

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

**Eighty-Third Session
May 31, 2025**

The Committee on Judiciary was called to order by Chair Brittney M. Miller at 9:01 a.m. on Saturday, May 31, 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 Ken Gray
Assemblymember Alexis M. Hansen
Assemblymember Melissa R. Hardy
Assemblymember Selena La Rue Hatch
Assemblymember Cinthia Zermeno Moore
Assemblymember Hanadi Nadeem
Assemblymember David Orentlicher
Assemblymember Erica P. Roth
Assemblymember Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator John C. Steinbeck, Senate District No. 18



STAFF MEMBERS PRESENT:

Cesar Melgarejo, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Daniel Delap, Committee Counsel
Aaron Klatt, Committee Manager
Nicholas Fischer, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Jeffrey S. Rogan, representing Clark County
Carly Helbert, Assistant City Attorney, Criminal Division, City of Las Vegas
Marc Schifalacqua, Senior Assistant City Attorney, Criminal Division, City of Henderson
Todd Ingalsbee, President, Professional Fire Fighters of Nevada
Warren B. Hardy II, representing Urban Consortium
Joshua Martinez, Captain, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Andrew Bennett, Chair, Nevada Advisory Committee on Traffic Safety
Nancy Brune, Councilwoman, Ward 6, Las Vegas City Council
Harrison Epstein, Legal Extern, Clark County Public Defender's Office
Angela Knott, Deputy Public Defender, Legislative Liaison, Washoe County Public Defender's Office
Drew Cross, Statewide Forensic Program Director, Division of Public and Behavioral Health, Department of Health and Human Services

Chair Miller:

[Roll was called. Committee rules and protocol were explained.] In addition to our bill hearings, we do have a work session scheduled. We will go ahead and begin with our work session.

Senate Bill 60 (2nd Reprint): Revises provisions governing crimes committed against older or vulnerable persons. (BDR 15-342)

Cesar Melgarejo, Committee Policy Analyst:

[Read from [Exhibit C](#).] The first bill in the work session is [Senate Bill 60 \(2nd Reprint\)](#), which revises provisions governing crimes committed against older or vulnerable persons. It was sponsored by the Senate Committee on Judiciary on behalf of the Nevada Silver Haired Legislative Forum. There is an amendment submitted by Angela Knott, deputy public defender, Washoe County Public Defender's Office, which was discussed yesterday during the bill's hearing. It amends the bill to limit the sentencing enhancement for certain acts that constitute theft to cases where the offense is committed intentionally and knowingly against a person who is 60 years of age or older, or a vulnerable person.

Chair Miller:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass Senate Bill 60 (2nd Reprint).

ASSEMBLYMEMBER MARZOLA MOVED TO AMEND AND DO PASS
SENATE BILL 60 (2ND REPRINT).

ASSEMBLYMEMBER HANSEN SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblymember Hansen:

Thank you for the amendment. That gets me to a yes and I appreciate the work on this.

Chair Miller:

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

THE MOTION PASSED. (ASSEMBLYMEMBER GONZÁLEZ WAS
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblymember Hansen.

Senate Bill 85 (1st Reprint): Revises provisions relating to public safety. (BDR 43-490)

Cesar Melgarejo, Committee Policy Analyst:

[Read from Exhibit D.] Senate Bill 85 (1st Reprint) revises provisions relating to public safety, is sponsored by the Senate Committee on Growth and Infrastructure on behalf of the Joint Interim Standing Committee on Judiciary, and there are no amendments for this measure.

Chair Miller:

Are there any questions? [There were none.] I will entertain a motion to do pass Senate Bill 85 (1st Reprint).

ASSEMBLYMEMBER MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 85 (1ST REPRINT).

ASSEMBLYMEMBER DALIA SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEMBERS COLE, GRAY,
HANSEN, HARDY, AND YUREK VOTED NO. ASSEMBLYMEMBER
GONZÁLEZ WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblymember Dalia.

