

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
April 19, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 3:01 p.m. on Wednesday, April 19, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator Jeff Stone

GUEST LEGISLATORS PRESENT:

Assemblywoman Venicia Considine, Assembly District No. 18

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Pat Devereux, Committee Secretary

OTHERS PRESENT:

Sonya Williams
Jaselyn Newman
Pamela Browning
Andrew LePeilbet, Chair, United Veterans Legislative Counsel
Nicole Williams
Crystal Voight

Senate Committee on Judiciary
April 19, 2023
Page 2

Jodi Hocking, Executive Director, Return Strong
Nick Shepack, Fines and Fees Justice Center
Jason Walker, Washoe County Sheriff's Office
Greg Herrera, Nevada Sheriffs' and Chiefs' Association
Beth Schmidt, Las Vegas Metropolitan Police Department
Erica Roth, Washoe County Public Defender's Office
John J. Piro, Clark County Public Defender's Office
Lilith Baran, American Civil Liberties Union of Nevada
Tonja Brown, Advocates for the Inmates and the Innocent
Amelia Booth
Annemarie Grant, Advocates for the Inmates and the Innocent
Katree Saunders, Vice President, Pardon Me Please

CHAIR SCHEIBLE:

We will open the hearing on Assembly Bill (A.B.) 121.

ASSEMBLY BILL 121 (1st Reprint): Revises provisions relating to incarcerated persons. (BDR 16-138)

ASSEMBLYWOMAN VENICIA CONSIDINE (Assembly District No. 18):

The focus of A.B. 121 is to support the mental and physical health of people incarcerated in prisons and jails by strengthening connection and bonds with their families. Multiple studies have shown having a support system during incarceration has a positive effect on inmates and their families. It also helps reduce recidivism.

I researched practices across the Country and met with people on all sides of the issues in the bill. These conversations led to proposed amendments.

The proposed amendment (Exhibit C) adds one word to section 2 of the bill. The amendment adds the word "prison" in front of anywhere it says "institution or facility." This was a request from the Washoe County Sheriff's Office.

Section 2, subsection 2 defines "original physical copy" tangible mail as received by inmates. Our jail system allows scanned mail. Jails are designed as short-term detention institutions; prison facilities are long term. Prisons are often far from family members and visiting may be difficult due to frequent lockdowns. Prison institutions and facilities already provide tangible mail to inmates.

Assembly Bill 121 section 2, subsection 1 says if an offender is entitled to receive physical, tangible mail they shall be given the original copy of any mail addressed to him or her. The “original, physical” item means a letter, card or other document received by the institutional facility from the U.S. Postal Service or other delivery service. It does not include mail that is scanned, photocopied or otherwise duplicated by the institution, facility or any entity contracted to provide such a service.

Why is getting physical mail important? It is a tangible connection to family that can be held and retained. If you get a card from your spouse or drawing from your child, it has sentimental value. It builds a link to the outside world and provides hope for the future. A handwritten letter or drawing to hold onto is a link to your family. It does not get taken away every night like a computer tablet. Taking away tangible mail has real consequences for mental health behavior and recidivism after release.

During the bill’s hearing in the Assembly on February 23, 2023, Nevada Department of Corrections (DOC) Director James Dzurenda said families must be connected to offenders before they go home. He talked about the importance of having families for support when inmate reentries are examined.

Mail is the least expensive and most used form of family connection. It is an important communication link between incarcerated people and their loved ones. The Director said video visiting is good but does not replace in-person visits; the same goes for mail. Scanned mail and email do not replace tangible mail. If Assembly Bill 35 mandating tablets for inmates goes into effect, there will be a cost for every email sent.

ASSEMBLY BILL 35 (1st Reprint): Revises provisions governing the access of offenders to telecommunications devices. (BDR 16-261)

Once free mail is received, it is the incarcerated person’s item to keep; they do not have to pay for it. Scanned mail lacks the same meaning. It is often low quality, especially scanned pictures, cards and drawings. Scanned mail has been received by inmates months after it was mailed. The scanning company is in many cases out of state. The originals are destroyed after scanning—those letters are lost forever.

The incarcerated population has a higher percentage of eye problems than the general population and tablets can exacerbate that issue. Tablets can be removed or malfunction. Tangible mail can be touched and reviewed over and over without incurring any additional costs.

