

## **MEETING NOTICE AND AGENDA**

Name of Organization: Advisory Commission on the Administration of Justice (NRS 176.0123)

Date and Time of Meeting: Thursday, November 12, 2020  
1:00 P.M.

Place of Meeting: Pursuant to Sections 2 through 9, inclusive, of Chapter 2, *Statutes of Nevada 2020*, 32<sup>nd</sup> Special Session, pages 9 through 11, there will be no physical location for this meeting. The meeting can be listened to or viewed live over the Internet. The address for the Nevada Legislature's website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings-View](#)."

*We are pleased to make reasonable accommodations for members of the public with a disability. If accommodations for the meeting are necessary, please notify Jordan Haas, Commission Secretary, at (775) 684-6830 or [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us), as soon as possible.*

**Please provide the meeting secretary by email (at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.**

## AGENDA

**Note:** Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Call to Order

II. Roll Call

III. Public Comment

Public testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted by email (at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) before, during or after the meeting.

To dial in to provide testimony during this period of public comment in the meeting, any time after 12:30 p.m. on Thursday, November 12, 2020:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 980 9793 9835 then press #

When prompted for a Participant ID, please enter #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.

*For  
Possible  
Action*

IV. Approval of the Minutes of the Meeting Held on September 30, 2020

*For  
Possible  
Action*

V. Report of the Subcommittee on Criminal Justice Information Sharing

Mindy McKay, Administrator, Records, Communications and Compliance Division, Department of Public Safety; Chair, Subcommittee on Criminal Justice Information Sharing

*For  
Possible  
Action*

VI. Work Session - Discussion and Possible Action on Recommendations Relating to:

1. The production of presentence reports that contain standard information.
2. The authority of courts and the State Board of Parole Commissioners (“Parole Board”) to determine levels of supervision for probationers and parolees.
3. Requiring the Division of Parole and Probation of the Department of Public Safety (“Division of Parole and Probation”) to make certain sentencing recommendations.
4. Replacing statutory references to “intensive”, “close” or “strict” supervision with “enhanced” supervision.

5. Revising provisions related to the maximum length of probation for certain gross misdemeanants.
6. Revising provisions related to technical violations of probation and parole.
7. Expanding the list of offenses that are not eligible for early discharge from probation.
8. Repealing statutory provisions related to probable cause inquiries conducted by the Division of Parole and Probation.
9. Removing references to sentences of residential confinement imposed for probation and parole violations that conflict with graduated sanctions adopted by the Division of Parole and Probation.
10. Bifurcating certain statutory provisions in order to have separate processes for probation and parole.
11. Applying AB236 (2019) retroactively.
12. Revising penalties for certain offenses related to controlled substances.
13. Expanding eligibility for medical release from prison.
14. Revising the definition of “record of criminal history.”
15. Urging support of funding for the Nevada Criminal Justice Information System (“NCJIS”) modernization.
16. Encouraging information sharing in order to facilitate research regarding specialty courts.
17. Developing a technical specification to be used by all systems of criminal justice information sharing.
18. Encouraging the State’s use of twelve new disposition codes.

The Work Session Document contains proposed recommendations and is available on the Advisory Commission on the Administration of Justice meeting page, or a written copy may be obtained by contacting Jordan Haas, Commission Secretary, at (775) 684-6830 or [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us).

## VII. Public Comment

Public testimony under this item may be presented by phone or written comment. Because of time considerations, each caller offering testimony during this period for public comment will be limited to not more than 2 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted by email (at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us)) or facsimile (at (775) 684-6761) or mail (401 S. Carson Street, Carson City, NV 89701) before, during or after the meeting.

To dial in to provide testimony during this period of public comment in the meeting, *any time after the Chair announces this second period of public comment* on Thursday, November 12, 2020:

Dial: (669) 900-6833

When prompted to provide your Meeting ID, please enter: 980 9793 9835 then press #

When prompted for a Participant ID, please enter: #

To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-6990.

## VIII. Adjournment

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Notice of this meeting was posted on the Internet through the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us).

