MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Seventy-third Session
March 29, 2005

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 8:06 a.m. on Tuesday, March 29, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark E. Amodei, Chair
Senator Maurice E. Washington, Vice Chair
Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
Senator Terry Care
Senator Steven Horsford

GUEST LEGISLATORS PRESENT:

Senator John J. Lee, Clark County Senatorial District No. 1
Assemblyman Scott A. Sibley, Assembly District No. 22
Senator Bob Beers, Clark County Senatorial District No. 6

STAFF MEMBERS PRESENT:

Nicolas Anthony, Committee Policy Analyst
Kelly Lee, Committee Counsel
Ellie West, Committee Secretary

OTHERS PRESENT:

Janine Hansen, Nevada Eagle Forum
Dave Hosmer, Chief, Nevada Highway Patrol, Department of Public Safety
Captain Todd Ellison, Commander, Southern Command, Nevada Highway Patrol, Department of Public Safety
Lynn P. Chapman, Nevada Eagle Forum

Richard Gammick, District Attorney, Washoe County; President, Nevada District Attorneys Association
Ron Titus, Court Administrator and Director of the Administrative Office of the Courts.
Jay D. Dilworth, Municipal Judge, Department 1, Municipal Court, City of Reno
Laurel A. Stadler, Mothers Against Drunk Driving, Lyon County Chapter
Andrew List, Nevada Association of Counties
Nancy J. Howard, Nevada League of Cities and Municipalities
Stephanie Garcia-Vause, City of Henderson
Cheri L. Edelman, City of Las Vegas
Brett Kandt, Executive Director, Advisory Council for Prosecuting Attorneys
Kristin L. Erickson, Nevada District Attorneys Association

Chair Amodei opened the meeting with Senate Bill (S.B.) 234, and invited Senator John Lee to testify.

SENATE BILL 234: Revises qualifications for Supreme Court Justices, district judges and justices of the peace. (BDR 1-775)

Senator John J. Lee, Clark County Senatorial District No. 1 proposed raising the minimum education and work experience requirements for those who wished to be elected as judges. He compared the requirements necessary to practice medicine in the State of Nevada with those required to become a Supreme Court justice, a district judge or a justice court judge. He said, ironically, even a master plumber in this State needed more education for his trade than a judge.

Senator Lee explained the duties of the various courts in this State and their differences. He said the lowest tier judge was a municipal court judge who heard misdemeanor violations of the various municipal codes. He stated he looked for experience and leadership when he compared the various tiers of the judicial system. He said 20 states required an individual to have more experience to be a supreme court judge than Nevada required. He added that partners in large law firms in this State practiced law between seven and eight years before they were given the opportunity to become a partner, because the firms wanted to make sure a prospective partner had the experience, knowledge, wisdom and ability to understand and do the work.

To be a Supreme Court justice in our State, Senator Lee continued, you had to be 25 years old, have lived here 2 years and have a law degree. This was a

gross inequity in experience that the Supreme Court required compared to private businesses, he added. He said our State required more from the people the district court judges appointed than it did from the judges themselves. We needed the brightest minds, the most constitutionally knowledgeable people to lead and protect our great State, he emphasized. We needed judges who had experience, maturity and wisdom in the lower courts, he said. He concluded his goal was to try to increase the wisdom and the maturity of the judges and the people we hire who rule over us, making life and death decisions.

Senator Care asked Senator Lee what inspired him to introduce S.B. 234. Senator Lee responded he had been approached by young attorneys and friends with little experience asking for support in their campaigns to become judges. He counseled them to get more experience and learn their trade first. Senator Care asked what if the 10 years of experience was all transactional, such as securities law, as opposed to being a litigator in a courtroom, or what if a person retired after 10 years of practicing law and 15 years later, out of boredom, decided to campaign to become a judge. Senator Care said voters had a duty to ferret out the qualifications of any candidate. Senator Lee replied he was not defining where a person practiced law or what form of law the person practiced, nor was he dismissing anyone's experience who had practiced law here. It was just raising the requirement to 5 years of law practice for lower courts and the 10 years of law practice for the Supreme Court that he was proposing in S.B. 234.