Section 3 and section 7 of A.B. 121 are the same. Section 3 applies to prison institutions and section 7 to jails. Both outline the requirement for medical release forms at time of intake. When offenders enter institutions, they are immediately required to fill out a medical form. The information is good for as long as the person stipulates to avoid having the forms expire every six months.

Section 3, subsection 2 states:

If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility overnight, the Department shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

Section 7, subsection 2 repeats the language for inmates in jail.

Section 3, subsection 3 states if the offender has a critical medical condition that does not require a stay in a medical facility overnight, within four hours of his or her return, the facility must allow the offender to make a telephone call to a friend, relative or other person to inform the person about his or her health status. That is why the health forms must be up to date and active.

These sections go back to having connection with family, who need to know what happens to someone they love who is in jail or prison. This puts the responsibility on the institution to make sure if a person is critically ill, the family will find out one way or another. Section 7 states the same thing for prisons or jails.

There have been issues with inmates obtaining and refilling prescriptions. An offender sends up a kite because he or she needs a life-sustaining daily drug. When it is time to refill the prescriptions, some people have gone a month or longer without them, which has intense effects on their mental and physical health. When inmates are back in the community, this puts a burden on

taxpayers when the inmates develop more health issues than if they had been able to continue to take their medication.

Section 4, subsection 1 and section 8, subsection 1 say if a prescription is new, it must be transmitted to a licensed pharmacy and filled as soon as possible. Section 4, subsection 2 and section 8, subsection 2 say if the prescription is a refill, it must be refilled on or before the date on which the current supply is exhausted.

Assembly Bill 121 has three parts: enhancing connection to family through tangible mail; making sure if there is a critical medical condition or issue, the family is notified; and ensuring prescriptions are issued or refilled in a timely manner. All three of these parts build and strengthen family connections, reduce recidivism and help inmates come back into the community better able, physically and mentally, to get jobs and rebuild their lives

Balancing the mental and physical health of incarcerated people with the needs of the community and administration of detention facilities is necessary to meet these goals. We all want a reduction in recidivism, supported families and successful, healthy futures for the formerly incarcerated, their children and families. This contributes to more stable communities, brighter futures and reduced financial burden on taxpayers.

SENATOR STONE:

Inmate nexus and communication with family is important, especially when offenders are about to be released or are in prison for a long time. I understand the need for seeing the original cards with handwriting, colors and pictures. Are there any provisions concerning contraband sent into prisons or jails?

ASSEMBLYWOMAN CONSIDINE:

Yes, all mail is scanned for contraband. That is why it says the mail offenders are entitled to receive cannot include contraband, which would be caught before delivery.

SENATOR STONE:

Are correctional personnel authorized to open mail and check the envelopes and paper for any alleged contraband? After that, is it forwarded to the inmate?

ASSEMBLYWOMAN CONSIDINE:

Yes. If that is how DOC is doing it now, that is how it will remain. Mail gets a bad rap about being the avenue for drugs, but it is not in the top three reasons for contraband getting into jails.

SENATOR STONE:

I find it disturbing an inmate would not get critical pharmaceuticals in a timely way, not perhaps the same day the doctor writes the prescription. However, you need to be kept on many mental health drugs continuously. If you go off them, you can enter into a state similar to opiate withdrawal. If you stop some antidepressants, you can go through severe physical ailments that sometimes require medical intervention. Is this a prevalent problem in Nevada correctional facilities? Is it just seen in isolated incidents?

ASSEMBLYWOMAN CONSIDINE:

It is my understanding it happens often. An example given to me was a diabetic inmate going without his insulin, which affected his eyesight then caused other issues.

SENATOR STONE:

Withholding diabetes medication, insulin or hypoglycemia drugs can cause death. There could be a lawsuit against the State, which would then be on the hook to taxpayers. It is important inmates get the medication protocols they are prescribed.

SENATOR OHRENSCHALL:

I have had constituents with loved ones in DOC facilities call me concerned because their loved ones were not getting blood pressure medicine before it ran out. Could that situation lessen under the bill? I tried to help the families through DOC, but it seemed like it took weeks until the inmates were back on the medication they needed.

ASSEMBLYWOMAN CONSIDINE:

Yes. Director Dzurenda and I have spoken a couple of times, and the lag in refilling prescriptions is on his radar. However, that is never a substitute for having something in statute that should be taken care of.

