

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

**Seventy-Fifth Session  
March 12, 2009**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 9:33 a.m. on Thursday, March 12, 2009, 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Bernie Anderson, Chairman  
Assemblyman Tick Segerblom, Vice Chair  
Assemblyman John C. Carpenter  
Assemblyman Ty Cobb  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Don Gustavson  
Assemblyman John Hambrick  
Assemblyman William C. Horne  
Assemblyman Ruben J. Kihuen  
Assemblyman Mark A. Manendo  
Assemblyman Richard McArthur  
Assemblyman Harry Mortenson  
Assemblyman James Ohrenschall  
Assemblywoman Bonnie Parnell

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Marcus L. Conklin, Clark County Assembly District No. 37

**STAFF MEMBERS PRESENT:**

Jennifer M. Chisel, Committee Policy Analyst  
Nick Anthony, Committee Counsel  
Katherine Malzahn-Bass, Committee Manager  
Emilie Reafs, Committee Secretary  
Steven Sisneros, Committee Assistant

**OTHERS PRESENT:**

Judy Stokey, Director, Governmental Affairs, NV Energy, Las Vegas, Nevada  
John McCormick, Rural Courts Coordinator, Administrative Office of the Courts, Carson City, Nevada  
Ben Graham, representing the Administrative Office of the Courts, Carson City, Nevada

**Chairman Anderson:**

[Roll call.] We are in work session today, so there will be no testimony. We can ask for clarification from those watching in the audience.

We will start at the back and work our way forward. I will start with Assembly Bill 187.

**Assembly Bill 187:** Authorizes the establishment by district courts of a program for the treatment of certain offenders who are veterans or members of the military. (BDR 14-955)

**Jennifer M. Chisel, Committee Policy Analyst:**

You all will recall that Speaker Buckley was the main presenter on this bill. [Reviewed work session document ([Exhibit C](#)).] This bill would authorize district courts to establish a veterans' court for veterans or current members of the military who may come into contact with the justice system.

There is one amendment for the Committee to consider on this bill, and it is listed on the work session document ([Exhibit C](#)). This would be to amend page 7, lines 30 through 40 [section 9, subsection 1] of the bill, to provide that a defendant's criminal record be sealed immediately after successful completion

of the program for treatment of veterans and members of the military, rather than after the three years listed in the bill.

**Chairman Anderson:**

It seems to me that the suggested amendment is somewhat contained in Assembly Bill 47. That bill deals with specialty courts as a whole and their recommendations. I suggest that we move A.B. 187 without the amendment. Assembly Bill 47 will address all of the specialty courts, so there is uniformity for all of the specialty courts.

**Assembly Bill 47: Revises provisions relating to specialty courts. (BDR 14-409)**

The language in the bill is permissive in nature, and the jurisdictions that wish to establish veterans' courts, could. There is no fiscal note on the bill; it is up to the local jurisdictions.

ASSEMBLYMAN CARPENTER MOVED TO DO PASS  
ASSEMBLY BILL 187.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Let us turn our attention to Assembly Bill 164.

**Assembly Bill 164: Revises certain provisions concerning the crime of battery. (BDR 15-251)**

**Jennifer M. Chisel, Committee Policy Analyst:**

Assembly Bill 164 was presented to the Committee by Assemblyman Horne. [Reviewed work session document ([Exhibit D](#)).] This bill establishes that a battery committed by strangulation is a felony with penalties similar to those for the existing battery offense which results in substantial bodily harm.

The Committee has a couple of amendments to consider. They are essentially just two different versions of the same amendment. During the hearing, Lee Rowland, of the American Civil Liberties Union of Nevada (ACLU), presented an amendment which would add, at the end of the definition of strangulation, "without that person's consent and with intent to cause bodily harm." During her testimony she indicated that the portion "without that person's consent" was probably redundant because an unlawful touch is included within the definition of battery, which implies that it is without the person's consent. I have, therefore, put in the work session document

([Exhibit D](#)) a second choice, to remove "without that person's consent" and just add the phrase "with intent to cause bodily harm."