Senator Wiener said the bill did not say that. It required the practice of law in this State for not less than ten years for the Supreme Court eligibility. Senator Wiener asked Senator Lee if he would be willing to amend that area to include cumulative law practice, not necessarily all ten years being in Nevada. Senator Lee replied he would be amenable to that amendment. Senator Wiener asked who created the requirement for the court master to have eight years of experience including four years of practicing law. Senator Lee replied it was a requirement from Clark County. He explained Judge Steve Jones of the Eighth Judicial District Court said a group of people wrote the qualifications and submitted them to the county manager, who then gave them to the hiring organization. They chose what they thought would be most helpful.

Senator Wiener asked how many people, historically, had not satisfied the requirements that S.B. 234 imposed at the Supreme Court or district court levels. She wanted to know if Nevada justice had been hindered by those who

served with less experience than his bill proposed. She asked Senator Lee to get that information or a sampling. Senator Lee said he would work on that and said he spoke to Ron Titus of the Supreme Court, who said he did not remember anyone who had not satisfied the requirements, and all currently met the requirements. He said people were working below the level of requirements S.B. 234 requested and acknowledged they were all doing a fine job.

Chair Amodei suggested Committee Policy Analyst Nicolas Anthony get together with Mr. Titus and provide a one-page summary.

Janine Hansen, Nevada Eagle Forum, referred to her notes (Exhibit C) and asked if there was a problem regarding the Supreme Court, now. She asked if anyone did not meet the requirements S.B. 234 imposed. She said this bill could limit the choice of the voters, and usually, those issues, including experience, came out during a campaign. She said her two nephews went to law school and were never required to read the Constitution, so there might be someone with great experience who might know more about constitutional issues than attorneys. She asked where the grant of authority was for S.B. 234 in the Constitution.

The basic philosophy of the Constitution, Ms. Hansen said, was that if it did not give the government a grant of authority, then the government did not have it. She read Article 6 of the Nevada State Constitution. Article 6, section 8, said the Legislature shall fix, by law, the qualifications of justice of the peace. That is a grant of authority to the Legislature, she said. She could not find that same grant of authority for the Supreme Court or the district judges, she continued. She admitted the grant of authority might be in the State Constitution, but she could not find it and said she really wanted to know if it was there. She concluded it was more important not to limit the choices of the people at the polls who select the judges that represent them and to allow candidates to campaign and inform the public where they stand on the issues and highlight their experience.

Chair Amodei closed the hearing on S.B. 234 and opened the hearing on S.B. 272.

SENATE BILL 272: Revises provisions governing confiscation and disposition of certain weapons. (BDR 15-321)

Dave Hosmer, Chief, Nevada Highway Patrol, Department of Public Safety, introduced Captain Todd Ellison, Commander, Southern Command, Nevada Highway Patrol, Department of Public Safety, who testified on S.B. 272. Mr. Ellison addressed the changes requested in the bill which dealt with the processes used for the forfeiture of weapons in relation to violations of the Controlled Substance Act. Mr. Ellison said under current law, an arrest made for a violation of the Controlled Substance Act required a case report to be made for the criminal proceedings; an entirely separate case report was required for civil proceedings that ultimately dealt with the disposition of just the weapons. For any other crime or public offense, the disposition of weapons was built into the conviction of an offense. Mr. Ellison said his intent was to change the process personnel dealt with, so when a controlled-substance-violation arrest was made, and the case adjudicated resulted in a conviction for that offense, the conviction would be linked to the disposition of weapons. If the case was no longer pursued by the State, then the civil process would still remain for the forfeiture of weapons.

Senator Care said it would be helpful for the Committee to have a couple of real-life examples that demonstrated what he meant. Mr. Ellison gave an example of arresting a person for multiple crimes that were not just controlled-substance related, in which weapons were processed through the other convictions unrelated to controlled substances. When the case affected other jurisdictions, the State charges were dropped, yet the State still possessed the confiscated weapons, he said, and that was where the civil process began. The way the law was worded, one had to do both cases in most situations, he explained. It was burdensome to the Department since personnel needed elsewhere went through both proceedings and lost valuable time that could have been spent more usefully elsewhere.

Senator Care asked why he could not argue that the weapon was an instrumentality of the underlying offense. Mr. Ellison said in certain crimes the language of the law said the weapons were an enhancement to the crime, but in this case, where it was a violation of the Controlled Substance Act, the interpretation they used specifically said you had to do both the criminal and civil cases.

