

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

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

The Senate Committee on Judiciary was called to order by Chair Terry Care at 9:17 a.m. on Monday, April 20, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Terry Care, Chair
Senator Valerie Wiener, Vice Chair
Senator David R. Parks
Senator Allison Copening
Senator Mike McGinness
Senator Maurice E. Washington

COMMITTEE MEMBERS ABSENT:

Senator Mark E. Amodei

GUEST LEGISLATORS PRESENT:

Assemblyman William Horne, Assembly District No. 34

STAFF MEMBERS PRESENT:

Linda J. Eissmann, Committee Policy Analyst
Bradley A. Wilkinson, Chief Deputy Legislative Counsel
Judith Anker-Nissen, Committee Secretary

OTHERS PRESENT:

Julie Butler, Records Bureau Manager, Records and Technology Division,
Department of Public Safety

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Gayle Farley, Victims' Rights Advocate, Advisory Commission on the Administration of Justice
Orrin Johnson, Public Defender's Office, Washoe County
Jason Frierson, Public Defender's Office, Clark County
Andrea Sundberg, Executive Director, Nevada Coalition Against Sexual Violence
Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General
Christina Conti, Program Coordinator, Victim-Witness Assistance Center, Washoe County District Attorney's Office; Victims of Crime Subcommittee, Advisory Commission on the Administration of Justice
Nancy Hart, Nevada Network Against Domestic Violence
Bryan Nix, Coordinator, Victims of Crime Program, Department of Administration

CHAIR CARE:

I will open the work session on Assembly Bill (A.B.) 114.

ASSEMBLY BILL 114: Makes various changes concerning compensation to victims of crime. (BDR 16-624)

In testimony, there was no issue as to section 1, but there was to section 2. I see no reason for the bill to move with the adoption of section 1. As to section 2, no one has come to me. As I recall, we left it in a rather confused status.

LINDA J. EISSMANN (Committee Policy Analyst):

Mr. Chair, two amendments proposed are contained in the work session binder ([Exhibit C](#), original is on file in the Research Library). The first one changes the language in section 2 by saying the money is not deposited instead of saying the money would not revert. My note to you in the binder was after consulting with the Fiscal Analysis Division; the money does not revert now. I am unclear what that language accomplishes; neither the original nor the revised language accomplishes anything.

The second amendment by Mr. Nix allows the State Board of Examiners to adopt regulations about how the money is distributed as opposed to statute. Brad Wilkinson may better address that because the statute requires a certain way the money must be distributed if the money that comes in is less than anticipated. It has to be reduced proportionately to everyone. That is not how it is done. That was the subject of an audit a couple of years ago. The

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amendment changes statute to match practice as opposed to changing practice to match statute.

CHAIR CARE:
Mr. Wilkinson, would you like to respond?

BRADLEY A. WILKINSON (Chief Deputy Legislative Counsel):
That fine description by Ms. Eissmann is completely accurate.

CHAIR CARE:
Do we need section 2, amended or otherwise?

MR. WILKINSON:
The short answer to that is no.

CHAIR CARE:
Any other thoughts from members of the Committee?

SENATOR COPENING:
This might be a question for Mr. Wilkinson or Ms. Eissmann who read that particular statute. I understand the practice in statute says it will not revert back or just that the practice has been this way?

MS. EISSMANN:
There are two different issues, so the first one is reversion. The money does not now revert. Money appropriated into the Fund for the Compensation of Victims of Crime stays there until it is spent. It does not revert. The money that goes into that Fund is part of the administrative assessments in *Nevada Revised Statutes* (NRS) 176.059. Of the administrative assessments that come in, 51 percent off the top goes to the courts and the remaining 49 percent is available through legislative appropriation to five different entities. This Fund is one of those entities that gets a legislative appropriation.

If the administrative assessments bring in more money than appropriated, that excess goes to the General Fund. If the legislature and money committees do not appropriate the full amount to those five entities, the excess goes to the General Fund. The intent was to get more of the appropriation. But that is not what section 2 does. That is the confusion about reversion versus deposit, and either way has no effect.

The other issue with the current practice is how the money in the Fund is distributed to victims' claims. That is a different issue.

SENATOR WIENER:

In your earlier explanation, you said the language proposed ratifies practices not under statute. It was discovered in an audit, and this is to ratify behaviors not appropriate at the time?

