

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

**Eighty-Second Session
May 4, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:02 a.m. on Thursday, May 4, 2023, in Room 3138 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.

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
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Melanie Scheible, Senate District No. 9
Senator James Ohrenschall, Senate District No. 21



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Connor Schmitz, Committee Secretary
Ashley Torres, Committee Assistant
Natalie Dean, Committee Assistant

OTHERS PRESENT:

Regan Comis, Private Citizen, Las Vegas, Nevada
Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual Violence
Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Jennifer Fraser, Chief Deputy Public Defender, Juvenile Office, Clark County Public Defender's Office
Brigid J. Duffy, Assistant District Attorney, Juvenile Division, Clark County District Attorney's Office
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office
Elizabeth Florez, Director, Department of Juvenile Services, Washoe County
DaShun Jackson, Director, Children's Safety and Welfare Policy, Children's Advocacy Alliance of Nevada
Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers
Mason Tims, Private Citizen, Carson City, Nevada
Viviana Castro, Private Citizen, Carson City, Nevada
Kyle Allen, Private Citizen, Carson City, Nevada
Penelope Truell, Private Citizen, Carson City, Nevada
Patrick Mobley, Private Citizen, Carson City, Nevada
Leanne D. McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics

Chair Miller:

[Roll was taken. Committee rules and protocol were explained.] Good morning, folks. We are hearing three bills today. Also, you may notice that we have law enforcement in uniform today and that is because there is a police memorial at 1 p.m. in the courtyard today. For anyone who is available in the Assembly—we do not have floor today—it is a beautiful event and ceremony to go participate in. That is why you will see many law enforcement folks in uniform today throughout the building.

With that, we have three bills agendized, and we are going to take them out of order. We will first begin with Senate Bill 382 (1st Reprint). It is sponsored by Senator Scheible, and she will be presenting it alongside Ms. Regan Comis. With that, your hearing is open, please proceed when you are ready.

Senate Bill 382 (1st Reprint): Revises provisions relating to juveniles. (BDR 1-795)

Senator Melanie Scheible, Senate District No. 9:

Senate Bill 382 (1st Reprint) is a follow-up bill to a bill that passed in the 2021 Session to address some juvenile justice issues. Therefore, I want to give you a background of what happened and how we got here before I turn it over to Ms. Comis, who has a very personal story about how this bill has impacted her family's life.

In 2021 when we made some revisions to our juvenile justice system, we had the bright idea to move temporary protective order hearings for juveniles to the family court. Basically, we are talking about cases where two children are involved—two people under the age of 18—and one of them commits a crime against the other one. Unfortunately, I would say the most common time this comes up is in a sexual assault case where you have a 16- or 17-year-old kid who assaults another child who is 15 or 16 years old. In that case, there is both a criminal matter, which goes through the juvenile justice process, and a civil matter, where the victim is able to get a temporary protective order (TPO) or a restraining order against the person who sexually assaulted them. Those two proceedings are separate; the protective order hearing does not happen in the criminal court context because a protective order is not a criminal matter, it is a civil matter. While there are provisions in place that allow criminal court to impose requirements on a defendant—requirements on a person who commits a sexual assault not to contact the victim—there is still a separate and important legal process for a victim to obtain an official and specific protective order against the person who has assaulted them. Time is of the essence in those cases; we do not want people waiting for weeks for a hearing to get a protective order. We want them to be able to get it right away.

Here is the issue: back in 2021 when we moved the protective orders from the juvenile court over to the family court to allow a family court judge to hear these protective order hearings, when both the person seeking the order—the victim—is a child, and the person against whom they are seeking the order is a child, we added into statute a provision that would allow that person against whom the order is being sought, the defendant in a criminal case, to have an appointed lawyer with them at the protective order hearing. The problem with that and what happened in reality, and Ms. Comis can tell you more about how this happened to her family personally, is that you have two people showing up for court; you have a 14- or 15-year-old victim of sexual assault with no attorney, and you have a 15- or 16-year-old perpetrator of sexual assault with an attorney. What happens is the power balance shifts on its head where the person who is the perpetrator of the crime has more legal protections than the person who is the victim of the crime. This situation turned out to be horrendous for

victims who were going to court trying to get protective orders against people who had attacked them. They encountered an attorney on the other side who was able to shield their attacker from invasive personal questions, whereas they did not have that protection for themselves when they appeared in front of a judge.

Over the interim, I worked with Ms. Comis, the Nevada Coalition to END Domestic and Sexual Violence, the public defenders, the prosecutors' offices, the family courts, the family court judges, the justice court judges, et cetera, to try to come up with a solution to this problem. The solution that we came up with is contained in S.B. 382 (R1). What S.B. 382 (R1) does is it rolls back that requirement that a person against whom an order is being sought—for ease of reference, the defendant in a criminal case—have a court-appointed attorney and, in order to maintain the protections that we originally sought by doing that, it prohibits the use of any statement made in that protective order hearing from being used in the criminal case. The whole purpose of appointing an attorney for a child who was the defendant in a protection order hearing was to ensure that they did not say anything on the record that would incriminate them in their criminal case. We are still maintaining that protection by adding the language that you will find in section 1, subsection 7, which says an admission, representation, or statement made cannot be used in a criminal proceeding. Therefore, a child who appears in their own protective order hearing does not have to worry about anything they say being used against them in criminal court.

We provide the same protections for the victim of the crime. If the victim is there to advocate for him-or herself to get a protective order against the person who assaulted them, and they make a statement about when this happened, where this happened, or how they are feeling, that cannot be used against them in criminal court. I want to head off the very first question that I asked myself and that everybody has asked me, which is, Why do we not just appoint an attorney for the victim? That is because time is of the essence. Here in Nevada, we do not have "civil *Gideon*." *Gideon v. Wainwright* was the Supreme Court case that said every person in a criminal trial is entitled to an attorney and if they cannot afford one, one will be appointed for them by the government. We do not have that right in a civil case; thus, the victim who is seeking a protective order does not have the constitutional right to an attorney. Therefore, the state of Nevada is not equipped to provide people in civil proceedings with appointed attorneys. If you think that we did not try to come up with the system to do that, you would be wrong, because we explored that option; we considered creating a whole other office, creating a roster of pro bono attorneys, and creating a carve-out in the law to allow governmental attorneys to represent private citizens in these TPO hearings, but the bottom line was that in order to do that, you would have to delay that hearing for the protective order. Through talking to people who have been in this situation such as Ms. Comis and survivors of sexual assault, there is never one hundred percent agreement, but the consensus was that it is better for victims to be able to get into court sooner without a lawyer than have to wait. First, they would have to wait six months to a year for Nevada to prop up this system, and second, the two, three, four days it would take to appoint a lawyer, get them connected with the victim, have them meet, have them talk, have them file the TPO request, and then finally get the hearing.

Instead, we have come up with these protections that are contained in S.B. 382 (R1) which does not prohibit anybody from having counsel with them at the TPO hearing. Everybody is absolutely allowed to have counsel with them, but we will no longer be providing state-appointed counsel for either party—the same way that we did not in 2015, 2017, 2019, or any of the years up until 2021. Nobody will have appointed counsel at a protective order hearing, and whatever they say in the protective order hearing will not be able to be used against them in criminal court when both parties are juveniles. This does largely mirror the state of affairs for adults, but of course, it is just a little bit different because adult protective orders can land in a couple of different court systems depending on whether they are criminal related, related to a domestic violence issue, divorce, or other things. As far as children go, however, I think that we have landed on a good solution to ensure that victims get into court in a timely fashion to get those protective orders. We avoid retraumatizing and revictimizing them to the furthest extent possible, and we still maintain those important protections for juveniles who are going through the criminal legal system, not to have anything that they say or do at a TPO hearing weaponized against them in the criminal proceedings.

