



**STATE OF NEVADA**  
**DEPARTMENT OF SENTENCING POLICY**

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**NSC Misdemeanor Subcommittee**  
**DRAFT MINUTES**

**Date and Time:** December 03, 2025

**Location:** VIRTUAL ONLY

**MEMBERS PRESENT**

Judge Steve Bishop  
Christine Jones Brady  
James Conway  
Judge Cynthia Cruz  
Wes Duncan  
Nickolas Graham  
Evelyn Grosenick  
Eve Hanan  
Peter P. Handy  
Chief Judge Kevin Higgins  
Dr. Jennifer Lanterman  
Captain Joshua Martinez  
Kristina Mortensen  
Leisa Moseley Sayles  
John Piro  
Alisa Shoults  
Erin Tellez  
Chair John McCormick

**MEMBERS EXCUSED**

John Arrascada  
Lt. Ned Nemeth

**STAFF**

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

**1. Call to Order / Roll Call**  
**[Meeting called to order at 1:30 p.m.]**

**Chair John McCormick:** Thank you very much. With that, I will now call to order the December 3, 2026, meeting of the Nevada Sentencing Commission's Misdemeanor Subcommittee. Good afternoon, everybody. It's nice to see you. Thank you to those of you who are returning and those of you who are new on this subcommittee, and I would also like to welcome all of those who are viewing the meeting on the Department of Sentencing Policy's YouTube channel. This is our first meeting of the 25-27 meeting cycle. I'll now ask Director Powers to take the roll, please.

**Executive Director Jorja Powers:** Thank you, Chair.

**Chair John McCormick:** You're on mute again, Jorja.

(ROLL CALL IS CONDUCTED BY DIRECTOR POWERS; QUORUM IS MET)

**Chair McCormick:** Thank you very much.

**2. Public Comment**

**Chair McCormick:** With that, we'll move on to item two, and that is the first period of public comment. We have two periods of public comment, one at the beginning of the meeting and one at the end. Members of the public have two options for submitting public comment. First, members of the public may do so in writing by emailing the Department of Sentencing Policy at [sentencingpolicy@ndsp.nv.gov](mailto:sentencingpolicy@ndsp.nv.gov). Public comments received in writing will be provided to the subcommittee 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. Due to time constraints, public comment will be limited to two minutes. Any member of the public that exceeds the two-minute limit may submit their comments in writing 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 your telephone. At this time, I will ask staff to manage and direct those who wish to testify...testify by telephone, not telephone by testify. Ms. Felipe?

**Ms. Cecilia Felipe:** Thank you, Chair. Members of the public who would like to testify by phone, press star 9 to raise your hand. When it is your turn to speak, press star 6 to unmute, then please slowly state and spell

your first and last name. Caller with the last three digits, 957, please slowly state and spell your first and last name for the record. You will have two minutes. Caller with the last three digits, 957, please slowly state and spell your first and last name for the record. You will have two minutes. You may now begin.

**Chair McCormick:** Caller with the last three digits, 957.

**Ms. Felipe:** Chair, there are no more callers at this time.

**Chair McCormick:** All right. Thank you very much. We will now close the first period of public comment. Moving on to the next agenda item.

**3. Approval of the Minutes of the Meeting of the NSC Misdemeanor Subcommittee held on: July 24, 2024 and September 11, 2024.**

**Chair McCormick:** Members of the Subcommittee have been provided with copies of the minutes from the July 24, 24, and September 11, 24, meetings. Are there any edits, comments, or corrections? Not hearing any edits, comments, or corrections, I will now obtain a motion to approve the minutes from the July 24 and September 11, 2024, meetings.

JUDGE CYNTHIA CRUZ MOVED TO APPROVE THE MINUTES OF THE JULY 24, 2024, AND SEPTEMBER 11, 2024, MEETING. JOHN PIRO SECONDED THE MOTION. MOTION PASSES.

**4. Welcome and Recap of History**

**Chair McCormick:** And with that, we will move on to agenda item number number four, which is a welcome and a recap sort of a little bit of the history of this endeavor. And again, I'd like to welcome all of you. Thank those of you who are returning and thank those of you who are new to the Subcommittee. The Subcommittee has sort of a big charge, I think, with Senate Bill 103 from the 2023 session to sort of examine misdemeanors in their entirety in this state. And at least for me, as we got started, it was almost overwhelming in trying to determine how and what and where we should go and what we should examine.

And as I recall, at that last September meeting we had, we created a classification working group and we will talk about sort...a little bit of the outcome about that, I think, in a couple agenda items. I do--it was unfortunate after that--my father got sick and passed away and then we had a legislative session, so that sort of took the wind out of the sails on this. And then I do apologize, it took a little longer than I had hoped to get us restarted. But I think if we continue following the path and hopefully we can discuss this a little more in in agenda item six, we may have kind of a jumping off point there, hopefully. So, it will be interesting to see that discussion. And also one of the, sort of the silver linings, of the cloud of this subcommittee being inactive for a while is it allowed NDSP a little more time to work on some data collection and analysis. And with that, I will move on, unless anybody else has comments at this point.

##### **5. NDSP Presentation on Preliminary Data**

**Chair McCormick:** I'd like to move on to agenda item five, which is a presentation on preliminary data from the Department of Sentencing Policy. And with no questions, we'll move on to that and I will turn it over to Deputy Director Buonacorsi.

**Deputy Director Jenna Buonacorsi:** Thank you, Chair. Good afternoon, everyone. In August of 2025, NDSP received misdemeanor files. These files are extremely large and are grouped into three or four-year segments, with each file containing approximately 800,000 entries. So as you can imagine, this results in a significant amount of data to be processed and cleaned. Shortly after we began this work, the state experienced a cybersecurity attack that I'm sure most of you are familiar with.

And this resulted in a seven-week delay for our department's progress on this data. During our analysis, we also identified some anomalies within the files that require additional clarification, and our department is actively working to resolve these issues. And we hope to have more concrete numbers available soon. The initial review that we focused on was the 55 NRS sections that the chair identified for potential removal based on their apparent applicability, but depended on their historical use. This was presented back at the meeting on, I think it was April 4th. I had the date written down, but I seem to have lost that now.

The Department of Sentencing Policy compared these sections against the misdemeanor data sets that we received from the Records, Communication, and Compliance Division from the Department of Public Safety. And from our preliminary analysis, we found 12 of those initial NRS sections had been utilized at least once from 2013 to 2024. This first round of analysis did not examine dispositions.

It only focused solely on overall instances. So, we add all of that, all those caveats and clarifications to say that this data is not quite exact yet. That's why we haven't officially published anything or shared this. This is a preliminary analysis. This is the beginning of us going through that data set. Like I said earlier, we had some challenges in reviewing the data in a couple of ways that we wanted to and wanted to clarify some things with the data holders before we moved forward. But these were some areas of research that we were able to complete and thought would be meaningful to show.