I need to mention one additional amendment the Committee received from Jason Frierson of the Clark County Public Defender's Office. I did not include it in the work session document, which was my error, but I do want to mention it for the Committee's consideration after speaking with the sponsor of the bill. Mr. Frierson had indicated that there should be an element of physical injury to the victim in the definition of strangulation. I am not sure how it would work in drafting, but I think it would be another subparagraph denoted with "or." The Committee could take amendment one, two, or three with the physical injury. Again, I am not sure if the "with intent to cause bodily harm" would conflict with a physical injury component or if it would mesh together.

**Chairman Anderson:**

I believe when we spoke with the forensic pathologist [Ellen Clark, Chief Medical Examiner, Washoe County, Nevada] at the time, she indicated that it was usually only as a result of her close examination that she was able to determine that strangulation was the cause of death. Therefore, it is hard to find any external physical mark that would indicate strangulation.

**Assemblywoman Dondero Loop:**

I remember the discussion that there is not always physical evidence of bodily harm. Certainly if it causes your demise, there is some bodily harm, but if there is no physical evidence, I am not sure the amendment to the definition would work.

**Chairman Anderson:**

I agree. If I remember the testimony we heard, where there was physical harm, the district attorneys were currently able to charge under the current statutes because there was demonstrable physical harm.

**Assemblyman Horne:**

I agree. It would be unnecessary to put in "showing physical harm" in light of the testimony at the hearing. The absence of physical signs does not mean there was not a strangulation incident.

**Chairman Anderson:**

I am of the mind that the second choice put forth by the ACLU to show intent—"with intent to cause bodily harm"—would make me feel more comfortable. It takes away the question of play and solves some other issues. I suggest an "amend and do pass" with the amendment suggested in number two of the

work session document ([Exhibit D](#)), "with intent to cause bodily harm," after examination by our Legal Division.

**Assemblyman Horne:**

I know there were concerns about the absence of intent, so if the amendment would give the Chair and the members more comfort, certainly the second version of the amendment is more palatable than the first one or the demise of the bill.

**Chairman Anderson:**

I am not absolutely convinced that amendment option two is necessary, but it may solve some people's concern regarding the issue of intent.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 164.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

The motion is to Amend and Do Pass Assembly Bill 164 accepting the conceptual phrase, "with intent to cause bodily harm," or the appropriate language drafted by the Legal Division.

THE MOTION PASSED UNANIMOUSLY.

Let us turn to Assembly Bill 129.

**Assembly Bill 129:** Revises provisions governing common-interest communities.  
(BDR 10-34)

**Jennifer M. Chisel, Committee Policy Analyst:**

Assembly Bill 129 deals with common-interest communities. [Reviewed work session document ([Exhibit E](#)).] Assemblyman Conklin presented the bill. There are two main components to this bill. First, it provides that the governing documents of a homeowners' association and Chapter 116 of the *Nevada Revised Statutes* (NRS) will not override the tariffs, rules, and standards of a public utility. Additionally, there are some provisions to allow utility service vehicles to be parked within homeowners' associations.

There are a few amendments, and I will walk the Committee through those. Amendment number one is to apply the utility service vehicle parking authorization to the unit's owner or any tenants in that unit to provide for the situation where there is a rental.

Amendment number two adds some language to the parking location. The Committee has two choices for this amendment. The first was proposed during the hearing by Debra Gallo of Southwest Gas and Judy Stokey of NV Energy. You can see under 2(a), which is to amend page 2, lines 31 and 32 [section 2, subsection 3, paragraph (a)] this amendment adds the language: driveway "of the person's unit, and in front of the person's unit on a" road, street, alley or other thoroughfare "or where parking is otherwise permitted."

After the hearing we received an amendment from Assemblyman Cobb who had raised some concerns during the hearing. He believed that the language "where parking is otherwise permitted" was too broad. His proposed amendment at 2(b) of your work session document would provide that parking of the utility vehicle is authorized on a driveway "of the person's unit, in front of the person's unit, or in a designated visitor's parking area." So, the Committee has the choice of 2(a) or 2(b).

Amendment number three was proposed by Angela Rock of the Olympia Group Companies. Her concern was that section 1 of the bill, regarding the tariffs, rules, and standards of a public utility, should not be allowed to override the parking provisions. She wanted to add the phrase "Notwithstanding anything else in these provisions" at the beginning of line 27 on page 2 of the bill [section 2, subsection 3]. This was to make sure that the provisions of section 1 and section 2 are actually independent.