Ms. Hansen referred to her written notes (Exhibit D) and testified she wanted the record to be clear. She referred to S.B. 272, line 41 on page 2, and quoted, “Upon demand, to the person from whom the instrument or weapon was

confiscated if the person is acquitted of the public offense or crime of which he was charged ... ." She submitted that meant the weapons had to be returned to their owners upon acquittal.

Senator Wiener asked Chair Amodei to get an answer to Ms. Hansen's concern. Chair Amodei said he would, and also asked Committee Policy Analyst Nicolas Anthony or Committee Counsel Kelly Lee to check on S.B. 234 regarding the Committee's ability to legislate qualifications of Supreme Court justices. Senator Wiener added she believed Ms. Hansen referred only to the justices of the peace, so they needed to look at district court justices as well. Chair Amodei said he was not sure whether the Committee did or did not have the ability to legislate qualifications for district court justices, and he was not sure the qualifications Senator Lee was trying to set were objectionable. Chair Amodei added the Committee did not want to set a precedent which may not have any foundation, although the substance of it would be unobjectionable.

Chair Amodei closed the hearing on S.B. 272. Senator Nolan said he believed after reading the bill, the law would not prohibit the return of a weapon, and he assumed it was now done under State law if the person was found innocent. He said he would make a motion to pass S.B. 272 if the Committee got the answer to Ms. Hansen's question, today. Chair Amodei asked Mr. Anthony and Ms. Lee to call a deputy attorney general who worked on this with them to answer this question expeditiously.

Chair Amodei opened the hearing on Senate Bill 249.

SENATE BILL 249: Revises provisions governing foreclosure sales of real property and sales of real property under execution. (BDR 3-908)

Assemblyman Scott Sibley, Assembly District No. 22, stated for the record that his wife was an agent who conducted foreclosure sales in Clark County and he had been an agent years ago. Senate Bill 249 was drafted at the request of Fidelity National Title Insurance Company's default division with the goal of clarifying the language in the foreclosure laws. The bill changed the foreclosure process in several ways. Section 1 of the bill was an attempt to address the oral postponement of trustee sales that currently took place at the courthouses. Mr. Sibley said the bill was not correct the way it was written and they had to do some work on it. In the past, when a trustee sale went to sale at the courthouse and they scheduled it for sale, it could be postponed by anyone for

an unlimited length of time, he said. The concern was if a person filed bankruptcy and started this postponement process while trying to reorganize his or her finances, the delay could take up to four years. During that time, the person was required to pay all of the postponement fees that occurred.

In fact, less than 5 percent of those properties went to sale at the end of the time period because most people completed their bankruptcy reorganization, he noted. Problems were created amongst the people who dealt with the process. The trustee was the one who handled the sale, and who hired an attorney to go to bankruptcy court to monitor the process and try to get a lift of stay so the asset could eventually be sold. What often happened, Mr. Sibley continued, when the attorney got this lift of stay, was the attorney called the trustee, and the trustee told the agent to go to sale on it, not knowing the bank had entered into a forbearance agreement in order to work out a plan with the person who was losing his or her house; it created many problems without having the re-nullification.

The other issue with S.B. 249 was that beneficiaries could postpone the sale for no reason in an attempt to discourage potential bidders, Mr. Sibley said. Once the beneficiaries saw the auction begin and additional people had not shown up, they would sell the property. The second section added the certified mail option to registered mail for when the notice of sale was mailed. The statutes currently allowed certified mail to be used in all instances except in *Nevada Revised Statute* (NRS) 21.130. Adding certified mail in the bill would bring it into compliance with the rest of the statute, he explained.

Senate Bill 249, section 3, paragraph 4, addressed S.B. 172, and was heard earlier about changing the location of the sales.

SENATE BILL 172: Provides that sale of real property under deed of trust must take place at courthouse of county where property is located. (BDR 9-1029)

There was a provision in the law allowing trustees to hold the sale at their principal offices, Mr. Sibley stated. That could mean New York, so that needed to be corrected, he emphasized. The language of S.B. 172 said sales had to occur at a courthouse, and Mr. Sibley wanted it to say the sale had to be made at a public place within the county where the property was located. Currently, the Clark County Sheriff's Office did not want the sales in the Clark County

Courthouse because of the large crowds and for security reasons. Mr. Sibley said the Sheriff's Office supported the sale taking place in public places such as the recorder's office, a title company office or an attorney's office. Senate Bill 172 contained references to chapter 107 of NRS, and Mr. Sibley said he believed S.B. 172 and S.B. 249 needed substantial amendments. Chapter 107 of *Nevada Revised Statute*s addressed the entire foreclosure process, but it referred back to NRS 21.130 for notice of sale of execution. Mr. Sibley said it would be desirable to take the language from the notice of sale of execution in NRS 21.130 and put it into the foreclosure statute to avoid confusing the issue with sheriff's sales, since those were nonjudicial foreclosures.

