

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

**Seventy-Fourth Session
March 22, 2007**

The Committee on Judiciary was called to order by Chair Bernie Anderson at 8:16 a.m., on Thursday, March 22, 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 Horne, Vice Chairman
Assemblywoman Francis Allen
Assemblyman John C. Carpenter
Assemblyman Ty Cobb
Assemblyman Marcus Conklin
Assemblyman Ed Goedhart
Assemblyman Mark Manendo
Assemblyman Harry Mortenson
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

Assemblywoman Susan Gerhardt (excused)
Assemblyman Garn Mabey (excused)
Assemblyman John Ocegura (excused)

GUEST LEGISLATORS PRESENT:

Senator Terry John Care, Senatorial District No. 7

Minutes ID: 579



Assemblywoman Kathryn A. McClain, Assembly District No. 15
Assemblyman James A. Settelmeyer, Assembly District No. 39

STAFF MEMBERS PRESENT:

Jennifer M. Chisel, Committee Policy Analyst
Risa Lang, Committee Counsel
Kaci Kerfeld, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Bill Bradley, representing, Nevada Trial Lawyers Association
Janine Hansen, representing Nevada Eagle Forum
Rose McKinney-James, representing Clark County School District
Vinson W. Guthreau, Government Affairs Coordinator, Nevada
Association of Counties
Dan Musgrove, representing University Medical Center and Clark County
Tim Crowley, representing the Nevada System of Higher Education
Stan Miller, Claims Manager, Litigation Division, Office of the Attorney
General
Janice Moskowitz, Lead Actuary, Division of Insurance, Department of
Business and Industry
K. Neena Laxalt, Government Relations Consultant, representing the
League of Cities
M. Norman Kemberling, Senior Deputy Attorney General, Office of the
Attorney General
Ben Graham, Legislative Representative, Clark County District Attorney,
Nevada District Attorneys Association, Las Vegas
Philip K. O'Neill, Chief, Records and Technology Division, Department of
Public Safety
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs'
Association
Sally Crawford Ramm, Elder Rights Attorney, Division for Aging
Services, Department of Health and Human Services
Carol Sala, Administrator, Aging Services Division, Department of Health
and Human Services
Martin Bibb, Executive Director, Retired Public Employees of Nevada
Frank Sullivan, Juvenile Hearing Master, representing Southern Nevada
Domestic Violence Task Force
Wendy Wilkinson, President, Southern Nevada Domestic Violence Task
Force

Nancy Hart, representing Nevada Network Against Domestic Violence
Max W. Bunch, Justice of the Peace, representing Nevada Judges Association
Joshua Martinez, Detective, Las Vegas Metropolitan Police Department
D. E. "Doc" Cottom, TC, Chief Instructor, Director of Education, Nevada Firearms Training Academy
John Wagner, representing the Burke Consortium
J. L. Rhodes, Private Citizen, Fallon, Nevada
David K. Schumann, Vice Chairman, Nevada Committee for Full Statehood
Rick Wendling, Chairman, Carson City Small Businessmen's Coalition

Chairman Anderson:

[Meeting called to order and roll called.]

I have two bill draft requests (BDR) to introduce. The first is BDR 10-1342 which was requested by this Committee, making various changes to the provisions governing common-interest communities. BDR 11-1403 was also requested by this Committee and makes various changes to provisions concerning certain actions to determine paternity. This is an ongoing question about the needs of one of the state agencies. It is one of the recommendations that came from the Governor's Blue Ribbon Task Force dealing with a child's death in Clark County. The chair will entertain a motion for Committee introduction.

ASSEMBLYMAN OHRENSCHALL MOVED TO INTRODUCE
BDR 10-1342 AND BDR 11-1403.

ASSEMBLYMAN CONKLIN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN GERHARDT,
ASSEMBLYMAN MABEY, AND ASSEMBLYMAN OCEGUERA WERE
ABSENT FOR THE VOTE.)

Let us open the hearing on Senate Bill 66.

Senate Bill 66: Increases the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees. (BDR 3-120)

Senator Terry Care, Senatorial District No. 7:

Let me take you back to the year 1979. It was the year of the Three Mile Island Disaster. It was the year that the NBA adopted the three-point shot. It

was the year that the Iranians took over the American Embassy in Tehran. It was year that John Wayne died, the year that Jimmy Carter was President, and it was the last time that the Nevada Legislature did anything about the current \$50,000 cap in the settling of a tort for a cause of action, as we now have it under *Nevada Revised Statute* (NRS) Chapter 41. It has been 28 years since the Legislature has done anything about this.

We all make mistakes, and that includes agents and employees of the government. Those mistakes sometimes result in disastrous consequences for an innocent third party. What first came to mind was the death of the four people in late 2005, when a highway patrolman was speeding—not in route to an accident—and crashed into the rear of a car, killing four people. I do not practice personal injury law and I have never had any correspondence with those people. But that is the type of incident we are talking about. Under current law, the maximum amount of money those estates could sue for would be \$50,000 per cause of action for any injured plaintiff. This bill is brought forward as a matter of justice, fairness and equity. As I said, I do not practice in this field of law, but it has been 28 years since this cap has been raised. With inflation, \$50,000 in 1979 now equates to \$138,892.98. This bill changes the cap to \$100,000. That number lacks comparable measure of 28 years ago, but it is an acknowledgement that \$50,000 is inadequate. As you know, the Legislature has looked at the issue of inflation before and has, on occasion, concluded that it is time to raise other dollar figures. For example, in 1999 the homestead exemption was either \$85,000 or \$115,000, and last session it was bumped all the way up to \$350,000. The theory was that we have to protect homeowners to some degree against judgment of creditors. Every session there are fee increases because the cost of everything goes up.

I would like to point out that this bill would only apply to those causes of action that accrue on or after October 1, 2007. It would not apply to the four people killed by the highway patrolman mentioned earlier.

The arguments against raising the cap are going to be heard this morning. I personally am not open to any amendments. I have had very nice conversations with the people opposed to this bill. I just do not know how you can say that it is not time to raise this cap to a figure less comparable to what the inflationary figures should make it. The arguments will be that an attorney may file a complaint for a plaintiff who was not in the vehicle, for example. There would be a cause of action for loss of consortium, so there may be more than one cause of action for that accident. I would like to point out that in 1972, 35 years ago, the Supreme Court held that the statute does not limit the total recovery for related actions to an amount specified [*State v. Webster*, 88 Nev. 690, 504 P.2d 1316 (1972)]. In other words, it is not \$50,000 per

incident; it is \$50,000 per cause of action. That argument has been around for 35 years and was addressed by the Supreme Court in 1972. You will hear from the governmental entities that this could bankrupt us in the case of a real catastrophe, like the unfortunate scenario of a school bus accident. It has been proposed to leave the cap at \$50,000 for rural counties and \$100,000 for Clark and Washoe Counties, but that would mean that justice has a different price depending on which county you are in.

The salary of the Clark County Commissioner was \$19,200 in 1979. In 1995, it was raised to \$54,000, two-and-a-half times what it was in 1979. In 1995, the Carson City Commissioner's salary was raised to \$18,000 after being \$8,000 in 1979—more than double. The same is true in Lander County, Nye County, et cetera. They all understand that you need to raise dollar figures to keep pace with inflation. From a historical perspective, 1965 was when the Legislature first understood the fallacy of "the King can do no wrong" and created a cap of \$25,000. The cap was raised in 1977 to \$35,000, and in reviewing the legislative history of S.B. No. 469 of the 59th Legislative Session, a well-known Senator at the time, Richard Bryan, proposed raising the figure to \$100,000. That was 30 years ago that we had a Senator talking about \$100,000. A question you might want to ask the following witnesses is if we are not going to raise it now, when will we and by how much?

Chairman Anderson:

Another incident I remember is the tragic tale of the lightpost in southern Nevada. The city was putting up a crosswalk and had tied off the electricity. The electrician did not have the ground wire to tie off, so he went back to the shop to find it and did not make it back to finish that day. People would occasionally cross there and get a little bit of a shock. There was standing water next to it, and a young man came up on his bicycle to use the crosswalk, put his foot down into a puddle, pushed the button, and he was electrocuted. He became a ward of his family, who then had to try to carry medical costs. The \$50,000 settlement would not have even taken care of the opening medical costs in that particular case, and the long-term costs become a greater burden. It would never have been the intent of the electrician for this to happen, and he was mortified by his lack of action. Human errors happen, and if the person who makes the error is working for a governmental entity, the government should take responsibility for their employee's mistakes. People are shocked when they find out their local government is only responsible for \$50,000 in damages, which is hardly enough money to cover the actual cost of the expenses involved.

Assemblyman Segerblom:

As I understand, there are insurance pools and a state tort fund. It is my understanding that this money would not come directly out of any particular entity's pocket and would not bankrupt any particular entity.

Senator Care:

I do not practice in this field of law, but I think you are correct.

Chairman Anderson:

Many of the small counties do participate in an insurance pool. One of our concerns should be dealing with the additional cost to the State for a higher insurance premium to cover this. I guess you have to look at it as a question of fairness.

Bill Bradley, representing Nevada Trial Lawyers Association:

We support this bill and feel this is an issue of fundamental fairness as well as individual accountability and personal responsibility. The government expects us to be accountable and responsible, so we believe that we are entitled to ask for more accountability and responsibility from our government. Through inflation, medical bills have gone up, and unfortunately this cap has stayed the same. This law was influenced by England and from our forefathers who saw fault that in England one could not sue the King. It has taken Nevada at least 200 years to allow suit of the King, but we are going to put some limitations on that exposure. Many of our surrounding states have totally done away with the concept of immunity. California, irrespective of if it is a rural county or Los Angeles County, there is no longer any cap. We realize that Nevada is in a different situation and this would create a difficult financial responsibility on some counties, but it is truly a matter of fairness. We believe this bill is long overdue.