Supporting public material provided to members of the Commission for this meeting may be requested from Jordan Haas of the Legal Division of the Legislative Counsel Bureau at (775) 684-6830 or by email at [jordan.haas@lcb.state.nv.us](mailto:jordan.haas@lcb.state.nv.us). Any such material will be made available at the Nevada Legislature's website at [www.leg.state.nv.us](http://www.leg.state.nv.us).



## **WORK SESSION DOCUMENT**

**Advisory Commission on the Administration of Justice**  
[Nevada Revised Statutes 176.0123]

**November 12, 2020**

The following “Work Session Document” was prepared by staff of the Advisory Commission on the Administration of Justice (“Advisory Commission”) (NRS 176.0123). The document contains recommendations that were presented at hearings during the course of the 2019-2020 interim.

The possible recommendations listed in the document do not necessarily have the support or opposition of the Advisory Commission. Rather, the recommendations are compiled and organized to assist the members in considering the recommendations during the work session. The Advisory Commission may adopt, change, reject or further consider any recommendation.

For purposes of this document, the recommendations have been organized by topic and are not listed in any preferential order. Additionally, although possible actions may be identified within each recommendation, the Advisory Commission may choose to recommend any of the following actions: (1) draft legislation to amend the Nevada Revised Statutes; (2) draft a resolution; (3) draft a letter; or (4) include a policy statement of support in the final report. It should also be noted that any potential recommendations listed may or may not have a fiscal impact. Any potential fiscal impacts have not been determined by staff at this time.

Pursuant to NRS 176.0125, the Advisory Commission is charged with evaluating and studying Nevada’s criminal justice system and, prior to the next regular session of the Legislature, must prepare and submit to the Director of the Legislative Counsel Bureau a comprehensive report including the Advisory Commission’s findings and any recommendations for proposed legislation. The Advisory Commission does not have any bill draft requests allocated by statute; however, individual legislators or the Chair of any standing committee may choose to sponsor any Advisory Commission recommendation for legislation.

## SUMMARY OF POTENTIAL RECOMMENDATIONS

### **RECOMMENDATIONS FOR DRAFTING OF LEGISLATION**

1. Draft legislation to facilitate the production of presentence reports that contain standard information.
2. Draft legislation removing the authority of courts and the State Board of Parole Commissioners (“Parole Board”) to determine levels of supervision for probationers and parolees.
3. Draft legislation to remove provisions requiring the Division of Parole and Probation of the Department of Public Safety (“Division of Parole and Probation”) to make certain sentencing recommendations.
4. Draft legislation to replace references to “intensive”, “close” or “strict” supervision with “enhanced” supervision.
5. Draft legislation to revise provisions related to the maximum length of probation for certain gross misdemeanants.
6. Draft legislation to revise provisions related to technical violations of probation and parole.
7. Draft legislation to expand the list of offenses that are not eligible for early discharge from probation.
8. Draft legislation to repeal statutory provisions related to probable cause inquiries conducted by the Division of Parole and Probation.
9. Draft legislation to remove references to sentences of residential confinement imposed for probation and parole violations that conflict with graduated sanctions adopted by the Division of Parole and Probation.
10. Draft legislation bifurcating certain statutory provisions in order to have separate processes for probation and parole.
11. Draft legislation to apply AB236 (2019) retroactively.
12. Draft legislation to revise penalties for certain offenses related to controlled substances.
13. Draft legislation to expand eligibility for medical release from prison.
14. Draft legislation to revise the definition of “record of criminal history.”

## **RECOMMENDATIONS FOR DRAFTING OF A LETTER**

15. Draft a letter to the Governor and the Legislature urging support of funding for the Nevada Criminal Justice Information System (“NCJIS”) modernization.

## **RECOMMENDATIONS FOR DRAFTING OF A POLICY STATEMENT**

16. Draft a policy statement encouraging information sharing in order to facilitate research regarding specialty courts.
17. Draft a policy statement related to the development of a technological specification to be used by all systems of criminal justice information sharing.
18. Draft a policy statement to encourage the State’s use of twelve new disposition codes.

