

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

**Eighty-Second Session
June 2, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 10:12 a.m. on Friday, June 2, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

Assemblywoman Alexis Hansen (excused)

GUEST LEGISLATORS PRESENT:

Senator Dallas Harris, Senate District No. 11



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Aaron Klatt, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Scot Rutledge, representing Deep Roots Harvest; Moms Meds Management LLC;
and Green Life Productions
Connor Cain, representing Chamber of Cannabis
Chelsea Capurro, representing Nevada Cannabis Association
Brett Scolari, representing Cura Cannabis Solutions
Chris Anderson, representing MJardin Group, Inc.
Will Adler, representing Sierra Cannabis Coalition LLC
Abby Kaufmann, Private Citizen, Las Vegas, Nevada
Hadhinah Felice, Private Citizen, Las Vegas, Nevada
Christina Ulman, President, Chamber of Cannabis
Bri Padilla, Executive Director, Chamber of Cannabis
Dani Baranowski, Private Citizen, Las Vegas, Nevada
Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe
County Sheriff's Office
Victoria Gonzalez, Executive Director, Department of Sentencing Policy
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Nick Shepack, Board Chair, Return Strong!, Carson City, Nevada; and Nevada State
Deputy Director, Fines and Fees Justice Center
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County
Public Defender's Office
Nicole Williams, Private Citizen, Carson City, Nevada
Yvonne Efverlund, Private Citizen
Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada
Betty Guess, Private Citizen
Estee Padgett, Private Citizen, Las Vegas, Nevada
Crystal Voight, Private Citizen, Las Vegas, Nevada
Kirk Widmar, Chief, Offender Management Division, Department of Corrections
Katie Brandon, Public Health Intern, Fines and Fees Justice Center
Amelia Booth, Private Citizen
Pamela Browning, Private Citizen

Chair Miller:

[Roll was taken. Committee rules and protocol were explained.] Good morning, everyone. Sorry for our delay, but I hope everyone appreciates what we are doing with this new agenda. We just added two additional bills, so thank you to those who rushed over here. When the choice is to come back tomorrow morning on Saturday at 8 a.m. or let us try to do what we can throughout the day, I thought there would be a lot of support for this executive decision, and that is what we are doing. We are still starting with Senate Bill 277 (1st Reprint) though. With that, I will open the hearing for S.B. 277 (R1). It is presented by Senator Harris, and it revises provisions relating to cannabis. Senator, your hearing is open, and please proceed when you are ready.

Senate Bill 277 (1st Reprint): Revises provisions relating to cannabis. (BDR 56-193)

Senator Dallas Harris, Senate District No. 11:

This bill does many things. I anticipate you all will have a few questions, and I will be happy to answer them. As a quick walk-through, we will start with section 1. Section 1 amends *Nevada Revised Statutes* (NRS) 678A.450. As you can see in section 1, subsection 1, paragraph (e), this was actually a drafting misfire, and I would like to actually restore this language. We did not intend to have this deleted, and I will have to go back to the Legislative Counsel Bureau drafters to clarify that. As I am sure you all know, as we move quickly through session approving amendments that come out of committees which are then up for a hearing the next day, occasionally small things happen. Please take my apologies on that, but we will get that cleared up.

If you turn to page 6, the bold language that you see there, which is section 1.5, subsection 1, paragraph (d), ensures that the Cannabis Compliance Board (CCB) is taking into consideration environmental effects when they promulgate their regulations. We know that we are always adding things onto labels, but what about the paper? The idea here is we want to ensure that as the CCB is promulgating additional regulations, they are thinking about the potential environmental impacts they may have.

Flipping on over to page 8, which is where section 3 begins, what you see is that we are moving from a dual license structure to a single license structure. In Nevada, we started our medical marijuana program prior to having adult-use, and therefore we have a bifurcated system. Today in 2023, we have a fairly established regulator that is firing on all cylinders, and it does not really make sense any longer for you to get two separate licenses: one medical, one adult-use. Therefore, we are going to streamline that process. I think it is going to be easier for businesses and for the CCB. All the rules and regulations for being able to sell medical product will remain in place. We also wanted to ensure that if you are in a jurisdiction where you have a medical-only license and that is because that jurisdiction does not allow adult use, that you are not going to be forced to jump to this new licensing structure when you are not able to gain the benefit of selling adult-use cannabis. Therefore, we have grandfathered, if you will, those folks in.

Page 10 begins section 4.5, which deals with what are called "excluded felonies." Originally in this bill, I got rid of the excluded felonies, and we said, Anybody can jump in, but that, as I am sure you can imagine, gave some people a little heartburn. Therefore, what you see in section 4.5 is a petition process. If you have those excluded felonies, you can petition the CCB and they can make a determination. As long as you do not pose a threat to public health or safety, or negatively impact the cannabis industry in this state, the CCB can go ahead and grant an exemption. It is my belief that we should be lowering barriers to entry. This is good occupational licensing reform. If there is no reason why your previous criminal history is indicative of some issue, you should be able to get any job that you would like. We want to make sure as many people can participate in our society as possible.

Section 8 amends the requirements about owners having to get a CCB agent card. We have also further deleted some language in NRS 678B.340, which you will see on page 18 in section 8, subsection 4. On to page 21 with section 10, you will start to see where the two-thirds change comes in. Due to our moving from a two-licensing structure to a single licensing structure, we had to adjust the fees accordingly to make sure that the state does not lose licensing revenue by virtue of moving from two licenses to one. Each person will continue to get the same value as being a dual licensee and will be able to sell to two separate groups; we are just going to give you one license to do that. You may also notice the renewal fee for this new adult-use-only license is equal essentially to the fee for the adult use and the medical put together. We are just making sure the state does not lose any revenue and smoothing things out there.

Section 14, subsection 3, paragraphs (d) and (f) are where we up the possession limit from one ounce to two and one-half ounces of cannabis, and one-eighth of concentrated cannabis to one-fourth. We want to ensure that county commissioners and local governments can use some of their money for public education. One of the things that we are seeing is folks are occasionally having trouble distinguishing an actual licensed establishment versus a nonlicensed establishment. Therefore, part of doing this right, having this industry in our state and regulating it correctly, should include public education about how to safely consume. That is what you see in section 14.3, subsection 4; and section 14.6, subsection 4. Section 15, subsection 8 states the excise tax does not apply to medical use. That is the bill, and I am happy to answer any questions you all may have.

Assemblywoman Bilbray-Axelrod:

When I initially read this bill, I did not realize it did as much as it does. Therefore, I am digesting a lot, but to start, can you tell me what counties currently only allow medical?

Senator Harris:

If I am remembering correctly, there is only one location right now and that would be Fallon. I think the county that Fallon is in might prohibit it, but I know that there is at least one establishment that is medical only and is not allowed to sell adult-use that is open today. Therefore, we want to make sure that we do not force them onto what is a more expensive license when they will not be able to use the benefit of it.

Assemblywoman Bilbray-Axelrod:

I am just trying to digest the fees here. You just said your intentions were not to force a more expensive license, but it looks like it is increasing.

Senator Harris:

Let us discuss the initial license. Right now, we have an initial license fee for adult use and an initial license fee for medical use. But if we get rid of that medical use, nobody is going to be paying that anymore. Therefore, we have taken what we would have gotten from that revenue and adjusted. Now, when it comes to the renewal fees, we no longer have a renewal fee for a medical license, and thus the adult-use license is just the cost of what would have been the adult use plus the medical together.

Assemblywoman Bilbray-Axelrod:

If they are only medical, that went up as well?

Senator Harris:

They are grandfathered in, and they would be allowed to continue to be only medical and would not have to pay the higher fee.

Assemblywoman Cohen:

Have you had communication with the Department of Taxation? Are these changes going to affect them and make it more difficult for them to collect?

Senator Harris:

The Department of Taxation was part of the fiscal discussion in the Senate Finance Committee, and we have taken care of them with an appropriation in this bill.