I do want to somewhat correct Senator Care; it was actually Senator Raggio who in 1979 introduced the bill for \$100,000 and spoke about how \$100,000 would be a fair figure then. Senator Raggio is one of the supporters on the Senate side. Consequently, it is time for Nevada to move forward on this bill. We suggest that you follow the Senate's lead in this matter. This is a fair bill, and it is time to make this well-deserved change.

Janine Hansen, representing Nevada Eagle Forum:

We supported this legislation in the Senate and we want to go on record supporting it again. As has been stated, it is a matter of accountability and responsibility of government, and fairness to Nevada citizens.

Chairman Anderson:

Let me now move to those in opposition.

Rose McKinney-James, representing Clark County School District:

We are opposed to the bill in its current form. While we concur with much of what Senator Care has outlined in respect to the equity issues, our opposition stems from the practical implications, with respect to the cost associated with the increase that is set forth in this measure. I believe that you have received a proposed amendment, which stems from my testimony on the other side of the House when this bill was initially introduced ([Exhibit C](#)).

The Clark County School District is a self-insured entity. It is fair to point out that these are not cases we deal with regularly, but they do occur. When they do occur, we are required to pursue them. We have found many incidents of what the counsel refers to as "stacking." An example of stacking would be a situation where in a simple standard automobile accident, an injured individual may be in an automobile with someone else, and may find the result of his injury creates further concern for him which rises the incident to the level of a tort. The individuals who are affected beyond that can bring additional causes. The year 1979 was a long time ago, and we understand that. We are not attempting to counter the notion that things have changed, and it is not reasonable to increase the cap. That is not our argument. We are concerned about what the fiscal implications will be for the school district. This measure has not been discussed in any of the committees that deal with fiscal implications, so this is our only option to bring our concern forward. Perhaps a position of compromise would be to look incrementally at how we apply the increase to the cap.

The amendment I submitted provides that incremental increase. As opposed to moving the cap from \$50,000 to \$100,000, we would move it from \$50,000 to \$75,000 in the first year of the biennium, and then to \$100,000 in the second year of the biennium. Mr. Bill Hoffman, our general counsel, is not available to testify today but he wanted me to point out that consistent with the notion that things have changed since 1979, the court has interpreted the statutory limitation on the section of the statute that this bill effects on several occasions, most recently in the 1998 case of *County of Clark v. Upchurch* [114 Nev. 749, 961 P.2d 749]. The court interpreted the statutory limitation to apply to each cause of action by each claimant. I am not here to argue the legal components of this, but I do want to point out that there are various aspects of fairness here. We believe this amendment will go some distance toward achieving fairness.

Chairman Anderson:

The question of raising the cap was under serious consideration in a study several sessions ago. The school district understood there was a potential for the cap to be raised. There needs to be a plan to meet the insurance premium. There are insurance premium costs which will be a concern in terms of budgeting. You would hope that there would be due diligence on everyone's part to prevent any claims against the school district which would necessitate the use of the policy.

Rose McKinney-James:

It is my understanding that the Clark County School District was a participant in the interim study and that there were a variety of suggestions and recommendations that were under consideration which might have mitigated the concern we bring to you today. It is further my understanding that those recommendations were not taken to any fruition, and as a result, it made it very difficult for the district to plan for this bill. Based on the comments from our legal department, we do have premiums to consider. If we are asked to absorb an increase that we have not planned for, we will end up making those judgments based on funds that would otherwise be devoted to the classroom.

Assemblyman Horne:

Could you explain your "stacking" concern?

Rose McKinney-James:

Let us use the example I offered, which was an automobile accident. If the spouse is in the car and witnesses the accident, there could be additional cause of action. If the children are also in the car and witness it, there could be an additional cause of action. The tort that may come into play in this situation is a "catch-all tort," which is the intentional infliction of emotional distress. For each instance, there is the ability to request the cap, as opposed to a single incident resulting in the \$50,000 cap—or if this measure is approved, a \$100,000 cap—in which is a potential for substantially more claims.

Assemblyman Horne:

I am sure it would be an unintentional infliction of emotional distress, rather than an intentional or negligent infliction of emotional distress. Nonetheless, I think it would be a cause of action that may be legitimate. The school district is basically asserting that with a \$50,000 cap for 28 years, an increase of another \$50,000 all at once is too great of a burden, so you want the increase to be staggered. I do not see how that is such a large increase where we would need to stagger it. I could see where it may need to be staggered if we were raising that to \$1 million, but with only a \$50,000 increase, it does not make sense to me. Also, I did not hear any testimony on what your premium would be.

Rose McKinney-James:

The challenge that we have is that this is a Committee focused on policy. We did indicate in prior testimony that over a five-year period the average number of cases would be somewhere between five and eight. It is fairly reasonable for the school district to bring to the attention of this Body that over the course of any Legislative Session, there may be a variety of bills approved which have a fiscal implication that goes way beyond what is contemplated. In a single instance, I do not think I could disagree with you; \$50,000 is something that can likely be absorbed. Anything beyond that, though, is something that we feel obligated to bring to your attention. Because this measure has not been discussed in any of the money committees, we have not had the opportunity to go into any significant detail on the fiscal implications. I do not feel comfortable attempting to clarify the question on the premiums. I would have to research that and get back to you on whether or not there would be any increase.

Assemblyman Horne:

In your anticipation of possible litigation where this cap would be a factor, we are only talking about state actions and not federal claims, is that correct?

Rose McKinney-James:

Not to my knowledge.

Assemblyman Mortenson:

How many incidents occurred last year where the school district was sued for \$50,000?

Rose McKinney-James:

I do not have specific statistics on the number of incidents last year. I would be happy to provide this Committee with a summary of those incidents because I do think that the magnitude is of significance. We have no issue revisiting these kinds of caps—that makes sense to us from an equity standpoint. We want to bring to the attention of this Committee the fact that there are practical and fiscal implications in raising the cap without first having the opportunity to integrate it into a budget.

Chairman Anderson:

I am surprised that you have not already developed information on the frequency of the use over the last year, especially since some of the school districts are self-insured. It impacts Clark County, Washoe County, and the smaller governments and entities of the State in different ways.

Rose McKinney-James:

I do not have specific information that I can provide from last year alone. We requested information over a five-year period, and that is how I was able to come up with an average. I wanted to focus more on the policy, fearing that we might be chastised for turning this into a money committee.

Assemblyman Mortenson:

Did you say that you have the average for five years?

Rose McKinney-James:

Yes. The average over five years was about five instances per year.

Assemblyman Carpenter:

In most instances a person would get another policy at a higher cost in order to be insured against catastrophic loss. Have you checked with the insurance company to find out what the increase in premiums might be?

Rose McKinney-James:

No, I have not. If you deem that appropriate, I would be happy to research it. The Clark County School District is self-insured.

Assemblyman Carpenter:

Maybe you can find out if they have a catastrophic policy which would take care of the claims which may run into the millions.

Vinson W. Guthreau, Government Affairs Coordinator, Nevada Association of Counties:

We would like to go on record in opposition of this bill. We understand this issue has not been raised recently, but there are fiscal implications that need to be taken into account.

Chairman Anderson:

Is the Nevada Association of Counties an insurance pool to solve this type of problem?

Vinson W. Guthreau:

Yes, there is a pool that is headed by Mr. Wayne Carlson. He has submitted information but I do not know if it has gone to this Committee.

Chairman Anderson:

I am not knowledgeable about any information received recently from Mr. Carlson.

Vinson W. Guthreau:

I do not believe he submitted that information to this Committee. He is out of town, but I would be happy to provide those remarks to the Committee or have him do that.

Chairman Anderson:

Are there any questions for Mr. Guthreau? [There were none.]

Dan Musgrove, representing University Medical Center and Clark County:

We are neutral on this bill. It is hard to argue with the eloquence of Senator Care and Mr. Bradley on the history and ramifications of the \$50,000 cap, and the fact that it has been so long since it was revisited. We want you to consider the fiscal impact this has on our entities; you can say \$50,000 to \$100,000 is a small amount, but it is a doubling of our risk. I have some very specific numbers from the University Medical Center (UMC) and will provide them to the Committee ([Exhibit D](#)). Our number of plaintiffs has gone down in the past three years, but there is still financial risk when you double that amount. Over the last three years, we have had 47 claimants, totaling approximately \$1.134 million. If you double that number to the maximum amount allowed under S.B. 66, it is approximately \$4.6 million, which is a \$3.5 million hit on UMC. As you are well aware, we do not have a lot of money; we can actually plead poor as a member of Clark County. We are here today to tell you that this has a fiscal impact on us. Whether it is something that should be done is a question for this Committee; we are simply giving you what the impact will be on us as an entity.

Tim Crowley, representing Nevada System of Higher Education:

We want to put on record that our estimated fiscal impact is \$1 million per year.

Chairman Anderson:

Are there any questions for Mr. Crowley? [There were none.]

Stan Miller, Claims Manager, Litigation Division, Office of the Attorney General:

Our office is neutral on this bill, but we want to inform the Committee it will have a fiscal impact. Our best estimate is that it will increase our claims cost approximately 30 percent, or in the neighborhood of \$1 million. In fiscal years 2005 and 2006, we had nine instances in which we paid the \$50,000 cap or more. Regarding catastrophic insurance, we currently have what we call excess liability coverage, but it is getting very costly. Last year, it cost almost \$400,000 for the premium, and the coverage was \$5 million with a \$2 million deductible. With the increase, it is likely that we will be priced out of that excess coverage ([Exhibit E](#)).

