

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-fifth Session
February 17, 2009**

The Senate Committee on Judiciary was called to order by Chair Terry Care at 8:33 a.m. on Tuesday, February 17, 2009, in Room 2149 of the Legislative Building, Carson City, 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
Senator Mark E. Amodei

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Ben Graham, Administrative Office of the Courts
John Tatro, Justice Court II, Carson City
Stephen J. Dahl, North Las Vegas Township Justice Court, Department 1, Clark County
Barbara Smith Campbell, Nevada Certified Court Reporters Board
Mary Bell Cameron, Nevada Certified Court Reporter 98; Chair, Nevada Certified Court Reporters Board
Joseph Guild, Nevada Court Reporters Association
Barbara J. Johnson, Nevada Certified Court Reporter 255; Nevada Court Reporters Association
Martha Barnes, Administrator, Division of Central Services and Records, Department of Motor Vehicles

Laurel Stadler, State Director, Mothers Against Drunk Driving

CHAIR CARE:

I will open the hearing on Senate Bill (S.B.) 34.

SENATE BILL 34: Makes certain changes concerning the use of court reporters in certain court proceedings. (BDR 14-397)

BEN GRAHAM (Administrative Office of the Courts):

I am here with Chief Justice James W. Hardesty's support as a former District Court Judge and as Chief Justice.

We are here to fill-up an unintentional omission to include the preliminary hearing process in the ability to utilize a recording device other than a certified court reporter.

A recording is allowed in everything except a preliminary hearing. A preliminary hearing is a crucial stage, after an arrest or possible incarceration where someone is brought into justice court with their attorney, and the State then has an obligation to offer testimony to the justices of the peace to establish probable cause.

Probable cause can be based upon slight or marginal evidence, simply facts and information to lead a reasonable person to believe a crime has been committed by this person. With that, a magistrate can say we feel that the State has established probable cause, and we are going to send this off to district court for trial. That is the process. It is malpractice for a defense attorney to put any witnesses on at the preliminary hearing stage. It is a tool and device to send people to justice court. There is a person or two who has some grand jury experience which has the same burden of proof, slight or marginal evidence.

We are not in any way critical of the services our certified court reporters do; judges here and everywhere utilize a certified court reporter, a live person, in nearly every process.

We are here to ask this Committee to authorize the use of a recording device, and then a transcript would be prepared for these slight or marginal hearings. Nothing more, we are not going into depositions or anything else. Senate Bill 34 does the authorization. Statutory authority talks about the district court utilizing

a transcript from a recording in justice court, but no provision says we can record it in justice court. There is some conflict and that is why we are here.

Just as a reminder, a recording can be utilized for a first-degree capital murder case where proof is beyond a reasonable doubt, where appeals to the State and potentially the federal court system may happen. As you read S.B. 34, the judges initially left in that we would utilize certified court reporters for death penalty cases. We will leave in this compromise as suggested to the court reporters. It is my understanding that the court reporters may be coming with amendments to lower that even further. If that is the case, there may be discussion to put this on par with district court where court recordings are allowed for everything.

Judge John Tatro will talk about the process, the systems utilized for the recording and how transcripts are prepared to let this body know we are not upset with court reporters but need this flexibility.

JOHN TATRO (Justice Court II, Carson City):

I am also the immediate past President of the Nevada Judges of Limited Jurisdiction. Our association had a meeting last spring, and we voted unanimously to put this bill forward. We look at it like a housekeeping or cleanup bill because, as has been pointed out, Nevada Revised Statute (NRS) 3.380 allows the recording but contradicts the statute by saying we have to have a certified court reporter to transcribe the hearings.

It is not our intention to do away with court reporters. Most courts will still use court reporters; I will use a court reporter and Las Vegas courts will use a court reporter. I consider myself a friend who has great personal and professional respect for Mary Cameron and many of the court reporters here.

We are going to Jefferson Audio Visual Systems (JAVS) that records both audio and video. While it is recording, you can obtain information and playback. These state-of-the-art systems are accepted in all federal courts, the Nevada Supreme Court and all district courts. To our knowledge, there has not been one appeal filed to a district court from a justice court based on a faulty record of any court we polled.

