

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

**Seventy-Fifth Session  
February 4, 2009**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:07 a.m. on Wednesday, February 4, 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 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:**

Assemblyman Tick Segerblom, Vice Chair (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Jennifer M. Chisel, Committee Policy Analyst  
Nick Anthony, Committee Counsel  
Katherine Malzahn-Bass, Committee Manager  
Julie Kellen, Committee Secretary  
Nichole Bailey, Committee Assistant

**OTHERS PRESENT:**

Paul V. Townsend, Legislative Auditor, Audit Division, Carson City, Nevada  
Daniel L. Crossman, Deputy Legislative Auditor, Audit Division, Carson City, Nevada  
Jane Bailey, Audit Supervisor, Audit Division, Carson City, Nevada  
James D. Earl, Executive Director, Technological Crime Advisory Board, Office of the Attorney General, Carson City, Nevada  
Dennis Carry, Detective, Crimes Against Children Unit, Washoe County Sheriff's Office, Reno, Nevada  
Keith Munro, First Assistant Attorney General and Legislative Liaison, Carson City, Nevada  
Jason Frierson, Chief Deputy Public Defender, Clark County Public Defender's Office, Las Vegas, Nevada  
Orrin Johnson, Deputy Public Defender, Washoe County Public Defender's Office, Reno, Nevada

**Chairman Anderson:**

[Roll taken.] Mr. Townsend, we will start with you this morning.

**Paul V. Townsend, Legislative Auditor, Audit Division, Carson City, Nevada:**

Mr. Chairman, pursuant to your direction as a member of the Legislative Commission, I have forwarded to members of all legislative committees a letter accompanied by many audit highlights. It is broken down by the jurisdiction of each committee. Since we did a lot of public safety audits during the Interim, there are a number under the Judiciary Committee. I just wanted to invite any Committee members to feel free to contact me if they have any questions on any of the audits.

**Chairman Anderson:**

As you well know, Mr. Townsend, one of the parts of the legislative process that is often overlooked by the public, and even by members of the Legislature, is the legislative oversight function. Not only do we have the responsibility for passing legislation and putting laws into place, but we also have a responsibility to see if they are actually being enforced by the Executive Branch. And we do exercise that authority through our auditors, who predominantly report to money committees and not to policy committees. I think that is somewhat strange because it is helpful for us, the policy maker, to see if what we have asked to be done is, in reality, being done, and if it is being carried out and to what extent.

I have given time to the auditors in our policy committee, and I encourage all of you to read the audits with a serious view. Unfortunately, the auditors cannot hold their hands daily, and the reality is that you usually get back to these people every five years?

**Paul Townsend:**

On average, every four to eight years would be the range.

**Chairman Anderson:**

Audits are done every four to eight years unless we anticipate a problem. These agencies have a responsibility to respond to the audits, and then the Legislative Commission reviews them quarterly.

**Paul Townsend:**

The first audit we will be discussing this morning is that of the Records Bureau within the Department of Public Safety's Records and Technology Division. Richard Neil was the supervisor on that audit, and just for background information, Richard Neil has been with the Audit Division of the Legislative Counsel Bureau (LCB) a little over 20 years. He has worked on many of our most important audits. Daniel Crossman was the in-charge auditor, and he has been with us for about five years. Prior to that, he was with the Big Four certified public accountant (CPA) firm of KPMG in its Bay Area office. Daniel Crossman will begin the presentation.

**Daniel Crossman, Deputy Legislative Auditor, Audit Division, Carson City, Nevada:**

I would like to begin my presentation today on the audit of the Records Bureau, on page 7 of that report. [Read from the audit report ([Exhibit C](#)).]

**Chairman Anderson:**

I sit on the Advisory Committee for this particular agency, and it meets twice a year by state statute. I consider it to be a key to understanding the interrelationship between the law enforcement agencies which highly rely upon it; for example, when one pulls over a car and needs to find out information through the Department of Motor Vehicles (DMV) and other records checks. The court system and the people in parole and probation rely heavily upon the accuracy of that record in determining the criminal history of the person. They compare the information with that of the Federal Bureau of Investigation (FBI) by means of a background check in order to determine what this person's criminal record may be in some other jurisdiction.

The modern world of computers has dramatically changed over the past 20 years, and we have watched this particular agency grow. Of course, the prison system now relies upon it in terms of utilizing information for its management.

Finally, we have the public who has an interest in it. The gaming industry in the State of Nevada utilizes it in terms of people who come to work and require a background check. Background checks are required for teachers, nurses, realtors, and a wide variety of civil occupations that require a certain standing in the community in order to obtain employment and are checked on a regular basis. We now have the added issue of sexual offenders. The Nevada Sex Offender Registry, the Adam Walsh Act, and other national acts are very important in terms of keeping the public aware of sexual predators who may be in the community. This agency plays a key role in the public's expectation of the availability of this information.

This audit is particularly important to this Committee, and it should be for anyone who deals in this area. Having Mr. Townsend and his crew make such a thorough presentation early on will hopefully help all of us understand. I want to thank you Mr. Crossman for a very thorough and quick review of a very difficult document.

When again will you be going back to this agency, Mr. Townsend?

**Paul Townsend:**

They are in our follow-up process right now, and that begins with a 60-day plan of corrective action on how they are going to implement the recommendations. The corrective action plan was provided to us on December 23, 2008. We have reviewed that, and the next step will be on June 23, 2009. There will be a six-month report prepared that will be presented to the audit subcommittee at its next meeting. We will review that report and determine if the recommendations have all been fully implemented. In that meeting, we will be

discussing with them any partially implemented recommendations or any problems. We will be going through the follow-up process, and that is presented to the Legislative Commission. We generally monitor the recommendations until they are fully implemented or some other course of action is taken.

**Chairman Anderson:**

A regularly scheduled audit would be five to six years away?

**Paul Townsend:**

I believe this one we might have gotten back to a little sooner due to the significance. This is on our higher risk list, and we will try to get around to it on the lower end of the range: so, four to five years.

**Chairman Anderson:**

I was hoping that you would be revisiting them on a somewhat regular basis. I consider it to be a central part of the hub that holds the public safety questions in place, especially in the computer technology era. This is vital to us.