Chairman Anderson:

Is the 30 percent increase based upon testing the actual market or is that a percentage of what you anticipate the cost increase to become if the liability exposure goes up?

Stan Miller:

I would like to defer that question to Janice Moskowitz from the Division of Insurance. She is the one who put these numbers together to come up with the figures.

Janice Moskowitz, Lead Actuary, Division of Insurance, Department of Business and Industry:

I was given the claims history for the last three years and I based my projections on those claims to come up with the 30 percent increase. That would be the expected cost if the future claims are similar to the past claims over the past three years on the self-funded portion, not considering the cost of the excess coverage; I was not asked to estimate that.

Chairman Anderson:

So this is not a test of what is actually available, as far as insurance?

Janice Moskowitz:

No, this is the cost of the self-funded portion. The agency has a very high cap on its catastrophic coverage (CAT) and does not usually reach that coverage. It pays most of it in claims out of the tort claim fund. This would be the increase in cost to the tort claim fund, not considering any excess costs the carrier adds to the cost of the CAT coverage.

Chairman Anderson:

So you are only talking about the potential hit upon this particular fund, not the additional need for insurance? You are not going to be exposed to any more than you already are. We are not increasing your exposure, only the cost into the fund of that exposure—is that correct?

Janice Moskowitz:

This projection is the expected cost that the tort claims unit would have to pay out of its own pocket. I did not consider any additional costs. The 30 percent increase does not include anything to do with the excess coverage. I did not have any information on the excess coverage, and it would have to go out to bid. It is like reinsurance coverage; the cost will definitely increase because the underlying exposure will increase and there will be more likelihood that there will be a claim. The insurer will increase that cost, but I do not know how much.

Chairman Anderson:

Are you theorizing that by raising the cap you are going to increase the likelihood of claims against the State?

Janice Moskowitz:

I did not assume that there would be any increase in frequency, only an increase in severity. Some of the claims that were \$50,000 are now going to be \$100,000.

Chairman Anderson:

Is that because that was the actual out of pocket amount to the person who was injured? If the medical damage was actually \$75,000 and we paid \$50,000, someone else had to pay the other \$25,000. If we raise the amount to \$100,000, you would have to pay the full \$75,000. Is that correct?

Janice Moskowitz:

Yes.

Chairman Anderson:

Is that your concern?

Janice Moskowitz:

I do not have a concern. I projected the cost to the self-funded claims which would increase about 30 percent based on their historical size distributions, and I assumed that the future claims would be similar but larger because of the higher cap.

Chairman Anderson:

In making your determinations, did you have the actual cost of medical expenses for the torts that were in place to know how much the real cost would have been as compared to the exposure?

Janice Moskowitz:

No, I only had what was actually paid under the cap.

Chairman Anderson:

So you are making an assumption?

Janice Moskowitz:

Yes.

Assemblyman Segerblom:

If the insurance does not begin until \$2 million, I do not understand why raising the cap to \$100,000 would have any impact at all on the insurance premium.

Stan Miller:

It is an increased exposure to the insurance company.

Assemblyman Segerblom:

Does it begin when the claims total up to reach \$2 million, or is it \$2 million for each claim?

Stan Miller:

It is a \$2 million deductible for each claim.

Assemblyman Segerblom:

If this caps at \$100,000, I still do not understand why the insurance company would feel there was an increased exposure.

Stan Miller:

It is each claim, not each cause of action for the excess liability coverage.

Assemblyman Segerblom:

So if 20 people were in a bus and a State employee knocked it off the road, and each of those people got over \$100,000, then that would be reaching the deductible?

Stan Miller:

That is correct.

Assemblyman Segerblom:

How often does that happen?

Stan Miller:

In the history of the State, we have paid over \$2 million one time, and at that time we did not have the excess liability coverage.

Chairman Anderson:

Is there anybody else who is neutral wishing to speak on the bill?

K. Neena Laxalt, Government Relations Consultant, representing the League of Cities:

I want to be on record sharing the same concerns as UMC, Clark County School District, and the Nevada Association of Counties.

Chairman Anderson:

So the League of Counties, League of Cities, all the governmental agencies, the Clark County School District, and the State are concerned about the impact on their insurance premiums. They understand the question of equity, but they would like their insurance premiums not to go up and they are concerned about increased exposure. Let me close the hearing on S.B. 66.

Let us open the hearing on Assembly Bill 226.

Assembly Bill 226: Establishes teams specializing in the investigation and prosecution of crimes against older persons. (BDR 15-162)

Assemblywoman Kathryn A. McClain, Assembly District No. 15:

This bill came from issues we discussed during the interim. I had a senior issues task force that was comprised of about 30 different agencies. They broke up into six different work groups, one of which looked at crimes against seniors, elder abuse, and the legal issues of being a senior citizen. We found that there seems to be a significant lack of investigation and prosecution for a variety of reasons. One of the things we have done is talked to the Attorney General's (AG) office. We would like to create an Investigation and Prosecution Unit within the AG's office at the state level. It would have a prosecutor and at least one investigator in an outreach coordinator position. It would provide authority for the AG's office to receive the same report received by the law enforcement agency, Division of Ageing Services, or any local senior protection unit. It would then allow the AG to coordinate with any state or local agency in handling the investigation and prosecution. The unit would utilize our respected resources to maximize the protection against incidents of elder abuse, neglect, exploitation, and isolation. The bill allows the AG's office to assert jurisdiction upon the consent of, or failure to act by, local law enforcement or district attorney. It also allows the AG's office to enter into cooperative agreements up front so they can decide if a particular type of crime would better fit in the AG's office, as opposed to local law enforcement or district attorney. It provides a cooperative effort among the different agencies and would also establish an outreach/coordinator position to provide public awareness and training in recognizing elder abuse. An example would be to educate a bank teller or store clerk who knows a particular senior who comes in on a regular basis to recognize signs of abuse or exploitation. It would also allow the AG's office to pursue civil remedies in certain cases of crimes against seniors. The last thing the bill does is create a tracking mechanism within the Central Criminal Repository on crimes against seniors, and asks for that information be included in the annual report to the Governor regarding crime in Nevada.

Having said that, the bill you are looking at is not it. We have managed to get the amendments yesterday afternoon. They are not totally correct yet, so with your indulgence I would like to at least give testimony so that I can make sure you all know exactly what this is supposed to be saying.

Chairman Anderson:

Do you have the amendments in written form so they can be distributed?

Assemblywoman McClain:

I do not because they are not right. I just wanted to give you an overview of what the amendments will be.

M. Norman Kemberling, Senior Deputy Attorney General, Office of the Attorney General:

I am here to express our support of this bill in its presently amended format. It hits on an issue that is important to all citizens and to our office. Even with the recent amendment, we do have some concern on how the positions are titled. The unit is designed to have an attorney, one or more investigators, and an outreach coordinator. It would be more practical if the outreach coordinator position was some type of administrative support position. The unit is designed to investigate and prosecute, so the investigators and attorney will be generating a lot of work. The title "outreach coordinator" may hamper that position from fully supporting or adding to the productivity of the unit. If we used the wording "support staff," that would also encompass secretarial support for getting the cases through.

There is also an indication of how reports are to be received by this new unit, and it indicates that the originators in a mandatory reporting system must create multiple reports that may be duplicative. I have not been able to look at the materials in depth but I do know that the Nevada Division of Ageing Services' Elder Abuse Reporting System (EARS) took in 2,400 reports in 1996 and it more than doubled by 2002. According to the State Demographer, our 2000 census shows almost 2 million people who would qualify as elderly, which was over 15 percent of Nevada's total population in 2000. As of 2003, it is over 16 percent, so the numbers are growing. There are cases that are not adequately addressed by existing law enforcement. Some cases are very technical in nature and deal with causes of financial exploitation that occur when a family member already has access to a person's finances through trusts or trust agreements, and takes liberty with those formal legal agreements and abuses that trust and actually exploits or criminally draws from those assets. In less than two years, we have seen more than 22 incidents of that type of exploitation which would be called "family exploitation against an elderly in a non-institutional setting." Those are the type of allegations that are technical in

nature and are the toughest to handle by existing prosecutions and investigations. This unit would be able to address that because it seems to be a growing weak link in the area of elder crimes.

Chairman Anderson:

Would you explain a "civilian voluntary investigative team"? In the bill you use the term "voluntary," which begs the question of training volunteers, how you get to be a volunteer, and what kind of authority you have as a volunteer.

Assemblywoman McClain:

I apologize again, because that is part of the language that is no longer in the bill. We have taken out the "voluntary." Three pages in the middle are all gone and it is being replaced by the National Investigation and Prosecution Unit within the AG's office.

Chairman Anderson:

There are other pieces of legislation that the Committee has asked for the drafting of that will be dealing with fiduciary responsibilities and those people who are acting as trustees for the elderly, and we are waiting for them. Hopefully they will be delivered to us in the next 72 hours.

Assemblywoman McClain:

That could possibly work in conjunction with this unit, correct?

Chairman Anderson:

I think it would be absolutely incredible to have this in place so that there is uniformity from county to county.

M. Norman Kemberling:

The original bill has been trimmed down and is now geared more towards the investigation and prosecution of these types of crimes. As indicated earlier, the entire staffing of this unit would be comprised of the attorney, one or more investigators, and the support position. It is up to those people to reach out and ensure that the coordination with other counties and other local agencies is being done.