Assemblywoman Newby:

Following up on my colleague's question about the dispensaries that are only medical, I am wondering, based on your answer, if the reverse is true. If dispensaries that only do recreational could then get into the medical, and if so, does that trigger a whole additional review process, or do you expect to see dispensaries getting into both sides if they have not before?

Senator Harris:

We have a lot of dual licensees today. It is very rare where you see a dispensary that is adult use only, although it does happen. They would be able to transition and sell both adult use and medical if this bill passed. It would be up to the CCB to do all the fine constraints, but what is outlined in this bill is a transitory process that would lead to having that dual license under one single license.

Assemblyman Yurek:

I have confessed this before and throughout this session on all these marijuana bills that I am on the caboose of this train that is moving down this path, but I am really trying to be open-minded. Can you help explain why we are going from the one ounce to two and one-half ounces and the eighth to a quarter? Can you help me understand why we are expanding these limits?

Senator Harris:

I will tell you about my perspective on this. When I go to the grocery store, I sometimes purchase a 24-pack of beer or, if I want to, maybe a 48-pack, depending on what the deal is. On Fridays, my local Albertsons has a six-pack for \$5 deal. I might get four or five of them, and frankly, it is nobody's business what I intend to do with those beers; whether they are all for me or whether I am throwing a party. We do not really put limits on it in the same way that we do marijuana. Therefore, I understand that this is a new market and we are trying to take small steps, but now that we are where we are with a regulator in place, the one-ounce limit made sense then but makes a little less sense now.

You may go to your local dispensary, buy an ounce, and many of them have these reward programs where you have earned a free joint, but you cannot take it with you today because you already met your one-ounce limit. Or they may have a deal where they are selling an ounce at a discounted price, but you can only get one. What if you wanted to just stock up and get two and not have to go back to shop for another month or however long that may last you? Marijuana does have a shelf life, but maybe you want to buy in bulk, and you should be able to do that. There is no reason today that we have to limit it to one ounce.

There are other states where the limit is a bit higher. One big example—and this is not indicative of the entire country—but Oregon allows you to have up to eight ounces. Therefore, we are just expanding it a little as we get more comfortable, and we are doing things that make a little more sense. I personally believe that one of the issues we have with the illicit market is that we continue to treat marijuana like an illicit drug. I am trying to move us away from that slowly, and I think this will also help tamp down on some of those illicit activities.

Chair Miller:

I am not the expert on this subject, but I would like to clarify. First, you are trying to get one adult-use permit, whether someone uses it for medicinal or recreational, correct?

Senator Harris:

Keep in mind this is tied to the establishment; therefore, it is what the establishment is allowed to sell.

Chair Miller:

Therefore, if I walk in with this one permit, they can sell to me regardless?

Senator Harris:

It is the other way around; the establishment will hold the license. Right now, there are establishments that can only sell adult use and cannot sell to a medical patient. Furthermore, I will just note, this will allow someone with a medical card to then be able to go into almost any dispensary. Instead of having to find one that is allowed to sell to medical, they would be able to go anywhere because all the establishments would be licensed to serve them.

Chair Miller:

I appreciate that. My question was more about the individuals who have a medicinal license who cannot have a concealed carry weapon (CCW) permit. That is what I was trying to get at.

Senator Harris:

This piece of legislation would not affect their medical cards, how they get them, how much they are allowed to buy, or that process at all.

Chair Miller:

Is that because it is still controlled federally and is still a Schedule I drug, or is there something we could do in this state?

Senator Harris:

Theoretically, I could add to this piece of legislation that if you have a medical card, you are allowed to get a CCW in Nevada; that is just not currently in this bill.

Assemblywoman Gallant:

I wanted to also add something to the conversation regarding my colleague's question about limits; it will be easier for people if they can purchase more because many of them live in rural areas and they have to drive very far. Also, with our veterans who have post-traumatic stress disorder and things of that nature, it makes life a little easier if they can purchase more. Finally, some people do not want that medical marijuana card because they want to be able to have that CCW. I just wanted to highlight those points.

Senator Harris:

Absolutely, Assemblywoman Gallant. Thank you.

Chair Miller:

With that, I will go ahead and open it up for testimony. Is there anyone wishing to testify in support of Senate Bill 277 (1st Reprint)?

Scot Rutledge, representing Deep Roots Harvest; Moms Meds Management LLC; and Green Life Productions:

We are here in full support of this bill. A couple of things that I would like to highlight: what I like about this bill is that it takes our medical program and our adult-use program and it aligns them. One of the issues I think we have with consumers—and this has been talked

about already, so I do not want to belabor it—but I have several friends who are medical patients, but none of the adult-use retail stores nearby can sell them medical cannabis, and so they have to go farther away if they are a medical patient. This now fixes that problem.

One of the things that was not highlighted in the bill is we are redefining marijuana. I think it is towards the end of the bill, but we are basically removing seeds as the definition, and that is because that aligns us with the Drug Enforcement Administration definition, in addition to root balls and mature stocks. I will not get into all of that, but I will say that we are aligning our definition of marijuana with the federal definition and maintaining our definition of marijuana with how most of the other states that also have legal cannabis have defined marijuana. Thank you, and we appreciate your support today.

Connor Cain, representing Chamber of Cannabis:

We are also in support.

Chelsea Capurro, representing Nevada Cannabis Association:

We are in support.

Brett Scolari, representing Cura Cannabis Solutions:

We are in support of the bill, and I appreciate the sponsor and all the stakeholders who worked on this. Our angle on this bill was really that education piece for the cities and counties. We have been talking about the illicit market all session, and that will be a really good tool to give the counties and cities to educate the public and tourists on where to safely purchase cannabis. We look forward to working with the local governments on that issue. Thank you, and we urge your support.

Chair Miller:

We appreciate that because that has been an area of concern for us as well. Starting in the beginning of session, we talked about how we know that not all our tourists and even all our residents really understand certain parameters and guidelines when it comes to some of our laws pertaining to this.

Chris Anderson, representing MJardin Group, Inc.:

We are in support of those public service announcement-type provisions that Mr. Scolari referenced and the provisions in section 14 that reasonably increase the amount of cannabis in the per-sale limit. As the sponsor testified, there are neighbors of ours that have higher limits for per-sale and they are not having issues. You can also compare it to something like alcohol, which has no purchase limit. Furthermore, with cannabis there have been few if any overdose cases ever reported in history.

Will Adler, representing Sierra Cannabis Coalition LLC:

I would like to ditto the comments from Mr. Scolari and similar ones from Mr. Anderson. To Assemblyman Yurek's comments: Nevada in 2016 was actually on the leading edge of legalization at the time in having the ability to purchase one ounce of cannabis. Nevada was an island in the West and we did not have a lot of neighbors that had cannabis policies or

cannabis around us. We actually spoke to actively reducing the limit so we would not be smurfing or having legal cannabis from here being shipped to other states around us, such as what Colorado did with Oklahoma. However, ironically, time moves on and we are now on the back end of this, where our neighbors are selling more and we actively see customers from other states saying, How come we are limited to one ounce? Why can I only buy four of these? I am used to buying more.

The whole Senate Bill 277 (1st Reprint) is a very pro-business, pro-cannabis bill and is one that brings Nevada back up to where the rest of the country is now. Thank you for hearing this bill, and please support it.

Abby Kaufmann, Private Citizen, Las Vegas, Nevada:

I am the secretary for the Chamber of Cannabis. I submitted my full details for the reason I am in support of S.B. 277 (R1) via email yesterday. [No written testimony was received.] I just wanted to call in to express my full support of S.B. 277 (R1) and thank Senator Harris for getting us this far.

