

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-Second Session  
May 11, 2023**

The Committee on Government Affairs was called to order by Chair Selena Torres at 9:04 a.m. on Thursday, May 11, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Selena Torres, Chair  
Assemblywoman Bea Duran, Vice Chair  
Assemblyman Max Carter  
Assemblyman Rich DeLong  
Assemblyman Reuben D'Silva  
Assemblywoman Cecelia González  
Assemblyman Bert Gurr  
Assemblyman Brian Hibbetts  
Assemblyman Gregory Koenig  
Assemblyman Richard McArthur  
Assemblyman Duy Nguyen  
Assemblywoman Clara Thomas

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Angie Taylor (excused)

**GUEST LEGISLATORS PRESENT:**

Senator James Ohrenschall, Senate District No. 21  
Senator Heidi Seevers Gansert, Senate District No. 15

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Sarah Delap, Committee Counsel

Minutes ID: 1046



Judi Bishop, Committee Manager  
Diane Abbott, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Jarrold Horn, Private Citizen, Reno, Nevada  
Lilith Baran, Policy Manager, American Civil Liberties Union of Nevada  
Cynthia Lu, Judge, Second Judicial District Court, Washoe County  
Alicia Lerud, Court Administrator and Clerk of Court, Second Judicial District Court,  
Washoe County  
Ryan Hamilton, Director, Government Relations, Vegas Stronger  
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County  
Public Defender's Office  
Veronica Lopez, Administrator, Reno Municipal Court  
Andrew LePeilbet, Chairman, United Veterans Legislative Council  
Cynthia Esparza, Chief Equity and Community Relations Officer, City of Reno  
Jaaziel Ozuna, Organizer, Progressive Leadership Alliance of Nevada  
Jessica Munger, Private Citizen, Las Vegas, Nevada  
Jonathan Norman, Advocacy, Outreach and Policy Director, Nevada Coalition of  
Legal Service Providers  
Will Pregman, Director of Communications, Battle Born Progress  
Christie Holderegger, President and CEO, Volunteers of America, Northern Nevada  
Julianna Glock, Operations and Compliance Director, Volunteers of America,  
Northern Nevada  
Jennifer Noble, representing Nevada District Attorneys Association  
Vinson Guthreau, Executive Director, Nevada Association of Counties  
Kami L. Dempsey, representing Nevada Press Association; and Nevada Open  
Government Coalition  
Stephen Wood, representing Nevada League of Cities and Municipalities; and  
Carson City  
Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager,  
City of Reno  
Leonardo Benavides, Government Affairs Manager, City of North Las Vegas  
David Cherry, Government Affairs Manager, City of Henderson  
Harold Wickham, Deputy Director, Programs, Department of Corrections  
Benu Clark, Training Lieutenant, Employee Development Division, Department of  
Corrections  
Adrian Hunt, Police Detective, Office of Intergovernmental Services, Las Vegas  
Metropolitan Police Department  
Drew Franklin, representing Nevada Sheriffs' and Chiefs' Association

**Chair Torres:**

[Roll was taken. Committee rules and protocols were explained.] Welcome to the  
hardest-working committee in the Nevada State Legislature, the Assembly Committee on

Government Affairs. Today, we are going to take the bills slightly out of order. As you can see, Senator Ohrenschall is here, so I am going to go ahead and start this meeting with Senate Bill 155 (1st Reprint).

**Senate Bill 155 (1st Reprint): Revises provisions relating to certain crimes committed by homeless persons. (BDR 14-244)**

**Chair Torres:**

Welcome to the Committee. You know, I heard you sit on the Senate Government Affairs Committee, and yesterday there was a drastic error made in the Senate Government Affairs meeting because they considered themselves the hardest-working committee, but welcome to, indeed, the hardest-working committee in the Nevada State Legislature.

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

Thank you, Chair Torres, for hearing Senate Bill 155 (1st Reprint) today. You know, I think there might be a tie between the Assembly and Senate Government Affairs Committees as to the level of hard-work, diligence, and the number of bills both committees receive. I certainly take my hat off to you, Chair Torres, and to Chair Flores in the Senate. Both are very hard-working committees, and if that was not a politician answer for you, I do not know what is, but I appreciate the Committee hearing Senate Bill 155 (1st Reprint) today.

As some of you know, I was born and raised in Las Vegas a long time ago in the early 1970s, and as most of us from southern Nevada know, our population of unhoused has increased exponentially, certainly unlike I have ever seen before. I know that we have a similar problem in other parts of the state, but Senate Bill 155 (1st Reprint) is an effort to try to help people get back on their feet, find housing, get the services they need, and try to end this cycle of homelessness.

With your permission, Chair Torres, I have Mr. Jarrod Horn who is an intern from the University of Nevada, Reno, Department of Political Science. He is going to speak to the bill, and then Ms. Lilith Baran from the American Civil Liberties Union (ACLU) of Nevada is here too. There is an amendment on the Nevada Electronic Legislative Information System (NELIS) which hopefully everyone has. I would ask the Committee to work off the amendment, in addition to the first reprint that came out of the Senate on Senate Bill 155 (1st Reprint). With your permission, Chair Torres, I will turn the presentation over to Mr. Horn, then to Ms. Baran, and then we have a member of the judiciary here and the court administrator from northern Nevada. After, with your permission, I would be happy to answer any questions.

**Jarrod Horn, Private Citizen, Reno, Nevada:**

My name is Jarrod Horn. I am an intern for Senator Ohrenschall with the University of Nevada, Reno for their legislative internship program. I am here to help introduce S.B. 155 (R1) which was one of the very first bills that I learned about when starting the

program four months ago. I am very honored to help present today. Senate Bill 155 (1st Reprint), as stated by my copresenters, aims to break the cycle of fines and jail time which keep those who cannot afford to live in a home on the streets. That being said, I would like to turn it over to Ms. Lilith Baran who will be able to elaborate further.

**Lilith Baran, Policy Manager, American Civil Liberties Union of Nevada:**

I am going to have the Honorable Cynthia Lu go ahead and give her presentation about the Assisted Outpatient Treatment (AOT) court and the court administrator as well, and then we can walk through the amendment if that seems like the proper order for you, Chair Torres.

**Chair Torres:**

I think that would be helpful. You know, in the 81st Legislative Session, I had the pleasure of serving on the Assembly Judiciary Committee, but this Committee has not had a lot of these issues covered. If we could have a surface-level as well as in-depth review of the bill, obviously, I think that would be very helpful to our Committee members.

**Cynthia Lu, Judge, Second Judicial District Court, Washoe County:**

I am honored to address and support S.B. 155 (R1) today. I would like to give an overview of the Second Judicial District Courts' (SJDC) efforts regarding mental health competency [page 2, [Exhibit C](#)].

As some of you may know, a large population of the unhoused individuals in our state suffer from mental illness, which is primarily the reason they are unhoused. They also end up cycling through our criminal justice system, which often results in requests for competency evaluations. As you also may know, both in Las Vegas and Washoe County, we have limited competency beds available to make these individuals competent to proceed in their criminal matters. In fact, they wait for months in our detention centers until they can get a bed. Oftentimes, these are misdemeanor crimes. They are potentially waiting in jail for the length of a six-month misdemeanor sentence, waiting for a competency evaluation to be able to proceed or not proceed in their competency case. Most of the time they are found incompetent and basically their misdemeanor case is dismissed, but meanwhile, they spend typically over six months in some type of detention facility until that case is resolved.

Recently, our court established the SJDC Competency Court that is headed by Judge Egan Walker [page 2]. He has an agreement with Reno Justice Court, Sparks Justice Court, Sparks Municipal Court, and Reno Municipal Court to basically funnel all the competency evaluation requests through the Competency Court so we can coordinate and process them in an efficient manner. Part of that process is we are having discussions with and trying to work through either deferring or deflecting these mentally ill individuals out of the criminal justice system. Essentially, to a certain degree, mental illness has been criminalized. These individuals are unable to meet their basic needs because of their mental illness. In that regard, we have several treatment programs available through our court [page 3].

