Joe Lombardo
Governor

Jorja Powers
Executive Director

STATE OF NEVADA

DEPARTMENT OF SENTENCING POLICY

625 Fairview Drive, Suite 109
Carson City, NV 89701-5430
Phone: (775) 684-7390
sentencing.nv.gov

NSC Misdemeanor Subcommittee

MINUTES

Date and Time: **August 26, 2026**

Location: **VIRTUAL ONLY**

MEMBERS PRESENT

Judge Steve Bishop
Eve Hanan
Peter P. Handy
Dr. Jennifer Lanterman
Captain Joshua Martinez
Lt. Ned Nemeth
John Piro
Alisa Goodman
Chair John McCormick

MEMBERS EXCUSED

John Arrascada
Christine Jones Brady
James Conway
Wes Duncan
Nickolas Graham
Evelyn Grosenick
Kristina Mortensen
Leisa Moseley Sayles
Erin Tellez

STAFF

Jorja Powers, Executive Director
Jenna Buonacorsi, Deputy Director
Marie Bledsoe, Management Analyst III
Erasmo Cosio, Management Analyst II
Cecilia Felipe, Management Analyst I
Vacant, Administrative Assistant III

1. **Call to Order / Roll Call**
   [Meeting called to order at 9:00 a.m.]

Chair John McCormick: Good morning everyone and welcome to the August 26, 2026, uh, meeting of the Nevada Sentencing Commissions Misdemeanor Subcommittee. Uh, it's good to see all of you and thank you for attending today and welcome to those of you who are viewing this meeting on the Department of sentencing policies YouTube channel. This is our third meeting of the 2025 to 2027 meeting cycle. I'll now ask Director Powers to take the role.

Executive Director Jorja Powers: Thank you, Chair.

(ROLL CALL IS CONDUCTED BY DIRECTOR POWERS; QUORUM IS NOT MET)

Chair McCormick: All right. In the event, we do not have a quorum. Do we not get to have a meeting or how do we proceed here?

Executive Director Powers: No, we can have a meeting. We just cannot address things that need a vote.

Chair McCormick: Ah, so no item three on the agenda. Thank you.

Executive Director Powers: Yes, I saw Dr. Lanterman has arrived though.

Dr. Jennifer Lanterman: I'm here. But for whatever reason, I am not having video. I've had some connection issues, the last week or so, so I'm not really sure what's going on, but I'm here and I can hear you.

Executive Director Powers: You have a small aura right in the middle.

Dr. Lanterman: Yeah, like I'm not sure what's going on.

Executive Director Powers: All right, I did mark you at present. We still do not have a quorum chair.

Chair McCormick: Thank you, Director powers.

2. **Public Comment**

Chair McCormick: We will now move on to item agenda item number two, which is our first period of public comment. We have two periods of public comment at each meeting, one at the beginning and one at the end, members of the public have two options for submitting comment. First, they may do so in writing by emailing the Department of Sentencing Policy at SentencingPolicy@ndsp.nv.gov public comment that is received in writing. Excuse me, will be provided to the subcommittee members and will be included by reference in the minutes of the meeting, members of the public who wish to testify may do so by telephone as well. Due to time constraints, public comment will be limited to two minutes, any member of the public that exceeds two minutes may submit your comments in writing for the…to the Department of Sentencing Policy callers. As a reminder, please mute the device on which you are watching the meeting all sound will come through the phone. At this time, I'll ask staff to manage and direct those who wish to testify by telephone. Cecilia?

Ms. Cecilia Felipe: Chair, there's no one who wishes to testify.

Chair McCormick: Thank you very much.

3. **Approval of the Minutes of the Meeting of the NSC Misdemeanor Subcommittee held on: April 28, 2026.**

Chair McCormick: As we have no public comment, we will move to agenda item three, which would be approval of the minutes, if we had a quorum. However, as we don't have a quorum, we cannot take action on that item.

4. **Discussion on Classification of Misdemeanor Structure**

Chair McCormick: So, the, excuse me, the next agenda item is item four on the agenda there on page three Discussion on Classification of the Misdemeanor Structure. And we have a presentation on this point from Deputy Director Buonacorsi at NDSP so I will turn it over to Jenna.

Deputy Director Jenna Buonacorsi: Apologize for the delay. When I saw we didn't have a quorum, I should have started quicker on getting my presentation already. All right. Good morning, everyone. My name is Jenna Buonacorsi and I am the Deputy Director for the Nevada Department of Sentencing Policy. There we go.

Today we'll be discussing the following. We'll start with a review of the misdemeanor data set, as well as discuss Nevada's current felony and misdemeanor structure. We will look at some examples of Nevada's felony category and offense groups. And we will complete with the all 50 states misdemeanor classification summary.

So, before we begin the discussion of misdemeanor structure, I wanted to review really quickly the data set that we do have from the Nevada Department of Public Safety's Records, Communication and Compliance Division. We presented some of this data at our last meeting. So, this data is 20 years, starting January 1st, 2006, and it goes through December 31st, 2025, with all arrest instances for misdemeanors or gross misdemeanors during that time frame. This data set includes about 15 variables.