With that, I would like to hand it over to Ms. Comis to underscore the importance of solving this problem and why we cannot just say, Well, too bad, this is the consequence of doing business. It really is a serious oversight that we must fix in this session.

Regan Comis, Private Citizen, Las Vegas, Nevada:

I am here representing myself and speaking to you as a mom. I would like to share with you our experience and why I reached out to Senator Scheible. My daughter was the victim of sexual assault at the hands of another minor. When we sought a protection order for her safety, we were told that we would only need to inform the court that there was a pending criminal proceeding and then the extended protection order would be granted. That is what I shared with her, even though the anxiety began to build in her knowing that we would have to see him at the hearing. As the hearing began and introductions were done, we were asked where our attorney was. I told the court we did not know that we would need an attorney and she said one was not necessary, and then the public defender who was assigned to the adverse party in our case announced herself. Instantly, the tension grew. My daughter became very tense and afraid because he had an attorney and we did not have anybody, nor did we know that he would have a public defender there for him.

The court master swore us in and then began to interrogate my daughter. She was asked question after question and was required to provide very graphic details as to what happened far beyond what she expected she would have to share. The other minor never had to say a word because he had a public defender there to speak for him. While in our situation the order was granted, the effect this had on my daughter was immense, and that is the part that I want to share with the Committee that I think is so important. She was unable to sleep for days after this. She could not eat, the nightmares came back, and her anxiety became so high, she had to skip school again because the lesson that she learned from that hearing was that the system cared more about protecting him than protecting her. She was only 14, and

she had to sit and do this all alone while he had someone to speak for him. Due to this experience at the protection order hearing, she was too afraid to testify in the criminal delinquency proceeding. Therefore, he was able to plead down to a lesser charge.

I am asking this Committee to please support this bill because the power imbalance that victims have when they are just seeking a protection order is not right. For our situation, I am sharing this story because the case is over and I cannot change it for my daughter, but she asked me—knowing what I do for a living—to fix this so that no other person who has gone through what she has gone through and is seeking protection has to go through what she went through. That is why I am here asking you to please support Senate Bill 382 (1st Reprint).

Chair Miller:

Senator, you are available for questions?

Senator Scheible:

Absolutely.

Assemblywoman Cohen:

I appreciate your bravery and your daughter's bravery for letting you share that with us. With the understanding that I do not practice criminal law, so I am going way back in the memory banks and, frankly, episodes of *Law & Order*, and I am not trying to be glib about it, but my question is with the provision about how none of what the adverse party says in the hearing would be able to be used against the adverse party. Do we need to be addressing the fruit of the poisonous tree? By that I mean, even if anything they say cannot be used against them, what if there is an officer there at the hearing or the victim hears something and tells the police that leads to something more being discovered? Is that all off limits or is it just what is said at the hearing?

Senator Scheible:

It would essentially be just what is said at the hearing. However, you could apply a general Fourth Amendment analysis to anything that comes from the hearing. Given the example you gave, if something that the adverse party says triggers a memory for the victim and then they go back to law enforcement and say, When I heard that at the hearing, I realized X, Y, and Z, you could argue in criminal court that it should still be allowed in because it was not custodial interrogation, or because it was not purposefully elicited for that purpose, or because the victim came forward on her own to describe it. What we are specifically trying to prevent is weaponizing the testimony given at the TPO hearing to say, Well, at the TPO hearing, you said that you arrived at 6 p.m. and now you are saying you arrived at 7 p.m., thereby impeaching the witness's character because of a previous inconsistent statement. I think that it is also important to note in practice, we have not seen issues arising with additional investigation being done out of a TPO hearing.

Regan Comis:

In our specific situation, one of the questions that was asked was the specific date when the assault had occurred, and when my daughter could not recall the date, she was asked again, What date? You are going to have to do better than that. Well, because she could not recall the exact date of the assault, we were told that in the criminal delinquency proceedings that would have been something that the public defenders would have used to question the validity of the assault. Therefore, I think that was the intention; making sure that those protections were put in place.

Assemblywoman Cohen:

Your example, Senator, I think makes a lot of sense, but I was thinking more, for example, the adverse party says something that triggers something that allows law enforcement to say, Oh, this is where our investigation should go.

Senator Scheible:

At the point that a criminal proceeding is already underway, the investigation would have concluded with the law enforcement agency, and it would have been turned over to the office of the district attorney (DA). While, certainly, a DA investigator might still be going out and doing some follow-up, the bulk of the investigation would be done. Therefore, I cannot really think of an example where there would be significant evidence that would only be uncovered based on a defendant's statement in court at a TPO hearing.

Chair Miller:

With that, I will open it up for testimony in support. Is there anyone who would like to testify in support of Senate Bill 382 (1st Reprint)?

Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual Violence:

I want to first start off by thanking Senator Scheible and Ms. Comis for coming to us with this issue and working with us and many stakeholders throughout the interim, as well as Ms. Comis' daughter and her vulnerability in sharing her story on record. We have been approached by not only Ms. Comis, but a handful of other families and agencies really concerned with the current statute. We know when it was crafted it was well intended, but it has had some unintended consequences and really created some negative power imbalances for our victim-survivors. We really appreciate everyone coming together to figure out a remedy to the problem.

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

We are here in support of Senate Bill 382 (1st Reprint). We would like to thank Senator Scheible for bringing this bill forward and for Ms. Comis having the courage to share her story. We are in strong support.

Chair Miller:

With that, I will open it up for testimony in opposition. Is there anyone who would like to testify in opposition to Senate Bill 382 (1st Reprint)? [There was no one.] Is there anyone wishing to testify in neutral on Senate Bill 382 (1st Reprint)? [There was no one.] Senator Scheible will not be making any final remarks, so with that, I will go ahead and close the hearing on Senate Bill 382 (1st Reprint).

The next bill we have on the agenda is Senate Bill 415 (1st Reprint). Senate Bill 415 (1st Reprint) was brought forward by the Senate Committee on Judiciary and will be presented by Mr. John Piro, Senator Scheible, and Ms. Jennifer Fraser. We also have Ms. Brigid Duffy who will be available for questions. With that, Senator, your hearing is officially open. When you are ready, please proceed.

Senate Bill 415 (1st Reprint): Revises provisions relating to juvenile probation. (BDR 5-317)

Senator Melanie Scheible, Senate District No. 9:

We have used the collaborative model to come up with the language of Senate Bill 415 (1st Reprint) as amended. You should see that amendment on the Nevada Electronic Legislative Information System [[Exhibit C](#)], on your desk, or wherever you get your daily amendment news from because we have been working very closely together on this language to make sure that we get it right. Mr. Piro and Ms. Fraser will be able to speak more to that, but first, I just want to give you a background understanding of where this bill comes from. The bill comes from the Joint Interim Standing Committee on Judiciary, which I sat on with a number of you, and we had a day devoted to child welfare and juvenile justice because we collapsed the Legislative Committee on Child Welfare and Juvenile Justice into Judiciary, and it became part of our direction over the interim to take on the issues that committee used to study, handle, and make suggestions on.

