MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Eighty-Third Session
April 30, 2025

The Committee on Judiciary was called to order by Chair Brittney M. Miller at 8:01 a.m. on Wednesday, April 30, 2025, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 3 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, 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/83rd2025.

COMMITTEE MEMBERS PRESENT:

Assemblymember Brittney M. Miller, Chair
Assemblymember Elaine H. Marzola, Vice Chair
Assemblymember Lisa K. Cole
Assemblymember Joe Dalia
Assemblymember Cecelia González
Assemblymember Alexis M. Hansen
Assemblymember Melissa R. Hardy
Assemblymember Selena La Rue Hatch
Assemblymember Cinthia Zermeño Moore
Assemblymember Hanadi Nadeem
Assemblymember David Orentlicher
Assemblymember Erica P. Roth
Assemblymember Toby Yurek

COMMITTEE MEMBERS ABSENT:

Assemblymember Ken Gray (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Aaron Klatt, Committee Manager
Traci Dory, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Tamrah L. Jackson, Chief, Parole and Probation, Department of Public Safety
Paloma M. Guerrero, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Jennifer P. Noble, Chief Deputy District Attorney, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association
John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts
Heather D. Procter, Chief Deputy Attorney General, Post-Conviction Unit, Office of the Attorney General
Jaimie Stilz, Senior Deputy Attorney General, Post-Conviction Unit, Office of the Attorney General

Chair Miller:
[Roll was called. Committee protocol was explained.] I will take the bills in order today. We will begin with Senate Bill 7 (1st Reprint), which revises provisions relating to presentence investigations and reports. Whenever you and your copresenter are ready, you may proceed.

Senate Bill 7 (1st Reprint): Revises provisions relating to presentence investigations and reports. (BDR 14-247)

Tamrah L. Jackson, Chief, Parole and Probation, Department of Public Safety:
Joining us in Las Vegas is Deputy Chief James Shubert. I will provide a short synopsis of why we brought this forward and then review each section. The Parole and Probation Division of the Department of Public Safety is seeking revisions related to presentence investigation (PSI) reports. Presentence investigations are required on all felony convictions with few exceptions and may be ordered by the court for convictions of gross misdemeanors. These investigations are intended to provide the court with an impartial view of the defendant to assist in determining an appropriate sentence.

Since 1997, *Nevada Revised Statutes* (NRS) 176A.100 has allowed the Division 45 days to complete a presentence investigation report. In 2013, NRS 176.153 required the Division to provide the completed report 14 days prior to sentencing. These statutes are independent of each other, and the Division does not believe one should impact the other. Unfortunately,

it is somewhat common for sentencing to be set 45 days from adjudication, leaving the Division only 31 days to complete the PSI. The limited timeline makes it difficult to produce an accurate, well-investigated report and places a hefty burden on victims to provide receipts and/or appropriate documentation for restitution purposes.

There is also an issue related to completion and receipt of psychosexual evaluations by qualified clinicians when timelines are shortened. The Division is tasked to schedule psychosexual evaluations as quickly as possible but cannot control the availability of clinicians nor their subsequent completion of the evaluation, which must be included in the presentence investigation report. These issues have occasionally led to our personnel being berated in court and even at times threatened with being held in contempt when we requested additional time or were unable to complete the report in the time required to allow for the 14-day disclosure period. Working with our public defenders and district attorneys, we came to an agreeable compromise, and before you is Senate Bill 7 (1st Reprint).

Section 1 provides additional options for waivers of PSIs under certain circumstances. In addition, if the psychosexual evaluation is not received by the Division in time, the PSI report may be submitted without the evaluation, and provides that Division personnel would not be held in contempt. Section 2 reduces the disclosure period from 14 days to 7 days. Section 3 reiterates that if the report is not submitted within 45 days, the court may grant probation without the report.

There is a conceptual amendment [Exhibit C], which I believe you all have, further modifying the language in section 3 to include the sentencing court along with the county clerk to address differences among the different counties and jurisdictions. Thank you again for allowing us to present this piece of legislation to the Committee, and we welcome your questions.

Chair Miller:
I just have a question out of curiosity. How many professionals do we have in Nevada who are qualified to perform these psychosexual evaluations, and which professionals are able to provide those?

Tamrah Jackson:
I do not have the exact number. I believe it is four in the north and three or four in the south. They have to meet certain qualifications and have to have certain certifications, and then they have to be approved through the state vendor, as I recall, as well—so, properly insured.

