

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-sixth Session  
May 5, 2011**

The Senate Committee on Judiciary was called to order by Chair Valerie Wiener at 9:44 a.m. on Thursday, May 5, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 Valerie Wiener, Chair  
Senator Allison Copening, Vice Chair  
Senator Shirley A. Breeden  
Senator Ruben J. Kihuen  
Senator Mike McGinness  
Senator Don Gustavson  
Senator Michael Roberson

**GUEST LEGISLATORS PRESENT:**

Assemblyman William C. Horne, Assembly District No. 34

**STAFF MEMBERS PRESENT:**

Linda J. Eissmann, Policy Analyst  
Bradley A. Wilkinson, Counsel  
Danielle Barraza, Intern to Assemblyman William C. Horne  
Kathleen Swain, Committee Secretary

**OTHERS PRESENT:**

Sam Bateman, Deputy District Attorney, Clark County District Attorney's Office;  
Nevada District Attorneys Association  
Michelle Ravell  
Florence Jones  
Orrin J. H. Johnson, Washoe County Public Defender's Office

Senate Committee on Judiciary  
May 5, 2011  
Page 2

Tonja Brown

Pat Hines

Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada

John Tatro, Justice/Municipal Court Justice Court II, Carson City; President, Nevada Judges of Limited Jurisdiction

John McCormick, Rural Courts Coordinator, Nevada Supreme Court

James Jackson, Nevada Judges of Limited Jurisdiction

Ben Graham, Governmental Relations Advisor, Nevada Supreme Court

Mary Keating, Reporting and Accountability Officer, Office of the State Controller

Heather D. Procter, Deputy Attorney General, Office of the Attorney General

Terry Care, Ex-Senator

CHAIR WIENER:

I will open the hearing on Assembly Bill (A.B.) 269.

[ASSEMBLY BILL 269 \(1st Reprint\)](#): Revises certain provisions relating to the use of a grand jury. (BDR 14-1127)

ASSEMBLYMAN WILLIAM C. HORNE (Assembly District No. 34):

This bill deals with grand jury proceedings. My intern, Danielle Barraza, will present this bill.

DANIELLE BARRAZA (Intern to Assemblyman William C. Horne):

Assembly Bill 269 came out of a measure from the 2007 Session, which passed in both Houses but was subsequently vetoed by then-Governor Jim Gibbons; therefore, we are bringing this measure. Under this bill, a defendant could submit a statement to the grand jury informing it that evidence presented at the preliminary hearing was deemed insufficient to warrant a district court trial, if that was the case. Since the burden of the prosecutors is slight or marginal evidence, defense attorneys rarely present evidence at the preliminary hearing. Ninety-eight percent of those preliminary hearings go on to district courts for trial.

We are addressing the 2 percent that fail at preliminary hearings where the district attorney takes those cases to the grand jury to get them forwarded into the district court. While a learned and neutral judge may deem the case not worthy of a trial at preliminary hearing, the grand jurors have no idea of that

fact. In addition, the grand jury proceeding is quite different from a preliminary hearing since cross examination is not allowed, nor are defense attorneys. A defendant may try to defend himself, but that is to his detriment and not advised.

This bill levels the playing field. The original version of this bill would have prohibited district attorneys from going to a grand jury if they failed to produce sufficient evidence at the preliminary hearing unless new and substantial evidence came forward. While this would have alleviated some of the concerns about double dipping in the judicial system, it actually would have resulted in unintended consequences and could have led prosecutors to go straight to grand jury every time to get their cases to district court. That would be time-consuming and expensive. This bill is the compromise reached. It is the same compromise as was reached in the 2007 Session. It was passed with bipartisan support in the Assembly Committee on Judiciary and on the Assembly Floor. We urge your support for this bill.

SAM BATEMAN (Deputy District Attorney, Clark County District Attorney's Office; Nevada District Attorneys Association):

The original bill was problematic for the Nevada District Attorneys Association, but Mr. Horne worked with us to come up with the present amendment. We saw it as a reasonable resolution to Mr. Horne's concerns. This is a better bill, and we have no concerns with it.