We have JAVS in our court to record misdemeanor trials. Appeals on trials go to district court. We send our JAVS recordings to Mary Cameron, certified court

reporter, who transcribes from the JAVS video-audio. We have not had one appeal based on a faulty record or one complaint by the defense bar or the prosecution based on a faulty record.

We need to be at parity with the district courts and the Supreme Court. These preliminary hearings involve slight or marginal evidence, a standard much less than in district court at a trial where there has to be proof beyond a reasonable doubt and a jury. In preliminary hearings, we should be able to use the same recording system they use.

CHAIR CARE:

Is JAVS the recording system we have in the Eighth Judicial District?

JUDGE TATRO:

Yes.

CHAIR CARE:

Would that system be activated for each preliminary hearing, or is it constantly running from the moment the courtroom opens that day?

JUDGE TATRO:

In my court, we turn JAVS off when we are not recording; as soon as I come into the courtroom, it is turned on and records the entire proceeding.

CHAIR CARE:

I asked if there was an activation switch because of stories in Clark County that should not have been recorded.

JUDGE TATRO:

When I say it is not being recorded, the system—which is all digitized in the computer—is not actually recording but still on. For instance, our chief of security sits in his office and monitors our courtrooms so he hears and sees everything said.

The JAVS is not the only system. Other bigger and better systems are coming online, but the digital system some district courts have is the one I am familiar with.

SENATOR WIENER:

I have concern about protections for those confidential conversations between attorney and client or conversations that ordinarily might not be picked up but have witnesses. You just mentioned security; how would that be protected?

What kind of credentials are necessary for the people who operate these systems to ensure the same quality of protective record as those certified as court reporters?

JUDGE TATRO:

As far as the qualifications, there are none. They have to be familiar with the system, but the system is simple. If you had a training program, I do not know what you would train them to do.

The JAVS representatives spend 15 minutes showing you how to turn the system on and off. It is not just a recording, though. I can sit at my desk days after the case—this is a huge benefit—open JAVS and pull up that specific case. It is a high-tech piece of equipment.

As far as credentials, I do not know what you would do. It is up to the judge. It is my record, no one else's. If there is an appeal and the record is bad, I have to recreate what happened. I have never had to do that with a court reporter or JAVS.

Regarding confidentiality, if a client and attorney in the courtroom whisper something, it is up to them to reach up—just like here—and turn the microphone off. If they do not turn the microphone off, it could pick up the conversation but should not be part of the record. For instance, a certified court reporter hears an exchange, and they are required to report it. This is a matter of training. If the attorney says something confidential to the client, they have to shut it off.

SENATOR WIENER:

Because of the nature of this environment, even when our microphones are not on, we are still susceptible to being picked up on the Internet. With the bigger, better, greater technology and efficiencies, are there assurances that even when that microphone is off, another live microphone will not be picked up and transmitted?

JUDGE TATRO:

They are not supposed to, and I have not seen it. I review many cases. I am sure it happens where the defense attorney does not turn the microphone off. Those conditions, yes. But when the microphone is off, it could not record in my courtroom.

The defense table has a microphone. The prosecutor's table has a microphone. The witness has a microphone, the podium has a microphone, which is not there in a preliminary hearing, and I have a microphone. Those are the only microphones, and they are a distance apart. I do not see how that would pick up if they are doing things the correct way.

CHAIR CARE:

We need to focus on two things: First, do the courts need to do this, which is what we should consider, and second, would the adoption of S.B. 34 result in a manifest of justice. It is, after all, discretionary. The bill says the court "may." I do not know if that means the court would always do it.

Senator Wiener, I can tell you when the word got out; perhaps privileged communications were being overheard. The Judge is right; the attorney has some duty to look and see where he or she is and whether there is a possibility they are being overheard.

STEPHEN J. DAHL (North Las Vegas Township Justice Court, Department 1, Clark County):

Until this morning, I did not know what JAVS meant. Two years ago, I would not have been here saying this because JAVS was a fairly new system in my court. I was not all that convinced.

Over the past two years, I have had to use JAVS on occasion. I have watched some of the proceedings, and I am convinced it is good, accurate and always available to us. As a judge for approximately 14 years, I have always used a court reporter. I intend to always use a court reporter. I am just comfortable with that situation.