## RECOMMENDATIONS FOR DRAFTING OF LEGISLATION

### **RECOMMENDATION NO. 1 – Draft legislation to facilitate the production of presentence reports that contain standard information. (Division of Parole and Probation)**

#### **Background Information for Recommendation No. 1**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab B** – NRS 176.145

During the Advisory Commission meeting on September 30, 2020, Lieutenant Ryan Osborn, Division of Parole and Probation, stated that NRS 176.145(1)(h) requires a presentence report to include “such other information as may be required by the court,” and concluded that this judicial discretion created presentence reports which were not uniform and the contents of which differed between court jurisdictions. To solve this issue, Lieutenant Osborn asked for the removal of NRS 176.145(1)(h) in order to create uniformity in the contents of presentence reports.

### **RECOMMENDATION NO. 2 – Draft legislation removing the authority of courts and the Parole Board to determine levels of supervision for probationers and parolees. (Division of Parole and Probation)**

#### **Background Information for Recommendation No. 2**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab C** – NRS 213.1078

During the Advisory Commission meeting on September 30, 2020, Lieutenant Osborn, Division of Parole and Probation, stated that NRS 213.1078(3)(a) authorizes a court to set the level of supervision of probationers and NRS 213.1078(5) authorizes the Parole Board to set the level of supervision of parolees under certain circumstances. Lieutenant Osborn detailed that the level of supervision of a probationer and parolee is adequately determined by the risk and needs assessment of the Division of Parole and Probation. Therefore, he asked that these provisions providing for levels of supervision to be determined by the court or the Parole Board, respectively, be removed in order to facilitate the level of supervision always being determined by the risks and needs assessment.



**RECOMMENDATION NO. 3 — Draft legislation to remove provisions requiring the Division of Parole and Probation to make certain sentencing recommendations. (Division of Parole and Probation)**

**Background Information for Recommendation No. 3**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab D** – NRS 176A.100

**Tab E** – NRS 213.10988

During the September 30, 2020 meeting of the Advisory Commission, Lieutenant Osborn, Division of Parole and Probation, stated that the former provisions of NRS 176.145 authorized the Division to make certain recommendations to be included in presentence reports. He detailed that AB236 (2019) removed these provisions from NRS 176.145 which collaterally created a conflict with NRS 176A.100 and NRS 213.10988. Lieutenant Osborn stated that NRS 176A.100 still requires the Division to make certain sentencing recommendations. Moreover, NRS 213.10988 requires the Division to collect certain data related to the number of recommendations it made for sentencing. Lieutenant Osborn suggested removing the provisions from NRS 176A.100 and 213.10988, respectively, that reference sentencing recommendations of the Division in order to keep with the spirit and intent of the changes to NRS 176.145 that were facilitated by AB236 (2019).

**RECOMMENDATION NO. 4 — Draft legislation to replace references to “intensive”, “close” or “strict” supervision with “enhanced” supervision. (Division of Parole and Probation)**

**Background Information for Recommendation No. 4**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab C** – NRS 213.1078

At the September 30, 2020 meeting of the Advisory Commission, Lieutenant Osborn, Division of Parole and Probation, recounted that AB236 (2019) required the Division of Parole and Probation to utilize a risk and needs assessment to determine the appropriate level of supervision for probationers and parolees, respectively (NRS 213.1078). He stated that the risk and needs assessment no longer uses the phrases “intensive”, “close” or “strict” supervision and instead uses the phrase “enhanced” supervision. In conclusion, Lieutenant Osborn asked that this outdated terminology throughout the NRS be replaced with “enhanced” supervision in order to accurately reflect the levels of supervision delineated by the risk and needs assessment.