MICHELLE RAVELL:

I support the bill as written, but I was hoping the amendments requested by Tonja Brown would be adopted. In the same way this bill levels the playing field for the defendants, Nolan's Law will also level the playing field for defendants by requiring all investigative materials be sent at the same time to the prosecuting attorneys as to the defense attorneys. Additionally, her amendment will allow DNA testing at the defendant's expense if the court does not order it. In the interest of fair play and allowing people to prove their innocence or present their case, it is important that everyone has the same information. If a person has claimed innocence and DNA testing is available at no cost to the State, that person can have the DNA test to assist in proving his or her innocence. I have e-mailed the Committee, and I understand you received e-mails from Hans Sherrer, the publisher of *Justice: Denied* magazine, who supports Nolan's Law.

Nolan's Law would be important to add, and if for some reason it cannot be added to this bill, perhaps it can be added in another place. It has been statistically proved that at least 15 percent of the people in prison are innocent. If they cannot prove their innocence through the judicial system and the laws, we are wasting a lot of money incarcerating people who should not be there. Those dollars could be more effectively used elsewhere. Nolan's Law would have negligible financial impact. I urge you to consider adding that amendment to this bill.

FLORENCE JONES:

I echo Ms. Ravell's comments. The importance of allowing innocent people to prove their innocence without having the district attorney or the court give them that right seems a basic right for all of us.

ORRIN J. H. JOHNSON (Washoe County Public Defender's Office):

We agree with the presentation. There is no good reason not to pass this bill. It is a low bar to get something passed at preliminary hearing. If a judge deems that low bar has not been met, a grand jury is entitled to know that.

For the record, the amendment discussed includes some interesting points our office is perhaps interested in. We are not sure it is germane to this bill, and we would not like to see this important measure be bogged down with something like that. That warrants a different discussion.

CHAIR WIENER:

You raised a question about germaneness of the amendment offered.

BRADLEY A. WILKINSON (Counsel):

It would be helpful to address Joint Standing Rule No. 14.7 about germaneness. I will read from the rule ([Exhibit C](#)). Under that standard, the proposed amendment described as Nolan's Law does not meet the criteria for germaneness. It arguably fits within the general single subject of the bill, which is criminal procedure, but does not relate to this specific subject of grand juries or preliminary hearings.

TONJA BROWN:

I am asking to have the amended Bill Draft Request (BDR) 14-1081 placed into another bill. You did not say definitely it was not. I want to put on the record that I like the bill, but I have a problem with the bill in years to come.

Prosecutors could use this argument down the road. If the defendant gives a statement to the grand jury, how is the defendant supposed to know whether all the evidence was presented at the preliminary examination because the prosecutor withheld the evidence? Years down the road, as in our particular case, the evidence was found hiding in the district attorney's file that exonerates the defendant. How are defendants supposed to say they never turned it over because the prosecutor will say they turned it over and you gave a statement to the grand jury? It is not our fault you did not put it in there when the prosecutor withheld it the whole time. As an argument, the district attorney can use this in the future. With respect to that, I would like it on the record so if it happens in the future, they can refer to this if this bill passes. They can say it was predicted that this would be the prosecutor's argument. At least it would give the defendant a chance to say this was brought up in the past.

I will read Nolan's letter ([Exhibit D](#)).

PAT HINES:

This is a good bill and long overdue. Some things are left out of the bill. It talks about exculpatory evidence and balancing the scales so both the prisoner and the prosecutor have the same evidence. We should put ourselves in the place of a person like Nolan Klein who was convicted of a crime he said he did not commit. We should think how we would like it if all the evidence was withheld from you, and you did not know what to refute. Nolan's letter says this happens in the Nevada Supreme Court, and it happens in the State Board of Parole Commissioners. The accused person never gets a chance to refute the evidence. I see this bill as a way to get that done. It should be carried over into the State Board of Parole Commissioners because it happens many times where the prisoner does not know what a victim has said because the victim is protected.

REBECCA GASCA (Legislative and Policy Director, American Civil Liberties Union of Nevada):

We support this bill. We offered our support on the Assembly side. We were disappointed to see such substantial changes from the original bill; this is a step in the right direction.

CHAIR WIENER:

I will close the hearing on A.B. 269 and open the hearing on A.B. 9.

**ASSEMBLY BILL 9 (1st Reprint)**: Revises provisions relating to fees charged and collected in justice courts. (BDR 1-322)

JOHN TATRO (Justice/Municipal Court Justice Court II, Carson City; President, Nevada Judges of Limited Jurisdiction):

This bill is simple. We need to increase the civil filing fees in justice court. They have not been raised in 16 years, and they do not cover the costs of the court. We are not asking to make a profit; we just want to cover our costs. With the percentage that will stay with the court, we will have the ability to expand, remodel, update systems and do things the counties cannot afford to pay for. There is no effect to the counties, except the courts will be able to take care of a lot of the business the counties will not have to pay for.