Specialty courts are all criminal based, meaning they have a pending criminal charge, which is why they are referred to specialty courts. Mental Health Court takes charges that range from misdemeanors to felonies. Veterans Court is a specialized court. That is also headed by Judge Egan Walker, which is why he has a special interest in assisting with the Competency Court. The assisted outpatient treatment (AOT) program is a bit different because it is civil based. You do not need a criminal case to be referred to the assisted outpatient treatment program which is court-ordered outpatient mental health treatment.

What is the assisted outpatient treatment program [page 4, [Exhibit C](#)]? As I indicated, AOT targets the severely mentally ill in our community. These are mentally ill individuals who have repeated incarcerations usually for low-level offenses like trespassing and disturbing the peace. Those are the most common, and most of the time after they are arrested, instead of being prosecuted, they are placed on a legal hold and transferred to the state hospital for mental health treatment. From there, we often get referrals either from the jail or from the mental health hospital where we essentially petition them to be in an outpatient supervised setting through the assisted outpatient treatment program where they receive intensive case management services.

Basically, the goal of the program is to stop the revolving door of incarceration, hospitalization, emergency room (ER) visits, and being unsheltered. We do strive to offer a housing component in our program. It is difficult to have people comply or meet their basic needs without having their basic need of shelter being addressed, which is why this bill is quite significant because it is targeted to assisting those unsheltered individuals. A lot of times their housing options are limited because they have an eviction record, or they do not have the finances. Most of these individuals receive Medicaid. They may receive a small amount of social security income, which is basically \$800 a month, and as we all know, statewide that is not going to even pay for a month's rent in most places. They have challenges to get their own housing even if they wanted to.

The AOT program in northern Nevada is through the state hospital, Northern Nevada Adult Mental Health Services, and Clark County has one through Southern Nevada Adult Mental Health Services. Currently their hearing master is Claudia Romney, and the supervisor is Judge Bita Yeager. Judge Yeager and I are quite kindred spirits regarding the field of mental health and the court assisting with those with mental health needs. The story I like to share about one particular participant I have now is a young individual who is African American. We believe he is in his twenties. He was living in a tent. He was hospitalized and placed on a legal hold. During the hospitalization process he was mute. We could not get much information on him seeing what his situation was. He did not have a family of origin to support him. We were informed that his parents had passed away when he was 18, and so that resulted in his homelessness. At the hospital, I encouraged him and referred him to our AOT program, and we got him into a group home where he is doing fabulous. He is attending all our groups. He is communicating with individuals, sharing his needs. He is doing so well, it is a 180-degree difference from when he was found in a tent.

That is just a small example of how this program can really assist individuals with severe mental health issues who cannot meet their basic needs. Simply having housing was quite significant to this young man. The AOT program is available in any county. Any judge can run an AOT program. During the 81st Legislative Session, we reduced the need and the criteria to make it easier for any court to run an AOT program. I know there have been courts in smaller counties interested in spearheading this type of program. It is accessible to every district court in our state. As you will see, nationwide forty-seven states have enacted AOT programs; not all of them utilized them [page 5, [Exhibit C](#)]. I am proud to say that Nevada is a state that has utilized and enacted the AOT programs since 2013, beginning in Clark County and then in Washoe County.

We obviously have high numbers of mental illness, and not enough psychiatric beds for them [page 6]. There is almost always a wait list which results in basically our detention centers becoming mental health facilities because these individuals are waiting for a psychiatric bed.

In AOT there is already a criminal diversion statute that was passed in a prior legislative session. Judge Christy Craig was a public defender at the time and promulgated this part of the statute. She runs the Competency Court in Clark County. Criminal diversion already allows defendants charged with gross misdemeanors and felonies to be referred to the assisted outpatient treatment program [page 7]. This bill would simply allow low-level crimes to have the same opportunity. This is a postarrest. These individuals are still arrested, and potentially charged, but presentence, pre-full prosecution, they can be given this opportunity for treatment. If they complete the treatment, then the option is the criminal charge could be dismissed. If they do not complete treatment, then they would be referred back to the sentencing court for actual sentencing. This is not getting an individual "out of what happened," but it is giving them an opportunity to improve their life and not reenter the criminal system at all. That is giving an opportunity for offenders accused of these low-level crimes to have the same opportunities which defendants with gross misdemeanors and felonies have.

As you can see, we offer a lot of services [page 8]. One service I would like to highlight is our social events. We often have family gatherings. When you have a mentally ill individual, they have often burned or exhausted their relationships with their family members because their family members have for years tried to assist them and get them the help they need. The individual may have been resistant until there has been court intervention that forced them to have the treatment. We try to mend those relationships. In fact, we have been able to have some individuals return to their homes with their parents, because the parents get the extra support of the AOT team in their home, and we support them as we ensure that their loved one is receiving the treatment that they need. Then we have those social gatherings to mend those relationships as well. I know when we have attended a nationwide AOT symposium, many of the programs especially love that we have these social events that involve family members because the ultimate goal is to give them a warm handoff back to their family; and a warm handoff back to the community where they are voluntarily doing their outpatient treatment and they do not need court intervention.

Of our many participants, some of them do work. We offer vocational training, but many are very severely mentally ill, and they cannot hold a job. What we are especially proud of is they give back to the community by volunteering. They volunteer at animal shelters; they will volunteer repairing bicycles through bicycle projects. I have one individual volunteering at the Pioneer Center as an usher. They really give back to the community even if they cannot work.

Currently, Washoe County is state-funded for up to 50 active participants at a time [page 9, [Exhibit C](#)]. Clark County is funded for 75 individuals. I think the next slide is quite significant [page 10]. We compare data in 2019 from a year before the program, to the year during the program. Of the 75 consumers in our program, we saw a 73 percent decrease of incarceration days. Simply because they received intensive mental health treatment, we were able to keep them out of jail with a cost savings of \$465,000 in just one year. Additionally, we were able to reduce hospitalizations by 61 percent, as provided in my written testimony [[Exhibit D](#)]. We calculated a cost savings at over \$900,000 because we reduced the number of hospital days. We reduced the number of times in the hospital, and that is strictly days in the hospital. We did not include the cost of saved emergency room visits, which is often an issue where a lot of these participants end-up at the ER because of their mental illness. We also did not include any savings of court costs and court hearings, public defender savings, and district attorney savings for all those court hearings.

As I indicated before, we have several specialty courts programs in our court [page 11, [Exhibit C](#)]. The Mental Health Court in particular addresses anywhere from misdemeanors to felonies [page 12]. It is a holistic approach with multidisciplinary team members who provide substance abuse counseling and mental health case management. All these programs are another option for these individuals. Sometimes the first round of treatment is not enough. Sometimes they must go through a program twice. Sometimes they need a different program that fits their needs better. Our court does recognize the need for a variety of programs because not every individual is cookie-cutter. We cannot have only one program that addresses every single individual.

The Veterans Court [Veterans Court of the Second Judicial District Court], which Judge Egan Walker heads, is also geared specifically towards veterans who often return from serving our country with post-traumatic stress disorder and other issues that trigger mental health needs that must be met [page 13]. The Veterans Administration [U.S. Department of Veterans Affairs] is a wonderful partner in that program with Judge Walker and assists with that program. As you can see, 88 percent of the graduates have not had any subsequent conviction three years following the program.

I believe that in support of this bill, I hope I have shown that we can really assist these individuals to not return to our criminal justice system.



**Lilith Baran:**

I believe Judge Lu has provided a sufficient overview of the court system. The proposed amendment simplifies the bill a bit more from the first reprint [[Exhibit E](#)]. Amendment No. 1 would be that we are amending section 2 by replacing the entire section with the following:

A person charged with a misdemeanor as set forth in section 5, subsection 3, paragraph (b), who shows sufficient evidence to establish that the person is homeless may,

- a) Be ordered to complete the program of diversion, a specialty court program, assisted outpatient treatment program, established through *Nevada Revised Statutes* (NRS) 433A.335, or any other assistance deemed acceptable by the court.
- b) Be sentenced in accordance with NRS 193.150.
- c) Not be ordered to pay fines, administrative assessments or fees related to the charges except otherwise required by statute. Sufficient evidence to establish that the person is homeless is established through proof of recent use of public services for the homeless. Written confirmation from any public or private agency, providing services to the homeless, or any other proof of satisfactory to the court that they are homeless.

