MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Seventy-Seventh Session
May 7, 2013

The Committee on Judiciary was called to order by Chairman Jason Frierson at 8:10 a.m. on Tuesday, May 7, 2013, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 nelis.leg.state.nv.us/77th2013. 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 Jason Frierson, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblywoman Marilyn Dondero Loop
Assemblyman Wesley Duncan
Assemblywoman Michele Fiore
Assemblyman Ira Hansen
Assemblyman Andrew Martin
Assemblywoman Ellen B. Spiegel
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Tick Segerblom, Clark County Senatorial District No. 3
Senator Moises (Mo) Denis, Clark County Senatorial District No. 2

STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Karyn Werner, Committee Secretary
Colter Thomas, Committee Assistant

OTHERS PRESENT:

Angela Morrison, Visiting Professor, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas
Steve Yeager, Deputy Public Defender, Clark County Office of the Public Defender
Kyle Edgerton, Immigration Assistance Manager, Immigration Assistance Program, Catholic Charities of Northern Nevada
Astrid Silva, representing Progressive Leadership Alliance of Nevada; and the Nevada Immigrant Coalition
Riana Durrett, representing Nevada Attorneys for Criminal Justice
Peg Samples, representing Nevada District Attorneys Association
Linda Cuddy, Coordinator, Court Appointed Special Advocates of Douglas County
Frank Schnorbus, Special Advocate, Court Appointed Special Advocates of Douglas County
Jill Marano, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services
Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services
Julie Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety
John T. Jones, Jr., representing Nevada District Attorneys Association
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing Washoe County Sheriff's Office

Chairman Frierson:
[Roll was taken. Committee protocol and rules were explained.] We have a busy agenda and we are going to go slightly out of order. We will open the hearing on Senate Bill 169 (1st Reprint).

Senate Bill 169 (1st Reprint): Revises provisions governing criminal penalties. (BDR 15-495)

Senator Tick Segerblom, Clark County Senatorial District No. 3:
Senate Bill 169 (1st Reprint) is a very simple bill that has the potential of having fantastic results. One of the problems with immigration is, if you are accused of a crime for which the penalty is one year or more, you can be deported. Other status things can also affect you relative to your right to stay in the country. In Nevada, a gross misdemeanor conviction is a year sentence of 365 days. A lot of immigrants are charged with a crime that has the penalty of a gross misdemeanor and will plead guilty to it. You do not have to do any time, so it seems like an innocuous crime, or sentence. But when someone is arrested, U.S. Immigration Department changes his status. He has a conviction on his record, so he is unable to become a citizen. This bill changes the definition of a gross misdemeanor from 365 days to 364 days. It is 1/365 less of a sentence, which is meaningless in criminal law, but dramatically changes the impact on immigration status. It is a very small technical change, but has very serious consequences.

In the Senate, we passed this bill unanimously, or perhaps with one "no." We do have a prospective amendment today (Exhibit C). The bill is prospective so, from the day of enactment forward, gross misdemeanors would be 364 days. It does not impact people who have already been convicted of a gross misdemeanor.

We have an amendment which would allow defendants who have one of these crimes on their record to go back to court and petition to have it changed to 364 days. It is not clear how this would affect immigration law, but it is an attempt to help them with the change in status. I was just informed by the District Attorney that they object to the process we have laid out in this amendment, but may be open to a different process that would reach the same result. That would be fine with me.

I have Angela Morrison here from the University of Nevada, Las Vegas law school to explain this bill in detail. [PowerPoint presentation was shown but not discussed or referred to (Exhibit D).]

Chairman Frierson:
Ms. Morrison, I would like us to avoid getting deep into the weeds as much as we can from the outset. In the course of your presentation, please include whether a person can still be deported, or what this 365-day trigger really is. It is my understanding that folks can be deported for jaywalking if the feds so choose. This does not preclude the feds from doing what they do, but it makes us not a factor.

Angela Morrison, Visiting Professor, Immigration Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas:
I will keep my remarks brief. I have submitted a written version of my testimony, which goes into more detail than I will this morning (Exhibit E). I have also submitted a survey of other state legislatures' handling of misdemeanors and gross misdemeanors (Exhibit F).

This bill makes an important change to Nevada law in three respects. First, it ensures equitable treatment of citizens and noncitizens, so we do not have someone who is a noncitizen being treated more harshly by the conviction than citizens. Second is the consequence for the crime match that we in Nevada have decided should be the consequence, so we have more control over the consequences of a conviction for a gross misdemeanor. That eliminates the federal government from coming in and telling us what this conviction means. Third, it supports family unity and makes sure people are not subject to automatic deportation.

Briefly, I want to explain where this is coming from and why it matters in immigration law. Under our current law, as Senator Segerblom said, our current definition of a gross misdemeanor is that someone can be sentenced for one year or less. Once someone is sentenced for one year for certain crimes, under immigration law he is considered an "aggravated felon." Once someone is classified as an aggravated felon, there are many consequences under federal immigration law that come into play and eliminate the ability of immigration judges, U.S. Immigration and Customs Enforcement agents, and other players within the Department of Homeland Security from exercising discretion. For instance, someone who is an aggravated felon is not eligible for relief under our asylum laws. Someone who is an aggravated felon, in some instances, is subject to deportation without even getting an immigration hearing. Other people, including legal, long-term residents, will be put into removal proceedings. There are several forms of relief from removal—such as relatives who are United States citizens—but now that he is classified as an aggravated felon he is not able to avail himself of them. Finally, people who are considered aggravated felons under immigration law are subject to mandatory detention while their immigration proceedings are going forward. Sometimes that can last for years, and they are detained all that time because of the state conviction for a gross misdemeanor that was punished by one year. As you can see, there are a lot of consequences.

Under Nevada law, we have several statutes that are punishable as gross misdemeanors. Many of those are what we would consider minor offenses, and would not consider the person who committed these to necessarily be an aggravated felon. I want to briefly talk about a few of those, which would

include a battery conviction without use of a deadly weapon, possession of burglary tools, and a big one that I see a lot is passing a bad check. Someone who is convicted of felony burglary in Nevada would not be considered an aggravated felon under federal immigration law. On the other hand, someone who passed a bad check and it was punished as a gross misdemeanor with a one-year sentence would be considered an aggravated felon under immigration law and would be subject to automatic deportation.

I have done citizenship consultations. These are for people who have already been legal, permanent residents for a number of years here in the U.S., have American family members, wrote bad checks four or five years ago, were sentenced as gross misdemeanors, and received one-year suspended sentences. I advise them that they cannot apply for naturalization or citizenship, and they are also deportable. This can be devastating to someone who has already made his home in Nevada, bought a house, has a job, and has been a long-term resident who is now subject to deportation.

The other important thing to recognize is that this change in Nevada law does not mean that someone who is sentenced for committing a gross misdemeanor, and is sentenced to only 364 days, is not subject to deportation or removal proceedings. This bill does not affect the ability of immigration judges or federal immigration authorities to deport people who are here without authorization, or who have committed a lesser offense that we would consider a crime of moral turpitude. They would still be subject to removal or deportation proceedings. The difference is now the immigration judge—or Department of Homeland Security officials—can look at all of the circumstances and decide whether other factors should mean a favorable exercise of discretionary relief. This does not mean people will not be removed or deported who committed crimes.

To summarize, there are three main reasons why I think this bill is a good idea. The first is, of course, it ensures equitable treatment of everyone who is convicted of a gross misdemeanor in Nevada. It means that Nevada has control over what we think the consequences of our criminal sentences should be. Last, it ensures family unity and allows people to get forms of immigration relief that they may not have been eligible for.