Senator Care referred to S.B. 172, and he said he thought in that earlier bill, those covenants were voluntary. He asked if S.B. 249 would make it mandatory for a sale to be held in the county where the property was situated, whereas before, parties could stipulate where the sale occurred. Mr. Sibley said Senator Care was correct. He referred to NRS 107, and said legal staff should have added the postponement language there. Senator Care asked about the sheriff's sale and said the way it was written gave a lot of discretion to the sheriff or his agent. Mr. Sibley replied the language Senator Care referred to was not requested and would be deleted.

Senator Wiener asked if conditions for the postponement of sale would contain the language regarding no bidders and the amount of money bid as being grossly inadequate, which she said was subjective. She asked for an example of another reason for postponement. Mr. Sibley said they wanted to delete the entire section of the bill. He explained the main reasons a sale could be postponed, currently, were by a beneficiary's request, by the trustee's request, by operation of law and by bankruptcy. The language in S.B. 249 did not affect those reasons, he claimed. What was desired was to keep the time limits down. Mr. Sibley said whichever bill legal staff wanted to correct the amendments in, was all right with him, either S.B. 172 or S.B. 249. Chair Amodei suggested Mr. Sibley talk to Ms. Lee regarding which bill to work on, and said it would be addressed in work session.

Chair Amodei closed the hearing on S.B. 249 and opened the hearing on Senate Bill 248.

SENATE BILL 248: Creates statutory right to jury trial in justices' courts and municipal courts for defendants charged with certain misdemeanors. (BDR 14-1122)

Bob Beers, Clark County Senatorial District No. 6, testified his bill was designed to address the unfair situation that existed concerning offenses of driving under the influence (DUI) and domestic violence. Society regarded those offenses as more severe than in the past, he observed. They are probably a hybrid misdemeanor-felony now, he reasoned, although they are still classified as misdemeanors. He cited a situation in which a citizen accused of domestic violence could be denied the right to keep and bear arms without having been judged by a jury of his or her peers. That was a serious enough consequence that one should be given the opportunity to be judged by a jury of one's peers, he said.

Senator Beers stated there were many arguments against his bill. The Supreme Court ruled several years ago it was all right for jury trials to be denied to offenders of these crimes. He said he believed people, as these penalties increased, had the right to a jury trial, and that several cases could be heard during the course of one day by having fewer jurors. Senator Beers referred to an attorney, Craig A. Mueller from Las Vegas, who planned to testify tomorrow and share some anecdotal cases that demonstrated some of the miscarriages of justice under the current system.

Senator Wiener asked if the cost-cutting measure of using smaller juries would cause them to be tainted or suffer a cumulative effect from hearing several cases. Senator Beers said they would presumably hear alleged violations of the same set of laws, so they would probably develop a brief expertise. Senator Wiener said the earlier cases may suffer as a result of the cumulative expertise not having been developed yet. Senator Beers replied he thought the balance of the scales of justice would be fairer with the bill enacted than it was now, even though S.B. 248 might still not make things equal. He said the anecdotal stories the Committee would hear of miscarriages of justice would give them a better understanding of why his proposed system, even with its faults, would be fair.

Lynn P. Chapman, Nevada Eagle Forum, testified she was in favor of S.B. 248 and that due process was most important to the citizens. She cited the Sixth Amendment to the *Constitution of the United States of America*, which said in all criminal prosecutions the accused had the right to a speedy and public trial

by an impartial jury of the state and district wherein the crime was committed. She said she believed this to be the supreme law of the land.

Senator Care told Ms. Chapman he could foresee situations where anyone arrested and charged with a misdemeanor would say they deserved a jury trial since accused offenders of DUI and domestic violence got one. He was concerned about the burden it would put on the courts. If we had jury trials for some misdemeanor offenses, why not have them for all offenses, he asked. Ms. Chapman responded she understood his concerns, but still felt it was one's right as a citizen to have a trial by jury.

