

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session  
April 21, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 9 a.m. on Thursday, April 21, 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 A. Horsford

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Sheila Leslie, Assembly District No. 27  
Assemblywoman Debbie Smith, Assembly District No. 30

**STAFF MEMBERS PRESENT:**

Nicolas Anthony, Committee Policy Analyst  
Bradley Wilkinson, Committee Counsel  
Gale Maynard, Committee Secretary

**OTHERS PRESENT:**

Jay D. Dilworth, Municipal Judge, Municipal Court, City of Reno; Nevada  
Judges Association  
Frank Adams, Nevada Sheriffs' and Chiefs' Association  
Robert Roshak, Sergeant, Las Vegas Metropolitan Police Department  
Michelle Youngs, Sergeant, Sheriff, Washoe County; Nevada Sheriffs' and  
Chiefs' Association  
Gary H. Wolff, Teamsters Union Local 14

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Fredrick Schlottman, Administrator, Offender Management Division, Department  
of Corrections

Stan Olsen, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and  
Chiefs' Association

Laura Mijanovich, American Civil Liberties Union of Nevada

R. Ben Graham, Nevada District Attorneys Association

Kim Gervasoni

Ivory Endacott

Susan D. Severt

Krestine Daphne

Jolene D. Daphne

Sharon Kiles

Jan Granger

CHAIR AMODEI:

We will call this meeting of the Senate Judiciary Committee to order. The first  
bill on the agenda is Assembly Bill (A.B.) 92.

**ASSEMBLY BILL 92 (1st Reprint)**: Revises provisions governing suspension of  
sentence of person convicted of misdemeanor. (BDR 1-529)

JAY D. DILWORTH (Municipal Judge, Municipal Court, City of Reno; Nevada  
Judges Association):

This bill provides an extension of time when a misdemeanor can be supervised  
by a court in a limited jurisdiction setting. Until this new language, it has been  
one year. Over the years, the increased amount of substance abuse is either  
involved in the crime itself or tangentially in the limited jurisdiction courts. For  
a long-term abuser, one-year supervision is not enough in some cases. An  
alcoholic may need supervision for more than a year. Additionally, statute says  
that on a first offense of driving under the influence, if the level of blood alcohol  
is 0.18 or higher, the offender is not eligible for a diversion program. We would  
like to spend the most time with this individual in order to ensure he or she does  
not re-offend.

The primary goal of the limited jurisdiction courts in these areas is to provide an  
opportunity for treatment, to monitor that treatment and to monitor behavior as  
long as possible to make sure the individual does not re-offend in a felony or at  
any other level. This is why a change in the period of time was requested from  
one year of supervision to two years of supervision.

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CHAIR AMODEI:

If there is no one else to speak, we will close the hearing on A.B. 92. What is the pleasure of the Committee?

SENATOR MCGINNESS MOVED TO DO PASS A.B. 92.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS NOLAN AND WASHINGTON WERE ABSENT FOR THE VOTE.)

\* \* \* \* \*

CHAIR AMODEI:

We will open up the hearing on Assembly Bill 123.

**ASSEMBLY BILL 123 (1st Reprint)**: Prohibits use and possession of electronic stun devices under certain circumstances. (BDR 15-600)

FRANK ADAMS (Nevada Sheriffs' and Chiefs' Association):

This bill was requested by the Nevada Sheriffs' and Chiefs' Association to bring the *Nevada Revised Statutes* (NRS) in line with current technology regarding less-than-lethal stun devices. A handout was provided with illustrations of the devices we will discuss along with examples of recent crimes committed with the use of stun guns (Exhibit C, original is on file at the Research Library).

Since this bill was submitted to the Assembly, there have been two incidences with stun guns: one in Las Vegas and one in Washoe County. There is also a list of different crimes committed throughout the world with these devices along with some studies on their effectiveness.

Law enforcement and private industry worked to develop alternatives to the use of deadly force in situations that required less than deadly force. As a result, the industries that helped develop these less-than-lethal weapons are now marketing these items to the public for self-defense purposes. Unfortunately, crimes such as robbery, battery and others can and are being committed while using stun devices as weapons.

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CHAIR AMODEI:

We have the general idea. The bill is for self-defense only. Convicted felons, fugitives from justice and those with mental illnesses cannot have one of these weapons. I question the thought process for allowing a person between the ages of 14 and 18 to have possession of a stun gun with parental permission.