So, I'm going to go ahead and share my screen. And some of you who were part of the committee towards the beginning will probably remember these files or this list of NRS. And so, a few of them were added to this list just because of the date that they began. And maybe they're apparent not being used as much anymore. And out of, like I said earlier, out of the 55 NRS, 12...only 12 of them have been used in the last 10 years, as far as we can tell from that data set that we have received from RCCD.

So, the first one here is NRS 199.270. And this NRS was used four times in this preliminary analysis. We found it was used four times. And it was used by Highway Patrol, Storey County, and White Pine County. Next would be NRS 200.550. And this was only used once by Las Vegas Metropolitan Police Department. NRS 201.249 was used once by Sparks Police Department. And then one of our NRS that was used a few more times than just one or two, majority of them were one or two and then there's, I think, about four of them who had over 100 instances. And so, one was 201.253. And this was used, as you can see listed here in this column, by quite a few different departments spread throughout the state from rural to more urban counties.

Next was NRS 201.270. And this had been used by Las Vegas Metro. We had NRS 205.510, which was used by the Fallon Police Department. NRS 202.540, which was also used by Fallon. And then some of our more big ticket...more used NRS's was 206.330. And this was used by a few different Las Vegas Police Departments, as well as Lyon and Lincoln and Washoe. This NRS 207.030 was one that in the description,

we had said that parts of them, the description says that parts of them would not be amended to repeal, only certain parts. And so, for this, we'd have to dive deeper into the actual data and what the instances were. But this was a commonly used NRS still by quite a few. I don't remember the exact count looking at them in the list form. But if I remember, I think it was 15 or 14 of the 17 main counties had used it.

And then in NRS 207.163, there's 25 instances used. And for NRS 331.20, there was 155 instances. And last but not least was NRS 393.170, which was used once by Clark County. So, like I said before, this is just the beginning of some of the information we are going to be able to pull from this data set. We wanted to show some of the ability that we are going to be able to have once we finalize validating and cleaning of the data. The interesting takeaway would be that out of these 55, some of them were grouped together, but it was around 50 to 55, depending on how you looked at the groupings of the NRS, only 12 of them had been used. So, there were about 40 NRS's that had not been used as far as the records can show in the last 10 years. And so, those might be areas of discussion for the committee to consider potential removal. And with that, that's all I have to share.

**Chair McCormick:** Thank you very much. Anybody have questions, comments, concerns, aspersions, accusations, anything related to the data from NDSP?

**Mr. James Conway:** I have a quick question.

**Chair McCormick:** Yeah, go ahead, please.

**Mr. Conway:** So, I meant to raise my hand, but I didn't see the thingy, the icon for it. That data set, were those just arrests you were looking at? You weren't actually looking at charges or dispositions, I assume?

**Deputy Director Buonacorsi:** Yes, this is looking at reported instances from the agencies that were reported to RCCD.

**Mr. Conway:** Okay, thank you.

**Chair McCormick:** Professor, do you have a question, comment?

**Ms. Eve Hanan:** Yes, I do. Thanks. And thank you, Jenna. This is really great information. About the vagrancy. Are you going to be able to sort out not just like, because there's so many types of vagrancy in that statute, and some of them seem obsolete and other or unconstitutional and others, not so much so. Will you also be able to identify how frequently that's used in each county or by each police department?

**Deputy Director Buonacorsi:** Yes, this data set also contains, to add to your question and to slightly answer the prior question, it does contain disposition. We're still working through some of that. So, we will be able to get to the results of a lot of these initial charges. One of the challenges we've had with the data set is from our perspective, we're looking at things based on NRS, and this data does have NRS, but down to the specific, indiv...more specific part of the NRS, it's categorized by NOCS. And so, that is part of where we're trying to get all of the data to connect. And so, we are, the how fine in detail we can get just from the data set depends on the description of that offense for that NOC that is listed by the reported or by the reporting agency. So, we would have to look at it. We might be able to get specific enough, but for some of this, we might have to do an individual case level study and get into the actual files and see what the specifics were unless the NOC is able to get exact enough to answer the questions.

**Ms. Hanan:** Great, thank you.

**Chair McCormick:** Just to follow up a little bit on that for, I mean, I'm assuming most folks on the call here are familiar with NOCS, but those are Nevada Offense Codes because in the case of that vagrancy statute, there are several different elements of behavior in there. And so, then we have Nevada Offense Codes to delineate the various aspects of the offense from the bigger statute. The big example is like 484C110 or 484C...the DUI statutes because first and second and third are in there.

So, you have to have an individual NOC to differentiate between those charges. And so, just by way, a little explanation that we have to dig into the NOCs as well as Jenna said there to figure that out. And then, you know, NOCs have been a topic of discussion for many years in this state and how we differentiate between that. And I mean, from my perspective, unfortunately, we either have NOC codes or we have to rewrite all of the criminal statutes. So, there's only one offense per statute. So...Mr. Piro?

**Mr. John Piro:** I was going to say, John, and maybe that's something, maybe it's too big for us, but maybe that's something that should be wrapped up in this committee is kind of getting those NOC codes under control so that we're all speaking the same language across the state.

**Chair McCormick:** Yeah, I certainly think that's something we could consider. And, you know, the NOC code problem and then creating NOC codes and who's doing what. And RCCD is sort of the central point on that and, you know, so there's a number of sort of things, I think, to explore there. And again, this Commission's charge under Senate Bill 103 is pretty broad. So, if recommending reexamining NOC codes in the way that we structure statute is something that I think this group is comfortable with or wants to recommend, we can certainly make that recommendation.

Thank you. Anything else on the data ele...the data piece there? All right.

## **6. Draft Position Paper**

**Chair McCormick:** With that, I will move on to agenda item six here. And what this agenda item six and Cecilia sent out yesterday, thank you, is the draft position paper that was sort of what the product of our reclassification work group was becoming that last meeting we had. And this is the initial sort of draft on that based on the conversations that that subcommittee had.

And I and as you can tell, they're on the first page and there is an error there. I said it was Senate Bill 23 of the 23 session, not 103. I don't know how or why I made up a different number, but apparently I did.

But again, so the paper indicates here that the classification group kind of, I think, or at least we're coming we're starting to come to this sort of agreement, is why are we doing this? What are we doing? What is the classification system for?

And sort of what's the point, I think, and came up with some general objectives and why we have misdemeanor offenses, et cetera, discouraging behavior that is detrimental to public order, to maintain public safety, holding offenders accountable while protecting individual rights to procedural and substantive due process, effectuating a fair justice system regardless of race and socioeconomic status, providing opportunities for

rehabilitation and community betterment, using reasonable monetary penalties and fees in a manner that is consistent with fostering accountability, not in a manner that relies on misdemeanor fines and fees as a primary funding mechanism for the judicial system or other essential government services, and improving the quality of life of citizens in the state.