Over the interim, one of the issues that we encountered and decided to address with S.B. 415 (R1) was a difference between the way we treat adults and children. Of course, there should be differences, but this is one that we did not think was necessary. In 2019, when we reformed a lot of our criminal law statutes, we provided that every adult placed on probation is placed on probation for a definite term. Instead of saying you are sentenced to 1 to 5 years suspended, it would be sentenced to 1 to 5 years while you remain on probation for 3 years, while you remain on probation for 2 years, or while you remain on probation for 5 years. But we do not do that for juveniles; for juveniles, we kind of open the door and just leave it open, which the social science shows is not best for kids. It does not help them to not have a goal, to not have an end in sight, to not have something that they are working towards in order to complete their probation, close that door, and move on to the next chapter of their lives. Therefore, with S.B. 415 (R1), we came together and looked at national averages, state averages, and the types of programs that juveniles are often involved in during the course of probation to determine what would make sense for Nevada children.

We decided on ensuring they are placed on probation for a period not to exceed 18 months to start with, the extensions would be for 6 months at a time, and never for more than 3 years. This comports with the science that we utilize in the state of Nevada to ensure that kids are engaging in useful proven programs to help reduce recidivism, modify problem behaviors, and ensure they stay out of the criminal justice system in the future. Senate Bill 415 (1st Reprint) also allows for one more exception to that rule; if everybody agrees it is best for the child to remain on probation in excess of those 3 years, they can decide that. For example, if being on probation is what enables them to avail themselves of certain services, to be housed in a certain facility, or to participate in the program they want to continue participating in, the parties will still have the ability to extend the probation beyond the 3 years. They can do this to ensure that children are not being removed from helpful programming simply because their probation has expired. For all those other children who are completing their requirements, graduating from high school, doing their community service, engaging in their therapy, and working with their families to remain out of trouble, we want to be able to give them that closure of an end date, finishing probation, and moving on. That is the purpose of S.B. 415 (R1). I will now turn it over to my colleagues to provide more detail on the bill itself.

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

I am going to kick it over to my friend, Ms. Fraser, who is the chief of our juvenile office. She is one of the most experienced persons in our office in this area, and she will provide more context for this bill.

Jennifer Fraser, Chief Deputy Public Defender, Juvenile Office, Clark County Public Defender's Office:

Thank you for taking the time to hear this presentation this morning. I echo everything Senator Scheible presented and wanted to speak to a practitioner's point of view on how this bill will be helpful for us. This bill highlights a gap in our juvenile justice statutes with not allowing specific terms for our kids on probation. Currently, the statute leaves it up to the court, where it could interpret putting a child on probation up until they are 21 years of age. That certainly becomes problematic when we are talking to 14-year-olds or 13-year-olds facing misdemeanor offenses and telling them that technically the court is placing you on probation for seven years. Additionally, in other jurisdictions I have had an opportunity to speak to colleagues in Washoe County and in Carson City, and practically, what is happening there is they do not get end dates. They are "guesstimating" to their clients when they could possibly get off probation, and that is really problematic for our ability to work with our clients.

The social sciences tell us about adolescent brain development and these kids need end dates and they need incentives. That is really important. We also know that the science tells us that longer probation terms are not more effective; in fact, they can keep a kid more entrenched in the system. I think adding this ability for the court to set terms also can reduce disparities for our kids in our state. Disparities related to racial components, socioeconomic status, and gender when we have this statute in place.

Also, this statute, unlike the adult system, which was pointed out, is not offense based. Therefore, this is specifically tailored to juvenile justice and how we want to work with kids, which is a holistic approach. The courts are able to look at the risk assessment, the family background, what specific risks and needs this child has versus just looking at the one factor of the offense, and that speaks to the holistic approach that juvenile justice takes, making sure that it is both rehabilitative and also takes into account community safety and interest. I am happy to answer any questions about that, but I just wanted the Assembly to have that background from our point of view.

Chair Miller:

Thank you so much for that. We do have a few questions.

Assemblywoman Summers-Armstrong:

I am curious about the strike-out in the amendment [\[Exhibit C\]](#) in section 1, subsection 3, paragraph (b), "is advisable, considering the individualized case plan for the child," and it references *Nevada Revised Statutes* (NRS) 62E.507. When I look that up, this is specifically for someone who is in a facility, and it is not speaking to a child who might be on probation but in the custody of their parents, their foster family, or something similar. Therefore, do you believe that referring to NRS 62E.507 covers that type of a probationary situation, and how?

Senator Scheible:

I can kick it over to some of my colleagues here, but I can first say that the purpose of referring to NRS 62E.507 was to make sure that whenever we are assessing a child's eligibility for probation or the suitability of probation, we are utilizing that evidence-based assessment tool which is described in NRS 62E.507. It is outside of my area of expertise however, so if anybody else wants to weigh in here.

Brigid J. Duffy, Assistant District Attorney, Juvenile Division, Clark County District Attorney's Office:

The reference to NRS 62E.507 is specific, as Senator Scheible said, to our risk needs assessments that are done for all children. When the group of us—the public defenders, the probation teams, and the district attorneys—all got together, we asked, What is it that we really want to consider if we are continuing probation? Well, it would be all of our interests. Therefore, probation does the assessments to discover what a child needs and their risk level to the community. Of course, both district attorneys and public defenders are considering the child's best interests, and then the community safety piece from juvenile justice and the district attorney's office. When we go to court and we want to talk about extending probation, all those things should be considerations of the court, and NRS 62E.507 should be referencing those assessments.

Assemblywoman Summers-Armstrong:

I understand that you want to do the assessment, but if this particular NRS—okay, I see it says under supervision, juvenile court or probation and then the facility. I just do not want us to miss a child who may be outside of a facility. I want us to make sure that they are completely covered by the full assessment, and we do not have an issue where someone slips out that could use this help.

Brigid Duffy:

The assessments, also by that statute, are to be redone every six months. Therefore, it was a natural fit to consider those assessments in any extensions of six months.

Assemblywoman La Rue Hatch:

My question is on section 1, subsection 4 where it is talking about extending the probation if all those parties agree. We have the child, the parent or guardian, the attorney for the child, the probation officer, and the district attorney. I teach in high school, and I know a lot of times teenagers do not always agree to things that really are good for them. Therefore, my question is what happens if every single adult in that group says this is good, this is what you need, but the child says, No, I do not want it.

Jennifer Fraser:

I certainly appreciate that question and understand the concern. This particular subsection, subsection 4, was added because sometimes we have really unique cases. Typically, the 18-month terms plus the 6 months and then no more than 3 years would cover probably 99 percent of the cases. Every now and then we might have a unique case come in the system where we have to get a little creative and think outside of the box, and that was why that was included. To make sure if there is a case where all of the parties think this would be something where the 3 years would be more appropriate; that was why that was included.

I understand the issue of having the client, the child, having to agree to it. I think that was contemplated if there were perhaps certification considerations, such as if the child was facing the chance of being sent to the adult system. Therefore, if faced with the choice of remaining in the juvenile system and being on probation for perhaps longer than three years or face adult consequences, I think our clients would choose the previous. That was the intent of that section. I do not think the parties intended to be using that in the majority of our cases at all.

Chair Miller:

Thank you for that. Not seeing any additional questions. I will open it up for testimony. Is there anyone who would like to testify in support of Senate Bill 415 (1st Reprint)?

John Piro:

I just want to make sure it is clear that the Clark County Public Defender's Office supports this bill.

Brigid Duffy:

Same thing. Just making clear that we support the bill.

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

We support this bill.

