

# Sentencing Commission's Subcommittee on Misdemeanors

John McCormick, Assistant Court Administrator - Chair

# SB103

- Sections 1.3 to 1.7 of SB103 of the 2023 Session.
- Sec. 1.5, 4.:
  - The Subcommittee shall:
    - (a) Study existing laws, policies and practices relating to misdemeanor offenses in this State and other states, including, without limitation, the sentences imposed for misdemeanor offenses in this State and other states; and
    - (b) Submit a biennial report describing the findings, conclusions and recommendations of the subcommittee to the Sentencing Commission.
- Membership requirements:
  - One person who has expertise regarding misdemeanors, administrative assessments, etc.
  - A city attorney.
  - A criminal defense attorney with misdemeanor experience.
  - A justice or municipal court administrator.
  - No statutory cap on membership

# Mission

- The mission of the Nevada Sentencing Commission, Subcommittee on Misdemeanors is to undertake a comprehensive review of misdemeanor offenses in Nevada, in order to make data-informed, substantive recommendations to promote justice and fairness across all misdemeanor systems in this State.

# Membership

- AOC
- Washoe Co. DA
- Sparks City Attorney
- Rural and urban judges and court administrators
- Sheriffs and Chiefs Association
- Public Defenders and DIDS
- Higher education
- Fine and Fee Justice Center
- Community/non-profits
- AG's Office

# Potential Topics for Study

- 80-page list of misdemeanor offenses in NV.
- Fines and fees: is the penalty structure appropriate, should the State and local courts rely on administrative assessments?
- Other states have multiple classifications for misdemeanors, could NV benefit from that type of structure?
- Clarification on what misdemeanors are arrestable.
- Classification of certain offenses, e.g., battery constituting domestic violence, driving under the influence.
- Misdemeanor probation/status checks and length of tail on misdemeanor defendants.

# Possible Topics Continued

- Mandate for misdemeanor probation departments/services at the local and/or state level.
- Civil traffic misdemeanor confusion and bleed over.
- What amount of general fund support do counties and cities received from misdemeanor fines?
- Constitutional questions: Art. 1, Sec. 8A and Art. 11, Sec. 3 .
- Collateral consequences, e.g., DL suspensions, professional licensing, firearms.
- Nexus between offenses, fees, and use of fees.

# Data

- What data do we need to collect and review?
  - Identify all courts, agencies, and entities that have misdo data that could be helpful
  - Local budgets
  - General fund impact of administrative assessments
  - Cases, charges, and dispositions (Annual Report of NV Judiciary)
  - Case level sentencing data
  - Legal financial obligations and collections