The fourth amendment for the Committee's consideration is to delete the phrase "inoperable vehicles" on line 24, page 2, of the bill. Bob Robey, a homeowner in Sun City Summerlin, believes the phrase is too vague and should be taken out of the bill.

**Chairman Anderson:**

Does anyone have any problems with suggested amendment one? [There were none.]

**Assemblyman Cobb:**

I would like to speak to amendment number two and the difference between 2(a) and 2(b). The problem I had with 2(a) as offered is it states "in front of the person's unit ... or where parking is otherwise permitted." I found that to be too expansive because it essentially says you can park anywhere in the common-interest community. I understand that the intent was to allow for these larger vehicles to be parked but only in front of that individual's unit and not in front of someone else's unit. The concept of a homeowners' association is that there are certain covenants so you do not have to have someone's boat parked in front of your house and so forth.

If the resident does want to park a utility vehicle in a common-interest community, I am fine with it. It just should be in front of his own house, and if that space is not available, then perhaps in a visitor parking lot, but not in front of someone else's house.

**Chairman Anderson:**

I do not live in a common-interest community, and I know that you do; therefore your experience level may be dramatically different than my own. But it is not unusual that neighbors will ask us to park in their driveway when they are gone. It seems to me that your amendment would preclude this. If your neighbor allows you to park your service vehicle in his driveway, with his permission, would this amendment preclude this? I think that some homeowners' associations might interpret this to say that one cannot give permission for another to park in his driveway.

**Assemblyman Cobb:**

I have two points on that. Number one, as in any case, a law is only a law when it is enforced. I cannot see homeowners' associations going around surveying individuals' driveways and trying to tow vehicles. I would think they would wait for a complaint to come to them. The second point is that this only refers to utility service vehicles of 20,000 pounds or less. You could park your personal vehicle in his driveway and achieve the same goal.

**Chairman Anderson:**

My response is that employees of utility companies and other companies, who have these kinds of vehicles as part of their work, have difficulty in homeowners' associations and become targeted.

The fact that someone cannot park in someone else's driveway is another reason to discourage employees from bringing the vehicle home. The utility companies do not want this to happen, which is why they brought the bill forward. I think the homeowners' associations would use any excuse to make it inconvenient.

**Assemblyman Cobb:**

I have some experience with this through a friend who does not live in a common-interest community. She has a neighbor who has a large construction vehicle. The neighbor chooses to park the vehicle in front of her house instead of his. This amendment is aiming to prevent situations like that. I am not against these utility vehicles being able to park in the common-interest communities. The vehicle should be parked in front of the individual's own house and be his inconvenience and not someone else's. If your neighbor does leave town for a week, for that one week it would be suggested that you park

your personal vehicle in front of the house instead of the utility vehicle, if that is a concern.

**Assemblyman Manendo:**

I, too, live in a common-interest community, and I see both of your points. I like 2(b) and would be ready to make a motion.

**Chairman Anderson:**

Let us take up the third proposed amendment.

**Jennifer Chisel:**

What I recall from the testimony was that section 1 of the bill applies to the tariffs, rules, and standards of a public utility. Its aim is to indicate that neither the governing documents of a homeowners' association nor NRS Chapter 116, the common-interest community chapter, should conflict with the tariffs, rules, and standards of a public utility. This means that the Public Utilities Commission regulates utilities and has their tariffs, rules, and standards for where they can place meters, where their lines have to go, et cetera, and that a common-interest community's governing documents cannot override them.

Section 2, subsection 3, is where the parking provisions are. My understanding was that Olympia Group Companies wanted to make sure that the parking provisions were separate and distinct from the provisions in section 1. Basically, they wanted to make sure that the provisions of section 1 did not govern the parking provisions of section 2, subsection 3.

**Chairman Anderson:**

So we do not really need the third amendment?

**Jennifer Chisel:**

That is a decision for the Committee; I am not positive whether it is needed.

**Nick Anthony, Committee Counsel:**

Ms. Chisel did an excellent job of explaining this. Section 1 is a definition that is going to go into Chapter 116 of NRS and will apply to all of NRS Chapter 116. The concern from Olympia Group Companies was that they wanted to make sure that issues raised regarding parking in section 2, subsection 3, are separate and distinct from section 1.