That concludes the work session. With that, our first bill hearing will be Senate Bill 309 (2nd Reprint), which revises provisions relating to crimes. I welcome Senator Steinbeck and his copresenters.

Senate Bill 309 (2nd Reprint): Revises provisions relating to crimes. (BDR 43-906)

Senator John C. Steinbeck, Senate District No. 18:

This bill proposes various changes to the prohibition of driving under the influence of intoxicating substances. I am joined here by Mr. Jeff Rogan to my left, and we have Ms. Carly Helbert and Mr. Marc Schifalacqua in Las Vegas.

As we all know, driving under the influence is a terrible offense. The average car weighs 4,000 pounds and can do some incredible damage. I am very passionate about this topic. This was something I worked very hard on in the Clark County Fire Department. I worked for the department for 35 years, and for 17 of those years my specialty was technical rescue. My unit was the one that went out on the worst of the accidents to perform extrication when it went beyond the abilities of the local stations. I have certainly been on my fair share of accidents caused by driving under the influence (DUI).

To speak quickly to a couple of those to give some context, I was the first one on the scene to the Jessica Williams accident. That was the one on Interstate 15 in which we lost six children who were cleaning, doing their work service, on the side of the highway. Five were dead right when I got there, and one—we worked the hardest we possibly could—but she did not have a chance. Unfortunately, that lady made a choice that day which cost them their lives. As stated, this is a topic that is very important to me. I could go on and on about different calls throughout the years, and I know all of you certainly have personal experiences that have been touched by this type of very terrible, but preventable, behavior. We have far too many deaths and injuries that result from DUIs, and this is why we brought Senate Bill 309 (2nd Reprint) here to make three changes to Nevada's DUI laws.

Senate Bill 309 (2nd Reprint) raises a mandatory minimum sentence for DUI second offense from 10 to 20 days in jail. This aligns with the penalty of a second offense for a domestic violence second offense. It also moves a requirement for mandatory alcohol evaluation from a blood alcohol content (BAC) of 0.18 to a BAC of 0.16. My copresenters will speak to these a little bit more in depth. Finally, the bill removes the loophole when someone is currently in a court-ordered DUI treatment program and has another DUI. I would like to now turn it over to Mr. Jeffrey Rogan.

Jeffrey S. Rogan, representing Clark County:

I am here to speak with you briefly about some current trends involving DUI crimes and the Felony DUI Specialty Court program we have down in the Las Vegas Justice Court to provide you with some context for your evaluation of S.B. 309 (R2). First, even with all of the public education about the dangers of driving under the influence, DUIs remain a

problem within the jurisdiction of the Las Vegas Metropolitan Police Department (LVMPD)—that is unincorporated Clark County in the City of Las Vegas, and these statistics are from that jurisdiction.

From 2017 to 2024, DUI arrests steadily increased in that jurisdiction. In 2017, there were 4,034 DUI arrests; in 2024—which is the last year we have statistics for—that number stood at 6,159 arrests, a substantial increase of over 2,000. While these numbers can be indicative of an increase in enforcement, the sheer volume of DUI arrests is telling about the scope of the problem of DUIs. The numbers of DUIs resulting in a fatality are also concerning. After trending downward for several years, from 66 fatalities in 2017 to 22 DUI fatalities during the COVID-19 lockdown of 2020, the number of fatalities jumped back up to 76 in 2021, before receding somewhat to 65 the following year, 69 in 2023, and 56 in 2024. It is important to stress that impaired driving remains a leading cause of traffic fatalities within the jurisdiction of the LVMPD.

There is some good news, though. Appropriate screening and assessment of DUI offenders and subsequent treatment programs can substantially reduce recidivism rates. This is borne out by our DUI treatment program in the Las Vegas Justice Court. In that court, first- and second-time DUI offenders can participate in a program of treatment to address the underlying causes that lead to a person's decision to drive while intoxicated. This program has had a track record of success. As of January 2025, the recidivism rate for offenders—looking back three years—who have partially or totally completed the DUI court program remains very low. In 2022, there were 47 people discharged from the DUI court, and in the last three years, only four have been arrested for DUI or traffic-related offenses. In 2023 that number was 3 out of 38, and in 2024, just 2 out of 29.

