

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

**Eighty-Second Session  
March 20, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 9 a.m. on Monday, March 20, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Brittney Miller, Chair  
Assemblywoman Elaine Marzola, Vice Chair  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblywoman Lesley E. Cohen  
Assemblywoman Venicia Considine  
Assemblywoman Danielle Gallant  
Assemblyman Ken Gray  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblywoman Selena La Rue Hatch  
Assemblywoman Erica Mosca  
Assemblywoman Sabra Newby  
Assemblywoman Shondra Summers-Armstrong  
Assemblyman Toby Yurek

**COMMITTEE MEMBERS ABSENT:**

Assemblyman David Orentlicher (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Cecelia González, Assembly District No. 16

**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Devon Kajatt, Committee Manager  
Aaron Klatt, Committee Secretary  
Ashley Torres, Committee Assistant



**OTHERS PRESENT:**

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

Keisha Westbrooks, Private Citizen, Las Vegas, Nevada

Courtney Jones, representing Advocates for Youth

James Dzurenda, Director, Department of Corrections

Nick Shepack, State Deputy Director, Fines and Fees Justice Center

Mathilda Guerrero, representing Battle Born Progress

Vanessa Dunn, representing National Alliance on Mental Illness Nevada

Tessyn Opferman, representing Nevada Women's Lobby

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

Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada

Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada

Yesenia Moya, Private Citizen

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

Brooke Maylath, Private Citizen, Reno, Nevada

Jeri Burton, Co-Executive Director, Nevada Chapter, National Organization for  
Women

Michelle Maese, President, Service Employees International Union Local 1107

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada

Tamara Savors, Private Citizen, North Las Vegas, Nevada

Jessica Hollie, Private Citizen, Las Vegas, Nevada

Mark Bettencourt, representing Nevada Coalition Against the Death Penalty

Jameelah Lewis, Private Citizen, Las Vegas, Nevada

Shaun Navarro, Private Citizen, Las Vegas, Nevada

Genevieve Gutierrez de Lynch, Private Citizen

Ashley Gaddis, Staff Member, Return Strong!, Carson City, Nevada

Valerie Thomason, Private Citizen

Theresa J. Yancey, Private Citizen, Las Vegas, Nevada

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

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe  
County Sheriff's Office

Steve K. Walker, representing Lyon County

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association

David Cherry, Government Affairs Manager, City of Henderson

Bruce Parks, Private Citizen, Reno, Nevada

Tonja Brown, Private Citizen, Carson City, Nevada

Barry Cole, Private Citizen, Las Vegas, Nevada

**Chair Miller:**

[Roll was called. Committee rules and protocol were explained.] Good morning, everyone. Welcome to Assembly Judiciary. We do have one bill presentation today on the agenda, but we also have a bill draft request (BDR) introduction that we just received this morning. With that, I would like to introduce BDR 14-472.

**BDR 14-472**—Revises provisions governing forfeiture of property. (Later introduced as [Assembly Bill 350](#).)

ASSEMBLYWOMAN NEWBY MOVED TO INTRODUCE BILL DRAFT REQUEST 14-472.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ORENTLICHER WAS ABSENT FOR THE VOTE.)

We will move on to the next item on our agenda which is the bill hearing for [Assembly Bill 292](#). It is to be presented by Assemblywoman González, Keisha Westbrooks, and Lilith Baran. With that, I would like to open the hearing for [Assembly Bill 292](#), which revises provisions governing offenders.

**[Assembly Bill 292](#): Revises provisions governing offenders. (BDR 16-252)**

**Assemblywoman Cecelia González, Assembly District No. 16:**

I want to start by saying I wanted to carry [Assembly Bill 292](#) because of the conditions that we know are happening with incarcerated persons and within the Department of Corrections (NDOC). The organizers of this bill have been talking to people that are currently incarcerated for over the last couple of years and what we have submitted, and the intent of the bill, is what has come out of that. The organizers have been in there talking to incarcerated folks and asking what their needs are. The Dignity for Incarcerated Women Act starts to change our country's approach to helping women in prison by ensuring they are treated with dignity and respect, and equipping them with tools, resources, and services that they need to be successful when they return to their families and communities.

We are working on an amendment, so the bill you have in front of you is not the final version. We have had to take a lot of things out of the bill. However, given the short time we have had to work not only on the bill but with partners as well, we recognize that there is a lot of work to be done, and we will be submitting that as soon as possible.

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

I am happy to help in sharing and presenting this bill. After my piece, I am going to pass it on to one of the women who helped us in crafting this bill who was directly impacted with this issue. Her name is Keisha, and she has a really interesting story of perseverance and bravery that she should not have had to experience. However, we know that sometimes the stories of those who are impacted by issues in this state are the ways that great legislation gets passed.

I am going to go through the parts of the bill, and the first thing I want to talk about is the fact that women are the fastest growing segment of the United States prison population. Nationally, there are more than eight times as many incarcerated women as there were in 1980. This is a striking statistic when we think about the way our prison population is growing. It is something that we need to make sure to take note of, especially because women have different needs than men—especially when incarcerated—increasing from 12,300 in 1980 to 182,271 by 2002. Another striking statistic is more than 60 percent of women in state prisons have a child under the age of 18, and more than 80 percent of women in jail are mothers. So, we are not just talking about women, but mothers.

I would like to talk about how other states have bills that are similar to this. Fifteen states have approved or are considering legislation that aligns with the Dignity for Incarcerated Women Act. One of those that has really strong legislation is Pennsylvania where, among other things, they require better documentation of restraint use, in addition to banning restraints during birth. In Nevada, we do ban shackling; however, that does not cover all kinds of restraint during childbirth. It is important to understand that even though we passed meaningful legislation to ban restraints, that is not all restraints, it is just shackling. We are currently having women give birth while in restraints of some type in Nevada state prisons. They have also decided to prohibit restrictive housing for pregnant or postpartum women and require training related to pregnancy, postpartum, and trauma-informed care. That is both for the correctional officers and for the women, meaning the women can get care as it applies to parenting and postnatal care for themselves and their child.

**Keisha Westbrooks, Private Citizen, Las Vegas, Nevada:**

I was sentenced to 4 to 11 years in Florence McClure Women's Correctional Center for a money crime. This happened six months after having a stroke. I was wheelchair-bound and my left side was paralyzed. I had special medical needs, and I went in with my doctors' records, doctor-prescribed braces and medications; and everything, except for my wheelchair, was taken away from me. I was refused my medication for over a year, where I was in constant pain and spent a lot of money going back and forth to medical, just for them to deny me. Finally, my mother had to call and complain about my treatment to get the resolution that I needed. However, they only gave me half of the prescribed amount of medication, which left me still suffering in pain.

Many of the officers prevented others from helping me or pushing me in my wheelchair, so I struggled to try to take care of myself. I was given no help from medical or from NDOC, and the lack of care made things worse. There was no one there equipped to deal with my

being a stroke survivor, nor did they care. Through sheer will and necessity, I taught myself how to walk, and I figured out how to take care of myself. It was impossible for me to wheel around with one hand because I would just go in circles, so I had to figure it out. I must tell you, it was much easier to learn how to walk the first time.