SONYA WILLIAMS:

My daughter, Jaselyn Newman, is the one who wants to talk about our support for A.B. 121. Her father was an inmate at High Desert State Prison.

JASELYN NEWMAN:

Hi, my name is Jaselyn Newman and my dad's name was Eric Newman. I want to show you why my dad is so important. Thank you, guys. He gave me this [holds up drawing of Mickey Mouse ([Exhibit D](#))] for my fourth birthday and then for my fifth birthday, he got me the unicorn one, lovely white. [Holds up drawing of unicorn, [Exhibit D](#).] Then I got him this picture [holds up drawing with clouds and grass, [Exhibit D](#).] And that's all.

PAMELA BROWNING:

I support A.B. 121 for its provisions concerning mail. When I was incarcerated, my daughter drew or colored me a picture faithfully every week so I could see her improvement on staying inside the lines. I had all the images inside my locker and every time I opened it, they brightened my day. Physical mail is extremely important to keep.

I have an incarcerated loved one who was diagnosed as prediabetic. They gave him his medication, but when it ran out, it took two-and-a-half months to get his medication. He also has high blood pressure. His mother died from diabetes. Having medication on them at all times is important for inmates.

ANDREW LEPEILBET (Chair, United Veterans Legislative Counsel):

United Veterans Legislative Counsel represents 279,000 veterans in our State. When you take into account their immediate families, that is more than half a million Nevadans, or about 16 percent of our population.

We applaud A.B. 121 because it supports our incarcerated vets. Even though that is a small number, they are all veterans we are looking to take care of and help. The bill will make them more productive when they have a connection to their family, partners and children. They will be more able to avoid recidivism.

Many of our vets ended up incarcerated as a result of physical and mental war wounds. For each of them to receive their medications is a big deal.

Senator Stone, you are right: that is a critical element to their care and health when they get out of prison.

NICOLE WILLIAMS:

I support A.B. 121. I want to express how important receiving mail is to my husband, me and so many others whose loved ones are incarcerated. Unfortunately, our daughter and I are unable to visit my husband due to the cost of travel since he is housed more than 500 miles away. We regularly write and my daughter draws and sends pictures to him. He also writes to us and she loves being able to check the mail to see what Daddy wrote back to her or drew.

These things most of us typically take for granted are huge for us. They allow us to feel connected and help us mentally. They allow my husband to feel human and be part of the important milestones in his daughter's life while he is not physically present. They help maintain our family connection.

I think about people who are serving long sentences—life or who are even on death row—and how important mail is to them. Just to be able to hold a card, letter, drawing or picture that your family member or friend touched and to feel the indent of the pen marks on the paper, along with the smell of something other than a cell or prison, is something inmates need and look forward to. Mail is the most reliable and affordable means for many people to stay in touch with their families. Please ensure through legislation that physical mail will not be taken away. Scanned electronic mail is not the same.

CRYSTAL VOIGHT:

My fiancé is incarcerated by DOC. Written mail has been vitally important to our relationship over the last three years. It has been the one consistent and guaranteed form of communication during the COVID-19 lockdowns and current staffing shortage.

Imagine being locked down for days or weeks at a time. When staff come to your cell door with mail, it is the one thing you can look forward to. That goes for me, too: when informed delivery emails me I have a letter coming that day, I am excited to rush home and to get it.

My fiancé is an artist and sends me beautiful drawings I hang on my wall at work. His art is one of the things that make me feel closer to him. We write

each other about our plans and goals for the future and discuss ways we will handle hard situations when he comes home. These letters are important to the success of his release.

I send him workshop activities I find online or in my work training that cannot be sent electronically. We want to be able to refer to them when he is home. All the hard work he is doing now will be a resource when he comes home. Please consider how important tangible written communication is to our imprisoned loved ones and the families supporting them.

JODI HOCKING (Executive Director, Return Strong):

Senator Stone, I can answer your question about what happens or could happen regarding mailed contraband. Director Dzurenda and I have talked about it several times. The DOC can scan mail for unauthorized substances. If the mail is not just ink and paper, it can be tagged as an unauthorized substance; that would not change under A.B. 121. If no contraband or contamination is detected, the physical mail goes to the incarcerated person.

During DOC Director Charles Daniels' administration, a policy change created a system whereby instead of prescriptions being automatically refilled, inmates had to submit a request for the refill. The problem started escalating because now it took three, six even nine months to get a refill. And that is when we became aware of that policy change.