Ms. Hansen also referred to the Nevada State Constitution, Article 1, section 3, which granted the right to a trial by jury. She referred to her notes, Exhibit D, and said 48 other states provided for the right to a trial by jury for misdemeanor offenses. She, again, referred to the Nevada State Constitution, Article 1, noting section 11 granted citizens the right to keep and bear arms. She cited several personal situations pertaining to this issue and said she felt this was a legitimate cost of government, to protect the rights of its citizens to keep and bear arms. She stated Senator Care's concern about the cost was indeed an issue, but in this case, it was appropriate to spend the money. She reminded the Committee that the bill limited the trial by jury to those who asked for one.

Richard Gammick, District Attorney, Washoe County, and President, Nevada District Attorneys Association, said he opposed S.B. 248 because the United States Supreme Court and the Nevada Supreme Court had consistently held that there was no right to a jury trial for petty offenses, which included all misdemeanors in this State. He said he was more concerned about the impact this bill would have on the prosecution offices and the local governments if the bill became law. He said that over the past 3 years, his office filed 1,468 misdemeanor domestic violence cases and 5,476 misdemeanor DUI cases. If all those accused offenders had the right to go to a jury trial, he said, it would increase the prosecution time from one to two hours up to one day. They would have to call in a jury pool, which would impact his staff tremendously, he stated. The other issue he addressed in the bill was that it allowed justice courts to grant jury trials on any crime. He said there would be a huge increase in demand for jury trials, initially. He stated the physical, financial and personnel impacts would be overwhelming, and hence, he opposed S.B. 248. He concluded that people's constitutional rights, regardless of what

anyone heard, were protected under all the requirements of the Supreme Court of Nevada.

Senator Care asked how this bill would impact the right to a speedy trial, since each case would now take a full day as opposed to one or two hours. Mr. Gammick replied, in his opinion, they already had a tough time completing a judge's docket for the day, and with this new requirement there would be a tremendous backlog of cases waiting for trial, thus reducing a person's right to a speedy trial. It had not been studied yet, but the impact would be tremendous, he insisted.

Ron Titus, Court Administrator and Director of the Administrative Office of the Courts, Supreme Court, referred to a judicial analysis (Exhibit E), and stated his office was neutral on S.B. 248 because it was up to the Legislature whether to grant this right for juries for those particular charges. This judicial analysis questionnaire was sent to all 67 justice courts and 27 municipal courts to find out how this bill would impact them, he stated. To date, they had received only 11 responses. They are outlined in Exhibit E, he said, and about one-half of the courts had no facilities for juries. He said estimated costs of capital improvements S.B. 248 would require courts to make were as high as $2 million. The Administrative Office of the Courts continued to receive responses from the courts and was willing to make the data available to the Committee, Mr. Titus added.

Jay D. Dilworth, Municipal Judge, Department 1, Municipal Court, City of Reno, testified he opposed S.B. 248. Judge Dilworth addressed the financial aspects, and stated his court handled 2,350 cases last year that fell into this category. Just to pay the jurors, he estimated, it would cost approximately $1.1 million per year. That did not include the cost of change orders on the new building under construction, which they estimated to be an additional $875,000. He said the U.S. Supreme Court, in *Blanton v. North Las Vegas,* 489 U.S. 538 (1989), considered all those cost factors when rendering its decision regarding the right to a jury trial, and all rights have exceptions, and the Court specifically made the exception for petty crimes, including misdemeanor DUI. They defined petty crimes only in terms of the jail sentence being 6 months or less and carrying a fine of less than $1,000.

The Court overruled the concepts of stigma and community reactions toward those convicted because they were too vague, he said. All crimes carried some

degree of stigma from the community, he stated, but it was so nebulous that it was hard to know when the line was crossed. It sounded good to have a panel jury, but it was unrealistic because each defense attorney would want his own, untainted jury. Judge Dilworth said he did not believe it was possible to speed the situations up. He spoke of remedies available to the citizenry if they were dissatisfied with a judge. He pointed out the dilemma for a person in jail who was offered a speedy trial without a jury, as opposed to a trial by jury where he might have to wait as long as 75 days in jail to go to trial. He said if the law was changed to include a trial under the circumstances proposed by S.B. 248, it should apply to all crimes carrying that possibility of jail time. He said he had no idea what that cost would be, but he knew the system would be extremely overloaded.

