

SENATE BILL NO. 2—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 14, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the Advisory Commission on the Administration of Justice. (BDR 14-407)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the criminal justice system; creating the Subcommittee on Specialty Courts of the Advisory Commission on the Administration of Justice; revising the membership and quorum requirements of the Advisory Commission; revising certain provisions related to the Subcommittee on Victims of Crime of the Advisory Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes the Advisory Commission on the Administration of Justice and various subcommittees of the Advisory Commission, including the Subcommittee on Victims of Crime; and (2) directs the Advisory Commission and subcommittees, among other duties, to identify and study elements of the criminal justice system of this State. (NRS 176.0123-176.0125) **Section 1** of this bill creates the Subcommittee on Specialty Courts of the Advisory Commission whose duties include examining specialty courts to determine their efficacy and need for expansion. **Section 1** defines "specialty court" as a court that establishes a program for the treatment of certain persons under its jurisdiction who suffer from mental illness or abuses of drugs or alcohol.

Section 3 of this bill revises the membership of the Advisory Commission: (1) to include the Ombudsman for Victims of Domestic Violence of the Office of the Attorney General; and (2) eliminates the membership of the municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction, the district judge, appointed by the governing body of the Nevada District Judges Association and the justice or retired justice of the Nevada Supreme Court, appointed by the Chief Justice of the Nevada Supreme Court.



Existing law defines a quorum for the transaction of business as a majority of the members of the Advisory Commission and further provides that a majority of the members present at any Advisory Commission meeting is sufficient to conduct official action. (NRS 176.0123) **Section 3** instead requires that a majority of the members of the Advisory Commission is necessary to conduct official action.

Existing law establishes the Subcommittee on Victims of Crime of the Advisory Commission and requires the Chair of the Advisory Commission to appoint a Chair and members of the Subcommittee. (NRS 176.01245) **Section 4** of this bill designates the Attorney General as the Chair of the Subcommittee and requires the Attorney General, as Chair, to appoint members to the Subcommittee. **Section 4** also requires that the Chair of the Subcommittee appoint: (1) a Vice Chair who must be a member of the Advisory Commission; and (2) a member who is a representative of the Victims of Crime Program within the Department of Administration. **Section 4** additionally requires the Subcommittee, in consultation with the Department of Administration, to provide certain input regarding the Victims of Crime Program. (NRS 176.01245)

Section 5 of this bill prohibits the Advisory Commission from dividing into subgroups or working groups to carry out its duties, except those subcommittees designated by law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Subcommittee on Specialty Courts of the Commission.

2. The Subcommittee consists of:

(a) One member who is a member of the Commission, appointed by the Chair of the Commission, who shall serve as Chair of the Subcommittee;

(b) One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;

(c) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(d) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(e) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(f) The Attorney General or a member who is a representative of the Office of the Attorney General, appointed by the Attorney General; and

(g) Two members who are experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada.



1 ↪ If any association listed in this subsection ceases to exist, the
2 appointment required by this subsection must be made by the
3 association's successor in interest or, if there is no successor in
4 interest, by the Governor.

5 3. The Subcommittee shall meet at times and places specified
6 by a call of the Chair. A majority of the members of the
7 Subcommittee constitutes a quorum, and a quorum may exercise
8 any power or authority conferred on the Subcommittee.

9 4. The Subcommittee shall:

10 (a) Examine specialty courts to determine the efficacy of the
11 programs and the need for expansion of one or more of the
12 specialty courts; and

13 (b) In consultation with the Office of Court Administrator
14 created pursuant to NRS 1.320 and the Specialty Court Funding
15 Committee, submit a report to the Commission with the
16 recommendations concerning specialty courts for inclusion in the
17 comprehensive report of the Commission to the Legislature
18 pursuant to NRS 176.0125.

19 5. Any Legislators who are members of the Subcommittee are
20 entitled to receive the salary provided for a majority of the
21 members of the Legislature during the first 60 days of
22 the preceding session for each day's attendance at a meeting of
23 the Subcommittee.

24 6. While engaged in the business of the Subcommittee, to the
25 extent of legislative appropriation, each member of the
26 Subcommittee is entitled to receive the per diem allowance and
27 travel expenses provided for state officers and employees
28 generally.

29 7. As used in this section, "specialty court" means a court
30 that establishes a program to facilitate the testing, treatment and
31 oversight of certain persons over whom the court has jurisdiction
32 and to whom the court has determined suffer from mental illness
33 or abuses of alcohol or drugs. Such programs include, without
34 limitation, a program established pursuant to NRS 176A.250,
35 176A.280 or 453.580.

36 **Sec. 2.** NRS 176.0121 is hereby amended to read as follows:

37 176.0121 As used in NRS 176.0121 to 176.0129, inclusive,
38 and section 1 of this act, "Commission" means the Advisory
39 Commission on the Administration of Justice.

40 **Sec. 3.** NRS 176.0123 is hereby amended to read as follows:

41 176.0123 1. The Advisory Commission on the
42 Administration of Justice is hereby created. The Commission
43 consists of:



(a) ~~One member who is a municipal judge or justice of the peace, appointed by the governing body of the Nevada Judges of Limited Jurisdiction;~~

~~—(b) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;~~

~~—(c) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;~~

~~—(d) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;~~

~~(e)~~ (b) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

~~(f)~~ (c) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

~~(g)~~ (d) One member who is a representative of a law enforcement agency, appointed by the Governor;

~~(h)~~ (e) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

~~(i)~~ (f) One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Governor;

~~(j) One member who~~

(g) *Two members, each of whom* has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

~~(k)~~ (h) *The Ombudsman for Victims of Domestic Violence within the Office of the Attorney General;*

(i) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

~~(l)~~ (j) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

~~(m)~~ (k) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

~~(n)~~ (l) The Director of the Department of Corrections;

~~(o)~~ (m) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

~~(p)~~ (n) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.