So, the first being the SID or the State Identification Numbers. That is down to the individual. Then there's the PCN, which is essentially an event number for that arrest instance and then there's the date of the arrest, the agency's case number, as well as the agency ORI or the code for that arresting agency, and then the full name for the arresting agency. We also have the Arrest Offense Code or the NOC. It includes the severity. So, this says whether it's a misdemeanor, gross misdemeanor, or a felony, because we do have this data for felony as well. Then we get the Arrest NRS. So, that was the NRS they were initially arrested under, and then the description for that NRS and then it also has the disposition code. So, this would be if that arrest did lead to a disposition, no matter what that disposition is. We have the code, the offense code, the severity. We have the offense description, and then the offenses NRS as well.

So, this slide shows Nevada's current structures for felony and misdemeanor offenses. Nevada has both a statutory classification system, categories A through E, and an offense group system that allows us to categorize offenses as sex, violence, property, drug, DUI, or other for felonies. Misdemeanors currently have two statutory levels, misdemeanor and gross misdemeanors, and we do not have the same offense grouping.

I gave a presentation to our Sentencing Commission on the similar dataset that we have for felony data, and we wanted to share a couple examples of what having the offense group breakdown and the felony category structure for that felony data and some of the analysis we were able to do with the data being broken out into those groups. So, here is looking at that 20-year offense trends for felonies, and so we were able to see over the 20 years what the proportions were for sex, violence, property, drug, DUI, other, and then this unidentified number, which was data that with the way we were doing the mapping, it needs a little bit more manual care to map. But it was really helpful to see some of the percentage breakdowns over the 20 years, and similarly for felony category, we were able to look at the trends for each individual category over time, if they've raised or lowered or if they've remained neutral and how they all have kind of played together. So, that's just an example of if there is more of a structure than just gross misdemeanor and misdemeanor level that could provide some more detailed analysis.

So, we also wanted to look at what other states do for their misdemeanor classification. So, there was a National Conference of State Legislators put out a “Misdemeanor Sentencing Trends 50-state Penalty Analysis” back in 2019. This was the most recent piece of research we could find that brings all 50 states

together for their misdemeanor classifications. So, here what we see is that there were nine states that only have a single group for their misdemeanor. So, they don't have gross or regular misdemeanors, excuse me, they just have one classification group for their misdemeanors. There was 14 states that were like Nevada, where they have a two-tiered system, 14 states that had three, five states that had four, and four states that had five plus. One of them had, which was the largest, had seven different groups. And then there's four states that are unknown, and we'll get into a little bit more detail about those states at the end of the presentation.

So, for the states that have one classification groups, this includes California, Georgia, Idaho, Michigan, Montana, Oklahoma, Vermont, West Virginia, and Wyoming and here you can see the maximum jail terms for their misdemeanors as well as the maximum fine for each timeframe. The two classification group states include Alaska, Florida, Hawaii, Kentucky, Maine, Minnesota, Nevada, Alabama. Oh, sorry, I went one slide too many. New Hampshire, New Jersey, New Mexico, North Dakota, Rhode Island, and South Dakota, and Washington. So, this is really helpful to see how Nevada's two-tiered system relates to other states' two-tiered classification system. One standout here was New Jersey has a five-year maximum jail term for their misdemeanors and a 15,000 penalty. So, most of the other states seem to are generally, give or take, in line with Nevada. So, it's interesting to compare how we stand up to other states.

For the three-tiered classification groups, we have Alabama and Arizona, Delaware, Indiana, and Iowa, Missouri, New York, North Carolina, Pennsylvania, and South Carolina, as well as Tennessee, Texas, Utah, and Wisconsin.

For the four classification groups, these include Arkansas, Illinois, and Kansas, Oregon, and Virginia. And then for the five or more classification groups, this includes Colorado and Connecticut. One standout here is that Colorado has a Drug 1 and a Drug 2 separate from their other Class 1, 2, and 3 for their drug misdemeanors and Nebraska with the seven groups, and then Ohio. And the unknown states include Louisiana, Maryland, Massachusetts, and Mississippi, and that's because these misdemeanors are all specific to the crime. They don't have the classification groups and so, we were just trying to help provide some information for the subcommittee to be able to see where does Nevada stand comparative to all other states, as well as a quick overview of what data we do have. And with that, I'll pass it over to John for discussion

Chair McCormick: Thank you, Jenna. Really appreciate it. Open the discussion up related to the presentation that Deputy Director Buonacorsi just gave, if people have thoughts on that. I will offer that one thing I think that as a group, we certainly don't want to do is make everything offense-specific. Because that, I think, would in fact be walking backwards. So beyond that, look forward to hear sort of from the members of the subcommittee on their thoughts.

Ms. Eve Hanan: Could I jump in here?

Chair McCormick: Yes, please.

Ms. Hanan: Thank you so much for this. This was really helpful. It's really interesting to see. It seems like Nevada is pretty much like in the middle. It's not an outlier in any way. So, you know, I've been really interested in the question of classification because misdemeanors do seem like they vary in how we might think about their severity or their impact on the public and so forth, but, you know, I'm not sold one way or another on it. I did wonder, though, this data doesn't capture one aspect of it, which is the those, I guess, offenses, which might be citation only or have been decriminalized the way we did some of our traffic. So I just wonder if you came across anything about that. I didn't see the sort of fine only misdemeanors or infractions, whatever they might be called. And I'm guessing it just wasn't in this study. They sort of just drop out of the data if that happens.