Hadhinah Felice, Private Citizen, Las Vegas, Nevada:

I am honored to address you today as a board member of the Chamber of Cannabis, a Nevada resident of nine years, and a small cannabis business owner. I stand before you to lend my absolute support to S.B. 277 (R1). According to Nevada's *2023 Recycling and Waste Reduction Report* released in January 2023, our municipal solid waste reached 3.3 million tons in 2021, a rise from 3.1 million tons in 2020. By doubling the daily purchase limit, we can effectively combat the excessive packaging waste generated by the cannabis industry. Having vast land does not warrant its constant filling. Passing this bill would enable cannabis users and patients to obtain large quantities of products, reducing the frequency of dispensary visits and subsequently lessening our carbon footprint. Nevada has the opportunity to lead the nation in embracing environmentally friendly cannabis practices while simultaneously bolstering our revenue, including tax income. I implore the Committee to wholeheartedly support and advance this bill.

Christina Ulman, President, Chamber of Cannabis:

I am a resident of Nevada for 15 years and a small business owner. We ask for your support on this bill. It is sensible cannabis policy that will keep our industry moving forward and be competitive with neighboring states while also creating a great offense that we can continue to reward the industry, companies, and leaders that are playing by the rules. We thank Senator Harris for all of her time on this bill and appreciate your support on the bill.

Bri Padilla, Executive Director, Chamber of Cannabis:

Chamber of Cannabis is Nevada's largest and most diverse 501(c)(6) organization for the cannabis industry. Like our secretary, I did have the opportunity to send my personal letter of support to the Assembly Judiciary Committee members, but I did just want to highlight that our membership consists of over 70 businesses and 400 individuals, all of whom are deeply concerned about the state of the cannabis industry in Nevada. Over the past year alone, we have seen staggering losses of more than \$25 million in revenue, and that decline

does not include our members, our employees, the industry, and community impacted by closures and layoffs. In this challenging environment, we firmly believe that Senate Bill 277 (1st Reprint) presents a critical opportunity to revitalize and bolster our industry. We strongly urge your support, in addition to dittoing all the comments provided by the other supporters of this bill.

Dani Baranowski, Private Citizen, Las Vegas, Nevada:

I am a small business owner and vice president and cofounder of the Chamber of Cannabis. In the interest of your time and respect to this Committee, I wish to reiterate what all my esteemed colleagues have said. I look forward to your support in growing the economy and continuing to bolster the great state of Nevada with this bill.

Chair Miller:

With that, I will go ahead and open it up for testimony in opposition to Senate Bill 277 (1st Reprint).

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:

Apologies in advance to Senator Harris. I was alone on the island on April 10 when this first got heard. We are opposing Senate Bill 277 (1st Reprint) for one reason only; no need to increase the personal possession limit.

Chair Miller:

I will now open it up for neutral testimony. Is there anyone wishing to testify in neutral on Senate Bill 277 (1st Reprint)? [There was no one.] Then I will welcome the bill sponsor back up for any final remarks.

Senator Harris:

Thank you to the Committee for their time this morning.

Chair Miller:

We will go ahead and close the hearing on Senate Bill 277 (1st Reprint), and as everyone knows, Speaker Yeager has waived the 24-hour rule. Therefore, we are going to go ahead and work session this right now. I am going to hand it over to Ms. Thornton, our policy analyst, to walk us through it.

Senate Bill 277 (1st Reprint): Revises provisions relating to cannabis. (BDR 56-193)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 277 (1st Reprint) is sponsored by Senator Harris. This bill revises provisions relating to cannabis. There was one proposed amendment by the Senator; however, Legal counsel is going to clarify that first before we continue.

Bradley A. Wilkinson, Committee Counsel:

Section 8 of the bill eliminates the requirement to register if you have less than 5 percent ownership. Therefore, the change in section 1 of the bill is a provision that allows the board to waive that requirement, but once you get rid of the requirement, there is no need to keep the language about the waiver.

Senator Harris:

Thank you for that clarification.

Diane C. Thornton, Committee Policy Analyst:

With that, this motion for the bill for passage would be a do pass.

Chair Miller:

Members, are there any questions? Not seeing any, I will entertain a motion to do pass Senate Bill 277 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 277 (1ST REPRINT).

ASSEMBLYMAN GRAY SECONDED THE MOTION.

Any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN HARDY AND YUREK
VOTED NO. ASSEMBLYWOMAN HANSEN WAS ABSENT FOR THE
VOTE.)

I will assign the floor statement to Assemblyman Gray. Next on our agenda, I am going to open up the hearing on Senate Bill 413 (2nd Reprint). First, thank you, Senator Harris and Ms. Victoria Gonzalez, for being willing to be ready for this next hearing with about eight minutes of notice. With that, your hearing is open and please proceed.

Senate Bill 413 (2nd Reprint): Revises provisions relating to credits to reduce the sentence of an offender. (BDR 16-313)

Senator Dallas Harris, Senate District No. 11:

I have a few folks with me here, Ms. Victoria Gonzalez from the Department of Sentencing Policy and Mr. Kirk Widmar from the Department of Corrections (NDOC), to be able to answer questions that you all may have. Ms. Gonzalez has a presentation [[Exhibit C](#)], so we will let her go through that; but first, a quick run-through of the bill.

Our sentencing credit system is a mess. If you sat on the Assembly Committee on Judiciary for any amount of time, you may have seen bills—especially last session—trying to restore credits for programming that folks may have missed due to COVID-19. Currently, we

project when your parole eligibility date may be, and that projection can change month to month and day to day. Therefore, we have folks who really have no idea when they might be able to have the opportunity to return home.

I have four degrees, and when I first saw the Excel sheet that explains what the tracking is for each individual inmate, I had to question Mr. Widmar for at least a good 45 minutes before I was able to even begin to understand what I was looking at. This bill solves that problem, and it does so in the only way Ms. Gonzalez knows how, and that is with data-informed decision-making. Chair, if it is okay with you, I am going to turn it over to her to walk you through her presentation to give you all the gist of what is going on here.

Victoria Gonzalez, Executive Director, Department of Sentencing Policy:

For your reference, this is the same presentation we made to the Senate Judiciary Committee, and thus it is available on the Nevada Electronic Legislative Information System. As the Senator stated in her introduction, the current credit scheme is very complicated. I will quickly walk you through that part of it, but I wanted to show you a visualization to help you understand where we are today. Included in the exhibits from the original hearing with the Senate Judiciary Committee, you will notice there is a credit sheet. These are actual credit calculation sheets that are provided to incarcerated persons when they enter NDOC [Credit sheets are available as [Exhibit C](#) in minutes of the Senate Committee on Judiciary meeting of April 7, 2023.]. You will notice at the end of the examples of these credit sheets, where it is in blue, those are the projected credits. The credits at the beginning show how they are applied each month, but those projections need to be done in order to calculate parole eligibility dates; meaning those are the dates they can go to the parole board. If they are waiting just to serve out their sentence, they are discharged.

Upon request, these can be provided to anyone, but that does not mean that they are easy to understand or easy to read. When you look at that document and when I look at that document, the questions I have are, So, which ones did I earn? Which credits were not earned? When am I eligible for parole? What does that credit mean? Furthermore, what you cannot tell from the credit calculation examples document, but what happens is, because their projections combined with as the credits are earned, the date can actually keep moving, and that is very confusing, not only to those who are incarcerated, but the victims; the judges when they are trying to impose sentences—understanding what it actually means when they impose a sentence; and of course, the district attorneys when they are trying to decide what makes the most sense for the prosecution of a certain crime.

What I have here is a very simplified visual representation [page 2, [Exhibit C](#)] that tries to explain this very complicated situation. What happens right now regarding projections is, when you are admitted to NDOC, we start off with your first month. What is used to calculate the credits is projected good time credit, which everyone is eligible for, and then projected possible work credit. Those two credits are factored into the projections, and then that generates a parole eligibility date. Then from there, that projection can be adjusted at the end of each month because we look at what credit did that person actually earn.

Therefore, you have the earned good time credit—which the only way that gets taken away is if there are major disciplinary issues—and then we also incorporate the projected good time credit.

