



Senate of the Associated Students of the University of Nevada

88th Session, 2020-2021

A RESOLUTION IN SUPPORT OF THE REQUIREMENT OF RACIAL IMPACT STATEMENTS FOR CRIMINAL JUSTICE BILLS IN THE STATE OF NEVADA

Resolution Number: 51

Authored By: Senator Taylor

Sponsored By: 2020-2021 Student Government Assembly

Whereas, a racial impact statement can be defined as a “tool for lawmakers to evaluate potential disparities of proposed legislation prior to adoption and implementation;”¹

Whereas, as of September 30th, 2019, the only states to have created a policy around racial impact statements in legislation include Connecticut, Florida, Iowa, Minnesota, New Jersey and Oregon;²

Whereas, the state of Nevada has not implemented policy around including racial impact statements in legislation;

Whereas, the state of Nevada has not implemented policy around including racial impact statements in legislation;³

Whereas, racial impact statements would be analogous with economic impact statements used in bill pertaining to budget and finance, tax reform, and other economic areas;

Whereas, an economic impact statement can be defined as “a document that describes and assesses the economic impact of a project on any parties who may be affected by it;”⁴

¹ <https://www.sentencingproject.org/publications/racial-impact-statements/>

² <https://www.sentencingproject.org/publications/racial-impact-statements/>

³ Juvenile Delinquency Prevention Act of 1974, 42 U.S.C 5601-5751 (a) (22)
https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/jidpa-as-amended_0.pdf

⁴ <https://bizfluent.com/how-6231839-prepare-economic-impact-statement.html>

Whereas, racial impact statements would provide legislators the opportunity to eliminate racial disparities caused by legislation, before it's adoption;

Whereas, the United States prison and jail system is heavily populated by individuals of races, disproportionate to the population of the given race in the United States;

Whereas, the national rate of imprisonment for white individuals is “412 per 100,000 residents, compared to 2,290 for African Americans, and 742 for Hispanics;”⁵

Whereas, the data above, provided nationally from 2007, illustrates that 2.3% of African Americans are incarcerated, in comparison to .7% of Hispanic individuals and .4% of white individuals;

Whereas, in 2010, 2,624 African American individuals were incarcerated in the state of Nevada (per 100,000);⁶

Whereas, in 2010, African American individuals made up 8% of the Nevada State population;⁷

Whereas, in 2010, African American individuals made up 28% of the prison and jail population in the state of Nevada;⁸

Whereas, in the 1980s during a crack cocaine epidemic in the United States, congress passed a Crack Cocaine Mandatory Sentencing policy without the discussion of racial impacts;⁹

Whereas, two decades later, more than 80% of prosecutions for the drug nicknamed crack (excluding powder cocaine), were against African American individuals, out of proportion to the degree in which the drug was being used nationwide and by African American individuals;¹⁰

Whereas, the 1975 case of *Washington v. Davis* introduced the Intent Doctrine;

⁵ <https://www.sentencingproject.org/wp-content/uploads/2016/01/Uneven-Justice-State-Rates-of-Incarceration-by-Race-and-Ethnicity.pdf>

⁶ <https://www.prisonpolicy.org/profiles/NV.html>

⁷ <https://www.census.gov/prod/cen2010/doc/sf1.pdf>

⁸ <https://www.prisonpolicy.org/profiles/NV.html>

⁹ <https://www.prisonpolicy.org/scans/sp/1003.pdf>

¹⁰ <https://jije.org/wp-content/uploads/2018/09/ABA-Racial-Impact-Statements.pdf>

Whereas, the Intent Doctrine limits claims of discrimination to a “perpetrator – victim” model where plaintiffs must provide that the defendant, “selected or reaffirmed a particular course of action at least in part ‘because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group;”¹¹

Whereas, the Intent Doctrine furthers that if the plaintiff cannot provide such a requirement, discrimination will not be recognized by the law;

Whereas, a hate crime can be defined as “a traditional offense like murder, arson, or vandalism with an added element of bias;”¹²

Whereas, the Intent Doctrine can limit the definition of a hate crime and the subjective view of an individual’s level of offense to a hate crime;

Whereas, there are multiple groups that can provide a racial impact statement given their background with race analytics and impacts of such bills on a race level. Groups recommended to create racial impact statements include: Sentencing Commissions with their large amounts of data pertaining to areas of race, gender, religion, etc. Budget and Fiscal Agencies are recommended with their data on economic impacts as it pertains to race, and Departments of Correction with their data to accurately predict prison population trends for the future based on past and current data;¹³

Whereas, 21% of students at the University of Nevada, Reno have experienced “exclusionary, intimidating, offensive and/or hostile conduct;”¹⁴

Whereas, racial impact statements are likely to “create or exacerbate disparate outcomes among people of different races or ethnicities;”¹⁵

Be it resolved that, the Senate of the Associated Students supports the requirement of racial impact statements in all criminal justice bills for the State of Nevada, extending to prison reform and other areas where race is systemically impacted;

¹¹ Washington v. Davis 426 US at 245

¹² <https://www.fbi.gov/investigate/civil-rights/hate-crimes>

¹³ <https://jijc.org/wp-content/uploads/2018/09/ABA-Racial-Impact-Statements.pdf>

¹⁴ <https://www.unr.edu/nevada-today/news/2019/climate-survey-results>

¹⁵ <https://www.urban.org/urban-wire/can-racial-and-ethnic-impact-statements-address-inequity-criminal-justice-policy>

Be it further resolved that, the Associated Students support the creation of a corresponding Bill Draft Request (BDR) within the Nevada State Legislature for the requirement of racial impact statements;

Be it further resolved that, a copy of the resolution will be sent to the Nevada State Legislature House Judiciary, chaired by Assemblyperson Steve Yeager, and the Nevada State Legislature House Legislative Operations and Elections Committee, chaired by Assemblyperson Sandra Jeuregui.

Adopted in Senate on June 10th, 2020

Attest:

Bre Czerlanis, Legislative Clerk

Keegan Murphy, Speaker of the Senate



From: Zane Taylor, College of Liberal Arts
TO: Speaker Murphy
Date: 6/2/2020
RE: 6/10/2020

Speaker Murphy,

Per Senate Resolution 88- A Binding Resolution to Temporarily Suspend Senate Rules I.a, II.f.5.ix, and II.g.1, committees are suspended for the summer of 2020. In response, I ask that Senate Resolution 88- A Resolution in Support of the Requirement of Racial Impact Statements for Criminal Justice Bills in the State of Nevada is fast tracked.

Best regards,

Zane Taylor

Senator for the College of Liberal Arts

Senate of the Associated Students

Associated Students of the University of Nevada