Chairman Anderson:

We anticipate that this would be a 36-or37-member initial criminal evaluation team division. That breaks the rule of group dynamics, which says a group larger than 19 cannot reach a decision. Is that going to be in the final bill?

Assemblywoman McClain:

That part of the bill was to be patterned after the Children's Clearinghouse concept in the AG's office, and we have thrown that concept out. What we have now is if someone reports a crime against a senior to Senior Protective Services in Clark County, they share that report with local law enforcement and Division of Ageing Services. This adds a fourth person in the loop to share the original report. When the report is received and known by all four entities, then they will immediately know what is involved and decide who should handle it. That is how I envision this working. I think it can be computerized and simple. I want that information to go to the Criminal History Repository where they would track the arrests and the dispositions from that point on.

Chairman Anderson:

Are there questions from members of the Committee?

Assemblyman Goedhart:

You said that there were a limited number of new positions that are going to be created, correct?

Assemblywoman McClain:

I am trying to keep the bill generic right now so that it can get ironed out in the budget committees. I think one prosecuting attorney is appropriate, but one investigator may not be, which is why it says one or more investigators and a support staff.

Assemblyman Goedhart:

The financial aspect is not ironed out yet either?

Assemblywoman McClain:

Correct. We have a new AG, so there are a lot of changes being made to the budget. We are hoping that it will be taken care of.

Chairman Anderson:

Are you anticipating that if we take action, the bill will be referred to the Ways and Means Committee for lack of funding?

Assemblywoman McClain:

Yes, it will definitely have to go to Ways and Means.

Chairman Anderson:

Do you perceive that the AG's office wishes to take a stronger stand in this area and to make the district attorneys and the Sheriffs' and Chiefs' Association aware that this is a bigger issue?

M. Norman Kemberling:

Yes, we do. Steps have already been taken with other agencies. We have been working with certain agencies for years and we will continue to expand.

Chairman Anderson:

This is an important piece of legislation because it will now become the AG's responsibility and a reporting responsibility of the Criminal History Repository, which is going to generate this report. Is that correct?

M. Norman Kemberling:

Yes.

**Ben Graham, Legislative Representative, Clark County District Attorney,
Nevada District Attorneys Association, Las Vegas:**

This is not a concept that was pulled out of mid-air. Assemblywoman McClain and the Senior Citizen Law Project with Ms. Vogel, our District Attorney David Roger, our Sheriff Doug Gillespie, and the AG's office have had face to face meetings over the interim and realized that these are unique issues which plague the senior citizen population. We realize there is senior abuse out there. Our primary jurisdiction would remain with the local agencies. We are prosecuting and working as best we can with our resources. We are very supportive of this and look forward to this partnership.

Assemblywoman McClain:

This bill also allows the AG's office to take donations and grants.

Chairman Anderson:

Mr. O'Neill, is this going to create an unusual burden for your department?

Philip K. O'Neill, Chief, Records and Technology Division, Department of Public Safety:

We have no problems with the majority of the bill, but we have met with Assemblywoman McClain and have made some friendly suggestions for amendments to Section 14. The recommendations in the bill that is forthcoming to you would not have an impact to us. We would incorporate them into our Uniform Crime Report (UCR) and ask the law enforcement agencies to make the reports to us as they do now. We have a form that has been approved by our director, and it would be an incorporation of that and would not have any impact.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We support this bill and think this new concept will work. We would not have a problem making reports to the Criminal History Repository as necessary. I can see a benefit for some of the smaller agencies who do not have the expertise in investigating these types of crimes being a resource to call upon. Some of the larger agencies have people specially trained in this area and the smaller agencies do not. We would support this bill.

Sally Crawford Ramm, Elder Rights Attorney, Division for Aging Services, Department of Health and Human Services:

The division supports all efforts to support senior citizens and we support this bill. We have not had an opportunity to do an analysis on the revisions but we feel strongly that we could work with the AG's office and look forward to having the additional help, especially investigating and prosecuting exploitation cases.

Carol Sala, Administrator, Aging Services Division, Department of Health and Human Services:

We glanced at the amendment just before the hearing, and we support it. We have a couple of minor changes that we want to suggest as far as maintaining the data. We receive a lot of reports that would be appropriate for the new unit; however, we are required to be the Central Repository for all elder abuse reports coming into the State. We generate reports, and since some of our funding is through the federal government, we are required to submit federal reports on that data. We can work out those details through an interlocal agreement with the AG's office and their new unit in the amendment.

Chairman Anderson:

Other reports are going to be generated, and we want to make sure that they are within the Central Repository so that we know there is a sharing of information there.

Carol Sala:

I would like to be able to look at the amendment and have that discussion so that we are not duplicating efforts. Many of our reports are of self neglect and things like that, which would not necessarily be referred to the unit and would not need to go to a criminal case. Therefore, those reports would not need to be maintained in the criminal repository.

Martin Bibb, Executive Director, Retired Public Employees of Nevada:

We understand that there are some technical amendments that do need to be addressed, but we would like to be on record in support of A.B. 226.

Chairman Anderson:

The bill we are looking at is not the bill we are going to be dealing with.

Martin Bibb:

We understand there are impacts on a number of programs here, and that those have to be addressed before it will be out in its final form. We support the concept of this bill.

Chairman Anderson:

I will close the hearing on A.B. 226 and turn our attention to A.B. 194.

Assembly Bill 194: Makes various changes to provisions regarding victims of domestic violence and sexual assault. (BDR 3-1055)

Assemblyman William C. Horne, Assembly District No. 34:

A.B. 194 is a bill that is primarily attempting to remove firearms from individuals who have had an extended protective order issued against them. As we have all learned, domestic violence itself is a very violent crime that no one should be subject to, particularly in their own home where they should be safest. Unfortunately, it is something that we have to deal with. Sometimes we have instances where victims of domestic violence have to seek extended protective orders for their protection. This often occurs during proceedings which can get volatile, such as divorce and child custody. Sometimes the offender escalates the situation with further violence by using a firearm against his targeted victim, but firearms have also been used against others who happen to be in the way. We are attempting to remove firearms during this period of time when tempers are at their highest and people are not thinking clearly. This is not a permanent relinquishment of firearms, but only while the extended order is in place. I have worked with the Southern Nevada Domestic Violence Task Force, the Nevada Network Against Domestic Violence, law enforcement, and the AG's office on this bill. The AG's office is in support of the concept of this legislation, but they do have questions on how it will actually work with the local governments. Law enforcement also supports this bill, but will voice the concerns they have about how many guns they would end up holding, for what period of time, and if they have the facilities to do that. Finally, the courts have concerns. As the bill states, the firearm is to be relinquished to the courts, but courts do not typically do that. There will be a proposed amendment dealing with deletion of that section and will provide for law enforcement to handle that.

Now I will walk you through the bill. Passed out to you should be proposed amendments I am suggesting to the bill ([Exhibit F](#)). In Section 1, line 4, we are going to strike the word "own." Section 1 reads. "An adverse party who is named in an extended order shall not own or have in his possession..." The

problem is the word "own." We are not taking ownership away from them because technically they are still the owner of the firearm, but they will not be in possession of it. Section 3 expands the definition of who is covered under domestic violence. Here, it calls for the addition of "custodians or legal guardians" as well. We have found that in these situations, when a child is in custody of a legal guardian or custodian, the perpetrator of domestic violence directs abuse toward that guardian and they are not covered in statute. Section 4 is where the court authorizes the extended order for a pet. In my amendment, I am asking for a deletion of subparagraph (e). There is a bill brought this session by Assemblywoman Sheila Leslie that addresses this issue more thoroughly (A.B. 292.) Also in Section 4, paragraph 5, it says, "pay monetary compensation to the applicant for lost earnings and expenses related to personal injury and damage to property that resulted from the domestic violence." I am asking for a change in the wording to "pay monetary compensation to applicant for lost earning and expenses due to the need to appear for the extended order hearing." My concern is that this is just a hearing showing cause on why an order for protection needs to be extended. It is not a finding that they are guilty of domestic violence or that they actually caused these injuries. That is in another type of judicial proceeding. It is not appropriate for the hearing master to start awarding damages at this stage because there has not yet been a trial.

Section 7 of the bill deals with the performance of tests for those involved in sexually involved crimes of sexual penetration. An HIV test must be performed within 48 hours. It was brought to our attention that in order for the State of Nevada to not lose federal grant money, we need to comply with the federal statute, and that is what this provision does. In current state law, the statute uses the language "within a reasonable time." The federal law changed that to 48 hours. This section protects our federal grant money.

Nancy Hart, from the Nevada Network Against Domestic Violence, is going to propose an amendment. I have seen it, and it is a favorable, friendly amendment. I believe the courts and law enforcement will also come to support the bill, but will express some concerns on the procedure of storing the firearms. Hearing Master Frank Sullivan will be also be testifying today from southern Nevada.

Assemblyman Mortenson:

I am wondering about the mechanism by which this will be implemented. If a protection order is granted, do the police look to see if the offender has a permit for a gun, or do they just knock on the door and ask if they have a gun?

Assemblyman Horne:

Nancy Hart's amendments are going to address that. Just for clarification, these are for extended protective orders, not temporary protective orders; there is a difference. A person could have a temporary protective order (TPO) issued without going to court before a judge, but this is an extended protective order, which calls for more procedure.

Chairman Anderson:

Not every weapon is registered. I have weapons that are not registered because I was not required to register them at the time I acquired them. Weapons can also be inherited. It is the actual possession we are talking about.

