

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

**Seventy-Sixth Session
March 21, 2011**

The Committee on Judiciary was called to order by Chairman William C. Horne somewhere around 9:15 a.m. on Monday, March 21, 2011, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/76th2011/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; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman William C. Horne, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblyman Richard (Skip) Daly
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Jason Frierson
Assemblyman Scott Hammond
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Richard McArthur
Assemblyman Tick Segerblom
Assemblyman Mark Sherwood

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Marcus L. Conklin, Clark County Assembly District No. 37
Assemblyman John Ocegüera, Clark County Assembly District No. 16

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Nick Anthony, Committee Counsel
Nancy Davis, Committee Secretary
Michael Smith, Committee Assistant

OTHERS PRESENT:

Michelle Jotz, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc. and the Southern Nevada Conference of Police and Sheriffs
Brittany Shipp, Intern for Assemblyman John Ocegüera
Barbara Johnson, Member, Nevada Court Reporters Association
Joseph Guild, representing Nevada Court Reporters Association

Chairman Horne:

[Roll was taken.] We have two bills on the agenda today. We will start with Assembly Bill 250.

Assembly Bill 250: Repeals the prospective expiration of the exemption from jury service of any police officer. (BDR 1-314)

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

I would like to present a little history as to why this bill is before you today. In the 2007 Session, we passed a bill restricting the use of police officers in jury pools. The logic at the time was that we were taking police officers off the street, and they were not being selected for the jury. If you are a police officer in a jury pool, generally speaking, counsel for one side or the other, usually the defense, is not entirely happy to have you on eth selected jury. Police officers spend a day on a jury pool for which they do not get selected, and we have taken that police officer off the street for the day. When we passed the bill in 2007, as a way of compromise with Chief Justice Rose, we agreed to make it amendatory with a sunset this year. During that time the court system would look at ways to filter out police officers from juries in which they would not generally be selected. That would have been incredibly difficult to do. This session we are presenting this bill to remove the sunset.

Michelle Jotz, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc. and the Southern Nevada Conference of Police and Sheriffs:

I am here today in support of A.B. 250. I'd like to provide a brief history of this statute.

[Read from written testimony ([Exhibit C](#)).]

Assemblyman McArthur:

Who is included in this bill along with police officers?

Nick Anthony, Committee Counsel:

The list is in *Nevada Revised Statutes* (NRS) 617.135. The list includes sheriff, deputy sheriff, chief, inspector, supervisor, et cetera.

Assemblyman McArthur:

So, it is basically state and local, and does not include federal employees?

Nick Anthony:

That is correct.

Chairman Horne:

Would you like federal personnel added?

Assemblyman McArthur:

No, I was just curious if they were included.

Assemblywoman Dondero Loop:

Does this include anyone who is categorized as a peace officer? Such as those people who work in a court building?

Nick Anthony:

The list of people included is in NRS 617.135. It is a very specific list. It is not the same definition as a peace officer. There are 15 different types of occupations which fall under police officer.

Michelle Jotz:

Ron Dreher would like it noted that he is also in support of A.B. 250.

Chairman Horne:

Is there anyone else in favor of A.B. 250? Anyone opposed? Anyone neutral? [There was no response.] I will close the hearing on A.B. 250. I will entertain a motion.

ASSEMBLYMAN FRIERSON MOVED TO DO PASS
ASSEMBLY BILL 250.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chairman Horne:

I will now open the hearing on Assembly Bill 249.

Assembly Bill 249: Makes various changes pertaining to certain court reporters.
(BDR 1-235)

Assemblyman John Ocegüera, Clark County District No. 16:

I am going to turn this presentation over to my intern, Brittany Shipp. I think an internship is a good opportunity to present a bill.

Brittany Shipp, Intern for Assemblyman John Ocegüera:

I am here to present A.B. 249. Assembly Bill 249 would amend current Nevada statutes in regard to court reporters to provide new and up-to-date language that will increase efficiency, decrease likelihood of errors, eliminate confusion, and prevent inefficiencies.

[Read from written testimony (Exhibit D) and provided a slide show presentation (Exhibit E).]

Chairman Horne:

Thank you. Very well done, Ms. Shipp.

Assemblyman Kite:

I notice the bill is deleting "testimony and proceedings in an uncontested divorce. . . ." Is there a reason for that?

Brittany Shipp:

The provision is being deleted. However, the divorce transcript is available upon request.

