

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

**Seventy-Fifth Session  
April 20, 2009**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 9:07 a.m. on Monday, April 20, 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:**

None

**STAFF MEMBERS PRESENT:**

Jennifer M. Chisel, Committee Policy Analyst  
Nick Anthony, Committee Counsel  
Katherine Malzahn-Bass, Committee Manager  
Emilie Reafs, Committee Secretary  
Julie Kellen, Committee Secretary

**OTHERS PRESENT:**

P.K. O'Neill, Chief, Records and Technology Division, Department of Public Safety  
Scott Jackson, Chief, Investigation Division, Department of Public Safety  
Sergeant Chuck Callaway, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada  
Wade Iverson, Legislative Assistant, Licensing and Regulatory Board Appointments, Office of the Governor  
Les Lee Shell, Administrator, Departmental Administrative Services, Clark County, Las Vegas, Nevada  
Margaret Lowther, Government Affairs, Storey County, Virginia City, Nevada

**Chairman Anderson:**

[Call to order, roll call.] I will open the hearing on Senate Bill 28.

**Senate Bill 28:** Revises reporting requirements concerning missing persons and unidentified dead bodies. (BDR 43-315)

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

The Nevada Criminal History Repository is housed within the Records Bureau of the Records and Technology Division. With me is Major Scott Jackson, Chief of the Investigation Division of the Department of Public Safety. We are here to present our joint bill S.B. 28, which revises reporting requirements concerning missing persons and unidentified dead bodies.

The main purpose of S.B. 28 is to eliminate the duplication of efforts occurring at the local and state levels concerning reports of missing persons and

unidentified dead bodies and to improve the chances of positively identifying dead bodies.

Section 1 of the bill eliminates the requirements for the Investigation Division to maintain records of missing persons and unidentified dead bodies. Missing persons reports are filed at the local law enforcement level and entered into the Federal Bureau of Investigation (FBI) National Crime Information Center (NCIC) database. This automatically gives the report state and national exposure. There is no reason for duplicate missing persons files to be maintained by the state, limiting the exposure of the information to within the state.

Section 2 of the bill would require county coroners, who are the local sheriffs in all but two counties, to enter dental records of unidentified deceased persons into the NCIC database, rather than sending those dental records to the Investigation Division and the Criminal History Repository. By requiring the county coroners to enter the dental records directly into the NCIC National Dental Image Repository, they are matched not only against the State of Nevada's dental images but also the images from all 50 states. This greatly increases the chance of a match and law enforcement's ability to identify a previous Jane or John Doe.

The remainder of section 2 deals with eliminating the need for the Investigation Division and the Criminal History Repository to keep duplicate records of missing persons because the law enforcement agency that took the missing persons report is required to enter the information into NCIC. There is no reason for the state to maintain a separate filing system for this information.

May I draw your attention to the pamphlet called *The CJIS Link* ([Exhibit C](#)). The first paragraph on page 3 states, "Identification of missing, wanted, and other unknown persons poses substantial difficulty for the law enforcement community. One of the fundamental obstacles is simply making a connection between various agencies." The article goes on to explain how the federal agency does this connection quickly and efficiently. On page 4, under the subheading "Making a Match," the article clearly identifies why we do not need to duplicate efforts. This is one time where the federal service is actually providing a better body of work than we can at the state level. It reads, "Every time a new Missing, Wanted, or Unidentified Person record is entered into NCIC or a current record is modified, NCIC runs an automatic comparison check for matches in the system." That concludes my presentation.

**Chairman Anderson:**

I have a question about timeliness. Is the national response time any better than our current time frame?

**Scott Jackson, Chief, Investigation Division, Department of Public Safety:**

The way the system currently works is that the originating law enforcement agency enters the missing person record immediately into the system. The Department of Public Safety does not have that responsibility. It is really a redundant storage. The entering agency, or Origination Reporting Agency Identifier (ORI), then ships that record to us, and we are only supposed to maintain it. Since we are not the originating agency, we are not allowed to enter the record or modify it.

**Chairman Anderson:**

What is the time requirement for the initiating agency to file the report? The 72-hour requirement is being dropped.