Deputy Director Buonacorsi: Yeah, the uh. To say for sure, I would probably have to go in and look at all the individual statutes for every other state for Nevada that that wasn't included. So I would assume the other states would fall on that line, but I don't have a 100% answer without going in and looking with what they exactly have. As the data appears, it does not seem that it was included.

Ms. Hanan: Okay, thank you.

Chair McCormick: And John McCormick for the record again. I did notice kind of interesting on the slides that Illinois, if I can talk this morning, did have a category that appeared to be non-jailable. Which is something that, at least in my thinking on this, may be something that we want to consider going forward. Are there sort of those petty criminal offenses that maybe we want criminal offenses, but shouldn't be jailable? So I think that's a question. We at least have one other state that does have that offense category. Other comments, thoughts, concerns, questions? All right. Hearing none, one more call here for discussion on the presentation on the classification misdemeanor structure. I think it's valuable information and certainly appreciate the division putting it together.

5. **Update on Working Groups**

Chair McCormick: We'll move on to agenda item five, which is an update on our working groups. And so we'll open this up to our working group chairs, or I can start off. Dr. Lanterman graciously has agreed to serve as the chair of the classification subcommittee, or working group, excuse me, we got got too many layers of grouping designation here, and we did have a, we had a meeting and agreed on sort of a, maybe a way to move forward and start doing some of this work. And I think as we've run into in the past, the charge of this subcommittee is so broad, it seems to be a little overwhelming to folks. So we did not really get a lot of engagement after that meeting. And so I think maybe we will need to look at additional strategies. Dr. Lanterman, do you have thoughts you'd like to share?

Dr. Jennifer Lanterman: Yeah, this is Jen Lanterman for the record. And again, I apologize for issues with my video this morning. So we met. I agreed to serve as the chair of this, this working group. And one of the, I think there are a couple of dimensions here that we have to think about or think about this work. One is what people have the capacity to do and who should be involved. And this is the misdemeanor subcommittee has often had this, this challenge with engagement. And I understand that we are all doing work outside of our Sentencing Commission and Misdemeanor Subcommittee work.

So when we met as a subcommittee and I was nominated to serve as the chair of the classification policy and categorization working group, I took the approach that a researcher might take. I thought, let's reduce the amount of data we're working with so that this is less of a, how do we, you know, let's try and eat an elephant by trying to eat the whole elephant and let's try and eat an elephant by working with a small piece of the elephant. And so I sent an email out to the group about a way to do that and a date to get some information to me. And I did not receive any responses at all. And so this sort of gets us back to this issue that John has highlighted regarding engagement. We've all got a lot of commitments.

I cannot handle the charge of this working group on my own, but I should not be handling the charge of this working group on my own because I am a researcher. I am not a legal practitioner. So I can tell you what it looks like is useful or not useful or what has been used or not been used and ways to reduce or recategorize misdemeanors. What I can't speak to in a reliable way is the effects that might have inside of the system. I am not an attorney, right? I'm not a prosecutor, not a defense attorney. And so I cannot do the part of the recommendation process independently that would involve an assessment of potential effects of recommendations and then how we would design problems out of those recommendations in terms of how we translate the recommendation to practice.

So we had discussed data reduction, and I sent this email out asking for people to send information back to me, and I integrate them into a single document. And perhaps that was a strategy that was not the most effective. And so as John highlighted, perhaps another option is that we have a single live working document, like a Microsoft Online document that we either do through AOC SharePoint or we do through UNR's NevadaBox. And that might be one way to streamline some of the work so that it reduces the work burden on members of the working group. But we do need engagement from all the members of that working group to produce a viable set of recommendations.

Chair McCormick: Thank you very much, Dr. Lanterman. And I really appreciate your points there. And I think that those of us who've been involved with this endeavor for a while do see that sort of disconnect between what we'd like to do and doing the work and getting, you know, everyone's input on it. So let that settle in a little bit. And then I have not been as involved with the data group. So, Jenna, I think you kind of at least wrote a little shotgun on that. So if you wouldn't mind transitioning us there.

Deputy Director Buonacorsi: Sure. We've faced some of the similar challenges that Dr. Lanterman has talked about. The data working group had a hard time deciding where to start and came to the conclusion that to start, it needed a defined definition for what data to collect. So I think that there, with the broadness of it, I think there was some challenges figuring out how do we get to a smaller level and have a focus point with the data. And so I tried to show the data again that we do have access to right now. It's a lot of years worth of data, but the variables in themselves are fairly narrow. And so it's a good starting point. But again, with what do we want to look into with that data, there was not really a clear consensus yet on what to look at with that information.

Chair McCormick: Thanks, Deputy Director. And I think that also Jenna's comments there get us to one of the issues we've kind of been dancing with on this, for lack of a better term. And just to share a little personal experience, I've encountered this in many different reform endeavors I've been engaged in, whether at the court or with NDSP or any of that. We often get in sort of a catch-22 of wanting all the data so we have a better picture of the situation before we can determine what data it is that we really do want.