So once again, this is simply removing the fine component because someone who is experiencing homelessness is very unlikely, and most times unable, to pay a fine of any kind. We need to have some other kind of mechanism for them to seek the help of their needing.

Amendment No. 2 only changes in section 2, subsection (a), the word "has," to be amended to "or has." Amendment No. 3, section 2, subsection (a), again, we have added "or has," and again, in amendment four we have added "or has."

In amendment 5, section 4, subsection 3(a), we have added "or chronic homelessness." I just want to add that in section 5, if you look on the reprint of the bill, there is a list of offenses, and this gets rid of that to simplify. We have worked with law enforcement on that component so you are aware we have come to an agreement that some offenses may not be listed and vice versa. We want to make sure we are keeping that expansive and not stifling the court in any way. I want to make abundantly clear that the court has the ultimate decision as far as what happens with this individual. We are not saying the person gets off scot-free, that there is no consequence whatsoever if the judge decides this person is competent and it is necessary for them to serve time, then that is what will end up happening. This just allows the court to use these other services that end up showing us less recidivism and saving the state money. If anyone has any questions about amendments, I would be happy to go through that, or if I went too fast, I could read through every single one. I just know that you have several bills today, so if anyone has any questions, I would be happy to answer them.



**Chair Torres:**

We are going to go ahead and get started with questions and there are quite a few.

**Assemblywoman Thomas:**

Judge Lu, I do appreciate your going over some of these details about the court because then you make it very understandable to all of us. With my background working in the district court and justice court in the district attorney's office, I know that these courts are essential to having some vulnerable people be able to have restorative justice, and I heard it is not a matter of a slap on the wrist. It is a matter of knowing that you did commit a crime, but there are circumstances above that.

I do have a question about the bill. It is the definition of a homeless person, and this is in section 5, subsection 3, paragraph (c), when it refers to the definition of a person who is homeless, and then it explains that to have regular and adequate nighttime residence with a primary nighttime residence. I am wondering, if that qualifies you as a homeless person, what happens to daytime? It is a homeless person, so I want to know why it was defined as nighttime residence?

**Senator Ohrenschall:**

When I was working on the original version of the bill, that is language we took from a Colorado bill. That is language we took from that statute, and I was good with that language, but if there is a way to improve it, I am certainly open to any suggestions to potentially improve that language if you or the Committee have an appetite to help me improve it.

[[Exhibit F](#) was submitted, but not discussed and is included as an exhibit for this hearing.]

**Assemblywoman Thomas:**

It might only be me, but if it is a consensus that homelessness can be in the daytime too, it seems that we are referring to it as [only] nighttime. I know that is not the intent, but I was wondering if we can change that language.

**Senator Ohrenschall:**

I am certainly open to anything that would improve the bill. We started off looking at some bills in other states, and the Colorado legislation was what we primarily looked at when we drafted the original version of this bill.

I am certainly open to suggested amendments to try and improve the language because I believe this bill has the potential to help a lot of people get on their feet with the services they need, and I do not want to exclude anyone if there is something in the language that might exclude anyone who should be eligible.

**Chair Torres:**

That is a good point. The proposed suggestion would be to eliminate the word nighttime, so "who lacks a fixed, regular and adequate residence" would be sufficient to meet the needs of Assemblywoman Thomas.

**Senator Ohrenschall:**

That is a good suggestion, and I appreciate it. That is not one that I caught, or that any of my colleagues on the Senate side caught.

**Assemblyman Hibbetts:**

I will make two questions into one. Going off this amendment that we have from NELIS, under amendment No. 1, you have eliminated the word "chronic" and have "homelessness" as defined in section 5 of this act, but then when you go to section 5, "homelessness" is not defined, but "homeless person" is [\[Exhibit E\]](#). That is a technical thing that we may want to have our Legal Division look at, but my actual question is how many times can a person be eligible for this program?

**Senator Ohrenschall:**

Certainly, if there is a technical correction, I am open to technical corrections. I envision that if this bill were to pass, that would be at the discretion of the court. The court would decide whether someone would have that option. As to how it currently happens, Chair Torres, may Judge Lu elaborate?

**Judge Lu:**

Individuals are not limited to only one time in the program. They can go through mental health court more than once, based upon new offenses. In my AOT program, I have had individuals come through more than once because they do very well in the program and sometimes, as an outpatient they end up not doing as well. Some of the participants age, which can create some dementia issues, so we do bring them back in the program. They are not limited. Mental health is an ongoing, lifelong issue for these individuals, and they cycle through and cycle out, but really the more treatment they receive, the better the chances that they do not keep cycling. They do have multiple opportunities to be in this program. Sometimes the first time in treatment does not work, and sometimes the second one does. We do not bar them from reentering these programs.

**Assemblyman Hibbetts:**

Of the 75 people who have gone through, is that 75 individual people or 75 cases, as in are any of those repeats that you are counting as part of the 75?

**Judge Lu:**

The 75 participants were individual participants. They were not repeat participants that we counted. Each participant is their own case. It was 75 different individuals, to clarify.

**Assemblywoman González:**

I have a question about amendment No. 7 of the new language. Is it the intent that they would be transferred to another jurisdiction if that jurisdiction did not have that specialty court? I guess it is a clarifying question on the purposes of No. 7 on the amendment.

**Lilith Baran:**

It is an option, however, not mandated that the person go to another court. If a rural court, for instance, does not have this program, the judge is able to keep them there; however, they are able to send them to another jurisdiction.

**Assemblywoman González:**

Is that common? Do we see that happen? Is that something we see happening, and what would that look like?

**Alicia Lerud, Court Administrator and Clerk of Court, Second Judicial District Court, Washoe County:**

To answer that question, we do have several court programs where we accept participants from other jurisdictions. In those cases, it could be someone from another jurisdiction that does not have a program. Then we have a defendant who travels to Washoe County to participate in the program. It could also be someone who has an offense from, let us say Carson City. That is where the case is, but the defendant is physically located in Washoe County, at which point we work with the court of origin, and we do accept those individuals.

**Assemblyman Koenig:**

In the presentation, towards the end you said 88 percent of graduates did such and such. What percentage of the people who enter the program graduate, and how many drop out and get lost? Is it mandatory that 100 percent graduate, or what do those numbers look like?

**Alicia Lerud:**

We do not have that data for you today. We would be happy to pull that data and provide it to you. Our graduation rates, depending on the program, typically exceed 75 percent of participants.

**Chair Torres:**

I want to follow-up on that question because I have received several emails and some of the letters posted on NELIS which have concerns that somebody could go through this program, but if they did not complete it there were no consequences. I want to make it very clear what the consequences are if somebody does not graduate. Obviously, there might be people who do not graduate, but what are the consequences of not graduating from the program?

**Judge Lu:**

That is an excellent question. This is a deferment. This is not a dismissal of the charges. If they do not complete the program, then they are sentenced on their charge. This gives them the opportunity to earn a dismissal of their case.

**Assemblyman Nguyen:**

In terms of the wraparound services you mentioned earlier, of these different things the program includes, I noticed that with the case management piece my brain went to the connection to the community. This individual wants the case dismissed and is going to get

sent back to the community. Are there certain partnerships with community organizations and/or cultural competency training partnerships ensuring that we focus on all our population, and not just some?

**Judge Lu:**

That is an excellent question. Yes, our goal with our intervention is where they see their psychiatric caseworker at least three times a week in order to do a warm hand-off to the community. Often, we will step down intensive case management to regular outpatient case management through the state hospital and their regular outpatient treatment program. We also work with many other agencies that provide services like Maple Star. We are looking at a partnership with Volunteers of America. We are trying to ensure that they can have a continuum of services. It is simply we keep stepping them down so they need less and less intervention and can be successful on their own.