I did not get to see my daughter for the entire first year that I was there due to the visitation rules and approval processes. When I finally did get to see her, she did not even recognize me, and that was the final straw that broke me. Honestly, I broke a little each day while I was there, but that day I actually died inside, and I had nowhere to turn. I felt hopeless and worthless, and those feelings were constantly reinforced by how the women were treated by the guards.

In addition to the constant demoralization due to the lack of real mental health services for healing of past or current traumas, I was released hopeless, worthless, and completely broken. When I left there, I was told that I would be back. No one thought I would ever succeed. My story is not an isolated incident. Even though I struggled and suffered with constant pain and self-loathing, I was one of the lucky ones because I had family who advocated for me, sent money, and found ways to arrange regular visits with my daughter.

Many women have no one to help them, which is why this bill is so important and becoming increasingly more important because women are the fastest-growing segment in the United States prison population. Nationally, there are more than eight times as many incarcerated women as there were in 1980, increasing from 12,300 in 1980 to 82,271 by 2002. More than 60 percent of women in state prisons have children under the age of 18 and more than 80 percent of women in jails are mothers, not to mention that menstruation can be a demeaning experience in prison and a barrier to health and security. Incarcerated women are often forced to barter, ration, or even beg for the necessary health care items they need.

**Lilith Baran:**

In Virginia, they place prisoners who are known as primary caretakers of minor children in a facility that is closer to the children to allow the parent easier access to visit them. They also require a stricter reporting protocol anytime an incarcerated person needs to disrobe in front of a correctional officer of a different gender. They also authorize the director to prescribe reasonable rules regarding visitation with children or primary caretakers.

One of the larger parts of the bill that we would like to see come out of Committee is no-cost menstrual products. In Arizona, Maryland, Massachusetts, Missouri, Arkansas, Georgia, Tennessee, Louisiana, and Pennsylvania, there is no cost for menstrual products for incarcerated women. We heard in the interim committee that some incarcerated women are paying as much as five dollars per tampon or pad within NDOC currently, which is an extreme hardship on themselves and their families.

I am going to now go over the parts of the bill that will address a lot of these issues and further explain what we would like to do at Nevada correctional facilities. One of the larger things that women reported to us was they are not experiencing comfort and personal

privacy. Women in custody should be treated with respect and basic dignity, free from intentional humiliation. This includes the right to have searches done by the most comfortable correctional officer available in accordance with the subject's gender, as well as the right to be able to shower, perform bodily functions, and change clothes without having correctional staff of a nonpreferred gender view their unclothed private body parts. Every incarcerated person should be treated in accordance with their preferred gender identity or gender expression.

Hygiene products are another huge part of the bill that we would like to see come forward. Individuals in custody have the right to receive appropriate and accessible basic necessities free of charge, including and without limitation clean clothing, undergarments, and socks; as well as personal hygiene products such as described in section 2, subsection 4, paragraph (b) which include, "soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products."

Another very important piece would be medical services. This is to be seen as something that is preventative. We know that women who do not receive regular gynecological exams or mammograms can go untreated for serious health problems like cancer. We have seen, even within NDOC, someone who received a regular pap smear then be diagnosed with cervical cancer. These kinds of things become more expensive the longer they are untreated. This bill would allow incarcerated individuals optional access to annual mammogram and gynecological exams, prenatal and postnatal health care, and mental health and substance abuse treatment.

We would also like to see changes regarding harassment and retaliation, making sure that they are free from discrimination based on gender identity or sexual orientation, and free from being searched in retaliation, which is something that we have heard happens frequently.

The next piece is visitation rights. We would like to make sure that regular visits by phone and mail with any children of the incarcerated individual could be increased, without limitation. We would also like to make sure that people who are inside have positive role models on the outside and are allowed to communicate with them upon approval of the facility; for example, other adults with whom the incarcerated individual regards as a mentor or someone who has already been released from incarceration.

We would also like to see large scope oversight and accountability of NDOC. We have seen in other states' prison systems that they use an ombudsman, which Nevada currently does not have. It is my understanding that an ombudsman could be used for all facilities. What this person would do is monitor the implementation of policies and receive and review complaints and reports filed with the ability to investigate and resolve those complaints. The changes relating to accountability are found in section 5, where it explains that each facility shall adopt a policy outlining the standards of conduct for interactions between correctional officers and incarcerated individuals pursuant to those described in section 2.

Further changes we would like to see are described in section 6, which requires facilities who house pregnant individuals to adopt a policy for prenatal and postnatal care. This would require that incarcerated individuals who are pregnant receive counseling and written materials concerning labor and the care of newborns in the postpartum period, as well as appropriate trauma-informed prenatal health care services, including monitoring and evaluation of the health of the incarcerated individual and the unborn child. Another measure would require pregnant incarcerated women receive pre- and postnatal vitamins, as well as a diet with the appropriate nutrients necessary to maintain a healthy pregnancy, as deemed by the medical director.

Section 6 would also see that they receive appropriate trauma-informed care, including but not limited to postpartum depression, and have access to counseling regarding parenting skills upon request. Finally, they would receive, to a reasonable extent, the right to stay with the delivered baby in a safe and secure location for either a period not to exceed 30 months if the individual is assigned to a minimum-security facility, and for a period appropriate for bonding with the child directly after giving birth, with the incarcerated individual. In some states, we see that newborns are allowed to be with their parent for an extended period of time. Right now, it is not the policy of NDOC to have a newborn with the incarcerated individual for any period of time.

That is the bulk of the bill, and I am sure there are lots of questions. I would like to mention that we did attempt to reach out to some stakeholder groups, and we look forward to conversations in the future. I am prepared to do as much work as possible to get to whatever agreements we need to start making some headway for the incarcerated individuals who are imprisoned at this moment.

**Assemblyman Gray:**

I do applaud you for bringing forward legislation on pregnant women, but the majority of the bill before us does not deal with that. It deals with gender identity and issues that I see NDOC and especially the county jails having a huge issue with. Going to jail, prison, or custody is all about having your rights abridged. They are confining you. I will not disagree with being treated with respect and dignity, but I also think the victims of their crimes should have been treated with the same respect and dignity prior to the crime happening.

What I really have a problem with is the gender identity portion. I think we are up to at least 17 identity preferences or expressions with pronouns such as ze/zem, he/him, they/them, et cetera. I do not see how a county facility is going to be able to meet these requirements, and especially a rural county where they are going to be required to have somebody available 24/7 to be able to do that. How do you see the counties being able to achieve this?

**Lilith Baran:**

As we know, multiple gender identities have been in existence since ancient Mesopotamia. This is something we have always had to acknowledge as a society. However, I do understand your question, and I think that what we would be looking for here is that the individual who is conducting the search is of the gender that is most comfortable to the

inmate, not necessarily identical to them. We would have to work on the language to reflect that so there would be no confusion. What we would be looking for is if someone is adversarial to a male officer and they identify as female, then they would be able to change in front of a female officer.