CHAIR WIENER:

How did you come up with the amounts?

JOHN MCCORMICK (Rural Courts Coordinator, Nevada Supreme Court):

In developing the new fee schedule and amounts, a comparison of the amounts was made with the Western states. Sparks Justice Court studied this as well. These fee increases make us comparable with our surrounding states in terms of justice court civil filings.

JAMES JACKSON (Nevada Judges of Limited Jurisdiction):

This bill passed in the Assembly. It is long overdue for the courts to increase fees. The fees were last increased 16 or 17 years ago.

SENATOR ROBERSON:

Will the fee increase cover the costs you need to have covered? Previous testimony was that the fees do not cover the costs. Does this get you there?

MR. MCCORMICK:

There is no revenue or money to cover anything like system upgrades, etc. Any money this bill raises will cover those costs the counties cannot afford. A specific dollar amount has not been determined. There are a number of projects Carson City Justice Court could undertake to improve access to justice; the cost analysis has not been done.

SENATOR ROBERSON:

Where will the money from increased fees go? What beneficial purpose will this serve?

MR. McCORMICK:

It could be used to improve technology in courts, such as recording systems or case management systems. It could be used to enhance the security of justice courts. Many justice courts do not have any type of security. If a justice court reaches the certain population threshold to add a new justice of the peace, this money could be used to offset that cost as provided in section 6 of the bill.

SENATOR ROBERSON:

What is your estimate of the total amount of annual revenue these fees will generate?

MR. McCORMICK:

We estimate the general civil category would be approximately a \$1.2 million increase statewide. The estimate for small claims is approximately \$268,000 statewide. The estimate for landlord/tenant matters is approximately \$700,000 statewide. That is based on the fiscal year 2010 filings in all 43 justice courts.

SENATOR ROBERSON:

You are saying approximately \$2.2 million per year?

MR. McCORMICK:

Yes, assuming the filings stay relatively level.

CHAIR WIENER:

I will close the hearing on A.B. 9 and open the hearing on A.B. 196.

**ASSEMBLY BILL 196 (1st Reprint)**: Revises provisions governing the collection of fines, administrative assessments, fees and restitution owed by certain convicted persons. (BDR 14-557)

BEN GRAHAM (Governmental Relations Advisor, Nevada Supreme Court):

I am here on behalf of Assemblyman William Horne and Nevada Supreme Court Justice James Hardesty, who could not be here today. Assembly Bill 196 has been a long journey that started in 2008. The 2009 Session discussed it. Evidence showed there was a lot of money owed the State from actions taken

in district court. We know fines of \$50,000 or \$100,000 are not realistic. However, there are actual dollars the taxpayers have spent for DNA testing or public defender fees. This is out-of-pocket money the public has paid. Research was done to determine what efforts are being made to collect this money. Nearly everywhere we went, they said they did not have authority to collect the money. This bill gives the court authority to transfer it to the treasurer of the county. It can assign it out. If the county elects after a period of time, it can pass the information to the State Controller.

This is a new program we have not tried before. Hopefully, out-of-pocket expenses, which are in the millions, can be collected. If it works properly, the collection process could go back and collect on judgments that occurred before this bill becomes effective.

One of the concerns was how to get the five items the Controller and anyone in the collection business says we must have. Those five items are listed in section 7, subsection 3 of the bill. These items are present in several places in the bill. As we worked on this, the most direct and simple place information could be found is in district court where presentence investigation reports (PSI) and the judgments of conviction are found. These include the amount the court ordered to be paid. It would be better if this could be found in electronic form. It may only be available on one page of the PSI and on the judgment of conviction in the "wherefore" clause.

Justice Hardesty wanted to ensure this goes on the record and Assemblyman Horne agrees. Justice Hardesty and Assemblyman Horne met with a similarly named person from the Eighth Judicial District Court, and they have agreed to make it clear that without an amendment, nothing in the bill requires the district courts to undertake independent research. They are providing information used by them at sentencing. In that regard, it will be noted that in an older PSI, there may be some information that may not be as current as in a new PSI, which deals with the last-known address of the individual.