It is the Committee's choice if it wants to add in something like "Notwithstanding any of the forgoing provisions" or "Notwithstanding any other provision of Chapter 116." The Committee could add that language to make sure that subsection 3 stands alone.



**Assemblyman Horne:**

I do not think we need three.

**Chairman Anderson:**

That leaves us with Mr. Robey's "inoperable vehicle" question.

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 129.

**Assemblyman Manendo:**

This would be with amendments 1, 2(b), and 4 of the work session document.

ASSEMBLYMAN COBB SECONDED THE MOTION.

**Assemblyman Horne:**

Regarding amendment 4, Mr. Robey thought "inoperable vehicle" was vague. I do not know if we need 4. As between 2(a) and 2(b), 2(a) was proposed by Ms. Gallo and Ms. Stokey but agreed to by the sponsor, Assemblyman Conklin. We do not have any input from Assemblyman Conklin or the utilities as to whether or not they would be opposed to 2(b).

**Judy Stokey, Director, Governmental Affairs, NV Energy, Las Vegas, Nevada:**

We did propose 2(a) during the hearing, and after the discussion I understand Assemblyman Cobb's concerns. We are okay with 2(b), but we have not spoken with Assemblyman Conklin about it.

**Assemblyman Gustavson:**

I would like a little more clarification. When it says "in front of the person's unit," I do not want that to be misinterpreted so that someone can park in front of somebody's unit, even if there is no authorized parking space there. Someone might misconstrue that.

**Chairman Anderson:**

The phrase "where parking is ... permitted" is in 2(a), but not in 2(b), but I am sure that Assemblyman Cobb would not disagree if "is permitted" was amended into his suggested language.

**Assemblyman Carpenter:**

The only question I have on Assemblyman Cobb's amendment is whether there are alleys you can park in, since he has crossed out alleys in his amendment. I do not know if this is an issue in these common-interest communities or not.

**Chairman Anderson:**

Assemblyman Carpenter, you and I come from communities that had alleys, but other than the business sections of communities, there do not seem to be many common-interest communities willing to give up land for alleys.

[Assemblyman Conklin entered the room.]

Assemblyman Conklin, we are in a bit of a quandary on your bill. We are trying to get it out today, but there are several proposed amendments. We are debating between 2(a) and 2(b) in our work session document ([Exhibit E](#)). The Committee has a motion to Amend and Do Pass with amendments 1, 2(b), and 4.

**Assemblyman Marcus L. Conklin, Clark County Assembly District No. 37:**

You are considering amendments 1, 2(b), and 4?

**Chairman Anderson:**

Yes.

**Assemblyman Conklin:**

I am perfectly fine with Assemblyman Cobb's amendment 2(b). I think it is an interpretation of where we are headed, and I am also fine with 1 and 4.

**Chairman Anderson:**

"Inoperable vehicle" is not part of existing law. We are just removing it from the bill.

[Restated motion. Assemblyman Conklin left the room.]

THE MOTION PASSED UNANIMOUSLY.

We will take up Assembly Bill 116.

**Assembly Bill 116:** Revises provisions concerning compensation for victims of crime. (BDR 16-1)

**Jennifer M. Chisel, Committee Policy Analyst:**

This is Assemblyman Carpenter's bill. It is a victims of crime bill and essentially has two provisions. [Reviewed work session document ([Exhibit F](#)).] The first has to do with police or investigative reports that are requested by the compensation officers in the Victims of Crime Program when they are determining whether or not to award compensation to a crime victim. The

amendment is to ensure that those reports are received within ten days after receipt of the request.

The other portion of the bill has to do with the contributory conduct issue, and the bill would exempt domestic violence and sexual assault from consideration, by the compensation officer, as contributory conduct.

There are a couple of amendments on this one as well. The first amendment is with regard to the redaction of confidential information. There was an amendment proposed by Keith Munro, Assistant Attorney General, and the language states that "A law enforcement agency or a juvenile court may redact any confidential information from an investigative or police report ...." You will note that I added a drafter's note in here. We want to be sure that the Committee has all of the information available. If it is the intent of the Committee to authorize certain entities to redact only confidential information and not be allowed to redact other information, then the bill drafter's suggested language is, "A law enforcement agency or a juvenile court shall not redact any information, except information deemed confidential ...." That is a discussion point for the Committee.