Senator McGinness asked if the numbers Judge Dilworth quoted on costs applied only to cases going to a jury trial. Judge Dilworth replied in the affirmative. Vice Chair Washington asked if the Committee gave the judges more discretion in matters concerning domestic violence, would S.B. 248 be needed. Judge Dilworth said they were two separate situations; the lack of discretion given judges was one, while the discretion of a juror was another matter. He spoke from personal experience, and said regarding domestic battery, the conviction rate was less than half.

Laurel A. Stadler, Mothers Against Drunk Driving, Lyon County Chapter, testified against S.B. 248. She stated her group had worked long and hard to get sanctions for DUI offenders to receive appropriate treatment and believed the system was working very well already. She said she feared the appropriate charge of DUI would be dropped to lower offenses to avoid the jury system. Consequently, DUI offenders would not be able to receive the appropriate treatment available to them under the law, and they would not get the appropriate programming that had been set in place by this Legislature.

Senator Care asked if Ms. Stadler thought the DUI-accused offenders would be offered reduced sentences because prosecutors thought their chances of conviction before a jury would be less than before a judge, or if it was because of the additional bureaucratic burden this bill would impose. Ms. Stadler said she thought it would be for those reasons, especially in the rural areas. She concluded S.B. 248 would just exacerbate an existing problem.

Andrew List, Nevada Association of Counties (NACO), testified against S.B. 248 because he said it would be an unfunded mandate for the local governments. He recommended if the Committee chose to pass this bill, to remove section 5, which exempts S.B. 248 from the current, unfunded-mandate law. He asked the Committee, if it passed the bill, to fund the additional costs that would be incurred by NACO members. He pointed out where substantial rights were imperiled by a third conviction of domestic battery or by DUI, which were felonies, the accused was entitled to a trial by jury.

Nancy J. Howard, Nevada League of Cities and Municipalities, said she opposed S.B. 248 because of costs, and she said she would like to see the fiscal note requested on the bill.

Stephanie Garcia-Vause, City of Henderson, said she opposed S.B. 248 for the reasons already stated, including the increased length of time it would take to process jury trials and because of the projected fiscal impact. The City of Henderson projected an increase in costs of approximately $1 million annually and a one-time expense of about $12 million to renovate and add space.

Cheri L. Edelman, City of Las Vegas, stated she opposed S.B. 248 because of the impact upon the courts' calendar and the costs involved. She enumerated several costs to the City of Las Vegas and said since the number of cases actually going to jury trial was difficult to predict, so were the costs.

Brett Kandt, Executive Director, Advisory Council for Prosecuting Attorneys, indicated he opposed S.B. 248 and cited the costs to various cities, including the rural communities. Senator McGinness asked if there were enough defense attorneys available if this bill was enacted. Mr. Kandt said he did not have an answer.

Kristin L. Erickson, Nevada District Attorneys Association, said it would be physically impossible to put 12 jurors in many courtrooms, let alone give them space to deliberate. Calendars were already stacked in district court, so a speedy trial would be virtually impossible. She provided a copy of a United States Supreme Court case from 1987 that upheld the status of the law in Nevada regarding no right to jury trials on charges of DUI (Exhibit F, original is on file at the Research Library). Ms. Erickson said the reasoning would likely result in a similar decision for domestic violence misdemeanors. Senator Care asked if the current law regarding domestic violence required the district

attorney's office to prosecute unless the prosecutor had a good-faith reason to believe the case could not be prosecuted. Ms. Erickson responded in the affirmative. Senator Care asked how long ago that law was enacted. She guessed it was four to six years ago. Vice Chair Washington said he thought it was in 1995 or 1997.

Senator Beers said California and Colorado had implemented the system S.B. 248 proposed. He explained, as the severity of these crimes increased, so did the punishments. Senator Care asked what states permitted trial by jury for misdemeanors, whether it was for specific misdemeanors or all misdemeanors and if it was because of a state constitutional provision or purely in statute. If it was purely statute, then the cost was a legitimate reason to not pass the bill, he concluded. Senator Beers asked if the Committee staff could get that information quickly. Vice Chair Washington said yes. Senator Beers said the fiscal impact could be mitigated because not all of the misdemeanor cases would go to trial. He suggested adding Friday court or night court to help overcome the physical constraints.