The problem we run into more and more is a risk of not being able to put on preliminary hearings either because of a health issue or an emergency situation. It is becoming difficult to find replacement court reporters; they often tell me

the real money is doing depositions. It is harder to find reporters who will come into court.

The way the law is, the court reporter has to be present in court. I have had days where I thought my court reporter was probably too sick to be working, but we really did not have a choice if we were to put on a preliminary hearing.

One morning, we recorded the arraignment calendar—where you negotiate cases, arraign people and set bails—you are doing all those things in which you need the recording system. We used the recording system for that, but then we had to stop and wait for the court reporter to arrive for the preliminary hearings because there is no other option.

With the recording system in place, if the court reporter cannot come in, we have the backup in the recording system. Right now, we do not have that option.

The justice courts have been behind the district courts in getting the equipment installed. Many of us now have the recording system, and it should be available. I am not going to use it every day, but I would like it available if my court reporter cannot find a replacement.

If we had the option to back up with the JAVS system, it would be more effective and efficient. We are asking for parity already in the NRS 3.380.

I understand there are concerns. As a former criminal defense attorney, I would not have confidential discussions with my client at the counsel table. Even under the old system, many times a microphone was located so people could hear you. If you wanted to have a private conversation, you went somewhere else.

When we have a bench conference, I have a button that buzzes to bleep any conversation. You hear a continuous buzz. If I forget to turn the buzz off, someone advises me in about 5 seconds that nothing can be heard because the buzzing is still on. There are protections in the system, but I am by no means an expert.

My staff knows how to use it, but I do not know how to turn it on. They do it every day, and it works well.

We are able to address a long-standing concern today regarding if a court reporter does not appear, we cannot do a preliminary hearing. It is difficult for the district attorney's office, especially in murder cases, to get all witnesses there. You are all ready to go—the judge, the district attorney, the public defender, they have all of their witnesses—but the court reporter cannot be there for some reason. We cannot go forward under the statutory scheme. We need to make this change so that option is available.

SENATOR WIENER:

Mr. Graham had referred to statutory language that includes a reference to the district court using a transcript from a recording. Do we know how long that has been in NRS?

JUDGE DAHL:

Since 1995.

SENATOR WIENER:

We have had it in statute, but we have not given the vehicle for the recording to occur?

JUDGE DAHL:

Two years ago, I could not have come and asked for that because it was just barely in place. This is the first time it made sense to ask.

SENATOR MCGINNESS:

Judge Dahl, you said you were going to use court reporters. Judge Tatro said he is not going to use the system, and Las Vegas is not going to use it. Who is going to use it?

JUDGE TATRO:

I said I will use court reporters. I will be on the record right now, I will not use court reporters all the time. Yes, I will use court reporters if I know a substantial case has many witnesses and is going to trial.

The problem is appearances every day. Statewide, out of 100 preliminary hearings set, four actually go to preliminary hearing; 96 percent do not. Many times we question whether they are going to go or not. It is a huge scheduling issue. It has been a problem forever, but we just cannot know.

Many times the defendant comes into court and says he will take the plea when the day before he said to forget it. The district attorney may not get the offer to the public defender in time or talk to the client in time. These are all issues we should address.

SENATOR MCGINNESS:

How does this work in rural Nevada? Is the JAVS system available there?

JUDGE DAHL:

I am on the Access to Justice Commission which is working to bring technology and services to the rural courts. We are working on getting as much technology as we can to those courts where it is going to be easier to have a recording device than to get a court reporter in Jackpot, for instance.

The rural courts talk about the difficulty in procuring court reporters. It is that uncertainty. Do you call in a court reporter on the chance there may be a preliminary hearing, and if that preliminary hearing is called off, then have the reporter come back in two more weeks? If we had the recording devices in place, it would be a greater service to the rural courts than what they have now.

SENATOR PARKS:

If I might borrow a quote from Judge Tatro, "It has been a problem forever." I want to disclose that in 1983, I was selected to check this new technology employed in Jefferson County, Louisville, Kentucky. I went with Judge Carl Christensen since he was the strongest opponent to any technological system. I have watched this over the years. I returned from that Kentucky trip in 1983 and gave a report. Certain applications have been implemented in the Eighth Judicial District. It has proven to be viable technology and has worked well in many applications.

SENATOR WASHINGTON:

If this bill should be processed, passed and signed into law, is there any provision for a backup in case that device goes down or testimony is lost?