**P.K. O'Neill:**

The deleted language in subsection 2 of section 2 of the bill read that the agencies had to ship the report to the Central Repository and the Investigations Division within 72 hours. By practice, when I was working for a municipal agency we were required to, as immediately as possible, enter our missing persons reports into NCIC. This usually meant by the end of shift.

**Sergeant Chuck Callaway, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada:**

What Captain O'Neill said is absolutely correct. Our department policy is to immediately take a report of a missing person. If it is a missing juvenile, elderly person, or someone with a medical condition, then the officer in the field calls the information in to our records section, which then enters it into NCIC. If it is an adult—it is not a crime to be a missing person if you are an adult—then that information is submitted in the report at the end of shift, when it is entered into the computer system, and then it is called into NCIC.

**Assemblyman Carpenter:**

What about the situation where the coroner is supposed to enter this information? Is this going to work in the rurals?

**P.K. O'Neill:**

Yes, it will. Actually all of the sheriffs out in the rurals are also the coroners and they all have access to NCIC. They have the terminals at their headquarters, so they will be able to enter the information. Also, the coroner of Clark County has offered to give assistance to the other coroners throughout the state in doing any entries or identification.

Last but not least, if you look on page 3 of the handout ([Exhibit C](#)), the FBI offers classes to assist in the classification of some dental records. I think it will work possibly better in the rurals than in the metropolitan areas.

**Assemblyman Carpenter:**

What do the sheriffs do? Do they appoint a coroner? I know in Elko County the coroner is the coroner, and I do not know what relationship he has with the sheriff.

**P.K. O'Neill:**

He is an appointee of the sheriff. The elected sheriff is technically the coroner, and he appoints representatives to handle those duties. In Humboldt County each deputy sheriff is a deputy coroner and will handle the dead-body calls. In Elko County and Carson City the sheriff maintains the responsibilities, but he delegates them. So there is a relationship, but it is behind the scenes. Elko County also has, or had, a medical examiner who does the autopsies and assists in the identifications.

**Assemblyman Carpenter:**

I will give him a call to find out more.

**Chairman Anderson:**

Is there anything that Las Vegas Metro needs to get on the record about this bill?

**Chuck Callaway:**

Nothing other than the fact that the Las Vegas Metropolitan Police Department supports S.B. 28.

**Scott Jackson:**

We, too, support the bill as is.

**Assemblyman McArthur:**

For clarification, in section 2, subsection 2, line 5 on page 3 of the bill states "Notify immediately such persons ...." I could not figure out who "such persons" were.

**P.K. O'Neill:**

If you go back to where the subsection starts on line 37 of page 2, it says, "Each sheriff, chief of police ... receives a report ... who is 18 years of age or older shall ...." It then describes what the sheriff shall do. That is part of the responsibility of the local jurisdiction to "Notify immediately such persons and make inquires concerning the missing person ...." That would be an individual

agency's responsibility depending on the circumstances of the missing person. As an example, for a missing 17-year-old, the agency would contact the school and friends, and notify them and/or the media of the circumstances in trying to locate the person.

**Chairman Anderson:**

Is there anyone else who would like to testify in support of the bill? I note that Mr. Frank Adams is here in support as is Ms. Les Lee Shell from Clark County. Is there anyone here who wishes to speak in opposition to the bill? [There were none.] Is there anyone neutral on the bill? [There were none.]

I will close the hearing on Senate Bill 28.

Assemblyman Carpenter, it was my intention to move the bill today. I will not report Senate bills for awhile.

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS  
SENATE BILL 28.

ASSEMBLYMAN MORTENSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HORNE AND  
ASSEMBLYWOMAN PARNELL WERE ABSENT FOR THE VOTE.)

**Chairman Anderson:**

Let us turn to Senate Bill 67 (1st Reprint).

Senate Bill 67 (1st Reprint): Revises provisions governing declarations of homestead. (BDR 10-440)

**Wade Iverson, Legislative Assistant, Licensing and Regulatory Board  
Appointments, Office of the Governor:**

[Read from prepared statement ([Exhibit D](#)).] The intent of the bill is to make it easier for people to protect their homes.

