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

## Seventy-Fourth Session
## March 20, 2007

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:10 a.m., on Tuesday, March 20, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT**:

Assemblyman Bernie Anderson, Chairman
Assemblyman William C. Horne, Vice Chairman
Assemblywoman Francis O. Allen
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblyman Marcus L. Conklin
Assemblywoman Susan I. Gerhardt
Assemblyman Edwin A. Goedhart
Assemblyman R. Garn Mabey
Assemblyman Mark A. Manendo
Assemblyman Harry Mortenson
Assemblyman John Oceguera
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

**STAFF MEMBERS PRESENT**:

Jennifer M. Chisel, Committee Policy Analyst
Risa Lang, Committee Counsel
Doreen Avila, Committee Secretary
Matt Mowbray, Committee Assistant

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**OTHERS PRESENT**:

Peter Breen, Senior Judge, Specialty Courts Second Judicial District Court, Washoe County
Lisa A. Rasmussen, President, Nevada Attorneys for Criminal Justice, Las Vegas
Robbin Trowbridge-Benko, Private Citizen, Las Vegas, Nevada
Ben Graham, Legislative Representative, Clark County District Attorney, Nevada District Attorneys Association, Las Vegas
Christopher Lalli, Assistant District Attorney, Clark County
Cotter C. Conway, Deputy Public Defender, Washoe County
Jason Frierson, Attorney, Office of the Public Defender, Clark County
Scott Coffee, Attorney, Clark County Public Defender's Office
Michael Pescetta, representing Nevada Attorneys for Criminal Justice, Las Vegas
Tim Fattig, Deputy District Attorney, Las Vegas
Joseph Turco, Staff Attorney, American Civil Liberties Union, Las Vegas

**Chairman Anderson:**
[Meeting called to order. Roll called.] I have two Bill Draft Request (BDR) introductions.

**BDR 14-516**—Makes various changes to provisions relating to criminal procedure.

**BDR 2-1408**—Revises provisions concerning the enforcement of judgments.

ASSEMBLYMAN CONKLIN MOVED TO INTRODUCE BDR 14-516 AND BDR 2-1408.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY. (ASSEMBLYMAN SEGERBLOM WAS ABSENT FOR THE VOTE.)

I will now open the hearing Assembly Bill 152.

**Assembly Bill 152: Exempts tests and examinations requested by a court pursuant to a program of treatment and rehabilitation from certain restrictions. (BDR 54-894)**

**Peter Breen, Senior Judge, Specialty Courts Second Judicial District Court, Washoe County:**

I am in support of A.B. 152, which seeks to amend *Nevada Revised Statutes* (NRS) 652.245. It seeks to add the drug courts to the law enforcement exemption of the medical laboratory bill. Section 1 reads: "The provisions of this chapter do not apply to any test or examination conducted by a law enforcement officer or agency; or required by a court as part of or in addition to a program of treatment in rehabilitation pursuant to NRS 453.580."

I would like to review Chapter 652 of NRS, which involves the medical laboratory. This chapter requires the licensing, supervision, and minimum standards for the taking of all human secretions, excretions, or tissue for examination. It is an all inclusive Chapter. It is based on the obligation of the government to promote public safety, health and welfare. There are many stringent standards required in that Chapter. It primarily deals with people, hospitals, and doctors who seek to diagnose and treat illnesses and diseases of a physical nature. In 1993, this amendment allowed law enforcement officers and agencies to exempt this statute as passed. Law enforcement officers are more interested in the detection of, and bringing to justice those who commit crimes such as driving under the influence (DUI). Law enforcement officials would then administer blood or alcohol tests, and other types of examinations.

The mental health courts collect urine and saliva samples only; blood samples are not collected. The samples are sent to our choice of care providers in the south, and Bristlecone Family Services in the north, for analysis and detection for drugs present in the human body. The specialty courts in the Second Judicial District collect between 40,000 to 50,000 urine and saliva samples annually. Detecting the use of drugs and alcohol for therapeutic purposes helps our clients admit and confront their use and addiction by breaking down the most difficult barrier to recovery—denial. These tests are not used for the apprehension and conviction of our clients as they are not admissible in a criminal court. To make them admissible, one would have to analyze these drug tests and establish a better chain of custody. We do not use them for that because it is part of an agreement with our clients.

We have many instant tests that can tell you what type of drugs are being used. These tests are 99.9 percent accurate. We test only people who are in our drug court and mental health court programs voluntarily, and those who consent to the use of these tests. One of the things that we would like to do, particularly in the Second Judicial District, is to take advantage of new technology. A company called Dade Behring is building a small machine that can detect a tremendous number of drugs in minutes, in an hour, or a day. Not only will that be available for urine testing, but it may soon be available for

testing saliva. We think that we can take advantage of this technology and do good things for our specialty courts. First, we can eliminate the middle man. We can have control of our own testing, the testers, and the apparatus. The procedure for testing would be directly available to the court for supervision and scrutiny. Second, we can release the care provider from blowing the whistle on the client. It would allow the care provider to concentrate on therapy and therapeutic counseling for the clients. The saliva testing costs between $5 and $15 per test and that includes a panel of four tests. It is more expensive than urine testing, but the client can maintain his dignity. The urine testing requires observation for both males and females. If we can get these tests done at a cost of $2.50 to $3.00 per test, it will result in tremendous saving to the client and to us.

Those are the reasons why we are asking you to consider this amendment to the statute where it is similar to the law enforcement exemption. Unlike law enforcement, we already know our clients have committed and are still committing a crime, but this would address the issue of recovery.

**Chairman Anderson:**
What we are trying to do is allow the drug courts an opportunity to utilize the newer technologies.

I will close the hearing on A.B. 152.

> ASSEMBLYMAN MORTENSON MOVED TO DO PASS ASSEMBLY BILL 152.
>
> ASSEMBLYMAN CARPENTER SECONDED THE MOTION.
>
> THE MOTION PASSED UNANIMOUSLY.

**Chairman Anderson:**
The Chair will take the presentation of A.B. 152 to the Floor. I will now open the hearing on Assembly Bill 192.

**Assembly Bill 192: Clarifies provisions concerning the authority to stay the execution of a judgment of death. (BDR 14-148)**

**Assemblyman William C. Horne, Assembly District No. 34:**
I Chaired the Assembly Concurrent Resolution No. 17 of the 73rd Session Committee on Sentencing and Pardons, Parole, and Probation, in 2005. In that Interim Committee there were a number of bills that were recommended, including A.B. 192. It was brought to that Committee's attention that the

statute did not match the *Constitution of the State of Nevada* with regard to the Governor's powers on granting reprieves in death penalty cases. This is a clarification stating that the Governor may "grant a reprieve pursuant to Section 13 of Article 5 of the *Constitution of the State of Nevada*." It also deletes Section 13, which does not reference the Governor's power to exercise such a stay of execution.

**Assemblyman Carpenter:**
The statute referred to the wrong section regarding the State Board of Pardons. Did they still have that power when it was in the Ne*vada Constitution*?

**Assemblyman Horne:**
That is correct. I do not know of any instances where it actually became an issue, but the *Nevada Constitution* says that the Governor has the power to grant these stays.

**Chairman Anderson:**
In reviewing some of the death penalty statutes, Legal discovered that they had made an error in citing the section. They failed to revert back to the original document of the *Constitution of the State of Nevada.*

**Lisa A. Rasmussen, President, Nevada Attorneys for Criminal Justice, Las Vegas:**
We think this is a great bill and we are in support of it.

**Chairman Anderson:**
I will close the hearing on A.B. 192.

ASSEMBLYMAN CONKLIN MOVED TO DO PASS ASSEMBLY BILL 192.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Anderson:**
Mr. Horne will present this bill on the Floor.

[Chairman Anderson leaves room.]

**Assemblyman Oceguera:**
I will open the hearing on Assembly Bill 193.

**Assembly Bill 193: Makes various changes concerning pleas, defenses and verdicts in criminal actions. (BDR 14-152)**

**Assemblyman William C. Horne, Assembly District No. 34:**
The Nevada Legislature enacted Senate Bill No. 314 of the 68th Session, in 1995. This bill abolished the insanity defense in criminal cases and provided for the defense of "guilty but mentally ill." In 2001, the Nevada Supreme Court ruled that the absence of a defense of insanity was a violation of the *Constitution of the United States* and the *Constitution of the State of Nevada* in the case of *Finger v. State* [117 Nev. 575 (2001)]. In 2003, the Legislature abolished the "guilty but mentally ill" defense and reinstated the insanity defense when they enacted Assembly Bill No. 156 of the 72nd Session. During testimony of that bill, I posed the question to Mr. Ben Graham, of the District Attorneys Association, regarding the likelihood of a person found not guilty by reason of insanity to be released shortly after his or her commitment. To paraphrase Mr. Graham's statement: "This is not likely to happen in our lifetime."

In September 2004, Michael Kane [State v. Kane, Clark County District Court Case No. 04-C-200974-C (2004)] was acquitted of murdering John Trowbridge in Clark County. Mr. Kane was deemed to be insane at the time of the killing. However, he was under the influence of LSD when he took John Trowbridge's life in October 2001. While it is understood in Nevada law, that voluntary intoxication is not a defense to murder, the debate as to why the defense was afforded the insanity defense in that case is one for another day. The fact is "guilty but mentally ill" was not an available finding at the time of that trial.

In 2005, our Interim Committee on the Assembly Concurrent Resolution No. 17 of the 73rd Session decided to submit this bill for consideration. It returned "guilty but mentally ill" as a finding for a jury when legal insanity has not been met. I understand that there are many pages to this bill, but the majority of those pages are forms that are used in criminal cases such as the guilty plea agreement when a guilty plea is entered. The phrase "guilty but mentally ill" has been inserted in all of these documents.

In Section 4, paragraph 5, it defines the M'Naghten Rule standard, which lays out the criteria a person has to meet in order to be found insane:

> Due to his insanity, he could not understand the nature and consequences of his conduct or that his conduct was wrong, meaning not authorized by law; and if the facts, as believed by the defendant at the time of the offense, were true, the facts would justify the commission of the offense.

The District Attorney's Association and the defense bar will each propose amendments. I have met with both groups and there will be amendments, mostly in the line of striking paragraph (b) of that Section. I will remind the Committee that my role as Chairman of the A.C.R. No. 17 of the 73rd Session was to present the bill as agreed upon by that Committee to the Legislature. The proposed amendments do not seem to be unfriendly or do much for clarification, but I will allow them to make their presentations.

Section 10 is where both sides are going to make their arguments on how this should read in presenting the possible finding of "guilty but mentally ill" in cases that go to trial. It is my opinion that including "guilty but mentally ill" was for the purpose of the jury. If a defendant failed to meet the M'Naghten Rule standard at trial, then the jury could find "guilty but mentally ill" as an alternative in their deliberation. This language does that, but it will be the Committee's choice on how they want this bill to read. It could be an explicit instruction to the jury to find "guilty but mentally ill" as an alternative, or to provide it as an implicit instruction.

After serving less than a year at Lake's Crossing, Michael Kane was deemed to no longer be exhibiting signs of his mental illness and was recommended for release. After several hearings in Clark County, Michael Kane remains committed at Lake's Crossing for his mental illness.

**Assemblyman Segerblom:**
Can you explain to me the difference between "guilty but mentally ill" and guilty?

**Assemblyman Horne:**
It depends on which crime they have been found guilty of. If a person is found "guilty but mentally ill," then they will be sent for treatment for their mental illness prior to going to prison. Should that person ever be deemed mentally fit, they would then be transferred to a penal facility to finish serving their time. If they are found guilty, then they would go straight to prison to begin serving their time.

**Assemblyman Segerblom:**
Do you receive credit for time served while you are being treated for a mental illness?

**Assemblyman Horne:**
I spoke with a member of the District Attorney's Association with regards to that; however, I do not have a definitive answer for you. They were in

agreement that the person should still receive credit while they were being treated for their mental illness prior to going to prison.

[Chairman Anderson returns.]

**Robbin Trowbridge-Benko, Private Citizen, Las Vegas, Nevada:**
I am the mother of John Edward Trowbridge. I am here to lend my support to A.B. 193, which adds the language of "guilty but mentally ill" to the bill. I believe that most of you are probably familiar with my son's case. I would like to take you back to the night all of this started. That was October 22, 2001.

My son was lying on a bed reading a bicycle magazine. He was probably dreaming of racing and building bicycles—that was one of his hobbies—never thinking that it may be one of his last thoughts. It was during this time of relaxation that Michael Kane stabbed my son in the neck with a replica of a Roman dagger. My son then rolled across the bed, because that was his only possible means of escape. Michael Kane stabbed my son repeatedly and, as it was testified in trial, my son had defense wounds on his arms and hands. He did not want to die—he wanted to dream about bicycles. Michael Kane jumped on his back and stabbed him six more times. My son died needlessly and senselessly. His younger brothers, his father, me, and all those who loved him buried him at the age of 23. His younger brothers are now older then he was when he died.

Michael Kane was deemed to have been suffering from a mental illness. At the trial there was a tremendous amount of testimony referring to mental illness, psychosis, schizophrenia, paranoid schizophrenia, and insanity. The jury was repeatedly asked by Michael Kane's attorney to consider that he was psychotic when they began to deliberate. If they could find him not guilty by reason of insanity they would be ensuring that Michael Kane would receive treatment for his mental illness. That was their only option if they wanted to consider mental illness.

After hours of testimony, I believed the jury felt they had no option, but to find this young man not guilty by reason of insanity. They did not have the option of guilty. There was no question as to who killed my son. They really did not have the option of finding him guilty because they were looking at his mental illness as they were asked to do by the experts. I do not know if they would have come back with "guilty but mentally ill" had they been given that option, and I do not know if that would have affected this case. But I do know that they could have done what was asked of them at the beginning of trial, which was to be a trier (finder) of fact. Meaning to listen to all the evidence, the experts, the legalese, the medical terms, and possibly find a balance between

public policy, public safety, the awareness of mental illness and the culpability of a killer. They may have still come back with not guilty by reason of insanity—that is a legal term. "Guilty but mentally ill" was discussed at my son's trial. "Guilty but mentally ill" is not necessarily a legal term and it did not come down to the legalities of this trial—we knew who had killed my son. It was a matter of what to do with him.

I feel it is imperative that the "guilty but mentally ill" option be available to the jury. If it is not available when a defendant pleads not guilty by reason of insanity, then you might as well tell the jury they cannot come back with a verdict of guilty. When a defendant goes before a jury and pleads not guilty, the State does not say there is no option to hear about guilty. That option should be given to the jury. Those options should be explained to them, so without that option the State is simply saying if you want to consider the mental illness of the defendant as everybody is asking, then you have to find him not guilty. I do not believe that is how this country works or how this State wants it to work. The State wants the jury to be the true trier of fact and have all the options available to them.

It is imperative that voluntary intoxication be plainly stated within the statute and not allowed as a defense. The M'Naghten Rule discusses delusion. It does not speak of how you got that delusion or whether you drank three cases of beer or shot up heroin. A good defense attorney could possibly use that to mitigate the circumstances by saying his client was delusional. The statute does not say how he got there, and it does not say we cannot discuss that. All the defense has to do is present that to a jury and confuse them a bit more. The jury has been dealing with medical and legal terms, and the M'Naghten Rule. Maybe clarifying voluntary intoxication in statute would help.

Whether or not you add "guilty but mentally ill" will not affect me. I would be disappointed because many years of hard work by many people has gone into this Legislation. Will it bring my son back? No. Will it make anything easier for me? No. There is one thing that you could do that would help me. My son did not die for this State and he did not die for these statutes. I do not know why he died. His last words were "Why me? Why did he do this to me?" I do not know. I am not looking for an answer to that, but his case has brought to light the inadequacies within the statute. Perhaps my son's death and his last words have brought me here today in search of "why." I may have buried my son, but I have not stopped being his mother. Whatever the legislators decide to do with this bill, I fully believe there will be changes and they will be for the better. In years to come, in the legislative history, the hard work that went into this bill will be understood. I want it to be understood that a young man named John Edward Trowbridge was stabbed to death at the age of 23 and asked, "Why

me?" I would ask that his name be honored, so when this bill is looked at, referred to, and studied that it informally be referred to as John's Law.

I know that the Committee may also be hearing other bills concerning these types of insanity pleas. Pick one. It does not matter to me where or how this statute goes, but it does matter to me that I feel as if I found a silver lining around a dark cloud that will never leave. I sincerely hope some good will come out of this. When you consider this, I ask you to remember my son. Not for his death or how he died, but how he lived. My son was talkative, charming, and likable. He also had a beautiful smile. I would like for you to consider him, his life, and his family, as we will continue to love him. When you think of what you are facing and when you consider whether or not you feel that my son's name may informally be served and honored in this State.

**Chairman Anderson:**
Ms. Trowbridge-Benko, I was here when we changed the statute. In this Committee we deal with probably 200 or more bills a session and I cannot think of one bill that I regret working on more than this one. This bill was better off untouched. I wish there was an excuse I could think of that would justify the amendment. I take this as a serious responsibility, and I know members of this Committee will take this bill seriously. This bill will set a standard that all of us will have to deal with.

**Assemblyman Horne:**
There is one other issue brought to my attention that I failed to mention. This bill would be adding "guilty but mentally ill." The option of not guilty by reason of insanity would still be available. When the Supreme Court in *Finger* said it is unconstitutional not to have a defense of insanity, they did not say that you could not have "guilty but mentally ill." Somebody posed that issue to me prior to the A.C.R. No. 17 of the 73rd Session hearings on whether or not you could have them both in there, and is it in violation of *Finger*. It is not. We are just adding "guilty but mentally ill." *Finger* said for crimes that involve intent, you need to have an insanity defense. That is still in this bill. I ask this Committee to remember when you sit down on the Floor and deliberate what we believe to be good decisions on our votes. Amending is, sometimes, far reaching and you cannot see its ramifications. I was a freshman in 2003 when this happened and thought I was posing an innocent question about mental illness. For that question being asked is how Ms. Trowbridge-Benko knew to contact me.

**Assemblyman Cobb:**
Ms. Trowbridge-Benko, you testified that you were hoping we would clearly define in statute, that voluntary intoxication cannot be used as a basis for an

insanity or mentally ill plea. Has there been any discussion about defining that clearly in statute given the circumstances of this case?

**Assemblyman Horne:**
During the interim committee, there were no discussions on actually codifying in statute prohibition on using voluntary intoxication in insanity defenses. I know in case law that voluntary intoxication has not been a defense. I do not know how, and I could not walk you through how it got there and how it was still afforded a defense. From what I read of transcripts, and in the hearing on possibly releasing Mr. Kane, there was no question that part of his mental illness was due to taking illegal drugs. That was not in question. I am not sure if this case is an anomaly, and perhaps someone from the defense bar or the district attorney will come and tell you how that happens. I am sure that they will tell you that it is well known that voluntary intoxication is not a defense. If it is the Committee's pleasure to codify that in statute, then that is the Committee's prerogative.

**Assemblyman Cobb:**
That is an issue of law for the judge, not an issue of fact for the jury, correct?

**Assemblyman Horne:**
That is correct. The issue of law would be for the judge. That is not an issue of fact. When presenting to a jury, the fact would be whether or not this person was indeed voluntary intoxicated. The jury would have been given facts and be able to determine whether or not the person was voluntary intoxicated. One has to present facts and evidence to support voluntary intoxication. The fact that I am using voluntary intoxicated as a defense is a matter of law.

**Assemblyman Cobb:**
This would actually be evidence perhaps used by the prosecutors to prove there is not enough of a basis for insanity or mentally ill. As opposed to a defense attorney trying to show there was voluntary intoxication.

**Assemblyman Horne:**
The defense has the burden of proving the defendant's insanity. In rebutting that presumption of insanity, the prosecution would present evidence. In this case, say Mr. Kane was not insane at the time of the offense because his delusion came about by his voluntarily ingesting LSD.

**Assemblyman Cobb:**
I agree with Ms. Trowbridge-Benko. This is something that we should clarify.

**Assemblyman Segerblom:**
What does the jury know about the consequences of how they rule? If they can find guilty, not guilty, guilty but mentally incapacitated, or insane, do they understand the consequences from each of those decisions?

**Assemblyman Horne:**
Here is how it will work. There will be a trial where the defense will present its case as not guilty by reason of insanity. The defense will have the burden of meeting the M'Naghten Rule standard. At the close of the trial, the jury is sent back to deliberate with instructions. In those instructions, the jury will be asked if they find the defendant is not guilty by reason of insanity. The jury will deliberate whether or not the defendant has met that standard. If the defendant has met that standard, then the jury will find him not guilty by reason of insanity. If the jury finds that he did not meet that standard, they would have the option of guilty but mentally ill. Meaning the defendant is culpable for the offense in which he is on trial for; however, his mental illness was such it may have caused him to commit that crime. It does not rise to defense of that crime. They can find that the penalty will be to go into treatment until such time he is no longer mentally ill. Then the defendant would be sent to a prison facility to serve the remainder of his time.

If they find the defendant was not mentally ill, then they could just find him guilty. There is no evidence that was presented at trial that he is either insane or mentally ill, so the jury can simply find him guilty. Lastly, the jury can find him not guilty. The prosecution failed to meet the burden that he committed the crime in any way to a legal standard of beyond a reasonable doubt. The jury would go back with those instructions and continue to deliberate. They would go through all the testimony, the evidence presented, and they would make a determination on what the defendant met.

**Assemblyman Segerblom:**
Are the jurors told that they have to first analyze the M'Naghten Rule question? If they find that he was not insane, then will they go to the next step? Or can they just take them in any order they want?

**Assemblyman Horne:**
I do not know the answer to that. If the defense has asserted a defense of insanity, then that would be the jurors' first duty in their deliberations. I do not know if there is any prohibition against the judge telling the jury to deliberate first to see if the insanity has been met. If insanity has not been met, then the jury will find if any of the other three penalties apply. Some may argue if the prosecution failed to meet this burden, the jury will not get there.

**Robbin Trowbridge-Benko:**
The jury is informed throughout the trial as to what would happen to the defendant if they found him not guilty by reason of insanity. They were also informed by the State that the defendant would go to prison if the jury found him guilty. The jury was left under the impression that the defendant, if mental illness was considered, would be in a mental institute for the criminally insane for the majority of, if not his entire, life. Again, if they were so willing and inclined to consider any type of mental illness, they had to come back with not guilty by reason of insanity. At this point, Michael Kane may be released due to the inadequacies that we are facing.

**Chairman Anderson:**
It is the question of degree that we are talking about, which is part of the issue of the M'Naghten Rule.

**Ben Graham, Legislative Representative, Clark County District Attorney, Nevada District Attorneys Association, Las Vegas:**
My ability to convict an insanity defense was greatly challenged in the *Kane* case. In 1995, there was a need for changes to the statute. I felt that we had time to do that and the *Kane* case came up. Earlier this morning I learned that there was a potential amendment dealing with the insanity defense and intoxication (Exhibit C), which has been delivered to the secretary.

**Chairman Anderson:**
Is there another document that should be distributed in place of this one?

**Ben Graham:**
No, that was the only document.

**Christopher Lalli, Assistant District Attorney, Clark County:**
I speak on behalf of the Nevada Prosecutors Association and we support A.B. 193. A statutory scheme that supports a verdict of guilty but mentally ill offers juries and courts a common sense solution to deal with the issues of mental illness in the criminal justice system. Offenders who truly suffer from mental illness would be offered a treatment option instead of incarceration until such time as their mental illness subsides. All the while, our communities would be kept safe by preventing the release of such offenders. The Nevada Supreme Court actually recognized the benefits of this proposed statute in *Finger* where they said:

> Guilty but mentally ill allows states to maintain a stricter definition of insanity, but still provides for a verdict with different penalty implications for person with mental health conditions that did not

> rise to the level of legal insanity. In such a case the state mandates different treatment for such individuals that would be accorded to them under a more traditional finding of guilt.

With regard to the specifics of A.B. 193, Nevada prosecutors seek a friendly amendment and it is the document that the Chairman referenced this morning. It more specifically defines not guilty by reason of insanity to bring that definition more in line with the definitions articulated in the M'Naghten Rule and in *Finger*. We further seek to explicitly exclude "voluntary intoxication" from the definition of legal insanity.

**Chairman Anderson:**
It seems to me a bit reaching, considering the fact that we had several discussions in the interim around this particular issue. I am curious as to how this is going to affect the overall document. We need to make sure that we are not stepping back to where we were, leaving a loophole that we did not intend. We are a little reluctant to make any kind of change because in the past we ended up making the improbable a reality.

**Christopher Lalli:**
Section 4, page 4, line 36 defines insanity. It says "Due to his insanity." It defines the legal concept by the word. What the amendment does is define it as the court did in *Finger* and the M'Naghten Rule. Rather than use the word "insanity," it proffers the language "the defendant was in a delusional state due to a disease or defect of the mind." That is part of the definition of insanity under *Finger* and the M'Naghten Rule. So, instead of using the words to define itself we are articulating closer to what the courts said in *Finger* and the M'Naghten Rule.

**Assemblyman Carpenter:**
I really do not understand this. Do you want to delete Section 4, on page 4?

**Christopher Lalli:**
We are expanding it so it will mirror the language in *Finger*.

**Assemblyman Carpenter:**
Where the circles and lines are, does that stay in?

**Ben Graham:**
On our suggested amendment, you can disregard the sections with the lines and with the circle through it. Those sections were part of another BDR. Taken out of that BDR are amendments that we are proposing today. They deal with the definition of "insanity" and specifically excluding "voluntarily intoxication."

**Chairman Anderson:**
Mr. Graham took what he had perceived to be the necessary language at the bottom of this amendment at page 8 and the top of page 9. He suggests that "delusional state" be added to this particular bill. Mr. Lalli is going to fit the definitions into Section 4, subsection 4 of the BDR that we see before us. Is that correct?

**Christopher Lalli:**
That is correct. It would actually begin on page 4 of the bill at line 36. It would be added to Section 4 in paragraph 5.

**Chairman Anderson:**
The other cross references on your amendment would stay in on page 4?

**Christopher Lalli:**
Page 4, beginning at line 36(a) and (b) would be replaced with the (a), (b), and (c) of our amendment.

**Chairman Anderson:**
Actually (a) from the bill is the same as your (b). Right?

**Christopher Lalli:**
It is very similar, yes.

**Chairman Anderson:**
If I am to understand Mr. Carpenter's question, what we would be adding is your (a) to precede our (a) at line 37. Then your desire is to add the "delusional state" to our existing (b), which is your (c)?

**Christopher Lalli:**
The "delusional state" would be added to your (a).

**Chairman Anderson:**
What we are saying is "delusional" instead of "insanity?"

**Christopher Lalli:**
Yes, sir.

**Chairman Anderson:**
You believe that will take care of other questions? The question of drug or alcohol usage or other mind altering factors that may be the defense part of the question?

**Christopher Lalli:**
Further down on our amended document is paragraph 8. That has specific language addressing the "voluntary intoxication" issue.

**Chairman Anderson:**
That is the new addition and the definition changed of "insanity" to "delusional." Those are the two issues in front of us.

**Assemblyman Horne:**
With the delusional language, taken from *Finger*, I understand that you want to codify the M'Naghten Rule as posed in *Finger*. Was the language in *Finger* really defining the M'Naghten Rule, or was that language dictum towards that situational case?

**Christopher Lalli:**
The language in M'Naghten Rule and *Finger* pertaining to delusion was not dicta. It was central to the holding of those cases. If I were to look at this language, as well as the language in A.B. 193, and opined as to something that might be dicta, it would be paragraph (c) in our proposed language, as well as paragraph (b) in Section 4 of the bill. The delusional aspect of the definition of insanity is a central holding in both M'Naghten Rule and *Finger*.

**Assemblyman Horne:**
I understand that. Was the delusional language primarily used in defining the facts in *Finger* or was the language a general use of delusion for insanity pleas?

**Christopher Lalli:**
Delusions were not specific to the *Finger* case. The idea of a delusion is central to all cases involving insanity. In the M'Nagthen Rule, the defendant was suffering from a delusion that the Prime Minister was going to kill him. That was not reality, but a delusion that he formed in his mind and acted upon. In the cases I have tried where insanity has been an issue, people are always looking at it in terms of the delusion. If you look specifically in *Finger* at 117 Nev. at page 576 it says:

> To qualify as being legally insane, a defendant must be in a delusional state such that he could not know or understand the nature and capacity of his act, or his delusion must be such that he could not appreciate the wrongfulness of his act, that is, that the act is not authorized by law.

When you look at *Finger* and the definition of delusion, it is certainly not dicta. It is central to the concept of insanity.

**Assemblyman Carpenter:**
Your amendment and the bill both state: "The facts would justify the commission of the offense." What is that supposed to mean?

**Christopher Lalli:**
That appears to be a further explanation or an example of the legal standard articulated. Perhaps it is language that should be found in a jury instruction instead of codifying it into statute. It explains the standards articulated in *Finger* and M'Naghten.

**Chairman Anderson:**
You will have to work with us to make sure that we all understand.

**Christopher Lalli:**
We are happy to do that.

**Cotter C. Conway, Deputy Public Defender, Washoe County:**
We are in support of the amendments proposed by the Nevada Attorneys of Criminal Justice (NACJ), so I will yield the floor to them.

**Lisa A. Rasmussen, President, Nevada Attorneys for Criminal Justice, Las Vegas:**
Some of these issues are confusing, so I am going to try to simplify our position. We provided a copy of this to Mr. Graham. We have a few proposed provisions (Exhibit D). The first one is in subsection (b) of Section 4 that says "If the facts, as believed by the defendant at the time of the offense, were true, the facts would justify the commission of the offense." We believe that statement should be removed because it is adding an additional element that is often not the case. For example, it is a distinction between delusions that the killing is justifiable versus a delusion that a killing is even taking place. In some instances, the delusion is such that the defendant does not believe he is committing a killing. Adding the requirement that they believe the killing is justifiable would actually add an additional burden that does not exist under the M'Nagthen standard. Certainly, that was not the proposal or the language in *Finger*. Another suggestion would be to either delete subsection (b) or delete the "(a) and (b)," so it simply says "(a) or (b)." That might be acceptable, but not with the word "and." The "and" adds an additional requirement. Again, in some instances the person does not know that they are committing a killing, let alone have the delusion that it is a justifiable killing.

The second proposal is on page 10, line 26. The option for a guilty but mentally ill verdict or plea should be made at the request of the defendant. This is similar to a defendant entering a plea of not guilty by reason of insanity,

which is always the defendant's choice. It should be the defendant's choice to subject himself to a lifetime of treatment, not a choice that is imposed upon him without his consent. An insanity plea can only be made by a defendant. This should not be any different.

**Chairman Anderson:**
If the person is delusional, how would he then be competent to make that decision?

**Lisa Rasmussen:**
There are a couple of issues here. There are instances in which defendants are not competent to continue with the proceedings. In those instances, they are sent to Lake's Crossing until they are competent. The reason for that is they cannot assist their counsel—they cannot participate in the proceedings or understand what is going on. The proceedings are a different issue versus what state of mind the defendant was in at the time the offense was committed. In many instances a person is not competent to plead guilty but mentally ill. Procedurally, nothing goes forward because defendants are not competent to participate in the proceedings. When Lake's Crossing finds that they are competent and can assist their lawyer, then those defendants are sent to stand trial. In Clark County, Lake's Crossing will come back to us with a recommendation that the defendant is now okay. That is a different issue from the manner in which you can enter a plea in a case and a manner in which you could be found guilty.

**Chairman Anderson:**
Does that lead to the problem that we just said would never happen in our lifetime? That one would go to Lake's Crossing for a certain amount of time, and then Lake's Crossing makes the determination that he is competent to stand trial.

**Lisa Rasmussen:**
Yes. It is usually a few months. People are sent to Lake's Crossing to receive treatment so they can regain competency. The defendant will return and the defense has a right to object to whether or not he is competent. If he is, then trial will begin. At that point, the defendant will have the option of entering a plea of not guilty by reason of insanity or not guilty but mentally ill.

We would propose that guilty but mentally ill be an available plea or instruction to the jury. In that instance, the only distinction between a guilty verdict and guilty but mentally ill is a treatment component. It should be the defendant's choice to have that treatment component—not the choice of the jury, State, or

the judge. It is not something that could be imposed constitutionally upon a defendant without his consent or without his request.

Finally, on page 10, Section 10, subsection 2, the end should also say "a defendant found guilty but mentally ill shall not be sentenced to death or life imprisonment without the possibility of parole." Certainly, under a guilty but mentally ill scenario a death sentence would not be appropriate. That would run afoul of other constitutional provisions and interpretations. A life imprisonment without possibility of parole sentence cannot be commuted by law. What we would be doing is committing people who are mentally ill to the care of the State indefinitely. We would suggest that if this option for a verdict is utilized that it not apply in those two circumstances.

There is one final topic of discussion. Our proposed legislation states that appropriate treatment be available, not that it be given. There are issues with regard to that, but these issues have already been discussed. If this bill is to have any meaning treatment needs to actually be administered.

There was a question in reference to the jurors—would they understand the consequences of the different verdicts. The testimony and response of Ms. Trowbridge-Benko may have been to discussions that took place in that particular trial. Attorneys are forbidden from telling jurors what the consequences are in the guilt phase of a trial. The judge will always inform us "that is a matter for the Legislature or that is a matter of public policy that is not a matter for you to argue to the jury." Generally, jurors do not understand the consequences of choosing a certain type of verdict. They would not be told if they choose guilty but mentally ill, it is the same consequence except that there is a treatment component. I have a difference of opinion with the State on that issue. One of our concerns is that jurors would say this verdict looks good, but not understand that it is essentially the same as a guilty verdict.

**Chairman Anderson:**
Have you had an opportunity to share this with Mr. Horne in a written format?

**Lisa Rasmussen:**
I distributed this proposal to the committee yesterday. Mr. Michael Pescetta met with Mr. Horne and discussed most of the issues that were in here.

**Cotter Conway:**
We do not want this legislation to nullify the existence of the insanity plea. I want to make sure that the procedure is such that the insanity defense would be considered first. The insanity plea would not be nullified or dealt with when we add guilty but mentally and then it does not proceed at all. If a defendant

does not meet that burden, only then would a jury consider another plea. The definition of insanity is clear. Mr. Lalli, from the Clark County District Attorney's Office, acknowledges that subsection (b) in the initial legislation is more dicta, or an example, of delusion that is concerned in M'Naghten and *Finger*. That language should be stricken and be left to a particular case as to whether or not the instruction would be submitted to a jury.

**Assemblyman Ohrenschall:**
Have many defendants in Nevada successfully established an insanity defense?

**Cotter Conway:**
I do not have the statistics. I cannot think of the last time we have applied it successfully. It has only been around a few years, but we have not applied it in our jurisdiction.

**Chairman Anderson:**
That question has been asked many times. Mr. Graham responded with, "it is rarely used and it will never happen." Well, it does and that is the reason for *Finger* and why we had to change the statute in 1995. We tried to straighten it out, but we are still dealing with a M'Nagthen Rule standard of insanity questions. Now, we have medical technology that allows us an insight into what causes the delusional nature. We are trying to use modern technology with an ancient standard and it is causing us huge problems.

**Assemblyman Horne:**
The M'Nagthen Rule standard is the highest standard to meet in an insanity defense, though there are others. The jurisdictions that use it find it difficult for a defendant to meet and for a jury to consider that insanity defense. You have other insanity defenses such as "but for their insanity they would not have committed the crime."

**Assemblyman Carpenter:**
You said that we should not have a plea of guilty but mentally ill, in life without parole circumstances. If we do that, does that not put us in the same situation we are at now?

**Lisa Rasmussen:**
A life without parole sentence cannot be, by law, commuted. Somebody could be potentially delegated to the care of the State indefinitely, or for the rest of their life. Really what they are is mentally ill. This kind of lifetime commitment would be appropriate in that circumstance.

[Chairman Anderson leaves room.]

**Jason Frierson, Attorney, Office of the Public Defender, Clark County:**
I would like to summarize an overall concern that was not touched on. Our concern is that not guilty by reason of insanity is rarely a successful event. It was predicted that we will not see it in our lifetime, yet we saw it. I would venture to guess that we are not going to see it successful for a while. If the jury is only looking at guilty but mentally ill and not guilty by reason of insanity, then that jury is going to pick guilty but mentally ill thinking that they are taking that verdict into consideration. We are not allowed to explain the difference to a jury, so we cannot tell them that guilty but mentally ill means just guilty. Whatever sentence the defendant receives for a guilty but mentally ill plea or verdict is going to result in the same sentencing as a guilty verdict, or, if available, will receive treatment for their mental illness. Allowing this verdict in every case will essentially erode away not guilty by reason of insanity. The few cases where not guilty by reason of insanity is applicable, we would like that to be something the jury could objectively consider. It is our concern that the guilty but mentally ill option, if always presented, is going to nullify the not guilty by reason of insanity.

Acknowledging the experience and the testimony of Ms. Trowbridge-Benko, we support NACJ suggestions, but offer a compromise. To adopt the guilty but mentally ill standard, but adopt it in a way that applies in certain circumstances. If a defendant pleads guilty but mentally ill, then that is an option that he can exercise that holds him accountable for that action. It is the same if he pleads guilty, but provides that he can receive treatment for his mental illness. The other is that the defendant be allowed to offer the guilty but mentally ill verdict as a jury instruction, which would be used as a defense tactic. It would only be allowed under those circumstances consistent with the defendant's right to be able to plead not guilty by reason of insanity.

It seems to be generally agreed that the language in Section 5, subsection (b) in the current bill, and subsection (c) in the newest amendment, is not necessarily needed in the statute. That language was not from M'Naghten, but from explanations in subsequent cases. I would agree that the need to provide mental treatment is necessary and leaving treatment as available means that we have mentally ill defendants who go in general population in prisons. The available standard is something that means if we have treatment we will provide it, otherwise we send them into general population. If the mentally ill person is placed in general population, then there will be injuries and that will result in lawsuits. The suggested language of requiring—not just making it available—treatment for mental illness is appropriate to address, and it protects the State from any potential lawsuits. We acknowledge that guilty but mentally ill is an option, but want to limit how it applies so that it can allow for a not guilty by reason of insanity plea or verdict. It will also allow for the rare

occasion where not guilty by reason of insanity might be applicable to a jury in a way that the jury might actually consider it. That summarizes my concerns with respect to the bill.

**Vice Chairman Horne:**
You stated that the guilty but mentally ill finding was received as an identical sentence of a guilty finding. There are a couple cases where that is not going to be true. In a murder case—where a possible felony could be life without parole or death—if they are found guilty but mentally ill, then those will not be possible sentences for a defendant. As opposed to if a jury came back with a straight guilty, then life without parole or death would be possible sentences. That is a narrow situation right?

[Chairman Anderson returns.]

**Jason Frierson:**
That would be correct. The NACJ proposes that in those cases, where not guilty but mentally ill is asserted and is a verdict or plea, that the life sentences without the possibility of parole or a death penalty would not be applicable. In those circumstances, yes, it would be a different outcome. It would not be the same as not guilty by reason of insanity where they would get out after becoming sane. If they are found guilty but mentally ill they will receive their sentence and would receive mental treatment, but it would be something less than life without parole or something less than a death penalty. There is a difference between a defendant who committed an act just with pure malice and a defendant who was held responsible for an act, but has a mental illness as a component of his conduct. That distinguishes those individuals from the individuals that do not have a mental illness.

**Scott Coffee, Attorney, Clark County Public Defender's Office:**
We agree with what the district attorney's office has suggested. First, there are questions about the penalties. As the bill is drafted now, it allows for the death penalty for those who are convicted under the guilty but mentally ill standard. We would like to see a change on that. Also, Section 5, subsection (b) is dicta. Not only is it dictum, but perhaps dangerous dictum, which will lend itself to additional litigation if it is not stricken from the bill. Both sides tend to agree with that. There have been a number of cases from the Nevada Supreme Court, in particular *Estes v. State* [112 Nev. 146 P.3d (2006)] and *Blake v. State* [121 Nev 779, 121 P.3d 567 (2005)] that have talked about the definitions that are constitutionally mandated in the minimum set forth in *Finger* and *M'Naghten*. They do not include this subsection (b) as part of that language. That subsection was merely an example set forth in *Finger*, but is not meant to be part of the M'Naghten test. Both sides are in agreement that perhaps that

should be stricken to avoid future litigation. The district attorney's point is well taken with regards to the use of the term "delusional state" as opposed to insanity. There have been a number of cases that have talked about delusional state and those include the subsequent cases of *Estes* and *Blake*. That was the district attorney's point with regard to their proposed subsection (b) of Section 4, subsection 5.

**Chairman Anderson:**
Are these the issues that are outlined in Ms. Rasmussen's memo that we received?

**Scott Coffee:**
They are outlined to some extent, with the exception of the substitution of any delusional language for insanity language. It is a point well taken. The other concern with the bill is Section 17, subsection 2. There has been discussion about what is going to happen if a person is found guilty but mentally ill. The discussion by the Committee this morning seemed to suggest that they would be taken to a treatment facility until they are taken to prison. The problem is that the bill does not outline that. In fact, it says that they are going to be sent to the caring custody of the Nevada Department of Corrections (NDOC) who determines the appropriate treatment. There are some problems with that. One of the problems that we have had in the past with *Finger* is that there was no budgeting for treatment at the prison. In fact, the prison did not treat many people who entered pleas of guilty but mentally ill. If this is passed, there needs to be some sort of mandatory treatment provision if the person is still mentally ill. If you look again at Section 5, subsection 2, it says "Department of Corrections will provide any treatments as ordered by the court, pursuant to subsection 1." The NDOC is not set up to provide that sort of treatment, and it is not at all clear what sort of treatment would be provided.

Somebody asked how often the insanity defense is used. Since *Finger* came down, I am aware of it being successfully used two times in the State of Nevada. Once in the *Kane* case and another case in northern Nevada, so it is a rare bird. There was also a question as to whether or not a jury would be instructed as to the consequence of a guilty but mentally ill or not guilty by reason of insanity plea. I have litigated an insanity case myself and the jury is informed of the consequence of the plea per case law. The *Miller v. State* [112 Nev. 168, 911 P.2d 1183 (1996)] case, as well as the *Estes* case talk about the propriety of informing the jury of the consequence of a not guilty by reason of insanity verdict. By logical extension, a guilty but mentally ill verdict would be something else that a jury would be instructed on.

**Assemblyman Segerblom:**
Does the jury first have to decide not guilty by reason of insanity, then the jury instruction says the burden is on the defendant to prove that? If they find that is not the case, then do the jurors go back to the question of just guilty?