**Assemblyman Hambrick:**

Mr. Crossman, to your knowledge, regarding the civil aspect of this report concerning nonprofit agencies, particularly youth organizations, are they allowed to use this to do background checks for their volunteers who work with juveniles?

**Daniel Crossman:**

Yes, nonprofits do have access to these background checks through the current process in which they would be receiving a response from the Bureau indicating whether or not a volunteer committed certain crimes that had been listed in statute.

**Chairman Anderson:**

That would be a good question to be explored with Captain O'Neill when he appears, Assemblyman Hambrick. The reason for this is because, by state statute, we require in the State of Nevada that if one is organizing a juvenile program, the individuals who manage the program must complete a background check and pay. One of the controversial parts for the agencies is when one is running a program that is often dependant upon volunteer help, for example, baseball teams, Boys and Girls Clubs, and Big Brothers Big Sisters, and whether those individuals must pay for a background check. That can be an expensive endeavor. Captain O'Neill will have the opportunity to explain that to you on Monday when we expect his full report.

**Paul Townsend:**

The next audit we have this morning is the Department of Administration's Hearings Division and Victims of Crime Program. Mr. Crossman was also involved with this audit. It was released early in the Interim in November 2007. Joining me now at the table is Jane Bailey. She is the Audit Supervisor, and I have asked Jane to make the presentation. Just to give you a little background on Jane, she has been with the LCB Audit Division for the last 15 years. Prior to that, she spent eight years with the Illinois Office of Auditor General, so she has extensive experience in governmental auditing. She will begin the presentation.

**Jane Bailey, Audit Supervisor, Audit Division, Carson City, Nevada:**

I was the supervisor on the audit of the Hearings Division and Victims of Crime Program. I would like to begin my presentation on page six of the audit report with the background information of the Division.

[Read from the audit report ([Exhibit D](#)).]

The Department of Administration's six-month report in September of 2008 indicated that eight of the recommendations were fully implemented and three were partially implemented. At the subsequent audit subcommittee meeting, Division management testified that two additional recommendations were fully implemented. The remaining partially implemented recommendation was Recommendation 2 in the audit report. That recommendation was to pay the victims' claims in accordance with *Nevada Revised Statutes* (NRS) 217.260 and Board of Examiners policy. After the audit was completed, the program changed its method of paying victims' claims, and the Board of Examiners changed its policy on the payment of claims when there are insufficient resources to pay all claims at 100 percent; however, the program's new practice and the Board's new policy are not reflective of NRS Chapter 217. We requested an opinion from Legislative Counsel on whether the program's practice and the Board's new policy were consistent with NRS Chapter 217. Legislative Counsel's opinion was that the practice and the policy were not consistent with state law. Division management testified at last September's audit subcommittee meeting that the program would attempt to obtain a change to NRS Chapter 217 during this legislative session in order to make the law consistent with the program's practice and the current Board of Examiners policy.

**Chairman Anderson:**

This particular audit presents a difficulty for a legislative body. Some of the issues are clearly policy questions that need to be addressed by this body in making sure that the laws that we have asked to be put in place, relative to the

victims of crime, are truly possible. The other difficulty that we face is whether we want the state agency to follow what the legislative mandate of the law says or to follow the practice of the agency. We have to deal with the delicate balance of reality versus hope. We have to recognize that we have not given the agency what they need to do in order to do the job that we intend them to do, which is our fault; the policy does not reflect what we intend, which is our fault; or they do not want to change their behavior to do what we want, which is their fault.

We are going to get into a lot of finger-pointing with this particular audit, but this Committee has been concerned about the rights of victims and making sure that the perpetrators of crime have the responsibility to try to make the victims, at least economically, as whole as they can. Even though they cannot take care of the emotional aspect of the cost of the crime, the financial side should be compensated in some way.

We also have another difficulty with the unfunded mandate question. Are we going to shift this burden in some way over to the county or the city? This audit is very important to us, and I think that the Attorney General's Office, which has part of the responsibility in this area, takes it as a serious mandate. I know that the last four attorneys general have always taken it as a serious part of their office, and I am sure this one does too.

**Assemblyman Carpenter:**

Why do you think these contracts were increased so dramatically? Was there any real reason to do that? I see that one of them that you have in the outline was never approved by the Board of Examiners.

**Jane Bailey:**

That was the contract for the Hearings Division. I think that it just slipped through the cracks. Administratively, they were not processing them quickly enough to get them approved before they needed the services, so they were going ahead and having a contractor perform services before the contracts were approved. They did not monitor how much they spent on that contract, so when they got to the contract maximum, they went over it before they realized they needed to amend the contract.

**Assemblyman Carpenter:**

It was not a small amount according to your audit. Hopefully, they will correct that process.

**Jane Bailey:**

They did have some difficulties during the audit period with positions being vacant and turnover in staff. That may have been part of it. They also lacked the documented process to ensure that they monitored the contracts.

**Assemblyman Mortenson:**

What does the Audit Division think of what looks like an appalling amount of administrative cost versus payments to victims. In 2006, the payments to the contractors, taken as a percentage of payments for the victims, rose from 13 percent to 36 percent. Try to compare this to some nonprofit organizations, for example, the Red Cross.

**Jane Bailey:**

In the last two fiscal years, the payments to the contractor have decreased and the payments to the victims have increased, so the percentage of administrative cost has been reduced. Part of the reason for the large increase that you will see from 2005 to 2006 (on page 16 of the report [[Exhibit D](#)]) was due to the contractor starting to process the checks that went to the victims and the providers. So, there was an additional cost for that. Another reason for the increase was that medical costs increased dramatically during 2004, 2005, and 2006. Since the contractors are paid a percentage of the savings that they take by reducing provider bills, then their payments go up because medical bills were going up. So it is a combination of factors that caused the increase. It has decreased somewhat in the last two years.

**Assemblyman Mortenson:**

Have you come up with a proper ratio of administrative costs to victim payments? If you have, what would that be?

**Paul Townsend:**

We have not identified what the appropriate percentage would be. I do know that they have developed a fairly sophisticated, computerized, claims-processing system. Perhaps, the system here was overpowered for what they needed to keep those costs in line. As Ms. Bailey indicated, after the audit, they did work to reduce those costs when we brought it to their attention.