Elizabeth Florez, Director, Department of Juvenile Services, Washoe County:

We are in support of S.B. 415 (R1).

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

The Children's Advocacy Alliance stands in support of S.B. 415 (R1).

Chair Miller:

I will now open it up for opposition to S.B. 415 (R1). Is there anyone who would like to testify in opposition to S.B. 415 (R1)? [There was no one.] Then I will open it up for testimony in neutral on S.B. 415 (R1). [There was none.] Then I will welcome the bill sponsors back up for any final remarks. Not seeing any final remarks, I will go ahead and close the hearing on Senate Bill 415 (1st Reprint).

For our next hearing, the Senator presenting is not here quite yet. Therefore, we are going to take a ten-minute recess just so we can get an estimated time on his arrival. If you leave the room, be back in ten minutes, and then we will see where we are from there. We are in recess.

[Recess to the call of the Chair at 8:41 a.m.]

Chair Miller:

I will call the Assembly Committee on Judiciary back to order and out of recess [at 8:55 a.m.]. We were just waiting for the Senator to arrive, and he is now here so we can come back to our business. Our next bill is Senate Bill 359 (1st Reprint) which is sponsored and presented by Senator Ohrenschall and Ms. Brigid Duffy. Your hearing is officially open, and please proceed when you are ready.

Senate Bill 359 (1st Reprint): Revises provisions governing juvenile justice. (BDR 5-56)

Senator James Ohrenschall, Senate District No. 21:

To my left, I have Ms. Brigid Duffy, whom I have worked with for many years who is the assistant district attorney for Clark County in charge of child welfare and juvenile justice. I have to say, a lot of folks like to complain about attorneys, but I think that she and I are very lucky because we work with children and try to help children. I think we have some of the best gigs attorneys can have in terms of trying to help kids in trouble succeed.

One thing that I noticed in the last few years was a lot of the children I worked with—my day job is a deputy public defender in juvenile court—and also a lot of probation officers were talking to me about the community service that was either ordered by the court or statutorily required for certain delinquency offenses. Furthermore, a lot of nonprofits did not want to have children performing that community service. Many children might get an order with their terms of juvenile probation which say they must complete so many hours of community service to successfully complete their probation; but a lot of children were just not able to get that done. They might be able to get everything else done on probation but not be able to get that community service fulfilled. Senate Bill 359 (1st Reprint) has been amended over in the Senate, and I worked with Ms. Duffy, the Department of Juvenile Justice Services, and a lot of folks to try to make sure that there would be opportunities for children to be able to complete community service, that it would be an achievable goal, and that we are not setting any kid up for failure.

As an attorney who works in juvenile court, the best success I can have for a client is probably the opposite of an attorney in private practice. I think attorneys in private practice want their clients to be thrilled, happy, and come back and be repeat customers. Well, I hope I never see a client again, and that is a success for me if I do not represent that child again. Unfortunately, if children are not able to complete their term of probation and things have to drag on because they cannot get the community service done, then I think that just sets kids up for failure because they did not have a recognizable goal for when they can, hopefully, get this done, and put this behind them. Yes, they got in trouble, but the goals of juvenile court are rehabilitation and treatment, not punishment. I urge this Committee to consider the bill. I will now turn it over to Ms. Duffy to talk about her view of the bill, and then I am happy to stand for any questions.

Brigid J. Duffy, Assistant District Attorney, Juvenile Division, Clark County District Attorney's Office:

I am very excited to have Senate Bill 359 (1st Reprint) before you today. Since I took a position in the district attorney's juvenile division, community service was something that I really studied, looked at, and was trying to figure out how we can make it more meaningful than going to a park and picking up trash. We were really limited in what we could do with children, so I did a lot of studying around different areas in the country of how they handled it, and I landed on some research from the Office of Juvenile Justice and Delinquency Prevention (OJJDP). They recognize community service as an important and valuable tool that is meaningful to the community. That service can go a long way to restoring victims and reconnecting youth in the community, and that was very important to me. Community service should be of value to both the community and the child providing the service.

Completing community service as a young person is a positive indicator of rehabilitation and is positively associated with employment and stability for children. It provides avenues for personal growth, promotes self-esteem, increases personal dignity, improves self-image, increases the ability to empathize, and provides opportunities for mentoring, apprenticeships and employment. Empathy is a big issue to me because one thing I see as I read crime report after crime report of children is that lack of empathy when they attack an elderly person at

the ATM or when they are going to their car, or another child. They do not seem to be connected to what the activity is that they are doing. Therefore, building that empathy through community service became an important mission for me. We must make it meaningful; we have to make sure that community service is not designed to be punitive. Unfortunately, our kids are not going to take it meaningfully if they think they are being punished for it.

One thing that we do in juvenile justice is actually giving back to the community, rather than giving to the kid. Everything we do in juvenile justice for probation terms is really meant to improve that child's life outcome. Community service is the one thing—well, I should not say that is the one thing because we do have restitution—but community service is a thing that is designed not only for the child but also to benefit the community. It is not meant to be punitive to punish or humiliate offenders. You have probably heard about people in communities that have to hold up signs and that is their punishment; that is not what we are talking about. It is supposed to be designed to restore the harm committed, to connect that child to their community, and to create opportunities to improve one's empathy, and in turn, improve our community's safety.

Senate Bill 359 (1st Reprint) is going to open more avenues to meet those goals for children. If you look at section 1, subsection 1, which actually comes from OJJDP, community service would facilitate that civic engagement and enhance those connections. Then what it is designed to do is encourage the development of empathy, repair harm done to victims, and facilitate the development of critical thinking and a deeper understanding of community problems. Therefore, if we can just expand that, and in turn, really make our system meaningful as to what a child is doing.

Furthermore, we have a lot of debates in our system about whether or not a child who attends tutoring or joins an after-school activity is participating in community service. Although I might not be the most popular district attorney for saying this, but I say that it does, because if it connects the child to their school, if it connects the child to a mentor; be it through a debate club or—we always use sports as examples, but not every kid is an athlete—but there are debate clubs, there are Black student unions, there are different things that children can get involved in that could connect them to a mentor. That to me is community service because the school is their number one community at this point. With that, I appreciate Senator Ohrenschall for bringing this. I did not know it was coming, but when I saw it drop, I said, I have got to be in on this. I thank this Committee for listening to this bill today and for considering S.B. 359 (R1). I am happy to take any questions you may have.

Senator Ohrenschall:

That concludes our presentation, and I think Ms. Duffy really hit the nail on the head in that I think there are so many, what we call in juvenile court, pro social activities that kids can take part in that if they will count as community service towards the hours that they are statutorily ordered to complete, I think it is going to be a benefit for the child and a benefit for the community. If a child receiving tutoring is able to bring up their grades and not feel like they are a failure academically, maybe they can keep going and will not drop out. I think

that is a success. If a child gets engaged with a mentoring program, sports, something like a club, or anything that is pro social, I think that benefits the child, benefits the community, and this bill would allow that to be counted towards their community service hours.

Chair Miller:

I will age myself in saying that I am of the generation where people were still given the choice between jail or the Army. A few of my classmates made that right choice, and that is how we ended up in class together in undergrad. With that, I will open it for questions.

Assemblywoman La Rue Hatch:

I think it is important to look at opportunities for our young people. My question is on section 4, subsection 1, paragraph (c), where we are adding in, "A program for which the primary purpose is to build job skills and increase employability of the child." I just wondered if you could speak to what those types of programs are, because jobs for Nevada graduates are very different than say, a job at McDonald's, and that counts because you are building employment skills. Could you just speak to what you are looking for there?