**RECOMMENDATION NO. 5 — Draft legislation to revise provisions related to the maximum length of probation for certain gross misdemeanants. (Clark County Public Defender’s Office)**

**Background Information for Recommendation No. 5**

**Tab F – NRS 176A.500**

At the September 30, 2020 meeting of the Advisory Commission, John Piro, Chief Deputy Public Defender, Clark County Public Defender’s Office, discussed how AB236 (2019) consequently increased the term of probation for certain gross misdemeanants (NRS 176A.500). He stated that the former provisions of NRS 176A.500 authorized a gross misdemeanor to be sentenced to a term of 3 years of probation. The amendatory provision to NRS 176A.500 authorized gross misdemeanants convicted of certain violent crimes to be sentenced to a term of 5 years of probation. Mr. Piro suggested looking at this inconsistency as it seemed to contradict the overall policy goals of AB236 (2019).

At this same meeting, Mr. Piro also discussed that some judges were using their authority to extend a term of probation for up to 12 months (NRS 176A.500(2)) in a manner that exceeded the maximum term of probation for certain gross misdemeanants (NRS 176A.500(1)). Mr. Piro suggested looking at this inconsistency for possible legislative revisions.

**RECOMMENDATION NO. 6 — Draft legislation to revise provisions related to technical violations of probation and parole. (Clark County District Attorney’s Office; Parole Board)**

**Background Information for Recommendation No. 6**

**Tab G – Presentation by the Clark County District Attorney’s Office**

**Tab H – NRS 176A.510**

During the Advisory Commission meeting held on September 30, 2020, John Jones, Chief Deputy District Attorney, Clark County District Attorney’s Office, detailed that in Clark County, inpatient drug treatment programs and drug court are treated similarly. He asked the Advisory Commission to consider removing acts related to inpatient drug treatment programs from being technical violations because violations of drug court programs are not technical violations and both programs are used in a similar manner in Clark County. Mr. Jones also detailed that some gross misdemeanants were being returned to court on technical violations related to firearms. He stated such circumstances should not be treated as technical violations. Finally, Mr. Jones stated that certain acts by sex offenders should not be treated as technical violations.

Christopher DeRicco, Chairman, Parole Board, at the February 13, 2020 meeting of the Advisory Commission, also raised concerns that certain acts conducted by sex

offenders would be treated as technical violations. Chairman DeRicco asked the Advisory Commission to consider taking a closer look at this issue.

Additionally, John Jones, at the Advisory Commission meeting held on September 30, 2020, stated that under NRS 176A.510 it was unclear as to whether a probationer could request to be revoked from probation for a technical violation of his or her probation. Mr. Jones suggested clarifying that a probationer could make such a request for revocation.

**RECOMMENDATION NO. 7 — Draft legislation to expand the list of offenses that are not eligible for early discharge from probation.** (Clark County District Attorney’s Office)

**Background Information for Recommendation No. 7**

**Tab G** – Presentation by the Clark County District Attorney’s Office

**Tab I** – NRS 176A.840

During the Advisory Commission meeting held on September 30, 2020, John Jones, Chief Deputy District Attorney, Clark County District Attorney’s Office, stated that AB236 (2019) omitted serious offenses committed against a person from the list of offenses not eligible for early discharge from probation (NRS 176A.840). He stated that commission of the following offenses should not be eligible for early release from probation: (1) residential burglary; (2) home invasion; (3) discharge into or from a structure or vehicle; (4) possession of a firearm by a prohibited person; (5) carrying a concealed weapon; and (6) abuse of animals.

**RECOMMENDATION NO. 8 — Draft legislation to repeal statutory provisions related to probable cause inquiries conducted by the Division of Parole and Probation.** (Division of Parole and Probation; Clark County Public Defender’s Office; Clark County District Attorney’s Office)

**Background Information for Recommendation No. 8**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab G** – Presentation by the Clark County District Attorney’s Office