MR. WILKINSON:

That is essentially the case. One proposed amendment has to do with payment of claims and the proportionate reduction in statute versus the other proposed amendment which would have the board adopt policies consistent with the practice at the time of the audit.

SENATOR WIENER:

If we do not adopt something that ratifies something which should not have happened, do we go back to the practices statutorily defined and hope they will be administered accordingly?

MR. WILKINSON:

That would be the idea. I am not sure what has happened since the time of the audit.

CHAIR CARE:

Any other comments or questions? If not, the Chair will entertain a motion. Hearing none, I will open the hearing on A.B. 164.

ASSEMBLY BILL 164 (1st Reprint): Revises certain provisions concerning the crime of battery. (BDR 15-251)

Members of the Committee may have received various e-mails. I did receive Jason Frierson and Brett Kandt's research about the language used in other states ([Exhibit C](#)). This morning, it appears the parties have been talking. You should have a proposed amendment not contained in your binder. The sponsor of the bill is on his way.

I will open the work session on A.B. 187. This was Speaker Barbara E. Buckley's bill creating the veterans court.

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)

There was one amendment deleting the three-year provision for the sealing of records. I have been in communication with Speaker Buckley. You will notice another Proposed Amendment 4507 that was a handout today, a preamble (Exhibit D). I conveyed my feelings to Speaker Buckley that we did not want to foster the stereotype that all veterans are somehow maladjusted when they return to the civilian world.

There is a second proposed amendment (Exhibit E) from Speaker Buckley about the sealing of records which would delete section 9, the three-year requirement.

MS. EISSMANN:
Mr. Chair, I will turn that over to Mr. Wilkinson.

MR. WILKINSON:
The proposed amendment mentioned was to change the three-year delay before a defendant can seek sealing of records. The purpose of that amendment is to align with other legislation pending, A.B. 47, which makes a similar change for the mental health court and the drug court; instead of three years, it is immediate sealing.

ASSEMBLY BILL 47 (1st Reprint): Revises provisions relating to specialty courts. (BDR 14-409)

CHAIR CARE:
There are two proposed amendments, Exhibit E from Speaker Buckley and then the preamble, Exhibit D, which I discussed with Speaker Buckley over the weekend and she approved. Any comments or questions?

SENATOR COPENING MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 187 WITH BOTH AMENDMENTS.

SENATOR WIENER SECONDED THE MOTION.

SENATOR MCGINNESS:

I am going to support this. I think it is a good idea. I have always expressed some concern both like when we started the drug court and the mental health court that if you are in rural Nevada, you usually cannot access these. And it takes a long time for that to come out to rural Nevada, so it seems like we are setting up some sort of a dual justice system, but I just want to make sure that is on the record.

CHAIR CARE:

Absolutely. In previous sessions, you have raised the same objection to other programs as well. Any other discussion on the motion?

SENATOR PARKS:

I have concern only as to the constitutionality. We narrowly wrote it as if it were a special treatment for veterans. This was a way of acknowledging their circumstances can be different. I was wondering if the preamble addressed that concern.

CHAIR CARE:

Part of the preamble is intended to point out limited circumstances, perhaps where a veteran's status or experience needs to be taken into consideration by the court. While it does not address the constitutionality issue specifically, one would hope it would. The preamble indicates the Legislature is trying to narrow this. It will not be the broadly used court as some people think.

CHAIR CARE:

Any other questions or comments?

THE MOTION PASSED. (SENATOR AMODEI WAS ABSENT FOR THE VOTE.)

CHAIR CARE:

I will open the hearing on A.B. 93.

ASSEMBLY BILL 93 (1st Reprint): Revises the definition of the crime of assault.
(BDR 15-313)

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JULIE BUTLER (Records Bureau Manager, Records and Technology Division,
Department of Public Safety Division):
I will read from my testimony ([Exhibit F](#)).

GAYLE FARLEY (Victims' Rights Advocate, Advisory Commission on the
Administration of Justice):
I will read from my testimony ([Exhibit G](#)).

My daughter was killed by a man who had gone to purchase a gun. He was turned down because of his background, but he put money down as a deposit. His mother bought the gun, a 50-caliber Desert Eagle that blew my daughter apart. I knew this fellow had been in trouble many, many times, but he never spent any time in jail. After my daughter was murdered, I went to the Washoe County District Attorney's Office and spoke with Dave Clifton. I asked, how could this guy be walking around the streets? He had pointed a gun three separate times at people, had been arrested and let go. This bill is very dear to my heart. I do not want to repeat what anybody says because a lot of people are testifying about this bill.