Chair Miller:
Are they psychiatrists, counselors, therapists, doctors? Do you know offhand? I am just curious.

Tamrah Jackson:
I think they have to be psychologists, but I would have to follow up and get you that information.

Chair Miller:
Okay, so psychologists. Thank you. Members, any questions?

Assemblymember Nadeem:
What is the current period that the report should be provided as of now?

Tamrah Jackson:
Currently, when we get notified, we are supposed to have the 45 days to complete the report and then there is a current 14-day disclosure period to allow for any corrections or modifications that need to be made. We are looking at changing that 14-day period to a 7-day period, which is fairly consistent with at least the 11 western states for disclosure periods. We looked at it and some are as little as 48 hours, and we were actually at the highest time frame with 14 days.

Assemblymember Nadeem:
The 45-day period is the same; it is not changed?

Tamrah Jackson:
Yes, the 45 days has not changed. We are just reducing the disclosure period.

Chair Miller:
Not seeing any additional questions, we will open it up for testimony in support of Senate Bill 7 (1st Reprint) beginning here in Carson City.

Paloma M. Guerrero, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:
We are in support of this bill after the amendments were made, and we want to thank Chief Jackson for her collaboration on this.

Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:
We are in support of Senate Bill 7 (1st Reprint), and I echo Ms. Guerrero's comments.

Chair Miller:
Is there anyone else here in Carson City or in Las Vegas? Seeing no one, we will open the phone line for support. [There was no one.] I will open it up for testimony in opposition beginning here in Carson City. Not seeing anyone, is there anyone in Las Vegas? Not seeing anyone, we will open the phone line. [There was no one.] We will open it up for neutral testimony beginning here in Carson City. Not seeing anyone, is there anyone in Las Vegas who would like to testify in neutral? Not seeing anyone, we will open the phone line. [There was no one.]

I believe I know the answer, but I am seeking clarity for the record. Just to be certain, the proposed amendment you mentioned, is it the amendment submitted by the Second Judicial District Court on April 24, 2025? That is your amendment, correct?

Tamrah Jackson:
Yes, that is the amendment I am referencing.

Chair Miller:
Were there any other amendments submitted that you know of?

Tamrah Jackson:
Not that I am aware of, and I do have an answer for that other question.

Chair Miller:
Can we get to that in just a moment? I just want to make sure. I heard that Jessica Ferrato submitted it. Is this the same amendment?

Tamrah Jackson:
Yes, it is the same amendment.

Chair Miller:
That is what I thought. Go ahead if you have an answer for another question.

Tamrah Jackson:
Those who can do psychosexual evaluations are a marriage and family therapist, psychiatrist, psychologist, and anyone who meets the training criteria and has the proper certifications.

Chair Miller:
That would be additional training in addition to their professional licenses?

Tamrah Jackson:
That is correct.

Chair Miller:
With that, I will close the hearing on Senate Bill 7 (1st Reprint). Next up, we have Senate Bill 20 (1st Reprint), which revises provisions relating to criminal procedure. Mr. McCormick, whenever you are ready, please proceed.

Senate Bill 20 (1st Reprint): Revises provisions relating to criminal procedure. (BDR 14-476)

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts:
I am here to present Senate Bill 20 (1st Reprint). This bill does two things at this juncture. The first being, it removes a 1967 statute that required jury trials in justice court to be

reported by a court reporter. That was the status quo from 1967 to 1989. In 1989 the United States Supreme Court decided a case called *Blanton vs. North Las Vegas* that said you were not entitled to a jury trial if the penalties were de minimis, meaning not significant. So that was the state of play from 1989 to 2019. In 2019, the Nevada Supreme Court decided a case, *Anderson vs. Eighth Judicial District Court*, which requires a jury trial for a domestic violence misdemeanor because of the non de minimis nature of the gun right consequences that attach. Then this statute became a thing again when the jury trial requirement came back in, and it is the only trial proceeding in the state that has to be recorded by a court reporter. All other trial proceedings can be recorded through audiovisual means.

Effectively, what this has created is a situation where I received a call from a rural judge who said, I cannot find a court reporter and I need to have a domestic violence misdemeanor jury trial. It put the judge in the position of deciding whether or not to follow the statute that, in our mind, is somewhat antiquated, or to honor that defendant's speedy trial due process, et cetera, rights.

This bill cleans that up, and provides those jury trials in justice court can be recorded through audiovisual means, being our standard recording systems, Jefferson Audio Visual Systems. It is not a plug, it is just the name of the primary vendor that provides those systems. This bill also provides some clarity on how long recordings of preliminary hearings have to be retained. That is S.B. 20 (R1), and I am happy to answer questions.