And perhaps, and hearing this, I just raised this as a potential suggestion, do we kind of flip the script on that, how we are as a subcommittee looking at that and go, okay, so this is the data we have. Chances are, you know, we're not going to get a new huge influx of data, right? Like, I mean, there are efforts all across the state to improve the way we collect data. For example, the Administrative Office of the Courts where I work, we're currently in the process of implementing a data warehouse.

And we have a data sharing agreement with every court in the state except like two or three for weird reasons. But that's going to give us, on the court side, a much better ability to produce data beyond what we currently are able to produce, which is just the aggregate caseloads and dispositions and that kind of thing. And so, and I know NDSP as well has been discussing potential legislative changes that could really improve the way we're able to track data in Nevada, specific to one offender across sort of the process by creating a unique identifier, and so obviously those of us that are, those of us that spend the first six months of every odd numbered year will become, in the legislature will become familiar with that bill. But again, I think that that's one of the fundamental issues we encounter with this is we have limited data, we're taking steps to improve data, but steps to improve data statewide will take years, frankly. Because Nevada, you know, states are slow moving creatures by design, somewhat and, you know, to get there and to get, and not only to implement policies to get better data, but then to get data sets that are reliable so you're not like, hey, this is our first year of data, we have nothing to compare it to, we don't know if it's an outlier or not.

So I guess the point of this whole ramble here is that perhaps a way to look at it, again, is to take a different look and go, okay, this is the data we do have, the access we have now. What can we make, what decisions, what inferences can we draw from this? Obviously we can't, you know, correlation versus causality and those things. But is that a better way to move this group forward? Because to be honest, I mean, I sense the frustration on the group and I share that, that we meet and we have a task that is, you know, it's a giant task. And it's really hard to, as Jenna said earlier, figure out where to start eating the elephant in the room because you can't, you know, just bite off the whole elephant and chew it down, so you have to be more strategic. So I think at this point, what I would like to ask members of the committee are thoughts on how we move these working groups forward, you know, how we as a committee move forward and achieve something that isn't, that is meaningful.

When this endeavor started, I sort of, I mean, I'll own it, I sort of try to ramrod that list of misdemeanors to repeal through. I thought that maybe that would give us a win initially, if we could recommend that out. But again, so there's been several sort of fits and starts here. And I'd really like to hear from the members of the group how they think we can overcome the fact that this is a lot of extra work for people who are already busy

because they're paid to do other things and how we can meaningfully move forward when we don't have all the data that we'd like to have. So, hopefully, some people have thoughts on that and I'll shut up.

Captain Joshua Martinez: This is Josh. So, I was thinking that, you know, part of, you know, all of us, yeah, we have the day job and we got to take, we've got a lot of tasks, but, you know, part of this group is part of that day job, at least for me, from the positions we sit in. So, I think it's important for us to participate, you know, when we've got the data, that data is all that we're going to have and we've got to make the best of it, I think, and, you know, to try to get, you know, commitment from folks to move forward to at least try to get somewhere where maybe we do something that's productive that comes out of these subgroups, I think, is the goal. So, I know with myself, just trying to make sure I'm participating more and being on the meetings, taking the jail, the prison tour and doing those things as well, trying to hold myself a little bit accountable, you know, because that's part of why we're here is to help the state too.

Chair McCormick: Thank you. You're Captain Martinez, right? I got the rank, right?

Captain Martinez: I'm a captain. I just go by Josh. You can call me Josh, but I'm a captain by rank. All right, cool. I was just proud of myself for remembering your rank. I really appreciate your comments, Josh. You know, and again, I think that that perfectly encapsulates kind of the struggle that we've all been having here. Anybody else have thoughts on this? I mean, oh, Director Powers.

Executive Director Powers: As a participant and through NDSP and not a member of your committee, I think that defining the problem, right? So, just like you start eating elephant, why do we want to eat the elephant? We're hungry. Okay. So, yeah, we don't like the misdemeanor system structure as it sits, but what are the actual problems? And maybe if we break down like what problems we are trying to address specifically, then, you know, we can have a group of problems and we can pick one and start there, something like that, but maybe we can define a problem.

Chair McCormick: Thank you, Director Powers. Appreciate that. To kind of pick up on that, for me, I mean, I think a very basic central problem that we encounter with misdemeanors, and at least this is my thinking, is that we have a one-size-fits-all system to deter conduct that through the legislative process we've determined detrimental. But we're shoehorning everything into one level. For example, in my mind, I don't necessarily think that, say, you know, a disturbing the peace charge or, you know, walking on the grass on state property, you know, I can never give up on that one. Or, you know, relatively other petty offenses, in my mind, should not be in the same category with driving under the influence. I mean, we all see the news all of the time, particularly coming from the RJ down in Las Vegas of, you know, family killed in DUI crash, single car accident, DUI driver runs into a post, those kind of things. So clearly that's just by its nature a bigger impact on society.