**Scott Coffee:**
That is not how it works in Nevada. There have been some other states that have spoken of the propriety of instructing on sequence of deliberation. It has not been the case in Nevada, and as far as I am aware, not the case even in a not guilty by reason of insanity (NGRI) situation. They are given a set of instructions, perhaps in an NGRI situation because they are voluminous. They are sent back to the jury room without particular instruction on what sequence the deliberation should take place. It might make sense to make the determination concerning whether or not the person meets the insanity test in the first part. It may also make sense to first make a determination as to whether or not the State has proven the elements of the crime, and then consider the defendant's mental state after that. There are no specific provisions and I have attempted to litigate that, without much luck, in other cases not involving insanity in Clark County.

**Chairman Anderson:**
Mr. Coffee, have you formulated an opinion as to which should take place first—the arguable evidence of the case or the insanity question?

**Scott Coffee:**
The question of insanity is often intertwined with the facts. For example, if somebody flees the scene, it might be an indication that they do not meet the insanity test because they appreciate the wrongfulness of their actions. From an instructional perspective, it would make sense to consider the mental aspect at the beginning, but that might raise other concerns. The potential problem is there may be a case where there is a question of identity in the defendant's insanity, which may well be the case. In which case, the defense might want to consider whether or not they have proved limits of a person involved before the issue of insanity goes to a jury. I am not sure if there is an answer to which should come first.

**Chairman Anderson:**
That may be one of the questions we will try to deal with in developing this legislation. We want to make sure that the trial includes information as to whether the defendant's act did indeed occur, and the guilt or innocence of the individual. It is conceivable that somebody might be delusional and found innocent of the crime, for other reasons, causing the State to find another suspect of the crime. In the meantime, the jury would still like this individual to

be institutionalized because of his delusional nature. That would cause another set of problems.

**Scott Coffee:**
Even if we instruct the jury on the consequences as currently laid out, Section 17 does not make clear what is going to happen to somebody who has been found guilty but mentally ill. If we are struggling with this, imagine juries struggling with what is going to happen. Even if we read the statute to them, they may still be confused with what will happen to the defendant.

**Chairman Anderson:**
Are you going to be the one who is going to offer language?

**Scott Coffee:**
I would be happy to provide a proposal.

**Michael Pescetta, representing Nevada Attorneys for Criminal Justice, Las Vegas:**
Subsection (b) is superfluous in Section 4, subsection 5. I want to emphasize what Mr. Coffee has just talked about, which is the need for a real treatment regime for people found guilty but mentally ill. If you look at the *Finger* decision, one of the issues that the court talked about was the fact that there were no separate facilities for the incarceration and treatment of defendants who are not legally insane but may suffer from mental illness. If Mr. Coffee is willing to provide some language to the Committee, then I do not need to say anything further.

**Chairman Anderson:**
I would ask that you both discuss the document that Mr. Coffee produces. I am going to leave this bill to Mr. Horne and hopefully we can come to an agreement regarding the language.

**Tim Fattig, Deputy District Attorney, Clark County:**
I have been involved in the Michael Kane situation, especially since the not guilty by reason of insanity verdict came out. I am concerned about the procedures in place and what will happen when a verdict is reached.

**Chairman Anderson:**
Did you talk to Mr. Graham with the District Attorney's Association before you came up?

**Tim Fattig:**
I have been in touch with Mr. Lalli, but not Mr. Graham.

**Ben Graham:**
There are a couple of issues that we have not had an opportunity to discuss with Mr. Fattig. I would like to have him talk to Mr. Lalli prior to raising those concerns, so we can get those to the Committee in an appropriate form.

**Joseph Turco, Staff Attorney, American Civil Liberties Union, Las Vegas:**
I want to briefly state our support of our colleagues at the NACJ. These are the defense attorneys who deal with this issue on a day-to-day basis. The American Civil Liberties Union (ACLU) has long felt that indeed, M'Naghten Rule is outdated, antiquated, and ineffective. We have come a long way in 150 years since that rule was established in the mental health field. We support all of the amendments. I want to point out that we also would insist that when guilty but mentally ill is used that the death penalty not be an option. The ACLU, Amnesty International, National Alliance for the Mentally Ill, religious organizations such as the Quakers and the Catholics—just to name a few—have found the death penalty a mistaken approach. The execution of mentally ill people is indecent, immoral, and illegal under both international law and American law. With regards to treatment, it is not mandated and simply stating in the law that somebody found guilty but mentally ill will receive treatment that is available is insufficient under the Eighth Amendment. If it is left up to the DOC, we are less than saying that any treatment that is effective would be given. Budget constraints do not excuse or absolve the DOC from liability under

constitutional claims. It is in these areas that medical and mental care, or lack thereof, that prisoner lawsuits have been the most effective.

**Chairman Anderson:**
I will close the hearing on A.B. 193. It will come back to Committee. I would ask that Mr. Coffee, Ms. Rasmussen, and others from NACJ work together with the District Attorney's Association to come up with a clean piece of paper, clearly identified. Make sure that the staff has it by Monday morning, so that we can get it into a work session document. Mr. Horne will be the principal, make sure that everything is shared with him. Make sure that the interested parties like Ms. Neighbors have an opportunity to see what is happening so they are not surprised.

**Assemblyman Horne:**
Somebody gave me a copy of the *Finger* case. Howard Brooks was an attorney in that case. I would like clarification from him on the questions that were posed and I particularly asked about *Finger* and the M'Naghten Rule standard. Mr. Fattig was also an attorney in the *Kane* case. I would like perspectives from everybody.

**Chairman Anderson:**
If you will accommodate Mr. Horne and make sure we have it all finished by Monday morning.

Meeting adjourned [at 10:36 a.m.].

RESPECTFULLY SUBMITTED:

_____
Doreen Avila
Committee Secretary

APPROVED BY:

_____
Assemblyman Bernie Anderson, Chairman
DATE: _____

## EXHIBITS

**Committee Name: Committee on Judiciary**

**Date: March 20, 2007 Time of Meeting: 8:10 a.m.**

| Bill | Exhibit | Witness / Agency | Description |
|---|---|---|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 193 | C | Ben Graham, Legislative Representative, Clark County District Attorney, Nevada District Attorney's Association, Las Vegas | Proposed amendments |
| A.B. 193 | D | Lisa Rasmussen, Present, Nevada Attorneys for Criminal Justice, Las Vegas | Proposed amendments |