Senator Ohrenschall:

Something that comes to mind are kids who are at the Spring Mountain Youth Camp down in Las Vegas. That is a camp for boys up on Mt. Charleston, up at about 9,000 feet altitude, and they had programs where a lot of kids would get their ServSafe certificate so they could work in restaurants in the culinary industry. I remember in the past, I think they also had programs to learn welding. If a child, let us say at Spring Mountain Youth Camp, has an order of community service and the statute required 200 hours of community service, if those program hours can count towards completing those hours, I think it helps the child towards making that goal realistic. It gives them something that they will have forever, that they can fall back on regardless of what they decide to pursue academically. I think even for children who are on field probation who are living at home in the community, there are programs that different judges order kids to participate in where they do work on job training skills. Therefore, I think that is to help the children, and I think that if that counts for community service, it is a double benefit. The child is making progress towards that goal and not thinking, 200 hours, I will never be able to get that done. I am just going to be on probation for the next six years. I think it is a double benefit.

Brigid Duffy:

We are actually working right now in Clark County with an automotive repair company to do automotive work. We are working with, I believe it is Workforce Connections, so it would be something to that effect. We also have a great program we call the Chef Jeff Project, which is a nonprofit, and Chef Jeff takes our kids from probation and teaches them culinary skills. They are not paid to do it; you should not be paid to do your community service. These are programs that are designed to help give them those skills.

Assemblywoman Newby:

My question is on section 1, subsection 2, paragraph (b), where it mentions, "Repair harm done to victims and the community by giving back to victims and the community." That, to me, seems like some sort of restitution process. I was wondering if you could speak to restitution within the juvenile justice system and, if that is related, how that plays into the whole schematic.

Senator Ohrenschall:

Restitution is usually ordered in every case. In almost every case where a child is adjudicated a delinquent child, usually, you will also hear an order for a letter of apology. I think that may also describe in terms of some of what we are hoping children will realize. I am going a little bit off on a tangent here, but I think some of the most moving moments in my career as an attorney have been at sentencing where the victim is allowed to speak. Very often victims are upset, they are hurt about what happened, but I have seen so many times during—I do not want to call it a "sentencing," we do not use that word in juvenile court—but the report disposition, where the juvenile judge will decide what is going to happen to a child, where the victim will plead for mercy for the child. I have seen victims who have pled to the juvenile judge saying, I grew up in foster care and I understand that things were probably not easy for this child, and No, I do not want this child sent to a youth correctional facility. It does not always happen, but there have been many times I have seen that happen, and sometimes there are connections that happen between the child and the victim.

Therefore, that is how I see this. Not so much as restitution, but for the child trying to understand that, yes, someone got hurt but maybe they did not intend to cause that kind of pain, maybe they were going along with a group of friends. A lot of cases I see in juvenile court are kids who want to fit in, want to be with the group, follow the leader, and unfortunately, get themselves into big trouble, but never really meant to cause serious harm. But unfortunately, serious harm happened. I do not think I completely answered your question, but that is how I see it.

Brigid Duffy:

I think the best example of this "repair harm done to the victim" would be cleanup crews for graffiti. If a child has to do the statutory hours for graffiti cleanup in Clark County, we have kicked off that program again where the youth can go and help with that. A lot of the specifics for this section are going to depend on the victim. If the victim wants the child engaged in something that specifically repairs that harm, that is really that restorative piece—although that might be a bad word this session. For example, say a child trashes and destroys some property in the classroom and the victim is the school or the teacher, and by my office engaging the victim and asking, What do you think would be best for this child to come in and do for his community service to repair the harm that was done to you or your school? That type of interaction.

Chair Miller:

Thank you for clarifying and specifying that Ms. Duffy. First of all, "restorative" is still a good word. The actual restorative justice plans that were supposed to be delivered in the schools; that is the keyword, "restorative," means to restore for the victim and also restore for the person who committed the offense because in building, growing, and learning, that is restoration as well. That is still a good word here. If I could figure out the number of people in this Legislature, but even in the country, who have both run a prisoner reentry program and been a classroom teacher; I would imagine that that number is probably very few. As I speak with that experience, again, "restorative," it is going back to the old stuff when we were kids. If you were caught sticking gum under your desk, then you spent Saturday morning helping the custodian clean gum off all the desks. If you are caught spraying or drawing on walls, then you spend time cleaning up graffiti around the community. Therefore, I appreciate, especially those direct causal consequences. "Consequence," not being a bad word; we have positive and negative consequences, but they both can reinforce and encourage behavior.

I do not think there is anyone on this dais who does not value, appreciate, and support more school engagement or involvement in sports, activities, and clubs. We know about the connection between school and community. For many of us and for many students, that is what kept us going, the arts or the sports. If it was not for that, I would not even have bothered with school. If it was not for that C average I had to maintain to play, I would not have even bothered. Therefore, no one is diminishing or reducing the impacts and effects of those activities. I wish our kids were more engaged and that we had a system that was more consistent and engaging for everyone. When it comes to restitution or rehabilitation, I do not know if that alone is enough for our students.

I like the additional examples of the direct impacts. I like how some of the stuff was crossed out related to money because if you are 14 years old, who is actually paying that unless the juvenile is working. In here it talks about the things that will help for both the person who offended and the victim such as encouraging empathy, repairing the harm, facilitating the development of critical thinking and problem solving, but we also know this is different per age. A 10-year-old is much different than a 16-year-old, and what they need from adults is much different. At some ages, say around 12, not all 12-year-olds are the same; they are not all in the same place. Some are still very immature; some are overly mature.

Therefore, if we are using school activities and some of these other activities that are not as direct as cleaning graffiti off the walls; whose role will it be to ensure, to guide, and to foster, because the kids will need structure and, of course, tracking? How do we monitor who will be responsible because when we use schools for things like this, the school does not always know? If someone comes for tutoring—and I do not think that is a great example—teachers and the people in that building are going to think the kid is just coming for tutoring. Who is going to add that additional piece, where that direct guidance and direct reflection for the kid

is provided so that it is not just them doing another activity, but a more direct link? If I got caught spray painting something and now I am scrubbing paint off, that is a direct link. When it is not a direct link, who guides and who provides that reflection so that all of these things that are listed here are actually happening, and it is not just something they have to do?

My second question relates to—and I think you alluded to it—the ability for the decisions to be made, but making sure that we are considering, of course, a child's age and level of maturity, but also their family situation. By the time someone gets into a certain detention center or camp, they have already gone through many things, as opposed to a student that has their first offense but perhaps has a specific family situation. In taking it in totality, there can be the child who is in an inconsistent, unhealthy, or unstructured situation as opposed to the kids that are in great situations and still choose to do things. How is that all considered?

Senator Ohrenschall:

What I am envisioning, if this bill passes, is that pro social activities that children who have been adjudicated delinquent would be able to take part in to satisfy their community service hours could be at a school, but would not have to be a school. As an attorney practicing in juvenile court, I have seen, for example, a family who does not have a car and different programs and nonprofits in the community come pick up the child to take them sometimes to see a movie, to watch a game, or to go to the library to take part in other pro social activities. There are nonprofits, at least in southern Nevada, that I have seen try to work with kids and families, even if they do not have reliable transportation, in getting to a particular place where there might be something going on; but without that work, the child's participation would be difficult.