The bill is enabling legislation to work out a way to collect this taxpayer-expended money. There was discussion in the Assembly about the inclusion of restitution in the process. It was determined that the Division of Parole and Probation has a collection process, and they are collecting restitution. If restitution is owed after termination, they also have a process to



Senate Committee on Judiciary  
May 5, 2011  
Page 9

handle that. That was inadvertently left in the bill. We are asking the amendment Mr. McCormick provided ([Exhibit E](#)) be adopted to this version of the bill. [Exhibit E](#) removes references to restitution.

I look forward to this bill passing and reporting back to you that we have collected money.

CHAIR WIENER:

We have a copy of this conceptual amendment about restitution?

MR. MCCORMICK:

Yes.

CHAIR WIENER:

I get the impression it was made clear in the other House, but it stayed in the bill. When they voted, they voted with the intent it not be part of the bill.

MR. MCCORMICK:

I have discussed this matter with both research and legal staff for the Assembly Committee on Judiciary. We reviewed the minutes, and it appears the intent of the Committee was to amend this bill with the amendment we worked on excluding restitution from the items collected by this bill. That was the understanding reached with the State Controller's Office and the Division of Parole and Probation. It was inadvertently retained in the bill.

MR. GRAHAM:

This provides an opportunity for the county to collect on these matters. If not, the Controller has offered to step forward. In the testimony on the Assembly side, an additional amendment was offered on behalf of the Controller. They are here today. This is good enabling legislation that would allow collection of money due to the State.

MARY KEATING (Reporting and Accountability Officer, Office of the State Controller):

Our office is in favor of collecting debts to the courts. Because it is a good idea, we are going to open this to all governmental agencies in the State. This would include cities and counties as well as any other governmental jurisdiction. It makes sense to offer the services of debt collection to other governmental offices.

Often, agencies and other governmental offices do not have dedicated resources to do that. Our office has a debt collection group, and that is what they do. Adding more volume will enhance their capabilities of doing this work. We have found that many governments are decentralizing their debt collection, which leads to inefficiencies and low collection rates. The more successful debt collection programs have been centralized. Centralizing debt collections in Nevada through the Controller's Office will improve our collections. Improving collections will help our General Fund without raising taxes or fees. We are just collecting money we are entitled to. Our office has the infrastructure in place and the collection tools necessary to collect the debt. Therefore, A.B. 196 makes sense to do that.

Section 14 of the bill allows us to collect debts for all governmental entities by using an interlocal agreement, and we can accommodate the needs of the governmental entities at the Controller's Office. It will not be one size fits all. It can be customized, which will minimize the impact on other governmental systems.

Section 15 of the bill allows the Controller's Office to do debt offset with the federal government. It can collect payments owed to vendors of the State who owe the federal government. We can receive money from payments of vendors of the federal government who owe us money. The program is in its infancy. Four states are participating, and they have collected \$23 million in fiscal year 2010. Several other states have enacted legislation to participate in the program, and this section will give Nevada the enabling legislation to do offset.

If you did not receive a spreadsheet, I will make sure you get it. For example, since June 1987, Maryland has collected \$56.1 million. New Jersey has collected \$25.8 million in the same time period. New York started in 2010 and has collected \$1.1 million. Kentucky has collected \$4.5 million. Other states that have added this enabling legislation include the District of Columbia, Louisiana, West Virginia and Wisconsin. Our office supports this bill.

CHAIR WIENER:

Section 12, subsection 1, paragraph (b) of the bill says the fee payable to the county treasurer would be 2 percent of the amount of the fee assigned. What is the treasurer's role in this? Section 12, subsection 2 says the fees must not exceed 35 percent or \$50,000, whichever is less. How were these amounts and percentages reached?

Senate Committee on Judiciary  
May 5, 2011  
Page 11

MR. MCCORMICK:

The counties raised some concern during initial discussions on this that they would not have the capacity to collect. That is why the provisions regarding recouping costs were put in. As far as the percentages and amounts, I took those directly from *Nevada Revised Statutes* 353C, which is the collection statute for the Controller's Office.

HEATHER D. PROCTER (Deputy Attorney General, Office of the Attorney General):  
The Attorney General's Office has worked closely with the Controller's Office and the courts on this bill, and we support the bill.

CHAIR WIENER:

I will close the hearing on A.B. 196.

SENATOR ROBERSON:

I may have a conflict, and I need to investigate that.

CHAIR WIENER:

This will go on a work session. I will open the work session, and we will address A.B. 6.

**ASSEMBLY BILL 6 (1st Reprint)**: Authorizes courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to have their judgments of conviction vacated. (BDR 14-366)

LINDA J. EISSMANN (Policy Analyst):

We have a work session document (Exhibit F). There are no amendments and no opposition.

