state of the law where you may get a no contact order until the case is concluded. This is not meant to limit the courts' ability to renew these as they see fit, but we are placing a time limit to make the orders easier to be enforced.

SENATOR PICKARD:

I am not opposed to doing what Oregon and Washington are doing where you can get a permanent restraining order or no contact order. I wanted to be clear on what this bill is changing.

CHAIR SCHEIBLE:

Does the amendment in the work session document replace the conceptual amendment presented at the time of the presentation, or is it in addition to it?

SENATOR HARRIS:

It is a replacement.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 147.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

The work session on S.B. 147 is closed and the work session on S.B. 237 is now open.

SENATE BILL 237: Revises provisions relating to businesses. (BDR 7-548)

MR. GUINAN:

This bill is sponsored by Senators Harris and Scheible. The Committee first heard it on March 23 as referenced in the work session document ([Exhibit C](#)).

Senate Bill 237 makes a legislative declaration that lesbian, gay, bisexual, transgender and queer (LGBTQ)-owned businesses are important to the welfare of this State as well as its intent to provide equal access and opportunities for LGBTQ-owned business formation and growth in Nevada, similar to other disadvantaged businesses. The bill adds these businesses to the list of disadvantaged and emerging small businesses that are entitled to receive certain business financing information through the State business portal and obtain loans through programs run by the Office of Economic Development.

Nevada's Department of Transportation, the Cannabis Advisory Commission and the Regional Business Development Advisory Council for Clark County are each directed to include LGBTQ-owned businesses in their planning and programming related to business ownership and development by disadvantaged persons. The definition of "disadvantaged persons" is updated to include a person who identifies as lesbian, gay, bisexual, pansexual, transgender, queer, intersex, intergender or asexual and any other nonheterosexual or noncisgender orientation or gender identity or expression.

There are no amendments to S.B. 237.

SENATOR HANSEN:

What is the definition of pansexual, intersex, asexual, queer and noncisgender? I am not familiar with these terms and need to know what we are putting in this bill.

SENATOR HARRIS:

I can refer you to Nicolas Anthony, our legal counsel, or a dictionary.

SENATOR HANSEN:

We are supposed to be able to put in law and on the record what we are talking about. The use of the word "queer" used to be meant as a derogatory and hateful term—I am surprised to see it in law. I want definitions on those five specific terms.

NICOLAS ANTHONY (Counsel):

The terms referenced are not defined in the bill. Thus, the terms would have the plain and ordinary meaning, which means a court would look at the terms on their face, and if there are still interpretation issues, the terms would default to their common usage, which is the dictionary.

SENATOR HANSEN:

Is no one going to define the terms for the record in the meeting? One of the purposes of having a discussion is so we can get certain things on the record. I would think you as the Chair would encourage this rather than act as if it is some sort of an imposition.

Under State law, there is a certain amount of set-asides for minority owners, women owners and veteran owners. When we add all these new categories, we are in effect diluting the opportunity for those three categories to have some sort of special set-asides which we have placed in law to help them. The further we dilute the quantity that is available for everybody else, the less opportunities we have for minority-owned businesses, women-owned businesses and veteran-owned businesses.

I will be voting "no" on this bill.

CHAIR SCHEIBLE:

I am satisfied with Mr. Anthony's explanation of how the courts interpret statutory language.

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SENATOR HARRIS:

While there is a limited set-aside as Senator Hansen mentioned, there is always the opportunity for these things to be reassessed and for set-asides to be increased. I do not believe this is a zero-sum game.

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 237.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HANSEN, PICKARD AND SETTELMAYER VOTED NO.)

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CHAIR SCHEIBLE:

The work session on S.B. 237 is closed and the work session on S.B. 358 is now open.

SENATE BILL 358: Revises provisions relating to wire communications.
(BDR 15-1008)

MR. GUINAN:

This bill is a Committee-sponsored bill which provides provisions relating to wire communications, was first heard on April 5 and is referenced in the work session document ([Exhibit D](#)).

Senate Bill 358 provides an exception to the general prohibition against intercepting any wire communication for situations wherein a person has barricaded himself or herself and is not exiting or surrendering at a peace officer's lawful request, and there is imminent risk of harm to the life of another person resulting from the barricaded person's actions or the barricaded person has created a hostage situation.

There are no amendments to S.B. 358.