I think the probation officers will play a big role in trying to make sure that the community service hours the child is working on will be focused towards what they got in trouble for. However, I do believe that if this bill passes, things like working on extra tutoring at school, taking part in sports or theater, and things such as that would also satisfy those community service hours. It would keep the child engaged in pro social activities. One thing I have seen with kids who are busy with pro social activities is they are not following other kids who might get into trouble as much. Therefore, I think the probation officers will have—as they always have had—a big role. The term "probation officer" is a little bit of a misnomer because so many of the officers I have been able to work with try to be social workers or mentors. They will pick up kids and try to help them get a copy of their birth certificates if they need it to try to get enrolled in a particular program. They certainly are officers, but I think they have a much bigger role in terms of what they do. I think this will give more avenues for children to be successful.

As to tracking, let us say a child stays after school to take part in a tutoring program, I believe that the child would need to get some documentation from the school to take to the probation officer. Something showing they spent two hours Monday, Tuesday, Wednesday, and Thursday after school to show to the probation officer.

Chair Miller:

As a teacher, the majority—at least 80 percent—of my time in the classroom is spent trying to manage and encourage proper behavior. Behavior is what teachers are focusing on. We know that, sadly, it is not instruction or academics; it is behavior. Therefore, school activities are marvelous for prevention, but what about the student who is already in all those school activities? They are already in the choir, already getting straight As, already playing basketball. What do we do for that child who is already doing all these things?

Brigid Duffy:

I want to make sure this is clear; this does not have to take place in the schools. That is just an option if it fits that child. I agree with Senator Ohrenschall, the probation officers are going to really be the ones having these conversations with the children. In my research, which I talked about early on, the first thing they should do is ask the child, What is your community? If they do not know what their community is, how do you attach a mechanism to that to improve that community? Therefore, if their community is church, the rec center up the street, or maybe they say school, the probation officers are going to have to engage that child within each of those. The great thing—connecting it to S.B. 415 (R1)—is in that *Nevada Revised Statutes* (NRS) Chapter 62E, we talked about how that youth level assessment requires the probation department to figure out where the strengths and weaknesses of a child are, and one of those areas is their social activities.

Those of us in the field know that the fastest route to the juvenile justice system and ultimately, the criminal justice system is going to be disengagement from school and disengagement from pro social activities. If a probation officer gets a child on their caseload, sits down with them to do that case plan, and says, You have to do 200 hours of community service. Where is your community? What is it? Is it you walk through a random park that is trashed and pick it up? That is not really connecting the kid to anything. We can send kids to a park to pick up trash all day long and they say, I am being punished; I had to pick up trash because I robbed somebody. But, if that is their community, then that is going to be a little more connection. Furthermore, by utilizing the probation officer, whom we have worked with over the years through that legislation with NRS Chapter 62E to become more focused on figuring out the whole family, the whole child, and servicing them to prevent them from continuing to victimize your communities and continuing down the path to being a criminal, we are going to be better off. It is going to start there, and I am hoping, with the passage of this bill, those conversations will be had with the probation officers to say, you have to connect what you are doing now to this.

Chair Miller:

Let me be clear, I abhor, more than anything, the term "school-to-prison pipeline." You cannot imagine how much I hate that term because our entire purpose is to keep kids out of prison. The entire reason I became a teacher after running a prisoner reentry program and after running welfare-to-work programs, is to keep people out. If we would now like to start using the term "disengagement-from-school-to-prison pipeline," which is much more accurate, I appreciate that. Therefore, that will be my retort every time someone says that, No, it is the disengagement from school. We have a few additional questions.

Assemblywoman Hardy:

I also believe whatever we can do to help kids so that they can be successful in their future, move on from bad decisions, and become successful adults is what we should be doing. I wanted to go to section 5, subsection 2, where it talks about doing community service in lieu of fines. If you could just talk about that a little bit. It says they can, "perform not more than 10 additional hours," and then there are sections throughout the bill that relate to fines. Therefore, for any fine in here, can they do up to 10 additional hours for those fines? Then it also says it cannot exceed 20 hours. If you could clarify, is their total community service not more than 20 hours? Can it be more than 20 hours or is this just in relation to fines?

Senator Ohrenschall:

My intent with the new language in section 5, subsection 2, was that would be in lieu of a fine. If the child had been ordered to perform community service, this would not be in that pack of hours. This would be if the court wanted to order community service in lieu of a statutorily mandated fine. Also, this section, section 5, is for truancy only.

Assemblyman Gray:

More of a statement with an ask at the end. I like the way you have put this together. I think juvenile justice has always been lacking in addressing some of the underlying issues. It has always been more about punishment, and that is great for adults, but for kids, you can still turn them around. One of the things I was wondering, I did not see this and maybe it could count, was a mentorship program. I have worked with at-risk kids and the majority do come from single-parent homes where they are lacking that other parental figure. Is there a way, especially in the Vegas area where you guys have so many programs, to get that to qualify where they spend time with a mentor who could report back to the probation officer. The probation officers do a great job of it oftentimes, but they cannot be everything to everybody all the time.

Brigid Duffy:

We actually talked about that. In Clark County, I would say 90 percent, maybe more, of our children who are put on a case plan for their probation terms have a requirement to engage with a mentor program. Senator Ohrenschall is nodding his head in agreement. Therefore, we did not include that as a community service piece because that is already something that we are connecting them to. Now, if that mentor then takes them to a job building program, a skills program, takes them to Three Square to help feed the homeless one day, or that mentor takes them out, that would be the addition. The time spent with that mentor in the mentoring program itself would not be counted towards community service, but if they did something that would fulfill the community service hours, it would.

Senator Ohrenschall:

I am going off on a bit of a tangent here, but I have represented kids at hearings where there are a lot of bad facts, and the court is considering sending them to a youth correctional facility. Taking them out of the community and out of their home. We have had mentors who have been working with the children who show up to court and talk about a lot of positive things they have been working with this child on. There have been more than a few

times where the court has listened to the mentor who has been working with the child and given the child another chance. They probably would have sent the child to a youth correctional facility; maybe Nevada Youth Training Center in Elko, Caliente Youth Center, or Summit View Youth Center, but heard the positive things that the child was working on with the mentor, and said, Well, there is a lot more here that is happening and there are a lot of positive things happening, so I want to give this child another chance. I think that they have been successful, but I think one problem we have had down in Clark County is getting enough mentors connected to children. Nonetheless, I have been very impressed by the people who have worked with kids through the mentoring programs that the courts ordered.

Assemblywoman Summers-Armstrong:

This is always very interesting stuff for me. I know that you and Ms. Duffy have extensive experience in this area, and I have only skirted around the edges. One of the things that I have done over the years, and I tell people all the time, I have only been a mom and a Sunday school teacher—not only those, but those are the things that have really influenced my life and my thought process when it comes to community service and raising kids—but I have often had young people in my Sunday school space who have had issues at school. Young people who disengaged, as our Chair said, having problems, and have needed community service time to make it count, but sometimes nonprofit organizations are unwilling to participate because they are not sure about the exposure to be in these programs. I think that some of our community groups are probably the best places for these young folks to get their community service. Is there any training available? Is there any outreach for these groups?

To speak to what the Chair was saying is, if I have a kid at school, and their parents have brought them in by the ear—and I swear to you this has happened—saying, So and so is on my nerves right now. They were in trouble at school, and I say, Send them to me. I am going to find work for them in the classroom. They are committed. I am checking homework. I am asking them to stay after. How do we bring that into these community spaces to teach us how to do it right, and then be able to report that, so the kid sees I am making my commitment? Do you have that kind of resource available? Also, protections, because these days people sue churches, they sue community groups, and they need to know that they are okay if they allow that child to come in and do that work.