**Tab J** – NRS 176A.580 - 176A.610, inclusive.

During the Advisory Commission meeting held on September 30, 2020, Lieutenant Aaron Evans, Division of Parole and Probation, detailed the current probation revocation process, including the requirement that the Division conduct a probable cause inquiry within 15 days of the alleged probation violation. Lieutenant Evans discussed that AB236 (2019) amended NRS 176A.630 in order to require that a probationer who is arrested and detained for committing a technical violation of the terms of his or her probation be returned to court within 15 days to determine if there is probable cause for the violation. Lieutenant Evans believed that removing the

probable cause inquiry conducted by the Division would still ensure the protection of the due process rights of the probationer because: (1) NRS 176A.630 requires that the probationer alleged to have committed a technical violation return to court in the same amount of time as the Division would likely have conducted the probable cause inquiry; (2) a probationer alleged to have committed a non-technical violation, such as the commission of a gross misdemeanor or felony, is already required to appear before a magistrate on the new charge; and (3) in instances where the probationer is alleged to have absconded, the Division is required to prepare a report and a court is then required to make a probable cause determination on whether the probationer absconded. Because of AB236 (2019), Lieutenant Evans requested that the probable cause inquiry be removed as the provisions are now redundant, or alternatively revised in order to remove the redundancy.

At the same meeting, John Piro, Chief Deputy Public Defender, Clark County Public Defender's Office, also stated that his office supported the removal of the probable cause inquiry hearing conducted by the Division of Parole and Probation because: (1) with the amendments to AB236 (2019) this inquiry was now redundant and unnecessary; and (2) the caseloads of public defenders in Clark County made it almost impossible for them to get the inquiry.

Moreover, John Jones, Chief Deputy District Attorney, Clark County District Attorney's Office, at the September 30, 2020 meeting, signified that his office concurred with the proposed repeal of the provisions concerning the probable cause inquiry conducted by the Division of Parole and Probation.

**RECOMMENDATION NO. 9 — Draft legislation to remove references to sentences of residential confinement for probation and parole violations that conflict with graduated sanctions adopted by the Division of Parole and Probation. (Division of Parole and Probation)**

**Background Information for Recommendation No. 9**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab H** – NRS 176A.510

**Tab K** – NRS 176A.660

**Tab L** – NRS 213.152

At the Advisory Commission meeting on September 30, 2020, Lieutenant Osborn, Division of Parole and Probation, detailed the necessity to revise certain statutes in order to facilitate the policy of graduated sanctions for probation and parole violations mandated by AB236 (2019). He stated that NRS 176A.660(2)(b) authorizes a court to impose a six-month term of residential confinement on certain probationers who violate the terms of their probation. Similarly, Lieutenant Osborn stated that NRS 213.152(2)(b) authorized the Parole Board to impose a six-month term of residential confinement on certain parolees who violate the terms of their parole. Lieutenant Osborn asked that the provisions of NRS 176A.660 and 213.152, respectively, be

revised in order to promote the policy of graduated sanctions adopted by the Division of Parole and Probation.

**RECOMMENDATION NO. 10 — Draft legislation bifurcating certain statutory provisions in order to have separate processes for probation and parole. (Division of Parole and Probation)**

**Background Information for Recommendation No. 10**

**Tab A** – Presentation by the Division of Parole and Probation

**Tab H** – NRS 176A.510

**Tab C** – NRS 213.1078

**Tab E** – NRS 213.10988

At the Advisory Commission meeting on September 30, 2020, Lieutenant Evans, Division of Parole and Probation, stated that several statutes were amended by AB236 (2019) in a manner that combined language for probationers and parolees.

First, Lieutenant Evans detailed that NRS 176A.510 was amended to authorize the imposition of a series of graduated sanctions on probationers and parolees who violated the terms of their probation and parole, respectively. He asked that 176A.510 be amended to apply only to probationers and a new section be added to chapter 213 of NRS to address parole violations.

Second, Lieutenant Evans stated that NRS 213.1078 requires risk and needs assessments of both probationers and parolees and establishes the use of individualized case plans. Again, Lieutenant Evans suggested that these sections be bifurcated to facilitate NRS 213.1078 applying to parolees and a new section added to chapter 176A of NRS addressing probationers.

Finally, Lieutenant Evans discussed NRS 213.10988 which addresses recommendations for probation and parole. He again suggested that 213.10988 be reserved for parolees and an identical section for probationers be enacted in chapter 176A of NRS.