MR. GRAHAM:

That is a good question and of concern to all of us. In Beowawe, they are probably not going to have the JAVS system, but a few years ago, they did have a recording system. The court reporter did not attend, and they went

ahead and recorded the preliminary hearing. The court said, well, you probably were not supposed to, but there is authority wherein maybe you could, so they allowed it. We want to get away from that.

As far as backup goes—and I think Judge Dahl and Judge Tatro will testify—if something goes wrong with the recording system, they hear bells and whistles and lights go off. Our experience is the technology might be quite advanced. Although Beowawe is not going to have the JAVS system, they are going to have an adequate system.

There may be times you need to go back and reconstruct the record, which happens with live court reporters. It may happen with the tape, but it would be less possible with the tape.

I want to bring us back a bit. We are not visiting recordings for the first time. This has been gone over and over again for 20 years. It is provided and allowed for without restrictions in district court for felony trials. For some reason, this small niche was not provided for; we ask not to totally revisit recordings.

SENATOR WASHINGTON:

Mr. Graham, maybe I did not state it correctly. You have the original testimony that has been recorded; can we archive that original testimony so it is not lost?

JUDGE TATRO:

I misspoke a while ago. I have had to reconstruct one misdemeanor traffic case, when it was a cassette recording.

I have been a judge, like Judge Dahl, for 14 years. In trials, we always use a recording system. Until six or seven years ago, it was a cassette tape recorder. Then we went to digital, and now we have JAVS, which is audiovisual.

In answer to your question, when I did arraignments at 6:45 a.m. this morning, I began, as always, by looking at the lights and JAVS was not on. We have a control panel right in front of us that is not on if not recording. We turned it on and went from there. It has not been an issue. This is so much further advanced than the cassette recording. I am not aware that we have had that problem. I polled the staff this morning to see if there had been any cases where we had an issue, and there were none.

BARBARA SMITH CAMPBELL (Nevada Certified Court Reporters Board):

I am here today with Mary Bell Cameron, who is the Chair of the Nevada Certified Court Reporters Board. Ms. Cameron is here to offer an amendment ([Exhibit C](#)) to S.B. 34.

MARY BELL CAMERON (Nevada Certified Court Reporter 98; Chair, Nevada Certified Court Reporters Board):

I will read from my testimony ([Exhibit D](#)).

CHAIR CARE:

The testimony from Judge Tatro was that if necessary, a written transcript could be made from the recording. You are not comfortable with that?

MS. CAMERON:

The statute as written does not state they will come to a certified court reporter to transcribe the recording, which is the concern of our board.

CHAIR CARE:

Nevada Revised Statute 3.380 is the district court level, but NRS 3.380, subsection 4 ([Exhibit E](#)) states the transcript may be used for all purposes for which transcripts have heretofore been received and accepted under existing statutes. That is district court; we are talking about magistrates at the justice court level. Any comment on the existing statute?

MS. CAMERON:

No, the existing statute does provide for transcripts to be made from digital audio recordings. Our concern as the licensing board is anyone can transcribe those. If there is an issue of concern over the transcript from someone other than a certified court reporter, there is no recourse for parties if they have a problem with the transcript.

CHAIR CARE:

I do not know if they came from you or others who are to testify later, but I do have a list of Failure Headlines ([Exhibit F](#), original is on file in the Research Library) and bullet points on Court Reporter Value ([Exhibit G](#)). If these are not from you, and you have not had a chance to see them, the arguments raised in these handouts could be used regarding the recording of any proceeding in justice court, let alone whether it is a Category B felony or a death penalty case. Did they come from you?

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MS. CAMERON:

No, they did not; they came from our association.

CHAIR CARE:

If that is the case, the argument is you should not have recordings at all as opposed to this proposed compromise. You have not had an opportunity to discuss the proposed amendment with the court or the representatives of the court?

MS. CAMERON:

Yes, I have discussed this not only with James Jackson, Nevada Attorneys for Criminal Justice, but with Judge Tatro.

CHAIR CARE:

Nothing came of that?

MS. CAMERON:

I do not believe so.

JOSEPH GUILD (Nevada Court Reporters Association):

With me is Barbara Johnson, who is the legislative chair of that organization; she will give some testimony ([Exhibit H](#)) on behalf of the organization.