For example, let us say for the first month the individual could not work, then that work credit that was projected for that first month is not applied. It looks like it was taken away, but they just did not earn it, yet it was part of the projection. However, moving forward, the assumption is that the incarcerated person will still be working, which is part of the projection. Therefore, if you are incarcerated, you can see that parole eligibility date moved because you did not earn the work credit that you thought you might have the opportunity to earn. Then let us say for the next few months, again, you were not able to work. That parole eligibility date would continue to move out, which is difficult for everybody when it comes to determining when this person is eligible for parole.

Then we get down to month 5, and let us say you have your ongoing earned good time credit, there is the projected good time credit, you were able to work, we are going to project out the assumption that you did work, but then this person earns their GED [General Education Development]. Then their parole eligibility moves back a little because there were credits that were able to be earned for education. This goes on and on.

One of the things I want to point out is that a significant number of individuals are not incarcerated for one sentence. For each sentence they have been sentenced to, this has to be projected. That also does not take into account aggregation: if the sentences have been aggregated, if the sentences have run concurrently, or if they are running consecutively. All these credits have to be factored in once those sentences get combined, which is a really important thing to consider when we are trying to understand where someone is in the criminal justice system; understanding what it means when you have been convicted of a crime, what credits are applied, and when are you eligible for parole. I just wanted to point out the layers of this process.

In participating in the Interim Standing Committee on Judiciary, we know this has been an ongoing issue. Last session, there were some bills trying to make adjustments for those who were not able to earn credits during COVID-19 due to the concern about these projections and the actual credits you were able to earn. We know this is an ongoing issue. Before Chief Widmar oversaw the Offender Management Division of NDOC, it was Jorja Powers who was the chief, and she was the person I partnered with first. Between her and Chief Widmar, they have helped educate me about the credits and helped me understand this problem. It is a situation I became aware of very early, and we are trying to figure out how we can help.

One thing we did create is a sentence credit guide—which is available on our website—to try and explain to everybody how these credits are applied and how they are then earned. From there, we started thinking what can be done to help improve this, and of course, we looked at other states. Other states provide a percentage that is, I would say, analogous to the good time credits. There is this expectation when you are sentenced that you will be on your best

behavior and do everything you are supposed to. With that expectation, there is a percentage that can be applied. It can be adjusted based on disciplinary issues, but the expectation is that when you walk into NDOC, you are going to do the best you can while you spend your time there for the crime you have been convicted of. Therefore, that was our first place to start. I was very curious and thought, What if we moved to a percentage? Well, we went to the data [page 3, [Exhibit C](#)], and what we did was analyze releases from 2017 to 2022. We analyzed only new commitments, and we only looked at those who have one offense in their booking. As I mentioned, a significant number of individuals have multiple offenses, but we thought this would be a clean way to understand what is happening with one sentence.

One of the things I want to mention too is that the way credits are earned, there is a certain population of NDOC who can earn credits off their minimum. When you are sentenced to NDOC, you are sentenced to a minimum sentence and a maximum sentence. Your minimum is what determines your parole eligibility date, and generally, when you reach that minimum, you go to the parole board. Existing law provides that if you are convicted of a C, D, or E felony that is not violent, not sex related, and not driving under the influence (DUI), then you can actually get credits off of your minimum. Therefore, your minimum moves to make you eligible for parole sooner. You still have to go to the parole board, but you earn credits off your minimum and your maximum. That is what we were looking at here, because of course, those individuals who do not earn credits off their minimum right now are just going to go to the parole board at their minimum. Those individuals who can earn credits off their minimum is where this gets a little more complicated. That is the data set that we looked at. We looked at that concern; when you are earning credits off your minimum, how can we understand what is happening there?

The individuals we looked at were those with C, D, and E felonies which were basically drug and property crimes, and we looked at what percentage of their sentence did they serve once they were released to parole. That means we are taking into consideration that the parole board made a decision here. Then what we did is, we looked at their retro date, and retro date is the start of their sentence. When you are convicted, if you were incarcerated for any time while waiting for your conviction, you get credit for the time you spent in jail, and then that is when your sentence actually begins.

For those who want to understand the methodology, here is what we did: we started off with averages for figuring out how to choose your percentage [page 4, [Exhibit C](#)]. I have mentioned in this Committee and others, it is really important when we are analyzing data that you look at all pieces, and one of the things we refer that to is we "slice and dice" it. This is because what happens when you see data presentations is someone has already sliced and diced it and presented the data to you in a very specific way. We are nonpartisan, we do not have a policy we want to advance, and we want to make sure that we are as transparent as possible. As we were slicing and dicing the data, we went with just a straight average here, but as we started to slice and dice it more, we thought that does not tell you the whole picture, and if you really want to make a data-driven decision here about how to decide a change like this, what percentage should we start using instead of just applying credits; we wanted to look at the whole picture.

We took those individuals who have one booking and only those who were eligible for credit off their minimum; those were the individuals with C, D, and E felonies who are in drug and property offense groups. You can see it is not one percentage, and there is not a common percentage for when they get released [page 5, [Exhibit C](#)], because as we saw in the previous slide, there are multiple ways that your credits can be earned. We have those good time credits that generally everyone can earn as long as they behave themselves, but then the work and education credits have you on this sliding scale of when you could be eligible for parole. That is what explains the percentage distribution here, and I want you to keep in mind this is from 2017 to 2022; this is not just a one-year occurrence.

When we look at this and then start slicing and dicing the data further, we asked, What if we decide our percentage based on the majority of those? What is the majority of the percentages that would help us make that decision? When we looked at that, if we go over just half of our dataset here, you can see that 54 percent of those who were released served 65 percent or less of their minimum before they were released to parole [page 7, [Exhibit C](#)]. That is how we came up with the 65 percent number, and that is how it evolved from just looking at a straight average to looking at the number of occurrences; the difference between the mean and the mode, for those of us who want to use statistical language. Therefore, you now have all the data to make this decision about where this percentage lies, and this does, from a data perspective, seem like the fairest, looking at where the middle is, to decide that percentage. I explain that just so you understand how we came to that conclusion.

Now what happens, whether you are the judge, the victim, or the incarcerated person, it is going to be very clear when that parole eligibility date is. Therefore, it is 35 percent if you do everything you are supposed to and you comply with your case plan [page 8]. If your case plan says that you need to work on education or you need to do programming, you are going to do that, and then you will be eligible for parole at 35 percent. You can see, from month to month, this will not move. Where it can be adjusted will be through disciplinary and major violations, and that is under the existing scheme. The Department of Corrections already has a scheme where they can make time adjustments based on an outcome of what has been happening while you are incarcerated. Due to the dates being much clearer now, it will be clear what your discipline actually was and how the parole eligibility date has moved based on that 35 percent that has been allocated in compliance with your case plan.

We also have data on this next slide [page 9, [Exhibit C](#)] on the maximum sentence, because the proposal in the bill is to apply that 65 percent to both the minimum sentence and the maximum sentence, as that is how people earn credits. If you are interested in that data, we have that here, but as the minimum sentence has been the main talking point and the main concern, that is where our focus and our discussion centered. With that, I will turn it back over to Senator Harris.

Senator Harris:

We are happy to answer any questions.

Assemblywoman La Rue Hatch:

I want to clarify that the whole complicated mess that we just saw will be replaced entirely by this system from 2025 onward and for those who opt in, correct?

Senator Harris:

Yes, that is correct. It is only for people who are currently allowed to earn credits off their minimum. We are not changing who is eligible for that, and those are the individuals with C, D, and E felonies that are nonsexual, nonviolent, non-DUI.

Assemblywoman Summers-Armstrong:

I do not have a question so much as I have a comment. I have been so impressed by you, Ms. Gonzalez. Every time you come before us, you do not give us what we think we want to see or what we think we want to hear; you give us the data as it should be presented. I just want to tell you, thank you, because I was here last time when we were trying to work through some of this. It is really complicated. People are very frustrated, and it is still complicated, but not so opaque anymore. It is much clearer, and I am just grateful that you are in our state and doing the work for us.