I want to clarify Jaselyn's dad, Eric Newman, died of cancer at High Desert State Prison. What she has left of her relationship with her father are the letters and artwork they shared. When Ms. Williams and Jaselyn went to pick up Eric's belongings from High Desert, Jaselyn rifled through all the letters and pictures and everything in the backseat of the car, including images on his phone. She was super excited, saying, "Mom, my dad did love me best of anybody!" What she found were not only the letters he had sent to her, but he had kept every scribble she had written or drawn.

Taking away those physical connections would be difficult for prison families. They are such a critical way of how we maintain connection. Fifteen-minute phone calls are rushed and under pressure, but letters and drawings have a significant impact on how we maintain support.

A family member who was close to us was killed in a DOC prison a few days ago. Christian Walker was a phenomenal person. He made a mistake when he was young and ended up in prison.

One year ago today, Christian wrote us a 22-page letter that told his life story, including the influence his parents had on him. His mom was a school bus driver in Clark County. She has never seen this letter. Her son was killed shortly before his release, so we are giving all his letters to his mom. She will have all of those memorabilia, even though he was not writing it to her, he was writing about her. He called his autobiography *Journey From Chris: The Boy to Christian the Man*. I hope his mother will give us permission to publish it. I read that 22-page letter just before coming here today. It is yet another example of how important tangible mail is to inmates and their families.

NICK SHEPACK (Fines and Fees Justice Center):

The Fines and Fees Justice Center strongly supports A.B. 121. In our research into DOC, we asked inmates in a survey how many of them had been charged man-down—emergency medical—fees because they did not have access to their prescriptions in a timely manner. Ten percent of all respondents reported this.

We surveyed close to 400 people. So, 37 to 40 individuals had medical emergencies due to not receiving their prescriptions on time. This is a real issue that needs to be addressed. The only way we got that information was through sending physical copies of surveys, allowing individuals to write on them, send back letters and then return the surveys. I do not know how that could possibly work in an email or tablet form. That information is critical; we were able to follow up with individuals. From many different angles, maintaining connection through physical mail and then addressing medical issues is important.

SENATOR HANSEN:

I am reading a book written by a woman who recently testified before the Committee. She worked in a prison for 30 years. What is fascinating is how difficult it is to get anybody to work in a prison. When we talk about improper distribution of drugs and so forth, how much of that is caused by lack of DOC staff? When I read the woman's book, what disturbed me the most is how difficult it is to hire anybody of quality because if you have a medical license, the salaries are quite different between practicing in a prison versus the private sector. How do I say this politely: how many quality doctors or medical personnel work in our prison system?

There are two types of prison medication. On-person medication is given directly to an individual as a month's supply. These are nonnarcotic drugs, not like psychotropic or insulin drugs. Pill call is a daily occurrence to hand out drugs you would not necessarily want an individual to have a 30-day supply of. What we have not heard about is major problems involving the daily pill call, only with prescription refills. In practice, an inmate should be able to go through the daily pill call and have those prescriptions refilled in a timely manner. How much of this has to do with inadequate staffing versus policy would be a question for Director Dzurenda.

JASON WALKER (Washoe County Sheriff's Office):

The Washoe County Sheriff's Office supports A.B. 121. The Office has no known issues with jail inmates not getting prescription refills. Staffing is an issue in all State agencies.

GREG HERRERA (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association supports A.B. 121. It is a good compromise to ensure loved ones are notified of inmates' medical conditions in a timely manner. The 24-hour notification gives a proper amount of time for the proper planning and communication with hospital staff to ensure a safe environment.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department supports A.B. 121. We do not have known issues with our jail inmates not getting their medications.

ERICA ROTH (Washoe County Public Defender's Office):

As I was listening to the stories of impacted people this afternoon, I thought about my late father. He always wrote the most important things he had to tell somebody in a letter. That touches on why it is so important to have physical mail. It is different; it is something you can hold onto forever. I still have all those letters. Physical mail is important when you have that distance and inability to connect with somebody. This is a matter of humanity, and phone calls simply are not enough.

JOHN J. PIRO (Clark County Public Defender's Office):

Like my colleague, Ms. Ross, I am older than most of my contemporaries. I was in the Army before cell phones. Letters were what I really looked forward to, things you could reread numerous times that kept your spirits up while you were

waiting for the next one and replying. How we treat people when they are in prison will affect how they come out. Assembly Bill 121 goes a long way goes toward rehabilitation.