And then again, we have domestic battery constituting domestic violence under 200.485, and that's a misdemeanor too. And again, personally for me, and just expressing the opinion, like, I can't swear having, oh, I don't know, driving without a license and physically assaulting your spouse being on the same criminal classification system. And so for me, I think one of the basic problems here is that it's a one size fits all approach that doesn't work for the society in which we live now, you know, maybe it worked back in the day, but now we do have at least some data elements and we can look at some of this stuff and see what has been charged and what hasn't been charged to kind of give ourselves, I think, an idea of like, yeah, they're all misdemeanors, but some are worse than others, for lack of a better term, the potential impact to public safety, to individuals, you know, to our fellow citizens are more egregious than others. And so from my perspective, that's sort of where I come from classification at that, you know, and potentially we can even, you know, and again, just throwing this out there, potentially we could theoretically as a subcommittee make more of a, I don't know if you want to say moral or take a step back from the data questions and just make a decision. Is one classification of misdemeanors, including, you know, those somewhat, you know, those more egregious offenses, you know, the enhance-able offenses, DUI, DV, the third one within seven years, it is a felony, domestic violence by strangulation in the first instance is a felony.

So should those be in the same bucket, necessarily, with all the other offenses, and then, you know, even beyond that, now that we have the civil infraction structure for certain traffic offenses, you know, should there

be other things in that bucket, just as sort of a question of how we as a state view criminal justice and view sort of the importance of offenses and various things, and that may, you know, I mean, there's a lot of problems or concerns inherent with that, that if you have classifications, does it impact pleas and all that kind of stuff, but for me, that's sort of the problem that I feel like we're staring in the face is that, you know, and again, go, you know, just again, my opinion, a lot of things in Nevada were created in 1864, the way we do things, and we haven't updated them maybe as much as we theoretically could have as a state for now where we are in 2026. And so that's where sort of I'm coming from, in my view of why we want to look at classification. So just belaboring that point, I'll shut up now and open up the floor. Professor?

Ms. Hanan: Yeah, thank you so much for that. For all the comments, it's, it's helpful to think about, I just went back to the statute to look at our charge, which includes a biennial report to the legislature. I'm not sure I know the timing on that, but I imagine that's coming up.

Chair McCormick: Usually biennial reports to the legislature have to be in in January before the session.

Ms. Hanan: Got it. Okay. And that the charge is really broad. I think that there's, I agree that, and I think you know that because I said it before, I agree with this question about classification. And I don't want to just create classifications because, you know, or, you know, just to do it, but there is a point of data, which I think seemed to be a sticking point, which was it was, and some folks are closer to this than I am, in my position, we're saying, well, it's been really a mess in traffic, right? Some things are civil, some things are criminal, you don't know what to do.

It's been really, it's been a very messy rollout. So I'm not sure. I think this is probably a data question but if this committee were to, you know, take seriously the question of like, are there other things where the first offense should really just be a civil citation, you know, maybe if you keep doing it, maybe your third time doing that thing, it's, you know, a misdemeanor, but maybe the first time it's not or however you look at it. Do we need to get a little bit more information? And it might not be data that NDSP has, but it might or anyone else other than it might be data that courtrooms have that judges have or information that they have about what could make the system work more smoothly, when judges are charged with managing the civil infractions and resolving them at the same time as they're doing misdemeanors. So I just I think that might be one of the sticking points that we have to address if we to move forward with that but I'd be interested in that.

A second thing I'd like to say is that one of my motivations for agreeing to serve on this committee is that really exciting things are happening in other states. And they don't relate necessarily to identified problems here, but they might still make things better here. And one is, you know, the expansion of community service to include an array of pro-social activities, and that's the Texas system. So there's a way to look at this. Do we have to do the whole thing or can we take a look at, you know, what are the innovations that we see that are making a real difference? And other states might have enough data to justify making a recommendation to our legislature to at least consider some of those innovations and the flip side of that is sometimes specialty courts don't have data to support them as being effective, and that might have been established by an out-of-state study. And so that's something to look at as well. Is there something that should be there instead of a particular approach that we're taking? So I don't know if that's helpful or not, but I do think our broad charge is a problem, but I'd be interested in, you know, if we can find some way to coalesce around certain points. Maybe if it's not reclassifying everything, then just looking at some points where we could improve our system and import some innovations from other jurisdictions that seem very promising or have proven effective there.

Chair McCormick: Thanks, Professor. And I really do appreciate your comments and to pick up a little bit on that. I've been involved in trying to help the limited jurisdiction courts with implementing the new civil traffic process since it was passed in 2021 and have a fair bit of information on that that I'm happy to share. And then again, as the Department of State Government, we're afforded 10 bill drafts under NRS 218D-190. And so changes to that civil traffic system have been an ongoing discussion and some last session, there was a sort of a reform bill on that that was informed a lot by limited jurisdiction judges to sort of improve the way those hearings are handled. And a lot of it, you know, it happened in the 2021 session, which those of you, again, who have participated in the legislative process here in Nevada know that 2021 was a very kind of

different session because of the pandemic. And the amount of access and input that all the stakeholders were able to give to the legislature.

So we kind of ended up with that. And then there's been some, you know, movements and reform on that. I mean, currently, personally, there's a provision that seems to me to indicate that you're only two options when you get a civil infraction or to pay or to pay the deposit to get a hearing. But then the deposit requirement was adjusted down last session. So your deposit could theoretically be zero now. So it's those type of things, you know, that I think people are still concerned about, you know.