SENATOR SETTELMAYER:

I am concerned information that can be gathered is not limited solely to the individual who is under investigation. This could potentially place these people in a situation where they are hostages, and maybe they say something that is caught on a wiretap and all of a sudden they are in trouble for something

because they were basically making a confession or said something only because they were uncomfortable with the situation. In this respect, I relayed this concern to you and feel confident you will try your best to potentially fix this part of the bill. I am supportive of the bill but still concerned.

SENATOR HARRIS MOVED TO DO PASS S.B. 358.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

The work session on S.B. 358 is closed and the work session on S.B. 372 is now open.

SENATE BILL 372: Revises provisions relating to injury caused by fire.
(BDR 54-1007)

MR. GUINAN:

This is a bill sponsored by the Senate Committee on Health and Human Services which provides for provisions relating to injuries caused by fire. This Committee first heard the bill on April 5 and it is referenced in the work session document ([Exhibit E](#)).

Senate Bill 372 limits to those caused by an open flame, explosion or flash fire the types of burn injuries for which a health care provider is required to report to either local or State fire authorities for investigation. The bill also extends the timeline for submitting such reports from three to seven working days. It requires counties with populations under 100,000 people that such reports are to be submitted to the State Fire Marshal on a form approved by the Fire Marshal, and provides that a fire department "may," rather than "shall," investigate such a report.

There are no amendments to S.B. 372.

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 372.

SENATOR PICKARD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

This concludes the work session for today and the hearing on S.B. 366 is now open. Senator Ohrenschall will be presenting.

SENATE BILL 366: Revises provisions relating to juvenile competency.
(BDR 5-498)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

I chaired the 2019-2020 Legislative Committee on Child Welfare and Juvenile Justice, and one of the recommendations was for a bill draft to be heard during the 2021 Session. That bill draft became S.B. 366. Brigid Duffy, from the Office of the District Attorney, Clark County, will be assisting me in the presentation.

Senate Bill 366 is intended to ensure that a juvenile who is deemed incompetent by a court during proceedings to determine whether he or she would be tried as an adult will be placed in a facility to receive treatment. There is a proposed amendment ([Exhibit F](#)) which Ms. Duffy will discuss further.

A small number of children who, when going through the process of being certified as an adult to the adult criminal court system, are deemed not competent to aid in their defense or to stand trial. But these children are also deemed by the facilities where such a child might normally be treated to be too dangerous to themselves or others and potentially not treatable. In such a case, a facility may refuse to accept a child, leaving few, if any, options for the child's care and protection or the protection of his or her family and the public if the child is released back into the community. Admittedly, this is a small number of children, but as you will hear today, these are also the children who are often the ones who need help and treatment the most. These are the children who sometimes pose perhaps the biggest threat to themselves and others. This is the situation that S.B. 366 addresses.

BRIGID DUFFY (Chief, Juvenile Division, Office of the District Attorney, Clark County):

I will walk everyone through the Nevada District Attorneys Association amendment for S.B. 366 [Exhibit F](#).

Issues of incompetency arise in more situations then solely in certification hearings, and the level of danger to the community is great enough to require inpatient or outpatient treatment. The State should not have to seek certification for a child who is deemed incompetent and a danger to society in order to receive the appropriate treatment and services.

This section will prevent the State from attempting to seek certification just to obtain the appropriate treatment for a child who may be deemed incompetent.

Section 4 amends the bill to ensure that if a court orders a child into a mental health commitment facility, this division facility must accept the child or assist in finding an appropriate placement for the child. In our juvenile justice system, we struggle with getting appropriate treatment for the children. I am sure everyone has heard that our adult jails and prisons house those with mental illness—so do our juvenile facilities. We have an issue with facilities not being able to take the children because the facilities do not seem to be able to handle the needs and provide the treatment.

This section of the bill will put some responsibility on Division facilities to assist the court in finding the appropriate facility using their own expertise if State facilities are unable to meet the child's needs.

Section 7 allows for the joinder of other persons or governmental agencies to the juvenile justice action so the court may enforce a legal obligation that the person or agency has to the child. This language currently exists in the foster care statute, *Nevada Revised Statutes* (NRS) 432B, which means childcare welfare agencies can obtain assistance from the court with legal obligations when legal obligations for these children are not being met.

For the past decade, in my role as the leader in Clark County juvenile justice issues from a prosecution perspective, I have had the opportunity of being on various oversight commissions and taken many steps to reform. I am also a voice you will always hear stating that justice can be defined as ensuring that children who commit delinquent acts receive developmentally proper

rehabilitative services to improve themselves, which in turn increases our community safety.