**Assemblyman D'Silva:**

You know, my question is more for the sake of clarification here. In your experience, when it comes to dealing with some of our houseless populations, what is the main infraction that you see? What is the one infraction that comes up in front of our courts over and over again, and how can that inform us in creating better policies to create a prediversionary program?

**Judge Lu:**

We usually see mostly trespassing and disturbing the peace. These are quite low-level crimes because when they are unhoused, they are usually on a property that they should not be on. Disturbing the peace is usually when we have individuals who get hospitalized because they are lying naked on the street because they are so mentally ill, they cannot even meet their basic needs for even clothing. Those are usually the crimes that I see coming through my AOT program. Basically, this bill supports other low-level crimes where it may be a citation to be able to have these treatment opportunities and really to stop that cycle. So many resources go into these misdemeanor and competency cases on misdemeanors that for a fraction of the cost could be used to get them treatment.

**Assemblywoman Duran:**

My concern is what happens with the family? I know there are families out there and the parents may have the issue. What happens to the children?

**Judge Lu:**

To clarify the question, are you talking about adult children or children of the mentally ill individuals?

**Assemblywoman Duran:**

There are several homeless families on the streets as well, so it can range from teens down to little ones. Does social services step in or how does that work? I know some children have parents who are incompetent or have mental issues.

**Judge Lu:**

Yes. Social services will enter the picture. It is not only based on a financial issue, but yes, if the parent is mentally ill, social services will usually get a referral and investigate if they feel that the parent cannot meet the child's needs due to mental illness. They will usually step in, take custody of the children, place the children into foster homes, or preferably with relatives, which is always the first preference, and then assist the parent with the treatment plans through the court system and through the Child Protective Services system to assist and stabilize them before their children can return to them.

**Chair Torres:**

Committee members, are there any other questions? [There were none.] I will invite anyone wishing to come testify in support of S.B. 155 (R1). We will begin in Las Vegas because I see one person at the table.

**Ryan Hamilton, Director, Government Relations, Vegas Stronger:**

We provide outpatient therapy and other clinical services to individuals who are suffering from substance use disorder and serious mental illness with a focus on the homeless population. We are situated within walking distance of more than 2,000 shelter beds and recruit primarily from that population.

We provide a one-stop shop for treatment, case management, transportation, and other services at our facility. We offer several levels of care including AOT. We have two clients in our AOT program right now. I am here today to advocate for the passage of this measure and the creation of the specialty court for homeless people who struggle with drug and alcohol abuse as well as serious mental illness. These courts are a crucial step toward providing necessary health and support for some of the most vulnerable members of our community. Homelessness is a complex issue that is frequently linked to addiction and mental health disorders, especially among the chronically homeless. Many individuals experiencing homelessness have a history of trauma and adverse life experiences that have led to their current circumstances. Unfortunately, without access to proper resources and support, many of these individuals will struggle to break the cycle of addiction and homelessness.

Specialty courts are designed to provide an alternative to traditional court systems in a way to break the cycle of addiction and mental illness that keep many locked in the brutal cycle of homelessness. These courts will direct people to a place where individuals can heal and address the root causes of their homelessness, which are typically addiction and mental health disorders. By providing specialized support and guidance, these courts help individuals address the underlying issues that are typically driving their problems. These courts will direct individuals to the services they need to get back on the path of social stability, access to treatment, housing, employment, and other necessary resources that can help them get on their feet and become contributing members of society once again.

This is better than the current situation, which does not really do much of anything with this. With this we can get people on the path to social stability, and it provides a clear savings to taxpayers to divert these people away from the resources they are currently using. In conclusion, I urge you to support the establishment of these courts for homeless individuals. These courts are an important step towards providing the necessary help and support for some of the most vulnerable members of our community. Together with measures like these, we can break the cycle and help individuals lead healthy and productive lives.

**Chair Torres:**

We will come back here to Carson City.

**Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:**

I am testifying in support of S.B. 155 (R1) and want to read a quote by Bryan Stevenson who is a civil rights attorney. He said,

Proximity has taught me some basic and humbling truths, including this vital lesson: Each of us is more than the worst thing we've ever done. My work with the poor and the incarcerated has persuaded me that the opposite of poverty is not wealth; the opposite of poverty is justice. . . . the true measure of our commitment to justice, the character of our society, our commitment to the rule of law, fairness, and equality cannot be measured by how we treat the rich, the powerful, the privileged . . . . The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.

Senate Bill 155 (1st Reprint) is a very pragmatic way to take us one step closer to justice for individuals who are experiencing homelessness. I want to be very clear this is not a get out of jail free card. An individual who is arrested is going to go through the same process they would, whether this law is put into place or not. It simply ensures they are required to be offered some programs that are going to help break that cycle and to not impose on them fines that are going to keep them from getting back on their feet or otherwise paying restitution. If that is required, a victim will still be notified, if one exists. It does not otherwise change the legal process. It ensures individuals who are experiencing homelessness are going to be offered and provided the resources they deserve to have and which we should be giving them. With that, I do offer my support this morning.

**Veronica Lopez, Administrator, Reno Municipal Court:**

We are in support of S.B. 155 (R1) because of what it is proposing to offer to the population of our community. I would like to provide this Committee a brief overview of the service Reno Municipal Court is offering through the Community Court program, and the value that it offers to the community. The Reno Municipal Community Court has been in existence for four years and serves Reno's most vulnerable homeless population. As of December 2022, Community Court has served 487 individuals and 30 percent have received housing assistance. The homeless issues are vast and complex. Each person has an individualized

circumstance as to why they are homeless and what continues to keep them in the cycle of homelessness. More often than not, individuals who are homeless, cycling in and out of our justice systems, are suffering from substance abuse and mental health disorders. Historically, the system has offered little to no solutions to serve this population in a meaningful way. The traditional court process which includes jail time, fines, and other sanctions has proven to be ineffective. Reno Municipal Community Court takes a problem-solving and community-focused approach in addressing nonviolent, quality of life, misdemeanor crimes using a treatment-centered approach. The Community Court focuses on connecting individuals with immediate community resource providers. Every Wednesday, Community Court is held at the Downtown Reno Library and engages with as many as 30 different community social service providers. The only way to attempt to intervene in the cycle of homelessness is to make immediate, onsite connections with the individuals to assist with their needs such as Medicaid, the Supplemental Nutrition Assistance Program, obtaining identifications, social security, and birth certificates, and getting temporary and transitional-to-permanent housing. These community resource providers are available not only to the defendants, but anyone in the community. Individuals do not need to be cited into our program to receive these resources.

[[Exhibit G](#) and [Exhibit H](#) were submitted and will be part of the record.]

**Andrew LePeilbet, Chairman, United Veterans Legislative Council:**

Another element in S.B. 155 (R1) is the Veterans Treatment Court—our military court—something that has been highly successful in the last decade. It is a high priority with our veterans in this state and our active military. What may not be known is a significant part of the Veterans Treatment Court in the state is our fellow veterans are the mentors. What happens with every single one of these veterans who gets to the court is they are at some point assigned a fellow veteran who is not in the court but serves as a mentor, and that is a significant part. I know one mentor in Clark County who has been doing this for ten years, serving our fellow veterans. Of the 279,000 veterans in our state and in our active military—we sometimes forget that our military—we have done something to them we have not done ever. We have guard members and active military members who have done deployments in war zones five, six, seven, or eight times, and we want them to be normal with their families and friends when they get home. Veterans Treatment Court is a critical element to serve our veterans and military in the state, and we are in support of S.B. 155 (R1).