And then, again, one thing that courts struggle with on the civil traffic side is enforcement, obviously. And again, is that struggle with enforcement related to penalties that are overly onerous for the majority of Nevadans? Is that something that theoretically we as a group could discuss? Right. So we've got sort of that with civil, the civil traffic system. And I just share that has been, you know, it's been a struggle. And again, I have, if this is helpful for the committee, I have the listing of, I went through when AB 116 was passed and pulled out every offense in the traffic sections. You know, so 43, 44 and 45 in statute and have a list of what stayed criminal, you know and so does that list, then we look at it as a group, does that inform us on why did this stay criminal? Why didn't that? And is that where we want to go? But again, I really like the professor's comments and also on the community service expansion. That's been something that within the judicial department, again, we've discussed and really like the idea because consistently and anecdotally from judges that people have a hard time finding somewhere to do community service. You know, the opportunities are down.

You know, it's not the particularly in Nevada, the traditional, you know, wearing a vest and picking up garbage on the side of the road, because we had a really, really horrible thing happen doing that in Las Vegas years ago. And so obviously, but they struggle. For example, on community service. Before the 23 session, the DUI statute said that when a person was completing their mandatory community service for first or second DUI offense, they had to wear, and this is a fairly accurate, fairly accurate to what the statute said, distinctive garb have identifying the person as having violated the provisions of 484C.110 or 484C.120. And even that requirement was an impediment because, for example, the food bank in Sparks was welcoming to Sparks Justice Court defendants who needed community service, but they didn't want to have to have somebody serving food wearing a t-shirt that said, I'm a DUI offender. Right? So we were inhibiting our ability to do that.

So we ran a bill, removed that sort of provision, the judicial branch identified that as an impediment to getting people, you know, having the ability to do the community service and losing the fines and fees and all that. And so we did offer a bill to remove that. But again, are there other things at that level that could do that? And, you know, being apprised of national trends, that is a trend in community service that the professor brought up that, you know, what is, you know, how do we define community service? Sure.

Is it serving through the food bank? Yes. But could it also be enrolling in adult education to get your GED? Does that count as community service? Is that a way that this group could encourage the state to try to start looking at what qualifies as community service in a different manner? So, you know, I think it's important to remember that it's not specifically, you know, doing a task that needs to be done, but it's engaging in a pro-social activity that ultimately could benefit society by and large. And so I think, again, like that's something that I think this group could discuss potentially outside of, you know, how many times was a failure to relinquish a phone book in an emergency charged in the last 20 years, for example. Again, I don't, I'm probably dominating the conversation, so I'll shut up again and ask for more input from the group on, you know, do we look at other ways to do things or other decisions we could make or other recommendations that we could make that are smaller bites of the elephant than the, you know, classification pachyderm?

Captain Martinez: I mean, can we look at, you know, just for instance, domestic violence, right? Because like you're saying, that's a violent crime compared to a phone book charge or your other one is the grass at the Capitol, right? For DV, we see a lot of folks that are charged with misdemeanor, and then we have the STEP category. And I don't know if, you know, Jenna found things in her research that are like, hey, states that are similarly situated to Nevada in regards to the misdemeanor DV, and then a progressive over seven, you know, three and seven years is going to get you to a felony. If they've changed, if other states have changed from

like that structure that we have to a different type of charging structure where they're taking DV a little more serious, because what we see is the misdemeanor DV goes to court, and then, you know, it's not a felony DV or strangulation felony DV.

It's just a simple DV, and then these folks are getting out, but the problems are escalating. But I know we have the, you know, time period that a DV offender arrested has to sit in jail. Hopefully it cools them off and allows the victim to get a temporary protective order while they're in custody but have we seen other states, you know, change that, you know, or is it just misdemeanor, then in three or seven years, three and seven years, then right to a felony?

Chair McCormick: Thanks, Josh. I think we've got Mr. Piro has his hand up.

Mr. John Piro: Thank you, John. Sorry for taking such a long time to weigh in. I agree with Josh's first comments about I follow my own sword and just have to be more active in the committee. And it is a big task. I would say, though, on Josh's second point, I think roping in domestic violence is probably even a bigger task if we were to do that. And maybe that should be like a separate domestic violence subcommittee with more experts, more victim advocates and things like that, national best practices. The one thing I was going to say is on Director Bonacorsi's data, like it probably would be good to classify like what misdemeanors are property, what misdemeanors are violent, what that would that would be helpful moving forward and getting the court's commitment to like kind of track those things would be helpful.

Chair McCormick: And I think and don't quote me on this because I haven't been in charge of our data unit for a little while at AOC now, but I think we may have some back data with more classifications available in our system. So I'll commit to talking to our data team and finding out what we can produce as far as that, because we do track felonies, obviously, in a way that mirrors the classification groups in terms of the violent sex property person, etc.

Mr. Piro: And then the last thing, not to talk too much, I apologize, is, you know, Colorado was the most recent state to kind of tackle this issue and maybe it'd be good if we could find out who the parties were there to come in and say, hey, what was that process like for y'all? Is there some technical support you could provide us or what did you find most helpful like when you did tackle this issue?

Chair McCormick: And thanks, John. And I certainly agree on that. And I did look into Colorado and the reform effort just kind of went and stopped and they haven't really updated the information that's publicly available from the special legislatively charged group that they had in a while. But again, like we could catch up with the folks who did the facilitation for Colorado when it was more active and ask them. So, um, I don't know if Dr. Lanterman or Director Handy is next. So, Director Handy, I guess.