In conclusion, this snapshot of information should indicate to you DUIs are not an intractable problem. Appropriate screening, assessment, and treatment of DUI offenders in our justice system can be part of a solution to reverse these troubling statistics and lead to safer streets in our communities.

Senator Steinbeck:

I would now like to turn it over to Carly Helbert in Las Vegas.

Carly Helbert, Assistant City Attorney, Criminal Division, City of Las Vegas:

Just a background for the impetus of this bill. The Annual Report of the Nevada Judiciary Appendix [Fiscal Year 2024 Appendix Tables] reported more than 10,000 DUI criminal filings in 2024 [[Exhibit E](#)]. DUIs continue to be a significant public safety issue. This amendment has been significantly tailored to address the highest-risk offenders, namely those with high blood alcohol contents and prior convictions. It passed unanimously out of the Senate with these amendments, and I believe with the stipulated removal of the phlebotomist provision, the Clark County Public Defender's Office also withdrew its opposition.

The first provision is the increased DUI second offense penalties. While therapeutic interventions are valuable tools in addressing the root causes of impaired driving, they are not always sufficient for individuals who repeatedly choose to drive under the influence. When a defendant has already been convicted of DUI and afforded the opportunity to engage in rehabilitative programs, a subsequent offense demonstrates a clear disregard for the law, public safety, and the tools previously provided to support behavioral change. This DUI second offense penalty increases the mandatory minimum sentence from 10 days to 20 days.

According to the National Highway Traffic Safety Administration, U.S. Department of Transportation, 30 percent of drivers convicted of impaired driving have had prior DUIs. Drivers who have had prior DUI convictions are overrepresented in fatal crashes and have a greater relative risk of involvement in a fatal crash. On average, according to the Centers for Disease Control and Prevention in 2010, a person will drive impaired 80 times before their first arrest. Studies indicate that number may be higher now. Think about that; that means a person with a DUI second offense has elected to drive 160 times while impaired, putting the public at risk.

It is noteworthy that the defendants are aware of this enhanced penalty. When defendants are canvassed during their first DUI sentencing, they are noticed of the increased penalties, by statute, for a first offense, and this will not change. They are required to attend a department-approved education course on alcohol or substance abuse, and to attend a victim impact panel. Therapeutic options have already been given to this defendant, and they have been thoroughly canvassed by the court, with representation letting them know they have been convicted, and if they do so again, jail is now an option.

Driving while impaired is not a mistake, it is a conscious decision that endangers lives. When someone reoffends after treatment-based sentencing, it is no longer just a question of addiction, it becomes a question of accountability. The community has a right to be protected from individuals who continue to pose a danger despite being given resources and warnings. Additionally, these second offense penalties make it more consistent with Nevada battery domestic violence (BDV) second offense penalties. In 2019, this Legislature increased the minimum mandatory sentence on a BDV from 10 days to 20 days. As a result, the City of Las Vegas saw a 26 percent decrease in battery domestic violence second offenses. That is what S.B. 309 (R2) seeks to do, decrease DUI second offenses by 26 percent.

It also aligns us with other states, including Arizona, that have 30 to 90 days depending on the blood alcohol level; Washington, that has 30 to 45 days; and Delaware, that has 60 days for a second offense. Notably, if a defendant chooses to avail themselves to a DUI specialty court—the specialty court referenced by Mr. Rogan—the jail sentence can and oftentimes is converted to house arrest so they can attend additional therapeutic requirements. Per *Nevada Revised Statute* 484C.400(3), this jail time can also be served intermittently, meaning, generally, on the weekends at the discretion of the judge. Jail should not be the first response, but it must remain an available and appropriate consequence for those who have

exhausted less punitive options and still choose to reoffend. In such cases, incarceration serves not only as a deterrent, but as a necessary measure to reinforce that continued violations will not be tolerated. There must be a meaningful consequence.