So that was sort of the general discussion and why I think the group kind of felt that we wanted to begin looking at this classification system. So, there's some more discussion on there on in the paper in there. And then you can see there at the bottom of page one, there's a chart that is empty because I think if we continue on this path, that subcommittee, we were getting to the point of starting to talk about that.

And again, this was me, and I put ABC and then petty offense or civil infraction. Those were some of the initial classifications we talked about. The punishment you see there for a class A is the current statutory maximum for misdemeanors, unless you're a one-off misdemeanor, in which case you have a monetary penalty that like using a false degree, I think was mentioned in this paper at one point, but the monetary penalty for that is 5K.

So, it's a misdemeanor offense, but the fine is \$4,000 out of misdemeanor range. So again, that was just one thing that was kind of I think the working group talked about and used to sort of inform some of this. The idea, I think, and some of the discussion was that the multi-tiered classification approach recognizes the impact and the varying levels of severity of even what we call petty crimes. For example, I mean, I think everyone on this call understands when I say like the big two misdemeanors are DUI and battery constituting domestic violence, you know, and that maybe necessarily we shouldn't have the same, it shouldn't be the same offense category for that, and or walking on damaging the grass on state property or anything else.

And again, other states have done this. It's kind of interesting. I had looked, obviously we had looked at some of the Colorado stuff, and the Colorado group that their legislature put together is sort of not active anymore. They got up to a certain point, and then that group kind of became inactive, which is just kind of interesting. But again, reclassification is only part of it.

Penalties and punishments associated with misdemeanors have to be redefined to reflect the classification system and address current systemic inequalities in the current one-size-fits-all system. And then, so the idea

here would be that the working group would recommend creating that new classification table with those varying levels of penalty. And so again, you know, and then also finding those misdemeanors that are outside of the range. And so that finally, the idea then with that paper and the discussions of that subcommittee were that perhaps in addition to beginning that work on that classification system, we also should examine misdemeanor probation. In Nevada, there's not a great statutory structure around that. Some limited jurisdiction courts have alternative sentencing as an option, others don't.

You know, Judge Higgins, I mean, the alternative sentencing department there in Washoe County is undergoing some stuff, for lack of a better term. But again, have that available. But other jurisdictions, Judge Bishop joined us from Ely, he does not have that. So is that something for this group to examine? And also kind of clean that up. Anecdotally, I think we've all heard about ongoing and incessant status checks on some of these misdemeanor offenses. Again, anecdotally, I've heard this. This is just what has been reported that there were, in some cases, people taking a plea to a gross misdemeanor because the misdemeanor status check and sort of informal loosey-goosey probation set up what became more onerous than the more structured P&P supervision at the gross level. So again, that may be something that we as a group want to, excuse me, investigate.

And then again, obviously, I mean, I think these are all sort of issues that everybody has some awareness of or at least some inkling of. Again, the criminal justice system, particularly jails in the misdemeanor context have become the de facto delivery system for mental health and often substance abuse treatment services. So again, is this something that I think this subcommittee can do? But no, I certainly think we can add our voice to the chorus of folks calling for increased attention being paid to these services and providing the services that are necessary to reduce that recidivism. Again, I think we have talked about this a little bit, community service right now and anecdotally, and judges feel free to jump in, is that it's getting harder to find placements of entities. And I see Ms. Tellez giving me a little nod there that it's getting harder to find placement entities that will accept community service. So is it time as a group to suggest or begin the examination ourselves of what constitutes community service? Because historically, we've maybe thought about it as like, I mean, the classic example is always cleaning up garbage on the side of the road, which we don't do anymore with that really icky case out of Vegas years ago. But, you know, it's more than that.

Should it be taking parenting classes? Should it be pursuing your GED? Like what other things could be sort of part of that community service system to create more opportunities for community service that also are community betterment, maybe again, and that's just one of the thoughts again, in this paper going forward. And we also have, I think, again, in Nevada, in many cases, I see you, Judge Bishop, and I'll shut up in just one sec. But again, like the formality of sort of tracking and supervising community service is all over the map as well, because courts have limited resources to do that. And you know, so how do we track that? Is there a way to kind of look at that?

Judge Bishop?

**Judge Stephen Bishop:** Community services may be constitutionally dubious anymore. We struck out that language in the Constitution that said except for punishment for crimes. So, there's no more involuntary servitude. So, I mean, that's a question there about can we even order it? Nobody's wanted to go down the road and find that with me.

**Chair McCormick:** Well, that is an interesting question on that and...well and yeah. All right. So, one more thing to think about when we talk about potential community service. Also, I think one of the things that has long been an issue with misdemeanors that has been a problem and working in the courts, oh, sorry, Ms. Jones Brady?

**Ms. Christine Jones Brady:** I think in terms of community service, I don't know if I would include counseling or parenting classes as community service. That would...I don't know if we have a separate category for that, like rehabilitative efforts or something like that. So maybe separating the community service from rehabilitative efforts.

**Chair McCormick:** Great. Thank you very much. And then...Mr. Piro?

**Mr. Piro:** I was just going to push back on CJ's comment. I think like whatever it takes to get somebody in positive enrollment and not run back through the system, if that's a parenting class, that's more valuable for some cases, than you know, cleaning up church property or sweeping downtown.

**Chair McCormick:** Right. And again, this is a draft position paper that was me trying to synthe...I can talk this afternoon, synthesize some of those things that that we had talked about in that group and that had kind of been swirling around in this endeavor, because as I indicated previously, it's a big, it's a big charge and I have struggled with wrapping my head around it.

Ms. Jones Brady, again?

**Ms. Brady:** Just to clarify my point, I'm not saying we shouldn't order things like parenting classes or things. I'm just saying I don't know that that's that I would categorize that as community service. I might call it something else like rehabilitative or something, but I'm not suggesting that we shouldn't offer that as an option.

**Chair McCormick:** Thank you. Ms. Moseley Sayles?

**Ms. Leisa Moseley Sayles:** Thank you, John. I just want to weigh in real quick on this community service conversation and offer that I do think it's something that the subcommittee should look into. I can say that on our website, FFJC, this is a conversation we've undertaken and have some guidance for courts on community service and what constitutes community service.

The second part of that is there are states that are moving to more rehabilitative models of community service because we understand that the term community service means something in service to their community. And so I'll use Texas as an example. They have a great model of community service where they do allow things like getting your GED.

If you're already taking parenting classes, if you're volunteering at your kid's school, if you're volunteering at the library, they allow those things to serve as community service. And so I definitely think it's something we as the subcommittee could look into, should look into, and make some recommendations. And then, again, to offer that on the Fines and Fees Justice Center website, we do have some resources there related to community service and extensive research on community service that this committee may be able to use as some guides, as some guidelines.