Mr. Peter Handy: Sure. So I'm wondering now after this conversation, whether it might be more useful to propose like a classification system to work against, then we have a better idea of what data would make sense to collect, where certain offenses would fall naturally based on the data we have into a proposed system. And then we can always tweak things, but we'd have a working hypothesis, at least to work against.

So if we did like a three tier, you know, 180 day, 90 day, 15 day maximum, and then a fine only category or a infraction category, kind of had everything laid out where it'd fall into that hypothetical system, if it'd be easier for everyone to work and conceptualize where things would fall, where things might need to change. Certainly, I think integrating things like expanding community service acceptance and other social programming and where diversion or deflection makes more sense than even having these things be criminal offenses that result in jail time is something to look into. But we're kind of working in a vacuum if we take them one at a time, rather than like proposing a classification system to work against.

Chair McCormick: Thanks. Thanks, Peter. Dr. Lanterman?

Dr. Lanterman: Yes, this is Jen Lanterman for the record. So with respect to intimate partner violence and driving under the influence, this was actually a point of discussion when the classification policy and

categorization working group met. Because intimate partner violence, DUI offenses are important, but they are perennially challenging behaviors where they are high impact offenses and potentially severe negative outcomes if we get it wrong. And so with those types of, we have to think about logistically, how do we develop or how do we plan an effective process for thinking about misdemeanors in a way where a perfect outcome doesn't get in the way of good progress, right? And so one of the things we talked about was actually setting aside intimate partner violence and DUI offenses and pursuing this through the process we initially discussed in that working group meeting for misdemeanors that do not involve intimate partner violence and DUI and coming up with a proposal to bring back to the broader misdemeanor subcommittee and then coming back and focusing specifically on intimate partner violence and DUI and potentially bringing in a treatment provider in a working group there.

Because domestic violence, intimate partner violence, DUI are behaviors that are different than other types of intimate partner, or I'm sorry, different types of behaviors that we are currently classifying as misdemeanors. And so it's not that they are unimportant, but they are particularly challenging behaviors where we might have to think about how we respond to them in some potentially different ways. And so if we included them in the initial potential reclassification process or we focused only on them first, we were going to make slower progress or no progress because we want to be really careful about handling those and so I'm not averse to addressing them, but I think that it would be helpful for us to think about the sequence that we use to pursue potential changes to misdemeanor classification. And maybe we hold off on intimate partner violence, DV, DUI, until we handle the less potentially, the offenses that are not high impact, right? So we do those last. We do the lower impact things first.

Chair McCormick: Thanks, Dr. Lanterman. And I think I did the group a disservice by bringing up DV and DUI. My point in bringing those up was like, those are different. Those are different behaviors. And just from my base perspective, we need to treat those offenses differently than we treat, you know, drunk in public or any of those sort of more quality of life misdemeanors, for lack of a better term, rather than focusing on DV and DUI and saying we should classify those out or in or not. I think the point I was trying to make from my perspective is that those more impactful behaviors should not be in the same category with less impactful behaviors.

Not that we have to immediately reclassify DV and DUI, but rather, if those are the most egregious misdemeanors, then we kind of work back from there, right? Like, if those are your most severe misdemeanors, then can you work back and say that, okay, if you want to have ABC classification again, just a random hypothetical, those are the A's, right? And so then what's a B and then what's a C? And is potentially that a way to look at the system again? And following with what Director Handy said, maybe that's a way that this group could theoretically, absent the data, potentially look at classification from that perspective and then build it backwards from the highest severity to the less severity.

So again, just to clarify that I was not encouraging the group that we immediately take on the big two. But again, that in my mind, those are the most sort of serious misdemeanors, and perhaps we can work backward from there. Or that that's an example of why at least I believe we need classification because, you know, they are more serious and the behavior has a bigger impact, like Dr. Lanterman said. So, Mr. Piro, I thought you had your hand up a minute ago.

Mr. Piro: I did for a second just to, but it seems like we're all on the same page there. Just to let the group know, just for information, that our local criminal justice coordinating council has applied for grants and got technical assistance on tackling the DUI thing. I think, as everybody knows, DUIs are a pretty big problem in Clark County. So we're going to be working on that issue locally, you know, and maybe that could provide guidance in the future for the rest of the state as well.

Chair McCormick: Thanks. Thank you, John. Yeah, again, I hope I didn't lead the conversation a little bit astray there with commenting on DV and DUI. But again, that was sort of my thought there. So, I guess at this point in the conversation, I think we've had some good points made. And from a chair perspective, how do we move forward? What is the next step that we as a group take? And that's what I'd like to hear from the membership.

How do we, now sort of having this bit more of a step back discussion, how do we move forward? I think is, you know, the $64,000 question. And, you know, I don't know that anybody's going to say, well, this is what we should, you know, we'll have the perfect plan. But again, that's what I think we as the membership need to be thinking about now, because the approach, you know, that we have been taking and it has not perhaps led to the most success thus far. So again, you know, folks don't want to comment now, that is great. But if we could be thinking about that.