CHAIR CARE:
Are you saying revisions to Nevada law would be consistent with federal regulations?

MS. BUTLER:
That is correct. It is a crime of fear amended in 2001 as a result of Ms. Farley's work. When that was amended, it took out the physical force element. We need to put that element back into the statute. We need that physical fear in the definition.

CHAIR CARE:
Could you provide the Committee with a copy of the federal regulation, or let Staff know and we will get a copy?

MS. BUTLER:
Absolutely.

CHAIR CARE:
Before we have any more testimony of A.B. 93, I would like Assemblyman Horne to come forward.

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We will go into the work session on A.B. 164. Assemblyman Horne, it is your bill. Have you had an opportunity to review the proposed amendment?

ASSEMBLYMAN WILLIAM HORNE (Assembly District No. 34):
I have reviewed the amendment. I see the goal, and this amendment will be fine if it suits the Committee.

CHAIR CARE:
Mr. Wilkinson, if you will give us your interpretation of how the amendment changes things or what it means.

MR. WILKINSON:
It strikes the phrase "with the intent to cause bodily harm," which suggests that intent will no longer be required, but the act itself has to create a risk of death or substantial bodily harm. It would not, however, have to result in any physical injury in order to meet that standard.

CHAIR CARE:
And this would follow "... intentionally impeding the normal breathing" in section 3, subsection 1, paragraph (h).

MR. WILKINSON:
Yes.

CHAIR CARE:
So that removes the horseplay, wrestling in the backyard and that sort of thing. Any questions or comments about the proposed amendment?

SENATOR WIENER:
I want to thank everybody for working to get rid of a double intent standard. This accomplishes what you had shared in testimony, Assemblyman Horne. It makes it easier for me.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 164.

SENATOR COPENING SECONDED THE MOTION.

SENATOR WASHINGTON:

The only question I had on A.B. 164 was the real intent of this bill and if it was necessary. I did speak with defense attorneys and public defenders in regard to the measure, and my understanding is, if there is a crime, the prosecutor notes whatever evidence is available, whether strangulation, knife or gunpoint, would be used to prosecute perpetrators. I did not see the necessity of the bill. I did not have a chance to read the amendment, so I will vote in the negative on the bill until I can read the amendment. I may change my vote on the floor.

THE MOTION PASSED. (SENATOR WASHINGTON VOTED NO. SENATOR AMODEI WAS ABSENT FOR THE VOTE.)

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CHAIR CARE:

We will go back to A.B. 93. I have a question on A.B. 93.

Reading the statutory change "unlawfully attempting to use physical force against another person or intentionally placing another person," what does this do to the case law on "unlawfully attempting to use physical force against another person with present ability?"

ORRIN JOHNSON (Public Defender's Office, Washoe County):

We understand A.B. 93 is designed to bring our definition of assault within the federal Brady Handgun Violence Prevention Act of 1993. It is not trying to change the current practice. Philip K. O'Neill, Chief, Records and Technology Division, Department of Public Safety, and I discussed it. If you run a computer check and it comes back with an assault, because our definition of assault does not include this new language, they have to authorize your purchase of a gun. They cannot check their records to see if there is a problem. Assault domestic violence does not comport with the federal assault domestic violence. This would raise a flag so they could check, look at the actual case and make sure it is not a domestic violence assault before they give that authorization. The intent was not meant to change the way the assault is actually prosecuted.

CHAIR CARE:

There is case law on "unlawfully attempting with present ability." You are the defenders, so if you are not disturbed by it, neither am I. It is to comply with federal regulation.

JASON FRIERSON (Public Defender's Office, Clark County):

My recollection of the history of that issue in particular was it used to be "with present ability." I am not sure how long ago the Legislature saw fit to strike that language. Testimony for and against dealt with someone, for example, who had an item that turned out to not be a gun. That person did not have the present ability to actually assault anyone because it was not a gun.

At the time, there was an issue with the perception of the victim. We preferred the language of present ability because that conduct increased the level of harm as opposed to the less dangerous conduct of doing it when there is not a present ability. However, it was maybe ten years ago when the Legislature saw fit to take out that language.

CHAIR CARE:

That may have been in reference to the 2001 Session. Can you find that out for us, Mr. Wilkinson, when we have the work session on this bill? We are going to obtain a copy of the federal regulation and statute as well.