Chair Miller:

Are you also presenting, sir?

Marc Schifalacqua, Senior Assistant City Attorney, Criminal Division, City of Henderson:

I am.

Chair Miller:

I am going to ask if we could move along because we need to keep our presentations to 15 minutes, but we also have floor scheduled for 10 a.m. today.

Senator Steinbeck:

We will pick it up, Madam Chair.

Marc Schifalacqua:

We handle all misdemeanor prosecutions of DUI that occur in the City of Henderson. I will be very brief and I will be straightforward with you. The sections I have deal with two crimes, and we are looking to amend and provide some additional protections. One is felony DUI third offense, which is when three offenses of DUI occur within seven years and that is a felony. The first two are misdemeanors, third is the felony. That is what we are talking about.

With the felony, a sentencing judge has two options: prison, or something we call the "Serious Offender" Program, or Felony DUI Court. It is a very good program, three years long, residential treatment, kind of our one last shot to see if we can turn somebody around on the felony. They plead guilty to the offense, they apply, and then they are given some very strict sentencing conditions to keep them out of prison. This first proposal simply seeks to close a loophole in the law. When somebody pleads guilty to DUI-third, we do not go backwards in Nevada as far as sentencing enhancement, but because the sentence is deferred or stayed, there is not an actual judgment of conviction even though the defendant has pled guilty. This is to protect against the situation where someone who is in the program commits a new DUI offense, a fourth; it is so the fourth can be treated as the fourth. Typically, a judgment of conviction needs to be entered. This is simply closing that loophole. A fourth offense would be a fourth offense, not a third offense, and that is in sections 12 and 13.

The very last section I have is regarding blood alcohol content. This is for our DUI first offense, our misdemeanors. What we are trying to do here is get as many people the help they need who could be at risk for an alcohol or drug dependency issue. We are trying to do that so we do not get to the third and the fourth with those enhanced penalties and prison time because there is very little we can do at that point. Regarding this, right now it is at a 0.18. If

you are over a 0.18 on your BAC, it is about 9 to 12 drinks in a sitting, then the judge needs to order you to go to an evaluation to see if there is anything we can do as far as treatment. The report will then be prepared for the judge, and the judge can then sentence the defendant.

This would move it simply to 0.16. That is twice our legal limit in Nevada; we are still talking around 9 drinks in a sitting minimum. We want to see if we can intervene at that point and create some individualized treatment. We are trying to help individuals at this point not get to the second, not get to the third, and certainly not get to the fourth. We believe this would be a good tool. I will certainly be available for any questions.

Senator Steinbeck:

We could go on and on about this, but we are ready for questions.

Chair Miller:

Members, are there any questions?

Assemblymember Gray:

This is a great bill, something I absolutely support. I wanted to make sure that when you enter a plea of guilty on your third offense so the fourth can be treated as a felony regardless, does that conviction—even though it is a deferred judgment—go away or will it stay on there, be there for everybody to see?

Senator Steinbeck:

I believe Mr. Schifalacqua would be the best to answer that.

Marc Schifalacqua:

Yes, it would stay. The benefit to a defendant going through the treatment program that I mentioned is, if they successfully complete it, they actually get a DUI-second on the record, not a DUI-third. Regardless, if they commit a new one, a fourth, either way it would be treated as a fourth. The problem we are dealing with right now is there is this limbo land for a little while when they are in the program if they commit a new offense, but if they commit a new offense afterwards—whether or not it was adjudicated as a felony or they went through the treatment program—either way it is a fourth offense with those enhanced penalties. This would just address the limbo.

Assemblymember Gray:

Thank you for clarifying that and getting it on the record.