**Courtney Jones, representing Advocates for Youth:**

Regarding the first part of what you stated, Assemblyman Gray, we believe that although these folks are getting confined, we think that in order for them to come back and be productive citizens in society, they should have rights and dignity given to them in certain areas of that confinement. For them to reintegrate into society immediately, we need to give them the proper precautions or at least something close to what they are comfortable with. It is going to be hard for them to come back and have respect for themselves in the community because they have been treated so undignified. That is our stance on that.

**Assemblywoman González:**

I would like to give some more context and information. There is currently another bill in the Senate whose purpose is to design what that policy looks like and our bill is meant to be complementary to that. As my copresenters have stated, it is the gender that is most comfortable with that person. Currently, if you are incarcerated, you are able to request a female officer. However, if it is not an emergency and they do not have those folks available, we are talking about a person waiting. A lot of what we have discussed with NDOC in this bill is codifying what they are currently doing. This is not a new bona fide process that we are asking for.

**Assemblywoman Hansen:**

We do not have the amendment you mentioned, so could you tell us what you are amending? My question will depend on what the amendment is. Are there certain sections that you are striking? Could you give us a feel for what you are amending?

**Assemblywoman González:**

There are parts that we are looking at taking out; for example, the yearly exams out of jails and prisons. We have two sections: one section is for NDOC, and we have another section that includes jails throughout cities and counties. In our discussions, we have identified things that would not apply to people in jail that would apply to people in prison. We are looking to strike those sections. There is also the ombudsman portion: we are looking to take that out after our conversations with NDOC, as well as making changes to fit in with what is feasible based on all the feedback. We are still having those conversations and working with groups to make changes.

**Assemblywoman Hansen:**

In your collaboration with stakeholders, have there been discussions with the corrections officers or the union? You mentioned that we currently have a policy where you can request a corrections officer who you feel more comfortable with. Have we talked to female



corrections officers about having to search or examine those who identify as female but have male biological parts? Have we engaged them in the conversation to see how those females are going to feel about possibly dealing with this situation?

**Chair Miller:**

I believe I need to ask the following question first. Would a transgender woman be in a women's correctional facility?

**James Dzurenda, Director, Department of Corrections:**

This is a medical issue. Medical would start off with the person's birth identity and would determine how far along the transition may be, whether they have transitioned 51 percent or more the other direction. I am not sure what 51 percent means exactly, but that is how they determine it. So, if they are at 51 percent or more, they go to the different institution from their birth.

**Chair Miller:**

The question was about a transgender woman in the facility requesting to be examined by a female officer, correct?

**Assemblywoman Hansen:**

Yes. I do not know if it exists currently. It looks like Director Dzurenda is shaking his head, no. Would this bill be a pathway for us to have to consider all of this? We would possibly have a transgender woman in female prisons, and it sounds like section 2 is dealing with that possibility. I am just trying to get a better understanding of the intent of the bill as we progress forward. I certainly get all the things that were stated in the presentation such as women with children, having babies while incarcerated, having people on the outside being able to come in and help, parenting skills, all of that. I am just trying to understand how we deal with this aspect of it because it is a lot to unpack here.

**Chair Miller:**

I know that the intention of the bill is not to change who or where individuals are being placed or incarcerated.

**James Dzurenda:**

There is nothing in a union contract that requires the correction officer to identify their gender identity or expression, so that is where the issue would be. If they ask for a male, it may not be the male expression or gender identity of the correction officer. That is not built into the union contracts.

**Chair Miller:**

Right now, the issue is because we have more men checking women, correct?

**James Dzurenda:**

Correct.

**Assemblywoman Bilbray-Axelrod:**

My question is to the director as well. In the last part, right before section 3 begins, personal hygiene products are laid out, "without limitation, soap, deodorant, a toothbrush, toothpaste or powder, toilet paper, shampoo, incontinence products and feminine hygiene products." I know it was laid out that we are charging for feminine hygiene products. Are we charging for those other items?

**James Dzurenda:**

No. For feminine hygiene products, we do provide feminine napkins for free. The tampons are purchased through commissary. If you are indigent, those items are free. Anything that was listed on here, whether it is socks, underwear, clean clothes, toothpaste, soap, shampoo, et cetera, those are all provided to every single offender for free upon intake. If they are considered under the indigent policy, they are still given those for free further on. However, if they are not considered indigent, those are items purchased through the commissary.

**Chair Miller:**

How many pads is a woman provided? How many free pads?

**James Dzurenda:**

I believe it is unlimited, but I do not know that for a fact. I will confirm that answer for you.

**Assemblywoman Gallant:**

The women's aspect of this bill is fantastic. My concern is with the gender identity. It is really opening up huge costs most likely, and maybe setting some benchmarks that are not going to be attainable, especially in those rural areas. What is the population of transgendered individuals in our jail and prison system?

**James Dzurenda:**

Currently we have three transgender women and six transgender men. I am not sure where their locations are, but that is usually about the average number. We do not tend to get large numbers, but of those who are identified, that is what we have.

**Chair Miller:**

As you stated before, for these nine individuals, their placement would have been based on a medical review and recommendation, correct?

**James Dzurenda:**

Correct.

**Assemblywoman Gallant:**

This legislation seems to be far reaching in terms of trying to assist with the transgender movement regarding incarceration. The potential cost of it for such a small group of people is concerning. I had a very wise incumbent legislator tell me that we do not make legislation

for just one or a few people—it needs to hit a far greater population. How would you see this moving forward if we included the transgender and gender identity sections of this bill with your ability to be able to operate?

**Assemblywoman González:**

I do not want to lose sight of what this bill is, and it is to provide dignity and respect to incarcerated women. Yes, there is a section in there that includes having respect for a person's gender identity. We are working on that section. However, this is not a transgender bill. This is not a requirement for NDOC to hire transgender people. As we have previously stated, it is the gender that is most comfortable for them. If the person would like to request a male or female officer who is more comfortable for them, they should have a right to have that officer. There is no requirement that NDOC must go and hire transgender people. There is no requirement for rural communities to do that. What we are asking for is that person's comfortability level to be taken into consideration when they, for example, are being searched. As I mentioned, there is another bill that deals with this and is attempting to get at those policies. This is not that bill.

**Chair Miller:**

To clarify, would it be more like an airport situation? Generally, the practice is they have a woman there on standby. These days, we always have men and women there as we are going through security, but they ask certain questions such as, "Would you like to go in private? Are you okay with us patting you down, here?" Is it more like that type of scenario where a person would be able to say, "I would be more comfortable if a woman searched me or patted me down"? Is that more of what this bill seeks to accomplish, as opposed to a requirement—allowing the ability for a person to ask?

**Assemblywoman González:**

Yes, that is correct. Currently, incarcerated people are given that right. If I was a woman incarcerated in Florence McClure, and there was a male officer who needed to do a search, I could request that I wanted a female officer. This is not changing any of that. When we submit something and get it back, it sometimes is not necessarily aligned with the intent or the language that we were seeking. We are aware that we have to amend this bill, and that has been part of that conversation.