**Cynthia Esparza, Chief Equity and Community Relations Officer, City of Reno:**

Addressing this community issue is complex, and I appreciate your time and the opportunity to provide testimony and support of S.B. 155 (R1) as I believe it will add an additional pathway for those in need. In my role, I work closely with the northern Nevada regional partners as we respond to matters related to the unsheltered community and manage the city's Clean and Safe program. This program provides outreach and services to the unsheltered community while also providing clean, safe, and equitable access to public spaces. This is a fine balance as our team ensures there is equity and are maintaining a fair quality of life for all Reno residents. As an organization, we have implemented a City Walk team where we assess concerns and identify solutions throughout the City of Reno. This also includes



expediting services to the unsheltered population and other vulnerable communities. Building positive relationships and trust is paramount as we continue to increase efforts to provide sustainable life transitions through these initiatives. We are and will remain committed to these efforts, but also acknowledge that our outreach model may not work for us. For that reason, through the Clean and Safe Program and City Walks, referrals to the City of Reno's Community Court program are imperative. Community Court provides the unsheltered community access to many essential services under one roof. As a diversion model to follow, we believe S.B. 155 (R1) provides an additional tool to connect individuals to programs that will meet their needs and remove punitive consequences for certain infractions while helping address court issues, housing needs, mental health, substance abuse, or simply finding oneself in a dire situation. Senate Bill 155 (1st Reprint) provides an avenue to further augment diversion programs in a safe space which can lead to real solutions.

**Chair Torres:**

We have people on the phone. I am going to go to the phone and take four calls and then I will come back here.

**Jaaziel Ozuna, Organizer, Progressive Leadership Alliance of Nevada:**

I am here in support of S.B.155 (R1), to create the ability to pay assessments for people experiencing homelessness. At Progressive Leadership Alliance of Nevada (PLAN) we believe that we must create resilient communities that make a way for all people to thrive in dignity. Community members like me have worked to make this a reality by practicing mutual aid such as warm food distribution and sharing winter clothing with our neighbors. I met a man who had fallen and fractured his back. He had a brace and a walker when released from the hospital, and he had nowhere to go. Homelessness is a reality for too many Nevadans. Further criminalizing homelessness with fines only makes it harder for people to maintain stable and affordable housing. We need a law to prioritize things like housing-first policies and increasing access to health care. Senate Bill 155 (1st Reprint) is a commonsense measure that complements other pieces of legislation before this body. We urge you for your support.

**Jessica Munger, Private Citizen, Las Vegas, Nevada:**

I am here representing myself. I am in strong support of S.B. 155 (R1) and want to remind you that most of us are one missed paycheck away from being unhoused ourselves, and those who live outside in our communities are our neighbors and constituents as well. I appreciate your consideration and truly appreciate the effort to bring this forth.

**Jonathan Norman, Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Service Providers:**

We are in support of S.B. 155 (R1). I have seen the power of specialty courts in Las Vegas with youth that we represent in the child welfare system. It always leads to better outcomes for our community. And to Vice Chair Duran's question about the interface of the child

welfare system, and families when they are homeless—I think these types of specialty courts will dovetail well with case plans developed in child welfare to get the families reunified. I appreciate this bill, and thank you for your time.

**Will Pregman, Director of Communications, Battle Born Progress:**

We stand in support of S.B. 155 (R1). This bill, as amended, will create a new avenue for divisionary and specialty court programs for people experiencing homelessness who are charged with a criminal offense. The Nevada way should not be trying to incarcerate our way out of every problem. It should be about making sure every Nevadan is taken care of, and those most vulnerable are not left without hope or options. Thank you, Senator Ohrenschall, for bringing this bill, and I urge your support [[Exhibit I](#)].

**Chair Torres:**

I am going to come back to Carson City for testimony, and then we will go back to the phone if we have time.

**Christie Holderegger, President and CEO, Volunteers of America, Northern Nevada:**

I am responsible for the operation of over 40 programs that provide housing and services to those struggling with homelessness and mental health, many of whom are seniors and veterans. I support this bill. In my 32 years' experience, I know providing access to mental health services is the key to helping people move from devastating homelessness to independence. This bill begins that process. Through dignified housing and intensive supportive services which address mental health, our community members can achieve their full potential.

Individuals like Armand, who at the age of 35 could not live more than three months in a boarding care facility. He cycled in and out of jail and the streets for over 18 years, but with supportive services, housing, behavioral health, and the opportunity to build community, he thrived. In fact, with the support, he went to school, graduating from college with a bachelor's degree in psychology. He is a productive member of our community and gives back to our state.

Currently Volunteers of America is attempting to purchase the Hi-Way 40 Motel in Reno to house those who are struggling on the streets. People who are in various courts like Judge Lu's assisted outpatient treatment court, these programs save lives. They help our neighbors address significant illnesses which help them to get off the street which is good for individuals, businesses, and the public. To the extent you can also fund these critical programs, if money is available, that would be much appreciated.

**Julianna Glock, Operations and Compliance Director, Volunteers of America, Northern Nevada:**

I am responsible for the programs in Washoe County. I am in support of this bill. From my 17 years of experience at Volunteers of America, I know that providing access to mental health is the key to helping those who are suffering from mental illness. This bill begins that process. One of my first memories of watching someone who stabilized from his mental

illness and homelessness was Shawn. He left home when he was 17 and lived under the Rock Boulevard underpass in Sparks, Nevada, for almost two years until our outreach case manager was able to build trust and engage with him. He had several misdemeanor charges around trespassing and loitering, and he was referred to mental health court and ordered to services. He received medication management through a psychiatrist and regular therapy as well as intensive case management. He was successfully housed and able to stay out of jail. After some time, he gained stability and was able to maintain his mental health independently. He currently receives his ongoing mental health services through NNAMHS [Northern Nevada Adult Mental Health Services] including monthly injections. Shawn has received a humanitarian of the year award for his volunteerism at Habitat for Humanity and is a certified peer-support specialist. Without programs like the mental health court or AOT and the supportive housing, he would not have been able to achieve stability and reunite with his family.

These programs are the difference between life and death. My daughter, Aurora, passed away at the age of 20 from complications of her diabetes. She was not able to manage her diabetes independently due to her mental illness of bipolar and borderline personality disorder. We tried to access services for many years, however, they were not available to my daughter. Services like the AOT program could have saved her life.

**Chair Torres:**

We are going to go ahead and conclude support testimony. I understand there might be some additional callers on the line. If you are wishing to testify in support, please make sure you submit your comments to our Committee staff, but we are going to go ahead and move into opposition for S.B. 155 (R1).

[[Exhibit J](#) and [Exhibit K](#) have been submitted in support of S.B. 155 (R1) and will be included in the record.]

**Jennifer Noble, representing Nevada District Attorneys Association:**

I am trying my best to keep up with the amendments. The concern I am about to raise may be based on language that I do not understand in today's amendment. I apologize if that is the case, but as a Washoe County prosecutor, I know that Judge Lu and Judge Walker do wonderful, effective, and important work in their specialty courts. However, there are provisions specifically relating to the encouragement of preprosecution diversion. Preprosecution diversion is where a person does not have to enter a plea of guilty or no contest prior to receiving the benefits of the diversion program. If they are unable to successfully complete diversion, and we hope they will be successful, the case essentially must start over because there is no plea in place. We believe that the presence of a plea of guilty or no contest prior to entry into a diversion court helps encourage folks to understand they really need to stick with it and try their best to get through the program. On that basis today, pursuant to rules of the Committee, we are in opposition, but we do appreciate the policy and all the work these courts do. We hope to come to consensus soon.

**Chair Torres:**

Is there anyone else wishing to testify in opposition to S.B. 155 (R1) here in Carson City? [There was no one.]

[[Exhibit L](#) is a letter in opposition to S.B. 155 (R1) and will become part of the record.]

Is there anyone on the phone line wishing to testify in opposition to S.B. 155 (R1)? [There was no one.] I do not see anyone in Las Vegas wishing to testify in opposition of the bill. I invite anyone wishing to testify in neutral to S.B. 155 (R1). I do not see any here in Carson City. I do not see any in Las Vegas. Is there anyone on the phone line wishing to testify in neutral to S.B. 155 (R1)? [There was no one.] At this time, I will invite the bill sponsor for any closing remarks.