**Chairman Anderson:**

Did you make a presentation to the Senate?

**Wade Iverson:**

No, Jodi Stephens, the Director, did, but these remarks were identical. In the Senate, Clark County and Carson City came up in favor of the bill.

**Chairman Anderson:**

Mr. Schofield from Clark County has a form that is utilized by everyone. He developed it himself. The only real question I have is about the quality and weight of the paper?

**Wade Iverson:**

Yes, you are correct about Mr. Schofield. I do not know why there are certain requirements for the paper. Our intent is to just make the process easier for Nevadans to follow those requirements. The bill does not add any requirements; it simply makes a form available that meets the current requirements. The intent is to make it an easy process like Clark County's.

**Chairman Anderson:**

What was the nature of the amendments that were deleted?

**Wade Iverson:**

I am not familiar with the amendments, but we feel that the bill as it stands is sufficient to accomplish the streamlined process we are hoping for.

**Assemblyman Segerblom:**

I am curious why you could not file this online, rather than have to fill it out and send it back in? Is there a reason that it cannot be done online?

**Wade Iverson:**

I do not know the answer to that. That would be a better question for the county recorders. I know the form is available to view online, and Clark County has it available to fill out online, but the filing process still requires a hard copy.

**Chairman Anderson:**

Do the Governor and Clark County support this bill?

**Wade Iverson:**

We spoke with the County Recorders' Offices in Clark and Washoe Counties and let them know the bill was to be heard today. They testified in the Senate and expressed their support for the bill.

**Les Lee Shell, Administrator, Departmental Administrative Services,  
Clark County, Las Vegas, Nevada:**

We are in support of the bill.

**Chairman Anderson:**

But you are not knowledgeable about the process regarding this question?

**Les Lee Shell:**

I believe there are a couple of requirements in terms of the actual legal signature which may prevent us from filing online.

**Margaret Lowther, Government Affairs, Storey County, Virginia City, Nevada:**

I am a retired recorder. To answer the question about the paper, I believe at the time the regulations were made, the weight of the paper had something to do with the scanning process. As for filing online, unless the counties are prepared to take signatures that way, any document has to have original signatures to be recorded. So the original, signed document has to make its way to the office.

For a lot of the older people, doing this recording is not a simple process. It never is. Anything to make it simpler will be better. One couple sent their documents in three times, and all three times they were not filled out correctly. So finally my coworker, who was a notary, and I went out to their house, filled out the document correctly, notarized it and recorded it the next day.

I would call this bill a formality.

**Chairman Anderson:**

I remember you used to be able to buy the paper from a stationary store, and we used to send them out in some brochures in the proper weight and format.

**Margaret Lowther:**

When the recorders started to get together, we tried to make things standard in all counties. That is when we started to work on documents.

**Chairman Anderson:**

Thank you for answering our questions.

There are no concerns from the Real Estate Division?

**Wade Iverson:**

We did work with their office and with the Director of the Department of Business and Industry, and notified them of the bill. They are on board, and if the bill is approved, they will make sure the form is available in their offices and online.

**Chairman Anderson:**

Is there anyone else who would like to testify in support of S.B. 67 (R1)? [There were none.] In opposition? [There were none.] Neutral? [There were none.]



I will close the hearing on S.B. 67 (R1).

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS SENATE  
BILL 67 (1st REPRINT).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN PARNELL WAS  
ABSENT FOR THE VOTE.)

We are adjourned [at 9:42 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:** April 20, 2009

**Time of Meeting:** 9:07 a.m.

| <b>Bill</b>        | <b>Exhibit</b> | <b>Witness / Agency</b> | <b>Description</b>  |
|--------------------|----------------|-------------------------|---|
|                    | A              |                         | Agenda  |
|                    | B              |                         | Attendance Roster   |
| S.B.<br>28         | C              | Captain P.K. O'Neill    | The CJIS Link, Volume<br>11, No. 3, December<br>2008, January 2009. |
| S.B.<br>67<br>(R1) | D              | Wade Iverson            | Prepared Statement.   |