Assemblyman Duncan:
I am trying to understand this. In one of your examples, there was a felony aggravated battery, and a person who wrote a bad check. Are we trying to eliminate the full 365-day sentence for those offenses, or is it any crime that is eligible for that sentence?

Angela Morrison:
It is a combination of the two. For most crimes to be considered an aggravated felony, the sentence would have to be a year. For instance, if you received a simple battery and the sentence was only 364 days, it would not be considered an aggravated felony. If your sentence was 365 days, or one year, it would be an aggravated felony. Similarly with burglary, the way Nevada defines burglary it would not necessarily be an aggravated felony even if the sentence was five years. It does not require that you actually serve time in jail or prison; it can be a suspended sentence or a period of probation, which is still considered a period of confinement under federal immigration law.

Assemblyman Duncan:
We are basically saying that we want to drop this to 364 days for people who would be sentenced to the full sentence of a gross misdemeanor and would no longer be eligible for the aggravated trigger at the federal level for immigration purposes. Do you know how many people this applies to?

Angela Morrison:
I do not. If the Committee would like me to, I can look and see what statistics are available in Nevada. The difficulty with that is in the past I have tried to figure it out. The courts do not necessarily track immigration status. It would be hard to figure out how many of the people who are being sentenced for gross misdemeanors are citizens versus noncitizens. We could probably get the number of people who were sentenced for gross misdemeanors. I could look at local statistics about people who are in removal proceedings, and how many of those people are in there for aggravated felonies. If the Committee would like me to, I am happy to look into it and submit my findings.

Chairman Frierson:
That would be fine. I believe there is going to be some additional testimony in a practical sense about how this works in court that might provide some insight. I see Mr. Yeager is signed in to testify and can probably provide some information about how it happens in court.

Assemblyman Hansen:
Right now, 365 days is the maximum allowed under existing law. What we want to do is change it to 364 days, so we are taking the discretion away from the judge completely. I have a problem that batteries, burglary tools, and passing a bad check are not significant fines or crimes. Is this law geared toward legal immigrants or illegal immigrants? You just mentioned that the courts are not allowed to determine the status anyway. I wonder where the immigration comes into play if the judges are not allowed to determine that in the first place.

Angela Morrison:
The biggest impact that this has is on legal, permanent residents; people who have been long-term, permanent, legal residents who want to naturalize, or who have committed a crime such as passing a bad check and are now being put into removal proceedings. Frankly, someone who is here without authorization is deportable. Generally, you do not need an aggravated felony to deport those folks. I would say it would be asylum seekers and legal, permanent residents whom I see the biggest impact on for being defined as an aggravated felon.

Assemblyman Hansen:
Basically, I do not like the idea that we are going to take away the discretion of the judge after the hearing, after he has heard all of the consequences of the individual carrying burglary tools, committing a battery, or whatever. Now we are going to tell the judge that he cannot impose a maximum fine because this individual, who has committed this crime, may be deported. That creates a double standard. If I am an American citizen, I should face the maximum penalty. The idea that the judge should take into account—even though he has broken the law—the possibility that the noncitizen may be deported is something that should be considered since maybe he should be deported. That is why the law is set up that way. I have a problem with taking away the discretionary factor from someone who hears all of the details, not just the little bit that we hear in determining this law.

Chairman Frierson:
If I can clarify this for the record, I think that you have misconstrued the bill. The bill simply changes the gross misdemeanor from 365 days to 364 days. What the feds do with that is their business. I do not know that it is any more appropriate for a judge to punish anyone worse because there might be immigration consequences versus punishing someone less because there might not be. Either way, what this says is, for anyone in the state that commits what is considered a gross misdemeanor, the penalty is a maximum of 364 days as opposed to 365 days. You may very well think if you are not a citizen you deserve more scrutiny or worse treatment, but I do not want to have a record of this bill talking about immigration or burglary or aggravated crimes. This bill talks about what the sentence range is for a gross misdemeanor. It is no different to increase the penalty for a felony from one-to-five years to one-to-six years than to say we want to make the sentence for a gross misdemeanor 364 days for everyone instead of 365 days.

Could someone testify about the current cost associated with folks who are held on an immigration hold that we pay for until immigration decides to act? If we do not have to hold them, the feds can still do whatever they want to do with the underlying case.

Assemblyman Hansen:
I am not offended by this. I am not saying this is necessarily a terrible idea. I am concerned because you mentioned that we are not supposed to look at it as being protective of immigrant status, but that is what all of the testimony was about. I do have to say that this is an unusual reason to change the law, to protect a specific class of people when everyone else has traditionally been subject to that legal scrutiny. I think that is something that a judge should legitimately take into account. If, in fact, it would be an unfair thing to go 365 days because someone could be deported for what he felt was a relatively minor crime, that should be left in the hands of the judges.

Angela Morrison:
There is another class of individuals that this affects. Under federal law, if you are convicted of a federal crime and the crime is considered a crime of violence, or an aggravated felony under federal law, you are subject to sentencing enhancements. For instance, there are individuals who are U.S. citizens who are convicted of a gross misdemeanor in Nevada and sentenced to 365 days for something like battery. Then, if they later get put into federal proceedings and are convicted of a crime, that gross misdemeanor is now considered an aggravated felony under federal law and they are subject to sentencing enhancements. That would be whether that person was a citizen or a legal resident.

Assemblywoman Diaz:
I want to make sure everyone is clear about residents. Residents are law-abiding people who have their green cards, who have been working, are paying into Social Security, and are doing everything they need to, and who sometimes get tangled up with this. Then there are consequences for them. Is that not correct? That puts them at a disadvantage and places a roadblock when they want to access the path to citizenship. Am I off base there?

Angela Morrison:
You are correct. That is one of the examples that I gave in my testimony, and my written testimony. That is one of the ways that this issue first came to my attention. These are long-term, legal, permanent residents who have gone through the entire immigration process and now have permission from the government to live and work here permanently. They may now want to apply for naturalization for citizenship. If they passed a bad check, we are told it is not a big deal because it is a gross misdemeanor. They plead to it and get a one-year suspended sentence, so we think it is not serious enough for jail time. But now they cannot even apply for citizenship, and are subject to deportation proceedings. These are people who made a mistake, but most of their lives had played by the rules.

Chairman Frierson:
Are there any questions? Seeing none, I would ask that you stay to provide answers and insight in closing. I will now invite those who wish to provide testimony in support of S.B. 169 (R1) to come forward, both in Carson City and Las Vegas.

Steve Yeager, Deputy Public Defender, Clark County Office of the Public Defender:
We are in support of Senate Bill 169 (1st Reprint). I think it might be helpful to step back for a second and give you an eye into how this actually works in our courts, or at least in Clark County. We have two things going on here. This bill deals with the appropriate punishment for a gross misdemeanor for everyone in this state. But in the background is how that conviction is going to potentially affect someone who is not yet a U.S. citizen, whether that is someone who is here illegally or legally with all the appropriate paperwork.

In Clark County, what happens is someone comes in, and I may or may not know about that person's legal status. For instance, sometimes I know when I am appointed to the case that there is an immigration hold on the client. That is the federal government saying that they have some questions about that person's immigration status, so the federal government places a hold on that person. What does that mean practically speaking? That means the person cannot get out of jail. It means he is going to sit in the county jail until his state case is resolved, at which time the federal government might come and take the person into federal custody and deal with the immigration issue. I may not know that though. For instance, if the person is a lawful, permanent resident, they may not have a hold because they are not here illegally—they are going through all of the channels. As a defense attorney, when I am trying to negotiate a case and deciding whether it is a good negotiation for my client, one of the things that we consider is if this is going to affect immigration.

We have had testimony that the federal government does not necessarily look at state convictions the same way we do on the state level. For instance, Nevada has said that we have a class of crimes called gross misdemeanors. They are not as serious as felonies, but are more serious than misdemeanors. We have, as a state, said that we feel they are not as serious; however, the federal government looks at it and says that a one-year sentence, in their minds, is an aggravated felony, although the state does not feel it is felonious conduct. The consequence can be great. What is the consequence of that? It makes the person automatically deportable. It means that the federal immigration judge does not have discretion to look at all of the factors to see if the person has a job and has been paying taxes. He is not allowed to keep the person in the country. The person must be deported under federal law.

What this seeks to do is to tell the federal government, as a state, we do not think you should be treating these types of offenses as automatically deportable. We want you, federal immigration judge, to have the discretion to decide whether it is appropriate in each particular case to deport or to allow them to stay in the country. That is the consequence we are talking about. Our state court judges do not get involved in immigration. As everyone in this Committee knows, that is a federal issue. The judge may be aware that the person has immigration issues, but those are going to be resolved later by the federal government. On a state level, we have very little we can do to control that. The bottom line is that the federal government is going to do whatever they feel is appropriate in the area of immigration.

In a sense, I see this as a states' right issue to tell the federal government not to come in and treat people as aggravated felons because it is not a serious crime. Is it a serious crime? Yes, they are being prosecuted and will be punished. What we are saying on the back end is that you should have a chance to plead your case to the appropriate immigration judge, and that judge will determine, with input from the federal government and the defense attorney, whether deportation is appropriate.

In terms of the practical aspect of how this works, it is going to help us negotiate cases. We have big problems with trying to negotiate cases where there are immigration issues. The Supreme Court of the United States has told us rather recently in the case of *Padilla v. Kentucky* 130 S.Ct. 1473, 559 U.S. 356 (2010) that, as defense attorneys, we must advise our clients of the immigration consequences, because that is such a serious consequence, and sometimes it is the most serious consequence. We can never tell anyone that he is definitely going to stay in the country because that is a federal government determination. This law would allow us, in certain circumstances, to tell him if he pleads guilty to the gross misdemeanor, it is a maximum of 364 days, and he will at least have the opportunity to plead his case to an immigration judge. He will not automatically be deported, although that could potentially happen. I think that will help us negotiate cases. Sometimes it is a real sticking point when cases would otherwise negotiate pretty easily and quickly.

Assemblyman Wheeler:
You said that a federal judge does not have discretion if the defendant goes before him with a one-year conviction. What you are asking us to do is to give that federal judge discretion, but take away the discretion of the state judge. That is the way I see it. Also, you said this will give you more latitude to negotiate cases. What about the district attorney's side of things? Do they not have more latitude to negotiate cases the way it is?

Steve Yeager:
You are right that the goal is to give a federal immigration judge a little more latitude because of the way criminal convictions are defined in Nevada. I do not see this as taking away discretion from our local judges. They would still have the discretion to impose the maximum penalty of 364 days. They would still have the discretion to send the defendant to jail or give him probation. Essentially, what we are doing is taking one day off of the sentence. The only difference, if this bill passes, is instead of the judge giving someone 365 days, he can give them 364 days. Discretion has not changed in any other way, because it is not the local judge who is going to decide the immigration issue. The local judge just sentences on the offense, and then it moves on to the federal system. In a sense, taking away one day from a sentence potentially limits discretion, but as Senator Segerblom said, we are only talking about 1/365 of a sentence.

Assemblyman Wheeler:
It seems that you are saying the state judge does not know that this guy could be deported, but of course he does. You are taking away the discretion to send this to a federal court for deportation hearings. In some cases he should, and in some cases he should not, but I think that discretion should be left up to the judge because he is the one trying the case. We do not know the specifics of every case that goes through court, whether it is for a U.S. citizen, a legal immigrant, or an illegal immigrant. It is truly not any of our business; we make laws. It is already the local judge's discretion whether he sentences him to 364 days, is it not?

Steve Yeager:
Yes, it is.

Assemblyman Wheeler:
Can you address my other question about the district attorney?

Steve Yeager:
I will get to that question in a minute. I have a couple of things I want to mention. First, the judge does not always know. He could have a lawful, permanent resident who has a green card, so there will not be an immigration consequence flag. Second, for the record, it is not the local judge who refers the case to the federal government for possible deportation proceedings. The federal government makes that decision after a case is negotiated. If in custody, the defendant may sit there until the federal government has time to come get him, or they can say they do not want to deal with it and he is released. It is the federal authorities who typically make that choice.

In terms of the discretion on the district attorney's side, I cannot speak for them. You will hear from them, but I think they would appreciate this option as well, because there are times when both the district attorney and the defense attorney want to negotiate a case. They may want to negotiate it to a gross misdemeanor. The sticking point is the potential deportation consequences. Everyone agrees that is not a serious case. The testimony in the other House was that they did not mind having the ability to negotiate a case to allow the defendant to plead later down the road to stay in the country.

Chairman Frierson:
You clarified the point that judges do not refer matters to immigration court for deportation. I feel compelled—having been in your seat for several years—to clarify the issue. You can be deported for being in jail for 364 days. There are still potential immigration consequences with a sentence of 364 days. My reading of the bill is that it takes it out of the automatic category and actually makes it discretionary.

Steve Yeager:
That is correct. Really, the federal government can deport you at any time. There are due process protections on the federal side, but it is always going to be up to the federal government. This bill will not take anyone out and say they cannot be deported; it merely, in some circumstances, gives the judge the discretion to deport a person or not. Under existing law, that would be automatic. I tell clients this, and we try to give them good advice about what may happen down the road as far as immigration and deportation. It is difficult since we obviously do not speak for the federal government, and they are going to do what they want to do. They can deport you whether you get a three-month sentence, a six-month sentence, or a five-year sentence. It will be based on the factors that exist in federal law.

Assemblyman Duncan:
Any gross misdemeanor that carries a sentence of 365 days falls into the automatically deportable category. Are any felony convictions, regardless of how much time you get, also categorized as automatic deportation? When someone commits an offense that he is automatically deported for, is there a notice given to the federal government? How does that work? How do they learn about the conviction?

Steve Yeager:
Immigration law is very complicated. There are certain gross misdemeanors where, if you are sentenced to 365 days, the federal government says they are going to consider them aggravated felonies even though they know they are gross misdemeanors under state law. Some, but not all, of those make you

automatically deportable; it depends on a complicated analysis on the federal level. The flip side of that is—you heard the example about felonies—some felony convictions are also automatically deportable; for instance, a robbery or a murder. However, under federal law, something like a burglary may not necessarily be considered an aggravated felony. What the federal law does is look at how Nevada defines the crime, and based on the state definition they decide whether they think it would be an aggravated felony. You have an odd outcome when the state can say these crimes are not serious, but the federal government can say that they are, and vice versa. I do not profess to be an expert at immigration, but that is my understanding.

In terms of your second question, which was the notice that is received, my understanding is when people are booked into jail, there is some kind of interchange of communication between the local and federal authorities. Immigration and Customs Enforcement will be alerted that we have this individual at the jail. From that point, the federal government can decide if they want to put a hold on the person, which means they are going to monitor how his conviction turns out. I think the exchange of information happens at the booking level. I cannot tell you the exact mechanics of it, but usually by the time I get the case three or four days after arrest, the federal government knows about it and has decided to put a hold on that person.

Assemblyman Hansen:
One of the reasons for this bill that was brought up earlier was the concern over breaking up families. If I am an American citizen, but I am caught with burglary tools and have a shady past, and the judge sentences me to 364 days in jail, that would have a profound impact on my family. Is that not true under all circumstances when people are sentenced? Does the judge say, if you are the breadwinner he will not throw you in jail even though you deserve it, but he will if you are single?

Steve Yeager:
I would agree that any criminal conviction would probably have an impact on the family, particularly when you talk about someone who is incarcerated as a result. Every day in this state judges make those determinations when they are looking at sentencing. I would be lying if I said the judge does not ever take into consideration that someone is the sole breadwinner and what the impact of putting that person in jail may be. Sometimes I think those particular people may get a break where a single person would not. Those are always decisions that are made at the judicial level.

The point about breaking up families that was made was about someone being in jail locally. That is categorically different from someone being deported to

another country and his family may still be here, so they would not have access to visitation. Then, there is the issue about having the family that is on track to becoming U.S. citizens, and then something like this happens and one of the members of the family gets deported. How does that affect the rest of the family? I agree that it is going to disrupt a family no matter what. We are talking about different things and sending a family member to a different country.

Assemblyman Hansen:
Normally, there are consequences to breaking the laws that often impact completely innocent third parties. If I rob a bank tomorrow and get sentenced, it would affect my wife and children. That is something that we are looking at backwards. Laws are supposed to protect society, not necessarily just think about the consequences for the person who perpetrated the crime. I do not want to be breaking up families—I am very family-oriented—but I also do not want to see people basically being exonerated from serious crimes simply because they have family connections.

Assemblywoman Dondero Loop:
Could you clarify for me how one knows if someone being booked is documented or undocumented?

Steve Yeager:
I do not know the answer to that. I think some type of analysis is done once the person is booked into jail when they confer with federal authorities. Unfortunately, I am not involved with that process, but there might be someone here who can answer that.

Angela Morrison:
I know the answer to that. There are two programs that local jails have: one is called the 287(g) program, where they share information with the federal government in our local booking procedures; and the other is called Secure Communities, where local law enforcement has access to the federal immigration database. There are a few ways they do this. One is that they actually ask people when they are booked if they are U.S. citizens. It does not matter whether someone is documented or undocumented. They look at foreign birth initially; then they run the person's name and aliases through the federal computer systems to see what their immigration status is. That is the way they get that information.

Assemblyman Ohrenschall:
Do you know of many cases where the person who is subject to deportation or removal has committed no other crime other than attempting to get a fake

identification (ID) so he can work and raise his family? I have heard that happens a fair amount. Using a fake ID to work is a felony and can subject someone to deportation or removal.

Angela Morrison:
This bill would not impact people who are using false identification to get work. A lot of those folks are charged in federal court with either felony identity theft or a misdemeanor, which in Nevada is a felony. This bill only changes the punishment for gross misdemeanors. This would not change the circumstances for people who are doing that to obtain work. That would require the redefinition of a felony.

Assemblyman Ohrenschall:
From practicing criminal defense, I have seen some of those folks who are initially charged with the felony of obtaining a false ID, but then settle to a gross misdemeanor and may do a year at the county jail. I think this bill may help those people whose only crime is obtaining a false ID so they can work, and otherwise are paying taxes, contributing, and doing everything that anyone else would do.

Assemblyman Wheeler:
We are getting into the weeds on the immigration thing. I wonder if there are other consequences of having a one-year sentence like getting a job or going into the military or things like that that this bill would address besides immigration policies.

Angela Morrison:
The one example that I can think of is the one I gave earlier, which is that it can be a sentencing enhancement or aggravator for people who are convicted of federal crimes. It can substantially increase the sentence that you receive in federal court if you have a prior conviction that would be considered an aggravated felony under federal law. I am not sure about the ins and outs of other examples. I have heard of instances—and it might be in the Senate testimony—where it can affect security clearances for people who are joining the military, or who want to obtain federal employment that requires a security clearance.

Chairman Frierson:
We have a bill this session that deals with eligibility for boot camp. One of the criteria is whether they have served time in jail for a year, or 365 days. We just heard that bill about three weeks ago where a young person up to 21 years old would not be eligible for boot camp if he had served 365 days in jail.

Mr. Yeager, could you clarify if this bill attaches to folks who have served time, or folks who have been convicted of a crime that carries a certain sentence?

Steve Yeager:
I am not sure I understand the question.

Chairman Frierson:
Does this bill impact folks who have gone to jail for the 365 days that we are now trying to make 364 days? Or does this impact folks who have been convicted of a gross misdemeanor no matter what the underlying sentence is? Even if it is suspended, would there be implications? We are talking about people who are exonerated and whether they are doing time. Would there be immigration consequences for someone who is convicted of a gross misdemeanor under current law, but the judge sentences him to probation and not time? Would this still trigger immigration consequences under existing law even if the judge exercises his discretion and decides time is not warranted? We are not necessarily talking about time people actually serve as much as the sentence they are exposed to.

Steve Yeager:
Yes, I understand the question. Typically, a federal judge will look at what the punishment was for the crime in terms of what the possible punishment was, not the actual punishment. This could potentially affect the people who are convicted of a gross misdemeanor and the judge gives them credit for time served. Those people could still be subject to immigration consequences. That is a good point of clarification. That is a potential benefit that this legislation would have on people the state judge says have done enough time for what they did. The immigration authorities may not see it the same way.

Assemblyman Hansen:
The comment was made that these people are only getting false IDs so they can get a job, yet they can be deported for it. What you have to realize is that, when they get a job, they are potentially taking the job away from someone who obeyed the law, or someone who is a legal immigrant or a native-born citizen trying to get that job. While it is true that they are technically only breaking the law to get a job, there are consequences to others, and that is why I suspect those punishments are enhanced.

Chairman Frierson:
In my experience in criminal law, people have sat in jail for over three months before they were deported when they were not doing time under the state statute under which they were convicted.

Mr. Yeager, in your experience, what time frame are we looking at since it has been a while since I worked in that arena, and who pays for it?

Steve Yeager:
There are a couple of ways to answer that. First, if the person has an immigration hold on him, and the state case is still ongoing, he will remain in the local detention center. He cannot post bail and the judge cannot release him from custody and he is going to sit there regardless. In that circumstance, that will be a local charge because the person may otherwise be able to get out of jail while fighting his case, but cannot. In terms of after a case is resolved, an individual can sit in county jail for an additional 30, 60, or 90 days before the federal government decides whether they want to actually take the person into federal custody. I am not sure who pays for that, but I would assume the federal government would since the state is ready to release him. That process can take a while, and then, if the person is convicted, the federal government can wait until he has served the entire sentence and then deport him. They could also deport him midway through the sentence, or up front. I have seen it every way, but it is not unusual for the federal government to wait for them to serve their entire sentence before deportation. That would be a charge against the county or state, depending if the person is in jail or prison.

Chairman Frierson:
Is there any more testimony in support?

Kyle Edgerton, Immigration Assistance Manager, Immigration Assistance Program, Catholic Charities of Northern Nevada:
If you get a chance to review the testimony that was submitted (Exhibit G), I put something together and would like to quickly go through this since a lot of my testimony was already addressed. I will address some of the questions that were brought up.

Some of the Committee members have grappled with the issue of what the 365 days are and what we are doing. I would like to emphasize, in the context of aggravated felonies and crimes involving moral turpitude, sometimes the threshold is the possible punishment of such a crime. It is not just the judge's ability to impose a sentence; it is also any conviction for a gross misdemeanor. However, the sentence imposed may be significantly less, like time served. That is something to keep in mind; that is what it comes down to.

Non-immigration related purposes for this legislation is to clarify the bright-line between what we determine to be misdemeanor conduct and what we determine to be felonious conduct. It really is that one-year threshold and making that a bright-line. Professor Morrison's testimony highlights 31 different

states, 17 of which—including Nevada—attempt to use 365 days as that threshold between felonious and misdemeanor conduct. Where we are currently stumbling over ourselves is where we have the overlap at 365 days between the maximum penalty for a gross misdemeanor and the minimum penalty of various classes of felonies. If we clarify that, there are some non-immigration related reasons for doing so.

I cannot give you specific numbers to address some of the questions that were brought up previously—in terms of the number of people this applies to—but I can tell you in fiscal year 2012 there were about 208,000 removals through the deportation system. This is from the Syracuse University's Transactional Records Access Clearinghouse (TRAC) system. Of those 208,000 removals, approximately 32,000 were crime-related, which works out to about 15.3 percent. If you break down the numbers, about 22 percent of the removals through immigration courts from Nevada were for crime-based reasons. If you compare the national rate of 15.3 percent and the Nevada rate of 22 percent to two states, Illinois and Washington State, where legislation like this has been implemented, you will see much lower rates. In Washington, where it was recently imposed, there is a 16 percent rate, and in Illinois, where it has been in place a little longer, it is 12 percent. The indication is that, by implementing legislation like this, you are eliminating a significant number of removals that would not have taken place except for the possible 365-day punishment. These are some reasons to consider that.

In terms of cost, the federal government spends about $2 billion per year to detain 32,000 individuals, and a significant portion of that is going to be related to these issues. There is a program for reimbursement that is called SCAAP [State Criminal Alien Assistance Program]. The federal government will reimburse state and county jails for detention through the reimbursement program that has certain limitations.

Assemblyman Hansen:
You said that the Syracuse study indicated there were 208,000 people deported and 32,000 of them were related to crime. Is that right? The reason I ask is that would mean there were roughly 176,000 people deported that did not do anything wrong.

Kyle Edgerton:
Yes. The Syracuse University TRAC system is actually real-time data, so you can look at it if you are curious. We get this number thrown around a lot. There are 400,000 removals per year, which encompasses a number of removals that include stipulated removals, where people sign their deportation papers in jail, border removals, and expedited removals. Within the immigration

court system, there are different types of relief; however, since only 32,000 people were removed because they had criminal convictions, 208,000 people were removed because their attempts to seek asylum or some other relief was denied, or for any number of reasons.

[Vice Chairman Ohrenschall assumed the Chair.]

Assemblyman Hansen:
My understanding is that most people who are deported have actually broken immigration laws, and that is why they were deported. Am I missing something?

Kyle Edgerton:
Yes, that is correct.

Assemblyman Hansen:
That is what I was getting at. You said they were crime-related. Being an undocumented immigrant is in and of itself a crime. You are saying that in 32,000 cases there was an additional crime committed for which they were deported. The breaking of the border is already a crime. Correct?

Kyle Edgerton:
Yes, people who are here outside of lawful immigration status are subject to deportation.

Assemblywoman Fiore:
Can you give me that website again?

Kyle Edgerton:
Are you referring to the TRAC study?

Assemblywoman Fiore:
Yes.

Kyle Edgerton:
I do not know it, but it is Syracuse University and the acronym is TRAC.

Vice Chairman Ohrenschall:
The consequences of a gross misdemeanor conviction and the 365-day sentence do not necessarily hurt only folks who have come here with no documentation. Am I correct? They can also hurt someone who is here legally and working. One conviction for a gross misdemeanor can ruin that. We have a bill working its way through session now that makes a second offense of

feeding a wild horse a gross misdemeanor. I do not know if that is an aggravated felony within the immigration department, but we have a lot of gross misdemeanors on the books. It is important for the Committee to understand that the consequences of this 365-day gross misdemeanor can harm someone who is doing everything he should be doing through the immigration process. Is that correct?

Kyle Edgerton:
Yes, and I would refer you to Professor Morrison's earlier testimony, which was excellent. It spoke to the largest number of people who are going to benefit from a change such as this. They are people who are currently in lawful status, and lawful permanent residents who are facing these absolute, black-or-white types of consequences for different kinds of offenses that we may not deem to be reprehensible. I would agree that the largest impact is on the folks who are deemed to be aggravated felons, which includes a large number of folks who have lawful status.

Vice Chairman Ohrenschall:
In your experience at Catholic Charities and heading up the immigration department, do you find that the deported person is often the breadwinner in the family?

Kyle Edgerton:
Yes, frequently the person who is convicted of a crime does have a family to support. We frequently see that it is not a flurry of activity where someone is detained, convicted, and thrust into immigration custody. Many times, the criminal proceedings play out where a suspended sentence was imposed—or no sentence was imposed—and it is not until that person goes to renew his permanent resident card after ten years, or goes to apply to become a U.S. citizen, or for some other reason is submitted to a background check, that this reveals itself. As Professor Morrison indicated, even at a naturalization workshop or consultation, they are hoping to take that final step toward becoming an American citizen and are confronted with the inability to do so. It is also a threat to their ability to remain in this country with their families.

Vice Chairman Ohrenschall:
Are there any other questions? I do not see any. Is there anyone else here to speak in favor of Senate Bill 169 (1st Reprint)?

Astrid Silva, representing Progressive Leadership Alliance of Nevada; and the Nevada Immigrant Coalition:
We are here in support of S.B. 169 (R1) as a positive bill for our Nevada Racial Equity Report Card. To echo what has already been said, we fully support it. We also want to mention that, in Nevada, there is a statute where using a false coin in a vending machine can also qualify as a gross misdemeanor. There are a lot of different things that qualify as a gross misdemeanor that would affect people who are in immigration proceedings. Again, we want to support this bill.

[Chairman Frierson reassumed the Chair.]

Yvanna Cancela, representing the Culinary Workers Union Local 226, wanted to go on record in support, but she had to step out.

Riana Durrett, representing Nevada Attorneys for Criminal Justice:
We are here in support of the bill. It has been thoroughly explored and justified by the other speakers, so I will not add any additional comments except to address the concerns about taking away the judges' discretion to sentence defendants to 365 days.

This is an arbitrary number that was probably passed before the 1996 amendments to the Immigration and Nationality Act that took away the federal judges' discretion in cases where people are sentenced to a gross misdemeanor and serve 365 days. I would imagine the gross misdemeanor statute predated that, and there was no conscious decision to give local judges the ability to impose automatic deportation. There was no authorizing of that discretion, so there is no taking it away. I am happy to answer any questions about the practicality of how this works.

Chairman Frierson:
Is there anyone else wishing to offer testimony in support? I see no one. Is there anyone wishing to offer testimony in opposition in Carson City or Las Vegas? I see no one. Is there anyone wishing to offer testimony in a neutral position?

Peg Samples, representing the Nevada District Attorneys Association:
We are neutral as to the main part of the bill. We are in opposition to the amendment for several reasons. We believe allowing people to come forward and file a petition with the court to get their gross misdemeanor reduced to a misdemeanor will present an administrative problem. It will increase motion work and clog court calendars that are already busy.

The second thing is there has been a lot of talk this morning about batteries, bad check cases, and things of that nature being gross misdemeanors, but there are also other things like attempts to commit felonies, conspiracies to commit felonies, open and gross lewdness, and statutory sexual seduction. These are obviously in a different category.