**Assemblyman Cobb:**

In this report there is a great focus on how the money was spent by the Department. There does not seem to be much of a focus on what methods are in place to take in the revenue that is used through the Victims of Crimes Fund, including court assessments, fines, forfeitures, et cetera. I do not know if that would go beyond the scope of what you were looking at, but do you have any recommendations in terms of improving the collection of revenue? I know that



getting money from some of the people who committed acts against victims has been a problem in the past.

**Chairman Anderson:**

Let me help Assemblyman Cobb. We are going to be dealing with that issue with another piece of legislation. I just want to remind Assemblyman Cobb that part of that issue is one that we are all concerned about.

**Jane Bailey:**

We did not look at the various agencies that remit money to go into the Victims of Crimes Fund. Most of these would be courts, the prison system, and various other sources. We did not go to those agencies to determine if they were remitting all funds. We did look at the program's actual deposit of money that they received and found that they were lax in that. To my knowledge, the program does not have any way to determine how much, for example, a court should be paying into the fund, so there is little they can do short of hiring their own auditors in order to audit other entities.

**Chairman Anderson:**

Assemblyman Cobb, this is an important part of the issue. We had interim studies on the forfeiture and collection questions, separately, several sessions ago. That is a difficult question and one that you may want to keep for when the Administrative Office of the Courts is here. Assessment of those courts at the justice of the peace and municipal level, rather than the district court and criminal level, should occur together with who gets to retain the dollars and what percentage. Discovery of this and the ultimate enforcement responsibility regarding whatever the judge has done to pay into the Victims of Crime Fund is important.

**Assemblyman Gustavson:**

My question is more directed to you, Mr. Chairman. I have seen many of these audits throughout the years. When we set the policy, the Audit Division makes the recommendations to the agencies through the audit, and the agencies come back to say that they will comply with the recommendations; however, when we come back a few years later, we find out that they did not comply with all of the recommendations. Is there some way that we, as a committee, can put some teeth into the law so we can have some consequences when they do not comply with the recommendations?

**Chairman Anderson:**

This is an issue that we have always been concerned about, and it is one of the reasons I wanted Mr. Townsend and the Audit Division to make a presentation to these committees. It is to show that what we ask for is not happening. Mr.

Townsend also makes a presentation to the Legislative Commission's Audit Subcommittee, which is separate from the Legislative Commission, that goes into great, excruciating detail. He also makes a presentation to the Interim Finance Committee.

It seems to me that it is important to the policy committees of the regular Legislature to actually see these audit reports before the agencies start appearing in front of us and telling us what a great job they are doing.

The reality is that we are trying to make sure that we have the information so that when the Attorney General's Office is in front of us, and the victims of crime bills are in front of us, and the courts are in front of us about their collection process, we have the ability to ask why they are not doing what they say they do.

I know that does not answer the question.

**Assemblyman Gustavson:**

No, not completely. I would like something done.

**Chairman Anderson:**

Do you think that part of the difficulty is the sheer volume and number of claims that are being made to the agency, with more victims appearing and utilizing the fund? The legislation says that we should not be paying the perpetrator of the crime, and it was surprising to hear that one could get paid if one is the perpetrator. Is there enough money coming in for the agency to carry out its duties and responsibilities—with the increased costs of medical and the number of people who are victims of crime—in a state that has more than doubled in population in the last 30 years?

**Jane Bailey:**

I believe all the reasons that you just gave have had an impact on the program and caused administrative costs to increase over the years. I think that the costs of the victims' claims have increased more quickly than the revenues, and that has put the program in a bad spot in determining what bills to pay or what not to pay. However, there is policy in the statute that sets a process for reducing claims by a percentage if the revenues are not sufficient.

**Chairman Anderson:**

That policy has not been followed, and that is one of the criticisms. Had it been followed, there would have been an opportunity for some people to get some smaller amounts of money rather than one person getting a large amount of

money. It is sort of like having a credit card debt and deciding to pay only two out of the six credit card companies.

**Jane Bailey:**

On page 16 of the report ([Exhibit D](#)), we do note that it is the hospitals and a few other medical providers that have not been receiving full payment, while other providers have. Currently, I believe that the program bases what to pay on when the expense was incurred. The initial expense, which may include emergency room and initial acute care, is being paid last, or at a reduced rate, while the current ongoing expenses for counseling or medication are being paid at the full amount.

**Chairman Anderson:**

This potentially puts us in violation of a federal law. If one is a victim of a sex crime, the local hospital has to provide rape kits at no cost to the victim of the crime, so the county should then be able to come back and get reimbursed from someone for that.

**Jane Bailey:**

I believe NRS Chapter 217 includes a provision that, if a provider receives any payment and accepts that payment, even if it is only 1 percent of that bill, they cannot hold the victim responsible for the remainder of that bill. It is the hospitals and the other providers of acute care that have to eat the cost of providing the service.

**Chairman Anderson:**

I was under the impression that the federal requirement is that the victim, even if they can pay only a penny, has the right to that material and does not have to divulge anything in order to receive that material, if they make a claim.

**Jane Bailey:**

I am not sure if the victims have to apply for services from the Victims of Crime Program, which would occur after that had happened. Once they are approved and the program pays any part of the expense, then the provider of the medical service cannot go back to the victim and try to recoup any unpaid expenses.

**Chairman Anderson:**

A hospital may be coming at us from the local level, if it is a county facility, if that becomes an unfunded liability for the hospital.

Although this is not a money committee, we do try to pay attention to the statutes and the safety for the victims of crime.

[Recessed at 9:04 a.m. and reconvened at 9:17 a.m.]

Let us turn our attention to Assembly Bill 88.

**Assembly Bill 88**: Establishes a civil remedy for a person who was a victim of a sexual offense which was used to promote child pornography.  
(BDR 15-267)

**James D. Earl, Executive Director, Technological Crime Advisory Board,  
Office of the Attorney General, Carson City, Nevada:**

That board is a Legislative Executive board. Senator Valerie Wiener is the vice chair, at present, and Attorney General Catherine Cortez Masto is the chair of the Technological Crime Advisory Board. The Attorney General has asked me to present Assembly Bill 88 on her behalf this morning.

[Read from prepared text ([Exhibit E](#)).]