Senator Harris:

After last session's hearing, I simply called up Ms. Gonzalez and said, Fix it, please, and she did. She came to me with a solution that was data-driven. She had already had conversations with NDOC and all the appropriate parties, worked with Legal to get the bill drafted, and I just showed up for the presentation. Therefore, if you all need any problem solved, you know where to go.

Chair Miller:

Yes, we remember when Ms. Gonzalez was a policy analyst on the Education Committee, I think in my sophomore session. At first, when I learned that she was leaving, I thought, Oh, no, but then I saw where she went, and yes, she has been tremendous. We are happy to have her.

I do not see any other questions. Therefore, I am going to go ahead and open it up for testimony. Is there anyone wishing to testify in support of Senate Bill 413 (2nd Reprint)?

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

I would like to thank Senator Harris and Executive Director Gonzalez for coming to talk to us about this. This is a very difficult issue for people who are in NDOC and even us, as we advise as public defenders. Sometimes it is difficult to figure out what that good time credit is going to look like to give them a realistic picture. Sometimes that information actually helps us negotiate cases and move things along. This is a good piece of policy, and we strongly urge your support.

Nick Shepack, Board Chair, Return Strong!, Carson City, Nevada:

The most confusing thing for families and the most difficult thing for people who have a loved one incarcerated is understanding when they are going to be released. What we have before us is an amazing piece of clarity that we can offer everyone from victims, to families, to those who are incarcerated. The work that has been done on this has been absolutely incredible. The partnership between the Department of Sentencing Policy, NDOC, and the Legislature has been something amazing to behold, and we urge your support.

Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:

There is a joke that lawyers cannot do math, but I will tell you we definitely cannot do prison math. Therefore, anything to help ensure that we lawyers and those who are going through the system understand the process and what it is going to look like is beneficial.

Nicole Williams, Private Citizen, Carson City, Nevada:

I am an impacted family member and a board member of Return Strong!. I am calling in full support of S.B. 413 (R2).

Yvonne Efverlund, Private Citizen:

I am one hundred percent in support, and I also urge your support.

Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada:

First, I would just like to thank everybody who has done so much work from the Department of Sentencing Policy and Senator Harris. This began as an outcry during COVID-19 for families who were watching our loved ones lose their days. I happen to be from an impacted family where my husband had been somebody who had unaccounted-for time and won a lawsuit that allowed him to come home because he had served years over his sentence, time that could not be tracked because of the way the credit system was. It was a mess, and we did not know how to fix it. All we knew was to continue to spotlight that there was a problem. Therefore, we are very thankful for everybody who has listened to that outcry and used their ability to actually bring change through data, policy, and all of those things. As an organization, and personally, we are in support of S.B. 413 (R2). Thank you very much for hearing it and supporting it.

Betty Guess, Private Citizen:

I am a volunteer and activist with Return Strong!. I have a son incarcerated by NDOC. I will just echo the sentiments of Ms. Hocking, Mr. Shepack, and others who have gone before me. I stand in full support of S.B. 413 (R2). Thank you for hearing this important bill, and please vote yes for it.

Estee Padgett, Private Citizen, Las Vegas, Nevada:

I echo what has been said previously, and I am in full support of this bill.

Crystal Voight, Private Citizen, Las Vegas, Nevada:

I am in support of S.B. 413 (R2). A lot of times us having a loved one in there, we get phone calls asking, Can you check my time? Can you check if my release date changed? We are trying to figure out why, and I think this will definitely help all of the families and the incarcerated people so they can have a definite answer and know what to prepare for.

Chair Miller:

I will now open it up for opposition testimony. Is there anyone wishing to testify in opposition to Senate Bill 413 (2nd Reprint)? [There was no one.] Then we will open it up for neutral testimony. Is there anyone who would like to testify in neutral on Senate Bill 413 (2nd Reprint)?

Kirk Widmar, Chief, Offender Management Division, Department of Corrections:

I know my official capacity today, as part of the bill presentation, was to answer any technical questions, but I just want to take the opportunity to speak. One of your colleagues in the other house punned a phrase about my testimony as being "passionately neutral." Therefore, I am going to share a little bit of that passionate neutrality with you today to thank not only Senator Harris, but also Executive Director Gonzalez and her team at the Department of Sentencing Policy, for how critical this is. During the Interim Finance Committee hearing, I had the first opportunity to testify and try to explain this process to a group of folks, including Senator Harris, Senator Scheible, and very vividly in my mind, Assemblywoman Summers-Armstrong. After their intense questioning that I went through, I knew at the end that we had a problem.

I have proudly served the Department of Corrections for 24 years, and the one thing that I hold myself accountable to is being good at what I do, transparent in what I do, and honest in what I do. The frustration with our system is that I am not able to do that. That is not because of my efforts, and it is definitely not because of the efforts of my incredible staff who try to maintain.

There was a comment that Senator Harris made at the end of the hearing that was simply put: Well, you are at the committee that writes and corrects laws, so you are in the right place. That is where this journey began. Thus it is with a passionate, neutral testimony that I hope this Committee will understand the value and the importance to being transparent to all members, from judge, to incarcerated individual, to victim of our system, so that everybody clearly understands how long we send people to prison. With that, thank you for this opportunity.

Chair Miller:

Then I will close testimony at this time. The bill sponsor is signaling that she is not making final remarks. With that, I will close the hearing on Senate Bill 413 (2nd Reprint). As is tradition at this time in session, we are going to work session it. Ms. Thornton, please walk us through Senate Bill 413 (2nd Reprint).

Senate Bill 413 (2nd Reprint): Revises provisions relating to credits to reduce the sentence of an offender. (BDR 16-313)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 413 (2nd Reprint) is sponsored by the Senate Committee on Judiciary on behalf of the Joint Interim Standing Committee on Judiciary. This bill revises provisions relating to credits to reduce the sentence of an offender, and the motion today would be a do pass.

Chair Miller:

Members, are there any questions? [There were none.] I will entertain a motion to do pass Senate Bill 413 (2nd Reprint).

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 413 (2ND REPRINT).

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

Members, any comments on the motion? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN HANSEN WAS
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Considine. I would like to also say, Mr. Shepack, your ability to have that many people testify in support with such short notice is very impressive. With that, we will open up our final bill hearing today, which is Senate Bill 416 (1st Reprint). Senator Harris is part of this one as well, and I will let you continue with the introductions on this bill. Your hearing is open, and please proceed when you are ready.

Senate Bill 416 (1st Reprint): Revises provisions relating to the Department of Corrections. (BDR 16-322)

Senator Dallas Harris, Senate District No. 11:

I am just going to open it up and turn it over to Mr. Shepack. He truly is the expert and workhorse on this particular bill. The genesis for this bill is also from the Joint Interim Standing Committee on Judiciary's work. Not only did we notice that issues were happening with sentencing credits but also with the way we were funding and charging fees to incarcerated persons. Many committee members had a lot of concerns about what happens when you have a medical emergency, how that debt is handled upon release, and how we charge room and board to folks who have a job. The inmates who are actually working are being punished by having to cover their room and board, but if you did not have a job, your room and board was free. Therefore, in a similar fashion, Mr. Shepack got to work with the

Department of Corrections (NDOC) and other interested stakeholders to come up with what is now Senate Bill 416 (1st Reprint). I will turn it over to him to present the bill and answer all your hard questions. Thank you all so much for spending time with me this morning.

Nick Shepack, Nevada State Deputy Director, Fines and Fees Justice Center:

I want to start by thanking every single one of you for the amount of time you have allowed me to speak with you, to present to you these data-driven policies we have worked so hard on, and for all of the amazing and at times difficult questions you have asked. It has been an absolute pleasure working with every single one of you this session, and it is an honor to be here one last time.