MR. WILKINSON:

In 2001, A.B. No. 344 of the 71st Session changed the definition of assault from "an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another" to the current definition of "intentionally placing another person in reasonable apprehension of immediate bodily harm."

CHAIR CARE:

Thank you. Anybody else to testify on A.B. 93? If not, we will close the hearing.

I will open the hearing on A.B. 120.

ASSEMBLY BILL 120: Makes changes concerning orders for protection of victims of sexual assault. (BDR 15-625)

ANDREA SUNDBERG (Executive Director, Nevada Coalition Against Sexual Violence):

I am here to speak in favor of A.B. 120. This bill would offer victims of sexual assault access to protection orders, a protection currently not offered. Mr. Chair, I can go through the bill and discuss some of the specifics.

CHAIR CARE:

Yes, please, if you would.

MS. SUNDBERG:

Section 1 of A.B. 120 would ensure a violation of the protection order that is issued for the victim of sexual assault or one who alleges that somebody committed a sexual assault against them is included on the list of violations.

Section 3 focuses on the types of information included in the protection order.

Sections 4 through 7 provide requirements for waivers of fees, how long the protection order could last, how the protection order would be transmitted to law enforcement, enforcement and information provided for the orders, and various information ensuring enforcement and issuance of the orders.

I would emphasize this language is already included in statute under stalking and harassment orders. While it may seem like new language, it is new language relating to sexual assault but not to specific protection orders.

Section 9 would expand jurisdiction of justice courts to include actions for the issuance of the order. Protection orders victims of sexual assault seek would be issued through the justice courts in the same way as stalking and harassment orders.

Section 11 would exempt actions involving orders of protection for victims of sexual assault from the requirement of the Nevada Supreme Court to adopt rules and procedures for jury trials in justice court.

It is important to pass this bill for victims of sexual assault in our community. Approximately 8 percent of victims of sexual assault are assaulted by somebody they do not know, the typical stranger assaults most people believe occur. Thirty-two percent are assaulted by somebody they know well: someone they are in an intimate relationship with, whether it be a partner, former partner or somebody they are dating.

Approximately 50 percent of victims of sexual assault within the State of Nevada are assaulted by somebody they know. This person is an acquaintance, somebody they work with, somebody they go to school with, friend of the family or someone along those lines. Under statute, victims who are assaulted

by somebody with whom they are in a relationship would be eligible for protection under the domestic violence protection orders. If they are not in a relationship, they would not qualify for a protection order. That is why we have brought the bill forward with the support of the Advisory Commission and Victims of Crime Subcommittee.

This bill is important to ensure victims of sexual assault have the same protection afforded to victims of domestic violence, stalking and harassment. Criminal investigation and prosecution on sexual assault cases are difficult to rise to the burden of proof beyond a reasonable doubt.

Victims often do not have the protection afforded by a no-contact order through the criminal courts. Although there is not sufficient evidence to support a prosecution, this would allow victims of sexual assault by a known acquaintance to obtain a protection order against the offender. Unfortunately, many victims of sexual assault encounter continued harassment and annoyance at the hands of offenders because they are people routinely involved in their lives.

Some people would be concerned about victims seeking protection orders under false pretenses, alleging they were assaulted when in fact they were not. Studies have shown that less than 10 percent of victims of sexual assault have falsified their reports. Most victims are telling the truth. Just because we cannot prove beyond a reasonable doubt in a criminal court does not mean the crime has not occurred.

That is why we are seeking this law be amended to ensure victims of sexual assault have access to protection orders.

CHAIR CARE:

I have letters ([Exhibit H](#)) explaining this gap in existing law. Do sections 3 through 7 of the bill, all new language, mirror existing language? They do. Let me go to section 3, subsection 1, paragraph (a), "Stay away from the home" This will raise the issue that you can have rape within a marriage. I do not know how that is going to work.

The penalties of section 3, subsection 5, the gross misdemeanor and the Category C felony are existing law.

Section 4, subsection 1 reads, "assess the costs and fees against the adverse party" If that is existing law, we probably will not disturb that. This is all on the books now, correct?

Ms. SUNDBERG:

Yes sir, that is correct. That is currently under law for issuance of stalking harassment protection orders. This bill mirrors that language. The only difference is we have added that the protection would be in place for victims of sexual assault under NRS 200.