I give my thoughts to the Committee as a practitioner with experiences related to the issue at hand. We have had discussions with Mr. Jackson and Mr. Graham, trying to come to a resolution. If it is the Committee's desire, we will continue to do that.

Mr. Graham said in his first statement that we tend to do legislation by piecemeal. That is proven if you read NRS 3.380 in [Exhibit E](#) and [S.B. 34](#). You can see we are trying to fix a problem with a piece of the puzzle; perhaps we should look at the whole puzzle. The reason why follows.

In this last year, I have had to reconstruct a finding of fact in justice court because of a sound recording we could not understand from hearings in a related set of cases. The aggregate of which, once we posited our mandatory counterclaims, reached \$180,000. It was a civil case; the original case was under \$5,000. On behalf of my clients, we offered what we thought were

mandatory counterclaims. We had to reconstruct a finding of fact from those original hearings to take it to the district court on appeal.

I am not here to argue with Judge Tatro and the JAVS system. It cost the client numerous dollars for us to get a stipulated finding of fact.

It is not foolproof; I refer the Committee to NRS 3.380, [Exhibit E](#), and S.B. 34. Subsection 1 of NRS 3.380 in [Exhibit E](#) talks about allowing the district court to install sound recording equipment. This is the point I am trying to make about piecing together a problem that is a greater problem. Sound recording equipment is not JAVS, maybe we are not looking at this in the larger picture. I will turn it over to Ms. Johnson, who has formal testimony, [Exhibit H](#), on behalf of my client.

CHAIR CARE:

Sometimes, you can have a reporter who becomes incapacitated and vanishes with the transcript; I am sure you have heard those same stories.

MR. GUILD:

Yes, I have heard that. Fortunately, I have always had healthy reporters in cases I have tried, but it does happen. My point is if S.B. 34 is to be amended, maybe we are looking for language that elevates it to a statewide requirement. We have state-of-the-art recording equipment that a certified court reporter can use to reasonably make a good transcript. That is the point I was trying to make.

BARBARA J. JOHNSON (Nevada Certified Court Reporter 255; Nevada Court Reporters Association):

I will read from my written testimony, [Exhibit H](#).

As to your other questions, court reporters do get sick. Fortunately, I have been healthy through my tenure. I have gone to court sick. In my experience, we have had to cancel court more often because somebody else was sick, maybe the attorneys, witnesses, whoever, and everybody gets sick. I do not know that is a legitimate argument because we are all human beings.

There have been occasions in the rural area—the Sixth District where

I worked—where one of the courtrooms uses an electronic recording, and I think they have the JAVS system. Both courts were going, one with the live recording and one with the JAVS system. There was an electricity failure; the JAVS courtroom totally shut down.

As court reporters, our writers can run 18 hours, sometimes even longer, depending on the condition of the battery in the reporter's writer. We can write without electricity. We will not be able to give the high-tech real time or do a display with cards if we happen to have a deaf person in the courtroom, but the proceedings will not shut down; we will carry on.

Elko County has a live reporter in one of the departments, and they have electronic in the other courtroom. They have a live reporter for the justice court. Humboldt and Lander Counties use the two court reporters who reside in Winnemucca for their preliminary hearings. Pershing County uses a freelance agency for their preliminary hearings, and yes, I have been to Beowawe. Since my retirement, I spend much time in the rural areas.

The integrity of the record is the most important thing. As to the importance of the preliminary hearing transcript, the district judge uses that transcript to base rulings on motions before trial. That transcript is very important for future proceedings. Some people consider the justice court the lower level. At the preliminary hearing stage, it is not a lower level; it is dealing with felonies. It is dealing with an important record which the district court judges use to a great extent.

I do not know if you have received an e-mail from District Judge Richard Wagner, who is one of the judges in the Sixth Judicial District. I spoke to him over the weekend, and he said that he would e-mail his comments about S.B. 34. He opposes S.B. 34 for the necessity of having an accurate and complete record. I was in Lovelock last Tuesday but would like to relay a conversation I had with him and the district attorney; is that appropriate?

CHAIR CARE:

You can go ahead and do that. This is not a courtroom; nobody is going to

object on the basis of hearsay. If we have the e-mail from District Judge Wagner, I want to have it read and make it part of the record.