**Chair McCormick:** Thank you very much. Also, again, in the discussions with the working group and not trying to put words in everybody's mouth, this was my takeaway and my attempt to kind of encapsulate what that group talked about. We also have you know, the struggle or the difficulty with ability to pay and what is that?

And excuse me, sorry, the ability to pay and what is that and what's the standard. So again, that could be an area that this subcommittee could examine or recommend be examined. You know, do we adopt the statutory, do we adopt a definition of indigence? For example, there's one that exists in Title V for juveniles in terms of representation. And there's also one that exists in Supreme Court...in Supreme Court Administrative Docket 411 that is, you know, two times federal poverty or receiving public assistance or those type of things. So again, is that something this group wants to look at, to recommend looking at, study, those kind of things. But it's awful off from sort of, again, anecdotally, it's difficult for courts to determine if somebody has the ability to pay when we don't have a standard ability to pay or what should go into that and how we sort of examine that. So that again was a number, another, rather sort of proposed recommendation. Again, one more thing that we talked about here and I've got Judge Cruz and then Dr. Lanterman.

**Judge Cynthia Cruz:** So. I just want to hop in on, you know, Las Vegas Justice Court has an exceptional volume and I think Mr. Piro would agree with me, if the court had to start doing an analysis of indigency, aside from what we do with a simple financial affidavit that we hope is filled out candidly and truthfully, if we're having to start doing investigation similar to like what I've seen the federal system and do and stuff like that, I can tell you that our court would come to a crashing halt.

I can't imagine how long it would take, the delay in proceedings that it would have to be. So, while I appreciate the ability to delve into this a little bit more, I think you are kicking a hornet's nest that I think it is best for the court to listen. If some, and I have to be honest, if I have somebody that is struggling on paying their fines and their fees, it's one thing if I'm going to waive any other associated administrative assessments or community service admin fees, as opposed to if I have somebody else and they just would elect pursuant to stat pursuant to statute to utilize the minimum wage to offset what they would be compensated for underneath the minimum wage to offset and volunteer somewhere in the community to do instead of paying their fine. I just don't want

to get in the middle of that because honestly, I'm going to tell you every day in court, we sit there and say, for example, the negotiation is, is they're going to pay a thousand dollar fine or the equivalent in community service.

It's meant to offset and give an alternative opportunity to do community service. I'm not mandating community service. That's a whole another thing that if the statute is mandating community service as part of their sentence, that's something different. But if you're wanting to say, hey, Judge, can I have an alternative than paying cash out of my pocket that I'm willing to go do? I think that is, if you want to try to narrow it down by statute, I think you're just kicking a hornet's nest.

**Chair McCormick:** Thanks, Judge. Dr. Lanterman, excuse me.

**Dr. Jennifer Lanterman:** Hi, this is Jen Lanterman for the record. So, I think for me, there's a broader question we should probably ask about community service. And it is what is the purpose or goal of having community service as a sanction option?

So, is the goal just to assign the community service as a sanction? It's kind of like a punishment. You did something that's harmful to the public order. So now you have to do something that's good for the public order. Or is the thinking that if you assign somebody community service, they're going to see recidivism reduction? Because the research supports one of these, but not the other and here's why. Community service can potentially facilitate some degree of pro-social community reintegration. If a person is doing community service in a setting where people are welcoming them into that into that setting, into that context, and there is some degree of development of like pro-social relationship right there, right? Like, that can be helpful. But community service itself is not a sanction that is directly related to recidivism reduction. It doesn't in of itself have like a rehabilitative effect.

So, it's a thing to assign a person to do if your goal is to say, hey, you did something that as a community, we've decided we don't want you to do. And so now the response to that is that you're going to have to do something that as a community, we think is valuable. Okay, that's valid. But you can't assign, you can't use community service as a as a broad, broadly available sanction and expect that it's going to translate to some

degree of proportional recidivism reduction. It doesn't work like that. So, I think, you know, I think community service can be really helpful for a lot of parties for a lot of reasons. But I also want to make sure that we're not writing it into statute as a sanction option that's going to produce some outcome and that's not a realistic set of expectations.

**Chair McCormick:** Thank you. I think Mr. Conway and then Professor Hanan and then and Judge Bishop, sorry, I missed you in there too.

**Mr. Conway:** Sorry, I was muted. Yeah, I don't think that concern is limited to community service either. I think there's a lot of sentencing conditions that research doesn't show is really effective in producing recidivism. Yet, there's still mandatory sentences of conditions, in particular in the domestic violence and DUI context, things like that.

For instance, the victim impact panel, I think that is a mandatory condition people have to commit. And I don't know the current evidence, but from what I've heard, there's no, that's just not evidence-based if that does anything to prevent recidivism. So, I think a general overview on some of those sentencing requirements would be a good focus of this group as far as which one of those, which of those sentencing conditions are actually evidence-based, shows show some impact to improving recidivism, and which are just another hoop for someone to jump through.

**Chair McCormick:** Thanks, James. And there was a bill, and I'm not remembering the number off the top of my head, from the 2025 session that now requires that the mandatory batterers treatment actually be evidence-based. It had been in statute for maybe 20-ish years, somewhere around there and now, this is the first time that it's required to be evidence-based. So again, I think that just kind of supports the discussion here.

**Chief Judge Kevin Higgins:** Mr. McCormick, I apologize for jumping the line. I've got a preliminary hearing to go attend to.

**Chair McCormick:** Okay.

**Chief Judge Higgins:** I just have a personal moment, I suppose. I haven't made a public announcement, but probably by the time this committee meets again, I may no longer be a full-time judge. I'm in the process of retiring after the first of the year. So, if we need to appoint a new person, or I can tell a story to one of my co-judges about how easy this is, and get them to hop on and say, oh, yes, once every six months, no problem. But I probably won't be here for the next meeting, depending on what your schedule is. So, this is important. I sat through all the felony reclassifications 30 years ago. It wasn't easy then, and that needs to be fixed too. But I don't think I will be available for future meetings, unless somehow, I get shanghaied as a senior judge to sit, but I'm planning to be a senior judge, but. So, thank you. I got to dine and dash. But I look forward to your the the conclusion of the committee. Thank you.

**Mr. Conway:** Thanks, Judge. Thanks very much. I think Professor or Judge Bishop?

**Professor Hanan:** Chair, I think Judge Bishop was next.

**Judge Bishop:** I was going to let you do it, but since I'm unmuted. I think one of the purposes of community service is it's a graduated sanction. It's one nice alternative in the quiver that's been limited quite a bit. But I don't have to put somebody in jail if I can have them do community service instead, and that's one of the biggest reasons that I like it. The other one is it gets fines and fees paid. And those hang out there. And the number of people who can't pay, can't pay, can't pay, until well, then go do eight hours of community service. The money magically shows up somehow.