Assemblymember Orentlicher:

I would like to go to the testimony or presentation on the raising of the penalties, the number of days minimum. One thing I heard was, this is kind of patterned after domestic violence, and when those penalties were raised, we saw a reduction in violence, so a measurable deterrent effect. I have also heard this brings us in line with what other states are doing. I am curious about what the data from those other states show about the deterrent effect. What does the data show from the other states?

Carly Helbert:

I did not look at the data from the other states, I just looked at the data from our jurisdictions.

Assemblymember Orentlicher:

If there is data, that would be helpful. I would hate to be doing something that does not have an effect.

Senator Steinbeck:

Assemblymember, we will work on that.

Assemblymember Orentlicher:

It is troubling that we have people who are repeat offenders. We criminalize it, and they still do it. You know, people do bad things. Another way to think about this, and I know we do, is how can we prevent them from making bad choices? With an interlock key, they cannot turn the ignition until they pass the test. Were there alternatives you thought about to try to address the bad person problem besides just locking them up?

Senator Steinbeck:

Yes, and then I will turn it over to the team to see if they have any additional answers for this. The bill was much more encompassing when we first introduced it. Like many bills here, we had to amend it twice to get it down to where it is today to get the unanimous vote we ended up with in the Senate. I am for all solutions, and I made this statement when it passed through the Senate on the floor. I would like to see continuous DUI bills come through. If it is treatment, if it is education, if it is additional resources, if it is unique technologies, I am open and ready to embrace any and all of those.

I wrote up this particular bill here with the assistance of the people you see here today, and these are the areas we were able to address, along with those we amended out. I am certainly open to any and all solutions we can make with this, but deterrence and accountability I feel is part of the solution and an important part. I do want to point out that the alcohol evaluation is our attempt there as well. That is not meant to punish people in any way and any more; that is meant to try to reach them, show them we have some resources there, and that there is a better way to do this. That is certainly the portion of this bill that is considering that. I am open to all solutions.

Chair Miller:

I will open testimony in support, beginning here in Carson City.

Todd Ingalsbee, President, Professional Fire Fighters of Nevada:

I think you heard Senator Steinbeck touch on it; we run these calls on a daily basis. We have seen these impaired drivers kill kids; we have seen them kill adults, grandparents, moms, dads. Those are the worst calls we run on. I think this is a good combination of getting some early treatment, education, and trying to change the behavior, but also, if the behavior cannot be changed, we have to use other measures to change that behavior. We support.

Warren B. Hardy II, representing Urban Consortium:

Understanding that brevity is the soul of wit, I will simply say we thank Senator Steinbeck for bringing this forward and doing the hard work to make this a reality. We do think this strikes a really good balance between offenders and those who are struggling with addiction, and we would encourage the Committee to pass the bill.

Joshua Martinez, Captain, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

I would just like to echo a lot of the same comments the previous speakers made in support of this piece of legislation. As you know, in southern Nevada and throughout the state, we are dealing with fatal traffic accidents and collisions. One of the leading causes of those fatal collisions is DUI. We are always looking to strengthen those laws but also provide the rehabilitation that is necessary to hopefully help those folks who find themselves in those predicaments where they are arrested for DUI and get them to not be repeat offenders or find themselves in one of those fatal traffic collisions. We support this legislation.

Chair Miller:

Is there anyone else here in Carson City? [There was no one.] In Las Vegas?

Andrew Bennett, Chair, Nevada Advisory Committee on Traffic Safety:

I am here today to offer strong support for S.B. 309 (R2), specifically section 11 of the bill, which reflects one of the Nevada Advisory Committee on Traffic Safety's (NVACTS) top ten critical policy priorities, which is increased screening and assessment for individuals involved in impaired driving offenses. From a traffic safety perspective, early identification of substance use disorder is critical. By ensuring more individuals receive professional evaluation, we create opportunities for interventions before tragic crashes occur.