Ms. Hanan: I suggest, we do need quorum at one of these, right? And so I don't know if there's a way to reach out to folks individually and ask them whether they plan to be involved in this subcommittee. And I'm assuming that there's going to be an opportunity to, is it a two year term we're serving for? I don't actually know, I'd have to look at the statute again. But I think we need members of the committee who were willing to do some work. Right.

Chair McCormick: I certainly appreciate that. And as the chair, I will take that on. We've had some turnover. We've had some folks retire. I got an email this morning from a member that wanted to talk, which led me to believe they were no longer going to be able to serve. So again, as the chair of that, I will take a look at the membership and work with NDSP and potentially reach out and fill some gaps.

Also, if anybody has thoughts, the membership doesn't have to be static and the representation on this committee. When I put it together, I tried to make it really broad. So we didn't fall into a trap that I've seen reform efforts have before where, well, you excluded, you know, again, you excluded law enforcement or the public defenders or whomever from the discussion. And so we cut our self off at the ankles, even starting. So that's what I was trying to avoid with the broad membership of this group. But your point is well taken, Professor and I will get with NDSP and we'll reevaluate the membership and try to update that.

Ms. Hanan: Oh, sorry, I didn't mean to. I actually didn't. I didn't mean it. And I hope it didn't sound critical. Anyway, I know how hard it is to get groups together and make things happen. But perhaps like we could schedule a meeting like with a quicker turnaround, like a month turnaround, saying this is the meeting where we want quorum and we want to as a committee or subcommittee vote on the agenda for the next quarter. Like what we'll accomplish by the end of the year and who will do what. And that can be really, you know, can be very like discrete goals and have that conversation and it might be that there's only one goal or, you know, we'll just have to see.

Chair McCormick: Appreciate it. And I didn't take it as as being critical. It was just sort of an acknowledgement that the membership had naturally sort of done its initial turnover and just needing to revisit that. And I really like that suggestion, Professor. And, you know, I think if the membership is amenable, we can say set a meeting sometime in September with and send out a communication of a more pointed communication to the membership before saying we had this last meeting, the group had a discussion that sort of the status quo is not working. And at this meeting, we'd like to really focus on determining goals, short term, long term, you know, pie in the sky, wonderful misdemeanor classification that truly acknowledges the societal impacts of various offenses, but expanding community service, maybe that's a quarterly goal, not a year, two year, three year goal. So if that sounds reasonable to the group, I think that's a great way to proceed. You know, it's kind of kind of doing a little bit of a restart and reevaluating and, you know, we do have a broad task and maybe I got a little task paralysis there and wanted to solve all the problems at once.

So, if that's acceptable to everybody, if we could send out maybe a poll, can we do that NDSP, I don't want to volun-told you for that. Director Powers is shaking her head yes, so we could send out a poll with some dates in September for that and then provide that background information going into that meeting if that that seems appropriate. And all right.

Captain Martinez: I got one thing, John, if you don't mind real quick. So, we talked about a few things here in this meeting, and I know we've talked previous subcommittee, and now we're looking at scheduling a meeting for September. Is there anything with the data that we received today from sentencing folks in the work that they put in there? Is there anything that we could do in the meantime between now and September to look at that information they provided to us plus as well as other information that's been provided to us? Or

if you want to send it out in a packet again where we all get it at the same time, and then maybe there's something we can work on between now and then instead of trying to find that focus. I know that's kind of what we're trying to get to, but at the same time, if we could maybe start to progress a little bit forward, I think.

Chair McCormick: Point well taken, and my thought would be in looking at Director Powers here that maybe we'll put that packet of the discussions and the information we've shared previously to get that out with sort of this statement of reinvigoration for lack of a better term. So people can be looking at the information that we've had provided and that kind of stuff to be informing their thoughts as going forward. And just to note for NDSP, Judge Bishop just joined from Ely. It's excellent timing, Judge Bishop. We're about to wrap the meeting up so.

Judge Stephen Bishop: I like those kind of meetings (inaudible).

Chair McCormick: I thought you'd appreciate that, sir. So, if that sounds like a reasonable path forward, I will put more on NDSP's plate and work with them. We'll get a poll out for late September, potentially beginning of October, you know, just because of schedules meeting and we'll revisit the information that this group has received before and produced and try to get that rodeoed so it's digestible and send that out to everybody and convey the expectation that at the next meeting we're going to be more strategic and decide what our short and long term goals are rather than just fixing misdemeanor.

6. **Discussion on Future Meeting Dates**

Chair McCormick: So, if that sounds good. I think that's a great plan, and I will move on to agenda item six which we just pretty much addressed because it's future meetings. And so we have our plan going forward on that.

7. **Public Comment**

Chair McCormick: And item seven on our agenda today is our second period of public comment, and I'll ask Ms. Felipe if we have any callers on the line.

Ms. Felipe: Chair, we have no callers.

Chair McCormick: Thank you very much, Cecilia. We have no public comment, so we will move on past agenda item seven.

8. **Adjournment**

Chair McCormick: And hit agenda item eight will adjourn, and you should be hearing from NDSP or myself shortly and I do appreciate everybody's engagement and sticking with this and, you know, fits and starts but I think we could really have some significant impact that benefits the state. If we can figure out how to do this so I appreciate it. Everybody have a lovely Wednesday and remainder of the week. Thank you very much.