I would like to take a moment to introduce the gentleman to my right and tell you a little bit about how this particular bill came to be generated. He is Detective Dennis Carry of the Washoe County Sheriff's Office. The Technological Crime Advisory Board, in its quarterly meeting for the third quarter of 2008, listened to a two-hour presentation by Lieutenant Charles Cohen of the Indiana State Police, an acknowledged expert in criminal forensics as it relates to the Internet. In the following board meeting, in the fourth quarter of 2008, there was a follow-up presentation by Detective Carry that built on Lieutenant Cohen's presentation. It was tailored for the Board's interest and concerned some of the future and present challenges that exist for law enforcement in areas where the Internet is an integral part of the crime.

One of the key elements of Detective Carry's presentation was relating developments from past and anticipated future Internet changes to the State of Nevada criminal law. The two portions of the second amendment that we are asking you to consider came about as a result of some problems that were identified before the board in that meeting. After that meeting, at the Attorney General's invitation, prosecutors from both Clark and Washoe Counties, law enforcement from both counties, and a variety of other individuals associated with the Attorney General's staff came together in a working group to address seven issues. Some of those issues are not ripe for legislation, and some are not appropriate. The second amendment deals with two of the issues that went through that particular process.

**Chairman Anderson:**

Having had the opportunity to serve on that board, I had the great pleasure of serving with Mr. Earl when he came to this position. He has brought a high level of technological expertise, and we are very fortunate to have him with his background in technological crime. Nevada is one of the early states to become actively involved in this area of crime.

**Dennis Carry, Detective, Crimes Against Children Unit, Washoe County Sheriff's Office, Reno, Nevada:**

I would like to add that, over the past six years, my primary job has been to deal with child exploitation, mainly online child exploitation—Internet crimes against children. I have approximately six years experience in this field, and I have attended many classes and had exposure to many cases. We are drowning in cases in Nevada. We have far more cases than we can get to that deal with online child exploitation.

The information I can provide to you, including answers to questions that you might present to me, is based on my experience and also my communication with other task forces across the nation. The Internet Crimes Against Children Task Force is a national task force. We work with every state, and we also work with other countries that have similar task forces. That includes the FBI, Immigrations, Customs Enforcement, Secret Service, and other federal agencies.

What we identified and what I presented to the Technological Crime Advisory Board were problems that we have seen already occurring in other states. One of the proposed amendments which address "viewing" has come up in several other states. This question has come up: If someone is viewing child pornography and often not storing it to their computer, or maybe even going to a movie theater and viewing child pornography, do they violate the law? In several states, at least one in particular, Pennsylvania, the court said no, they were not violating the law. Their statute was initially written similar to ours as far as "possession." It is a concern that we have already identified based on problems in other states, and that is what we are trying to correct, here, as far as one of the amendments.

The other amendment has to do with the increase in distribution of child pornography. There are more people distributing child pornography every day, and that has become almost our primary focus. The Internet is rapidly evolving, and new operating systems come out all of the time. Microsoft will be releasing their new operating system to replace Vista in the near future. As an investigator who investigates these types of crimes, I am also a computer forensic examiner, so I have the expertise to know what is available on a computer, as far as evidence, and what we could potentially recover. I also

know techniques and theories, out there, showing how to eliminate that evidence. There are devices and operating systems coming out that are geared more toward protecting personal data. They are making it difficult for computer forensic examiners and other law enforcement to recover information from the computer. These amendments are also addressing what we foresee based on those issues. I can answer any type of question you may have based on that.

**Chairman Anderson:**

We do have two experts sitting in front of us. We are fortunate in terms of the technological questions relative to the forensic methodology of the field practitioner, and we appreciate your expertise. In the past, this particular Committee has dealt with issues of whether the court has struck down what it considers to be entrapment, where law enforcement was trying to detect the use of computers for bringing people into town and possibly victimizing them. We have tried to straighten out that particular part of the statute to meet the court's requirement. I am sure that this is an evolving question and not something that is going to go away.

**Assemblyman Horne:**

Detective Carry, in your testimony today, I am not sure about the streaming video issue. You are saying that there is no evidence left behind on that computer if someone does use streaming video, watches it, and then goes to another site? There is no evidence to be retrieved, and, if that is the case—short of catching them in the act of actually viewing it—how do you prosecute that particular crime of viewing streaming video when you do not have evidence on the computer that it was done?

**Dennis Carry:**

That is an interesting question. Unfortunately, I do not want to give away too many investigative techniques because this is public record, but I can explain that with technology today, there is the ability to stream video to a computer and not have remnants there. That is due to a variety of reasons. One can use an operating system on a compact disc (CD) and not have any data on the hard drive. A good example of how we would possibly know is confessions. Confessions in child pornography cases are extremely high. People usually want to talk and explain why they are viewing child pornography. That goes along with "intent." We want to prove that they are intentionally going out there, looking for this, and not coming across it accidentally.

The other part is that there is something called Second Life, which is a virtual world. And the best way to explain that is, in the past few years, on television shows, people could put on these glasses and these finger gloves and be in a virtual world where they can touch things that do not exist and watch movies

on screens that do not exist. One can go to these virtual worlds right now and watch video that someone else is playing in their house that they created virtually. Unfortunately, it is difficult to understand. Sometimes, law enforcement can infiltrate those groups in an undercover capacity. We may know who else is in the room watching the streaming video at the time. We may have indentified them through other investigative means. The best way to explain it is to give the example of the movie theater where someone goes into the theater to watch it, but they do not take anything with them when they leave.

The technology is there to eliminate the evidence, and as time progresses and personal data becomes more of a concern to people, operating system manufacturers and other software companies are going to come out with the software to permanently erase that data.

**Assemblyman Horne:**

If I can interrupt quickly, you mentioned Second Life and going into a virtual world. Are we talking about prosecuting those who have visualized virtual child pornography?

**Dennis Carry:**

No, sir. The virtual world concept is very difficult to explain, but essentially, in a virtual world, one creates an area to entertain people. It is like a chat room, except one can actually see walls and pictures and a couch. One can go into this world and stream any video from their computer: for example, any homemade movie which may be of their children or themselves. One can also stream a television show with actual people, not virtually created or morphed images. That is also possible, but I was referring to a digital video disc (DVD) they may have on their computer, or a movie file, and they play it so that everyone else who comes into that virtual world can watch.