Vice Chair Washington said he would leave the hearing on S.B. 248 open until the next day.

Chair Amodei said there were 14 bill draft requests (BDR) to introduce: BDR 3-107, BDR 1-218, BDR 16-405, BDR 7-576, BDR 14-612, BDR 16-659, BDR 11-709, BDR 41-1023, BDR 9-1144, BDR 41-1295, BDR 15-1357, BDR 15-1407, BDR 32-1408 and BDR 15-113.

BILL DRAFT REQUEST 3-107: Revises provisions governing indemnification of certain persons in civil actions by State and other governmental entities. (Later introduced as Senate Bill 451.)

BILL DRAFT REQUEST 1-218: Makes various changes relating to Commission on Judicial Discipline. (Later introduced as Senate Bill 442.)

BILL DRAFT REQUEST 16-405: Eliminates provision requiring principal office of Chief Parole and Probation Officer to be in Carson City. (Later introduced as Senate Bill 443.)

BILL DRAFT REQUEST 7-576: Revises various provisions concerning filings in Office of the Secretary of State. (Later introduced as Senate Bill 453.)

BILL DRAFT REQUEST 14-612: Revises provisions pertaining to Central Repository for Nevada Records of Criminal History. (Later introduced as Senate Bill 452.)

BILL DRAFT REQUEST 16-659: Revises various provisions related to State Board of Pardons Commissioners. (Later introduced as Senate Bill 445.)

BILL DRAFT REQUEST 11-709: Allows certain persons to access files and records relating to their adoption or birth and eliminates State Register for Adoptions. (Later introduced as Senate Bill 446.)

BILL DRAFT REQUEST 41-1023: Revises definition of "resort hotel" for purposes of certain statutes pertaining to gaming. (Later introduced as Senate Bill 447.)

BILL DRAFT REQUEST 9-1144: Makes various changes to provisions governing mechanics' and materialmen's liens. (Later introduced as Senate Bill 448.)

BILL DRAFT REQUEST 41-1295: Requires Nevada Gaming Commission to adopt regulations authorizing gaming licensee to charge fee for admission to area in which gaming is conducted under certain circumstances. (Later introduced as Senate Bill 444.)

BILL DRAFT REQUEST 15-1357: Revises provisions governing crime of burglary. (Later introduced as Senate Bill 449.)

BILL DRAFT REQUEST 15-1407: Makes various changes to provisions governing temporary and extended orders for protection against stalking, aggravated stalking, harassment and domestic violence. (Later introduced as Senate Bill 450.)

BILL DRAFT REQUEST 32-1408: Revises provisions governing storage and transfer of liquor between retail liquor stores. (Later introduced as Senate Bill 457.)

BILL DRAFT REQUEST 15-113: Makes various changes to provisions relating to crime of involuntary servitude. (Later introduced as Senate Bill 456.)

VICE CHAIR WASHINGTON MOVED TO INTRODUCE BDR 3-107, BDR 1-218, BDR 16-405, BDR 7-576, BDR 14-612, BDR 16-659, BDR 11-709, BDR 41-1023, BDR 9-1144, BDR 41-1295, BDR 15-1357, BDR 15-1407, BDR 32-1408 AND BDR 15-113.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HORSFORD WAS ABSENT FOR THE VOTE.)

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Chair Amodei asked Mr. Anthony to explain why S.B. 323 was referred to the Committee.

SENATE BILL 323: Requires governing body of city or county to provide for certain sales and leases of real property. (BDR 22-778)

Mr. Anthony said it was a Title 22 bill which was usually referred to the Senate Committee on Government Affairs, and it contained common-interest communities under chapter 116 of NRS, as well. It should be rereferred to the Commerce and Labor Committee, he said.

SENATOR McGINNESS MOVED TO REREFER S.B. 323 TO THE SENATE COMMITTEE ON COMMERCE AND LABOR.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED. (VICE CHAIR WASHINGTON VOTED NO.)

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Chair Amodei asked if there were any more questions or comments from the Committee. Hearing none, he adjourned the meeting at 9:37 a.m.

RESPECTFULLY SUBMITTED:

Ellie West,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: