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Senate Concurrent Resolution No. 32—Committee on  
Legislative Affairs and Operations

FILE NUMBER .....

SENATE CONCURRENT RESOLUTION—Directing the  
Legislative Commission to conduct an interim study of the  
criminal justice system in rural Nevada and of transitional  
housing for released offenders.

WHEREAS, The present budget crisis in Nevada is being keenly  
felt in the rural counties of this state; and

WHEREAS, The relatively sparse populations and the great  
distances between population centers increase the difficulties faced  
by the judicial system in this state's rural areas; and

WHEREAS, The State has mandated programs in areas where  
there are no providers of such programs within several hundred  
miles; and

WHEREAS, It has become necessary that steps be taken to ensure  
equal justice for all residents of Nevada; and

WHEREAS, The Judicial Council of the State of Nevada  
empaneled the Commission on Rural Courts which has worked  
diligently to identify and propose solutions for the problems within  
the criminal justice system in rural Nevada; and

WHEREAS, More than 2 million people are now incarcerated in  
the United States, a four-fold increase over the past 25 years, and  
statistics show that two-thirds of those released will be rearrested  
within 3 years and that 40 percent will be returned to custody; and

WHEREAS, One of the greatest challenges facing American  
society today is the reintegration of the more than 600,000 inmates  
who leave state and federal prisons to return home each year, with  
far-reaching consequences; and

WHEREAS, In the State of Nevada, the Department of  
Corrections releases over 4,800 inmates every year to return to  
communities that are ill-equipped to handle the many demands this  
places on the limited resources available; and

WHEREAS, While states and the Federal Government have  
allocated increasing shares of their budgets to building and  
operating prisons, transitional housing is an alternative that has  
proven to be more cost-effective and to have a positive impact on  
the released offenders; and

WHEREAS, When an offender is released directly back into the  
community from which he came, he is often returning to the friends  
and environment that contributed to his criminal conduct and too  
easily falls back into destructive patterns of behavior, which may  
include alcohol or drug abuse, domestic violence and gang activity,

and he may not be welcomed back into his own home because of the chaos he has caused in his family; and

WHEREAS, Many released offenders are uneducated, have poor life-management skills, and have little or no job skills, resulting in bleak futures upon their release; and

WHEREAS, Many of those released have infectious diseases, such as tuberculosis, hepatitis, HIV and AIDS, and 16 percent of offenders have some form of mental illness; and

WHEREAS, Studies have shown that offenders released into transitional housing, which provides them with food and shelter, a supportive environment, peer review, mentors, counseling, job skills and education, have fewer problems reintegrating into their communities and have a much lower rate of recidivism; and

WHEREAS, Since many released offenders have not had to make their own decisions for years and may have feelings of rage, hostility and shame, transitional housing provides the offender with a controlled environment where he is held accountable for his actions while learning how to adjust to a new living situation, thus easing his transition from prison life to community life and allowing him to become a productive member of society; and

WHEREAS, Since more than 1.5 million children in the United States have a parent in prison and a child of an inmate is five times more likely than the average child to serve time in prison as an adult, it is essential that those offenders who are parents successfully reintegrate back into their communities; and

WHEREAS, The State of Nevada recognizes the economic and social importance of transitional housing and similar programs for offenders who are released back into the community after confinement; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to appoint a committee to conduct an interim study of:

1. The criminal justice system and associated services and agencies in the rural areas of Nevada; and

2. The feasibility of implementing a program for transitional housing for felony offenders released on probation or parole or released after discharge from the Department of Corrections; and be it further

RESOLVED, That the committee must be composed of six Legislators as follows:

1. Two members appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Judiciary during the immediately preceding session of the Legislature;

2. One member appointed by the Majority Leader of the Senate from the membership of the Senate Standing Committee on Finance during the immediately preceding session of the Legislature;

3. Two members appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Judiciary during the immediately preceding session of the Legislature; and

4. One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means during the immediately preceding session of the Legislature;

And be it further

RESOLVED, That the members of the committee shall elect a Chairman from one house of the Legislature and a Vice Chairman from the other house; and be it further

RESOLVED, That the Legislative Commission shall appoint an advisory group of 13 nonvoting members to assist the committee with that portion of the interim study which pertains to the criminal justice system and associated services and agencies in the rural areas of Nevada. The advisory group must consist of the Director of the Administrative Office of the Courts and the following persons serving in rural counties in this state:

1. Two district court judges;
2. One justice of the peace and one municipal court judge;
3. Two persons who serve in the capacity of court clerk to courts;
4. Two district attorneys;
5. Two persons representing local law enforcement; and
6. Two county commissioners;

And be it further

RESOLVED, That at least one-half of the members of the advisory group must be appointed from the current membership of the Commission on Rural Courts; and be it further

RESOLVED, That the members of the committee and advisory group shall comply with the provisions of chapter 241 of NRS; and be it further

RESOLVED, That the interim study must include, without limitation:

1. A comprehensive review and evaluation of the following areas relating to the criminal justice system and judicial operations in the rural counties of this state:

(a) The adequacy of present judicial facilities, including, without limitation, courthouses, courtrooms, jails and juvenile detention facilities, with respect to size, age, security, overcrowding and number of facilities available;

(b) The shortage of staff, including, without limitation, circuit court clerks and justices of the peace, and the need for additional education and training for existing judicial staff;

(c) The shortage or lack of service providers, including, without limitation, alcohol and drug abuse counselors, mental health counselors and other professionals who provide specialized treatment to persons with certain physical and mental disorders;

(d) The lack of attorneys and the lack of assistance for residents who represent themselves in court, and the limited number of available and eligible jurors because of sparse populations;

(e) Geographical constraints because of great distances between population centers and adverse weather conditions at certain times;

(f) Inadequate technology, including, without limitation, state-of-the-art telecommunications services and a user-friendly case management system;

(g) The availability of interpreters, consular corps and other persons or groups who can provide legal assistance to racial or ethnic minorities; and

(h) The effect of unfunded mandates on rural courts;

2. The specific problems to be addressed while an offender is living in transitional housing, such as employment, alcohol and drug abuse, domestic violence and health issues, and the community resources available to address these problems;

3. The evaluation of other programs for transitional housing that have been successful, including, without limitation:

(a) Programs that require offenders to give back to their communities by volunteering, such as building houses for Habitat for Humanity or counseling young people in trouble with the law; and

(b) Programs such as the Delancey Street Foundation and the Altamont Program, where offenders are trained in such careers as culinary arts, catering, building trades, and motel and restaurant operations;

4. A cost comparison of keeping an offender in confinement versus releasing him to transitional housing;

5. The development of reentry plans for offenders scheduled for release and methods to be used to identify likely candidates for transitional housing;

6. The costs of building and operating a transitional housing facility, by size, by scope of service and by location;

7. The standards to be required of a transitional housing facility, such as organization, house rules and consequences for negative behavior, to ensure a structured, positive environment, and the varying degrees of restrictions and monitoring required for certain offenders;

8. Specific requirements that must be met by a transitional housing facility to receive licensing, including a review of the related requirements of state and federal agencies;

9. Identification of any unique or specific issues to be addressed for youthful offenders, women and the mentally ill;

10. Solutions to best address transitional housing for sex offenders because of the safety concerns of the community in having these offenders living in their neighborhoods and the hostility of persons in the community towards these offenders;

11. Methods to be used to ensure communication between transitional housing facilities and the Division of Parole and Probation of the Department of Public Safety, such as reports and methods of monitoring facilities and offenders; and

12. A review of the practices and resources of the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety concerning the release of offenders into the community;

And be it further

RESOLVED, That, on or before February 1, 2004, the committee shall submit a report of its progress on the study to the Legislative Commission; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That, on or before September 1, 2004, the committee shall submit a final report of the study to the Legislative Commission; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 73rd Session of the Nevada Legislature.

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