This provision supports a public health approach to impaired driving, one that emphasizes treatment and recovery over incarceration alone. Our committee, NVACTS, includes dozens of representatives from state and local agencies, law enforcement, advocacy groups, and public health professionals. As a statewide body, our commitment to reducing serious injuries and fatalities on Nevada's roadways is paramount, and we believe this bill would help us achieve those goals.

Nancy Brune, Councilwoman, Ward 6, Las Vegas City Council:

I am here to express strong support for S.B. 309 (R2) because it seeks to address the rising number of DUIs in our state, which continue to be a significant public safety issue. Recently in the area that I represent, we experienced the tragic death of McKenzie Scott, a high school senior who should have graduated this past week. A week later, our community mourned 23 year-old Joree Odabi, also killed by a drunk driver.

Drunk drivers are not just killing our youth and our residents, they are killing and putting at risk the lives of the people whose job it is to protect our community. Eighteen months ago, Nevada highway patrolmen Sergeant Michael Abbate and Trooper Alberto Felix were killed by a drunk driver. Metro Officer Colton Pulsipher was also killed by a drunk driver. The list

gets longer and longer. As Clark County District Attorney Wolfson has said, the possible penalty in these kinds of DUI cases is insufficient. What we are doing so far is not working. We are having too many kinds of these cases on a daily basis, and we all know the status quo is not working. We cannot keep sitting by and doing nothing; that is not justice.

Some may state there is a body of research which suggests tougher penalties are not effective deterrents of crimes. Admittedly, I am not well-versed in the entire body of research, but I will share that in Arizona in the early 2000s, they adopted stricter DUI policies. In fact, they are considered the state with the harshest DUI policies in the country—this may speak to your point Assemblymember Orentlicher—and those stiff penalties have paid off. Between 2005 and 2014, Arizona saw alcohol-related traffic deaths per 1,000 residents fall by 52 percent, far faster than the 32 percent decline recorded nationally. Among those younger than 21, deaths fell almost 72 percent, with a larger decline than the national average of 48 percent. The data suggests these sorts of measures do have an impact. I want to close by—

Chair Miller:

Councilwoman, we have gone over the time limit. If you could submit the rest of your comments in writing so that we can see it in its entirety. Is there anyone else in Las Vegas? [There was no one.] Is there anyone on the phone line who would like to testify in support of S.B. 309 (R2)? [There was no one.] I will open opposition testimony, beginning here in Carson City.

Harrison Epstein, Legal Extern, Clark County Public Defender's Office:

Our opposition today is specific and limited to section 12, subsection 1, paragraph (b), which extends the mandatory jail time from 10 days to 20 days for second DUIs. Instead of jail time, we are failing to consider resources or treatment options that would be better for that person, and to curb any sort of behavior which might stop them from driving under the influence in the future.

We all have the same goal here; we want to stop this behavior. While fully understanding they have made choices and need to have consequences for those choices, our concern is that changing it to 20 days without any evidence or data to show this will help will only hurt the person getting a second DUI. We are putting a Band-Aid on a problem that we do not know will actually help heal those wounds. Twenty mandatory days in jail is significant. It is enough for a person to lose a job, to fall behind on their rent and their bills, and destabilize someone's life who clearly needs help. We would be stripping people of the support they need in order to curb an addiction they are likely fighting.

Angela Knott, Deputy Public Defender, Legislative Liaison, Washoe County Public Defender's Office:

My opposition on S.B. 309 (R2) is just regarding the 0.16 and the 20 days in jail. What I heard from the presentation, and I believe Senator Steinbeck mentioned this, is we need to start exploring more solutions. I think it is time that when it comes to the first DUI, I would

be interested to see if there is a way we can do better with our treatment programs and education programs for first-time offenders. I am not sure the last time any of this was actually updated and addressing more new concerns.

I would be interested in the dram shop laws. Are they working in other states? Maybe it is time we look at the data to see where these first-time DUIs are starting their drinking before they get in the cars. Maybe we should be looking at restaurants and casinos to see if we have an issue with overserving and then allowing someone to get in a car. I think these are solutions we should start exploring instead of just punishing when we get to a second time. The problem seems to be the first time, and what can we do to prevent that second time from happening?