Senator Ohrenschall:

Certainly, in the past with the children I have represented, I have seen different community organizations that children have been able to get involved with. There are some that have a long history of working with juvenile probation and the juvenile courts who would regularly come to court and report to the juvenile court about how the child was doing, how things are going, and the kind of training, teaching, and mentoring that was going on. If this bill gets to the Governor's desk, gets signed, and there is a wider range of community service the children can participate in, I would certainly like to see what you are talking about happen, but I do not think there is anything in this bill that makes that happen or requires that to happen. There is an option of trying to look through statute or perhaps just ask our juvenile courts and our different departments to try to reach out to community organizations

to try to provide that guidance for the organizations that want children to participate because we certainly need more mentorship programs. We need a lot more for kids. There are a lot of needs down in our part of the state and all parts of the state, but I am more familiar with what is happening down south. Therefore, I do not see anything in this bill that would make that happen, but I think that can happen and should happen. I do not think I really answered your question, but I think you are on the right track, and I would like to see that happen. I would certainly like to work to make that happen with whatever happens with this bill.

Assemblywoman Summers-Armstrong:

If we could get people to participate, this would enable those types of activities to count towards the child's probation if we were able to get this through, correct? It would enable it. We could count it.

Senator Ohrenschall:

I believe it would, because the NRS for many firearms offenses, for instance, there is a statutory order of 200 hours of community service. It is also the same for children who bring a BB gun to school, and, unfortunately, a lot of children with the BB gun example, do not realize that it is illegal to have and just think it is cool to show their friends. Nowadays, that is not something we can have at schools, but when that child is ordered 200 hours of community service, there are a lot of nonprofits who, even if it is helping stock shelves at a food bank, are very concerned when they hear a child had a firearms offense. Even if it was for something that was not a real firearm, such as a BB gun. Therefore, I think it will open more avenues for children to be able to try to complete community service with community organizations in pro social activities.

Chair Miller:

I think the other part to the Assemblywoman's question was that it enables us to be an option, but also where would be the structure and the support for the organizations that participate? That is really the key. If a place of worship, a community center, or a nonprofit is going to participate, they also need additional structures, support, and perhaps even security. Of course, we know our parents need support as well. I cannot imagine just how hard parenting is, but what I do know is that it seems to be much harder than it was when any of us grew up. I think that, especially when we are talking about the youth, it is more than just making sure that there is a ride for somebody. Our parents need support as well.

Brigid Duffy:

Assemblywoman Summers-Armstrong is actually hitting on exactly why we need this piece of legislation. We hit a drought of being able to find places that will accept children to do community service because of liability. There were a lot of nonprofits that would not take on children to supervise, and this bill will help us expand our options to count for 200 hours of community service by being able to do things that are already available to kids such as if they go to Spring Mountain Youth Camp and participate in the culinary program, which is the job building skills, or they are able to do something with their school they have not been active in before. Therefore, it will expand it.

I will also say, I love the way you think, Assemblywoman Summers-Armstrong, and we as a system really do need to build more programming out there that is ready to embrace our kids and help bring them up. That is just something we are going to have to do. This bill is not going to assist in that, but we could definitely use more organizations like a church to help us find those community service hours.

Assemblywoman La Rue Hatch:

My question is a follow-up on Assemblywoman Hardy's question on section 5, subsection 2, regarding the 20 hours. As I am reading it, it seems as though we cannot exceed 20 hours, period. Therefore, I just wanted to get clarification. That is only in truancy cases and does not apply to other cases in this area, correct?

Senator Ohrenschall:

That is correct. *Nevada Revised Statutes* 62E.430, as Ms. Duffy pointed out, is the habitual truant section of the NRS. That would be limited to that section about truancy.

Assemblywoman La Rue Hatch:

I appreciate that clarification. Does that mean that if there are fines in other areas, such as other infractions, that they would not be able to substitute community service in lieu of those fines outside of truancy?

Senator Ohrenschall:

It was either one or two sessions ago, there was legislation brought, I believe it was from the Assembly Judiciary Committee, to try to do away with most fines that children in the delinquency system were ordered to pay. This is one that I guess that bill did not touch, and I apologize, I cannot remember if that was the 2019 or 2021 Session, but I know the Assembly Judiciary Committee worked with some law students from, I believe it was University of California, Berkeley on that legislation to try to remove fines from the delinquency statutes. Therefore, in most cases, there should not be any left, but I think there are just a few, and this is one of those that bill did not touch.

Chair Miller:

With that, I will go ahead and open it up for testimony. Is there anyone who would like to testify in support of Senate Bill 359 (1st Reprint)?

I see the public defenders coming up, but first, to all the youth who have walked into the room and are hearing what we are discussing; what we are discussing—because I know you all came in part way—is a bill that would allow for a youth or child who did something wrong that was criminal to do community service. I believe you are all aware of what community service is, but it would open opportunities to other places, as you have heard mentioned, such as your place of worship, your school, community centers, and things such as that to do things that would count as community service hours. Therefore, considering that most of you look very youthful to me, what we are doing right now in the process is

what we call support testimony. We have support, opposition, and those that are neutral. In testimony, you will have a couple of minutes to come and say if you support the idea of the bill. It can be as simple as stating that you support it; you can also say you support it and give a few reasons why.

No one is forced to do this, but I know how important public speaking is and how important developing those skills are when we are young. I also know that you have a voice and a position because you are the impacted community here, and there is a reason why you are sitting in this room beyond just going on a field trip. Therefore, you are absolutely welcomed and encouraged to engage, and you will see the example that others are going to give. Just know that any of you who want to participate, all you have to do is come up, state your name, then say if you support it, and give a few reasons if you would like to. Okay, with that, we will begin testimony in support.

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

We are in support of this measure. I would like to thank Senator Ohrenschall for bringing this forward and continuing to push juvenile justice reforms forward, as well as Ms. Duffy for working hard on this bill.

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

I echo the sentiments of my colleague from the south. Any opportunity we can give to the youth who have entered into the system to engage in what really is restorative justice, I think is necessary, and so we support this measure.

Elizabeth Florez, Director, Department of Juvenile Services, Washoe County:

I am in support of this bill. I also wanted to add that I can confirm previous testimony by Senator Ohrenschall and Ms. Duffy related to the role of the probation officers and case managers related to community service. Being the chief probation officer in Washoe and also speaking and working regularly with all of my fellow chiefs across the state, I can state affirmatively that the work we do with children is very comprehensive. Especially, with the use of our risk and needs assessment, which is an evidence-based tool and the case plans that we construct from those tools. It is our purpose to work with children to ensure that they are working within their community, following court orders, but doing so in such a way that does not create extra burden to them or their families. Therefore, we make every effort to make that a meaningful endeavor.

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

We represent around 3,000 to 4,000 kids in foster care. A significant number of those are crossover kids, which means they have a juvenile justice case. With foster kids, it is especially difficult for them to get community service hours. The reason it is a struggle

is because you have family visitation, which is a visit with your parents, and the foster parents are having to integrate a whole new schedule. I think this will open that up and remove some barriers to our kids getting those community service hours. We are in support.

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

We stand in support of S.B. 359 (R1). We thank Senator Ohrenschall and Ms. Duffy for bringing this forward. We believe that it is definitely important for our youth and our young people. As someone who works with youth and young people who enter into the system, we understand the impact this has on them and the potential support that it has. Again, the Children's Advocacy Alliance would like to support it.