Many of you are familiar with the Department of Health and Human Services Community Advocates' desire to eliminate the ability to automatically send children aged 16 and 17 years old to the adult criminal justice system. We refer to this as a direct file—an event or crime that occurs at the ages of 16 or 17 that would automatically go to the criminal justice system.

A bill in the Assembly, which may be in this Committee this Session, eliminates some of the categories of crimes for which a child can be sent directly to the adult system. There still remains a void in our State that needs to be addressed in a responsible way for the safety of our communities and the treatment of a child. This is how S.B. 366 has made the way to this Committee, as a step to address this void.

In Nevada, if a child is deemed incompetent and a danger to the community, there is no placement or facility for the child to be housed while undergoing treatment to restore competency and to protect the community from violent acts. This bill is specific in that when a court finds that a child is a danger to himself or herself or to society, the court may require the Division's mental health facility to address the child's mental health needs for the protection of our community and the treatment of the child.

Currently, if a child 13 to 17 years old commits a mass casualty shooting at a mall, that child under statute could be certified to the adult court or depending on the age, may be directly filed to the adult court. If the child is deemed incompetent due to a mental illness, there is no guarantee that a State mental health facility will accept the child for treatment. We could not commit the child to a juvenile correctional facility and we cannot hold the child indefinitely in juvenile jail. Our options are limited and may result in the child going home while I am telling the families of victims that we have no resources for the child that killed your loved one.

I have had specific cases where a child committed five counts of attempted murder and was incompetent due to a low intelligence quotient (IQ). This child was held in juvenile detention for several months as we tried to find a facility to address his needs. We could not assist his counsel with his plea and eventually he was sent home with a global positioning system. Shortly after arriving home,

he was caught on school campus with a firearm. There were still no services available for this child. A firearm in the hands of a child who not only has an underdeveloped brain but also has a low IQ presents a serious dangerous situation for our community.

I also had a 15-year-old who took steps toward a mass bombing at a local high school. He had a mental health diagnosis. It was difficult to find a placement that would treat him due to his violent tendencies. Fortunately, he was stopped before anyone was hurt or killed, so we were eventually able to find a placement for him because the "act" of violence had not actually transpired.

Senate Bill 366 will not fix everything. The Division of Child and Family Services (DCFS) points out in Nevada, there are no facilities to serve the developmentally disabled children, and this bill will not fix this. But the policy is there, and if we as a State want to move toward a system that does not send children directly to the adult system, an infrastructure must be created to house and treat these children who are incompetent and who are a danger to themselves, others and to our communities.

SENATOR HANSEN:

I am 100 percent behind this bill simply because Ms. Duffy is behind the bill.

SENATOR PICKARD:

Can you explain why we need this bill in addition to the statutory authority in the caselaw that supports this effort?

SENATOR OHRENSCHALL:

There was discussion about this issue during the Interim Committee meetings but all who were involved decided to act on it. The funding is another part of this, but the Committee wanted to act on it.

Ms. DUFFY:

The court may order the children into a Division facility, but the facility can deny the children. These facilities deny the children because they are unable to provide the care necessary. It makes sense because the courts are not experts in these fields, and they can only send these children to a facility on their Division facility list. Our Division will receive assessment as to what a child needs, but if we send a child to a State facility, it might not be able to provide the recommended treatment. This is why I asked for the changes in section 4 of

S.B. 366 wherein the court needs the assistance in finding the appropriate facility. We should not be saying we cannot do it and we have nothing. This is the catch we get into with these types of cases.

This is where I can stand up for what I have been saying; I want to support not sending these children to the criminal justice system. But I cannot support it until we create this. There will be a fiscal impact on it; I know we cannot have everything. I am standing up for the fact that I stand behind this and if we can move it forward, we can start making better reforms for these children which will make our communities safer and better in the end.

SENATOR PICKARD:

You are right. But this does not just apply to juvenile courts. We have independency in other courts where the order is for certain services to be provided, casas and guardians ad litem that remain unfulfilled because those who are charged with providing the services either do not have the resources or do not have the inclination to do so—particularly when it comes to trying to secure a child who may be dangerous, and the thought that a facility can turn them away is frightening. I want to highlight that because I support it.

I would like to add that we put the responsibility on those charged with housing these children to actually house them and not kick them out or simply turn them away. This clogs the system and makes it hard for everybody to do their jobs. I like that this bill is trying to address these types of problems and why I support it.