That's not uncommon. And that's all well and good until we get talking about volume. And Judge Cruz is absolutely right. If we try and start to do those sorts of things, even in White Pine County, with my small caseload, it's going to grind things to a halt to try and go through all of those sorts of things. All this stuff is all well and good until we have to scale it up to a population of 2 million people. So.

**Chair McCormick:** Thanks. Professor?

**Professor Hanan:** I just appreciate all these comments and Professor or Dr. Lanterman, thank you for your comments. Just to chime in on that a bit, it seems to me that we'll have to distinguish the question of recidivism from public safety in a broader sense. And that one of the projects of this committee is to come up with an

idea of public safety that we'd like to propose that would be helpful in decision making and legislative choices and so forth.

With regard to ability to pay and fines and fees, I can appreciate how difficult this is on the ground for judges to deal with, how to determine that and how to determine that somebody's ability to pay can be accurately assessed. And there might not be time to do that very well. At the same time, though, is as we think of it as sanctions, we have to realize that it's really different than jail time in the sense that a person with a lot of money isn't going to be penalized much by a \$250 or a \$500 fine. But a person with very little money, that's going to be a huge punishment. So unlike jail time, where six months of anyone's time is about the same as anyone else's, fines work differently. They punish differently and so there becomes a problem of equal justice. So, thinking about how to do that fairly.

Also, a \$500 fine that can be paid easily by someone with a lot of money, you know, is going to be less punishment than a person who has to work a minimum wage to pay off that \$500 fine. So those are some of the animating values underlying the move towards ability to pay determinations. But again, I completely appreciate that in practice, it can be very difficult and time consuming to do.

**Chair McCormick:** Dr. Lanterman.

**Dr. Lanterman:** Yes. And I apologize if I missed this conversation or I've forgotten it. But this, what Professor Hanan was referencing, sort of brought to mind the broader conversation in the literature about when we respond to criminal behavior, right? Like, there could be disparate impact of sanctions on people, right? And is that what we want the legal system to be doing? Or do we want, sorry, my dog is responding to a doorbell. My apologies, my little 16 pound Boston Terrier is like Cujo over here. So do we want the legal system to have like universal or very similar sanctions to, in response to a type of behavior? Or do we want it to have a similar impact, right? And so when you've got six months of losing your time is fairly uniform, uniformly unpleasant for people, fines get really weird because of this issue of income disparity, right?

And so I think it came up in a previous conversation, but I can't recall, you know, did we as a subcommittee broach the subject of shifting from flat fines to day fines? So, it's not so much about ability to pay, but scaling

fines, right? So, there are jurisdictions around the United States that have actually done this. I think Westchester County in New York is one that has a longer standing program. It's actually a more common practice in continental Europe where they want to avoid this problem where like you get a thousand dollar fine.

Well, somebody who makes \$500,000 a year, \$200,000 a year, \$1,000 fines would be a lot different than somebody who makes \$30,000 a year or has really irregular employment. And so the idea of day fines is to calculate like what your daily earnings would have been over the previous year and say you are for this particular for this particular offense with this particular criminal history, you've got x day of fine, right? And so it doesn't solve the problem if like somebody finds themselves out of work or something, but it is a way to kind of make the system a little more equitable. So that essentially, if you are a person who has, who is a higher earner, you you don't basically get to pay your way out of punishment. You know, that it sort of brings the system a little more in line with sort of the principle of equity.

**Chair McCormick:** I think, thank you, doctor. I think off the top of my head, I think we may end up in a similar situation as Judge Cruz pointed out earlier. If you know, how do we calculate that and get that information in making the fine? So again, I think it's certainly a topic obviously for discussion. That just kind of popped into my head. Judge Bishop, you had another comment?

**Judge Bishop:** I, I think the ability to pay thing, the big question I have is who has the burden of proof? Do they have to prove they can't, because then it's really easy? Or does the state have to prove they can, in which case it all goes to the hot place in the handbasket? Because I mean, if they have, if they have to somehow get a hold of their stuff to prove they can, that ain't going to work. But if they have to prove they can't, that's really easy because they've got access to the data.

With respect to the day fines, I like the idea. I think it's great. But where the heck do they get the information from? In Europe, they pull it from their tax filings because they file differently. They don't self-report and all of that like we do. They can pull it from that, and that's how they calculate all of that, because I've read a little, I haven't read a lot about it. I read up on it not that long ago. Probably longer than I think now. But that's how they do it. We just don't have the info to do all of this stuff and I'm not super thrilled with having to share all

that information. As a matter of course, on the off chance that I get a ticket, just the libertarian in me. So those, those are the practical problems we're running up against with all of this stuff.

**Chair McCormick:** Thanks, Judge. And we've got Leisa, John, and James in some order, whoever unmutes fastest. How's that?

**Ms. Moseley Sayles:** Well, I, I'm unmuted, so I will go. I really do appreciate this discussion about ability to pay. And I know we're not going to solve it here. It's simply a discussion of whether we should undertake it or add it to the task of the subcommittee. And of course, from my position, I'm going to say yes. I'm also going to offer again that the Fines and Fees Justice Center has some ability to pay guidance. We have a program where we are working with courts around the country and judges around the country to implement things. And I appreciate Judge Cruz's comments because it offers a perspective from the court's perspective, like how challenging this can actually be.

I think also that that should not deter us from wanting to create something or make a recommendation about something. The discussion is good. So with all of these considerations, how do we create something that, one, is not going to clog up the courts, and two, that is also going to bring in the accountability piece that so many folks are concerned about, but also that's not going to continue extracting money from communities when they don't have it. So this discussion is so important from all of these perspectives. I think with all of these perspectives, we are able to make some recommendations for something that can help all of it, help all parties, all stakeholders is the term we like to use.

So I think we should not avoid this charge just because it's difficult, but it's something that I think we, it's a bunch of smart people on this call and on the subcommittee, I think we can certainly come up something that's going to satisfy all parts of this.

**Mr. Conway:** I think that other than the traffic misdemeanor cases, the traffic citation cases, if you had a sliding scale of some sort for fines, in the vast majority of cases, I would think that would just be negotiated through the pre-bargaining process that going into the, since, you know, the vast majority is resolved at the, via a plea that that very much like restitution would be part of the negotiations of counsel that, you know,

prosecutor and defense counsel have stipulated that they, that, that the amount of the fine is reasonable within the means of the defendant to pay. I think that would be the most expeditious way to resolve that issue from the, from a court's perspective that, except for cases that actually go to trial. I think most of that could be negotiated at the time of plea.

