

Amendment No. 888

Senate Amendment to Assembly Bill No. 313 Second Reprint (BDR 14-421)

Proposed by: Senator Smith

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

NCA/BAW



Date: 5/24/2013

A.B. No. 313—Creates a statutory subcommittee of the Advisory Commission on the Administration of Justice. (BDR 14-421)



ASSEMBLY BILL NO. 313—ASSEMBLYWOMAN PIERCE

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—~~Creates a statutory subcommittee of~~ **Requires** the Advisory Commission on the Administration of Justice ~~to consider certain items regarding criminal procedure. (BDR S-421)~~ **to consider certain items regarding criminal procedure. (BDR S-421)**

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; ~~creating a statutory subcommittee of~~ **requiring** the Advisory Commission on the Administration of Justice to consider issues concerning electronic surveillance by law enforcement ~~and~~ **traffic laws and certain laws relating to motor vehicles, and language access in the courts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) This bill creates in statute the Subcommittee on Search and Seizure Law and Technology of the [Advisory] Commission on the Administration of Justice. This bill requires: (1) the Chair of the Commission to appoint the members of the Subcommittee; (2) that the Subcommittee consist of legislative members and certain nonlegislative members; (3) the Chair of the Subcommittee to be a legislative member of the Commission; and (4) the Subcommittee to : **(1) consider issues concerning electronic surveillance by law enforcement and to evaluate, review and submit a report to the Commission with findings and recommendations concerning such issues for proposed legislation. This bill also sets forth the salaries and per diem that members of the Subcommittee may receive. ; (2) evaluate issues related to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) evaluate issues concerning language access in the courts.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** ~~[Chapter 176 of NRS is hereby amended by adding thereto a new~~
2 ~~section to read as follows:~~

3 ~~1. There is hereby created the Subcommittee on Search and Seizure Law~~
4 ~~and Technology of the Commission.~~

5 ~~2. The Chair of the Commission shall appoint the members of the~~
6 ~~Subcommittee. The Subcommittee must consist of legislative and nonlegislative~~
7 ~~members, including, without limitation:~~

8 ~~(a) A representative of the public defender's office in Washoe County.~~

9 ~~(b) A representative of the public defender's office in Clark County.~~

10 ~~(c) A representative of the State Public Defender's Office.~~

11 ~~(d) A member of the private criminal defense bar.~~

12 ~~(e) A representative of a civil liberties organization.~~

13 ~~(f) A representative of the district attorney's office in Washoe County.~~

14 ~~(g) A representative of the district attorney's office in Clark County.~~

15 ~~(h) A representative of the Attorney General.~~

16 ~~(i) A representative of a law enforcement agency located within the~~
17 ~~jurisdiction of Washoe County.~~

18 ~~(j) A representative of a law enforcement agency located within the~~
19 ~~jurisdiction of Clark County.~~

20 ~~(k) A representative of the academic community with specialized knowledge~~
21 ~~in the field of search and seizure law and technology.~~

22 ~~(l) A representative from the compliance division of a national~~
23 ~~telecommunications carrier authorized to do business in this State.~~

24 ~~3. The Chair of the Commission shall designate one of the legislative~~
25 ~~members of the Commission as Chair of the Subcommittee.~~

26 ~~4. The Subcommittee shall meet at the times and places specified by a call~~
27 ~~of the Chair. A majority of the members of the Subcommittee constitutes a~~
28 ~~quorum, and a quorum may exercise any power or authority conferred on the~~
29 ~~Subcommittee.~~

30 ~~5. The Subcommittee shall consider issues concerning electronic~~
31 ~~surveillance by law enforcement, including, without limitation, access by a law~~
32 ~~enforcement agency to historical and prospective geolocation data generated by a~~
33 ~~telecommunications device for tracking purposes and the use of mobile tracking~~
34 ~~devices, and shall evaluate, review and submit a report to the Commission with~~
35 ~~findings and recommendations concerning such issues for proposed legislation.~~

36 ~~6. Any Legislators who are members of the Subcommittee are entitled to~~
37 ~~receive the salary provided for a majority of the members of the Legislature~~
38 ~~during the first 60 days of the preceding session for each day's attendance at a~~
39 ~~meeting of the Subcommittee.~~

40 ~~7. While engaged in the business of the Subcommittee, to the extent of~~
41 ~~legislative appropriation, each member of the Subcommittee is entitled to receive~~
42 ~~the per diem allowance and travel expenses provided for state officers and~~
43 ~~employees generally.] (Deleted by amendment.)~~

44 **Sec. 2.** ~~[NRS 176.0121 is hereby amended to read as follows:~~

45 ~~176.0121 As used in NRS 176.0121 to 176.0129, inclusive, and section 1 of~~
46 ~~this act, "Commission" means the Advisory Commission on the Administration of~~
47 ~~Justice.] (Deleted by amendment.)~~

1 Sec. 2.5. The Advisory Commission on the Administration of Justice
2 created pursuant to NRS 176.0123 shall, at a meeting held by the Commission,
3 include as an item on the agenda a discussion of the following issues:

4 1. A review of the use of electronic surveillance by law enforcement,
5 including, without limitation, access by a law enforcement agency to historical
6 and prospective geolocation data generated by a telecommunications device
7 for tracking purposes and the use of mobile tracking devices.

8 2. An evaluation of the policies and practices relating to criminal
9 violations of traffic laws and laws relating to drivers' licenses and to the
10 registration of and insurance for motor vehicles, with consideration as to
11 whether it is feasible and advisable to treat such violations as civil matters and,
12 if so, the issues involved in implementing a system to treat such violations as
13 civil matters.

14 3. An evaluation of:

15 (a) The current system used in this State to provide court interpreters in
16 criminal and civil proceedings;

17 (b) The systems used in other states to provide court interpreters in
18 criminal and civil proceedings; and

19 (c) The current condition of federal and state laws regarding the provision
20 of court interpreters in criminal and civil proceedings.

21 4. Recommendations regarding, without limitation:

22 (a) Necessary statutory changes to facilitate language access in the courts;

23 (b) Necessary statutory changes to comply with any federal law related to
24 language access in the courts; and

25 (c) Methods for raising any revenue necessary to provide court
26 interpreters in criminal and civil proceedings or to increase language access in
27 the courts.

28 Sec. 3. This act becomes effective on July 1, 2013, ~~and expires by~~
29 ~~limitation on July 31, 2015.~~