**Assemblyman Horne:**

Do you anticipate using, in an investigative mode, streaming video for a sting operation? We have all seen on MSNBC where law enforcement is catching predators when they come to a home thinking that they are meeting up with, usually, an underage girl. We have changed the laws so that even thinking it is a child is enough to prosecute them.

**Dennis Carry:**

Often when you see someone is arrested for child pornography on television or in the newspaper, the charge is possession of child pornography with one or two counts. That is what they are charged with so that the public sees. With all of the people that I have investigated and arrested for child pornography

offenses, we are usually talking about hundreds or even thousands of videos and images. We only charge them with fewer counts because of the time it takes in court and the paperwork. In the future, we do see the ability to do sting operations for those who are streaming video and those who are seeking out videos and images to view child pornography.

We have people who are prior offenders, who we rearrest on the same charges, and who know what not to do because that is how they got caught last time. They come up with new ways of avoiding being caught. In a few cases, we are able to find them by getting a tip on which chat rooms they are in or videos they might have. We can go on the Internet and see if they will let us in their group. We can even apply for a search warrant if need be. We see those potential issues coming with streaming video and the "intent" to view it.

**James Earl:**

By way of summary, streaming video does not produce an executable file on the computer. If an executable file were present on the computer, one could click on it multiple times and the video would play on the computer. That would be possession.

This statute deals with two problems which are quite separate. One is that there are a number of "black" sites, typically offshore. These are servers where child pornographers intend to keep them as secret as they possibly can. One mode of viewing child pornography is to go to one of these covert servers and view streaming video. To my mind, the particular amendment addresses that as best we can.

With regard to the issue of virtual worlds, there are some additional problems in terms of recovery of evidence from virtual worlds. I do not want to mislead the Committee, but this particular statutory modification will not solve all of those problems. There are some additional problems that we need to address over the next couple of years which are being addressed by law enforcement worldwide, including at the federal level. That was one of the sections of this work group where we attempted to grapple with some of the intercept questions, but we were not able to reduce our concerns into a statutory solution.

**Assemblyman Cobb:**

The only problem I had with this bill draft was subsection 5, and I am glad to see that you suggested removing it as an amendment of this bill. I am assuming that you want it removed because this is a civil remedy that can be adequately prosecuted by any individual through a private attorney, and you want this removed because you are worried about overloading your caseload. I



just wanted to hear your comments as to why, specifically, you wanted to remove subsection 5.

**Chairman Anderson:**

Mr. Earl, while I am sure that you are concerned about the caseload work of the Attorney General's Office, maybe you would prefer someone else from the Attorney General's Office to address that issue.

**Keith Munro, First Assistant Attorney General and Legislative Liaison, Carson City, Nevada:**

We looked at that provision. It was something in the Florida law, and we decided that it was something we did not want to proceed with at this time. We do have a crushing workload in the Attorney General's Office. We are currently down about a dozen attorneys, but this is something that we looked at, and we decided that it was something we did not want to present to this body.

**Assemblyman Carpenter:**

With regard to the "at least \$150,000," is that a minimum that the victim will receive? What does that figure really mean?

**James Earl:**

The particular provision in A.B. 88 that reads, "A victim who prevails in an action brought pursuant to this section may recover his actual damages, which shall be deemed to be at least \$150,000, plus attorney's fees and costs." That sets a floor for recovery but not a ceiling. Similar provisions are contained in both the Florida statute and the federal statute. It provides a floor for recovery, and it would be open to a victim of child pornography to prove damages in excess of that amount.

**Assemblyman Carpenter:**

What happens if they cannot prove damages in that amount or in excess of that amount? Do they not get anything?

**James Earl:**

The statute is written in such a way so that if they prevail in this civil action, damages are deemed by the statute to be a minimum of \$150,000. It would be open to the victim child to prove damages in excess of that amount.

**Assemblyman Carpenter:**

They would get \$150,000 regardless?

**James Earl:**

That is correct.

**Assemblyman Carpenter:**

I have another question on your amendment. Why do you want to strike "advertises or distributes"?

**James Earl:**

The answer to that is not apparent from the sections that are being amended. The definition of "promote," which is contained in NRS 200.700, reads as follows: "'Promote' means to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution." Viewed in the context of the entire statute, NRS 200.725, which is the amended section, overlaps with another section, NRS 200.720. *Nevada Revised Statutes* 200.720 prohibits, in essence, the promotion of sexual performance of a minor, and promotion contains the offenses of advertising and distributing. The problem is that law enforcement is left with the question whether to charge an appropriate offense under NRS 200.720 or 200.725 because of the overlap caused by the definition of the term "promote." This would not be particularly problematic but for the fact that NRS 200.720 and 200.725 contain different levels of punishment. So, by deleting the words "advertise" or "distribute" from NRS 200.725, it makes it clear, both to law enforcement and prosecutors, that advertising or distributing, because it is part of the promotion definition, is appropriately handled under NRS 200.720.

**Assemblyman Carpenter:**

What are the penalties under NRS 200.720?

**James Earl:**

*Nevada Revised Statutes* 200.720 involves a Category A felony and is punished in accordance with the statute laying out the penalty provisions for Category A felonies. *Nevada Revised Statutes* 200.725 involves only a Category B felony, and the particular sentences are defined in that particular statute. The amendment to NRS 200.725, by striking that language, makes it clear that law enforcement and prosecution, when dealing with an issue of advertising or distribution, should charge under NRS 200.720 rather than NRS 200.725.

**Assemblyman Carpenter:**

There is nothing in NRS 200.720 that refers to "prepares," correct?

**James Earl:**

That is correct.

**Chairman Anderson:**

In light of Assemblyman Carpenter's question, and in viewing the response from Mr. Earl, I will ask our legal staff that—when it comes time to preparing the amendment—we make a thorough examination so that there would be no unintended consequence regarding the existing statutes, that we are not taking away the opportunity from the district attorneys. If we are removing an authority, we want to make sure that that does not take place. Even though it may be ambiguous, we do not like to reinvent page after page of redundant wording in statute. Mr. Anthony, we would like an examination of this issue in terms of drafting the amendment.

**Assemblyman Gustavson:**

When these awards are given of \$150,000 or more, would it go to a trust if the child is still a minor, so the parents could not get to the money and spend it? If the parents were the perpetrators, how would that be handled?