Ms. JOHNSON:

February 10, District Judge Wagner called me into his chambers. Also present was the district attorney of Pershing County. District Judge Wagner asked if the court reporters were going to oppose S.B. 34, and I said yes. He said good because the record that comes from the justice court is absolutely crucial in order to base his decisions on motions in district court.

Mr. Jim Shirley, District Attorney in Pershing County, indicated to me that he had an appeal from Department 2, the electronic-recorded department. When the transcript on appeal came back, he said there were at least three, perhaps four, witness testimonies missing. I do not know if they were totally missing from the recording, if somebody did not turn on the recording or if the transcriber just left it out. This was within the last year, perhaps six months.

As to the transcription of these electronic-recorded proceedings, many of them are very good. My guess is that of those, most have been transcribed by a certified court reporter. We know the protocol, we know the setup and we know the rules.

What happens in many instances is they are transcribed by a person. I do not know who that person is, and that person just certifies that they transcribed what the tape said. But there is not anybody to certify that what actually happened is on this tape.

You asked Mr. Guild the question about things that happen with court reporters. The court reporter has that license on the line. If I make a mistake, my license is on the line, same as an attorney. With digital recording operators, they do not have a state certification on the line. They do not have the training we have. Those issues can be addressed in the future. Right now for preliminary hearings

of a high degree, Category B and above, the court reporter has the ability to better ensure the record is accurate and complete.

CHAIR CARE:

I will take the proposed amendment, [Exhibit C](#), and it will be included in our work session documents.

I am surprised we have nothing from the criminal defense bar. In past sessions when we have had legislation dealing with preliminary injunction and criminal procedure, they have always been here. Those bills were brought forth by the prosecutors, not the court, but they are not here today.

We will close the hearing on S.B. 34 and open the hearing on S.B. 100.

SENATE BILL 100: Revises the provisions governing the period of revocation of a driver's license upon conviction of certain offenses involving driving under the influence. (BDR 43-342)

MARTHA BARNES (Administrator, Division of Central Services and Records, Department of Motor Vehicles):

I will read from my testimony ([Exhibit I](#)).

CHAIR CARE:

Mr. Wilkinson alertly gave me a copy of the advanced opinion, *State, Dep't of Motor Vehicles v. Terracin*, 125 Nev. Adv. Op. No. 4 (2009). I have read it, and it appears as though the Nevada Supreme Court simply applied the plain meaning of the statute.

MS. BARNES:

We had a concern with how it was done. We put in our request for language

changes prior to losing in district court and the Supreme Court decision followed that.

SENATOR PARKS:

When someone has their license revoked, do they surrender that license or are they permitted to keep the license in their possession?

MS. BARNES:

They are required to surrender their driver's license.

LAUREL STADLER (State Director, Mothers Against Drunk Driving):

I was waiting to hear the clarification of what S.B. 100 is saying. My understanding of the administrative license revocation was different than S.B. 100 and that from the DMV.

One of the frustrations in working with the driving under the influence (DUI) in the criminal justice system is seeing those arrests and convictions counted one, one, one, two, one, two, one, one, two instead of one, two, three, four, five as one would hope they would be adjudicated. Senate Bill 100 seems to rectify the problem, at least with the license revocation, that the enhancement is given for the number of convictions by the offender.

This might be important with the new felony diversion law. This allows for a person with a third-offense felony to go to a diversion program. If it is completed appropriately, they are sentenced as a second misdemeanor offender. However, down the road when the enhancements are considered a third felony offense, it becomes confusing. The revocation could be more confusing.

With all the good laws passed by this body, it would seem appropriate to base the license revocation on the number of convictions in those seven years, not on how it is adjudicated because of whatever circumstances that would make a second DUI adjudicated as a first.

I am in support of this legislation to appropriately reflect the sequence of

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offenses by the DUI offender. At least get the license revocation reflective of that particular numbered offense, even if the conviction is not.

CHAIR CARE:

We will close the hearing on S.B. 100

SENATOR WASHINGTON MOVED TO DO PASS S.B. 100.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

* * * * *

There being no further business, the hearing is adjourned at 9:48 a.m.

RESPECTFULLY SUBMITTED:

Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

Senator Terry Care, Chair

DATE: _____