**Senator Ohrenschall:**

I just received some data from the Administrative Office of the Courts as to therapeutic diversion programs statewide, and 91.8 percent of graduates in a 2018 study had no new convictions within three years, and 81.3 percent of the folks who did not graduate from the diversion programs also did not have a conviction within three years. We have got a lot of data showing our therapeutic diversion court programs are very successful in the state and really help people deal with mental health issues and substance abuse issues. If S.B. 155 (R1) passes and programs like what Judge Lu is doing here in the northern part of the state, and Judge Yeager and Judge Craig are doing in southern Nevada, I believe this can be expanded statewide. It can grow more. People can get the services they need, find housing, and land on their feet. With your permission, Chair Torres, I will turn it over to Judge Lu and Ms. Baran.

**Judge Lu:**

I wanted to clarify and add as a closing remark that the language through this bill says may. It does not say shall. It does not say must. It says may, so there is always the option. There has to be room for the person in the program, and the person has to be eligible for the program. I wanted to clarify that.

**Lilith Baran:**

I want to leave you with one number, and that is 435. That is how many people experiencing homelessness died in 2022 due to exposure to the elements. Whether it be too hot or too cold, over 200 were in Clark County and Washoe County. I strongly believe that measures like this could save lives. I know they could, and I hope you take those lives into consideration when you make your final vote.

**Chair Torres:**

A note before we close the hearing, I look forward to continuing to work with you. We would like a bit of clarification on the amendment as well, and we will circle back ahead of next week's deadline. I will note we are the hardest-working Committee in the Legislature, not just the Assembly, and with that we can close the hearing on S.B. 155 (R1) and open the hearing on Senate Bill 22 (1st Reprint).

**Senate Bill 22 (1st Reprint): Revises provisions relating to the publication of legal notices. (BDR 19-390)**

**Vinson Guthreau, Executive Director, Nevada Association of Counties:**

On behalf of the Nevada Association of Counties (NACO), whose members are all 17 of Nevada's counties, I am here to present Senate Bill 22 (1st Reprint). I do know there is a friendly amendment which was sent to the Committee [[Exhibit M](#)]. I will not necessarily be working off that, but I do know it was submitted by the Nevada Press Association, and they are in Las Vegas. If you have questions for them on that, it is a technical amendment that did not make it in on the Senate side. We consider it a friendly amendment, and I feel it is helpful to the bill.

This bill passed unanimously out of the Senate, and it reflects a large stakeholder engagement by NACO to the Nevada Press Association who represents our best faith effort at addressing the concerns of these critical stakeholders. Should this bill pass and local government were to utilize this option, the bill as presented would add initial mandates to local government, but we do believe this is a good agreement. Nevada Association of Counties views S.B. 22 (R1) as a modernization of the law that requires posting of ordinances and legal notices by local government in accordance with Nevada law. Our members believe in transparency but, simply put, the requirement to meet the posting notices solely via paper of circulation has gummed up the wheels of local government and ultimately the people's business. For instance, in Carson City, which is the state's only consolidated municipality, they have only one current paper of circulation and as papers shift deadlines and rely more on online delivery of our news, we believe this proposal allows local governments the ability to continue to publish notices in accordance with the law and to make sure that the public will have access to local government information.

One example of problematic deadlines again comes from Carson City, and I will share this with the Committee. It is the same example that I provided in the Senate during the initial bill hearing. For instance, reserving ad space by the Monday following the Thursday Carson City Board of Supervisors meeting allows for Wednesday publication, but that does not give us the full 10-day noticing period before the board may consider an ordinance on second reading. This pushes the second reading to the following meeting. Issues with this timing arise when the Board directs substantial changes to be made during the first reading of an ordinance and there is not enough time to bring a revised draft back to the Board of Supervisors in Carson City. That would be the required period to adopt an ordinance while simultaneously complying with all the noticing periods and ads space reservation deadlines set by the newspaper of circulation. This results in a proposed ordinance having to be resubmitted to the Board on first hearing, and ultimately starts the process from the beginning. This has caused local government undue delays in adopting an ordinance and hampers the legislative powers of the Board of Supervisors.

Again, under the proposed legislation, local governments would still need to publish in the paper of circulation, but they could meet the *Nevada Revised Statutes* (NRS) imposed deadlines by posting in an online source. This is the issue and the solution that we are

proposing with the modernization of this statute. We have incorporated some suggested changes into this first reprint that came to us from the Nevada Press Association, and I want to be clear for the Committee, our intent is not to have online publication of a notice be the sole replacement of the publication of a notice in a paper of circulation. We are not circumventing any noticing requirements for government transparency laws. If anything, local government is adding to the posting of notices, should they choose to utilize this option.

Chair Torres, I am happy to walk through the bill briefly for the Committee, and then I am happy to take questions. This bill proposes changes to NRS 238.030. If you look in section 1, subsection 1, this is the enabling language that allows for the posting of the legal or public notice, and the requirements by the newspaper for posting. If you look at the remaining in section 1, subsection 2, this language sets the parameters for legal or public notices published via website or online source to have the same information as a printed publication. It requires the newspaper to include information regarding the state or local government's address and telephone number. This allows an individual, if they wish, to request a hard copy of the notice from the government agency or entity, and they would know who to reach out to. Under subsection 3, we provide a technical update to current law so that if the entity seeking the notice submits this to the publisher, the governmental agency is not responsible for any technical deficiencies, and that submitting the notice, as long as correct by the submitting agency, would satisfy the requirement for posting. Basically, what this is, we cannot be held liable for technical issues if this website goes down or it is not continuously posted. We still consider it a posted notice.

The changes to section 1, subsection 5, provide for the enabling language under the statute to allow for the publication of notices and that either medium would meet the legal requirement for posting. Section 3 makes the conforming changes regarding disruptions or differences that are out of the control of those submitting the notice for posting.

That is the meat of the bill. Again, NACO has been engaged extensively with stakeholders on this issue during the interim and during session. We believe that our goal of allowing governments to operate efficiently, should this bill pass, is reflected in local government adding to publication options and not replacing paper publication options. I am happy to stand for questions at this time.

**Chair Torres:**

Before we take questions, Ms. Dempsey is down in Las Vegas if you want to walk through the amendment.

**Kami L. Dempsey, representing Nevada Press Association; and Nevada Open Government Coalition:**

I want to first say of course, I appreciate NACO. We have been working on this bill for quite some time and they have been really open to a lot of our concerns and questions. I greatly appreciate the efforts. Basically, this friendly amendment that we submitted is just changing of a word [[Exhibit M](#)]. There are eight or nine areas within the bill where we use the word "published" instead of "circulating." For example, in section 1, subsection 1, it has "required

to be published, which newspaper if published." Because a lot of newspapers are not printed within the same county or may not even be printed in Nevada, we include that circulated language to be sure it covers the local government entity. We have already found that in some scenarios, government has been challenged because of the language of "published" rather than "circulated." The question of the government meeting, the notification has been questioned. That is the purpose of the friendly amendment, and we are hoping that that can be adopted.

**Chair Torres:**

I had some conversations with Legal ahead of this meeting, so I wanted to go ahead and see if Mr. Killian is on the call as well. Could you talk about some of the impact of the amendment?

**Asher Killian, Committee Counsel:**

This was a component of the amendments submitted in the first house and consistent with the intent of the committee in the first house. We omitted this change in drafting because based on our research, the term "publication" is actually a broader term that embraces publication, not only on a physical document, but also online and in other means. Whereas "circulation" is generally a term that is tied to physically producing a thing that is then distributed within a place. Changing from "notice by publication" to "notice by circulation," we believe, would have the effect of tying this directly to having printed newspapers, distributed physically within particular counties as opposed to allowing for publication, which can include publication online.