Chair Miller:
I am giving members a few moments. You lastly mentioned the portion of the bill that would require the recordings to be kept for at least five years. What is industry standard? What are other states doing?

John McCormick:
It is sort of all over the map, honestly, and it depends on the individual state's statutory schemes. This, I think, would give us a pretty solid, for lack of a better term, retention period for those preliminary hearing recordings. It is, again, sort of all over the map.

Chair Miller:
What about when it comes to appeals? Does it align with any type?

John McCormick:
The preliminary hearing, being the initial thing where the judge is determining if there is probable cause to believe an offense occurred and there is probable cause to believe the defendant may have committed it. That is that preliminary; that is that first hearing. We would record that, and then it would go to trial, and generally, the trial record would be kept. If it is a district court felony trial, that is a permanent record. That would generally be the record the appeal is based on. If there were issues raised from the preliminary hearing, that transcript would have been provided to the district court and then be part of the record to go up to the Supreme Court. It will not create a record issue, for lack of a better term.

Chair Miller:
If there were concerns coming out of the preliminary hearing, but we may not realize there are concerns until we get to the appeal process, would that be possible?

John McCormick:
I do not believe so. Generally, those preliminary hearing issues—and there is some case law in the state about the importance of a preliminary hearing, and in Nevada we have full confrontation clause rights attached to a preliminary hearing. There is a case—I do not remember it from a few years back, but I can provide the cite later—that says if the defendant was afforded full confrontation rights at a preliminary hearing, that testimony may be brought in at the district court level during the trial if the witness is not available at the district court. It should not necessarily create any sort of record issue, and actually, right now, the record provisions are also covered by the Supreme Court's record retention schedule for trial courts. This syncs up with that, and it is just sort of a little backstop on it.

Chair Miller:
I also think I heard your intention with the bill, but I want to make sure because now I am thinking it could be otherwise. In section 3, it says, "Any proceeding before a jury in justice court." Is the word "before" a preposition or an adjective? Are we saying "before" I get to a jury or "in front of a jury," because I know in court before means in front of.

John McCormick:
Yes, that is in front of a jury. That would be those limited misdemeanor domestic battery trials at this juncture.

Assemblymember La Rue Hatch:
This line of questioning just spurred another. I think this makes a whole lot of sense and I appreciate your explanation. My question is just more in general. I know I have heard there are struggles to get court reporters in general. How are we preserving the record through the recording equipment? Is it just anyone can view it when they want? Is it transcribed? What is the next step?

John McCormick:
On that audio/visual recording, the video and audio of what occurred in the courtroom, and then if that record is needed, it can be transcribed. There are a few different ways to do that. There are services that courts can go out to and have them transcribe the record. They can engage a court reporter, or there are provisions that allow a qualified person on staff to do that transcript. That is how that record is made from that jury trial.

Assemblymember Hansen:
My question is just more along the lines of the deleted sections 1, 2, and 3. I was looking at the original bill, the way it came out originally, and it looks like some substantial things were deleted. I was just curious, can you give us a synopsis of—maybe I am putting you on the spot there—where did the amendment come from?

John McCormick:
Initially, this bill tried to do a few things. One of the things it was trying to address is what we call a "dangling misdemeanor."

Chair Miller:
Were you trying to get a new term for that?

John McCormick:
No, I like dangling misdemeanor, personally. Currently, in the event there is an incident that generates misdemeanor, felony, and gross misdemeanor charges, there is a statutory thing that those have to be charged on the same complaint. Then, sometimes, we end up with a preliminary hearing in justice court and the felony and gross misdemeanor charges go up to the district court for adjudication, but that misdemeanor is kind of hanging out at justice court and not necessarily being disposed of immediately. That was what it was trying to address, but logistically and through practice for public defenders, district attorneys, and the court, it became apparent there was not really a great statutory solution we could come up with collectively to address that issue. Working with the public defenders and the district attorneys, we went ahead and did this amendment to pare it down to making sure we are able to kind of do SOP [standard operating procedure] on recording of limited jurisdiction jury trials.

Assemblymember Nadeem:
In the bill, it says the sound recording must be preserved for five years. Is that in line with all the other cases? Is it preserved for five years?