**Chair McCormick:** Thanks James. And I think also we have to be cognizant that at the misdemeanor level, if we're dealing with cases where people aren't facing loss of liberty, there's not going to be counsel to do those negotiations. So I think at least for me, that sort of lends itself back to that idea of reclassification, you know, and, and maybe, and just bring this up, maybe if we are able to, and I'm starting to get an idea, we, we got a bunch of work groups here to, to, to get going, but sorry, lost my train of thought there a little bit, but, you know, I think if we're able to reclassify some of this, we may be able to resolve some of this as well. If we're having different bands of punishment and different levels that if potentially, you know, the max fine for everything is in a thousand bucks, it's something else. Does creating smaller bands with less impact, and is there research out there, and there probably is to support what that is, what the correct amount is.

So again, I think that's something that we can look at here. Did somebody, Mr. Graham, sorry.

**Mr. Nickolas Graham:** Hey, thanks. Nick Graham from the Washoe DA's office. I like what Mr. Conway said. We negotiate the vast majority of traffic citations, and when we're doing that, they tell us, hey, you know, I'm out of work right now. I'm working on, you know, XYZ, and we don't routinely or hardly ever, and Mr. Conway can back me up on this, ever do a thousand dollar fine, you know, I mean, and so also as towards the community service, one of the things that sometimes we see, and I'll use DUI as an example, it has mandatory community service attached to that, and one of the things that we see sometimes is wealthier individuals not wanting to do the community service and wanting to just pay a higher fine, and we tell them, no, right, you have to do the community service. So that's, it works as kind of not like a full-on punishment, but an equalizer between wealthier defendants and those without the same type of means, and so I'm a big fan of community service.

Sometimes defendants will even say, hey, that helped me. I enjoyed what I did for the community, and I'm going to keep doing it, and it opened my eyes, you know, to, you know, it wasn't so much a punishment, but

it actually helped me, and I do think it equalizes the defendants because they can't just pay their way out of it. As far as the categorizations of the misdemeanors, after our last meeting, I thought a lot about this, and I'm not sure that that is a smart move. The predicate assumption is that we treat all misdemeanors the same, six months, thousand fine, and there could be nothing further from the truth in that regard. I mean, it's not even close. Dealing solely with misdemeanors now, you know, we're giving credit time served, I mean, almost immediately, and if we were to classify it, I think that it would devolve into, you know, litigation over if this is really a category A, B, or C, or D type misdemeanor.

It's going to clog up the justice courts. The negotiations are going to go from, you know, hey, I don't want a class A misdemeanor, but I'll do a class B misdemeanor. It's going to, you know, then you're going to start fighting over the fines. We almost routinely up in Washoe County, at least, we always work with defendants on fines, like Mr. Conway said, and so that would remove the discretion of the court, in my opinion, at least, and it would tie the hands of the prosecutor in the negotiating process. For example, if we wanted to go from a domestic battery to something like a disturbing the peace, well, if that's a category C felony, or I mean misdemeanor, rather than a category A, then I can't get the same, you know, can I get the same probation? Can I not?

I think we saw kind of the pitfalls of AB116. I'm still dealing with that on a daily basis with the fallout of that. So I'm just not sure categorization all across the board on misdemeanors achieves the objective that we want it to. I'm not sure that there's a problem that we think there is with these misdemeanors. I think that, you know, taking away the ones that are, you know, we're not using at all would be good, but as far as wholesale change, I'm not sure that's the right approach at all.

**Chair McCormick:** Thank you. Mr. Piro, and then Judge Bishop.

**Mr Piro:** If I may, I do think classification of the misdemeanors merits a discussion and a thorough discussion. I think it could be a helpful tool in helping us move forward. Obviously, that's a heavy lift, but I do think that does merit a discussion, and it would provide more levers for negotiation, which I think is a better is a better thing sometimes, having more avenues to negotiate things rather than less avenues to negotiate things.

**Chair McCormick:** Thank you. Judge Bishop, and then Professor Hanan.

**Judge Bishop:** Two thoughts I had. Negotiating fines, I don't know how well that's going to work because virtually every defendant's going to overestimate their ability to pay, and if they're looking down the barrel of a six-month sentence and they can agree that they're going to pay five hundred bucks and avoid that, they don't really know what they can pay. So, I mean, that happens all the time. I'll pay this by, I just need another week to pay this. Okay, well, then nothing gets paid, then we just play this game over and over. So, I don't really trust those negotiations being worth a whole lot there.

The problem with Washoe treating everything the same way, and I agree that nobody goes out and gets six months for all the misdemeanors, but the problem as I see it is Washoe does X for misdemeanor A, White Pine does Y for the same misdemeanor, and Vegas does Z, and so that's a big thing there, and I don't know how that, some of the gradations of that by reclassifying A, B, C, D, or whatever you want to call a misdemeanor might help with some of that, but it's also going to be a big mess to wade into, and I am not super concerned about the impact it would have on negotiations because that's really not the end goal of the system here. It's a necessary process in it, but that's not really, at the end of the day, what we're here to do is make negotiations. So, those are just some thoughts I have with respect to that, too.

**Chair McCormick:** Professor?

**Professor Eve Hanan:** Yeah, thanks. So, this is a really important conversation to have about what the benefits or drawbacks of classification might be. I want to add to the conversation something which I do think you have in your draft, Chair, and that's this, I would say it's about the expressive function of the law.

When I talked in the misdemeanor clinic or before when I was practicing to a client to explain to them that the maximum sentence is six months up to \$1,000 for what they did, let's say what they did. I have a client in the misdemeanor clinic right now who was at his mother's house, and they got in an argument, and he was trespassed from his mother's house where he periodically lives, right? To say that that is the equivalent of a battery or the equivalent of a theft is surprising to most people.

So, there is some value in having the law express levels of severity because it reflects how seriously these things are taken rather than just saying, hey, leave it to the experts. They're going to wheel and deal and negotiate it all the way in court and make it fair. You know, having it on paper is important. So, I wanted to add that, but I do hear that we're not unanimous in thinking that categories are a good idea and that we need more conversation about that to decide.

**Chair McCormick:** Thank you. And that was sort of my thinking, and just to kind of explain at least my process on that was that if we're saying that all of these, for lack of a better term, petty crimes may receive up to the punishment, for me, from my perspective, just kind of thinking, like, that then, at least sort of for me, I'm not speaking on behalf of anything, is like, well, then, like, why is this offend, you know, like, then why is DV, you know, if that's the max penalty on DV, why is it the max penalty for a trespass? Like, to me, it feels like, and again, this is just me, as a society, we're not differentiating between levels of conduct.

**Judge Bishop:** The max penalty for following too closely, too.

**Chair McCormick:** Right. I mean, so, you know, there's, exactly. So, that was sort of some of my thinking in suggesting classification, but obviously, we need to talk about that some more and I mean, I think this has been a really good conversation, and that's, to be honest with everybody, sort of been my struggle with this subcommittee is, like, we have these awesome conversations, and then we get, how are we going to deal with this? Because, you know, the problems go beyond just that. Like, are, if we look at classification, are we then hamstringing the prosecutors and the defense from getting the best outcome from their clients, you know? And so, I think those are all things that we have to consider. Ms. Jones Brady?