Part of the basis for our opinion is the opinion of the Nevada Supreme Court in *Butler v. Lahontan Valley News* where the Supreme Court interpreted what it meant to be printed in whole or in part within a county, and it interpreted the terms as broadly as possible to include not only the physical production of a newspaper within a county, but rather any work in furtherance of the publication or printing of a newspaper, including not only typesetting but also doing any work on headlines or producing pictures or preparing page layouts or generally reporting on news that takes place within a county. We understand the Nevada Press Association's concern on this terminology, but we believe that this friendly amendment would not be necessary because it would actually change the language in a way that would be contrary to their intent given the Supreme Court's past opinions on this topic.

We are hopeful that clarifying this matter on the record before the Committee would build the necessary legislative history to indicate that it is the Legislature's intent that "publication" be interpreted broadly enough to include publication, not only on a physical piece of paper, but also publication online.

**Chair Torres:**

I will direct that as a question on to the sponsors and the amendment from Ms. Dempsey. I think it is the intent that "publication" would be applicable to that posted online as well as those that are circulated. Is that correct?



**Kami Dempsey:**

Yes. Thank you, Madam Chair and members of the Committee. Thank you for that clarification. As long as we have that legislative intent explained in that way, and now that we have the history, we should be covered.

**Vinson Guthreau:**

Thank you for the explanation, and if they are okay, we are okay.

**Chair Torres:**

I would ask Mr. Killian if it would be more appropriate to make that clear by adding that as a definition into the bill? We could include "publication" as it applies to this part of the NRS to mean publication and make it very specific because I do not want to get into every chapter that has the word publication, but publication would be that posted on the Internet as well as that which is circulated. Would that be possible?

**Asher Killian:**

We certainly could consider an amendment to add that kind of a definition. My only caution would be that by moving from the general meaning of the term added as it has generally been interpreted by the Nevada Supreme Court to that specific definition could potentially narrow the interpretation to only the language that is included in the definition versus the broader meaning that the court has given to that term so far. There might be some danger that the court would take that as legislative intent to narrow the definition rather than to apply it as broadly as the court has applied it so far.

**Chair Torres:**

Then we will continue this part of the conversation offline just to make sure, but I think it helps that legislative intent has been made clear on the record right now. Committee members, do you have any additional questions? [There were none.] I will invite anyone in Carson City wishing to testify in support of S.B. 22 (R1).

**Stephen Wood, representing Nevada League of Cities and Municipalities; and  
Carson City:**

Carson City is the consolidated municipality that the sponsor of the bill brought up in his presentation. We support the bill and thank NACO for bringing the bill forward. We support the flexibility that it offers as far as the timing which he described, as well as making sure that we continue to give the public proper noticing, and now in an additional format; one that we feel that most of our residents actually use. Thank you for hearing the bill, and we encourage your support.

**Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager,  
City of Reno:**

Ditto.

**Leonardo Benavides, Government Affairs Manager, City of North Las Vegas:**  
Second ditto.

**David Cherry, Government Affairs Manager, City of Henderson:**

We want to thank NACO for bringing this well-balanced legislation that will help ensure transparency and expand options for keeping the public informed about important discussions and actions taking place at the local government level.

As the technology continues to evolve, we have seen new avenues emerge that provide innovative ways to reach out to all generations of Nevadans who may have an interest in public policy discussion and decision making. I am thinking of course of the TikTok stars on the days before me who have used the digital platform to keep their constituents informed of the hard work undertaken by the Assembly Government Affairs Committee. This bill is a great step in the same direction when it comes to using the Internet for public notices.

**Chair Torres:**

Thank you, and just for the record, we would have been fine with the third ditto. Is there anyone in Las Vegas wishing to testify in support of S.B. 22 (R1)? [There was no one.] Is there anyone on the phone line wishing to testify in support of S.B. 22 (R1)? [There was no one.]

I will invite anyone wishing to testify in opposition to S.B. 22 (R1). I do not see any here in Carson City, and I do not believe there is anyone in Las Vegas. Is there anyone on the phone line wishing to testify in opposition to S.B. 22 (R1)? [There was no one.] Is there anyone wishing to testify in neutral to S.B. 22 (R1)? I do not see any here in Carson City. I do not see any in Las Vegas. Is there anyone on the phone line wishing to testify in neutral to S.B. 22 (R1)? [There was no one.] I will invite the bill sponsor for any closing remarks. [There were none.] We will close the hearing on S.B. 22 (R1), and take a one-minute recess [at 10:24 a.m.].

The Assembly Committee on Government Affairs will reconvene [at 10:25 a.m.] I will go ahead and open the hearing on Senate Bill 323.

**Senate Bill 323: Revises provisions relating to peace officers. (BDR 23-925)**

Welcome Senator Seevers Gansert. This is your first time I believe in the Assembly Committee on Government Affairs.

**Senator Heidi Seevers Gansert, Senate District No. 15:**

I am very pleased to be here today to present Senate Bill 323. I have a couple of folks with me from the Department of Corrections, Deputy Director Wickham and Lieutenant Benu Clark, head of the training division. Lieutenant Clark helped in the last hearing that we had too.

This bill is around reciprocity for category III police officers. As I am sure you know, we have a critical staffing shortage in our prison system. Recently, there was testimony in the Assembly Committee on Judiciary that critically low prison staffing is the No. 1 issue facing the entire system at a time when the prison population is growing and staffing is declining,

creating a significant safety issue for employees and prisoners of the system. When we had the last hearing, the numbers that we had were a 48 percent vacancy rate at the Ely State Prison and a 46 percent vacancy rate at Lovelock. One strategy for the department is to seek workers from other states such as California, where some folks are retiring and some have been laid off.

Senate Bill 323 provides a mechanism to reduce barriers to recruit and attract qualified prison staff from other states. It requires the Peace Officers' Standards and Training Commission (POST) to adopt regulations to establish standards for reciprocity of a person from another state or the federal government with a certification or law enforcement training equivalent to a category III police officer. Under *Nevada Revised Statutes* (NRS) 289.480 a category III peace officer includes those "whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections." Peace Officers' Standards and Training Commission is the organization that does all the certification, and instead of coming up with what that reciprocity would look like, we thought the best thing to do would be to point to POST so they could create those standards. What I want to do is go ahead and turn it over to the deputy director and lieutenant for any more comments.

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

In a nutshell, in short, to keep it brief. Ditto. This is exactly what the agency needs, or one of the many tools that the agency could use to help to recruit and help our very, very short-staff issues. This would apply to category III peace officers from other states and give them the opportunity to work in our state with a much shorter process to get through. They would not have to go through the entire academy. They would only need to catch up on the current policies for the great state of Nevada, but their certifications would hold reciprocity through the state of Nevada. Again, this is something where the Peace Officers' Standards and Training Commission would create this mechanism for reciprocity.

I thank Senator SeEVERS Gansert and Senator Hansen for bringing this bill forward, and believe that it will certainly help in our staffing shortages.

**Benu Clark, Training Lieutenant, Employee Development Division, Department of Corrections:**

This is a mechanism which will add another tool in our toolbox to recruit qualified folks to come into the Department of Corrections and assist us with our critical staffing shortages. This is something that the training division and the majority of our staff wholeheartedly support.

**Chair Torres:**

Thank you for having such an efficient presentation. We appreciate that. At this time, Committee members, do you have any questions?

**Assemblywoman Thomas:**

My question has to do with clarification, and I know it might sound silly, but section 1, subsection 1, paragraph(c), subparagraph (7). When we say another state, for clarification we are referring to the United States.

**Senator Seevers Gansert:**

Yes, the United States.

**Assemblywoman Thomas:**

Thank you. I know that other countries consider their states also, so I want to have that clarification on the record.

**Assemblyman Carter:**

My concern is we see a lot of efforts from everywhere to poach employees from surrounding states and others. What are the efforts being done? Are we having the same type of energy put into workforce development? I see a lot of young people in my community, the east side of Las Vegas, who really do not feel these positions are open to them coming out of high school. What are we doing to try to keep these jobs for Nevadans and take care of the citizens of our state first?