The next reason is that the amendment does not provide a standard for what good cause is. We are leaving our judges out there with no guidance or pathway for what they are supposed to determine good cause is. The amendment does not take into consideration the facts of each case. It does not take into consideration whether it was plea bargained down. What was the advocacy process that the prosecutor and defense attorney used when they were conducting their plea bargains? That should be given weight. It does not tell us what the misdemeanor would be; it could be a petit larceny, a disorderly conduct, or any number of things. The amendment, as written, does not say whether it is the discretion of the prosecutor or the judge. Therefore, we are in opposition to the amendment.

Chairman Frierson:
To make sure I have this right, is your position on the original bill neutral?

Peg Samples:
That is correct.

Chairman Frierson:
Is there anyone else to offer testimony? Seeing no one, if Ms. Morrison has any closing remarks, please come forward.

Angela Morrison:
I do not have any closing remarks, but I would refer you to my written testimony and the sample of the states' survey that I submitted.

Chairman Frierson:
With that, I will close the hearing on Senate Bill 169 (1st Reprint). I will now open the hearing on Senate Bill 141 (1st Reprint).

Senate Bill 141 (1st Reprint): Revises provisions governing the dissemination of records of criminal history. (BDR 14-881)

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2:
I submit Senate Bill 141 (1st Reprint) for your consideration. This bill is an uncomplicated bill, yet it is quite significant because it seeks to provide our court-appointed special advocates (CASA) of children a valuable tool to better

ensure the safety of the children they are assigned. The bill adds CASA programs in our smaller counties to the list of entities and persons to whom criminal justice agencies must release criminal history records.

I introduced S.B. 141 (R1) on behalf of the CASAs in Nevada. They are trained volunteers who serve as guardians *ad litem* for children in need of protection under *Nevada Revised Statutes* (NRS) 432B.500, which outlines the duties and responsibilities of these volunteers on behalf of the community children they serve. Typically, these are children who are in need of permanency and safety in their lives, and securing that for them is the primary role of CASAs. *Nevada Revised Statutes* 432B.500 assigns CASAs several duties, including, but not limited to, thoroughly researching and ascertaining the relevant facts of each case for which the guardian *ad litem* is appointed to ensure the court receives an independent, objective account of those facts; and presenting recommendations to the court and providing reasons in support of those recommendations. In order to prepare confidential, objective reports and recommendations to the court, CASAs must conduct comprehensive investigations to ensure the safety of the children they represent. Currently, CASAs search by hand or online through court documents to ensure those being considered for child placement are not criminal offenders. This process is particularly difficult in rural counties with populations of less than 100,000 due to their limited resources. Time is of the essence in this process and passage of this bill will shorten the process of establishing permanency for children who are in the court system through no fault of their own.

There are already 23 entities listed under NRS 179A.100 that are entitled to receive records of criminal history, and our CASAs who serve as guardians *ad litem* are simply asking to be added to this list. I will mention that this moved out of the Senate Judiciary Committee and on the Senate floor with no opposition. I will defer to the supporters of this legislation to answer any questions you may have.

Chairman Frierson:
Was it your intention to have additional introductory remarks or to have assistance in answering technical questions about CASA?

Senator Denis:
We have some additional introductory remarks.

Linda Cuddy, Coordinator, Court Appointed Special Advocates of Douglas County:

I do not know how familiar you are with the function of CASAs, but they are amazing volunteers, some of whom have accompanied me here today. Many others are in court today and could not be present. These volunteers are appointed by the Ninth Judicial District Court in Douglas County and are appointed around the state by the various district court jurisdictions to represent the best interest of children who are involved in matters before the court. Primarily, those would be abuse and neglect cases. We are appointed by the court with a five-page order which directs us to seek as much information as possible so we can make recommendations to the court regarding the welfare of these children. Abuse and neglect are our first and foremost responsibility; however, we serve many other functions. We also provide volunteers to work on custody cases; highly controversial custody cases, where the court feels they need more information on the parties involved.

We also work guardianships. We have had a huge increase in guardianship cases, primarily grandparents and great-grandparents who are seeking guardianship of children whose parents are unable to safely raise these kids any longer. We also work on paternity cases. While abuse and neglect are our priority in the rural counties, we do not have that many abuse and neglect cases; perhaps it is 50 percent of our caseload. With our order that the judge gives us, we are directed to go out and seek information on everyone involved in the life of the child. The purpose is safety.

I submitted some testimony (Exhibit H) and I hope you have had an opportunity to look it over. One of the things that I want to stress is that this is used for positive reasons as well. Not only does it tell us more about the parties involved—such as drug history or previous domestic violence issues—but we also, in the last two years, have located biological fathers who did not know about the child. We did this through incident reports that we were able to find in other jurisdictions, and were able to contact the biological parents who turned out to be very appropriate placements. They not only did not know that they had children, but the biological mother had no way of contacting them. We were able to do this through records that we obtained.

The process is tedious for us. The larger jurisdictions, for example Clark County and Washoe County, have the advantage of working through their court administrators. It is my understanding from talking with the directors of those programs that they are provided with that information. It is much easier for them to obtain. It takes us a very long time to obtain the information we need to make the appropriate recommendations for the safety of these children. As Senator Denis said, we are asking to be added to NRS 179A.100. We are

asking to be added to the 23 agencies that are currently able to receive this information. For that reason, CASA of Douglas County and all of the children that we serve are in support of S.B. 141 (R1) and request your support.

Chairman Frierson:
You should probably know that I am a Chief Deputy District Attorney in the Child Welfare Division in Clark County. I know how it works, and I have to acknowledge that I am concerned about the notion of expanding the people who get criminal background checks. I, for one, am not even allowed to consider criminal history in making an assessment for placement. Every time I have asked, I have been rejected because it is not allowed when we are audited. In the court system, the court has access, Child Protective Services has access, and the district attorney has access, so there is no void of access to criminal history. Of all the organizations listed in existing law, none of them are volunteer based. They are generally departments, agencies, law enforcement, gaming control, and things like that.

I am concerned about the policy statement. If it is a good policy, why is it a good policy for small counties, but not for large ones? Large counties have a significant number of placement issues and parties that contribute to the information that the court needs to make its decision.

Linda Cuddy:
There is no difference. That information needs to be available to any volunteer or nonvolunteer who is working on behalf of the welfare and safety of a child. However, in my speaking to the CASA people in both of those larger counties, I am told they do not have any issue with getting that information. Also, the Division of Child and Family Services does its background checks as well. That is fine on abuse and neglect cases, but we work many other types of cases. The rurals do have that issue; we have a very difficult time getting information. What we have to do is go to each jurisdiction where the parties have ever lived and seek information with our court order on the families. Sometimes we are successful, and sometimes we are not. Either way, it takes a very long time to get through that process.

Chairman Frierson:
When you say "we," are you talking about CASA of Douglas County?

Linda Cuddy:
Court-appointed special advocates in the rurals.

Chairman Frierson:
But the district attorney has it, right? Is there an indication that the court is making decisions without the benefit of the criminal histories of the folks involved?

Linda Cuddy:
The district attorney has the advantage of getting criminal history, but we do not. They do not share that with us.

Chairman Frierson:
My point is that the courts are making their decisions with all of the information, including the criminal record that is accessible by the district attorney's office.

Linda Cuddy:
If it is an abuse and neglect case, which we call a "432B," then yes. In the other cases that we work, and the district attorneys are not involved in those cases, then no.

Chairman Frierson:
Can you share the types of cases a CASA would be involved in where no one else has the benefit of criminal records, and criminal records are relevant?

Linda Cuddy:
Those would be divorce cases, custody cases, paternity cases, and guardianships. Those are the other cases that we work. We also work some juvenile probation cases as well. The court will ask CASAs to interview family members in juvenile probation cases because they have a concern about what may be happening within the family. Perhaps this is the third or fourth child within the same family that has been in front of them. We do a very comprehensive investigation on all of our cases as directed by our court order.

