

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Third Session
April 20, 2005**

The Committee on Judiciary was called to order at 8:15 a.m., on Wednesday, April 20, 2005. Chairman Bernie Anderson presided in Room 3138 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Bernie Anderson, Chairman
Mr. William Horne, Vice Chairman
Ms. Francis Allen
Mrs. Sharron Angle
Ms. Barbara Buckley
Mr. John Carpenter
Mr. Marcus Conklin
Mr. Brooks Holcomb
Mr. Garn Mabey
Mr. Mark Manendo
Mr. Harry Mortenson
Mr. John Ocegüera
Ms. Genie Ohrenschall

COMMITTEE MEMBERS ABSENT:

Ms. Susan Gerhardt (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Allison Combs, Committee Policy Analyst
René Yeckley, Committee Counsel

Judy Maddock, Committee Attaché

OTHERS PRESENT:

Renee L. Parker, Chief Deputy, Office of Secretary Of State, State of Nevada

Chairman Anderson:

[Meeting called to order. Roll called.]

Let me clear up a piece of business relative to A.B. 383 and the amendments that were suggested here. When we came back up from the Floor on Friday, the *Mason's Manual of Legislative Procedure* said in Section 156, subsection 8 that when a motion is made, which is not in order, but which is not otherwise objected to, the presiding officer may submit the matter and body form as there was no objection to the motion.

I accepted a motion from Mr. Carpenter. Mr. Carpenter had not voted on the prevailing side on A.B. 383, therefore, in technical aspect, it was out of order. There was no objection to the motion at the time we raised the issue. In fact, the subsequent amendment passed the Committee unanimously and eliminated some of the problems in Mr. Manendo's bill. Thus, there is no violation of the rules. I needed to bring it to your attention that this particular motion is out of order. I apologize, because I usually try to keep in my bill book an accurate record of who made the motion. I thought the original motion had been made by Mr. Carpenter and Mr. Manendo. I apologize to the members for a small breach of order, but since there was no objection, we're okay.

Just for the Committee members knowledge we will have about 12 amendments on the Floor today from this Committee, which leaves only about 4 or 5 at the most for us to deal with. Let's turn our attention to S.B. 271.

Senate Bill 271: Makes various changes concerning participants in program to assist victims of certain crime in maintaining confidential addresses. (BDR 16-577)

Renee L. Parker, Chief Deputy, Office of Secretary of State, State of Nevada:

I am here to urge your support of S.B. 271, which has two purposes. The first is to expand the definition of crimes that enable a victim of domestic violence or sexual assault to obtain a fictitious address under our CAP [Confidential Address Program].

[Renee Parker, continued.] The second is to allow students who have a parent or a guardian in that program, or who are enrolled in the program themselves, to attend a school out of their district. I'll give you just a quick background on the CAP. The program was adopted through this Legislature in 1997. It works by granting participants the use of a fictitious mail address. These are for victims of domestic violence or sexual assault that are allowed to essentially get a P.O. box that they can use for all public records, such as enrolling their children in schools, or any other business relationships they have with State or local agencies.

The intent of the program is to greatly reduce the risk of being tracked by public records. It also allows for confidential voter registration and exempts the participants from jury duty. The purpose is to make it more difficult for their abusers to track them. The first issue here is in Section 1. We are trying to expand this. Currently a victim of domestic violence does include a victim of stalking only if they have a dating relationship or if a family member is stalking them. So we are asking that Section 1 be expanded to victims of stalking in general without any other relationship with their abuser. The way this works is we would have to have a court order, or a temporary restraining order, or some type of evidence that they are a victim of stalking. Somebody can't just come to us and say I'm being stalked and I'd like a fictitious address. So this still would not enable that.

The second change is that we had a couple situations during the interim where we had students in public schools and we had the school police of the public schools calling and asking for the addresses. They were members of CAP. We were prohibited by statute from providing those addresses except to law enforcement. School police do not fall under that definition. In one situation it was discovered that a district attorney tried to get a court order to have us release the address, because somebody claimed that the child was in danger. It turned out that they thought that maybe the abuser was trying to track down the address.