1 ↪ If any association listed in this subsection ceases to exist, the
2 appointment required by this subsection must be made by the
3 association's successor in interest or, if there is no successor in
4 interest, by the Governor.

5 2. The Attorney General is an ex officio voting member of the
6 Commission.

7 3. Each appointed member serves a term of 2 years. Members
8 may be reappointed for additional terms of 2 years in the same
9 manner as the original appointments. Any vacancy occurring in the
10 membership of the Commission must be filled in the same manner
11 as the original appointment not later than 30 days after the vacancy
12 occurs.

13 4. The Legislators who are members of the Commission are
14 entitled to receive the salary provided for a majority of the members
15 of the Legislature during the first 60 days of the preceding session
16 for each day's attendance at a meeting of the Commission.

17 5. At the first regular meeting of each odd-numbered year, the
18 members of the Commission shall elect a Chair by majority vote
19 who shall serve until the next Chair is elected.

20 6. The Commission shall meet at least once every 3 months
21 and may meet at such further times as deemed necessary by the
22 Chair.

23 7. A majority of the members of the Commission constitutes a
24 quorum, ~~[for the transaction of business,]~~ and a majority of ~~[those]~~
25 ~~the~~ members ~~[present at any meeting]~~ *of the Commission* is
26 sufficient for any official action taken by the Commission.

27 8. While engaged in the business of the Commission, to the
28 extent of legislative appropriation, each member of the Commission
29 is entitled to receive the per diem allowance and travel expenses
30 provided for state officers and employees generally.

31 9. To the extent of legislative appropriation, the Director of the
32 Legislative Counsel Bureau shall provide the Commission with such
33 staff as is necessary to carry out the duties of the Commission.

34 **Sec. 4.** NRS 176.01245 is hereby amended to read as follows:

35 176.01245 1. There is hereby created the Subcommittee on
36 Victims of Crime of the Commission.

37 2. *The Attorney General shall serve as the Chair of the*
38 *Subcommittee.*

39 3. The Chair of the ~~[Commission]~~ *Subcommittee* shall appoint
40 the members of the Subcommittee and designate one of the
41 members of the Subcommittee as *Vice* Chair of the Subcommittee
42 ~~H~~:

43 (a) The *Vice* Chair of the Subcommittee must be a member of
44 the Commission ~~+~~

45 ~~—3.1~~; and



(b) One member of the Subcommittee must be a representative of the Nevada Victims of Crime Program within the Department of Administration.

4. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.

~~[4.]~~ 5. The Subcommittee shall consider issues related to victims of crime and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

~~[5.]~~ 6. *In consultation with the Department of Administration, the Subcommittee shall provide input on the Nevada Victims of Crime Program policies, procedures and regulations.*

7. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

~~[6.]~~ 8. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. *The Attorney General shall provide the Subcommittee with such staff as is necessary to carry out the duties of the Subcommittee.*

Sec. 5. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Except as otherwise provided pursuant to NRS 176.0134, evaluate and study the elements of this State's system of criminal justice.

2. *Fulfill all duties as outlined in this section without division into subgroups or working groups, other than those statutorily designated as subcommittees pursuant to this chapter.*

3. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:

(a) Policies relating to parole;

(b) Regulatory procedures and policies of the State Board of Parole Commissioners;

(c) Policies for the operation of the Department of Corrections;

(d) Budgetary issues; and

(e) Other related matters.



~~13.1~~ 4. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.

~~14.1~~ 5. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

~~15.1~~ 6. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:

(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and

(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.

~~16.1~~ 7. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

~~17.1~~ 8. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

~~18.1~~ 9. Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.

~~19.1~~ 10. Identify and study the impacts and effects of collateral consequences of convictions in this State. Such identification and study:

(a) Must cause to be identified any provision in the Nevada Constitution, the Nevada Revised Statutes and the Nevada Administrative Code which imposes a collateral sanction or authorizes the imposition of a disqualification, and any provision of law that may afford relief from a collateral consequence;

(b) May rely on the study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177; and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions,



1 disqualifications and relief provisions prepared by the National
2 Institute of Justice described in section 510 of the Court Security
3 Improvement Act of 2007, Public Law 110-177.

4 ~~{10-}~~ **11.** Recommend standards, policies and procedures for
5 integrated criminal justice information sharing between criminal
6 justice agencies in this State and the Central Repository for Nevada
7 Records of Criminal History.

8 ~~{11-}~~ **12.** Provide a copy of any recommendations described in
9 subsection ~~{10-}~~ **11** to the Director of the Department of Public
10 Safety.

11 ~~{12-}~~ **13.** For each regular session of the Legislature, prepare a
12 comprehensive report including the Commission's recommended
13 changes pertaining to the administration of justice in this State, the
14 Commission's findings and any recommendations of the
15 Commission for proposed legislation. The report must be submitted
16 to the Director of the Legislative Counsel Bureau for distribution to
17 the Legislature not later than September 1 of each even-numbered
18 year.

19 **Sec. 6.** The provisions of subsection 1 of NRS 218D.380 do
20 not apply to any provision of this act which adds or revises a
21 requirement to submit a report to the Legislature.

22 **Sec. 7.** This act becomes effective upon passage and approval.