**Assemblywoman La Rue Hatch:**

This may be a question for the director, but what is the current policy on newborns? I know there is a section saying that they should be housed together if possible. Is that happening? If it is not, is that a possibility to meet the restrictions of this bill?

**James Dzurenda:**

Currently when a baby is born to one of the offenders in the system, they are sent to a local hospital for the birth. Within three days, the baby is removed from the parent. We do not take the babies into the prison system. We do not have the facilities for that. It would not be

appropriate to put a baby into a cell. To make it possible would be an enormous fiscal impact because you would have to build some type of apartment-like housing that would make it more appropriate for a baby to be in the correctional facility.

**Chair Miller:**

Just to clarify, that is also not the intent of the bill. Could you speak a little more to what the intent of the bill is for incarcerated women that give birth, such as their delivery and their relationship with their baby, so that we have the clear intent?

**Assemblywoman González:**

Our intent is most certainly not to have children incarcerated. However, we know through research that time with your baby when you first give birth is very intimate, special, and important to the health of both the mother and child. We want to make sure that mothers who are incarcerated have those moments with the baby. As the director said, they are only given 72 hours right now. We are looking to extend that time. What that time will be and where it takes place is still part of our amendment discussions. However, the intent is not to have these children incarcerated. The intent is to allow mothers to bond with their children and create a connection so that when they are released, they have that connection with their child. We know 90 percent of people incarcerated will be coming back home, and allowing these mothers to keep that connection while they are finishing out their incarceration is essential.

**Assemblywoman Hardy:**

Could you talk about what currently happens as far as women's medical care, such as mammograms, in the prisons? What do they receive currently? Then also, to you Assemblywoman González, you mentioned you are removing the ombudsman portion. Are you removing all of the ombudsman requirements? If you could speak to that as well.

**Assemblywoman González:**

Yes, we are removing the ombudsman part from the bill. We believe that there is a more appropriate vehicle in place for that and it will not be included in the amendment.

**James Dzurenda:**

Mammograms are offered but are not annually mandated or given at set times. They are ordered by clinicians or physicians for specific reasons such as whether they have a history or it is recommended following an exam. It is not automatic or annual.

**Assemblywoman Hardy:**

Other than mammograms, what about a general women's exam?

**James Dzurenda:**

They do have exams that are done by medical. It is not a gynecological examination nor specifically performed by a gynecologist, but the medical team does exams. If a gynecologist is needed, that would be based upon a referral due to something that the clinician saw and believed to be warranted.

**Chair Miller:**

I would like to clarify that. If a woman needs a pelvic exam, then that will be performed by a gynecologist, correct? If a woman is just receiving a typical medical health exam or screening, that would be done by a physician or someone else qualified to do that. Is that correct?

**James Dzurenda:**

Yes, to both questions.

**Chair Miller:**

Okay. Do women receive annual pelvic exams?

**James Dzurenda:**

No.

**Assemblyman Yurek:**

I really appreciate what the intent of this bill is, to make sure that people are afforded certain levels of dignity and respect. I think that all individuals, no matter how they identify, should be treated with a level of respect. I will be honest, when I read this bill, it seemed to contradict what you are claiming the intent of this bill is. It seemed like a transgender expression movement sort of bill: now I hear you indicating today, that is not the intention and there have been amendments. I had a ton of questions that now I do not know if they are even appropriate to ask. Therefore, this might be more of a request. Sometimes we get amendments submitted on the eve of a work session. Would you make yourself available for questions before we had a work session on this, because there are a lot of issues in here that could be concerning. Like I said, the underlying premise that has been communicated, giving people dignity and respect—I believe in that. Would you be willing to either come back and answer questions if the Chair permitted, or at least make sure that we have an amendment to look at so that we can address any concerns before a work session?

**Assemblywoman González:**

Absolutely. We need to meet with every single person when we have an amendment, and I will make myself available along with Ms. Baran, who outside of her being sick, can always be found in this building. That is a reasonable request.

**Assemblywoman Cohen:**

Director Dzurenda, can you please give us some more information about the medical care of pregnant incarcerated women? Are they receiving counseling, such as adoption counseling, abortion counseling, or even legal counseling—for example, in the case where there is a possibility of them losing custody of their children?

**James Dzurenda:**

Yes, they are given counseling. It is done by our own medical and mental health staff. Both pre- and postpartum. However, to the question of legal counseling, no, as far as I know. They do have access to the law library and the law library staff, but that would not be

considered legal advice. When they do partake in counseling, the counseling department looks over the history of the individual regarding past traumas and past issues, which may include their crimes. That counseling is done with both the medical and mental health staff. Case counselors will work with them as well. We also do work with the Department of Health and Human Services (HHS) to provide some of the counseling that is more specific for certain individuals.

**Assemblywoman Cohen:**

If a woman is pregnant and she is deciding whether she wants to look at options for adoption or abortion or something else, is she on her own? Does she have the ability to receive an abortion while incarcerated?

**James Dzurenda:**

I am not sure. Those types of situations are where other departments become involved, so that is a question I will have to answer as a follow-up. I am not exactly sure how that happens or what departments get involved.

**Assemblywoman Newby:**

Director Dzurenda, aside from mammograms and pelvic exams, are there any other annual screenings given? For example, you and I may go to a doctor and get our blood checked annually. If we are of a certain age, a colonoscopy may be recommended. If we go to our dermatologist, a skin cancer screening, or for males, maybe a testicular cancer screening is recommended. Are those provided or not?

**James Dzurenda:**

That is going to be a question I will have to have medical follow up on. A lot of the things you mentioned, like a dermatologist examination, it is all done through referrals from the regular physician. Regarding any mandatory or annual exams that are given, I will have to have medical list those out because I am not a hundred percent sure.

**Chair Miller:**

I would like that information as well, for everyone that is incarcerated, both male and female, what annual precautionary medical services our incarcerated population is receiving because medically, when it comes to gender, there are certain recommendations. Assemblywoman Newby mentioned colonoscopies and how there are standard recommendations for that procedure based on age. If we could get an idea on preventative health services because prevention is the majority of what we are talking about. I know we have had long discussions about this before. If you could submit that information to the Committee on what is provided to those incarcerated individuals, that would be very helpful.

**Assemblywoman Hansen:**

I wanted it to be clear that I think it is important that we address the health care provided to our inmates, such as the annual examinations offered. From my prior experience, I have had some deep concerns over adequate medical attention, regardless of gender. According to some of my constituency, there have been some serious issues that have prompted appeals

to NDOC in the past. There is definitely some need for correction and reform within NDOC, and I am so grateful that we have Director Dzurenda here in our state again to help us with that.

In section 17, it talks about having some counseling or parenting services for mothers. I am completely on board for that. In previous hearings, Director Dzurenda, you mentioned that we have a lot of volunteer groups who are just chomping at the bit to get involved. I am aware of several who have reached out to me, especially in southern Nevada. Are we going to, whether through this bill or not, get to the point where we provide women and mothers with the resources that might be specific to their needs through some of these volunteer groups? I recall your saying that you would really like to see Nevada utilize not-for-profit volunteer groups in helping with our prison population.