Chairman Frierson:
I know Mr. Thompson, who is a CASA, has a question. The other concern I have about this, as it applies to small counties, is the reality that in smaller communities folks know each other and are now being given access to people's criminal background checks, which are otherwise confidential. It is a concern.

Linda Cuddy:
We make our reports with all of the information that we gather in a confidential manner to the court. We do not share any of the information that we gather. We are only mandated to present that information to the court.

Assemblyman Thompson:
Why is knowing about the criminal background readouts more important than creating the relationship with the family, and getting the information from the family and those people who are important to the family, and then making your objective report to the courts?

Linda Cuddy:
We are not adversarial with the families. Our first mandate is to reunite a family when there have been issues. Many of those issues are very serious; for example, drugs are a major thing for us to deal with in our cases, as is domestic violence. We are in a transient community, and happen to be on the California line. We have families that we know absolutely nothing about because their history in the community is very brief. If we are dealing with a case—which did actually happen recently—of domestic battery, and we have a man who perpetrated on his wife, all we have is the instant crime for which they are in front of the court right now. It was bad enough that the state decided to remove the children because their safety was in jeopardy. Since we were able to go back, we found where the people lived in the past, we were able to gather incident reports, and we learned that this had been going on for a very long time. This woman was a victim of domestic violence and domestic battery for years, as were her children. The advantage is we now know how pervasive the problem is and are able to provide services and resources that this family desperately needs to stay together. We have to know the extent of the problem.

Assemblyman Thompson:
In your community, do you have child and family team meetings? Those are meetings where all of the players come together—including the children if their ages are appropriate. Does that happen? If so, you should be able to identify criminal records, problems, or issues through the case plans. I am trying to understand the programs in the rural communities. The child and family team meetings are extremely important.

Linda Cuddy:
They absolutely are, and we do those regularly. Again, those are abuse and neglect cases only. We have regular child and family team meetings; however, what is presented does not always represent the complete picture. The Division of Child and Family Services does a wonderful job of gathering information and conducting their investigations. The difference for us is that these social workers are tremendously overworked right now and their caseloads are enormous. We have one case per CASA, maybe two. We have more time to devote to the investigation work. We are able to get information that they are not because we have the time to gather it. I make the calls myself to all of the

various jurisdictions to gather this information, and we usually provide that information to the state. The way the case is presented is not always the way the facts lay.

Assemblyman Thompson:
My main concern with this is that I would not want it to create a bias if the family is broken and has a criminal background. I would not want that CASA to go in there with a preconceived notion. That is where I was going from the beginning. Relationship building is key, because the ultimate goal is to reunite that family. I have been in situations where families have been extremely broken and I personally did not think they could be reunified, but they were.

Linda Cuddy:
It is my responsibility as the program administrator to ensure that does not happen. It certainly is human nature to develop a preconceived notion.

Assemblywoman Fiore:
I have a question about you and your volunteers viewing the criminal backgrounds of these people. Are you and the volunteers subjected to a background check before you begin working with our children in Nevada?

Linda Cuddy:
Yes we are. We routinely run our volunteers through the child abuse registry, and do fingerprinting and FBI checks.

Assemblyman Wheeler:
What you are saying is that the more information you have, the better you can do your job. Correct?

Linda Cuddy:
Yes, sir; absolutely. It ties our hands not to have the appropriate information, and it is for the family's benefit that we have it.

Chairman Frierson:
Are there any more questions? Seeing none, I will invite those who wish to offer testimony in support of S.B. 141 (R1) to come forward, both here and in Las Vegas.

Frank Schnorbus, Special Advocate, Court Appointed Special Advocates of Douglas County:
I have been a CASA for 12 or 13 years. I think Linda Cuddy put it very well. The amount of work that you put into a case is amazing.

I would like to address a couple of things that were just brought up. As CASAs, we are sworn by the court. We are not allowed to discuss the case with anyone other than the court or other CASAs who are similarly sworn in. That is as far as the information is allowed to go. I believe anything beyond that would be contempt of court. We find a lot of information on families that would be very sensitive and we are not even allowed to pass it between family members. This is for the children.

To answer why this is needed instead of using family members, the problem I often run into is that accusations are made by other family members. The CASA is then burdened with determining if the accusations are really true. The only way to do that from a legal standpoint is to get the records and find out. We need a way to confirm or deny those allegations. Many times accusations are made that are totally false, and we need to confirm they are false.

I would like to point out on page 4, line 5 of the bill itself, says "any reporter for the electronic or printed media in a professional capacity for communication to the public" is allowed to have this information. Basically, they can get this information and put it in the newspaper. All we are asking is that CASA be allowed to join this list so we can give it to the court, and not anyone else. The newspaper reporters may already have this and they can, and do, take this information and publish it. I ask for your support on S.B. 141 (R1).

Chairman Frierson:
I am still frustrated that you are saying you need this information to make sure the court makes the most informed decision, because the court already has all of this information. It seems more like you do not have the information and you want it too. Would it not suffice for the court to make that available to the stakeholders they deem appropriate? If this is good policy, why is it not good policy for the whole state?

Frank Schnorbus:
If I understand your first question, the court does give us the ability to seek this information in the court order. It is a matter of finding the legitimacy of the information that we are being told—sometimes by the children themselves. If I am told something by one of my CASA children, I become concerned and need to know more. As a volunteer, I can only go to other family members or wherever the court order specifies. It could be school personnel, school records, or medical records. There are a lot of ways for me to try to get information. I do not want to turn in a CASA report to the court, then go home and read about something I missed in the newspaper because I did not have access to it. Some of our cases are high profile and are in the news. We hear about abuse and neglect cases that are also being watched by the media.

I have been involved in a couple of those. I want to make sure the court has the information; that is as far as it goes.

Chairman Frierson:
That is my point. If our goal is to make sure the court has it, and by statute the Division of Child and Family Services and the district attorney's office have it, are we really talking about a risk of the information not being provided to the court? These are the entities that make the recommendations to the court with the input of the CASA. Is this more like everyone else has it, so you want it too?

Frank Schnorbus:
That gets to the heart of what it means to be a CASA. Everyone involved in court has his attorney and a point of view. They are trying to do a good job. No one, except the CASA, is going to ask the child what he wants and tell the judge that this is what the child thinks and it is from his point of view. That is where the CASA is coming from. You would essentially give this information to the advocate for the child.

Chairman Frierson:
When you say advocate for the child, you are talking about the child's best interest. There is a Children's Attorney Project (CAP) attorney who is, in some cases, the advocate and voice of what the child wants.

Frank Schnorbus:
They have different functions. You have a person who is advocating for the child legally, which of course CASAs do not do. You also have an advocate for the child who is saying that the child wants to live with her grandparents. There is no legal way to put that out, but I can put that in my CASA report. I can put in why she wants to live with her grandparents, and get into some of the more difficult aspects of the case. It is trying to get the same information everyone else has into the hands of someone who is working with the child, not from a legal standpoint, but from what the child wants.

Chairman Frierson:
Is there anyone else in support? [There was no one.] Is there anyone who would like to offer testimony in opposition here or in Las Vegas?

Jill Marano, Deputy Administrator, Division of Child and Family Services, Department of Health and Human Services:
I am here to talk about some of our concerns with S.B. 141 (R1). I want to start by saying that we in child welfare really appreciate the support and service the CASAs provide. They serve a critical role in advocating for a child's best

interests, and help us to ensure we are providing the most appropriate service. That being said, we in child welfare view our role as ensuring a child achieves permanency in the most timely fashion possible. We are the ones working toward reunification and ensuring the safety of a child.