**Harold Wickham:**

What we are doing currently is we are working on a very robust recruitment effort. Prior to COVID-19, we did fairly well in recruitment. Since COVID-19, we have been struggling. We are reaching out not only to our great state, but also to other entities and we are planning, sir, to do that with many different types of media—Internet postings and things like that. Of course, we are including the requirements that POST requires, which is currently 21 years of age, a high school diploma or high school GED [general equivalent diploma] to work for the agency. Then of course, we go into the mental and moral background to ensure that we are getting the proper candidates. I hope that answers your question, sir.

**Assemblyman Carter:**

Yes, sir. Well, one concern is, are we making sure that those "mental and moral standards" are actually culturally appropriate, and we are not excluding whole demographics because of our traditionally narrow understanding of those standards?

**Harold Wickham:**

To the best of my knowledge, yes. This goes through POST or Peace Officers' Standards and Training Commission. They set the requirements for this.

**Chair Torres:**

I definitely think that is something to look into, and a conversation that can continue to be had, although it does not necessarily have to pertain to this piece of legislation.

**Assemblyman DeLong:**

I wanted to follow up on the Assemblywoman Thomas' comment about subparagraph (7), the term "another state." Would it also include tribal members, tribal police officers?

**Benu Clark:**

Yes, sir. It would include anyone who has that current peace officers' certification. What we are asking POST to do is develop those reciprocity standards so that we can utilize that as a mechanism to bring those folks over, should they choose.

**Assemblyman DeLong:**

My issue was not on the Peace Officers' Standards and Training Commission, it is more on the term "another state." Does that also include tribal, which are considered other nations?

**Benu Clark:**

It is my understanding, Assemblyman DeLong, that those [tribal police officers] are considered federal officers. Yes, that is absolutely included in that language.

**Chair Torres:**

I am going to go ahead and see and if Mr. Killian might have a response, but he might not right now. Mr. Killian?

**Asher Killian, Committee Counsel:**

This language does not specifically reference tribal police officers, but to the extent that tribal police officers have completed federal training, they would be embraced in this language. I would note that although this bill sets a floor for what the regulations of the commission must include, it does not set a ceiling. If the commission, as it considers this issue and considers the intent of this legislation, concludes that its regulation should also include specific provisions for tribal police officers, it would still be free to do so.

**Assemblyman Nguyen:**

I want to make sure we put this on record. What is the time frame difference between someone who must go through the actual training and then this piece? What kind of time frame would we save?

**Benu Clark:**

Peace Officers' Standards and Training Commission currently has in NRS a standard that says less than five years. As long as the individual has been employed within the last five years, then they would be able to qualify under that and maintain their POST requirements, but that would be further developed by POST when they work on those reciprocity standards.

**Senator Seevers Gansert:**

Were you asking how much time it would take to get someone up and working?

**Assemblyman Nguyen:**

Yes.

**Senator Seevers Gansert:**

The question was how long to get them working versus the recruiting and the process you go through if you can use the reciprocity.

**Benu Clark:**

If we can use the reciprocity, we are looking at a two-week orientation time frame in order to get these folks on board.

**Assemblyman Nguyen:**

Versus the time that would take to train someone like Assemblyman Carter said. Such as recruit them from the local communities.

**Benu Clark:**

Versus bringing them in under a seven-week academy, and the amount of money that we save on that is substantial.

**Assemblyman Nguyen:**

Seven weeks. That is what I am trying to get clear on the record.

**Senator Seevers Gansert:**

The actual process of getting someone or enabling someone to be qualified is much, much longer, so maybe the deputy would like to expand on that.

**Harold Wickham:**

Currently, our recruiting process is incredibly convoluted, and we are working feverishly to get that corrected, but it takes sometimes four to six months to get a person through the qualification process and background investigations. This would alleviate that and allow us to put people on the ground in a much shorter time frame.

**Chair Torres:**

One final question. I was wondering if this is something that is being done in other states too, if other states have already begun the work of reciprocity for this.

**Harold Wickham:**

Yes, this is done in many states across the nation. They have reciprocity standards within their governing bodies.

**Chair Torres:**

Committee members, do you have any additional questions? [There were none.] I will go ahead and invite anyone wishing to testify in support of S.B. 323.

**Adrian Hunt, Police Detective, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

This bill would assist with recruiting category III officers to the state. We fully support S.B. 323. We want to thank Senator Seevers Gansert for bringing this bill forward.

**Drew Franklin, representing Nevada Sheriffs' and Chiefs' Association:**

We are in support of Senate Bill 323, and would like to thank Senator Seevers Gansert for bringing this bill forward. This bill will enhance our ability to recruit and help to bring qualified category III officers into Nevada. We are in strong support.

**Chair Torres:**

I do not see anyone in Las Vegas wishing to testify. Is there anyone on the phone line wishing to testify in support of S.B. 323? [There was no one.] Is there anyone wishing to testify in opposition to S.B. 323? I do not see any here in Carson City or in Las Vegas. Is there anyone on the line wishing to testify in opposition to S.B. 323? [There was no one.] Is there anyone wishing to testify in neutral on S.B. 323? I do not see any here in Carson City or any in Las Vegas. Is there anyone on the phone line wishing to testify in neutral to S.B. 323? [There was no one.] At this time, we will invite the bill sponsor for any closing remarks for the record.

**Senator Seevers Gansert:**

I want to thank Chair Torres and Committee members of the hard-working Committee on Government Affairs for looking at this bill today. I would appreciate your support.

**Harold Wickham:**

I want to once again thank the Senators for bringing this bill forward, and encourage your support. Thank you to the hardest-working Committee.

**Benu Clark:**

Thank you all. Ditto.



**Chair Torres:**

We can close the hearing on S.B. 323. We will move on to the last item on our agenda, which is public comment. [There was none.] [Committee reminders were given.] The meeting is adjourned [at 10:42 a.m.].

RESPECTFULLY SUBMITTED:

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Diane Abbott  
Committee Secretary

APPROVED BY:

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Assemblywoman Selena Torres, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Second Judicial District Court Diversion, Assisted Outpatient Treatment & Specialty Courts," dated May 10, 2023, presented by Cynthia Lu, Judge, Second Judicial District Court, Washoe County; and Alicia Lerud, Court Administrator and Clerk of Court, Second Judicial District Court, Washoe County.

[Exhibit D](#) is written testimony dated May 11, 2023, submitted by Cynthia Lu, Judge, Second Judicial District Court, Washoe County, in support of Senate Bill 155 (1st Reprint).

[Exhibit E](#) is proposed amendments to Senate Bill 155 (1st Reprint), dated May 11, 2023, submitted by Senator James Ohrenschall, Senate District No. 21.

[Exhibit F](#) is a document titled "ACLU Nevada 2023 Legislative Priorities," submitted by Senator James Ohrenschall, Senate District No. 21.

[Exhibit G](#) is a letter dated April 6, 2023, submitted by Christopher Hazlett-Stevens, Judge, Reno Municipal Court, Department 4, in support of Senate Bill 155 (1st Reprint).

[Exhibit H](#) is a document titled "Reno Muni Community Court, Fact Sheet—December 2022," submitted by Christopher Hazlett-Stevens, Judge, Reno Municipal Court, Department 4.

[Exhibit I](#) is written testimony presented by Will Pregman, Director of Communications, Battle Born Progress, in support of Senate Bill 155 (1st Reprint).

[Exhibit J](#) is a letter submitted by Chasity Martinez, Private Citizen, in support of Senate Bill 155 (1st Reprint).

[Exhibit K](#) is a letter submitted by Michael Tang, Private Citizen, in support of Senate Bill 155 (1st Reprint).

[Exhibit L](#) is a letter submitted by Reva Crump, Private Citizen, in opposition to Senate Bill 155 (1st Reprint).

[Exhibit M](#) is a proposed amendment to Senate Bill 22 dated May 3, 2023, submitted and presented by Kami L. Dempsey, representing Nevada Press Association and NV Open Government Coalition.