SENATOR COPENING MOVED TO DO PASS A.B. 6.

SENATOR BREEDEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

Senate Committee on Judiciary  
May 5, 2011  
Page 12

CHAIR WIENER:  
We will address A.B. 57.

[ASSEMBLY BILL 57 \(1st Reprint\)](#): Makes various changes governing certain criminal offenders. (BDR 14-292)

Ms. EISSMANN:  
I will read from the work session document ([Exhibit G](#)). The Attorney General's Office brought this bill to us yesterday. There were no amendments and no opposition.

SENATOR MCGINNESS MOVED TO DO PASS A.B. 57.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WIENER:  
We will address A.B. 109.

[ASSEMBLY BILL 109 \(1st Reprint\)](#): Enacts the amendments to Article 9 of the Uniform Commercial Code. (BDR 8-330)

Ms. EISSMANN:  
I will read from the work session document ([Exhibit H](#)). Ex-Senator Terry Care originally requested this bill as a Uniform Law Commissioner. There was discussion about an amendment offered regarding driver's license and identification, whether government identification would be included. There has been conversation between the Legal Division, Senator Care and the Uniform Law Commission. We have a mock-up of an amendment, [Exhibit H](#), pages 2 through 7.

TERRY CARE (Ex-Senator):  
Section 19 of the bill relates to the identification of the debtor to the secured party. In section 19, subsection 1, paragraph (d) of the bill, it would be the driver's license. You raised the issue of certain people—senior citizens—who do not drive but have a valid identification card. That is in the bill. If a person does

not have a driver's license, he or she has an identification card. In the original draft, the Uniform Law Commission was not going to include this, but Texas and other states have done that. You identified an issue they recognize nationally. There is no amendment to it, but it means that paragraph (e) is a default. If a natural person does not have a driver's license or a Department of Motor Vehicles identification card, the burden is on the secured party to establish the identification by whatever means he or she wants to use.

SENATOR KIHUEN MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 109.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

CHAIR WIENER:  
We will address A.B. 194.

ASSEMBLY BILL 194: Revises provisions relating to court interpreters for persons with a communications disability. (BDR 4-85)

MS. EISSMANN:  
I will read from the work session document (Exhibit I). We have no amendments, and there was no opposition.

SENATOR BREEDEN MOVED TO DO PASS A.B. 194.

SENATOR COPENING SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

CHAIR WIENER:  
We will address A.B. 226.

[ASSEMBLY BILL 226 \(1st Reprint\)](#): Revises various provisions governing landlords and tenants. (BDR 3-669)

Ms. EISSMANN:

I will read from the work session document ([Exhibit J](#)). There was no amendment and no opposition.

SENATOR GUSTAVSON MOVED TO DO PASS A.B. 226.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WIENER:

We will address A.B. 271.

[ASSEMBLY BILL 271](#): Regulates private transfer fee obligations that affect real property. (BDR 10-628)

Ms. EISSMANN:

I will read from the work session document ([Exhibit K](#)). There were a couple of amendments proposed at the hearing. Following the hearing, we received an amendment from Assemblywoman Irene Bustamante Adams regarding master developers and adjusting the implementation date in section 11, [Exhibit K](#), pages 3 through 5. She also provided a response to Jonathan Friedrich's suggested amendment. Paragraph (h) in the amendment, [Exhibit K](#), page 3, is in section 5, subsection 2 of the bill. It says the term, which is the private transfer fee, does not include—or exempts from the definition of private transfer fee—any:

Fee or charge payable to the master developer of a planned community by the first purchaser of each lot in the planned community in the event that the first purchaser fails to construct and obtain a municipal certificate of occupancy for a residence on the lot and retain ownership of said residence for one year before conveying the residence, provided that the obligation of the first purchaser of the lot to pay the fee or charge is on a one-time basis only, and does not bind subsequent purchasers of the lot.

Senate Committee on Judiciary  
May 5, 2011  
Page 15

Section 11, [Exhibit K](#), page 4, changes the effective date that a payee under the private transfer fee obligation must record with the county recorder from December 31, 2011, to July 31, 2012. Similarly, that date is changed throughout section 11.

