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Office of the Governor

June 10, 2025

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 320 of the 83rd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 320 ("AB 320"), which is titled as follows:

AN ACT relating to the administration of justice; prohibiting courts from penalizing defendants who have been denied access to courtrooms under certain circumstances related to attire; authorizing the Division of Parole and Probation of the Department of Public Safety to establish a pilot program relating to employment opportunities and training for parolees and probationers; and providing other matters properly relating thereto.

While it is understandable that some may support greater leniency in courtroom dress codes to ensure broader access, AB 320 addresses the issue in a way that creates significant practical and legal concerns. Section 1.7 states that "a court may not impose a penalty on a defendant who is denied access to a courtroom solely because the defendant is not wearing formal or professional attire." Although this provision may seem reasonable on its face, its implementation would be problematic.

There is no clear mechanism for judges to determine whether a defendant was denied entry due to attire. It is unclear whether court staff would be expected to report such denials to the judge or whether individuals deemed inappropriately dressed would be allowed into the courtroom simply so the judge could deny them access but then decline to

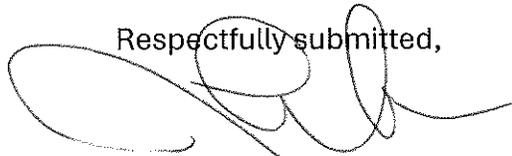
penalize them. This ambiguity undermines consistent application of the law. If a judge is unaware of the reason for a defendant's absence and issues a warrant for failure to appear, other consequences could follow. Enforcement of such a warrant might be challenged as invalid if the absence was due to attire-related denial of entry. This could expose the state to liability claims, including false arrest.

Unlike substantive matters such as sentencing or hearing timelines, the day-to-day management of courtroom proceedings—particularly non-substantive issues like dress codes—typically falls within the judiciary's authority. In this context, AB 320 raises serious constitutional concerns, as it may infringe on the separation of powers by legislatively encroaching on the courts' inherent authority to manage their proceedings.

Because AB 320 lacks clear enforcement standards and improperly intrudes on the judiciary's constitutional authority, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joe Lombardo', written over the typed name below.

JOE LOMBARDO

Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Bonnie Borda Hoffecker, Chief Clerk of the Assembly (without enclosure)
Diane Thornton, Legislative Counsel Bureau, Director (without enclosure)
Asher Killian, Legislative Counsel Bureau, Legislative Counsel (without enclosure)