The second amendment states that the information must be provided to the compensation officer "Within 10 days or a reasonable amount of time...." This language was suggested by Brian Nix of the Victims of Crime Program in response to testimony by Frank Adams of the Sheriffs' and Chiefs' Association that in some cases it is difficult for the investigative agency to have a completed investigative report to provide to the compensation officer within ten days, especially in cases where a victim requests compensation immediately after the crime. This "reasonable amount of time" exception is fairly broad, so it could be a drafting issue. "Within 10 days or some allowance for extenuating circumstances" is more the intent of that amendment.

The third amendment was also proposed by Brian Nix of the Victims of Crime Program. He wants to retain the ability to consider the contributory conduct of the victim in domestic violence cases, when the compensation officer determines the compensation award.

**Chairman Anderson:**

The Chair is of the opinion that we should take the bill drafter's suggestion for the first amendment: "except information deemed confidential." Some people may have some issues with this, but it would ease the ability of the Victims of Crime agency to do its job.

In terms of the time requirement, it is not unreasonable to expect that law enforcement would provide the information within ten days after the report is completed. It is not reasonable to expect the report within ten days of the event because they may be waiting for a toxicology report or some other process that may take a longer period of time. The preliminary reports have to be finished by the officer at the end of his shift. While that does not mean the whole report is complete, I also do not think it means one has to wait until the district attorney is finished with it. I would feel a little more comfortable putting a definition of when the ten-day window starts.

I do not see amendment number three as viable.

**Assemblyman Carpenter:**

I agree with your analysis. I think "a reasonable amount of time" might be forever, so we need to tie it down. There has to be some kind of finality, and I know the bill drafters can come up with something. I am definitely not in favor of crossing out domestic violence because I think the situations that Mr. Nix talked about were out of the norm. Domestic violence needs to be part of this bill.

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 116.

ASSEMBLYMAN HORNE SECONDED THE MOTION.

**Chairman Anderson:**

There are two amendments. First, "A law enforcement agency or a juvenile court shall not redact any information, except information deemed confidential," is to be added in. Second, the bill drafters will come back with the time requirements, something like "10 days after the preliminary report is completed."

**Nick Anthony, Committee Counsel:**

Just as a suggestion, I might offer: "within 10 days after completion of the police or investigative report."

**Chairman Anderson:**

And we reject amendment number three.

THE MOTION PASSED UNANIMOUSLY.

Let us turn our attention to Assembly Bill 104.

**Assembly Bill 104**: Revises the provisions governing the failure to appear in court for the commission of certain misdemeanor traffic offenses. (BDR 14-95)

**Chairman Anderson:**

Assemblywoman Parnell, I have had several conversations with John McCormick of the Administrative Office of the Courts about this bill. I think it is a good bill.

**Jennifer M. Chisel, Committee Policy Analyst:**

This bill was in the last work session, and several discussions have occurred, so you will see some additional amendments presented ([Exhibit G](#)).

The first amendment, the compromise amendment, is attached at the back. Essentially the amendment deletes the language regarding issuance of an arrest warrant for a defendant's failure to appear in misdemeanor traffic offense cases and adds a five-day waiting period before the bail forfeiture order is filed to allow for extenuating circumstances. It also declares that upon forfeiture of the cash bail the case is closed.

Part of this first amendment—which results from concerns raised by the Chairman—clarifies that bail forfeited under the provisions of the bill is treated as a fine and is distributed to the state. That language is on page 2 of the mock-up, section 1, subsection 6.

The second amendment pertains to the effective date of the bill. The intent is to have the bill effective upon passage and approval but also to have the provisions apply to cases that are currently pending. This is in an effort to close some older cases and give the courts the ability to collect the forfeited money and dismiss all of the pending arrest warrants.

**Chairman Anderson:**

The first amendment clarifies where the fines go. The courts are also hopeful we will pass the second amendment, so it will be retroactive.