As we get into Senate Bill 416 (1st Reprint), I want to start with a brief history of how we got here. Just before the previous legislative session, NDOC began deducting 80 percent of every dollar that was placed on a person's books, whether that was from work within NDOC or money that was placed on someone's books by a loved one or a family member. This led to our doing a deep dive into the cost of incarceration and trying to figure out the financials of NDOC and its impact on families and incarcerated individuals. I will say I blamed NDOC at first. I viewed them as an adversary, and I thought that it was NDOC making intentional decisions to take money from these people and families. However, what the research, the conversations, and a year and a half of study have led to is the realization that we have underfunded NDOC in this state over the last three decades through different pieces of legislation that have forced NDOC to fill budget gaps by taking money from families and from people who have jobs while incarcerated. Therefore, what this piece of legislation looks to do is right that wrong and to start moving us in a direction where an essential government service, corrections, works.

We are talking about public safety. It takes people who are potentially dangerous off the streets. It is supposed to give them the resources they need to reintegrate safely into society, and that benefits every single one of us. Therefore, we believe that it should be paid for by every single one of us, not just the families of 10,000 or so individuals who happen to be incarcerated. This bill started as a big robust package that dealt with every single thing that we could think of that impacted the financials. What we have landed on today is something that the state believes they can afford, that we were able to get an appropriation for, and that moves us in the right direction to funding this essential government service.

There are three parts to this bill. One of them is medical copays. Nevada had the highest medical copays for incarcerated individuals in the country. Technically, Texas had a slightly higher medical copay, but they had many exemptions for what that was levied against, and they had an annual cap. Ms. Katie Brandon, our public health intern, will get into some more details on the numbers and how this has directly impacted people, but what we know is that charging a medical copay to someone who is incarcerated simply means that people forego medical care. We are talking about a medical copay at \$8, which does not seem like a lot, but it is sometimes a month's or more pay for the incarcerated individual who is working. What we have seen is people in NDOC forego medical care until it is absolutely medically

necessary, which is significantly more expensive for the individual and for the state. People are leaving NDOC with severe health issues that are almost always picked up by state-covered medical plans.

The second part of this bill eliminates a room and board charge. We have a room and board charge in NDOC that is only levied against individuals who work. First, it is not easy to get a job. You have to do everything correctly. If you are one of the lucky individuals who does work, you have to do everything right, as well as be low risk. Then you get this job where you are making sometimes as little as 30 cents an hour or as little as \$6, \$8, or \$10 a month. You are then charged 25 percent of your pay, which goes back to NDOC for room and board. Again, this is not NDOC being greedy; this was their filling a budget hole which this Legislature has chosen to fill. We can now incentivize people to work instead of punishing them. That is one of the main provisions of this bill.

The last is simply to codify an amazing change that NDOC has made during this legislative session. We have talked about the cost of incarceration in committee after committee, and NDOC decided that they are not going to charge a markup on a single commissary item. From our calculations, it was a 66 percent markup on toothpaste, tampons, deodorant, shampoo—all these items; and NDOC, on their own through conversations, decided we are ending these copays on these hygiene items. Therefore, we are simply codifying that current policy in this bill.

Lastly, there needs to be a limit on how much an incarcerated individual can have, property-wise, from the commissary. Current policy dictated a monetary limit, but if you look at the prices of things—for example, healthy food is significantly more expensive than Top Ramen—if you put a monetary cap on commissary, people will buy more unhealthy or lower quality products because they can only spend so much each week or every other week. Therefore, what we have done, in talks with the director, is shift it simply from a monetary cap on what they can have to a spatial cap. They have tote boxes inside their cells, and their stuff needs to fit in the tote. If their tote is overflowing, those items will be removed from their cell. This will allow people to purchase whatever they need as long as it fits inside this box, instead of enforcing a monetary cap that encourages poor eating and poor spending habits. With that, I will turn it over to Katie Brandon, our public health intern, who has done an amazing job this session.

Katie Brandon, Public Health Intern, Fines and Fees Justice Center:

I am going to walk you through some of the data that we have collected over the last several months. We mailed surveys to about 1,000 members of Return Strong!, our partner organization who is in NDOC facilities, and we received 376 completed surveys back from them [page 1, [Exhibit D](#)]. We found that among the people who answered the survey, about a third of them have jobs, and these are the only people who are subjected to those room and board fees [page 4]. Then, on average of the people whom we surveyed who have jobs, they make about \$136 before deductions for medical charges, things related to restitution, and

room and board. After those deductions, which is about 50 percent, 25 percent of the total is for room and board, they are making about \$72 per month. That is how much they get for personal spending that does not come from their family members.

We also asked people about whether they avoid medical care because of the cost, and we found that about 82 percent of the people who responded to our survey do not seek medical care when they feel like they need it because it is so expensive [page 11, [Exhibit D](#)]. In the general population in the United States, about 41 percent of people do this; therefore, it is twice as high in the prisons, and as Mr. Shepack mentioned, we know that this leads to worse outcomes and a much higher rate of medical emergencies. We had also asked participants whether they have ever had to pay for emergency medical care because they did not receive care when they needed it, and we found that about 22 percent of the people whom we surveyed have had medical emergencies because they did not seek care when they initially needed it. That is a huge portion of the population, and that care is significantly more expensive, and that puts a lot more pressure on NDOC to have specialized personnel.

We also asked people how much money they currently owe, and out of the people whom we surveyed, 30 percent of them owed money for medical care at the time they completed the survey [page 9]. The Department of Corrections deducts money from their monthly pay and from the money that is put on their books to pay for this medical care. This is not a full picture of people who have actually had to pay for medical care during their time in prison, but among the people who still owe money, the average debt is over \$4,500. Therefore, if they were to put their entire \$72 after deductions every single month towards that bill, it would take them over five years to pay off that debt. We also know, because of their significantly limited resources, they are not actually able to do that. Therefore, this cost is really shifting to families.

We asked people whether paying for medical care makes it harder for them to pay for their other basic needs like hygiene, food, and clothing, and 78 percent of people said that paying those medical copays makes it significantly harder for them to do that [page 10, [Exhibit D](#)]. We also asked about whether people could not afford items when they need them [page 15]. As Nick mentioned, NDOC recently put in a policy that we have already seen significantly improve people's lives where they removed the markups on hygiene items that are considered essential. Those are things such as toothpaste, toothbrushes, deodorant, soap, and similar items. We conducted this survey in the fall, which was before that change was made, and at that time, 74.4 percent of the respondents said they could not afford those hygiene products when they really needed them. Therefore, people are going without toothpaste—which we know has long-lasting health complications—and other items that are good for hygiene in a place where people are, frankly, living in very close quarters.

Since this change happened, we have heard from people that affording hygiene products is significantly easier. They are purchasing them at about what you would pay in a convenience store rather than 66 percent higher than that. We also asked people about feminine hygiene products, and about 79 percent of the females we surveyed said they have a hard time

affording feminine hygiene products when they need them. This is another reason why we need to codify this into law, so that regardless of who is in charge of NDOC, this internal policy will be in state law.

I would like to finish up by telling you a little about the impact on the families. We found that the respondents averaged about \$1,962 per year of contributions from their family members and friends [page 17, [Exhibit D](#)]. According to our research with the Census Bureau, we found that the median income for a single person in Nevada is about \$56,949. We also know that most of the people who are supporting their loved ones are primarily the wives or husbands, which means they are now a single earner when they would have previously had a second income in their home. This is about 3.4 percent of a person's income, and we know that this takes away from other really important things in their lives.

With that, I will just read a couple of quotes from the people whom we surveyed about how this has impacted their family [page 16, [Exhibit D](#)]. Someone said, "Since being incarcerated I have changed from being a key support member of my family to a burden." Someone else said, "Due to how high the cost of prison is, money that was used for me could have been used for my daughter's college loans." Someone else said, "I have just recently received a job. Before that, my family has been paying for me for 18 years, packages with hygiene and food four times a year." Finally, someone said, "When I was sick, I literally hoped I wouldn't make it so my family wouldn't need to support me anymore."