Chair Miller:

Is there anyone else in Carson City? [There was no one.] In Las Vegas? [There was no one.] Is there anyone on the phone line wishing to testify in opposition? [There was no one.] I will open neutral testimony. Is there anyone wishing to testify in neutral in Carson City? [There was no one.] In Las Vegas? [There was no one.] Is there anyone on the phone line who would like to testify in neutral for S.B. 309 (R2)? [There was no one.] Senator, would you like to come up for any final remarks?

Senator Steinbeck:

First of all, I have a message here from Sandy Heverly, the executive director and victim advocate for STOP DUI. She wanted to express her strong support for S.B. 309 (R2), and she was not able to be here today. Second, I would like to clarify that the move from 0.18 to 0.16 is for first-time offenders, not just second-time offenders. That is us trying to move it into treatment at an earlier time, as the opposition just brought up.

Finally, I would like to address something the opposition said. When they said 20 days in jail is significant—it is supposed to be significant, that is the point, that is what we are doing here. Yes, there will be loss, you might lose a job. You know what else got lost? We just lost McKenzie on May 2, a young girl who was trying to go to school at Arbor View, walking across the street when her killer hit her at three times the legal limit in the crosswalk. The law should be significant at that second time. We obviously disagree, but that is the point of a deterrent.

We understand there are addictions involved here. There are lots of people who are addicted to many substances, and my heart goes out to them. I want resources for them and this is no exception, but you still make choices. You can have—and many people do face addictions and still choose not to get into a car, just like they have addictions and they choose not to shoot a gun down the street. This is a weapon when you get into it. Those choices are still there, we can still address the underlying conditions, but have deterrents and systems in place to try to protect people like McKenzie. I would appreciate your support.

Chair Miller:

I really appreciate this bill because it is a challenge and I feel like you have worked really hard to strike that appropriate balance because we are, for the most part, dealing with two different situations. We know there is substance abuse and addiction, and this may not help those people because the addiction is in control of what they are doing. Yet, we also know drunk driving can also be a choice. It can be someone who is not addicted and made a bad choice that day and decided to drive when they knew they should not have.

At least for those individuals, I believe we can make an impact. I appreciate your sensitivity and experience and knowledge in knowing we need to provide such a robust package and services when it comes to resources, training, accountability, and all of those things. If we could just address—if we could just eliminate addiction, period, for everyone.

I will close the hearing on S.B. 309 (R2), and I will open a work session on Senate Bill 309 (2nd Reprint). As you know, Speaker Yaeger has waived the rules for us and given us permission.

Senate Bill 309 (2nd Reprint): Revises provisions relating to crimes. (BDR 43-906)

Chair Miller:

Are there any questions? [There were none.] I will entertain a motion to do pass Senate Bill 309 (2nd Reprint).

ASSEMBLYMEMBER MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 309 (2ND REPRINT).

ASSEMBLYMEMBER COLE SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblymember Roth:

Given the time, I reserve my right on the floor.

Assemblymember Gray:

This is a great bill. We had an airman who was on leave in Gardnerville in 2022, Fallon Montanucci, who was killed by a fourth-time drunk driver. I do not believe for a minute this will prevent anything, but it is about accountability and making folks pay for their mistakes. In 2001, my father-in-law was killed as a result of a drunk driver, trying to effect the arrest in a pursuit for him, and he was a multi-time offender as well. We have to start holding these folks accountable more and more.

Chair Miller:

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

THE MOTION PASSED. (ASSEMBLYMEMBERS GONZÁLEZ AND MOORE WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblymember Cole.

We will move into our next bill hearing, which will be for Senate Bill 465 (1st Reprint), which is on behalf of the Office of Finance in the Office of the Governor, and revises provisions relating to certain criminal defendants.