**Assemblywoman Parnell:**

I am confused when I look at page one of the work session document. It has the discussion on the effective date of the bill, which, to me, reads that it will be effective upon passage. And I look at the mock-up of the amendment, and it still shows that section 2 is deleted. Could I have an explanation?

**Jennifer Chisel:**

The language in section 2 of the amendment mock-up does not reflect the intent to cause this bill to be retroactive and to be effective upon passage and approval. Therefore, the language was struck by the Administrative Office of the Courts. What I have done is to provide a conceptual amendment for the Committee to consider, and that is the discussion in number 2 of the work session document. I have talked with the bill drafter, we did not come up with exact language, but that is the concept. The language struck in section 2 of the amendment mock-up will be replaced with some other appropriate language.

**Assemblywoman Parnell:**

We would want to go with proposed amendment 2 on the work session document, but the way it was written in section 2 of the amendment mock-up was incorrect, which is why it is deleted. I understand now.

**Chairman Anderson:**

You are concerned that section 2 in the mock-up is misrepresented?

**Assemblywoman Parnell:**

My concern was the proposed amendment 2 of the work session document, to me, conflicted with the deletion of section 2 of the mock-up. Ms. Chisel explained the reason it is deleted in the mock-up is the language is not correct to really get across the meaning of the proposed amendment 2.

**Chairman Anderson:**

You are concerned with the strike out of section 2, "This act applies to all cash ...."

**Assemblywoman Parnell:**

I am fine with everything. I understand why the mock-up is slightly different from what we are reading on page 1 of the work session document. I know that all of the parties working on the bill, especially the Carson City municipal judges, since this bill was on their behalf, are pleased with the results.

**Chairman Anderson:**

While I appreciate that the Carson City judges are in favor of the bill, I think it has a broader general policy impact that is going to affect all of the courts, at the municipal and justice court levels, which deal with traffic violations. The distribution of those dollars is a big policy question for all of us.

**Assemblyman Carpenter:**

I am looking at section 1, subsection 6 of the bill, and I do not know if this is trying to change what is happening now. Now, when someone forfeits bail, the bail then goes to the counties for the administration of their courts. If we are going to take that money away from them, I think it is really going to harm the way they operate. I know that it says something about the fines needing to go to the Distributive School Fund. Now, the fines go to the Distributive School Fund, but if the offenders just pay their bails, then those monies go to the operation of the justice and municipal courts. If that is changing, then I do not know if I could support this bill.

**Chairman Anderson:**

There are currently various distinctions between the ways fines are handled as contrasted with administrative assessments. Since several court functions are dependent upon the administrative assessments, there is a concern about how they are dealt with. The formula is strictly set up as to how all of those dollars are supposed to be used so that the court does not become a mechanism for funding general government. That is not the point of the court system. The courts have a tradition of trying to make sure that the administrative assessments are within their purview, to be used for technology, or court services, or for funding the specialty courts.

Regarding fines, in the municipal courts the money goes to the city, and in the justice courts the monies are divided between the state and county. That needs to be clarified for us to move on the bill. We want the monies to be treated the same way as they are currently.

I will ask Mr. McCormick from the Administrative Office of the Courts to come up because we have had many discussions about this bill. I asked you to bring our concerns back to the Administrative Office of the Courts. Is this bill something we can all live with the way it is here?

**John McCormick, Rural Courts Coordinator, Administrative Office of the Courts,  
Carson City, Nevada:**

That is my understanding. I have not had the chance to speak directly with Judge Tatro, yet, but he indicated to me that he was okay with the amended language, as did other members of the Nevada Judges of Limited Jurisdiction Legislative Committee. I would be more than happy to discuss this with Assemblyman Carpenter and clarify this further.

**Assemblyman Carpenter:**

I do need some clarification and want to be able to talk with the judges in my area.

**Chairman Anderson:**

What about the question of retroactivity? Do you want to hold the bill, or would you be willing to support an Amend and Do Pass and then wait for clarification? Or we could bring it up again tomorrow.

**Assemblyman Carpenter:**

Yes, I just need to get this clarified, so we should be able to do it tomorrow.

**Chairman Anderson:**

We will try to move this to the work session tomorrow.

We will move on to Assembly Bill 99.

