

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-sixth Session
March 22, 2011**

The Senate Committee on Judiciary was called to order by Chair Valerie Wiener at 9:05 a.m. on Tuesday, March 22, 2011, 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 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
Judith Anker-Nissen, Committee Secretary

OTHERS PRESENT:

John R. McCormick, Rural Courts Coordinator, Administrative Office of the Courts
Elizabeth Goff Gonzalez, District Judge, Department 11, Eighth Judicial District

CHAIR WIENER:

I will open the hearing on Assembly Bill (A.B.) 134.

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ASSEMBLY BILL 134: Prohibits the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime. (BDR 14-655)

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

I am the Chair of the Assembly Committee on Judiciary. The U.S. Supreme Court made a ruling in *Graham v. Florida*, 130 S. Ct. 2011 (2010) to prohibit a life sentence without the possibility of parole for persons under the age of 18 at the time they committed a nonhomicide crime. This does not prohibit a life sentence without the possibility of parole nor does it preclude life sentences for homicide crimes. This is a narrow decision on nonhomicide crimes. Assembly Bill 134 brings Nevada statutes in line with this U.S. Supreme Court decision and the maximum sentence that may be imposed is life imprisonment with the possibility of parole.

There was a bill in previous sessions that dealt with the death penalty of minors and those mentally ill. There has been a growing acceptance that juveniles' brains are still developing at that age, and the U.S. Supreme Court ruled the death penalty for certain persons who fit in this group were excluded from the death penalty.

CHAIR WIENER:

I will close the hearing on A.B. 134 and open the hearing on A.B. 7.

ASSEMBLY BILL 7: Revises provisions relating to the disqualification of certain judges. (BDR 1-320)

JOHN R. MCCORMICK (Rural Courts Coordinator, Administrative Office of the Courts):

I am the Rural Courts Coordinator for the Administrative Office of the Courts for the Nevada Supreme Court. I am here to introduce the Honorable Elizabeth Goff Gonzalez, District Judge, Department 11, Eighth Judicial District.

ELIZABETH GOFF GONZALEZ (District Judge, Department 11, Eighth Judicial District):

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

One of the precepts of the judicial system is the judge who hears the case is fair and unbiased. For that reason, we are seeking a slight amendment to *Nevada*

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Revised Statute (NRS) 1.235, subsection 5, paragraph (b). The Eighth Judicial District Court supports a minor amendment to NRS 1.235, subsection 5, paragraph b to modify the two judicial-day period for a judge's response to a motion to disqualify by increasing the applicable period to five judicial days.

CHAIR WIENER:
I will close the hearing on A.B. 7.

SENATOR COPENING MOVED TO DO PASS A.B. 7.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

SENATOR BREEDEN MOVED TO DO PASS A.B. 134.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:
The meeting is adjourned at 9:15 a.m.

RESPECTFULLY SUBMITTED:

Judith Anker-Nissen,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 7	C	Elizabeth Goff Gonzalez	Written Testimony