MR. ADAMS:

The amendment was done at the request of the Committee on the premise a parent should be able to allow a young person to have a defensive weapon. A person between the ages of 14 and 18 with the permission of the parents may possess such a weapon for self-defense purposes, but it becomes a violation if it is used for anything else.

SENATOR CARE:

Where does someone get an electronic stun gun?

MR. ADAMS:

If you turn your computer on, go to the Internet and type the word Taser, you will find a number of businesses that will sell you one.

SENATOR CARE:

Is it currently illegal?

MR. ADAMS:

There is nothing that prohibits the possession of an electronic stun gun.

SENATOR CARE:

You cannot buy or sell it; is there nothing prohibiting you from possession?

MR. ADAMS:

You can buy or sell it. It is not illegal.

SENATOR CARE:

How many of these stun guns are in the public, where are they available and who may buy one?

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ROBERT ROSHAK (Sergeant, Las Vegas Metropolitan Police Department):  
You can purchase them at gun stores, and they are not illegal. TASER International, Incorporated, is marketing a civilian version; the cables for the prongs may be shorter and have less voltage.

SENATOR CARE:

Do you have any idea how many are in the public hands? In Clark County, for example, do people carry them in their cars, on their person or have them in their houses?

MR. ROSHAK:

I cannot give you a number. Prior to the Taser device coming out, we have encountered people who carry the handheld stun gun, where you reach out and touch someone with it rather than firing prongs.

SENATOR CARE:

I am trying to get a grasp of the subject matter. There may have been little opposition to this bill by the other House, but for the record, I need to get some feel for what I am dealing with.

MR. ADAMS:

The Taser is a new product just recently made available to the public. The stun gun is a handheld device that has been around for a number of years and is quite prevalent. The Taser, which actually fires darts into a person with compressed air, is a new product from TASER International, Incorporated, being marketed throughout the United States. This is the issue: As these devices become more prevalent in the community, how does law enforcement deal with them?

SENATOR CARE:

Is it the one that shoots the darts or is it all stun guns?

MR. ADAMS:

An electric stun gun, as defined in the bill, is a device that emits an electrical charge or a current transmitted by projectile, physical contact or other means. It can be either one. If they touch you with it or they shoot you with it, it is considered an electrical stun device according to the bill as it is written.

SENATOR WIENER:

In some other crimes, possession infers the use of that weapon. Is that why we are going with strong penalties, because there is a presumption if someone has a stun gun, they will use it?

MR. ADAMS:

As the bill is laid out, using an offensive weapon in an offensive manner makes it a serious charge. By these other categories, possession may indicate something other than self-defense purposes, and this is why the charge is higher.

SENATOR WIENER:

Is a Category B felony in line with other types of crimes? Why is it applied to a Category B?

MR. ADAMS:

The Assembly and the Assembly Committee on Judiciary looked at this and made it on the same lines as a weapons offense.

SENATOR WIENER:

Regarding 14-year-old juveniles as the threshold, I noticed unless they are "otherwise prohibited by law." Can you explain this?

MR. ADAMS:

If they fell into one of the other categories listed above, it would prohibit them from having the weapon.

SENATOR NOLAN:

Can you give us an idea as to how many assaults or batteries have occurred with these types of weapons?

MR. ADAMS:

We are not able to track those instances because we do not have it set up that way; however, [Exhibit C](#) has two examples where one occurred in February and the other occurred in March. In one of the instances in Las Vegas, they robbed a Maverick Gas Station with the Taser weapon and threatened the clerk. Another incident occurred in Washoe County with a stun device, and we were not able to determine which device was used. We are seeing occurrences of this throughout the nation.

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SENATOR NOLAN:

Is there a mechanism that would allow you to track these types of attacks?

MR. ADAMS:

It is something we can look at.

SENATOR CARE:

These are not firearms, and the Second Amendment does not apply. Have you given any thoughts to retailers who sell these? Is there some kind of record of who buys them or where they go?

We had a bill about four years ago that attempted to do that, and we may have done that with beepers. The idea was it could only be used in certain drug deals where certain people had them; there are arguments against it.

Is there anything to prohibit a system that would give you some access as to where these stun guns are going? The product is not illegal, but obviously dangerous, and there are no gun rights issued.