**James Earl:**

The statute does not attempt to deal with all of the possible contingencies. I can see, for example, in the case of parental abuse, this cause of action could be brought on the child's behalf by a guardian. That guardian might be an individual or a state agency. That would depend on circumstances that would be appropriately dealt with by child custody and child protection that are not the subject of this particular statute.

**Assemblyman Gustavson:**

I understand that we do not want to put that in this statute, but I know that there is a statute, somewhere, that would address it.

**James Earl:**

I cannot recall which statute that is either.

**Chairman Anderson:**

Detective Carry, I think this is an interesting scenario. From your extensive experience, what percentage of these cases has a parental, familial, or custodial guardian as the producer of the pornography?

**Dennis Carry:**

Unfortunately, the father or parent figure is relatively rare in our experience. They are harder to find. Those who are collecting images of child pornography of their own children are far more secretive about it, versus those who are going out there viewing pictures or videos of other children and downloading them for themselves. Many of them have discussed with us in interviews that they have considered it, and they would like to have done it, but they have not. In every

instance—in every case that I have worked where the person did take child pornography videos of their own child—they first told us they did not, and we found out about it later on. In every one of those cases, the child would not tell us because of the grooming techniques used to convince the child of what would happen if law enforcement found out. In most of those cases, they were told that the police would take them away. In my experience, it has been relatively low, and it has usually been after the initial investigation when we discover it.

We know that if we investigate a possession case, based on current statistics, there is a high likelihood that we are going to find someone who actually offended a child. It is not by touching or some other inappropriate means. Everyone who possesses child pornography is not a pedophile, and not every pedophile is a child pornography collector. Those are medical terms. Some research says that 85 percent of child pornography collectors have victimized children in one way or another, and that is a study that was discovered through the prison system by post-conviction polygraphs. There is a new study that is currently under way, and I hope to be able to talk about that some other time.

**Chairman Anderson:**

I was anticipating that you were going to give me a number in excess of 50 percent of the cases. Your response was a bit of a surprise to me. From your explanation, I understand why.

**Assemblyman Mortenson:**

A person viewing streaming video of child pornography leaves no trace on the computer, but certainly the path of going there is in the history of the computer. Even though one has the ability to erase it, it will still remain on the hard drive until it is overwritten, correct? Is that one of your methods?

**James Earl:**

There may be artifacts that would reside on a hard drive after an individual has viewed streaming video. Those artifacts are not executable files, and, therefore, there is reason to believe that the person at the computer does not possess pornography. The issue as to whether those artifacts will continue to survive is an open one. Detective Carry alluded to the fact that different operating systems handle that type of archived information in various ways. This is an issue about which we do not want to go into too much detail regarding what our forensic techniques are. We do not want to inform people on how to avoid being caught.

You are quite right in the sense that there are likely to be artifacts by which a computer forensic examiner, using other pieces of evidence which may not be

forensically derived, would be able to indicate that a particular computer had been used to access a particular site, and more specifically, at a particular time: perhaps information that relates to child pornography. It is not altogether clear how those types of archived information will be handled in later releases of either browsers or computer operating systems.

**Dennis Carry:**

Assemblyman Mortenson, you bring up a good point. If they go to a site where they are watching streaming video, and streaming video is only one part of a potential problem, they can also be going to a website to look at the images. Sometimes, if one goes someplace to look at images, those images will be downloaded to your computer without your knowledge, depending on how the Internet browser works. One may not know that they were downloaded to the computer. The path, if it is recovered, would be part of the proof by which we are able to show the "intent." It is very important to understand that the "intent" part was specifically put in the statute to address the issue of accidents. Everyone has heard about the issues with viruses or pop-ups or spam email. The "intent" part is used specifically to address those concerns. It is to overcome the problem of "somebody sent me an email, I clicked on it, here is a child pornography image, and I broke the law." No, they did not because they did not intentionally seek it out. But through my computer forensic examination I can see that they typed "pre-teen" in Google, which is a common child pornography term that one can find on the Internet. That is why that was added. The path could certainly help provide the evidence to that.

As far as whether it is on the computer or not, the only answer I can give is that it depends on the settings and configurations.

The only other thing that I wanted to add is that you had pointed out earlier the prior issues this Committee addressed with the Internet routing law. That was corrected. I testified on that law as well. We would be at least the sixth state to address the viewing problem. There are at least five other states that have recently addressed this and enacted it under law.

**Assemblyman Mortenson:**

This is a supposition. "I am a nasty guy, and I hate my neighbor, so I tell him to go to this website, and he goes there and says this is terrible and shuts his computer down. Then I call the police and say he is a pornographer and go check his computer." He is going to be in a lot of trouble even though he is innocent.

**Dennis Carry:**

All I do is investigate these types of crimes. My investigation does not start and finish with whether it is just there. My investigation starts with the report of it, which is the tip, and we get calls all the time saying that someone sent them an email. The investigation concludes after we have interviewed everyone we can, if they are willing to be interviewed. We look at all of the evidence on the computer, if it is there, and we are able to formulate a factual basis on the case. We often come across cases where someone might have a few child pornography videos or images and then 10,000 adult pornography videos or images. In those cases, it is clear that their intent is looking for adult pornography. They might accidentally come across contraband, but that is clearly, based on what we discover, not what they are looking for.

It is law enforcement's role to be a fact finder, and it is the prosecutor's role to prove a case to a jury based on all the facts that are presented to them. We do have cases we will never take to court because there is no intent; they are accidents, or it is a teenager looking for kids their own age.

**Chairman Anderson:**

The difficulty that I have with this statute, in general, deals with the First Amendment right. I am happy to see that section 5 is gone, but that is not what really concerns me.

Suppose there is a commercially produced movie that has a violent scene in it as part of its promotion, and the basic premise of the story is that the sexual assault, which takes place at the beginning of the first section of the movie, is very frightening and is supposed to set the overall tone and problem of the story. What happens when a segment of the commercially produced movie, or other kind of material, is taken and becomes part of an enhanced image or modified into something else? How will this statute work in that particular scenario?

**James Earl:**

I am not sure that I have a particularly good answer for your question, which is heavily fact dependent. I think it is fair to say that movies, which are commercially released in the United States through major and minor studios, presumptively do not contain child pornography. I have relatives who work in the movie industry, and I know that this is a concern of both the Motion Picture Association of America and individual film studios.