Assemblyman Horne:

Yes.

Assemblyman Carpenter:

The bill says that any firearm the person owned would be surrendered to the court. I do not understand how that would be implemented. Would you have to take every firearm you own to the judge?

Assemblyman Horne:

The word "court" is going to be taken out, and that will be addressed in Ms. Hart's proposed amendment. We do not want people coming to the courthouse with firearms, but there will be an order to relinquish firearms to law enforcement. I believe Ms. Hart's amendment says the firearms have to be turned over to law enforcement or be sold to a gun dealer. It also says that you can turn them over to a third party. I have some discomfort about that part, but the Committee can debate that.

Assemblyman Carpenter:

What is the duration of an extended order?

Assemblyman Horne:

A TPO is issued for 30 days and you can have it extended beyond those 30 days. The longest extension I have seen—and I do not practice in this area often—was for 90 days. I believe the hearing master Frank Sullivan could answer that better than I can.

Assemblyman Cobb:

What is the standard of proof necessary to achieve an extended order? Is there a hearing where someone would be found guilty, or is an extended order issued if there is reason to believe that there is danger involved? Is that correct? That it does not rise to the level of beyond a reasonable doubt, but it is below that?

Assemblyman Horne:

The alleged offender would get notice to appear at the extended order hearing. Frank Sullivan would be the expert to testify on that. They are not being found guilty of anything. The hearing master determines if it appears that there has been domestic violence, and he can address exactly what that standard is, but it is not beyond a reasonable doubt.

Assemblyman Cobb:

In Section 7 where you changed the language to suggest that tests should be performed for human immunodeficiency virus (HIV), would you accept an amendment to require that the defendant—if adjudged to be guilty of this crime— be required to reimburse the health district for such a test?

Assemblyman Horne:

I am uncertain about reimbursement. I know in current statute we have other fees for testing when you have been found guilty for these types of crimes, so that may already be covered. This was just to come into compliance with federal statute so that we can keep our State's grant money.

Assemblyman Cobb:

Are you substantively opposed to having the defendant pay for the tests, or are you just not sure if it is already in the law?

Assemblyman Horne:

Offenders oftentimes have to pay for various tests that they have to undergo, which is why I said it may already be in statute. I do not have a problem with offenders paying when they have to be tested.

Chairman Anderson:

Mr. Cobb, the question that you asked is in a handout provided by Jennifer Stoll-Hadayia of the Washoe County District Health Department ([Exhibit G](#)). "The impact of Section 7 would be to codify our authority to make a determination of what constitutes medically appropriate HIV and STD testing." This is what they have been doing for some time.

Frank Sullivan, Juvenile Hearing Master, representing Southern Nevada Domestic Violence Task Force:

I am here today to address A.B. 194, specifically Section 4 about the surrendering of firearms. Domestic violence is an epidemic within our society and within our community. From 2004 to 2006, we have had approximately 2,479 women victims of domestic violence homicide. To put into perspective the threat of violence within the home, compare that number to the number of

soldiers killed in Iraq during that same time period, which was 2,500. Since 1999, Nevada has consistently rated among the top five states for domestic violence homicides of women. In 2004, Nevada had 2.21 female homicides per 100,000 women, and the national average is 1.37. Statistics show that 55 to 67 percent of domestic violence homicides are committed with the use of firearms. Out of the 25 homicides in Nevada in 2004, 15 were killed with firearms, six were beaten to death, and four were killed with knives. That shows about 60 percent being killed with firearms. When firearms are used in domestic violence assaults, it is 12 times more likely to result in death than assaults without firearms involved. It is clear that firearms and domestic violence are a deadly combination. We need to identify the solution of domestic violence homicides by identifying the role that firearms play. One of the most dangerous times in domestic violence is during the separation because a party is breaking and diminishing control. Many times a TPO is issued, which can be a flash point for the escalation of domestic violence. The surrender of firearms while subject to a TPO could play a vital role in lowering domestic violence homicides.

I will now address the concerns raised about due process. The defendant would be given an opportunity to be heard at the hearing to extend the TPO before the firearms would have to be surrendered. The restriction would be limited on firearm possession, not ownership, and only while subject to a TPO. The courts have ruled that restriction to be legal in *United States v. Emerson* [270 F.3d 203 (5th cir. 2001)] which indicated that the possession and prohibition of firearms while subject to a TPO was a sufficiently limited and narrowly tailored specific restriction to the Second Amendment, the right to bear arms. The community partners are committed to finding a method to make Nevada safer for our citizens, and I believe this law with the surrender of firearms is imperative.

Assemblyman Cobb:

What is the level of culpability required to serve an extended order versus a finding of guilt of a criminal statute?

Frank Sullivan:

The level of proof that must be shown is called "satisfaction of the court," which is a probable cause determination. Sworn testimony is taken, and an evidentiary hearing can be requested.

Assemblyman Cobb:

"Satisfaction of the court" is much lower than beyond a reasonable doubt, correct?

Frank Sullivan:

Yes, it is significantly lower. It is a very low standard of proof.

Assemblyman Cobb:

It is constitutional within the federal ruling that you cited, but it should raise concerns that legislators need to review the terms of taking away constitutional rights with only probable cause.

Frank Sullivan:

Yes, the judge or hearing master has to take that into consideration. Orders should not be extended without "satisfaction of the court," or to be better safe than sorry, so to speak. This puts responsibility on the Judiciary Committee to take this seriously because it is taking away people's liberty of the right to possess a weapon during a cause. If they feel it is not warranted in the TPO, then they should dissolve it. The order can be extended at a maximum of up to one year in Nevada law.

Assemblywoman Allen:

Has there ever been a situation that you are aware of where the woman uses a gun for self-defense against the man?

Frank Sullivan:

Yes. The battered spouse defense has been recognized as a defense in criminal cases. The domestic violence statute even states the nature of the inflicted wounds should be analyzed to see if there was self-defense. I am sure that a weapon has been used, in self-defense, which you have a right to do if you are in a reasonable threat of harm and your life is threatened.

Assemblyman Horne:

I would like to clarify that this bill does not propose taking a weapon from the victim, the person seeking the extended order; it is only for the offender.

Assemblywoman Allen:

That answers my question. I want to fully support the intent of the bill to secure federal grant money.

Assemblyman Carpenter:

If an extended order is issued against someone who in their occupation has to carry a firearm—for example a policeman—what would happen in that situation?

Frank Sullivan:

I believe that is addressed in the amendment of the "official use exemption," which states that someone who uses a firearm in their profession can maintain their service firearm during their shift.

Wendy Wilkinson, President, Southern Nevada Domestic Violence Task Force:

A.B. 194 addresses three distinct issues. Our primary focus is regarding the surrender of firearms. Over ten years ago, Congress recognized the importance of restricting domestic violence offenders' access to firearms. In 1994, along with the passage of the original Violence Against Women Act, Congress enacted the first federal legislation to directly address this issue. The new law, which amended the gun control act of 1968 [codified at United States Code, Title 18, Section 922(g)(8)] makes it a federal crime for a person who is subject to a qualifying protection order to possess a firearm or ammunition, or to ship or receive a firearm or ammunition in interstate or foreign commerce. A limited exemption to this section exists for law enforcement officers, armed forces personnel, and other state and federal employees who are required to use weapons as part of their official duties. Personal weapons, however, are not covered by this exemption. In jurisdictions without state law on the issue, we may have judges who believe it is federal law and they need not worry about it. Section 4 of our proposed bill gives Nevada judges the ability to enforce the aforementioned law at a local level. A.B. 194 would require the court, when issuing an extended order, to order an adverse party to surrender any firearms owned by him or that he may have under his custody or control. Time and again, it has been proven that guns and domestic violence within an intimate partner relationship, create an opportunity for disaster. Seventy-five percent of women murdered by their current or former intimate partner are either estranged, separated, or in the process of leaving the relationship. It is generally at this time that a victim of domestic violence will apply for a protection order, bringing their very private problems out in the open. This exposure may create more hostility and escalation of the violence, resulting in serious injury or death.

Chairman Anderson:

We will have the document on the history of why the bill was requested put in the record, in the interest of time ([Exhibit H](#)). The facts on gun and domestic violence, from the Family Violence Prevention Fund will also be put in the record ([Exhibit I](#)), as well as the process for the court-ordered surrender of weapons ([Exhibit J](#)). I know the emotional side needs to be explained on a regular basis, and the need for the bill is very clear. However, we need to make sure we have time to hear the amendments.

Nancy Hart, representing Nevada Network Against Domestic Violence:

I have passed out a letter in support of this legislation ([Exhibit K](#)). There is a federal law that was passed in 1995 that prohibits the possession of a firearm when you are under the effect of an extended protection order, and approximately half of the states across the country have codified it in some form. What we are doing here is making an attempt to codify those provisions in Nevada state law, so that they can be enforced by Nevada courts and Nevada law enforcement. I have also passed out a fact sheet on Nevada women murdered by males ([Exhibit L](#)). On that sheet are the figures that were provided orally by hearing master Sullivan earlier.

I will now move to the proposed amendments that Assemblyman Horne has reviewed and asked me to go over ([Exhibit M](#)). At the top of the page is the paragraph on firearms that is currently in A.B. 194, and there are a couple of problems with that. It provides for surrender to the court, and that is problematic. It also uses the word "owning." We cannot stop the ownership of firearms; all we can do is prohibit possession. The new language that is proposed is: "The court shall include in any extended order a requirement that the adverse party surrender to law enforcement any firearm or ammunition in the adverse party's possession or custody or under the adverse party's control." Then you have the same statement that is already in the language that the court

[s]hall include a statement informing the adverse party that pursuant to Section 1 of this act, he is prohibited from possessing, or having in his custody or under his control, any firearm or ammunition while the order is in effect, and that a violation of that prohibition is a gross misdemeanor.

The changes made are: the surrender of firearms is to law enforcement, ammunition is included, and the omission of the word "own." Below that are several paragraphs that provide procedures for surrendering the firearm, providing certification by the adverse party that he has surrendered his firearm, a provision for seizure if the relinquishment has not occurred, a provision for costs to be charged to the adverse party by the law enforcement agency, and an exemption for law enforcement officers.

In the second paragraph,

The court shall direct the adverse party to relinquish within 24 hours after service of the order on the adverse party or such earlier time as the court may specify in the order, all firearms and ammunition in the possession of the adverse party, notwithstanding the fact that the adverse party may have a valid license to possess a firearm.

It also states that the surrender is by either surrendering them to a law enforcement agency or other individual for the duration of the order, or by selling and transferring them to a licensed gun dealer. Following that, the rest of the paragraph details time frames in which the adverse party has to certify by providing a receipt from the law enforcement agent or the other party he has delivered them to, or from the gun dealer who verifies those weapons have been surrendered. So the burden is on the adverse party to let the court know that has happened. In the next paragraph, the court is granted authority to

[s]ubsequently issue a search warrant authorizing a law enforcement officer to seize any firearms and ammunition at any location if there is probable cause to believe that the firearms or ammunition have not been relinquished by the adverse party.

Chairman Anderson:

Does this proposed amendment mirror what the federal law does, including the reference to ammunition?

Nancy Hart:

Yes. The reference to ammunition is specifically from the federal law. These provisions resemble the provisions that almost half of the states have passed. The last provisions say that "a local law enforcement agency may charge the adverse party a fee for the storage of any firearm and ammunition." Finally, there is a provision for the court to grant an exemption to an officer and it is detailed how that would work. One provision that I did discuss with Assemblyman Horne that is not here, but could be considered, is a provision for the return of the firearm at the conclusion of the extended order or some other provision for the disposition of the weapon if it is not returned.

Chairman Anderson:

That is not covered in the federal statute?

Nancy Hart:

The federal statute does not detail these procedures; it just sets out the crime. We are looking at the other states that have codified these things. Some of them codify them and some of them have agency regulations. It is still not completely detailed, but what you would suppose is that a local law enforcement agency would detail in their regulations how they would want to return the firearms.

Chairman Anderson:

Am I to understand that this amendment may need more work?

Nancy Hart:

If you wanted to add a provision about the return of the weapons, it could certainly be added. I am available to work with Assemblyman Horne on modifying this language.

Assemblyman Cobb:

Mr. Sullivan, it is my understanding that both parties who may be involved in domestic violence may be arrested for that alleged crime. Could both of those parties seek extended protection orders?

Frank Sullivan:

Yes. In Clark County, 12 percent of domestic violence incidents result in dual arrests, and I believe the national average is about 5 percent. In those cases they could both apply for extended orders. The court would have to make specific findings that there was domestic violence on the part of each party, and they both could be granted extended protective orders. Then, they would both be required to surrender firearms.

Chairman Anderson:

Are there any questions from the Committee? I see none.

Max W. Bunch, Justice of the Peace, representing Nevada Judges Association:

The Judges Association is neutral on this bill. I was on a Committee along with Nancy Hart and others for the last three years discussing this issue. There would be a fiscal impact to the State to change this programming. Most courts in Nevada are set up on a computer generated program through the State that sends information directly to the National Crime Information Center (NCIC). I would like to make a statement on the proposed amendment. I have a concern with the requirement of surrendering ammunition. Many people may have cases of shotgun shells because residents of the rural areas generally buy in volume due to the length of distance to make the purchase. I have another concern about the period after the relinquishment of a firearm to an individual other than a law enforcement officer. It states that the adverse party must file within 48 hours of relinquishment, but I believe that should be 72 hours because you are filing with the court. We have quite a few Monday holidays, so if the order is filed on Friday, it will not be completed within 48 hours. Also, the paying of monetary compensation to the applicant for loss of earnings and expenses due to the need of appearing for the extended order hearing is usually done in a short turnaround. I am not sure where that is used because the person who is filing the application is usually the victim, and they are asking for this order. The adverse party is requested to come in for the hearing, and if they do not show up, it is unclear if he still has to pay for the person who is showing up to court. Also, in the last paragraph of the first page, it talks about issuing search

warrants for any location. When we issue search warrants, we have to designate a certain location.

Chairman Anderson:

These are just conceptual amendments. The actual language has not yet been drafted.

Joshua Martinez, Detective, Las Vegas Metropolitan Police Department:

We have spoken with the sponsor of the bill, and we support it. We just received the amendment today, and we would like to work with the people who proposed the amendments as well as the sponsor.

Chairman Anderson:

Is there anyone else who needs to get on the record? [There were none.] I will close the hearing on A.B. 194.

[Chairman Anderson left room.]

Vice Chair Horne:

Let us open the hearing on A.B. 268.

Assembly Bill 268: Makes various changes relating to permits to carry a concealed firearm. (BDR 15-826)

Assemblywoman Francis O. Allen, Assembly District No. 4:

A.B. 268 will allow those Nevadans who have met the stringent standards for a concealed weapon permit in Nevada to carry their weapons in some of the 30 other states that allow reciprocal permits. This is an important step that will ensure our State's commitment to the full protection of our citizens' Second Amendment guarantees. Furthermore, this bill will allow us to join the ever-growing list of states that seek to simplify the unnecessarily complex and circuitous regulations that govern gun owners when they cross state lines. I have been working on this issue for two sessions. During the interim, Mr. Settlemeyer was elected and had a bill draft that was identical to mine. His number was smaller, so we combined efforts and are using his bill jacket. With respect for the Committee's time, I am going to yield the floor and let Mr. Settlemeyer continue.

Assemblyman James A. Settlemeyer, Assembly District No. 39:

The need for this law comes about from citizens who have contacted me with the desire to move more freely from state to state. There are numerous Nevada residents who feel encumbered when they try to travel and have to do research to find out if their permit is valid or not in the other states. There are other

individuals who have the opposite problem; they are trying to travel to Nevada from another state and would like to be recognized. Many individuals will actually dictate their travel based on these agreements. Some of them have had things happen in their lives where they have been abused or have been a victim of a crime, and do not feel safe unless they can protect themselves. Different individuals have contacted me about bringing this bill forward. Since we are a tourism state, I feel it is a good idea to go this route and make us more welcoming, rather than forbidding in this aspect.

There are currently 12 states that allow unconditional reciprocity, and there are now 15 states that will accept any other states' permits. That leaves 23 states that have limited reciprocity. We are trying to move Nevada to a limited reciprocity system.

This issue has come before the Assembly and Senate before. I have examined previous rulings and bills as to why they did not work. By going through that information, I have talked to the Sheriffs' and Chiefs' Association and the individual sheriff in every county in the State of Nevada to get their opinions on this, and I have formulated them into this law. I have also talked to every state in the United States that has a statewide system and asked them how they go about it, what requirements they have, and how their system of verification works. I have also talked to the states that have limited reciprocity and asked them how they verify other states' laws and how they determine reciprocity with another state. That set forward an outlined standard that has come before us today.

The first request is to have a statewide system. In California, counties are dissimilar to one another; for example, Alpine County does not recognize Mono County. So in that respect, it would not be wise of us to enter reciprocity agreements with California because they do not have a state system. Iowa is also the same way. The next request from law enforcement is that there is a verification system. They want to know at 2 a.m. if they pull someone over and they are handed a concealed weapon permit, if that permit is valid. I respect that request, so it is also part of this bill. The other issue that comes about is the need for taking a class in gun safety. Before someone carries a weapon in public, he needs to have had a class in training with his gun. There are several states, like Vermont and Alaska, in which you can go to the state and they will hand you the permit. In Vermont they do not even issue a permit; it is in the *United States Constitution*; therefore, they have no other interpretation. Alaska has the same concept; however, they indicate that if a person wants to get a permit he will be given one so that he can use it elsewhere, but it is definitely not needed in Alaska. This bill offers increased rights to lawful citizens while addressing legitimate safety concerns.

Vice Chair Horne:

Will you address the issue on the proposed training that they would have to have, or do you have someone here who is going to address what the current standard is to obtain a concealed carry weapon (CCW) permit in Nevada? Can you also explain if we are going to be requiring equal types of training elsewhere before we grant other states' reciprocity?

Assemblyman Settlemeyer:

Most of the other states require one hour more in a class than is needed for a gun permit. We left that up to the individual states to set forth what their class requirements are. All we are going to do is make sure they have a class on safety. As far as Nevada standards, I would have to defer to Mr. Adams.

Vice Chair Horne:

This is certainly a policy issue. We are asked to provide an opportunity for citizens to have a CCW, and one of the things they have to do is attend a class. We need to understand what is required in that class and what the components of the class are. And, if we are going to grant reciprocity, are the other states meeting at least that requirement? Are our current standards adequate in having people safely carry concealed firearms? If Mr. Adams is going to answer that, that would be fine.

Assemblyman Cobb:

I notice that there is a fiscal note listed on the bill. Would you describe the components of that cost?

Assemblyman Settlemeyer:

The effect of the fiscal note came about from the original bill. We feel that the revision, the amendment, will curtail the majority of that cost. There will still be an impact because we are asking another agency to do something. The original request from the Attorney General was based on the fact that he had never done this before, he was very concerned about how to go about it. Therefore, in the amendment we have outlined how it would work. I did that by contacting the other 23 states that have limited reciprocity and asked them how they did it. The information that came back from the majority of them was that they send a letter out to all 50 states saying here are the laws of our state, and if you can meet this, contact us because we would be interested in entering into reciprocity once you give us your statutes and we review them. Those determinations would be made by the Department of Public Safety and given to the Attorney General to review the laws to determine if those states are capable of entering the reciprocal agreements with Nevada. Originally, the Attorney General entertained a fairly large fiscal note in the neighborhood of \$450,000.

When talking to the other states, the most common response I have received is that it is a negotiable fee. One state even has a paralegal do it in 14 hours. By doing it this way, the Attorney General does not review every state law, only the ones that have been somewhat filtered out through the outline of what we are setting forth in NRS.

Assemblyman Cobb:

Do you feel that the amendments will drastically lower the fiscal note?

Assemblyman Settlemeyer:

It is my opinion that the fiscal note should come back greatly reduced to say the least. Most states do not even have a fiscal note; they said that was just part of their job. One state had \$100,000 fiscal note, but they were going to review that and they felt it would be reduced roughly to \$20,000.

Assemblyman Carpenter:

I notice in the amendment ([Exhibit N](#)) it mentions the "department." What department is that?

Assemblyman Settlemeyer:

It is the Department of Public Safety. That came to our attention also, that it was not established in the beginning, since it was stipulated further on.

Assemblywoman Allen:

To clarify, Mr. Settlemeyer and I have been working with the Department of Public Safety. Earlier this morning, Phil Galeoto was here to testify in support of the bill, but unfortunately, he had a meeting that he needed to attend.

Assemblyman Horne:

Mr. Settlemeyer, was it your intention to walk us through your proposed amendment?

Assemblyman Settlemeyer:

Yes, if you wish. Section 2 sets forth a procedure that we utilize through the Sheriffs' and Chiefs' Association. The Department of Public Safety requested to have the concept laid out better to clearly understand what they should do and how they should go about it in order to make this process smooth. Once I explained how other states are utilizing it, they agreed to the concept. Section 2(b) is an amendment proposed by Nevada Sheriffs' and Chiefs' Association to make sure that the database system utilized is the National Law Enforcement and Telecommunication System. We had originally discussed the concept of being available 24 hours a day through use of telephone, but it was indicated that this system is more desirable. That is where this amendment came about.

The change came from the Attorney General's office to the Department of Public Safety. The Attorney General's office seemed uneasy with the concept of being completely in charge. I was told that they prefer to defend others. They would also prefer to see this in someone else's realm.

Some states' CCWs do not have photo identification. Section 3 ensures that if an individual was carrying from another state that did not have photo identification, they would also be required to have photo identification upon them. Section 4 says that if an individual moves to Nevada, their CCW would become invalid just like a driver's license. This part of the section is actually borrowed from the Department of Motor Vehicles (DMV) NRS. Section 6 originally indicated a category of firearm, but we did not lay out all of the rulings for semiautomatics and revolvers; that is why Section 6(1) was added, and it was borrowed from other states as well. Section 7 basically takes away the existing law in Nevada, which indicates that an individual can only carry the weapon they were registered with during the class, and replaces it saying that they are allowed to carry any weapon within their category.

Assemblyman Horne:

On my card, it identifies both firearms that I am allowed to carry. Do other states require that?

Assemblyman Settlemeyer:

Nevada is currently the only state that requires a concealed carry permit to only permit the actual weapon that was taken to the class. All other states are unlimited so that you can take the class with one gun and be allowed to carry all weapons. Some states have also gone to the caliber method. The majority of states, though, have gone to the category method of semiautomatic or revolver.

Assemblyman Horne:

Was there a reason why we put in statute that you had to have your particular firearm stated on your permit?

Assemblyman Settlemeyer:

I was told that people were worried that lawlessness may occur and a lot of people might be carrying guns. One individual said that it was a concession to start out this way and there was some discussion to go to a categorization, but I do not know why the exact change was done.

Assemblyman Horne:

We require our citizens to have that on their cards, but the states in which we would grant reciprocity do not require that. If the person came from a state that allows them to carry any firearm, would we permit that here in the State of Nevada while they were visiting?

Assemblyman Settelmeyer:

This issue was presented to me by county sheriffs, and they gave the analogy that in some states you can turn right on red with a driver's license and in other states you cannot. They felt that difference was not enough to negate the concept of having reciprocity, since there are so many other reciprocal agreements of other types of licenses. There are subtle deviations in laws that they did not feel was a major point. I understand that it would be different, and there would be certain differences with certain states.

Chairman Anderson:

I was here when that legislation was passed, and we had a very lengthy debate on the concerns of revolvers and semiautomatics, the discharge of shells, and the type of weapon that might be utilized. There were quite a few people who did not want to allow this at all and wanted to leave it in the hands of the sheriffs. How many states require the card to show whether you are entitled to carry a revolver versus a semiautomatic weapon?

Assemblyman Settelmeyer:

I do not have the exact number of states, but I would be glad to research it and get back to you with that specific detail. Off the top of my head, I can only think of two states that are on a caliber method. In Texas, if you qualify with a .357 you are authorized to carry all weapons below that in caliber. They divide it by semiautomatic and revolver, and they also have a caliber method within that. So if you meet the largest caliber, you are permitted to carry every weapon below that. That is the only state similar to Nevada. Most other states allow you to carry all weapons once you take the class and are certified with one weapon.

Chairman Anderson:

That was one of the major issues we talked about the last time we amended this statute. Section 2, of the bill requirement that Department of Public Safety prepare a list of those states whose permits are designated to be valid in Nevada. That list will be provided to each law enforcement agency in this State.

Assemblyman Settlemeyer:

I contacted the other 23 states that have limited reciprocity and I have feedback from 13 of them. Eleven states send one letter a year to all of the states to indicate their specific standards for concealed carry permits, and to communicate that they would be interested in entering into reciprocity agreements with another state as long as the requirements are met. States that meet those requirements are requested to mail back their corresponding statutes. The Department of Public Safety and the Sheriffs' and Chiefs' Association will send the letter out and receive the information back. They review it and determine if those states meet the requirements they have set forward. Then, to finalize that opinion, they will go to the Attorney General to verify that those states do meet their requirements. The other states have indicated a negligible fiscal impact; one indicated the work can be done in 10 hours by a paralegal. The Attorney General felt he did not want to have sole responsibility and the Department of Public Safety also did not want to do it without having someone who is very well versed in the law and able to back up their determinations.

Chairman Anderson:

There was a fear that when obtaining one concealed carry, you can carry any weapon. This came forward because of the confusion of whether the weapon is concealed. For example, if you are carrying a weapon in a holster on the way back from a hunting trip and you had a coat on, is that concealed or not? I have concern about "carrying all firearms." What is the reason for that?

Assemblyman Settlemeyer:

What section are you referring to?

Chairman Anderson:

In Section 7, line 40 of your mock-up, it says "carry all firearms owned by him."

Assemblyman Settlemeyer:

They wanted to indicate that he could only be carrying firearms owned by him. If they were able to determine that the weapon the individual had was not in his lawful possession, this statute did not give them discretion or a cloak of legality.

Chairman Anderson:

Is it your opinion that this is the most important part of this bill?

Assemblyman Settlemeyer:

No, I do not feel that at all.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We are in support of this bill. In the past we have not supported reciprocity because there was not a mechanism to assure the other states met our requirements. This bill provides that, and it also provides protection to the officer because he has a 24-hour ability to find out if permits are valid. You have received amendments that I proposed ([Exhibit O](#)) which are incorporated into the mock-up bill.

Assemblyman Segerblom:

Are you concerned that a person has to pass only one test for a firearm and would be able to carry a variety of firearms?

Frank Adams:

You are required to qualify in the type of firearm. One would be a semiautomatic and one would be a revolver. On your card, there would be a place to check whether you have qualified for semiautomatic, revolver, or both. I have asked my sheriffs and they feel comfortable with that as long as you have been trained on both. It is like driving cars that have automatic and manual transmissions.

Joshua Martinez, Detective, Las Vegas Metropolitan Police Department:

We concur with the Nevada Sheriffs' and Chiefs' Association on the amendments that have been proposed.

Assemblyman Ohrenschall:

On page 4, lines 10 and 11 in the mock-up, it refers to a category of revolvers, a category of semiautomatic firearms, or a category of both. Is there a potential danger that this language could limit what may be qualified for someone to have under their concealed carry permit?

Frank Adams:

Those are the basic styles of weapons that you are able to carry concealed. I believe it also includes the definition of derringer and semiautomatic. When this was passed, we had individual weapons required. We have had an issue with listing all of those because we have some people who change weapons like they change their socks. There are people who have as many as 25 weapons listed on their CCW cards with which they have qualified. We were trying to simplify the process by making sure that they were trained in semiautomatic and revolver as a category of weapon. I understand the past concern with limiting that weapon. We are not totally comfortable with this, but we feel it is something we can live with.

Assemblyman Ohrenschall:

If someone is qualified for revolvers, would they have to undergo separate training for semiautomatics?

Frank Adams:

A person would be required to train with revolvers if that is what he wanted to carry, and he would have to train with semiautomatics if he wanted to carry those. If he wanted to carry both, he would have to take both classes.

Assemblyman Horne:

Both of my weapons are semiautomatics. If I were to go and buy a revolver, would I need to qualify with this revolver or would I need to take the training for it?