MR. ADAMS:

It would be a nightmare. You have national and international access to these items over the Internet. You can obtain one through your local security shop or go to California and buy one to bring back to Nevada. There is nothing in the law that would preclude you from doing that.

We are saying, through this bill, that people have a right to possess these things for self-defense purposes; when used outside the purview, it would fall under the statute and allow us to take action. Some states have outlawed the possession of these except for the use in law enforcement.

SENATOR CARE:

The troubling thing is that all the people who buy these are not buying them for self-defense. We are talking about a legal product, and we do not know how many people have them. All we can do is to say that if you use them for anything other than self-defense, the law will be enforced.

MR. ROSHAK:

Some of the literature from TASER International, indicates a registration for every person who buys a stun gun. This is only good if I buy it and keep it for

myself, but if I give it to someone, we would have a problem. When the Taser is deployed, two prongs come out along with small pieces of paper that scatter throughout the area bearing the serial number of that particular Taser. The theory is if something does occur, law enforcement should be able to find one piece with the serial number.

SENATOR CARE:

A felon is not allowed to possess this weapon, but if he had his records sealed, would he be able to have a Taser?

MR. ROSHAK:

It is my understanding that a convicted felon is not allowed to possess a weapon even if the records have been sealed.

SENATOR CARE:

In the case of a 14- to 17-year-old child who has parental permission, this does not mean he is restricted to having this weapon in his house or yard. He could go to the high school football game if he thinks he might be threatened. Did I read that correctly?

MR. ROSHAK:

The way the bill is written, that is correct. But it is our understanding the school can set a policy as to whether it would or would not allow the device on its premises. There were some concerns from the Assembly where a child was working after school and coming home late, and this would afford that child a certain amount of protection.

CHAIR AMODEI:

Are these treated in any way similar to federal firearms, or licensing? Can anybody sell these items with no registration requirements?

MR. ADAMS:

To my knowledge, they are just a self-defense item that can be handled by any commercial business.

CHAIR AMODEI:

It is basically a consumer product.



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MR. ADAMS:  
That is correct.

MICHELLE YOUNGS (Sergeant, Sheriff, Washoe County; Nevada Sheriffs' and Chiefs' Association):  
We just want to voice our support for A.B. 123.

MR. ADAMS:  
Mr. Chair, if you would like, we can bring examples of these devices to a work session for your examination.

GARY H. WOLFF (Teamsters Union Local 14):  
On behalf of the law enforcement officers we represent, we offer our support.

FREDRICK SCHLOTTMAN (Administrator, Offender Management Division, Department of Corrections):

In preparing the fiscal note for this bill, a number of concerns were raised, and some were already voiced by Senator Care. The Department of Corrections currently uses the Taser. I questioned my officers as to how many of them have used it on each other; the answer was all of them have used it on each other. Because it is not lethal, they have actually asked to shoot each other. If this is happening with relatively intelligent middle-aged men, one can imagine what is going to happen with 14-year-olds. My concern in figuring out the cost of this bill is what happens when these 14- to 17-year-olds, or even 22-year-olds, have an argument at school, go off school grounds and start blasting each other. I do not know if it is the Committee's desire to have 14-year-olds making the decision to carry these things and actually use them.

The other concern I have in reference to my transportation officers is the nature of the weapon itself. It looks like a gun except for two yellow stripes. If you pull it out, you are going to get shot because you are in a gunfight whether you want to be or not. It gives you a false sense of security in that if you pull it out on criminals and they have a gun, you are going to have a shooting. If you pull it on a police officer, you are going to have a shooting. I do not know if I want to tell someone's parent that the child had one, confronted one of my officers and my officer shot him. I have a problem with this. I am not sure if 14-year-olds are responsible enough to take life-and-death situations in their hands.

CHAIR AMODEI:

Your concern with the bill is that it provides a mechanism to allow 14- to 18-year-olds to possess these under any circumstance?

MR. SCHLOTTMAN:

Yes, I have a problem with that and would consider it the equivalent of a gun. It may provide security for the person you are shooting; it does not provide security for the shooter because they are in a gunfight.

CHAIR AMODEI:

I understand, but should we amend the bill to say that if you make one of these stun guns and sell them in Nevada, it cannot look like a gun?

MR. SCHLOTTMAN:

It would be a reasonable thing to do. We have all heard news about what happens when children use toy guns and get shot.

STAN OLSEN (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

There are two points of clarification. Yes, the officers have been hit with the Taser. It is part of the training process; it is neither something they do in fun nor something you want to do more than one time. In the other issue in regard to a child pulling one of these, the gentleman from the Department of Corrections is correct; these individuals would be entering into a gunfight. If the Committee desires to remove the language of juveniles having this weapon, that will be fine. Our main goal was to go after the felons or anyone using it to commit a crime.

SENATOR NOLAN:

The voltage in one of these guns is enough to knock down a full-grown man, and in the case of a woman being assaulted, this would be fine. But in the case of a 14-year-old, who may be all of 100 pounds, what is the effect?

MR. OLSEN:

This device sends out 50,000 volts of electricity, which may be about 1 amp or 2 amps. My understanding of electricity is that amps kill and volts incapacitate you. This is enough voltage to knock down a 1,000-pound bull. The effect on a child could be greater than the effect on a 200-pound man, but it will not kill him. I will put on record, "There have been some incidents where somebody

was 'tased' and they did die. In almost every single case, it involved drugs, which had already altered their physiology enough, at that point, that it induced a heart attack."

CHAIR AMODEI:

Does anyone know if there is a prohibition in the NRS against juveniles carrying firearms?

BRADLEY WILKINSON (Committee Counsel):

Yes, there is. The provision or language in this bill about juveniles carrying stun guns is patterned, in part, after the provision on juveniles possessing firearms.

CHAIR AMODEI:

Do we allow juveniles between the ages of 14 and 18 to possess firearms with parental consent?

MR. WILKINSON:

Yes, we do, under certain circumstances. The statute can be found in NRS 202.300.

CHAIR AMODEI:

In view of the Supreme Court of the United States and what juveniles are responsible for, up to and including murder, I question if we should revisit that area.

MR. OLSEN:

In reference to firearms that Mr. Wilkinson spoke about, that is in relation to hunting.

LAURA MIJANOVICH (American Civil Liberties Union of Nevada):

I am against A.B. 123. I want to go on record by bringing certain information to your attention. There has been a filing by TASER International, Incorporated, and it was publicized in the *Las Vegas Sun* on April 6. As you may know, TASER International has been facing investigation by the U.S. Securities and Exchange Commission. As a result of this investigation, they filed a report where they acknowledged their product was often used in aggressive confrontation that may have resulted in serious, permanent bodily injury or death to those involved.

The article mentions 50,000 volts of electricity in the body immobilizes a person and may cause death. This is an important piece of information that should be part of the deliberations when considering this bill. As far as the general public use of this weapon, the American Civil Liberties Union (ACLU) takes no position; it is up to the Legislature to decide. However, we are concerned with the exception given to local law enforcement, and law enforcement in general, because they can use it beyond self-defense. There are also civil-rights issues at stake. There have been 18 federal lawsuits filed, and the potential for more liability on a civil rights basis is apparent. Some legislatures in other states have limited the use of these weapons, and some states have declined.

I would like you to consider potential issues beyond self-defense; it raises concerns of possible violations of civil rights.

CHAIR AMODEI:

Does the ACLU have a position on whether or not fugitives from justice, persons who are mentally ill or convicted felons ought to possess these stun guns?

MS. MIJANOVICH:

Our organization has no position on that, except for the arguments on the issues I have spoken about.

SENATOR CARE:

I do not understand the objection as to law enforcement. The bill says the provisions of subsections 1 and 2 do not apply to a peace officer who possesses or uses an electronic stun device within the scope of his duties. You can abuse your duties, which could lead to a lawsuit. This seems clear to me; there would be no other reason for a police officer to possess one of these things.

MS. MIJANOVICH:

The concern is that law enforcement has these extraordinary powers to enforce the law. Beyond self-defense, there are a wide variety of possibilities as to when these weapons can be used, and the possibility of abusing this dangerous weapon is open. A very broad range of power is given by using this weapon beyond self-defense. Our proposal is modest. We are asking the Legislature to collect data and report the use of this weapon, how many times it was used and under what circumstances.

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SENATOR CARE:

We have not heard any testimony as to which officers carry them or if it is a standard piece of equipment.

CHAIR AMODEI:

Seeing no further testimony, we will close the hearing for A.B. 123. What are the Committee thoughts on the juvenile issue?

SENATOR CARE:

There are circumstances where you cannot sell spray paint to a juvenile. I do not know how you justify a person of age 14 or 17 possessing a stun gun with or without the permission of his parents.

CHAIR AMODEI:

Is there anyone in the Committee willing to move the bill and amend it by removing the juvenile authorization provisions? Seeing no movement, we will open the hearing on A.B. 295.

**ASSEMBLY BILL 295 (1st Reprint)**: Creates crime of vehicular manslaughter.  
(BDR 43-205)

ASSEMBLYWOMAN SHEILA LESLIE (Assembly District No. 27):

This is the fourth time a vehicular manslaughter bill has been presented to our Legislature. The bill will apply to a person who causes the death of another person while driving and committing an act or omission that constitutes simple negligence. The penalty is a misdemeanor, and a person would lose his or her driver's license for 12 months upon conviction.

We are bringing this bill before the Committee because our citizens continue to be killed in Nevada by vehicles in alarming numbers. Last year in Clark County, 52 pedestrians were killed by vehicles, which is a 10-percent increase over the previous year. Law enforcement officers need this tool in order to appropriately charge a driver whose carelessness results in a death. No matter how accidental the circumstances, someone is dead. A few weeks ago in Las Vegas, a person ran into a bus stop and killed four people who were waiting for the bus. The driver was charged with traffic violations because there was no criminal negligence involved, and the family members of the victims were outraged.

This is not an isolated incident. When asked to introduce this bill last year, I was told of several cases in northern Nevada that would have warranted this charge. Since then, hardly a week goes by in our State when I do not read about another tragic death caused by an inattentive, careless, distracted or absent-minded driver.

Today you will hear testimony from families who have experienced the tragic loss of a loved one, only to see the driver get a traffic ticket. The typical charges in these fatal accidents are: illegal lane change, inattentive driving and failure to exercise due care.

This bill will not increase the criminal penalty, but it will provide an accurate charge and reflect the reality of the situation; someone is dead due to simple negligence by a driver. The time has come for Nevada to join other states that have this provision of misdemeanor manslaughter in their statutes. It will also help us raise public awareness about the consequences of inattentive driving and prevent more tragedies of this nature. Assemblywoman Debbie Smith, Assembly District No. 30, is a cosponsor of the bill; the tragedy that occurred in Sun Valley in her district of Sparks really pushed our Committee forward.

SENATOR WASHINGTON:

I have been in contact with Jeff Fontaine, P.E., Director, Nevada Department of Transportation (NDOT); we are in the process of upgrading that boulevard by installing signal lights, easements, curves and gutters, so the incident that took place in Sun Valley will not occur again. Washoe County and NDOT have the funding now and indicate they are going to improve that boulevard.

I have a question on section 6, subsection 2, coinciding with subsection 1 in that involuntary manslaughter does not include vehicular manslaughter. Say, if a person was driving to work, the lighting was obstructive, a cyclist with dark clothing was riding a bicycle and the driver of the vehicle was unable to see the individual and subsequently struck the bicyclist. Would that constitute involuntary manslaughter and would the driver be prosecuted under this bill for vehicular manslaughter?

R. BEN GRAHAM (Nevada District Attorneys Association):

In the case you just described, the driver would probably not be charged with vehicular manslaughter. When we started, we talked about degrees of evil intent, mens rea. We are not punished for our evil intent until we act upon it

and something happens. Traditionally, we have had intentional negligence, and then there was knowing, reckless and criminal negligence. Criminal negligence is raised above simple negligence by the use of alcohol or some other element.

The concept in this bill deals with a situation where there is negligence, but it is not a high degree of negligence. With any facts presented to the prosecutor or police to determine how to proceed in a simple negligence case, we still have to establish proximate cause. Did the conduct of the driver actually cause the death? In the example given by Senator Washington, we would have to decide whether the driver's conduct was the cause. In the case of the four people killed at the bus stop, the prosecution would look at the case and see if we can prove proximate cause beyond a reasonable doubt.

SENATOR WASHINGTON:

For the driver in that case, her probable cause may be that she was adding makeup, detained or preoccupied. In that case, it would be involuntary.

MR. GRAHAM:

It would be a lower level of a misdemeanor.

SENATOR WASHINGTON:

It would be hard to prove.

MR. GRAHAM:

The bus stop is there, a number of cars went by and did not run into it, and the bus stop did not move. The proximate cause of those people's death was the car running into the bus stop. Remember, it is proximate cause; probable cause is another thing.