Regarding what happens if someone were to take what might be a trailer and modify it in some way—perhaps substituting images, or morphing images of either non-real characters or actual children for the actors who are not minors—

would depend on the circumstances. Presumably, if there were a modified video that substituted, in some way, a child being physically abused for an adult actor, then I think that is likely to fall within the Nevada and federal child pornography statutes as a production that is separate and apart from the original commercial movie production.

**Dennis Carry:**

Under the definitions in this chapter of NRS 200.700, "sexual portrayal" is specifically spelled out and means "the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political, or scientific value." Based on your description, the movie production company that has a certain clip and is producing it for literary value would be one issue. Someone that takes it later and converts it into a sexual gratification thing for themselves would likely be addressed under the statute.

**Chairman Anderson:**

In my own preparation for looking at this bill, I was looking at the terms under "sexual offenses" that we use in this state, which include: a minor can engage in, not just the conduct but promotion of, sexual performance or possession of anything which is an act with the intent to arouse lust. Sometimes, it is a little difficult to determine what the intent is as there are many points of view. I understand that is where the difficulty lies with the District Attorney. The District Attorneys Association and the Attorney General's Office are concerned about it in terms of prosecution.

**Assemblyman Horne:**

Mr. Earl, you mentioned these "black" sites offshore. Would it be a presumption that a particular individual is viewing child pornography if you find evidence that he has visited one of these sites?

**James Earl:**

I am not sure that I would cast it in terms of a presumption. I think that it would be something which an investigator would have to look at very carefully. It is potentially a red flag, though it would not necessarily be a legal presumption.

Generally speaking, Internet service providers in the United States tend to cooperate with law enforcement, particularly in relation to child pornography and its dissemination. As a result, over the past several years, both with state and federal prosecutions and investigations, child pornography tends to be concentrated on servers outside of the United States where the operator of the server, or the individual or entity that has created the website on the server, does not generally advertise its existence to the general public. What tends to

happen is there are communications made within the child pornography community that would direct individuals, who want to view a particular genre of child pornography, to specific servers. That type of communication is often attempted to be hidden, as well as the server site itself.

Over the past year or two, there have been several announcements made—one case by the FBI and one case by the Secret Service—of major child pornography rings being broken internationally. Even those of us who pay attention to these things do not know exactly what techniques were used. It is fair to assume that law enforcement had a significant break dealing with one particular individual who was accessing a site; they were then able, through a variety of forensic means, to trace his communications from his computer, or other communications devices, to other members of an underground organization that viewed this or other sites.

**Assemblyman Horne:**

It does answer my question in part. I am just curious about, and still trying to follow the logic on, not having that "tangible" evidence on one's computer. The example used was streaming video and the offshore sites and how to make that connection. It seems like there is a presumption, and maybe that presumption is only used to continue the investigation.

**James Earl:**

Yes, that is how I would describe it. I would describe what you just mentioned as an investigative lead to be followed, rather than a legal presumption where someone would be presumed to have done something wrong, unless there was rebuttal evidence introduced by the defense. I think that would be appropriately described as a lead for further investigation.

**Assemblyman Carpenter:**

In section 3 of this bill, the law says that one has 10 years to bring an action after one has reached the age of 18, but below it says that it must be commenced within three years after reaching the age of 18. If someone tried to bring an action after the three years, will someone say that the action should have been brought within three years, so now the action cannot be brought? How are these two going to work together? Is there a conflict?

**Chairman Anderson:**

Assemblyman Carpenter is referring to page 3, line 14, section 3 of the bill and subsection 2, specifically. I will have Mr. Anthony and our research staff take a look to see if there could be a potential conflict with the timeline to make sure that we are not lessening their ability to have standing, if that is of assistance to you, Mr. Earl.



**James Earl:**

The more eyes we have on this the better. My recollection is that this particular section is virtually identical to that contained in both federal statute and the Florida statute.

**Assemblyman Hambrick:**

Are there memorandums of understanding (MOU) in place on the civil side, and how are these going to be divided up between the local and the federal side? Many of these issues are going to potentially be heard at both levels. Do we have MOUs in place?

**James Earl:**

Typically, the ways in which federal and local and state prosecutors work these things out are not the subject of MOUs but depend on their own individual guidelines and the factual basis for the case. For example, if the civil action were the consequence of a very large federal prosecution, then, depending on what the guidelines for the particular federal court were in terms of recovery of damages, it might be more appropriate that it be heard in a federal court if there is some basis to prosecute federally. That is something that would be left to the civil attorney representing the victim child, and it would be his or her determination as to what would be best for the client given the practices of the federal and state courts at the time.

**Chairman Anderson:**

We have put a good deal of time in with this particular bill. We thank you for your time and expertise and the protection that you offer for the citizens of our state.

**Jason Frierson, Chief Deputy Public Defender, Clark County Public Defender's Office, Las Vegas, Nevada:**

I wanted to reiterate what Mr. Graham said to this Committee yesterday. Ninety to ninety-five percent of the time we agree on where we want to be but do not always agree on how to get there. I think that A.B. 88 represents one of those areas where we do not disagree on the effort, we just do not agree on how to get there. I certainly understand what the sponsors of the amendment are attempting to do (proposing to amend NRS 200.730), and I do not have an issue with it. My concern, as it is often, when we cast a net with intent to find certain offenders, the net overreaches to catch people who are not meant to be contained in that net.

This is an area that I am concerned about when we add the language "or who accesses with the intent to view." It concerns me that this could include those affected by pop-up ads or links. An example of that is

< www.whitehouse.com > . This site does not go where one would think it goes. There are links like that which may get sent out that people might click on, and this "intent" language means that they intentionally went there. They may not have intentionally sought out child pornography. While there are methods that are used to investigate and look at computers, the issue of intent is an issue for the jury. It would be our concern that this bill would be exposing people, who did not have the "intent," to the judgment of a jury that might not be able to relate to accidentally accessing such a site.