Mason Tims, Private Citizen, Carson City, Nevada:

I am with the Carson High School speech and debate team. In terms of this bill, I would say I am rather neutral on it.

Chair Miller:

Sir, if you are neutral, I am going to call you up at a different time for neutral testimony. This is for those who support it, and support means that you support it in its entirety. Therefore, if you have even one or two little things you are not sure about, that is not going to be support.

Viviana Castro, Private Citizen, Carson City, Nevada:

I am the captain of the Carson High School speech and debate team, a member of Future Business Leaders of America, on the student council, and in orchestra. I am here today in support of this bill. I find that this bill is absolutely essential to integrating students into the communities they live in, in a formative way that does not necessarily disintegrate their ties to the community that they live in entirely. Multiple people before me have mentioned the idea that simply picking up trash on the highway does not necessarily engage someone in the communities they live in, and as someone inside of student council and multiple organizations, I find that the ability to create community service within organizations that I am already a part of is essential to not only achieving hours but to achieving change within my own personal life and personal experiences. It is within this idea that I think this bill is absolutely essential to creating a better formative experience for students who have already had hard times and who are in need of essential change in their lives, especially when it comes to juvenile action.

Kyle Allen, Private Citizen, Carson City, Nevada:

I am the Carson High School speech and debate vice-captain, working alongside Ms. Castro. I am the sophomore class president of Carson High School, and I am a candidate for the Nevada Youth Legislature program here at the Nevada State Legislature. I stand in support of this bill as it is within the best ideologies of our juvenile correction system to not punish unnecessarily but to rehabilitate children into our community and to really bring them back into the community after a time of wrongdoing. This bill would essentially allow them to do that. It allows them to see the importance of being connected to the community, and it

allows them to see the importance of doing good for their community. With their being allowed to do community service for their school, for their church, and for those around them, it really allows them not to just see picking up trash on the side of the highway as a punishment, but it allows them to really see the importance of what they are doing and allow them to learn from their mistakes. We all learn from mistakes, and it is something that we all have to realize. That bill will completely do that. I stand in support of this bill.

Chair Miller:

I have to say, I spent six years teaching English writing, speech, and debate to sixth graders. Therefore, I am expecting all of you to come up here, now that they called you out, and let us all know where you are from. I am expecting many more of you to come up and speak.

Penelope Truell, Private Citizen, Carson City, Nevada:

I am also a part of the Carson High School speech and debate team, two-time national qualifier, and I am in support of this bill because fundamentally, I think the most important thing to focus on is the fact that it is so important to have students and even juveniles still engaged in the community rather than sitting in a juvenile justice system like juvie. If they are engaged in the community and they can also partake in things at, such as you stated before, places of worship or even being able to go to community outings and be able to get these community service points. I think that could contribute to not only bettering the judicial system, but I also think it would contribute to bettering the students who are actually within the school system, so we would not have to worry about the issue of, honestly, violence that we see on a day-to-day basis. I think we could be able to bring it down by bringing people in to be engaged. That is why I fully stand in support of this bill.

Patrick Mobley, Private Citizen, Carson City, Nevada:

I teach social studies at Carson High School. I am the coach of speech and debate, a member of the Northern Nevada Forensic League, and I suppose since my students spoke and I like to model what I preach, I should probably get up here and speak as well. My area for support of this bill is to look beyond academics and grades. I have lots of students in my classes who have not always made the best choices in life. When you look at them, you can say yes, you may have made a mistake, you may not be the most academic student, but you are going to do fine as an adult. It is making sure that they have those opportunities to still be strong adults. I have students that I know for a fact may never pass my class, but still will have benefited from my class, other classes, or other extracurriculars, and those will be far more impactful and far more beneficial than just turning in grades and getting As and Bs. Therefore, giving students opportunities to be out in the community, see what is going on, and have those connections is incredibly essential and absolutely necessary to prevent a whole host of problems in our community and abroad. That is why I am in support of this bill.

Chair Miller:

I also would like you to know that every one of you gave tremendous testimony, but—just like in debate, there are certain rules—we have rules here in the Legislature and one of them is that we are not supposed to clap on the dais or on the floor. Therefore, do not take our lack of clapping to mean that we were not impressed by all of the testimonies that were provided. Is there anyone else who would like to testify in support?

Leanne D. McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics:

I am in support of this bill.

Chair Miller:

I will now open it up for opposition testimony. Is there anyone who would like to provide testimony in opposition to Senate Bill 359 (1st Reprint)? [There was no one.] Then I will open it up for testimony in neutral on Senate Bill 359 (1st Reprint).

Mason Tims:

Overall, I think this bill can provide a lot of benefits to the people who need to use it. But I also see potential for abuse of the system, for I have experienced what it is like to be essentially a kid in juvie. I used to live in Gardnerville, and I am now in Carson City because of my past actions. When I was over there, they had things that were similar—mainly just the school itself had policies and rules—that allowed you to clean up trash around the area and things of that nature in order to pay back the school. One thing I constantly would hear a lot about is the fact that these students saw this as an opportunity to find excuses, get out of what they were doing, and just not get in as much trouble as they did before.

Again, I see the potential benefit as all my other Carson High School team members have said before when it comes to allowing them to come back into the community and contribute, but I also see from personal experience that this can open up an avenue of abuse; allowing people to just see their crimes as if they commit this level of crime, they can just do this level of community service in turn to just not get as harsh of a punishment. Therefore, when it comes to my concern, as long as we find a way to ensure that this abuse does not get used and we find a proper way to ensure that people do not see this as an avenue of escape and rather just as a true act of community service, then I am in support of this bill.

Chair Miller:

Thank you so much for sharing your experience and for your candor. Just so everyone knows, the ability for us to put in those assurances can come through amendments because, in the point of the process that we are at, we are still able to amend, make additions, changes, or deletions to the bill to ensure that the concerns that were heard are there. Again, thank you for your candor, for sharing your experience, and for your testimony. Is there anyone else wishing to provide neutral testimony? [There was no one.] Then I will welcome Senator Ohrenschall back up for any final remarks.

Senator Ohrenschall:

I think I would like to ask Ms. Castro on the Carson debate team to do my closing. I appreciate you, Chair, and the Committee for hearing this bill. I think that our current juvenile justice system is meant to help children succeed and not be punitive. Community service can be a very positive thing, but I think right now, there are a lot of children being ordered to community service and there is not a realistic opportunity for them to get that completed. This bill, if it passes, will give children who are ordered by the juvenile court to perform community service a more realistic chance of getting it done. They would be able to complete it with pro social activities, which could include nonprofits or activities at school and be able to be more successful and not end up back in the court. I want to thank Ms. Duffy, the district attorneys, and the juvenile probation officers for working with me on this bill. I hope the Committee will consider moving it forward.

Chair Miller:

With that, I will close the hearing on Senate Bill 359 (1st Reprint). Our last order of business today is public comment. [There was no public comment.] We will close public comment.

We have changed the agenda for tomorrow, so we are now down to one bill. With that being the case, we will be starting at 9 a.m. tomorrow morning. This meeting is adjourned [at 9:58 a.m.].

RESPECTFULLY SUBMITTED:

Connor Schmitz
Recording Secretary

Aaron Klatt
Transcribing Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Senate Bill 415 (1st Reprint), dated May 3, 2023, submitted by Elizabeth Florez, Director, Department of Juvenile Services, Washoe County, and presented by Senator Melanie Scheible, Senate District No. 9.