John McCormick:
The preservation of various records is sort of dependent on the importance of that. The Supreme Court has promulgated a record retention schedule. We have two, actually. We have one for administrative records, which would not apply here. Then we have one for adjudicatory records at both the district and limited jurisdiction levels. Generally, sort of rule of thumbish, without getting into the specifics, most district court records are permanent. Generally, limited jurisdiction records go from permanent to seven years. That is generally sort of the minimum retention for that kind of stuff as far as the adjudicatory records because seven years is the mark when misdemeanors—that is the time frame for enhancement. If you have committed one DUI and then four years later get another, it is enhanced as a second DUI pursuant to statute. So that is where limited jurisdiction retention comes from, but that is actually probably on the high end, I would wager, that retaining that preliminary hearing. So it is a statutory backstop.

Chair Miller:
Not seeing any additional questions, we will open it up for testimony, beginning here in Carson City, in support of Senate Bill 20 (1st Reprint). Not seeing anyone, is there anyone in Las Vegas? Also not seeing anyone, we will open the phone lines. [There was no one.] I will open it up for testimony in opposition to S.B. 20 (R1). Not seeing anyone here or

Las Vegas, we will open the phone line. [There was no one.] Is there anyone who would like to testify in neutral? Not seeing anyone here in Carson or in Las Vegas, we will open the phone line. [There was no one.]

Final remarks from our presenter have been waived. I will close the bill hearing on Senate Bill 20 (1st Reprint). Next, we have Senate Bill 66, which revises provisions governing certain post-conviction petitions for a writ of habeas corpus. I will give you both a few minutes to get settled in and then whenever you are ready, please proceed.

Senate Bill 66: Revises provisions governing certain postconviction petitions for a writ of habeas corpus. (BDR 3-441)

Heather D. Procter, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General:
Joining me in Las Vegas is Jaimie Stilz, who will be presenting this bill this morning.

Jaimie Stilz, Senior Deputy Attorney General, Post-Conviction Unit, Office of the Attorney General:
Senate Bill 66 is a proposed change to Nevada statute that governs venue for habeas petitions. There are two types of habeas petitions in the state. The first is when an individual challenges their criminal conviction and sentence. The second is when an individual challenges the computation of time served in the Nevada Department of Corrections, such as the time they must serve on their minimum sentence before they are eligible for parole or the time they must serve on their maximum sentence to complete that sentence.

Nevada Revised Statutes (NRS) 34.738 dictates which county each type of petition is filed. Senate Bill 66 only addresses the computation of time petitions. Under existing law, the individual must file a time computation petition in the county of incarceration, or if incarcerated outside of Nevada, in the First Judicial District Court in Carson City. This bill addresses when the individual is no longer in the Department's custody, such as parolees. We have seen an increase in the number of parolees challenging the calculation of their maximum sentence, which impacts when their sentence will expire. However, because these individuals are no longer incarcerated, there is no provision under existing law as to where they must file their petitions. This leads to confusion for both the individuals and the courts regarding how and where to file their time computation petitions.

Senate Bill 66 provides that those no longer incarcerated will file their petitions in the county in which they reside or in the First Judicial District Court if they no longer live in Nevada. We hope this bill will serve to address all situations in which an individual seeks to file a credit calculation petition. Thank you, and I am happy to take any questions Committee members may have.

Chair Miller:
I am giving members a moment to consider any questions, and it does not look like we have any. I will open it up for testimony beginning here in Carson City. Is there anyone wishing to testify in support of Senate Bill 66? Not seeing anyone, is there anyone in Las Vegas who would like to testify in support? Not seeing anyone, we will open the phone line. [There was no one.] I will open it up for testimony in opposition to Senate Bill 66. Not seeing anyone here in Carson City or Las Vegas, we will open the phone line. [There was no one.] I will open it up for neutral testimony. Not seeing anyone here in Carson City or Las Vegas, we will open the phone line. [There was no one.] The bill presenters have waived final remarks. I will close the hearing on Senate Bill 66.

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Our last item on the agenda is public comment. Is there anyone wishing to make public comment? Not seeing anyone in Carson City or Las Vegas, we will open the phone line. [There was no one.] With that, I will close public comment. That concludes our agenda today. For tomorrow, we will start at 8:30 a.m. This meeting is adjourned [at 8:31 a.m.].

RESPECTFULLY SUBMITTED:

_____
Traci Dory
Committee Secretary

APPROVED BY:

_____
Assemblymember Brittney M. Miller, Chair

DATE: _____

EXHIBITS

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 7 (R1)	C	Submitted by Second Judicial District Court; and presented by Tamrah L. Jackson, Chief, Parole and Probation, Department of Public Safety	Proposed amendment