**Ms. Jones Brady:** I think I struggle with this, too. I would be interested to know more about how classifying A, B, and C could be disruptive to the system. I would like, at some point, more of a conversation about that, because I'm trying to think, how does somebody's classification of a misdemeanor as a C versus an A, what does that do for their life? Does it add something to their life? I know Mr. Nino [sic] Piro was saying that it gives more leverage or more to negotiate, but will people care whether they have a C misdemeanor versus an A misdemeanor? How does, I'm not. I would like more conversation about that, because I do wonder whether or not it would be disruptive to the system.

**Chair McCormick:** Great, thank you.

**Ms. Brady:** With very with and then, for what benefit? That's what I'm wondering.

**Chair McCormick:** Thank you. So, I think that sort of gets us to the next agenda item here. I mean, with item seven, unless anybody has more comments on the draft white paper that was presented as a draft as me trying to get us going, but I think this conversation has brought a number of things up.

## **7. Next Steps/Working Groups**

**Chair McCormick:** And that I think perhaps the next conversation for the group is under agenda item seven, Next Steps and Working Groups. How do we want to, as a group, begin to address these things and have these conversations in a way where we can come back and have something more substantive to talk about? So, I mean, do we have another, you know, do we have more discussions of the classification working group? Do we create other working groups? Do we have a series of meetings where we focus on one topic each time? How, you know, that's just what I'm struggling with, is how we get past, because as was said earlier, we have a lot of smart people who are experts in their field on here, and and but how do we sort of move the ball a little bit farther down the field is just what I struggle with. And then we had Judge Bishop and then Captain Martinez.

**Judge Bishop:** It seems like the best way to go about it is we pick a topic or two, we get a couple of working groups together, they come up with a written section of the position paper that says we think with respect to X we should do A, B, C, then we bring it back to a meeting and we rip it all apart. And then we maybe put it all back together a little bit, let them do it, try and rework it, pull in some of the concerns, just keep hashing it over until we get somewhere. But I think taking it into small chunks is like eating the elephant. Let's just take a small chunk and chew it up.

**Chair McCormick:** All right, thanks, Judge. Captain Martinez?

**Captain Joshua Martinez:** Yeah, I just wanted to chime in and just say from the law enforcement perspective, listening to the conversation, that we just want to make sure that people are being held accountable because

that's one thing that we continuously talk about within my profession is our officers are out there making arrests, writing the citations, trying to help the public in some of these misdemeanor crimes that are kind of disorderly crimes that people mentioned to trespass.

But those are things that we've found in policing that we have to deal with on a regular basis. And then how does that adjudicate it at the court system? Because the work that we're putting in from the law enforcement side, we want to make sure that that is having some accountability where they're being fined, or yes, community service has been discussed and talked about, or if they're serving time, right?

So I think looking at the white paper and in looking at making groups, working groups specifically, yes, it would be nice to break it down. Me being new to this subcommittee here, it'd be nice to look at that list in Excel sheet of misdemeanor crimes. That looks like good data to start with to say, do we need to update some of these, or do we need to remove some of these? As I've seen at the legislative process, some things are removed as well to update where we're at in today's age.

And then the other thing would be to look at your white paper that you made to have a good discussion about the categories of misdemeanor. I know that DA from Washoe County was saying that it could add levels and negotiation and steps and then I hear the public defender saying that might be a good thing. So if we did, like the judge said, broke up some of those things into smaller pieces and kind of gnaw at it.

**Chair McCormick:** Thank you, thank you, sir. Leisa?

**Ms. Moseley Sayles:** John, I just want to say with regard to where we start, it seems like I remember last meetings before we session that we agreed we were going to break this up into categories and create subgroups around the category, working groups around the categories, go through each of those, make recommendations for which one should be removed, and end up with a list of things, and then go from there, whether it's the reclassification. So that seems to be, if that's where I remember we landed with that and I think we'd actually formed a few sub working groups, if I remember correctly.

**Chair McCormick:** I that string, strikes a bell, but I did not read all of our minutes, honestly, before this. But I think certainly. So I guess then the question is, what working groups do we want to have now, and what is the

first bite of the elephant we want to take, I think. Is it having another classification work group to talk about that, and maybe vet some more of these issues, and come back with a more nuanced or refined idea than the sort of made up thing I did. Professor?

**Ms. Hanan:** Thank you, Chair. I wanted to chime in. Did we have a working group on data as well? Is that still something we need to think about, what our requests are for data?

**Chair McCormick:** Okay.

**Ms. Hanan:** I understand data is being analyzed right now, but if there are other categories of data information.

**Chair McCormick:** Certainly makes sense to have a data working group, then. And then classification. So, Ms. Tellez?

**Ms. Tellez:** I think a good starting place or a helpful working group might be just around the definitions. And so that we're all understanding, coming to things with the same understanding, whether that's what those classifications are or what the results of that would be. But I think that for us to take any position on anything without understanding what the definition is or, or, of a classification or anything else, I think would, I think we're going to end up having to circle back to that and maybe undo a lot of the efforts that were undertaken. So I really think a starting place might need to be those definitions.

**Chair McCormick:** Thank you. All right. Well then. So again, I mean, in this setting, we've been going for an hour and 15 so far, and I don't want to monopolize everybody's time. I think, you know, if we want, we can have a conversation by email as far as people want to volunteer for a work group, if that's better on classification. Maybe as the chair, I can meet with NDSP and we can kind of figure that out. Or do we want to do a consensus, take a vote, what issues we start on first? I think this has been a valuable conversation, and obviously there's a lot of issues to vet here. So Mr. Martinez or Captain?

**Captain Martinez:** You can put me down. I mean, the data is intriguing to me, but I would like to be part of the discussion for the misdemeanor classes that you put the white paper together on. I think that's a good discussion just because during the session with our public defender counterparts up there, you know, we

heard discussion about how Texas has certain misdemeanors and things like that when we were going through the legislative hearings throughout the session.

**Chair McCormick:** Great. Thank you. Judge Cruz?

**Judge Cruz:** So one of the things that I think that might be helpful for us to figure out a little bit as to some of these bites of the apple is what has already started being done from the Department of Public Safety with their analysis as to how viable some of these misdemeanors are. I mean, we had a discussion way back at the start of the low hanging fruit, which was things that really aren't being utilized at all anymore. And then we can start really digging in a little bit more on these misdemeanors that are used very heavily and then starting to sort out where we kind of think that we're going to go with if we're going to have the discussion about categorization and all of that.

But I think maybe instead of having this huge, enormous list, let's take the low hanging fruit and then go from there. I think we've talked about that before. That was back, John, we talked about that way back at the start, but I think maybe we get that data and then from there we can springboard off of there into having more effective committees because then we're going to know what we're talking about.