The families are feeling these costs, and the people who are incarcerated are feeling like a burden to their families because of these high costs. Therefore, it is really important that we take some of them away, make medical care more accessible, and essential hygiene items more accessible as well.

Nick Shepack:

With that, Chair, we are happy to answer any questions that you may have.

Assemblyman Gray:

One thing I did not see on the slide with the monthly earnings from paid employment [page 4, [Exhibit D](#)] is restitution, fines, and stuff like that. Does that come into play, and do those get deducted?

Nick Shepack:

Absolutely. We passed Marsy's Law, which means that restitution must be taken first. In the 2021 Session, NDOC came with a piece of legislation that ensures that restitution is taken first. There is a litany of deductions that include certain debts, court money, et cetera, but restitution is always taken first. The room and board fee that we are talking about does not impact restitution at all. We believe that people should pay restitution, and we also believe that by reducing the financial burden, people can pay, hopefully, more towards the restitution. For example, say you are incarcerated for 10 to 15 years, and you are lucky

enough to have a job. If we give you 25 percent more of your money and you are able to put more of that towards restitution, you have a much better chance of coming out with a lower restitution payment.

We have a restitution problem in this state. It is hard to get people to pay, especially post incarceration, but NDOC does collect restitution, and it is the first thing they deduct from anybody's pay or money from their families.

Assemblyman Gray:

What about if you were to put money on a relative's commissary account? Do they deduct fees and the other things from that before they get to access that money?

Nick Shepack:

Yes, but they do not take room and board; room and board is only for people who work. Any dollar an incarcerated individual gets, a portion of it goes to restitution. In NDOC—and they can correct me if I am wrong—I believe the only money that cannot be touched is if you get money from the Department of Veterans Affairs. That money is your money and I do not believe it is subject to any deductions.

Assemblywoman Considine:

Great bill. If this issue, in part, resulted from underfunding, and we are working on fixing that, and this bill covers tangible things and medical stuff—and this is more of a future question—as tablets come online, we know from previous testimony here that this will be a partial funding mechanism because for every email or text that is done on those, that cost is getting split half to the company and half to NDOC, if I remember correctly. What I am wondering is, will you be overseeing this so that it does not end up shifting back slowly, because now we will have a different way of getting funding for intangible things to start filling holes if we do not continue to fund NDOC?

Nick Shepack:

I can promise you this: the conversations in the public records request will go out on the first day that the tablets start, and we will monitor and continue to monitor all NDOC financial practices. We will bring you our best recommendations each and every legislative session and during the interim.

Chair Miller:

With that, I do not see any additional questions. I will open it up for support testimony. Is there anyone wishing to provide testimony in support of Senate Bill 416 (1st Reprint)?

Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:

I think this is not just about helping people who are incarcerated; it is really about good governance when we are talking about how these bills work in tandem. Therefore, we urge your support.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

This is another good piece of legislation that I think moves us forward in a policy perspective instead of being dependent on one person being in charge of NDOC. We must keep moving forward in a positive direction that gives people a sense of fairness in how we treat people while they are in, and that directly impacts how they come out. I want people to come out better so that they never go back in.

Yvonne Efverlund, Private Citizen:

I am an impacted family member, and I agree one hundred percent with all the previous comments and statements that were made. I strongly urge your support for S.B. 416 (R1).

Amelia Booth, Private Citizen:

I am in support of this bill. I think it is an amazing step forward and definitely heading down the right track. Thank you for your consideration.

Betty Guess, Private Citizen:

I am calling in today in support of S.B. 416 (R1). My husband and I have a son incarcerated by NDOC. We are both in our mid-seventies and doing our best to survive on social security benefits. My husband still has to work as an Uber driver just to make ends meet for our own benefit. We do not have a lot of money to send to our son. We put money on the books for CorrLinks so we can send emails. We put money on the books for Securus so we can talk to him on the phone. There is nothing left to send to him for clothing or food packages. It causes us a great deal of concern, anxiety, stress, and worry to know that he is often going without adequate food or food of good quality; that we cannot send him money for clothing when his clothes wear out. Neither incarcerated persons nor their families should have to pay for the cost of keeping them in prison. Please take this burden off the backs of innocent families and help end our anxiety and our suffering. We are very much in support of this bill. Please pass Senate Bill 416 (1st Reprint).

Crystal Voight, Private Citizen, Las Vegas, Nevada:

My fiancé is incarcerated in NDOC. I currently send him \$300 a month for him to order food and hygiene products and \$100 a month for the phone. Of the \$300, \$50 goes to hygiene and the rest on food. The cost of commissary is so high, it is a struggle to ensure he is getting enough nutrition. When he was on store restriction, he lost almost 20 pounds. A Top Ramen soup, which is 30 cents in a regular store, is sold for \$1 on their store, and one pack of tuna, which is \$1.50 at Walmart, is \$4.95 on their store. I am the sole provider for our household, I have three children, and it is a struggle every month to make sure bills are paid plus have additional money to send him, not only for the store but for his medical. A few months ago, they took out \$80 from his account for a medical copay which we were not expecting, so for those two weeks, he was not able to get any food commissary. The cost of his incarceration is so high, and it is falling onto us families who are struggling. I want to support him through his journey of rehabilitation so he can be successful when he is released, but I need help.

Also, when my fiancé is released, he is going to face the challenges of starting a new successful life. The thought of his leaving with thousands of dollars of medical debt before even obtaining a job is very discouraging. I want my fiancé to succeed and focus on his rehabilitation, so I am willing to do anything to help him, but we need help. It breaks my heart when he says he feels like he is a burden. Again, thank you for your time, and I am in support of S.B. 416 (R1).

Jodi Hocking, Founder/Executive Director, Return Strong!, Carson City, Nevada:

I think I have like nine different forms of comments today, so I am going to try to consolidate. I think the biggest thing, and Mr. Shepack touched on this, is this has been a journey for all of us of learning, really educating ourselves, and coming to a point of understanding what the root of the problem is. But even in the course of understanding that larger how-Nevada-funds-prisons conversation, there still is the tip of the iceberg of change and work that needs to be done to be able to relieve some of the burden of what is going on. For most of us, what we are guilty of is continuing to love a person who made mistakes or poor decisions. In the course of it, we lose our loved one's income, and during post COVID-19 rent increases, the supply chain issues, and increases in inflation, those things are all hitting us here and they are also hitting us from inside. The relief does not ever come.

On top of that, one of the things that we did not talk about was that we also have to purchase phone minutes in order to talk to our loved ones. We have to travel to remote areas to be able to visit. People have an impression that prison is three hot meals, a cot, and free medical care, and it is not true. The reason why it looks like that is because we are passing that burden on to families who are struggling to survive out here in the first place. I want to thank you for hearing this, and I am hopeful that we will take action, make changes this year, and end the practice in Nevada of passing on punishment to families who did not make the choices but are suffering the consequences.

Estee Padgett, Private Citizen, Las Vegas, Nevada:

My loved one is incarcerated in NDOC. I have seen a lot of changes over the last few years; from prices on food packages being raised to unrealistic amounts, to their weekly store amount being dropped—yet the prices have been increased on the products—to the lack of food that they have been getting served. He has to buy from the store just so he does not feel hungry when he lays his head down at night. There is no way that they are getting the 2,000 calories needed per day when they get a sack lunch with a dry peanut butter sandwich and a carrot stick, and for dinner, you get a whole onion, a bell pepper, and a frozen piece of chicken. These are just some of the examples we have seen. We are dealing with working multiple jobs, trying to balance what bills we can pay off until next payday, just to make sure that he gets what he needs. We are asking for consistency. We are asking for the state to please step up. This is why his family and I sacrificed so much and worked so hard, so he does not have to go hungry or go without. Thank you so much for your time. I fully support S.B. 416 (R1).

Pamela Browning, Private Citizen:

I just want to piggyback on everything everybody has stated. My loved one has been incarcerated for going on nine years and has recently been diagnosed with prediabetes, but he does not want to go to the doctor. This is because every time I send him money, that goes straight towards his medical bills. Therefore, we are always trying to catch up and get him what he needs, such as his food, his hygiene, and with the high medical costs, he refuses to go in and get seen by a doctor. I am in full support of S.B. 416 (R1).