SENATOR CARE:

This is the first time I have seen the legislation as it is written. Let me understand. You can still have involuntary manslaughter or voluntary manslaughter where a vehicle is involved. If you are a prosecutor, what do you do where you have comparative negligence of the victim? The driver may be at fault, but so may be the victim.

MR. GRAHAM:

The weighing and balancing would be a question of fact on what really caused the accident. Contributory negligence would be a limiting factor. If you and

I were misadventuring and I end up killing you, I am not as responsible from an aggravating circumstance, because you and I were coequally responsible. From a civil standpoint, we would need to prove beyond a reasonable doubt that the actual cause is what the driver did in the situation, not what the victim did. In most of our cases, it is usually the driver, not the victim.

CHAIR AMODEI:

Mr. Graham, can you share with me the interaction in the bill in section 2, subsection 2, "a person who commits an offense of vehicular manslaughter may be subject to the additional penalty set forth in NRS 484.3667," which is work zones.

MR. GRAHAM:

Last Session, legislation essentially established a federally mandated double penalty if a crime occurs in a work zone.

CHAIR AMODEI:

If this offense happens in a construction work zone as defined in the statutes, then there is a double misdemeanor?

MR. GRAHAM:

I believe it is a double penalty.

MR. WILKINSON:

That is correct. It is actually reproduced in section 3 of the bill.

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

Assembly Bill 295 does one thing. It acknowledges that a death occurred. A bill of this type is difficult because there are victims. The family of one victim and a community compelled me to cosponsor this bill. In July 2003, 9-year-old Alexis Kiles was killed by an inattentive driver. The family and community were shocked when they discovered the driver would only be given a traffic citation, and the death of Alexis Kiles would not be recorded on the driver's record. There is no difference in punishment from running a stop sign for these drivers. We have testifiers here this morning to tell their stories. We appreciate your consideration.



SENATOR NOLAN:

In reviewing the penalties for this bill, was there any consideration for community service?

ASSEMBLYWOMAN LESLIE:

Community service has not come up in any discussions I have had. What is new is the suspension of the driver's license for 12 months. It is an appropriate punishment, and I would not object to adding community service as part of the penalty.

SENATOR CARE:

Mr. Graham, there was a bill that vanished, but in the case of a misdemeanor with the consequences of a guilty verdict, there was a lot at stake and the person ought to be entitled to a jury trial. For domestic violence, a conviction could mean the loss of the right to carry a firearm. As I read this bill, there would be no jury trial; it is a misdemeanor with the suspension of the driver's license for one year.

MR. GRAHAM:

There are misdemeanors with a higher degree of penalty than this provision. The point in the Assembly was an acknowledgement that a death occurred would be on the record. It might be of benefit to the community if they need to check a person's driving record. To the issue of community service, I was advised that if they were spending time in custody, community service would be assigned by the law enforcement detention personnel. I would like to see the bill passed through.

SENATOR WASHINGTON:

After the penalty has been imposed and served, what kind of impact would it have on the person to obtain and maintain insurance?

MR. GRAHAM:

This topic was briefly explored. When a person's license is suspended for any reason, he or she has to file an SR-22 form which would carry a consequence.

CHAIR AMODEI:

If there are no further questions, we will have the testifiers for A.B. 295 step forward.

KIM GERVASONI:

I am here to support A.B. 295, and I have written testimony about my personal experience with vehicular manslaughter ([Exhibit D](#)).

IVORY ENDACOTT:

I am in support of A.B. 295 as the cousin of Alexis Kiles, the young girl who was killed in Sun Valley. I have with me written testimony ([Exhibit E](#)).

SUSAN D. SEVERT:

As a Sun Valley resident and chairwoman of the Sun Valley Safety Task Force, I ask that this Committee support A.B. 295 ([Exhibit F](#)).

I would like to add that Debra Grant, who was convicted of failure to show due care, did receive community service.

MR. WOLFF:

I have worked several fatalities involving children, one of which happened 20 years ago on Sun Valley Drive in Washoe County. A small girl was playing with her cousin when a man driving on this street made an unsafe pass and hit the child. This little girl was Care-Flighted out and died. When you are sitting in the emergency ward at Washoe Medical Center and see a mother howling and distraught, it is ridiculous that all we can do is cite the individual for an unsafe passing movement.