Assemblyman Hansen:

The bill states, "The appointee may be any business organization licensed by the Board if the person representing the business organization, who actually performs the reporting service, is a certified court reporter." If there is already a certified court reporter required, why add an additional layer of requirement that the business itself has to be certified by the Board?

Barbara Johnson, Nevada Court Reporters:

We have had certification for court reporters individually for many years. Several sessions ago, the Certified Court Reporters' Board of Nevada added a section to certify agencies. Agencies no longer have to be owned by a court reporter. In order to hold those noncertified agencies to the same standard as the individual court reporter, the NRS was changed to add the certification for the agencies.

Assemblyman Hansen:

Would this eliminate the ability of a certified court reporter to work independently?

Barbara Johnson:

Essentially, court reporters are licensed and firms have to be licensed now also.

Assemblyman Hansen:

Would this bill exclude certified court reporters from self-employment?

Barbara Johnson:

No. I go to court through a firm at the present time, but there was a time when I worked independently.

Assemblyman Sherwood:

The bill says the recordings will be preserved for up to eight years. Are there any privacy concerns due to the new provisions you are proposing?

Brittany Shipp:

The records of misdemeanor or higher court proceedings are already being kept by the court reporters. This would hold the court to the same standards and make them more accountable should these records be needed again. I do not believe personal information is at risk as a part of the records.

Assemblyman Sherwood:

This is a uniform standard?

Brittany Shipp:

Yes.

Assemblyman Daly:

I see several details regarding the written record. Can a request be made for the recorded record if it is available? Are there any rules, cost, or obligation to do that? I do not see any standard for preserving the recorded record in the bill. It has been my experience that the transcript does not always match what you recall hearing during the testimony.

Barbara Johnson:

Regarding such requests, the price of a transcript is in accordance with the district court fees, which are set forth in NRS 3.370.

Assemblyman Daly:

Do you know the cost to get a recording? Also, is there a standard or rule for preserving the record?

Barbara Johnson:

I do not know the answer to your first question. In the justice court, the tapes are kept for 30 days. One of the provisions we would like changed is to make record retention requirements the same for the courts and the certified court reporters. Basically the laws have changed. For instance, in driving under the influence (DUI) cases, there are enhancements. If after 30 days the record is gone, and the person gets another DUI several years later, there is no previous record of a DUI. As certified court reporters, we have a vested interest in how the records are kept. It seems it should be the same for everyone.

Joseph Guild, representing Nevada Court Reporters Association:

In response to Assemblyman Daly's question, I have had occasion in the past to buy a duplicate recording in a justice court. I cannot remember the exact price, but it was \$10 to \$15, the cost of the tape.

Brittany Shipp:

The new provisions will also require the sound recorder operator and the transcriber each to take an oath as to furnishing an accurate account of the proceedings. There have been problems with garbled sound recordings, and these provisions will account for a better standard of recording.

Assemblyman Kite:

I would like to state, Ms. Shipp, that you handled yourself very well.

Chairman Horne:
Any other questions?

Joseph Guild:

I do need to point out a technical correction in the bill. On page 6, lines 25 through 28, there is a reference to payment being made to the clerk of the court. On page 8, line 12, the bill deletes the requirement for deposit with the deputy clerk of the court and compensation being paid directly to the court reporter. That is the practicality of the situation in Nevada. We are trying to comport the law with practicality. Payment is never made anymore to a deputy clerk of the court and then transferred to the reporter. Inadvertently, that requirement is still in the bill. So should this Committee process this bill, I would suggest the deletion, on page 6, of section 4, subsection 6. I urge your support of this bill. I have spoken to the legislative representative for the Nevada District Judges Association and to Judge Stewart Bell, the current president of the Nevada District Judges Association. Neither of them have any concerns with this bill.

I would also like to commend Ms. Shipp for her excellent presentation.

Chairman Horne:

Are there any questions? Is there anyone else in favor of A.B. 249? Anyone opposed? Anyone neutral? I will close the hearing on A.B. 249.

Is there any other business? Seeing none, I will adjourn the meeting [at 9:37 a.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman William C. Horne, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 21, 2011

Time of Meeting: 9:06 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 250	C	Michelle Jotz	Written Testimony
A.B. 249	D	Brittany Shipp	Written Testimony
A.B. 249	E	Brittany Shipp	Slide Show Presentation