**James Dzurenda:**

We are already in the process of starting both motherhood and fatherhood programs, and yes, most of that work is going to come from the volunteer groups and services. Also, it will soon become easier to get the ex-offenders in there that have been successful mothers and fathers to help with the teaching, training, and getting people on the right path with motherhood and fatherhood.

**Assemblyman Gray:**

Director Dzurenda, when you are looking into the question regarding abortion, can you, along with finding out if they do have access to them, find out who is paying for them as well?

**Assemblywoman Considine:**

This question is for Director Dzurenda: if a woman gives birth and the baby is taken away from her after 72 hours, is there a termination of parental rights hearing? I believe they are provided an attorney for that in Clark County, but I do not know how that works statewide. For the whole process of bonding between the mother and baby and then going to a foster family, are they provided an attorney? Also, do you know how quickly that happens statewide?

**James Dzurenda:**

That is going to be one of those things that I am going to have to follow up on. I am not sure of the whole process with that situation between HHS and other agencies that may be involved in that, but I could find out.

**Assemblywoman Considine:**

In cases where that is offered, are those attorneys allowed to enter the prisons to meet with their clients or are those things only done over video?

**James Dzurenda:**

We do not turn away any attorney. If it is the individual's attorney, they can meet in any fashion: by phone, video, or by coming into the actual facilities.

**Chair Miller:**

Okay, I do not see any additional questions. I will now open it up for testimony. If there is anyone here in Carson City that would like to testify in support of Assembly Bill 292, please come up and begin.

**Nick Shepack, State Deputy Director, Fines and Fees Justice Center:**

We want to thank the sponsor for bringing forth this bill and the stakeholders for the work they are putting into finding an amendment that works. Our organization has done research for the last few years on the cost of incarceration, including the cost of medical care and the cost of hygiene and feminine hygiene products. While it is true that some of these feminine hygiene pads are provided at no cost to incarcerated individuals, it is with almost a hundred percent consistency that we have heard these are of extremely low quality and not enough are provided. The feminine hygiene products that are available in the commissary are subject to the same 66 percent markup as everything else in the commissary. The most expensive place in Nevada to buy a box of tampons would probably be inside of NDOC.

This bill works to address that issue. It is an issue we worked on addressing in schools when we had that amazing presentation last session, and we hope to see that portion of the bill move forward. We also have deep concerns with the lack of preventative care throughout the entirety of NDOC. What we find consistently is that individuals incarcerated at NDOC end up seeing doctors for serious problems or more advanced medical issues. This requires outside attention, the cost of which is often passed on to the incarcerated individual. It often follows them once they leave incarceration, and they are released with substantial debt.

We believe that by offering the types of preventative care discussed will ensure we catch those issues early enough to be treated in a timely manner and would not cost either the incarcerated individual, their families, or the state the financial burden that we currently see. For those reasons, we hope that this bill is amended in a way that those provisions make it through, and we hope that you are all in support.

**Mathilda Guerrero, representing Battle Born Progress:**

We are in unwavering support of Assembly Bill 292, and we thank Assemblywoman González for spearheading this critical measure. During the 2021 Session, this body unanimously voted to place free feminine hygiene products in school bathrooms, and just right outside of this committee room, there are free feminine hygiene products in the bathroom. This bill is a commonsense measure that moves the Silver State closer to ending period poverty, while moving closer to menstrual equity.

A study found that about 54 percent of women living in the Department of Corrections claimed they do not have access to enough menstrual products. Rather than having to improvise using toilet paper or other unhygienic products that could potentially cause harm, they should be provided with free menstrual products. As elected officials, it is your responsibility to champion every single Nevadan's unique priorities and needs; from respecting and honoring someone's gender identity to equipping them with the supplies and health care they need, while also learning how to best serve them, which aligns with the



precedent set forth by *Faith v. Steuben County*. Having a period is not optional, and these products are not optional. They are required health care for folks with uteruses, and that is why we are urging this Committee to vote yes.

**Vanessa Dunn, representing National Alliance on Mental Illness Nevada:**

Robin Reedy with the National Alliance on Mental Illness Nevada had an emergency, so she could not be here today, but she did want to make sure that she expressed the organization's support.

**Tessyn Opferman, representing Nevada Women's Lobby:**

We are in support of this bill. I know there will be an amendment that comes forward. We hope the Committee is willing to work through this bill. It is complicated and there are a lot of questions at this point, but I also think there are some important aspects of this bill, one of which is certainly the menstrual hygiene product aspect. We as women know, it is not a privilege to have menstrual hygiene products—it is a necessity. We know women in prison are given a certain number of pads and tampons, which are of low quality, and additional pads are at a cost to these women. That is an unfair burden on women for a necessary product that they need.

We also feel very strongly that women should get adequate health exams while they are in prison. This would be yearly pelvic exams, mammograms, et cetera. These are necessities for women, not privileges, and they should be automatic.

We also appreciate the efforts to ensure that women have access to their children after childbirth. I know that this is a complicated portion of the bill and will need some work, but as we all know, children need access to their mothers and their parents. This is something that will help these children long-term and help prevent generational poverty, as well as curb future incarceration. That is another key part of this bill. We are so grateful for this hearing this morning and look forward to future conversations to try to work this out.

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

We support this measure as well. We think it is an important step forward, and we are grateful for Assemblywoman González and the American Civil Liberties Union (ACLU) for bringing this forward and Director Dzurenda for working on this issue. We think it is very important that when we incarcerate somebody that we honor their dignity, we take care of them, and we take care of their medical needs. This way they come out better than when they went in. That is always the goal, that somebody goes in for that one time, then they come out, and we do not see them again. We think that this would go a long way. When we look at somebody and we give them the dignity that they deserve and treat them like humans, when they come out, they are better for it. We are grateful for this bill, and we hope we can work through the issues and move this legislation forward.

**Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada:**

We are here today in support of A.B. 292. We understand there are amendment discussions around this bill, and we hope to be part of those. Ultimately, the heart of this bill is to focus on the specific needs of women who enter jails and prisons. We believe that prison is a place where people are held for a crime they were convicted of and that their punishment, their loss of freedom, not their loss of humanity and dignity, is really what they are there for. We believe that this bill is both critical and urgent, and that it brings humanity and dignity to women who are in prison. It is a necessary step towards changing the trajectory of what prison looks like in Nevada. We are in support of A.B. 292 and look forward to working with the bill sponsors.

**Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada:**

I want to thank the sponsor for bringing forward this bill, and I am calling in strong support of this bill, but also wanted to provide an additional element of consideration for this body. I believe Assemblywoman Gallant had astutely mentioned that the passing of legislation should be designed to benefit the most amount of people in the state. I represent an organization dedicated to the rights of those whose civil liberties are violated and who generally fall within the minority which includes the incarcerated as well as subsets of that group, which include incarcerated women. I would urge this body to support this legislation because it does in fact have a significant impact on a wide number of people in Nevada and taxpayers throughout the state.