Frank Adams:

You would at least need to qualify, and that qualification would include the range master making sure that you are trained and capable to shoot that weapon.

Assemblyman Horne:

I would agree with you, but we were using the word "train."

Frank Adams:

When a qualified range master makes sure that you are trained in the proper use of a weapon and qualify with that weapon, I would consider that as the qualification part. Before he would let you shoot, he would make sure that you understood how to load and cock the revolver. That is part of a range qualification.

Assemblyman Horne:

In practice, I have qualified with my weapons, and it was basically just a firing qualification. I was not tested on my knowledge of the operation of the firearm.

Frank Adams:

Did you take the class?

Assemblyman Horne:

When I initially took the class there was focus on safety and responsibilities, but they did not check to make sure each individual was proficient in knowing the particular weapon that they were qualified with.

Frank Adams:

One of the requirements would be to make that happen if you did not take the training.

Chairman Anderson:

Section 6 discusses the category of revolver and semiautomatic weapon, and line 40 reads "carry all firearms." The plain and simple language—according to the Supreme Court—takes precedence over all others. It does not say "category of firearms," it says "all firearms."

Frank Adams:

If you look further down in that paragraph to line 36, it says the permit must list each category of firearms to which the permit pertains to.

Assemblyman Settlemeyer:

I would have no problem amending it to "owned by him, of the same category that he has qualified for," if that would simplify it.

Chairman Anderson:

It is going to depend upon what statistical information you are going to provide to the Committee, whether the other states make that delineation between whether they are entitled to carry automatics or revolvers. Of all the gun owners, CCW holders are probably the most responsible. They are not people who take this as a passing interest. I am really worried about reciprocity because in some states a person may have only a driver's license to obtain a CCW.

Assemblyman Settlemeyer:

Mr. Adams is going to obtain a list of the states that meet the requirement of the 24-hour-a-day verification, which whittles it down to about 14 states. Would you like a compilation of the states that have semiautomatic or revolver, or do you want the ones that would meet those two requirements?

Chairman Anderson:

Is it common practice to break them into two categories? I am not willing to say that anybody and everybody can come to Nevada and carry concealed weapons. I do not think I can get that through 23 votes on the Floor.

Assemblyman Manendo:

On page two of your recommended amendments, it says that in order for a state to meet the requirements, the state must have an online database and has to use the National Law Enforcement Telecommunication System. Do we have an online database system, and are we connected through the national system?

Frank Adams:

Yes, we are online through the Criminal History Repository. An officer in the field today can stop someone at 3 a.m. and call dispatch or get on their mobile digital terminal and go through our telecommunication system to determine whether that is a valid permit. We would require a state that wants to have reciprocity with Nevada to be on this national telecommunication system, so that when the officer runs a name, he can automatically verify that it is a valid permit.

Assemblyman Manendo:

Are all of the jurisdictions in Nevada under that system?

Frank Adams:

Yes, they are.

Chairman Anderson:

This system allows the people with CCWs to not have to meet the Brady Bill requirements each time. We would like to keep those people meeting the requirements because if we do not pass other pieces of legislation, we are going to put them all under the Brady Bill. Is that correct?

Frank Adams:

That is a separate issue. This is only a reciprocity issue. We would recognize other states who have like or similar laws to ours and are available through the National Crime Information Center (NCIC) system. What you are talking about has to do with the background investigations of our CCW permit holders.

Chairman Anderson:

If in other states people are required to pass a background check, as required by the Brady Bill in order to get a CCW and purchase a weapon, are we going to make our CCW people meet that same requirement?

Frank Adams:

No, sir. Nevada is one of only 16 states with that exemption. We would not do away with that exemption by going forward with this reciprocity.

Chairman Anderson:

I want to make sure that we are not making a background check a requirement because other states have to.

[Chairman Anderson left the room.]

Frank Adams:

No, sir. We are not.

Vice Chair Horne:

Are there any questions? I see none.

D.E. "Doc" Cottom, TC, Chief Instructor, Director of Education, Nevada Firearms Training Academy:

We support the bill as it is written. I want to make clear to the Committee that the terms "training" and "qualification" are not synonyms. We have had people successfully complete the classroom training with their firearms, but have not met the qualifications. We would not allow those people to carry a firearm. When this bill was introduced in 1994, the intent was for someone to be certified on two types of firearms: a semiautomatic and a revolver. By the time it got to the Committee, it had been changed to where a person would be certified with two firearms identifiable by make, model, and caliber. The Committee did not realize that, for example, a Model 66 Smith and Wesson and a Model 19 Smith and Wesson are the same exact gun, just a different color. When someone learns to operate a semiautomatic, that knowledge is transferable to any semiautomatic. The training we give consists of six hours in the classroom and two hours on the range. I am here to support the bill as written. Chairman Anderson, you did bring up a good point about where this says a person would be qualified with two categories of firearms—a semiautomatic and a revolver—and later it says that you can carry all guns. It should say "all guns in that category." A person's wardrobe, the climate conditions, and the function he is going to attend are all factors in deciding which firearm to carry. I even have a firearm for my tuxedo.

Vice Chair Horne:

For clarification, you stated that you are in favor of the bill as written. Did you have an opportunity to see the proposed amendments, and are you still in favor of the bill with those amendments?

D.E. "Doc" Cottom:

Yes, including the amendments.

Janine Hansen, representing Nevada Eagle Forum:

We are in favor of CCWs and reciprocity. I received my CCW in Washoe County and I just renewed it in Elko County last October. It lists the weapons that I have qualified for, but it only lists two when I have qualified for four. Underneath the two weapons, it says "see file for additional firearms." I think it would be more useful if it did have categories rather than only two individual firearms. We are pleased with the provisions of the bill, and I

especially like the provision about training. Guns are the great equalizer for women. Since I moved to Elko, I have been traveling much more often in my car by myself, so the CCW issue has become far more important to me. I greatly appreciate this reciprocity bill because when I travel to other states, I want to be able to defend myself. Guns are used five times more often to protect people than they are to commit a crime. I have also given you some information on gun ownership ([Exhibit P.](#))

John Wagner, representing the Burke Consortium:

How many people arrested for gun crimes possess a CCW? That question was answered for me by the Las Vegas law enforcement yesterday, and the answer was zero. People with CCWs do not generally commit crimes.

I have a concern about Section 4 of the amendment.

Vice Chair Horne:

Regarding your statistical answer of zero, I know of people who have lost their CCW because they have committed a crime. It has happened in our State, so it is not zero.

Assemblyman Segerblom:

Of the states that surround us, do we have any idea which states would be granted reciprocity?

Assemblyman Settlemeyer:

I am waiting for information on which states have access to the communicational system before I can make that determination.

J.L. Rhodes, Private Citizen, Fallon, Nevada:

With the proposed amendments, I am in favor of this bill. However, the wording of "firearm" or "firearms," should be addressed, because I know plenty of people who carry a backup. Once again, I strongly support this bill and recommend passage.

David K. Schumann, Vice Chairman, Nevada Committee for Full Statehood:

We strongly support this bill and feel that it could be subtitled the "more guns, less crime" bill. Professor John Lott of the University of Chicago has written a book by that title, and he documents that when states introduce CCW permits, crime goes down. He interviewed prisoners and found that one of the reasons crime does go down is the uncertainty factor. If we are going to have more people coming into this State that have been vetted and licensed in their states, the crimes against foreign state license plates will start to go down. Once the criminals find out we have passed this bill, it is not "easy pickings." The

overwhelming evidence is that the CCW laws lower crime in the states that allow them.

Rick Wendling, Chairman, Carson City Small Businessmen's Coalition:

Mr. Schumann covered all of the issues I wanted to bring up. The more firearms that are carried by law-abiding citizens in Nevada, the less crime there will be.

Vice Chair Horne:

Is there anyone else needing to get on the record? [There was none.]
Hearing closed on A.B. 268. Is there any other business to come before the Committee? [There was none.]

[Meeting adjourned at 1:29 p.m.]

The following letters were submitted for the record after the meeting was adjourned: ([Exhibit Q](#)) ([Exhibit R](#)) ([Exhibit S](#)).

RESPECTFULLY SUBMITTED:

Kaci Kerfeld
Committee Secretary

APPROVED BY:

Assemblyman Bernie Anderson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 22, 2007

Time of Meeting: 8:00 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S. B. 66	C	Rose McKinney-James	Proposed Amendment
S. B. 66	D	Dan Musgrove	Detail of Claims
S. B. 66	E	Stan Miller	Executive Agency Fiscal Note
A. B. 194	F	Assemblyman William Horne	Proposed Amendments
A. B. 194	G	Jennifer Stoll-Hadayia	Written Testimony
A. B. 194	H	Wendy Wilkinson	History of This Bill
A. B. 194	I	Wendy Wilkinson	The Facts on Guns and Domestic Violence
A. B. 194	J	Wendy Wilkinson	Process for Court Order/Surrender of Weapons
A. B. 194	K	Nancy Hart	Prepared Testimony
A. B. 194	L	Nancy Hart	Nevada Statistics
A. B. 194	M	Nancy Hart	Proposed Amendments
A. B. 268	N	Assemblyman James Settlemeyer	Proposed Amendments
A. B. 268	O	Frank Adams	Proposed Amendments
A. B. 268	P	Janine Hansen	The Media Campaign Against Gun Ownership
A. B. 268	Q	Carolyn L. Herbertson	Written Statement

Assembly Committee on Judiciary

March 22, 2007

Page 46

A. B. 268	R	Michael L. Lussem	Written Statement
A. B. 268	S	Kevin Marriott	Written Statement