SENATOR CANNIZZARO:

In section 7 of the amendment, [Exhibit F](#), where it indicates the joinder of a governmental entity, can you explain the purpose of this part and what was intended with the additional language?

Ms. DUFFY:

The provision in NRS 432B came about when Nevada developed a system where children's mental health was managed by the State, and foster care was managed by the County, and so the State had less ability to ensure that services were being put into place where needed. Now-retired District Judge Gerald Hardcastle assisted putting into statute the ability to have a joinder of a governmental entity agencies and persons, and they could be held accountable to do what needs to be done and take legal responsibilities for the children.

If a child is not receiving an Individualized Education Plan (IEP) or whatever he or she needs from the Clark County School District, which is a legal responsibility of the school district, and are not doing their legal responsibility to a child, then the attorneys with the District Attorney's Office, or Legal Aid of Southern Nevada can file a motion to join the School District into a NRS 432B case where the court would say that the District owes the child an obligation for the IEP.

The juvenile justice system does not have this pathway, but we do have many of the same issues. This would allow us to officially motion to join in a governmental entity or a person to uphold the legal responsibilities to these children.

We do have a good partnership and relationship with the State. If we have an issue, I am able to reach out to the Attorney General or the Deputy Attorney General who oversees the DCFS and our facilities, but there is no solid mechanism to keep doing this. At this point and because we are talking about holding entities responsible, we would need this mechanism in the statute.

SENATOR CANNIZZARO:

Health-related services are something we as Legislators struggle with because we want to help, but these types of services are costly. The State has many obligations in this regard, but I am hopeful that the inclination to support these types of programs, especially with the juvenile and mental health sectors of child welfare, are met equally with the response as to how to raise the revenue. Stepping up and making it a public interest is always the best for everyone involved. We want to fund all these necessary programs.

SENATOR OHRENSCHALL:

As a practitioner in juvenile court, one of the most heartbreaking things for me, is seeing when children need to be sent out of State where there is a residential treatment center that can help them or a certain type of facility that Nevada just does not have. With new technology, families can stay in touch with their children a little more, but it is heartbreaking when this happens.

I had discussions with Ross Armstrong, Administrator of DCFS, and he has submitted written testimony in a neutral position ([Exhibit G](#)) which this Committee will find insightful.

JIM HOFFMAN (Nevada Attorneys for Criminal Justice):

We support S.B. 366. The context behind the bill is that Nevada has a serious problem in terms of incarcerating children in adult prisons. Last Session, the Legislature created an Interim Advisory Committee that Senator Ohrenschall and Ms. Duffy both served on, and one thing they found was that sometimes prosecutors are certifying children to adult court because they do not have good treatment options for juveniles with mental health problems. Since the children are charged in adult court, they are sent to an adult prison or an adult mental institution. These are both extremely traumatizing places for juveniles. Nobody wants this, even the prosecutors who are forced to ask the courts to certify the children. The problem is, we do not have the tools to help these children in the juvenile system.

The point of this bill is to give juvenile courts one more tool to address this problem in house in a way that is better for the children's immediate health and safety as well as their prospect of rehabilitation.

The Nevada Attorneys for Criminal Justice (NACJ) believes these are good goals, and S.B. 366 is a good step toward achieving those goals. The NACJ supports this bill.

ARIELLE EDWARDS (City of North Las Vegas):

We support S.B. 366. We support the rehabilitation of children who are in the juvenile justice system and providing them with the support, treatment and services they need. We urge the Committee's support in passing this bill.

JOHN PIRO (Office of the Public Defender, Clark County):

We believe that everyone needs to make better strides in taking care of the mentally ill children in Nevada and S.B. 366 is a good first step. We support this bill.

DASHUN JACKSON (Children's Advocacy Alliance):

We support S.B. 366 and believe this bill will help youthful offenders get the services and treatment they desperately need to rehabilitate them and get them back into communities.

SENATOR OHRENSCHALL:

In closing, I would hope this Committee can see how important S.B. 366 is to the children of Nevada and consider moving it forward.

SENATOR SETTELMAYER:

Chair Scheible, since S.B. 366 has no opposition and appears to be a bill with a great cause, after you close the hearing today would you entertain an amend and do pass?

CHAIR SCHEIBLE:

I will entertain such a motion at the conclusion of all three bills listed on the agenda for today.

The hearing on S.B. 366 is now closed, and the hearing on S.B. 385 is now open.