**RECOMMENDATION NO. 11 — Draft legislation to apply AB236 (2019) retroactively. (Crime and Justice Institute (“CJI”); Clark County Public Defender’s Office)**

**Background Information for Recommendation No. 11**

**Tab M** – CJI Presentation on Retroactivity and AB236

At the Advisory Commission meeting on September 30, 2020, Len Engel, Director of Policy and Campaigns, CJI, discussed the provisions of AB236 (2019) that could be applied retroactively. He detailed several methods of retroactive application. First, the

provisions relating to parole eligibility and revocation terms could be applied retroactively to all persons currently serving a sentence. Second, an authorization of a petition for resentencing, modification or reduction could be used to retroactively apply the policies of AB236 (2019) regarding sentence reclassifications, mandatory minimums and the habitual offender enhancements. Finally, the creation of a commutation docket could be used to retroactively apply the policies of AB236 (2019) relating to sentencing and parole changes.

Mr. Engel believed that the following offenses addressed in AB236 (2019) could be applied retroactively: (1) burglary offenses; (2) theft offenses; (3) certain drug offenses; (4) gaming offenses; and (5) motor offenses. Specifically, Mr. Engel relayed that drug offenses include possession of a controlled substance, opening or maintaining a place for unlawful sale, gift or use of a controlled substance, possession for purpose of sale, trafficking in controlled substances and knowingly using or being under the influence of a controlled substance.

Additionally, Mr. Engel discussed other policies in AB236 (2019) that could be applied retroactively, such as: (1) the habitual criminal enhancement; (2) presumptive probation; (3) probation term lengths; and (4) revocation limitations.

At this same meeting, John Piro, Chief Deputy Public Defender, Clark County Public Defender's Office, detailed the need for some technical corrections to the habitual criminal enhancement statute in order to clarify when the amendatory provisions of AB236 (2019) apply.

**RECOMMENDATION NO. 12** — **Draft legislation to revise penalties for certain offenses related to controlled substances.** (Clark County District Attorney's Office; Las Vegas Metropolitan Police Department ("LVMPD"); Subcommittee on Criminal Justice Information Sharing ("Subcommittee"))

**Background Information for Recommendation No. 12**

**Tab G** – Presentation by the Clark County District Attorney's Office

**Tab N** – Nevada Offense Code ("NOC") Working Group Presentation

**Tab O** – NRS 453.336

During the September 30, 2020 meeting of the Advisory Commission, John Jones, Chief Deputy District Attorney, Clark County District Attorney's Office, stated that possession of controlled substance with intent to sell was a lower level felony than possession of a controlled substance under certain circumstances. He stated that the "intent to sell" made such an offense more serious than possession of the controlled substance and he asked that possession with intent to sell remain a category D felony.

Mr. Jones also stated that the sentencing structure of marijuana-related offenses and certain other THC-related offenses needed to be revised in order to eliminate certain inconsistencies and loopholes. He stated that possession of marijuana over 1 ounce and

under 50 ounces was previously punishable as a category E felony but inadvertently AB236 (2019) had removed such a penalty. Mr. Jones stated that his office had been treating such offenses at category E felonies.

At this same meeting, Chuck Callaway, Police Director, LVMPD, stated that he concurred with the analysis by the Clark County District Attorney's Office with regards to possible revisions to the sentencing structure for certain marijuana-related offenses set forth in AB236 (2019).

On October 19, 2020, Judy Christenson, Criminal Records Unit Manager, Records, Communications and Compliance Division of the Department of Public Safety and Chair of the NOC Working Group, presented to the Subcommittee on the activities of the NOC Working Group. As part of her presentation, Ms. Christenson stated that the NOC Working Group studied a discrepancy created by AB236 (2019) in the penalties imposed for certain marijuana-related offenses. Ms. Christenson asked the Subcommittee to submit a recommendation to the Advisory Commission to address the discrepancies in the sentencing structure set forth in NRS 453.336.