Assemblywoman Bustamante Adams also provided a response to a proposal from Mr. Friedrich. He had proposed to shorten the date from 30 days to 10 days regarding the time in which the payee must comply with the written statement of the amount of the transfer fee due upon the sale of the property, [Exhibit K](#), page 1. Assemblywoman Bustamante Adams submitted a comment that she believes the 30 days in the bill is a reasonable amount of time and should not be shortened to 10 days, [Exhibit K](#), page 6.

Some people proposed a couple of other amendments, but Assemblywoman Bustamante Adams as the sponsor of the bill did not support those amendments, [Exhibit K](#), page 2.

CHAIR WIENER:

I met with the sponsor on all the concerns raised. She addressed each question that came up in the hearing and answered the questions. She resolved my concerns.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 271 WITH THE SPONSOR'S AMENDMENT.

SENATOR BREEDEN SECONDED THE MOTION.

SENATOR COPENING:

I want to disclose that I work for a subsidiary of a developer, but my vote will not affect that developer any differently than the rest of the developers.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WIENER:

We will address A.B. 355.

ASSEMBLY BILL 355: Revises provisions relating to the Fund for the Compensation of Victims of Crime. (BDR 16-597)

MS. EISSMANN:

I will read from the work session document ([Exhibit L](#)). There were no amendments and no opposition. The question came up regarding the current balance in the fund, which the witnesses did not have with them. They sent an e-mail with that information, and it is included in the work session document, [Exhibit L](#), page 1.

SENATOR ROBERSON:

We received that e-mail following the hearing. The revenues coming in are over \$8 million. I am not suggesting that money should be taken from one fund and put into the General Fund. Given the fiscal crisis we are in, I do not know that we want to tie the hands of the Legislature any more than we already have. I am not saying I will oppose this; I just want to bring this up so everyone can think about it and discuss it.

SENATOR COPENING:

I did not think I knew anyone who was a beneficiary of this fund. However, my father advised me our neighbor was a victim of a carjacking where he was shot in both legs. He did not have the money to pay for the surgeries, and this fund got him through his medical bills. To put a personal note on that, I actually know someone who was helped by this. I support carving out these dollars so it is not touched by other funds.

CHAIR WIENER:

Earlier we addressed how the money is distributed. Statute establishes what procedures would be determined through the regulations regarding the priorities and addressing the most egregious needs first.

SENATOR KIHUEN MOVED TO DO PASS A.B. 355.

SENATOR BREEDEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*



CHAIR WIENER:

The hearing is open for public comment.

MS. BROWN:

You have voted on A.B. 57. Section 4.3, subsection 2, paragraph (h) says, "One member who is a mental health professional, appointed by the Attorney General." I do not know what that professional represents.

CHAIR WIENER:

The Attorney General's Office said it would be their intent to have someone with expertise in these particular issue areas. The concern was that maybe mental health was too broad. One of the deputy attorney generals said it would be the intent to have the most qualified person represent that position.

MS. BROWN:

I thought that would be a psychologist. If it is a psychologist, could we require that professional to be licensed? In prison, only one psychologist must be licensed. The rest are unlicensed psychologists.

Regarding A.B. 269, when I brought it before the Senate Committee on Judiciary on A.B. 18 and I said I would bring it back on A.B. 269, I meant to ask if it would be possible for Mr. Wilkinson to give me information as to where Nolan's Law would fit into a bill?

**ASSEMBLY BILL 18**: Clarifies that meetings of the State Board of Parole Commissioners are quasi-judicial and clarifies the rights of prisoners and other persons who appear before the Parole Board. (BDR 16-460)

Senate Committee on Judiciary  
May 5, 2011  
Page 18

CHAIR WIENER:

We can have that conversation. There being nothing further to come before the Committee, we are adjourned at 10:48 a.m.

RESPECTFULLY SUBMITTED:

---

Kathleen Swain,  
Committee Secretary

APPROVED BY:

---

Senator Valerie Wiener, Chair

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

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 269	C	Bradley A. Wilkinson	Joint Standing Rule No. 14.7
A.B. 269	D	Tonja Brown	Letter from Nolan Klein
A.B. 196	E	Ben Graham	Proposed Amendment
A.B. 6	F	Linda Eissmann	Work Session Document
A.B. 57	G	Linda Eissmann	Work Session Document
A.B. 109	H	Linda Eissmann	Work Session Document
A.B. 194	I	Linda Eissmann	Work Session Document
A.B. 226	J	Linda Eissmann	Work Session Document
A.B. 271	K	Linda Eissmann	Work Session Document
A.B. 355	L	Linda Eissmann	Work Session Document