Senate Bill 465 (1st Reprint): Revises provisions relating to certain criminal defendants. (BDR 14-1119)

Drew Cross, Statewide Forensic Program Director, Division of Public and Behavioral Health, Department of Health and Human Services:

Thank you for the opportunity to discuss Senate Bill 465 (1st Reprint). I would like to provide a brief overview and then be available to answer any questions. Recently, we have worked closely with the public defenders and district attorneys, and the alterations that have been made to address their concerns. We appreciate their suggestions and willingness to work with us to improve the statute, which will ultimately lead to a more efficient forensic system.

Through this collaboration, it was decided that section 1 of the bill, codifying involuntary medication, be removed. Senate Bill 465 (1st Reprint) revises the number of evaluations required regarding an individual who has received restoration treatment. Currently, three reports are required, but over the years this has been shown to be inefficient and not in line with national standards. The bill changes this to two evaluations when both evaluators concur in their findings, opinions, and recommendations. If the two evaluators disagree regarding an individual's competency to proceed, a third evaluator will be assigned. This will add to the efficiency of the statewide forensic system without sacrificing the quality or impact of reports.

The reduction from three evaluations to two will result in better use of evaluator time and bring Nevada in line with national standards, while preserving the safeguards for the quality of the assessments and the fairness of the judicial process. Clinicians who previously completed the third evaluation will now be able to do one of the two evaluations required. Simply put, it is more efficient to clinicians, the clients, and the courts to reduce the number of total evaluations required per client from three to two and is reflective of the current perspective nationwide.

Chair Miller:

Are there any questions? [There were none.] I will open support testimony. Is there anyone in Carson City wishing to testify in support? [There was no one.] In Las Vegas? [There was no one.] Is there anyone on the phone line wishing to testify in support? [There was no one.] I will open testimony in opposition. Is there anyone in Carson City wishing to testify in opposition? [There was no one.] In Las Vegas? [There was no one.] Is there anyone on the phone line wishing to testify in opposition? [There was no one.] I will open neutral testimony. Is there anyone in Carson City wishing to testify in neutral? [There was no one.] In Las Vegas? There was no one.] Is there anyone on the phone line wishing to testify in neutral? [There was no one.] I will close testimony and close the bill hearing on S.B. 465 (R1). I will now move into a work session, as the rules have been waived.

**Senate Bill 465 (1st Reprint): Revises provisions relating to certain criminal defendants.
(BDR 14-1119)**

Chair Miller:

Are there any questions? [There were none.] I will entertain a motion to do pass Senate Bill 465 (1st Reprint).

ASSEMBLYMEMBER MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 465 (1ST REPRINT).

ASSEMBLYMEMBER GRAY SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEMBERS GONZÁLEZ AND
MOORE WERE ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblymember Gray.

Remainder of page intentionally left blank; signature page to follow.

Is there anyone in Carson City wishing to make public comment? [There was no one.] In Las Vegas? [There was no one.] Is there anyone on the line wishing to make public comment? [There was no one.] That concludes our business for now. We will recess [at 9:48 a.m.].

[Meeting adjourned on the floor of the Assembly at 8:53 p.m.]

RESPECTFULLY SUBMITTED:

Nicholas Fischer
Committee Secretary

APPROVED BY:

Assemblymember Brittney M. Miller, Chair

DATE: _____

EXHIBITS

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 60 (R2)	C	Cesar Melgarejo, Committee Policy Analyst, Research Division, Legislative Counsel Bureau	Work Session Document
S.B. 85 (R1)	D	Cesar Melgarejo, Committee Policy Analyst, Research Division, Legislative Counsel Bureau	Work Session Document
S.B. 309 (R2)	E	Senator John C. Steinbeck, Senate District No. 18; Jeffrey S. Rogan, representing Clark County; Carly Helbert, Assistant City Attorney, Criminal Division, City of Las Vegas; and Marc Schifalacqua, Senior Assistant City Attorney, Criminal Division, City of Henderson	PowerPoint presentation titled "SB 309"