**Assembly Bill 99:** Makes various changes relating to the security and safety of participants in the legal process. (BDR 15-410)

**Chairman Anderson:**

I have had several conversations with Judge Weller and others relative to what we could do, and as a result we have this particular amendment.

**Jennifer M. Chisel, Committee Policy Analyst:**

Assembly Bill 99 was presented to the Committee by Judge Weller. [Reviewed work session document ([Exhibit H](#)).] This bill provides additional security protection for participants in the legal process. There is a compromise amendment that was brought forward, and I think all parties are in agreement on it. The amendment removes the provisions in the bill that would establish judges as a special class of people; prohibits a person from intentionally filing a false lien against anyone, expanding it from applying just to judges; reduces the punishment for a person convicted of filing a false lien from a category D to a category E felony; and authorizes a present or former municipal court judge, justice of the peace, district court judge, or Supreme Court Justice to apply to the fictitious name program through the Office of the Secretary of the State, and requires those applicants to actually pay the fees and costs of joining that program.

**Chairman Anderson:**

I think that several of us were concerned that it created a special class of people in terms of the application of the law. How many of you would like a mock-up? [Most Committee members requested the mock-up. The mock-up ([Exhibit I](#)) was passed out.]

The amendment removes sections 1, 2, 3, and 4 of the bill and the cross-references that go to them in sections 5 and 6. It removes section 8.



Section 9, subsection 1, is changed (a) to read "A person shall not intentionally file, attempt to file ..." liens; (b) to remove two lines; and (c) to reduce the crime from a category D to a category E felony, which can be probation. In section 10, subsection 1, the language "retaliate against him or" is added to clarify it further. Also in section 10, subsection 2 is removed in its entirety, and the subsections are renumbered. In section 11, subsection 1, paragraph (f), and in section 12, subsection 16, the language is deleted entirely—and with it the whole question of raising actions against participants in the legal process as an additional element of murder. There is new language in section 17, subsection 2, paragraph (h): "Any fees or costs associated with the application; and." So the cost of doing this would be borne by the judges who wish to participate in the fictitious address program, and the Secretary of State's Office will not have the cost of doing the mailing. Section 18, subsection 1, paragraph (b), adds "and may charge the participant for any costs associated with forwarding the mail." That clears up that question as a whole and clarifies how the Secretary of State's Office is going to behave in sections 18, 19, and 20. The rest are bill drafters' changes, and the language includes municipal court judges, justices of the peace, and district court judges.

Judge Weller felt the changes met his intent. He sat down with Mr. Graham of the Administrative Office of the Courts and me, and we worked through these issues on a line by line basis. He was comfortable with where we were going and was hopeful we would be able to get this piece of legislation passed.

**Assemblyman Segerblom:**

The bill with the amendments is exactly how Chairman Anderson described it. It is a good bill, so I urge we pass it.

**Assemblywoman Dondero Loop:**

If the Committee is going to move this bill, I will need to abstain per my disclosure when we heard the bill.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 99.

**Chairman Anderson:**

I want Mr. Graham to come up because he was part of the conversation, and I want to make sure I am not misrepresenting our conversation.

**Ben Graham, representing the Administrative Office of the Courts, Las Vegas, Nevada:**

I think Assemblyman Segerblom spoke for both of us. Judge Weller did call yesterday and said thanks.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN DONDERO LOOP ABSTAINED.)

**Chairman Anderson:**

We will take up Assembly Bill 88 tomorrow. [Gave instructions to the Committee members about the work session binder.]

The meeting is adjourned [at 11:03 a.m.].

RESPECTFULLY SUBMITTED:

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Emilie Reafs  
Committee Secretary

APPROVED BY:

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Assemblyman Bernie Anderson, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 12, 2009

**Time of Meeting:** 09:33 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 187	C	Jennifer M. Chisel	Work Session Document
A.B. 164	D	Jennifer M. Chisel	Work Session Document
A.B. 129	E	Jennifer M. Chisel	Work Session Document
A.B. 116	F	Jennifer M. Chisel	Work Session Document
A.B. 104	G	Jennifer M. Chisel	Work Session Document
A.B. 99	H	Jennifer M. Chisel	Work Session Document
A.B. 99	I	Jennifer M. Chisel	Amendment Mock-Up