LILITH BARAN (American Civil Liberties Union of Nevada):

I echo the sentiments of everyone who supports A.B. 121. I love to be on the side of wonderful policy when sheriffs, public defenders and everyone else are making great laws together.

TONJA BROWN (Advocates for the Inmates and the Innocent):

Advocates for the Inmates and the Innocent strongly supports A.B. 121. Some of the sections discussed today affect me because I have had an incarcerated loved one. The personal connection through mail and artwork is beneficial not only for the inmates but for their families.

I still have physical mail from 1989 to 2009, the 21 years my brother spent in prison. I occasionally bring it out, look at, touch it, read it. I have his artwork on my walls that I absolutely love.

I know what it is like as a loved one to not get a call from DOC but from a fellow inmate to tell me something has happened to my loved one. At that time, I was in direct contact with then-DOC Director Howard Skolnik. I had more access to find out information about my brother than the average person on the outside.

I was told by DOC, "Your loved one's organs are shutting down. He slipped into a coma and is not expected to live through the weekend. But make sure to call back on Monday and we will tell you his condition." You have no idea what it is like for families to hear something like this, not knowing if their loved one is alive or dead. Inmates tell me they are not getting their medications.

AMELIA BOOTH:

I support A.B. 121. I have a loved one in Ely State Prison. Officials were going to take away the paper mail and start scanning in October 2022. My loved one was almost in a panic because of how much he looks forward to touching my letters. Ms. Voight expressed the same thing: you can feel the pen indents on the paper. He would read along with me the words written on it. I know when I receive mail from him because I can smell him on it. I am assuming a similar thing is felt by him with my letters. It is vitally important.

As for the medication, especially with short staffs, it would be beneficial if inmates could keep their medication themselves and get refills faster.

ANNEMARIE GRANT (Advocates for the Inmates and the Innocent):

I support A.B. 121 and echo other testimony in support. The bill is about care in custody. We have heard serious documented allegations by a prisoner at High Desert State Prison regarding multiple lapses in refilling his necessary prescriptions. He has filed grievances that were improperly rejected. The inmate maintains important grievances involving matters of life and death, such as obtaining medications, are being rejected without an effort to rectify the situation. Failure to properly address grievances prevents prisoners from filing civil actions because they require exhaustive administrative remedies.

KATREE SAUNDERS (Vice President, Pardon Me Please):

In addition to Pardon Me Please, I work with the Last Prisoners Project on prison reform. I support A.B. 121 because our incarcerated loved ones, friends and family need to be able to safely access their mail and other services. It will help them have a better situation while behind bars.

I have friends incarcerated for nonviolent cannabis crimes. They should have access to normal day-to-day activities such as reading mail. Knowing that someone who loves them is on the outside provides support for their mental well-being.

CHAIR SCHEIBLE:

We will close the hearing on A.B. 121 and open public comment.

MS. GRANT:

My brother Thomas Purdy was murdered by the police in the Washoe County Sheriff's Office. When I think about dedication to proving injustice, I think of Ms. Brown. It is appalling to me that her brother died in 2009. Since 1989, she has been trying to clear her wrongfully convicted brother. She has taken it to every avenue she is supposed to in the State; nobody wants to do anything about it. Just because someone died in prison does not make it any less of a horrible travesty to justice. That Tonja's brother was wrongfully convicted and his life was taken by the State does not lessen the stigma the family would carry if her brother were guilty. Ms. Brown would be the first one to say that and would not have fought for change for all these years if it were untrue.

Senate Committee on Judiciary
April 19, 2023
Page 14

I respect her because through her fight for justice, she is helping other inmates, not just focusing on herself.

It is time for the State to do something about the wrongful conviction of Nolan Klein. All you have to do is read the book; the evidence is there that was withheld from the jury. Had a jury seen that evidence, Mr. Klein would not have been convicted. Read all the documents Ms. Brown has submitted year after year to every single Committee, the Nevada Board of Pardons, you name it.

CHAIR SCHEIBLE:

Seeing no more business before the Senate Committee on Judiciary, this meeting is adjourned at 3:51 p.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 121	C	2	Assemblywoman Venicia Considine	Proposed Amendment
A.B. 121	D	7	Jaselyn Newman	Photographic Testimony