That being said, I do believe that there are other states that have looked at this issue. I am familiar with Pennsylvania and, I believe, Georgia which have similarly not come up with a statutory scheme to address simply "viewing" as opposed to "possessing" child pornography. I spoke with Mr. Kandt on this issue yesterday, and if there were a way to come up with language that would avoid catching those individuals, we would certainly be interested in viewing it, but we could not see a way to come up with language that would avoid exposing individuals that are not intending to get on those websites but, through a link, email, or pop-up, find themselves at those sites. That was a concern of ours.

Of course, when you get to a jury, the issue is raised of other users in these types of cases. I always look to the examples of fraternity houses and dormitories where there are multiple users on one computer. I do not think that this bill is intending to scare those individuals, but it exposes them, it appears, under the language of the proposed legislation.

I would be curious about other states and the language that they used. I believe that it has actually been appealed in Pennsylvania. In Georgia, they were not able to proceed unless there was actual possession. I am somewhat familiar with the temporary cache of a computer, and I think that is something that some states have looked at as evidence of actual possession. I believe that it is the intent of this bill to catch those who are intentionally possessing this material. It appears that downloading the material is the surest way of targeting those individuals and not accidentally targeting those who come across that material accidentally.

**Chairman Anderson:**

I was under the impression, at least from the testimony, that "intent" did not include pop-up ads, links, or spam email that were not purposefully sought but got on the computer because the emails may open automatically. I was under the impression that those kinds of pop-ups, those kinds of things that one has not solicited, would not be punished. Your contention is that the statute is

vague in that it might include those, or do you feel that it absolutely does include those?

**Jason Frierson:**

I believe that there was testimony with respect to pop-up ads and that there were methods to make sure that pop-ups are not covered under the language in this amendment. Without being privy to that information, I am not sure how likely it would be that a pop-up ad would fall through the cracks. With respect to email links that are sent and have only a link to a website without describing where that link goes, I do not know if there is a way to delineate those people from other people who were actually seeking it out.

Detective Carry talked about their investigative ability to see the number of times a person viewed images or videos. That is the investigative aspect, and then it gets handed over to the prosecution side where there is some discretion that I fear might expose those who are not intending to be exposed.

**Assemblywoman Dondero Loop:**

Correct me if I am wrong, but I would suspect that if, going back to the mean neighbor scenario, he called the police, and my suspicion is that that person has been on that computer more than once. I always tell my kids that the first time you get caught is the first time you get caught; it is not the first time that you do something. I would have a hard time believing that someone would randomly be accused of this, and the investigators would find there were only two pop-ups on their computer. If I hear what is being said correctly, when they get that computer, images and videos were viewed not just twice or thrice but many more times.

**Jason Frierson:**

I agree, and that sentiment is my concern. If that were to come before a jury, that jury would also have a hard time believing it. There is nothing in the amendment that would prevent the prosecution of an individual unless there was a history or several attempts. If there is one attempt, there is the opportunity to prosecute that individual. It is my fear, as unlikely as it may seem, that there be individuals that have several websites of adult nature with some of them accidentally filtering in some child pornography. It is my interest in making sure that the legislation applies to the individual that is actually seeking out this material, and I believe that is the intent of the sponsors of this bill. This is just an area and a line of language that opens the door to prosecution that may not be anticipated or even intended.

**Orrin Johnson, Deputy Public Defender, Washoe County Public Defender's Office, Reno, Nevada:**

I agree with Mr. Frierson. The concern is not Detective Carry. He knows what he is doing. He is experienced, and he prosecutes many of these crimes. He knows the difference between a pop-up ad and someone who searches through child pornography every day. I have been surprised in my experience with some more experienced police detectives who, when faced with technological cases, do not have the background to understand the ability of people to make false accusations or use other people's computers. Once an accusation is made and comes out, it is devastating. The point is not whether or not we need to worry about it but, rather, making sure that the statute is written in such a way that we are very careful to protect people from such a salacious accusation. It is important that the intent of the statute is absolutely clear.

**Chairman Anderson:**

I can appreciate the fact that computer technology is based upon the frequency and comfort level of the user and how adept one is at utilizing all of the material on it. Age is not necessarily the predominant indicator of that. However, it is the prosecution of this question that will be coming to the district attorney's office. Thus, the question would have to meet their independent judgment in order to move from the arrest to the actual prosecution and charging, which is an important part of this process.

**Orrin Johnson:**

I do not know that Washoe County has someone that is tech-savvy, and I do not know if Clark County does as well. The question is for those rural counties, as populations expand, those types of things always become an issue.

**Chairman Anderson:**

Mr. Earl is quite aware of this particular issue, and it is one that we have been dealing with for many years. It is the reason why his office exists in the Attorney General's Office.

**James Earl:**

I will not be repetitive. I would simply invite attention to the wording of the entire statute. I am going to leave some words out, but in essence the statute says: a person who accesses with the intent to view any film, photograph, or other visual presentation depicting a person under the age of 16 years is the subject of sexual portrayal, et cetera. The "intent to view" is not something which exists only in the ether. This eliminates accessing with the "intent to view" a pop-up ad which appeared automatically or an unknown website where one does not know the contents. Both investigators and prosecutors would be mindful of the entire statutory language.

**Chairman Anderson:**

I believe that Mr. Johnson's point is well taken. Oftentimes people are charged with crimes that may end up on their record, which have the potential to be reported in terms of a different scenario, especially in the area of sexual conduct. We have very high standards of behavior in this state. We are much tougher than many other states, and that often comes as a surprise to those who see legal gaming and prostitution.

[Meeting adjourned at 10:46 a.m.]

RESPECTFULLY SUBMITTED:

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Julie Kellen  
Committee Secretary

APPROVED BY:

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Assemblyman Bernie Anderson, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** February 4, 2009

**Time of Meeting:** 8:07 a.m.

| Bill    | Exhibit | Witness / Agency                     | Description   |
|---------|---------|--------------------------------------|---|
|         | A       |                                      | Agenda  |
|         | B       |                                      | Attendance Roster   |
|         | C       | Paul V. Townsend and Daniel Crossman | 2008 Audit Report of the State of Nevada<br>Department of Public Safety Records and Technology Division<br>Records Bureau |
|         | D       | Paul V. Townsend and Jane Bailey     | 2007 Audit Report of the State of Nevada<br>Department of Administration Hearings Division and Victims of Crime Program   |
| A.B. 88 | E       | James D. Earl                        | Letter in support of <u>Assembly Bill 88</u> from the Attorney General.   |