We only have 267 participants in CAP, and the total number of children that are participants, or parents are participants, enrolled in public schools is 150. So that is about 1 percent of the total amount of children enrolled in public schools. This is not going to substantially affect the public school enrollment by allowing a child to go to another district. The problem here is if we give the address, or even if we acknowledge the student is in the school district, we narrow the field for the abuser. [In essence, saying,] "Yes, this victim is in northern Nevada, or southern Nevada, somewhere in this district." So the request here in Section 4 is just to make some changes to allow those students to be enrolled outside of the district. We would have to confirm that the student or their parent is in the

public school but we would still be prohibited from providing any other information to the school.

[Renee Parker, continued.] Then the rest of the changes in the bill are just for the distributive school account. Legal had to provide how you would count the students if they were outside of the zone of their school.

Chairman Anderson:

I want to make sure that I understand, particularly with the dating relationship question, which is going to come up more in the school setting. The two students' dating relationship probably started because both of them are students in the school and now they get into your program. Is that going to necessitate that when they move from school to school it's going to create an additional burden on the schools in terms of meeting the enrollment figures? Obviously, it could also be at the elementary school level. Do the schools have any problems with this particular bill?

Renee Parker:

We haven't heard any opposition. The dating relationship and then allowing the student to go to school outside their zone of attendance are two different things. Currently the statute provides if you have a dating relationship with a person who is stalking you or committed a battery on you, then you can get into this program and get a fictitious address. What we are trying to do is expand that for stalking to say you don't necessarily have to have a dating relationship if there is a court order or a TRO [Temporary Restraining Order]. If you've been stalked you can get in to CAP.

The other part of it is that we have 150 students enrolled in CAP. That is about 1 percent of the total students in the state. The purpose is just to ensure that those students can go to a school outside of their zone of attendance. The purpose is so that we don't have to tell a school that they are in that school district. It was drafted this way to address that problem so we are not narrowing the field for an abuser. We had several instances where the schools called saying, "I want to know if this kid is in my school district. They have given us the CAP P.O. Box, and we want to know what their real address is." We, the CAP, refused to give the address and then they tried to get the school police to obtain it. We didn't have to give it to the school police. In one instance it did turn out that the abuser was trying to narrow the field by finding out and verifying that the student was in that district. It narrows the field. So we're just trying make sure that we don't have to provide that information to the schools.

[Renee Parker, continued.] LCB [Legislative Counsel Bureau] did make some changes. I think those are in Section 5, or Section 6, on how you count a pupil that isn't in that school district. They also don't have to provide transportation if they choose to go outside.

Chairman Anderson:

We will close the hearing on the S.B. 271.

ASSEMBLYMAN OCEGUERA MOVED TO DO PASS
SENATE BILL 271.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

THE MOTION CARRIED (Ms. Gerhardt was not present for the vote.)

I will now open the hearing on S.B. 164.

Senate Bill 164: Revises provisions requiring inclusion of personal identifying information in court orders and judgments relating to parentage. (BDR 11-1049)

Chairman Anderson:

Apparently everybody considered that S.B. 164 was such an easy concept that they don't have to come over and testify in support of it. It is merely a clean up piece of legislation.

The purpose of S.B. 164 is for clarification. It removes the requirement that Social Security numbers be included in the order. Instead the court is required to give a Social Security number. I'm a little concerned because we have no one here to testify in support of the need for this particular piece of legislation.

The alternative would be to reschedule it. They could indeed show up in 2 or 3 weeks. I haven't had a chance to speak with the Senate Chair of the Judiciary Committee. They had someone testify in support of it. Anybody who would like for me to put it back for a reschedule, I will be happy to do so.

Assemblywoman Buckley:

I think that this is a good idea. My only question is that I currently thought that the courts in Clark County were already doing this. I think this because I have a bill to require the government to keep Social Security numbers and driver's licenses confidential. In my course of researching that bill, there is one thing I found. I found that they require separate filing and they keep it confidential. Maybe it was needed because other parts of the state aren't doing that. So I would just be curious about that.

Chairman Anderson:

Alright, let's reschedule the bill. I'll put it back on the board again. With that we are adjourned. There being no further business, the meeting is adjourned [at 8:43 a.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Judy Maddock
Committee Attaché

Katherine Andrews
Transcribing Attaché

APPROVED BY:

Assemblyman Bernie Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: April 20, 2005

Time of Meeting: 8:15 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Meeting Agenda