Per Chair Miller's question and Director Dzurenda's response, pelvic exams have not been an annual guarantee in Nevada prisons. As problematic as that is, we are now investigating ongoing scenarios of individuals who have received such exams, had irregularities, yet were not given any follow-up exams or treatments and ended up with cervical cancer. The long-term challenges associated with providing medical care because preventative treatment and annual examinations are not provided are going to cost this state and its taxpayers significant resources. This body may save the state significant costs in treatment and in long-term litigation expenditures by requiring such exams and ensuring that individuals who have such irregularities are given treatment. I urge this body to figure out a way to get this bill passed and save Nevadans money, but more importantly, save Nevadan's lives.

**Yesenia Moya, Private Citizen:**

I am a local community member, and I am in full support of A.B. 292. As somebody who has had family members, friends, and other community members taken away from them due to incarceration, I know from those experiences that this bill is not asking for too much. This bill is asking for the basic minimum that anybody could hope for to live with some form of dignity. This bill will equip our folks with the tools, resources, and services they need to successfully return to their families and communities. It is too often that our most vulnerable folks are the most marginalized and have the least amount of access to justice. We know that mass incarceration is an issue in this country as well as systemic racism, and we must begin the journey to roll back the harm that these systems have put onto our communities. I beg you to pass this out of Committee. Again, I am in full support of A.B. 292.

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

On behalf of the Washoe County Public Defender's Office, I am testifying in support of A.B. 292. We heard a lot of statistics this morning and I want to add a few more when we are thinking about this issue. Between 1980 and 2020, the number of incarcerated women in the United States increased by more than 475 percent. The Sentencing Project conducted a review of California prisons and found that 92 percent of all women in California prisons have been battered and abused in their lifetimes. This reflects the stories of my female clients who are often victims of domestic violence, sex trafficking, or other abuse, and are serving sentences for crimes related to survival. The thought of them entering prison and being denied or unable to obtain basic human dignity by way of menstrual products is truly heartbreaking. Denying menstrual products to women is no different than denying adequate food to someone else. It is a basic human necessity.

Happening in other states right now, lawmakers are bringing bills to ban even speaking about menstruation in schools, but that is simply not the Nevada way. In Nevada we progress forward with value and dignity. We respect all people including those who are incarcerated, and we treat them with humanity. I believe this bill is a step forward in that direction and I am in full support.

**Brooke Maylath, Private Citizen, Reno, Nevada:**

Please do not overthink the language of the transgender information in this bill. It is simple human rights. I call attention to the case of *Faith v. Steuben County* where the basic civil rights of an individual were violated. Steuben County is a very rural county in the state of New York. The ACLU and the Transgender Legal Defense and Education Fund represented Jena Faith in this case against Steuben County, and the sheriff of that county ended up creating a wonderful model policy that is very easy to follow. Not only was the policy changed, but there was also a \$60,000 settlement going to the plaintiff just on basic humanity issues for the violation of both the Eighth and Fourteenth Amendment rights of Jena Faith.

Approving this bill is the right thing to do. Responsible people will see that the open-ended liability that exists for prisons and jails for not enacting something like this is just fiscally irresponsible. I will be forwarding the settlement agreement and the policy to the Committee. Please review those at your leisure, and vote for this bill.

**Jeri Burton, Co-Executive Director, Nevada Chapter, National Organization for Women:**

I am calling in strong support of A.B. 292. I want to thank Assemblywoman González for sponsoring this bill and working with us. We have been working in coalition with Mass Liberation Project of Nevada, ACLU of Nevada, Return Strong!, and other advocates for over a year, listening to currently and formerly incarcerated women, learning what reforms are needed in Nevada jails and prisons. We have heard that they are not treated with dignity and respect, and there is little to no access to health care. Women have told us they have come out of prison with cancer and severe health problems due to lack of basic health care screenings and lack of proper period products, which is what we started our questioning

about, but then learned that there is so much more needed than just more period products. They told us they are not receiving menstrual products beyond a few pads a month and there is punishment if an incarcerated person gives a pad to them.

An appropriate amount of basic health care items such as shampoo, toothpaste, soap, et cetera are not provided outside of a very small amount. We heard that pregnant people are neglected with regard to prenatal and postnatal care. These women are also saying contraceptives are needed because women have been sexually assaulted when incarcerated and some are getting pregnant. That was a shocking issue. We have heard that NDOC needs training to protect the safety and dignity of transgender people as well. Incarcerated women face systems and policies that are designed for men, and prisons and jails are not equipped to provide resources or address the challenges of incarcerated women and transgender people.

Nevada has been a leader in equal rights, recently adding an equal rights amendment to our *Constitution* that we are so proud of, and because of our state's Equal Rights Amendment, incarcerated people are guaranteed their rights even in the prison system. We ask that you support A.B. 292.

**Michelle Maese, President, Service Employees International Union Local 1107:**

I am the president of Service Employees International Union (SEIU) Local 1107, and we represent 11,000 nurses and health care professionals. We thank the bill sponsor for bringing this bill forward, and we are testifying in support of Assembly Bill 292. We believe that no one should have to go without health care or be rejected based on their permanent or temporary living arrangements. We believe all people, especially women, must have access to health care including hygiene products at no cost, protection for pregnancy, mental health and substance abuse treatment, as well as language access while incarcerated.

I am also a supervisor with the Clark County Department of Family Services, and we often have women and children separated due to the women being in prison. It is very helpful when mothers can take mental health and substance abuse treatments or services while incarcerated because that does not delay actual guidelines of redefining families.

Service Employees International Union will continue to fight with our partners for health care for all, as well as for a health care system that works for all. Assembly Bill 292 aligns with SEIU Local 1107's vision of dignity and respect for all people including health care for all, language access for all, and fostering an inclusive community. Thank you very much, and I urge your support for Assembly Bill 292.

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

We are here in support of Assembly Bill 292. Progressive Leadership Alliance of Nevada's almost 40-member group organization voted to prioritize A.B. 292 this session because it directly addresses the concerns we have heard from incarcerated women. We have heard countless stories of women who are unable to afford basic necessities such as pads and

tampons, and who lack access to preventative screenings provided in reproductive health exams and prenatal and postpartum care. We urge you to support this bill and ensure dignity for incarcerated Nevadans.

**Tamara Savors, Private Citizen, North Las Vegas, Nevada:**

I am in support of this bill because it will ensure that all women and all gender nonconforming folks who are incarcerated will be treated with dignity and be equipped with tools, resources, and services they need to be successful when they return to their families and communities. It is often our most vulnerable folks who are the most marginalized and will have the least amount of success. We know mass incarceration is an issue in the country, and we must begin the journey to roll back the harm caused by these systems. I urge you to pass A.B. 292.

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

I am a long-time resident of Las Vegas, Nevada, and a previously incarcerated person. While we are talking about the women who are currently incarcerated, we forget that they do come home, and that they are also voters and taxpaying citizens. I am speaking in support of this bill because all of this is common sense. It is only an extension and guarantee of the constitutionally protected rights that are afforded to all citizens of this country regardless of their current living situation. If they are in custody of the state, they should be afforded the same opportunities or medical access that they would be if they were living as nonincarcerated citizens, with or without insurance. They would be able to have mammograms, pap smears, and basic medical care, and they would be able to do that without feeling like they are a financial burden on the state.