CHAIR CARE:

The language under section 3, subsection 1, includes "In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against ... " her/him. How far back are we talking, a recent incident? Tell me what is contemplated there.

Ms. SUNDBERG:

That section is designed more specifically for the immediate sexual assaults. However, this could go further back to cover those times when a victim who was sexually assaulted continues on with life and runs into the perpetrator at a new job or when beginning college courses or something like that. If the victim is experiencing harassment at the hands of that offender, it would allow seeking a protection order against that person.

CHAIR CARE:

This bill would also address the case of the order whereby a rape has been committed within the home.

Ms. SUNDBERG:

Yes sir, that is correct. Actually those victims can qualify for a domestic violence protection order if they are living in the same household or have a dating relationship, an intimate relationship. Sexual assault is also included under that guideline for the issuance of a protection order.

CHAIR CARE:

Any questions of Ms. Sundberg?

SENATOR WIENER:

In section 5, when we are talking about the temporary orders not to exceed 30 days, then you make the application or petition for an extension up to, not more than, one year. Are there times when you would renew or extend the order, or does it become a new order? What is the procedure to ensure an ongoing protection order?

MS. SUNDBERG:

Under current practice for a domestic violence protection order, as well as stalking and harassment orders, this would allow victims to reapply every year if they are continuing to be threatened or harassed by the offenders. That would apply here. The victims of sexual assault would need to go to court and reapply for the protection on a yearly basis if they were still living in fear.

SENATOR COPENING:

Could you better define section 3, subsection 1, paragraph (a), on page 3, line 27, that says, "Stay away from the home, school, business or place of employment" Does "stay away" mean a certain number of feet, yards? If you are talking about somebody who is on a large college campus, does that mean the accused can no longer attend that college?

MS. SUNDBERG:

No, it does not. What it means is if they are on the same college campus, they are to refrain from having any direct contact with the alleged victims in the case. If they were to run into them at the bookstore, they could not confront them. If they were working together at a large casino property in different divisions, and saw the person in the hallway, they are not to confront them. That is generally what "stay away" means.

As far as stay away from businesses, things like that, it has generally been established that they need to stay 100 yards away from any place the victim may likely be.

KAREEN PRENTICE (Domestic Violence Ombudsman, Office of the Attorney General):

The Attorney General's Office supports this bill and believes it will provide relief for victims of sexual assault in Nevada.

CHRISTINA CONTI (Program Coordinator, Victim-Witness Assistance Center, Washoe County District Attorney's Office; Victims of Crime Subcommittee, Advisory Commission on the Administration of Justice):
I will read from my testimony ([Exhibit I](#)).

NANCY HART (Nevada Network Against Domestic Violence):
I will read from my testimony ([Exhibit J](#)).

I would also like to comment to Senator Copening regarding the stay-away provision. Standardized forms have been created in the State of Nevada, first in the domestic violence arena and later with the stalking and harassment forms. I would anticipate that similar standardized forms would be created to cover the sexual assault protection orders. Although the statutes are broad about stay-away and it is fact specific, you would have to determine the situation. If somebody has a class in the same building as somebody else, then obviously some different provisions might be used. But Ms. Sundberg was correct: in general, the standardized forms have used 100 yards as a standard distance.

I would also like to note that after the hearing in the Assembly, an amendment that was not part of the discussion was proposed. The amendment will broaden this bill to make all victims of violence eligible for a protection order.

We would urge you to be concerned about the broadening of this. This is a narrow category of victims, and they are particularly vulnerable. The nature of the violence perpetrated against them is particularly personal. It is always hard because all victims of violence deserve to be protected by the law. An extension of this bill to cover all victims of violence and make them all eligible for protection orders makes no sense.

There are a few reasons why. Aside from the unique nature of sexual assault victims, many victims of violence are victims of violence by strangers. You cannot get a protection order against someone you do not know until the person is prosecuted. If they are arrested, put in jail and prosecuted, then you can get stay-away orders, obtained through a protection order and in the conditions of release from a criminal case.

If that is put before you, many victims of crime can get those stay-away orders against their perpetrators after the person is released from jail or prison. I do not

know if that amendment is to be submitted to you today, but I alert you to the fact that we do not suggest this as a good direction to go.