SENATE BILL 385: Revises provisions relating to funding for the implementation of certain programs and practices in the juvenile justice system. (BDR 5-506)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

As mentioned earlier, during the 2019-2020 Interim the Legislative Committee also acted on moving S.B. 385 to this Session. This bill addresses reporting on evidence-based practices implemented by local juvenile justice entities and provides that these entities demonstrate savings based on these programs, allowing DCFS to distribute those savings equitably among those entities rather than having those savings revert to the General Fund.

The administrator of the DCFS, Mr. Armstrong, will not only explain the rationale for the original language in this bill, but he has presented a friendly amendment which seeks to replace the language of S.B. 385 to instead create a study of how to enhance investment in these programs ([Exhibit H](#)).

ROSS ARMSTRONG (Administrator, Division of Child and Family Services, Department of Health and Human Services):

During the Interim, the Legislative Committee on Child Welfare and Juvenile Justice wanted to find some sort of mechanism to spark and invigorate investments in prevention services. If we have successful prevention in juvenile justice, then there will be cost savings down the line for the State and there will be better outcomes for children as they are not housed in the facilities. From this, S.B. 385 was drafted but became an administrative burden on counties in the way it was written. As such, it did not have as much of an investment that we thought it should have. This is why we have presented the conceptual

amendment. It creates a study which the DCFS will conduct rather than create an investment trigger right now. We also have an extraordinarily complex fiscal year with all the federal funding coming in, so the study was the next best thing to do—take some time and get it right before pulling the trigger on new budget mechanisms.

The State funds local probation departments with what is called the Community Corrections Block Grant. In the 2011 Session, this funding level was set at \$2.3 million and is based on a population formula. This investment in prevention services has not increased in the last ten years.

The DCFS also funds two correctional camps. One is operated by Clark County and is in Clark County, and the other is in Douglas County, which serves all the counties across the State.

These are the only mechanisms we have in terms of Statewide investment in juvenile justice prevention. As such, S.B. 385 would require the DCFS to conduct a study in consultation with those local partners and other entities that might have special knowledge or interest in juvenile justice prevention. The Nevada Association of Juvenile Justice Administrators (NAJJA) has agreed to assist with the study. We can take a look at a review of how we invested in prevention before and how other states are investing in prevention, then come up with recommendations for the Legislative Committee on Child Welfare and Juvenile Justice for the 2023 Session.

The goal of S.B. 385 is to take some time to look at ways we can invest in prevention which we know has positive outcomes for children as well as the State.

SENATOR HANSEN:

If we really want to get down to basics, we need to get back to strengthening the family units and make dads responsible again for their offspring.

CHAIR SCHEIBLE:

Is the fiscal note presented for the original bill or the amended bill?

MR. ARMSTRONG:

It was for the original bill. The amendment would not have a fiscal note.

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CHAIR SCHEIBLE:

Are you saying DCFS can absorb the cost of conducting this study?

MR. ARMSTRONG:

That is correct. With the assistance from the NAJJA, we do have the internal capacity and expertise to conduct this study.

CHAIR SCHEIBLE:

We certainly appreciate when our State agencies step up to the plate and take on those responsibilities that can only help Nevada and its communities.

MR. JACKSON:

We support S.B. 385 as it stands.

MR. PIRO:

We support S.B. 385. We are big proponents of having data and making evidence-based decisions and are grateful to see that the State is moving in this direction.

KENDRA BERTSCHY (Office of the Public Defender, Washoe County):

We support S.B. 385.

CHAIR SCHEIBLE:

The hearing on S.B. 385 is now closed. I now open the hearing on S.B. 398.

SENATE BILL 398: Revises provisions relating to the Legislative Committee on Child Welfare and Juvenile Justice. (BDR S-507)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

Senate Bill 398 also came out of the 2019-2020 Legislative Committee on Child Welfare and Juvenile Justice. This bill proposes to require our State Juvenile Justice Oversight Commission (JJOC) to report information related to its five-year strategic planning process and any recommendations for future legislation to the Interim Committee in August 2022. In 2017, our Legislature, with the assistance of former First Lady Kathleen Sandoval and former Nevada Supreme Court Justice Nancy Saitta, worked hard to adopt Assembly Bill 472 of the 79th Session, which became law. This was a

sweeping juvenile justice reform bill which created the State's JJOC and set a host of challenging goals for the Commission to achieve.