Nicole Williams, Private Citizen, Carson City, Nevada:

I am calling today in full support of S.B. 416 (R1) to reduce the astronomical cost associated with being an incarcerated person. These costs do not fall just on incarcerated individuals but on their families who send money to be able to support their loved ones. Many incarcerated people and their families can go into debt trying to access proper medical care, or unfortunately, most do not seek medical care during the onset of an issue, thus resulting in a more costly outcome. Senate Bill 416 (1st Reprint) will reduce the cost of medical care, reduce the cost of commissary items, and ensure that people are not released with massive amounts of debt. Financial stability and health are both key factors to reducing recidivism, and we should ensure that people are able to reenter society ready to succeed. We need to allocate funds through legislation for these essential services. Thank you for hearing this bill, and please vote yes.

Chair Miller:

I will open it up for opposition testimony. Is there anyone wishing to testify in opposition to Senate Bill 416 (1st Reprint)? [There was no one.] Then I will open it up for neutral testimony. Is there anyone wishing to provide neutral testimony? [There was no one.] Then I welcome our bill presenters up for any final remarks.

Nick Shepack:

I thanked you once, and I am going to thank you again. This session, you have done amazing work. Every single one of you should be proud of the work we have done. We have cried in this Committee, collectively, on multiple occasions, and the legislation you are moving hopefully can keep our eyes a little drier. You have passed many good bills. We have had many good questions. This is just one final piece that I think can really impact Nevadans in a positive way and move this state towards funding essential government services in the proper way. We are all responsible for what happens in this state and not just the select few who happen to love somebody who, as was stated, has made a mistake or made some terrible decisions. I will miss you all, and we will catch you on the flip side.

Chair Miller:

With that, I will go ahead and close the hearing on Senate Bill 416 (1st Reprint). Our next order of business, as you can guess, will be a work session on this bill. Ms. Thornton, please walk us through the bill.

Senate Bill 416 (1st Reprint): Revises provisions relating to the Department of Corrections. (BDR 16-322)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 416 (1st Reprint) was sponsored by the Senate Committee on Judiciary on behalf of the Joint Interim Standing Committee on Judiciary. This bill revises provisions relating to the Department of Corrections, and the motion today would be a do pass.

Chair Miller:

Members, any questions? Not seeing any questions, I will go ahead and entertain a motion to do pass Senate Bill 416 (1st Reprint).

ASSEMBLYWOMAN MARZOLA MADE A MOTION TO DO PASS
SENATE BILL 416 (1ST REPRINT).

ASSEMBLYMAN GRAY SECONDED THE MOTION.

Do we have any comments on the motion?

Assemblyman Gray:

I do not think anybody will question my bona fides when it comes to crime and punishment and my stance on those things. However, we are also in a society where I do not believe we should punish families vicariously; you punish the inmate. When you have got families—and I have seen this firsthand—having to take away from their kids or others to make sure there is something for that inmate who is rightly doing their time because they did make a bad decision at some point, it is really tough to see, especially when you see stuff like this. I think restitution should always come first, fines and fees, and then whatever is left to support; but I must admit, I did not know, until I read this bill, that we were charging for room and board. One of the comments that really struck me hard was that as a society, something we choose to do is fund our prisons to keep people there who should not be in society. As I said, nobody can question where I stand on most issues, but this is one we should take a hard look at. I do not like every aspect of it, but I do not like the fact that we are charging them for their room and board.

Assemblyman Yurek:

I want to thank Mr. Shepack for his strong voice and advocacy for his constituents. I can pretty much assure you we do not always see eye to eye, but I appreciate a strong voice. One of the other things that I prided myself on in this session has been to be a legislator who shows up in every committee having read the bills, in depth, to try to get a deep understanding of the underlying policy issue or issues, and to try to understand not only the intentions but the potential unintended consequences of the good intentions in bills. Unfortunately, where we are at in this legislative process—I do not like it, but I understand it—this bill was literally dropped on us this morning. I was basically reading it during the presentation. Having not had the opportunity to do what I really like to do, I will be a no vote today. Even as we were here, I was trying to communicate with some of my colleagues

in our other house as well as some other lobbyists to see if I can get answers to some of the issues that were presented, and I just have not had that chance yet. Therefore, today I will be a no out of Committee with an understanding of our tight time frame, and I will work diligently to try to get answers to those questions and concerns so that I can get to yes on the floor.

Assemblywoman Summers-Armstrong:

I really enjoyed, as always, the Judiciary Committee, but the one thing that I really like about Judiciary and hearing the voices of impacted communities is that we are learning something every time we have legislation brought before us. We learned a lot about this issue during the interim, and I am hopeful the work we are doing and this bill we are considering will help us to do one of the tenets that I live by; and that is to break generational curses: When we show love and kindness, even when people mess up; when we recognize that it could be us, that it could be one of my family members, where I could be in this spot trying to love somebody out of a problem that they have gotten themselves into and be prepared to bring them back into the family to be a contributor; that this is part of what that really is, breaking generational curses and preparing people to come back to serve their communities and their families. Thank you, Mr. Shepack, and your team and all the impact of families who have brought this to us. You all know where I stand; I want us to break generational curses with care and love.

Chair Miller:

Not seeing any additional comments on the motion, I will go ahead and take a vote.

THE MOTION PASSED. (ASSEMBLYMAN YUREK VOTED NO. ASSEMBLYWOMEN GALLANT AND HANSEN WERE ABSENT FOR THE VOTE.)

I will assign the floor speech to Assemblywoman Bilbray-Axelrod. Our next order of business is public comment. [There was no public comment.]

Before we adjourn for today, even though there are not a lot of people in the room, I wanted to go on public record saying first, starting with staff, how amazing the entire Judiciary staff has been. You do not always see them, but there are ten people who work on this Committee, some in the office, some on broadcasting, and some who are in the rooms with us, switching off day to day. Then, of course, our amazing policy analyst, Ms. Diane Thornton, and of course, our amazing Legal counsel as well, Mr. Brad Wilkinson. Every morning these folks are keeping this machine well oiled and running because the whole production that goes on behind the scenes to keep a committee of this volume operating daily is amazing. Therefore, to everyone, all ten members who staff this Committee, we truly and deeply appreciate your amazing work, diligence, and the hours you put in to make this Committee work.

As for the members, I could not have asked for a better team. You have all been amazing. As Assemblyman Yurek said regarding coming in prepared, I am sure it is evident to the public that each member of this Committee comes in every day having read these bills, ready with their questions, asking the necessary questions to get to the necessary information, and really digging deep on these bills while being very professional and polished. That is very much appreciated. I think something that the public does not see is how we are actually able to work together, that yes, there may be two parties represented up here, but more times than not, we are actually working together behind the scenes to get as much movement as we can.

There have been times when members did not necessarily like a bill as presented, and they would come with suggestions, come with amendments, asking what can we do to improve or tighten it up to make it the best piece of legislation that we can possibly attempt to move out. Again, members, you have all been great; amazing hours, amazing work ethic, and amazing participation. I just wanted to say that first before we go.

As you may know, interim committees will be starting earlier this cycle, as early as September 1. I do not know if this is our last Committee meeting. We all know at this point that things are still moving, so there possibly could be another Assembly Judiciary Committee meeting. For now, I think we are safe in knowing we will not have one Saturday morning, and do not be mad if we do. That is the last order of business today, so with that, we are adjourned [at 12:01 p.m.].

RESPECTFULLY SUBMITTED:

Aaron Klatt
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Current Sentence Credit Scheme," presented by Victoria Gonzalez, Executive Director, Department of Sentencing Policy.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "Fines and Fees Justice Center & Return Strong Survey," presented by Katie Brandon, Public Health Intern, Fines and Fees Justice Center.