**RECOMMENDATION NO. 13 — Draft legislation to expand eligibility for medical release from prison.**  
(Department of Corrections)

**Background Information for Recommendation No. 13**

**Tab P** – NRS 209.3925

During the September 30, 2020 meeting of the Advisory Commission, Brian Williams, Deputy Director, Department of Corrections, detailed that, as of that date, zero prisoners qualified for medical release. He stated that the current requirements pursuant to NRS 209.3925 make it difficult to find prisoners eligible for such release.

**RECOMMENDATION NO. 14 — Draft legislation to revise the definition of “record of criminal history.”**  
(Subcommittee)

**Background Information for Recommendation No. 14**

**Tab N** – NOC Working Group Presentation

**Tab Q** – NRS 179A.070

**Tab R** – NRS 484B.657

On October 19, 2020, Judy Christenson, Criminal Records Unit Manager, Records, Communications and Compliance Division of the Department of Public Safety and Chair of the NOC Working Group, presented to the Subcommittee on the activities of the NOC Working Group. Ms. Christenson asked the Subcommittee to consider recommending that the definition of “record of criminal history” in NRS 179A.070 be

amended to include vehicular homicide punishable as a misdemeanor pursuant to NRS 484B.657(1) so that the offense would be retainable as a record of criminal history.

### **RECOMMENDATIONS TO DRAFT A LETTER**

**RECOMMENDATION NO. 15** — Draft a letter to the Governor and the Legislature urging support of funding for the NCJIS modernization. (Subcommittee)

#### **Background Information for Recommendation No. 15**

##### **Tab S - NCJIS Modernization Presentation**

On October 19, 2020, Julie Ornellas, Program Administrator, Records, Communications and Compliance Division of the Department of Public Safety, presented to the Subcommittee on the NCJIS modernization effort. Ms. Ornellas detailed the necessity of the modernization effort and stressed that an estimated total of \$40 million from the State General Fund over the next two biennium would be necessary to implement the NCJIS modernization program.

### **RECOMMENDATIONS TO DRAFT A POLICY STATEMENT**

**RECOMMENDATION NO. 16** — Draft a policy statement encouraging information sharing in order to facilitate research regarding specialty courts. (Subcommittee)

#### **Background Information for Recommendation No. 16**

At the Subcommittee meeting on October 19, 2020, Steve Grierson, Court Executive Officer, Eighth Judicial District Court, detailed issues related to collecting data on recidivism of persons enrolled or previously enrolled in specialty court programs. He stated that strengthened integrated relationships for criminal justice information sharing between NCJIS and criminal justice agencies could be used to promote the sharing and collection of statistical data for research related to recidivism of persons enrolled or previously enrolled in specialty court programs.

**RECOMMENDATION NO. 17** — Draft a policy statement related to the development of a technological specification to be used by all systems of criminal justice information sharing. (Subcommittee)

#### **Background Information for Recommendation No. 17**

At the Subcommittee meeting on October 19, 2020, Mindy McKay, Subcommittee Chair, detailed the need for all criminal justice agencies to use a system that conforms to a standard technological specification in order to ensure uniformity in criminal



justice information sharing and its accurate transmission. Subcommittee Chair McKay requested the Advisory Commission's support of the Department of Public Safety's drafting, implementation and maintenance of a standard technological specification to be used by all systems of criminal justice agencies that code criminal justice information.

**RECOMMENDATION NO. 18 — Draft a policy statement to encourage the State's use of twelve new disposition codes. (Subcommittee)**

**Background Information for Recommendation No. 18**

**Tab T – Topic Paper 12**

During the Subcommittee meeting on October 19, 2020, Alison Ristine, Criminal History Repository Manager, Records, Communications and Compliance Division of the Department of Public Safety, presented to the Subcommittee on Topic Paper 12. The presentation recommended adding twelve new disposition codes to better reflect the final outcome of criminal arrest charges in the state computerized criminal history system (CCH). Ms. Ristine stated that courts use hundreds of disposition codes and various code types. She further described that the lack of standardized disposition codes was problematic when the State attempted to input the criminal history data and the disposition codes utilized by courts did not correlate to those codes used by the State. The Subcommittee voted unanimously to approve the use of the twelve new disposition codes and requests the Advisory Commission's approval of this proposal.