I served as a member of the Advisory Committee to the JJOC and joined a group of dedicated and talented practitioners from across the juvenile justice arena working to make Nevada's juvenile justice system a model for others to emulate. The JJOC will be nearing the end of its first five years in 2022, and S.B. 398 is intended to provide the Commission with an opportunity to report to the Legislature on the challenges it has faced as well as its successes. The bill will also provide the JJOC the opportunity to submit recommendations for needed policy changes to the Legislature for the 2023 Session to ensure we remain aware of and engaged with the Commission's work.

At an important meeting that was held by the Advisory Committee, we heard from children, who had been committed to State facilities. They testified and shared their experiences both positive and negative. They spoke about what they thought might improve things for future kids who are committed by the courts to one of the State youth correctional facilities. This meeting was something I had never experienced before and have not experienced since. The kind of interaction and input the Committee received from the children was moving for us all.

MR. ARMSTRONG:

As Senator Ohrenschall said, the bill in 2017 was truly a landmark reform. There is a letter of support ([Exhibit I](#)) for S.B. 398 from two co-chairs of the JJOC, former District Court Judge Egan Walker and Joey Orduna Hastings. There is much more that we now know about the system than when the reform bill passed in 2017, and it is remarkable that we are approaching the end of that first five-year strategic plan.

The FY 19-23 Strategic Plan ([Exhibit J](#)) has four main goals, including evidence-based practices and programs for the agencies in the system; risk and needs assessments and mental health screenings to inform court decisions; collaboration across systems that meet the youths' needs; and family engagement plans created and individualized case plans for every child.

This bill asks and requires the JJOC to look at any potential improvements for legislation as it relates to the five-year strategic plan based on our experience in working with it and how we can make the next five years even better. It also

asks for any legislative requirements for addressing disparities in the juvenile justice system related to race or ethnicity. These are also requirements of us from the federal government, so this provision would help us comply with federal requirements and compliance with other federal laws including the Juvenile Justice Prevention and Delinquency Act so Nevada maintains compliance. Noncompliance can result in financial or other penalties.

I see S.B. 398 as a signal, a statement and a direction from the 2017 Legislature. It was a great start in reforming the juvenile justice system, and we, as a State—all three branches—remain committed to continue the work started in 2017. Passing S.B. 398 will prove our determination and commitment to focus on improving the juvenile justice system.

MR. JACKSON:
We support S.B. 398.

MS. BERTSCHY:
We support S.B. 398. We appreciate these efforts being to ensure we are enacting policy that works toward improving the lives of children involved in our system and ensures what we are doing is working as well as reevaluating it in a strategic format.

MR. PIRO:
We support S.B. 398.

MR. ARMSTRONG:
A closing remark: just as Ms. Duffy is a treasure to our justice system in the State of Nevada, Senator Ohrenschall has been a voice for these children and specifically this population. As a member of an Executive Branch agency charged with trying to make the system work for these children, not only in his day job but in his role as a Senator, he has been a tremendous help as we move forward.

SENATOR OHRENSCHALL:
I am very humbled by your kind words; I am not deserving but I definitely appreciate Administrator Armstrong's help and Ms. Duffy's help during the Interim, and the cochairs at the JJOC, former District Judge Walker and Ms. Orduna Hastings, who worked tirelessly over the last five years to accomplish so many successes for the JJOC. I appreciate everyone's efforts

and hope that this movement toward trying to make sure the children of Nevada receive the services they desperately need and try to divert them out of the adult criminal court system, will keep on going.

CHAIR SCHEIBLE:

With that, I now close the hearing on S.B. 398.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 366.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 385.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR SETTELMAYER MOVED TO DO PASS S.B. 398.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

Today's hearing of the Senate Judiciary Committee is now closed. Seeing no public comment, we are adjourned at 2:53 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. 147 | B | 1 | Patrick Guinan | Work Session Document |
| S.B. 237 | C | 1 | Patrick Guinan | Work Session Document |
| S.B. 358 | D | 1 | Patrick Guinan | Work Session Document |
| S.B. 372 | E | 1 | Patrick Guinan | Work Session Document |
| S.B. 366 | F | 1 | Brigid Duffy / Nevada District Attorneys Association | Presentation |
| S.B. 366 | G | 1 | Ross Armstrong / Division of Child and Family Services | Neutral Statement |
| S.B. 385 | H | 1 | Ross Armstrong / Division of Child and Family Services | Presentation |
| S.B. 398 | I | 1 | Division of Child and Family Services | Support Statement from Egan Walker and Joey Orduna Hastings |
| S.B. 398 | J | 1 | Juvenile Justice Oversight Commission | FY 19-23 Strategic Plan |