CHAIR CARE:

Ms. Hart, you were here for the testimony on A.B. 93, and we were told we need to change the definition to comport with federal law or regulation. In your comments, you also said some provisions in A.B. 120 are required under the federal Violence Against Women Act. If you could, let us know what provisions those would be. I am assuming other states are doing this as well.

MS. HART:

Yes. There are a variety of different Violence Against Women Act provisions, and I would be happy to provide you with a menu of those provisions, which are different than the federal gun law.

CHAIR CARE:

Any questions of Ms. Hart? Mr. Wilkinson or Ms. Eissmann, the fiscal note says, "Effect on the State: Yes." The "Effect on Local Government," has some language. In the binder we have with fiscal notes, everything indicates zero. Do you have additional information?

MR. WILKINSON:

Mr. Chair, that may be because this creates new crimes for violation of the order.

CHAIR CARE:

It is speculative then.

MR. WILKINSON:

Yes.

CHAIR CARE:

Would that also apply to A.B. 93?

MR. WILKINSON:

That is correct. Potentially, there could be more assaults.

CHAIR CARE:

We will wait for the materials from Ms. Hart and close the hearing on A.B. 120.

I have a request to bring back A.B. 114 in the work session as to section 1. Forget section 2, where we changed 45 days to 60 days.

Ms. EISSMANN:

Mr. Chair, as you mentioned earlier, there is no opposition to section 1, the only conversation we focused on was section 2.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
A.B.114, ONLY TO INCLUDE SECTION 1 AND DELETE SECTION 2.

Ms. EISSMANN:

Yes, there was no amendment to section 1 whatsoever.

CHAIR CARE:

The amendment would be to delete section 2 and change the law from 45 to 60 days.

SENATOR PARKS SECONDED THE MOTION.

SENATOR PARKS:

Thank you, Mr. Chair. Mr. Nix is in the hearing room in Las Vegas. A strange thing happened relative to that requiring some action. When we went back and cleaned out much of our funds that had balances, we may have taken money from the fund for the Compensation of Victims of Crime to cover the budget shortfall. I wonder if we might ask him for a brief comment.

BRYAN NIX (Coordinator, Victims of Crime Program, Department of Administration):

We have no opposition to dropping section 2 of A.B. 114. We need to go back to the drawing board and work it out with the Budget Office because we did not realize many accounts affected by these changes at the time the amendment was submitted.

I would make a comment with regard to the other amendment on this bill and our policy for paying claims. Although this was discovered in an audit, the issue brought to the auditor's attention was a problem with the actual wording of NRS 217.260, not with our procedures. I encourage the Committee to reconsider that amendment and allow us to strike the language that requires us to evaluate all claims and pay them proportionately because it creates a

hardship on the victim. We encourage you to reconsider that amendment and drop the provision with regard to the reversion of these funds. Then we would support the extension of the appeal time from 15 to 60 days as provided in section 1.

CHAIR CARE:

Mr. Nix, it has been some while since we had the initial hearing on A.B. 114, and the change of section 1 to the existing law had merit. The testimony on section 2 was somewhat confusing. I wanted to bring it back to work session to address the issue in section 1. Since we have a motion pending, my inclination is to pass it with the motion offered by Senator Wiener, and then let everybody work on this or prepare for a conference committee. I must advise you the rules have changed this Session in that there is only one conference committee on these bills; we are not going to do a second one. That is in the Standing Rules adopted by both Houses this Session, which is different than in past sessions. That is something you may want to give some thought to.

MR. NIX:

I would like to point out that this amendment was supported by the Attorney General's Subcommittee as well as the Advisory Commission on the Administration of Justice. That was to be submitted as an independent bill but for some reason did not get drafted as such. That was supported in all of the venues at this level.

CHAIR CARE:

I can tell you from a few shakes of the head up here that not everybody remembers it the same way. That is part of the problem. I do not want to sit on legislation where there is conflicting idea of the genesis, intent or anything else of the vehicle used. I would like to go ahead and move the bill out with the amendment in the form offered by Senator Wiener to keep the bill going. If something is to be addressed in conference committee later, that can be worked

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out. We have a motion pending. Any other discussion on the motion?

THE MOTION PASSED. (SENATOR WASHINGTON VOTED NO. SENATOR
AMODEI WAS ABSENT FOR THE VOTE.)

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CHAIR CARE:

The Committee is adjourned at 10:12 a.m.

RESPECTFULLY SUBMITTED:

Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

Senator Terry Care, Chair

DATE: _____