I think we should not focus on the gender identity section of this bill. Clearly, this is something that we are all figuring out as a society in 2023, how to address that issue most effectively. However, regardless of whatever their gender identity is and regardless of their living situation, they should still be afforded adequate medical care. They should still be treated like human beings. They are going to be citizens, voters, and taxpayers, and you should not discount them.

**Mark Bettencourt, representing Nevada Coalition Against the Death Penalty:**

We are here today because we are supportive of this bill. We believe it is strong policy. I will echo the comments of the folks who have already testified in support this morning. As the son of a formerly incarcerated mother, this is an important step towards realizing dignity for women and all people in the care of NDOC.

**Jameelah Lewis, Private Citizen, Las Vegas, Nevada:**

I am calling in support of this bill. Being the prior Prison Rape Elimination Act (PREA) advocate for the state, I have heard lots of testimony from people in local and state prisons about the lack of specific mental health services, as well as lack of access to hygiene products. I am specifically thinking about folks who are transgender. There have not been

a lot of services offered for people who are female-to-male transgender folks in the NDOC system. This is a problem when we are thinking about having access to reproductive services for people, regardless of whether they are incarcerated or not.

I want to expand on the things that I am supporting as well. This bill would support language access which I think is important for the diverse population we serve as a state, but especially for the communities in southern Nevada. That is why I am in support of A.B. 292, and I hope that you all will also support folks who are currently incarcerated.

As one person said, these people are going to be reentering our community. It is also important to think about the costs to the families who have to send in money to their loved ones so they can afford hygiene products, in comparison to if the state, which these folks are wardens of, is able to provide those hygiene and menstrual products.

**Courtney Jones:**

I am here on behalf of Advocates for Youth, and I am in support of this bill as it stands because I believe those who are incarcerated deserve to leave in good health, both mentally and physically. Many people have already expressed concerns about the medical aspects including suicidal ideation in postpartum being a particular concern. This bill must find a way through because the organizers of this bill have heard numerous and widespread stories of incarceration becoming a death sentence for people—it sadly goes that far.

We are supposed to be building these folks up when they go in, right? They commit crimes, and we want them to come back out better, but instead we are breaking them down in numerous ways related to their well-being by the time they are released. Incarceration for women in Nevada and around the country continues to rise—feel free to look at the Prison Policy Initiative online; our state statistics and those around the country are on there. In my own research, I found the Moms and Babies pilot program at the Decatur Correctional Center in Illinois. It is a prison nursery and community reentry program. I only mention it because it is a demonstrated success.

To close out, these women are from our own communities where they are our mothers and our aunts. Most importantly, they are their own person, who deserve the right to experience moments of joy and peace with themselves and their children. I am in support of this bill, and I hope you all can make it happen to see this passed.

**Shaun Navarro, Private Citizen, Las Vegas, Nevada:**

I do not want to repeat some of the points made today, but I wanted to call in support of A.B. 292. I think those incarcerated deserve the basic dignity that all people deserve. We should think of these folks as people who should be rehabilitated and will reenter our community, and not try to make their stay as unpleasant as possible. I wanted to echo what someone said about the loss of freedom as punishment. That may be true, but they should not have to put up with the punishment of lacking basic health care.

**Genevieve Gutierrez de Lynch, Private Citizen:**

I am calling in my own personal capacity as a caring community member and a person who studied and researched women's reproductive health in university. I am also a licensed foster parent. As someone who cares about the community, I would say that this bill is imperative to be passed. Assembly Bill 292 ensures the socioeconomic success of not only women, but their children moving forward. It will have a massive effect on our community and be an overall benefit. From a personal experience of a woman who birthed two children with only one living child, being separated from your child is absolutely detrimental to not only the woman's mental health, but the child's well-being as well. If we are expecting these folks to be fruitful participants of our community and society, we really need to set them up—not only the women but their children as well—for success, and that begins with one's personal health. I would urge this body to be in support of and pass A.B. 292. It will have a massive impact for incarcerated women and their children.

**Ashley Gaddis, Staff Member, Return Strong!, Carson City, Nevada:**

I am a formerly incarcerated woman who was at Florence McClure and Jean Conservation Camp during my incarceration. I am now a staff member with Return Strong! and I am here to support A.B. 292 and Assemblywoman González for bringing such an important piece of legislation. So often women and their needs are forgotten in the scheme of all the work that is done on prison reform, and we do have specific needs that go unaddressed. This bill takes a courageous step in moving those efforts forward.

I have a couple of concerns that I would like to express. Often, we end up with staff that transfer from men's facilities who then approach and treat women with a harshness that additionally harms women who often come to prison as a victim of abuse and domestic violence themselves. If prison is to be correct in giving out punishment and wants women to go home to their families, children, and communities, skilled and whole, then we need staff to be trained appropriately in working with women. I have personally experienced male officers that have previously worked at the men's prison and then came to Florence McClure whose attitudes and behavior towards the women was unprofessional. They bully and harass. I would describe it as horrific and trauma-triggering.

It is factual that women have specific medical needs that go unnoticed and untreated until it is too late. We have a member right now who has a lump in her breast, who has been unable to get a mammogram and have it appropriately diagnosed. We do not get pap smears, mammograms, or other medical screenings regularly that could help us stay healthy. When a woman has a medical issue and asks for intervention, it can take up to one to two years to be seen. A sentence should not become a death sentence because you are in prison and left undiagnosed.

I want to make sure I also touch upon the issue of hygiene and sanitary products. Currently, women are afforded 18 menstrual pads per month. To break that down for you, that is 2.5 pads for a 24-hour period. Imagine you are someone who has a heavy cycle. What does

that look like? What does that mean? Yes, we do have the opportunity to ask a correctional officer for additional pads, but then we have to go through all this extra questioning and usually get denied those additional pads.

I would also like to share my experience of giving birth while at Florence McClure and the issues I experienced. I had a C-section, and I was held across the prison. So, I was required to walk across the prison grounds to get to the pill call line to receive my post-op medication, which was completely inhumane. I was not afforded special visitation with the father, who would have brought my daughter, because he was not on my visitation list. Therefore, I was unable to establish a bond with my child, which I now know is greatly needed.

Thank you to everyone who worked on bringing this bill to the table. I am personally in support, as well as representing Return Strong!'s support for A.B. 292. We support all the work to bring the needs of women in prison in Nevada to the forefront and provide dignity and respect for incarcerated women.

**Valerie Thomason, Private Citizen:**

I am a community member, and I am in support of this bill. I was incarcerated here as a teenage girl for marijuana—a victimless crime for which I received lifelong trauma that did not rehabilitate me. The embarrassment and the degradation, perhaps more, that I experienced in the juvenile detention centers lead to more addiction, and it did not make me better. Many incarcerated people have committed victimless crimes and are guilty of nothing besides addiction or poverty. Furthermore, nowhere in the *U.S. Constitution* or any policy has the public ever given consent to use humiliation and degradation as a form of justice. I ask you to think about the needs of the incarcerated as equal to the needs of all other constituents because they are your constituents, and they are not just prisoners, they are human beings.