**Chair McCormick:** Okay.

**Chair McCormick:** All right. Well, it, I mean, so again, is that a data work group? You know, again, it's just sort of time to practically arrange this. If people are comfortable with it, I mean, if you can send me your ideas for like that first bite that we should take, that would be awesome. It will help me pull the membership and we can kind of organize that, then go out and find that. And then in the meantime, meet with NDSP.

They can continue their data stuff, for lack of a better term on that and then we can kind of schedule, you know, try to get some working groups from there, you know, look at the low hanging fruit. There's just, again, I'm sort of treading water here on how to move this group forward efficiently and effectively when we have such a, you know, large pachyderm to consume. So. Jorja?

**Director Powers:** Sorry, I couldn't find my hand. And I'll let Jenna speak to this too, but the data set she talked about, which is four times 800,000, we have all of the misdemeanors that RCCD has collected for the last 10 years. That's what we asked them for and that is what our data set involves. We just found anomalies in some of the data that we want to talk to them about before we talk to you about it. So, I just want you to know we do have a huge set of data. Jenna, did you have anything you wanted to add about that? Okay. So it does exist.

**Chair McCormick:** Thanks. So that, again, then is it giving NDSP the time to do their data wizardry or sorcery, whichever you prefer, you know, and then come back and look at that. What do we do in the meantime? You know, again, a regret I have is letting this kind of fade and not keeping the subcommittee going. And I don't want to repeat that mistake again. Judge Bishop?

**Judge Bishop:** Let's get a group together that talks about classifications of A through E or whatever the heck we want it to be, bring it back, and then that'll open up the questions that other people have that we're all not speaking the same language. I like to have something concrete to look at to say, I don't like this, or I don't understand this, or this is a disaster. Then somebody else can say, well, it's not a disaster because this is what we meant by that word. And then be like, oh, I can see how that works now. And I think let's just pick somewhere on the elephant and bite.

**Chair McCormick:** All right. So...

**Judge Bishop:** I don't want to chair it.

**Chair McCormick:** Yes, I appreciate that. Leisa?

**Ms. Moseley Sayles:** Just quickly, John, going back and looking at some of the minutes from our previous meetings, like particularly September 2024, there is a list in there, and I don't remember if you created it or if there was a working group of Misdemeanors for Recommended for Repeal. So, we've already done some of that work, and maybe it's in alignment with the data that Jenna presented. But I think we should all just go back and look at that...

**Chair McCormick:** Okay.

**Ms. Moseley Sayles:** ...and then see, you cross-reference it with the list that Jenna has and I think it's a great place to start. We should go back and look through some of the minutes from our other meetings.

**Deputy Director Buonacorsi:** That is the list that I (inaudible).

**Ms. Moseley Sayles:** That is the list, Jorja? Or Jenna? Thanks.

**Deputy Director Buonacorsi:** Yes, I used the misdemeanor.

**Ms. Moseley Sayles:** Okay. So, we're already rolling then.

**Chair McCormick:** All right. Cool. So, all right. So, again, then it sounds like we will continue on this data pursuit. And then, again, I mean, just start in on those classification discussions again. Try to flush that out and come back to the group with that, and then start that work again of, you know, biting the apple and making sure that we're all on the same page, we're understanding each other, and those kind of things. I mean, so. With that, I guess we will, if you want to let NDSP, if you know that you want to volunteer to be on a working group, if you could provide that info to them, that would be helpful. And then, I think we can kind of begin to get that stuff scheduled.

## **8. Discussion on Future Meeting Dates**

**Chair McCormick:** And then, as far as the larger group, that's the next agenda, item eight. When does this group want to meet again? Do we want to meet, probably, I would assume end of January, February. That gives us time. We want to do every other month. How does that work for the group? What do we think the sort of the course of action there is?

**Judge Cruz:** Don't do the end of January. All the NJLJ are in...

**Chair McCormick:** Right, we're in wherever we're having the conference. I don't remember. Professor?

**Ms. Hanan:** Yes, thanks, Chair. I just wanted to clarify, do we have a deadline or a self-imposed deadline or something where we're planning to meet, say, is it for the next legislative session, or is it just ongoing work?

**Chair McCormick:** The only requirement from the enabling legislation is a biennial report to the Sentencing Commission. So, you know, that's sort of where we are. Beyond that, it's just reporting out to the Sentencing Commission. And, you know, I mean, I think, obviously, one of the goals would be to be able to make some recommendations in time, at least for consideration in the 2027 session. So, that's looking at, I mean, just to use the guidelines or the card we're in in 218D about bill drafts. The first bill drafts start getting filed beginning of September. So, that kind of, if that gives us a little bit of perspective on that.

So, if we want to say then, if we give this group, because holidays, obviously, I mean, we'll try not to have too many classification meetings on Christmas Eve. But, so, how about, again, we can, I will get with NDSP, if you have interest in being in working groups or your thoughts on that, let's please collect that, then we'll go back out and get a working group, at least on classification, to get started. In the meantime, you've all got, can we provide what you, whenever you're comfortable with the clarity of it, for lack of a better term, can we provide that list to the membership that you presented today, Jenna, that'd be great.

**Deputy Director Buonacorsi:** Yes, as soon as it's all finalized with RCCD, then yes, we will.

**Chair McCormick:** Cool, thank you. So, we can do that. Then perhaps look at having a meeting in February, if that seems reasonable for everybody, that gives us some time. So, I would propose that I will get with NDSP and we'll try to figure out some, a good meeting date in February. If there's any time date that works better for you, I know trying to get groups together is sort of like beating your head against the wall. But again, we'll do that. And then, in the meantime, if everybody could kind of send in their working group volunteer thing, because nobody's getting out of it, to NDSP, that would be awesome. And then we'll kind of start with the classification meeting here at some point and just start that conversation and figure out, you know, which haunch of the elephant we're going to try to bite first. If that seems reasonable to everybody on the call, that would be, that's kind of a proposal, I think, to go forward. And I appreciate everybody's time on this and, you know, everybody's thoughtful consideration and engagement.

## **9. Public Comment**

**Chair McCormick:** So, unless there are more comments, I will move on to item number nine, which would be, or is rather, our second period of public comment. Ms. Felipe, do we have any callers waiting to provide said public comment?

**Ms. Felipe:** Chair, we have no callers who wish to testify.

**Chair McCormick:** All right. Thank you very much. Having no one else who wants to offer public comment, but anyone can always do so by emailing NDSP with their public comment.

## **10. Adjournment**

**Chair McCormick:** We will move on to item 10, which is adjournment, and we will be reaching out and getting things scheduled to start taking the bites of the elephant, as it were. So, thank you much, everybody. Really appreciate your time this afternoon and your care and concern on this. Thank you.

**Ms. Moseley Sayles:** Thanks, John. Thanks, everybody.