SENATOR WIENER:

Mr. Graham, one of my concerns would be the ability to plea bargain. Is it possible to do that in this case?

MR. GRAHAM:

This has been a discussion among the law enforcement community, including anti-drunk driving advocates. I can assure you, from law enforcement and the district attorney's office, that if a case rises above simple negligence and causes the death of another, we will continue to prosecute vigorously. I do not anticipate anyone slipping through.

SERGEANT YOUNGS:

We are in full support of this bill. Our agency investigated Alexis Kiles' death, and it made an impact on our investigators.

MR. ROSHAK:

We stand in support of this legislation.

MR. GRAHAM:

Mr. Chair, we have a few more people who would like to come forward and acknowledge their support.

KRESTINE DAPHNE:

My son Eric was killed in 2001 while coming home after working at Loomis, Fargo & Company. A man made an illegal U-turn and killed Eric instantly, which changed our family's life forever. It was almost four years ago; I want acknowledgement that my son was valuable and he mattered. I support this bill.

JOLENE D. DAPHNE:

Eric was my brother. Our father left us when we were little, so Eric was my biggest father figure and best friend. The most important thing I wanted him to do was walk me down the aisle on my wedding day and give me away. Now he will not have that opportunity. I want to help others and ensure that Eric is not forgotten.

SHARON KILES:

My granddaughter was Alexis Kiles. This is hard for me to do, but I feel a need to speak on her behalf. To have a grandchild taken away is a horror that no one should experience. All I have are memories of Alexis. My last conversation with her was how bored she was while waiting for her father to take her to play with her cousin. I told her that I was bored, too. Her response to me was, "I guess it is just a boring day for everyone, Grandma. I love you, Grandma." That was the last time I heard her voice. The next day, she was gone, killed by an inattentive driver. I drive by the cemetery daily and think of her body lying in the cold ground. I have found comfort in knowing she is with our Lord and savior. This is something that no grandmother, parent or sibling should have to endure. By passing this law, my granddaughter's death will not have been in vain.

JAN GRANGER:

We lived in Las Vegas last year and lost our son due to the carelessness of another driver. He left behind a wife and two small children who adored him, and now they will be growing up without him. The thing that astonished us most was that the driver who caused the accident was only charged with a failure-to-yield traffic citation. Since that time, it has been difficult for us not

to have his death acknowledged and the driver held accountable for his actions. People and their families are worth more than a traffic fine. When you take a life, it is time to be accountable for what you have done. Driving is a privilege; it is not a right. If that privilege is abused by being careless and thoughtless, it should be taken away.

Passing A.B. 295 would ease some of the grief by acknowledging a life that was important, and it will help the families who go through this terrible time.

CHAIR AMODEI:

We will close the hearing on A.B. 295.

SENATOR WIENER MOVED TO DO PASS A.B. 295.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR AMODEI:

On S.B. 360, Senator Horsford is continuing his work with the Division of Parole and Probation regarding discharge of restitution and honorable versus dishonorable discharge. He has informed me of additional information he has obtained regarding the subject matter. It is his intent to bring an amendment on the Senate Floor, and I have no objection to that. If you have questions, please direct them to Senator Horsford.

On A.B. 123, regarding juvenile possession of electronic stun devices, please see Mr. Anthony or Mr. Wilkinson to discuss your concerns or proposed amendments in order for us to have a work session.

SENATOR WIENER:

The provision where a young person can have a weapon is for hunting, or is it broader than that?

MR. WILKINSON:

The provision for firearms states hunting or target practice or other purposes. I recall a discussion during 1995, which was the 68th Legislative Session, and

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the focus was hunting and also target practice. The statute also says "or other purposes," although it does not identify what those purposes are.

SENATOR WIENER:

The Taser is a defensive weapon; it is not something you use for target practice. This might be something to consider.

CHAIR AMODEI:

Let the record reflect correspondence from Kirk Johnson on A.B. 295, dated April 20 at 9:40 p.m., was provided to all Committee members ([Exhibit G](#)). Seeing no further business to come before the Committee, we are adjourned at 10:20 a.m.

RESPECTFULLY SUBMITTED:

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Gale Maynard,  
Committee Secretary

APPROVED BY:

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Senator Mark E. Amodei, Chair

DATE: \_\_\_\_\_