**Theresa J. Yancey, Private Citizen, Las Vegas Nevada:**

I am calling in full support of A.B. 292, the dignity for incarcerated women bill. As we know, women are the creators of life. They are the glue that holds these families together, and they do this with a great deal of strength and resolve. Women are most often the primary caregivers to their children and those who are elderly in their families. They are responsible for empowering and teaching the next generation. Therefore, ensuring incarcerated women receive proper mental health, prenatal care, and overall health care is pertinent to her and her family's overall success upon release. As one of your constituents, I urge you to please vote in favor of the dignity for incarcerated women bill because the lives of women are at stake, especially women who are incarcerated. If we provide those women with the instruments they need to flourish, their success, once reunited with their families, will be astounding.

[[Exhibit C](#) was submitted in support of A.B. 292 but was not discussed. It will become part of the record.]

**Chair Miller:**

I will now open it up to anyone in opposition of A.B. 292.



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

We oppose this bill as written due to multiple concerns of language in this bill. Current law prohibits cross-gender strip searches. There are federally established best practices related to the treatment of inmates in a correctional setting, dictated by PREA, which we follow. We have constitutional concerns regarding the creation of an ombudsman and the potential interference this position creates with bargaining agreements and union laws. We appreciate Assemblywoman González's intent to potentially remove this. While we appreciate the importance of mothers and children bonding, a jail facility is not a safe place for children. Jails do not have medical on site to assist with the specific medical needs of an infant, should they arise. The Clark County Detention Center has spent a tremendous amount of time to create a robust video visitation system which is available to inmates and their families. We are opposed to A.B. 292, but we look forward to working in concert with Assemblywoman González.

**Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:**

I am testifying in opposition to A.B. 292 on behalf of Washoe County Sheriff's Office. For the most part, we are already in line with most of this bill. However, we do have a few concerning areas, most notably those that would require additional staffing. I am happy to hear that an amendment is due out. We have a meeting with the bill sponsor tomorrow and I look forward to the discussion.

**Steve K. Walker, representing Lyon County:**

Due to the unfunded mandate, Lyon County opposes A.B. 292 as introduced. A fiscal note has been submitted by Lyon County controller to the Legislative Counsel Bureau.

**Chair Miller:**

Sir, we are not concerned with fiscal impact here. Are there other reasons why you are in opposition of the bill?

**Steve Walker:**

There are two reasons: the fiscal impact and the fact that Lyon County is already having difficulty hiring guards and police officers. They are short 36 percent of their total numbers. We feel that the mandate in here to match the police officers' gender and/or orientation would be almost impossible and could also be discriminatory, both from the federal and state level on employment.

**Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association:**

Today, we are opposed to A.B. 292 as written due to the significant fiscal impacts that will occur if it should pass. The presentation that I heard today and the intent conveyed vastly differs from the bill that I have read. Rural and county jails and detention facilities have limited staffing available and the multiple requirements from sections 13 to 18 would add burdens to already-stretched staffing levels. I will skip my piece about the ombudsman because that is being addressed. Additionally, some jails and facilities do not have the

physical makeup that would allow for separate housing. In short, we look forward to working with the bill sponsor, and I think we can agree on a lot of these things, the most important one being treating everybody with dignity and respect. There is no question in that area.

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

The city operates the Henderson detention facility, and we are here in opposition to the bill as written. However, the discussion around the amendment today has given us a lot of hope for an opportunity to work with the sponsor as part of a working group. We look forward to doing that. We do have a fiscal note on the bill, and some concerns about the staffing and training requirements as well.

**Bruce Parks, Private Citizen, Reno, Nevada:**

This bill will be extremely expensive for Nevada taxpayers. It has no protections for the potential abuse of the provisions by incarcerated persons. For instance, a person that is gender-fluid may say that they are male today, female tomorrow, and the day after that they are a jellyfish.

**Chair Miller:**

Sir, please let us be respectful of other people when giving your testimony, please.

**Bruce Parks:**

I am being respectful. I am stating facts—

**Chair Miller:**

Next caller, please. [There was no one.]

[[Exhibit D](#) was submitted in opposition of A.B. 292 but was not discussed. It will become a part of the record.]

With that, I will now open it up for testimony in neutral.

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

On behalf of Advocates for the Inmates and the Innocent, we echo the previous comments made here today. We do look forward to seeing what this amendment is going to be, and we hope that you take some of our concerns into this amendment. I do agree that health care is a huge issue, and I do not know if any of you know this, but I lost a brother due to lack of medical care. That is the reason he died.

I do know of someone, not in Nevada but in another state, who was impregnated by a prison guard after about two years inside. Her baby was taken away, and she has never quite been the same. I just want you to understand how important it is for a mother who has given birth to have that bonding: a minimum of a week of bonding with visitation every week thereafter

for eight hours a day, if not more, until the child is at least a year old. This is something that I think is instrumental to the mother and the newborn baby, and anything less would be detrimental. That is what I wanted to say, and we also echo the other comments.

**Barry Cole, Private Citizen, Las Vegas, Nevada:**

I am in support of the bill because of the dignity issues it addresses, but there may need to be some changes. To be able to do what the behavioral health element is suggesting, we should require that there be something akin to what California currently does where, in the final month or two months before delivery and one month postpartum, there is a defined screening for suicidality. They use the Columbia Suicide Severity Rating Scale which can be embedded into electronic medical records so that it is guaranteed to be done.

**James Dzurenda:**

There are several areas of this bill that we already have in policy and are following. There are also areas of this bill that we will have to look at as possible violations of the Prison Rape Elimination Act of 2012. Segregating offenders that have different gender identities or expressions goes against federal law per PREA. There are areas of this that really do have to be amended. I am looking forward to working with Assemblywoman González and the interest groups involved to be able to see what can be done, but I am testifying in neutral as of today.

**Chair Miller:**

With that, I would like to welcome the bill sponsor back up for any final remarks.

**Assemblywoman González:**

Thank you so much for allowing us to present this bill to you. There is obviously a lot of work that needs to be done. However, there are elements throughout this hearing that I have heard from numerous parties that we all agree on, and that is preserving the humanity, dignity, and the respect of these individuals that are incarcerated. That is the intent, the preventative care, and again, the dignity and respect. I want to also finish by saying the origin of this bill is not from stats or numbers, it is directly from impacted people. For that reason, I just want to thank all the folks who were involved in creating this policy and bringing it forth. I look forward to working with everyone to get to a place where we can agree and address some of the concerns that have been brought forth.

**Chair Miller:**

With that, I will go ahead and close the hearing for Assembly Bill 292. The last item we have on our agenda today is public comment.

[There was no public comment.]

With that, I will go ahead and close public comment. I will see everyone back at 8 a.m. tomorrow morning. This meeting is adjourned.

The meeting adjourned [at 10:52 a.m.].

RESPECTFULLY SUBMITTED:

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Aaron Klatt  
Committee Secretary

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a collection of letters and emails in support of Assembly Bill 292.

[Exhibit D](#) is a collection of letters and emails in opposition of Assembly Bill 292.