I want to go back and explain why we were not at the first hearing in the other house. It was an unfortunate error on our part. From our first read of the bill on the Senate side, we understood it to mean that CASA would be looking at background checks for their volunteers, which of course we thought made sense. After reading the testimony and seeing the amendment, we realized that we were incorrect in our assumption of what this bill was doing. That is why we are here now.

The other thing I want to do is echo the concerns of Chairman Frierson and Assemblyman Thompson. They are the same concerns that we have had. We view CASA as representing a child's interest in court and do not believe that this depth of criminal information is necessary for them to do that. We believe it is their job to ensure that a child's interest is being represented, but the job of ensuring safety is that of the child welfare agency. Allowing this expansion of their role creates confusion about whose job case management is. To ensure the best services, we need very clear roles. Additionally, as has been noted, the original draft of the bill included Washoe and Clark Counties' CASAs. They chose to be amended out of this bill, and it is presumably because they did not view it as their responsibility or role to have this kind of information.

To piggyback on that issue, about eight years ago the federal government came out and did our Family and Child Services review. One of the things they noted was that the three child welfare agencies in the state functioned so vastly different that they were more like three different countries than three different jurisdictions. We have worked very hard on aligning our services and practices across the state. Three years ago, when the feds came out again, they said we had done a much better job of looking like one state operating in a consistent fashion. Our concern, because CASAs play such a vital role across the state, is that by allowing one CASA organization to work and function different from the others, we would take a step back and move from the consistency that we are working on and that the feds require.

For consistency, the state is training all child welfare agencies on the same national safety model and working with families throughout the life of a case. This is a prescribed national model that does not include CASA as one of those agencies that assess safety and work on that issue. The concern is that we would threaten the fidelity of the model in the rural regions if we allow CASA to take on this extra role.

Assemblyman Hansen:
As I look at this, section 1, subsection 7 says, "Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities . . ." so it is not limited to government entities. It almost has the entire alphabet of who can have this, including persons and agencies authorized by statute, ordinance, executive order, court rule, and court decision. Then is what they are asking for, "A court appointed special advocate program," be allowed, so you still have court overview? Any reporter can have this information, so I wonder why we would not allow CASA or a similar organization that is court appointed to have this kind of information.

Jill Marano:
From our perspective and from hearing the testimony, the concern is that it grants the authority to begin doing more case management. It is a concern that there be no role confusion, and that we stay focused on ensuring that each entity involved in a child welfare case has a very specific role to ensure the best services possible for the child. If we move safety or reunification work into the CASA's role, roles become confused and the children receive a lower quality of services.

Assemblyman Hansen:
Is that not what the court does? Is the judge not like a referee as to who gets to do what in these situations? Since this is court ordered and court supervised, I would assume that concern would be handled by the judge himself.

Chairman Frierson:
For clarification, you are inserting "supervised." Would someone like to expand on that? Court Appointed Special Advocate is the name of the program, but I do not know what level of court supervision there is. There has not been any testimony about that. I do not want that to be confusing, and I heard you mention that twice. I do not want there to be a misconception about the court supervision of this any more than anyone else who appears in court. It is a separate department and not something that is run by the court.

Assemblyman Hansen:
Thank you. I would like that clarified because I do not know exactly where the court fits into the CASA program.

Jill Marano:
The CASA is appointed by the court, but the bulk of the work and the case management decisions that are made occur either through the child and family team process that was referenced earlier, or through the interactions between

the case manager and the CASA. If there are disagreements on what the best course of action is, they may go forward to the court. As a general rule, the judge is not the one making all of the decisions regarding the day-to-day decisions on a case. The judge makes the big decisions like the termination of parental rights and when a child will go home, but not the small decisions.

Assemblyman Hansen:
Chairman Frierson, I am curious about your role in the court. You are not allowed to have these records, but anyone in the public media can have them?

Chairman Frierson:
No. I am absolutely allowed to have these records.

Assemblyman Hansen:
I am sorry. I am confused.

Chairman Frierson:
What I said was that we are not allowed to look at people's criminal history solely for the purpose of placement. We, as the state, have access, as does the Department of Health and Human Services, for the criminal backgrounds of all parties. That is always a part of the report to the court.

Assemblyman Wheeler:
You said that the CASA represents the interests of the child in court. I wonder how they can do it correctly without all of the information. The other thing you said is there is a consistency issue. You said there were three different child welfare agencies within the state. There is nothing wrong with that, in my opinion. What works well in Clark County may not work in Douglas County, and may work great in Eureka, but not work in Washoe County. We do have different things going here. Would you please address that?

Jill Marano:
On your first question about needing all of the information to know what the best interest is, there are other ways to access the information, like obtaining it through case consultation with the case manager or social worker involved with the case. There are multiple ways to assess what is going on with the family so they can determine what is in the best interest of the child.

Assemblyman Wheeler:
What you are saying is they can go to the media to get the information instead of getting accurate information from the court and doing it right.

Jill Marano:
Our preference would be that they establish a strong working relationship with the social worker on the case, and the social worker can work with them on getting the information.

On your second question, the way we are structured right now is that we have a set of statewide policies that are not vague, but open enough for each agency to develop specific policies that work for their region. The feds give us these overarching directions on what we need to do, and we have to determine how to be consistent while allowing for regional differences.

Assemblyman Wheeler:
Would you have one area test the program to see how well it works?

Jill Marano:
It goes back to the overarching piece that the child welfare agency is responsible for safety, permanency, reunification, and finding appropriate placements.

Chairman Frierson:
You mentioned the federal goal of a statewide system. Would you describe that, because we have not gotten details on where that comes from and if it is the federal authorities who want consistency throughout the state?

Jill Marano:
Any state that gets federal funding for its child welfare agencies is subject to the provisions in Title IV of the Social Security Act. Those provisions outline several different requirements that states must comply with, but states have some flexibility in meeting those requirements in various ways. States must comply if they are going to continue to receive federal funding. One of the expectations is that there is one state agency that oversees all of the child welfare practices in the state.

Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services:
To add to what Ms. Marano has indicated, we are given variances among the states for implementing practices. However, if the feds come out and say we are weak in an area and have to make improvements, those changes must be made. It is very difficult if different areas of the state operate differently and our roles are different. The feds come out every five years and rely heavily on the courts and organizations to pass our Program Improvement Plan. Although they are not tied to the Improvement Plan, our outcomes are tied to it, so we have to work collaboratively with them. Part of it is consistency in

major areas so we do not fall short. We concentrate on areas that the feds rate us on.

Chairman Frierson:
Are you aware of any other state that allows volunteers to have direct access to criminal background checks?

Amber Howell:
I am not, but I would be willing to reach out to our federal partners to see who does allow that.

Chairman Frierson:
Thank you. That would be very helpful. Are there any other questions of the Committee? Seeing none, is there anyone who wishes to offer testimony in opposition? I see no one. Is there anyone who wishes to offer testimony in the neutral position, either here or in Las Vegas? Seeing no one, we will now have closing remarks from Senator Denis.

Senator Denis:
I wrote down a few quick notes. While I understand they misunderstood the intent of the bill on the Senate side, sitting here is the first time that I have heard of any opposition to this bill. If I had known, we could have talked about it. As was mentioned a moment ago, perhaps Washoe County and Clark County did not come because they did not think there was a need for it. I do not know that Ms. Marano can speak for them. I tend to think it is because getting access takes a long time. I did not hear her talk about caseload, and I guarantee that the Division of Child and Family Services does not have a 1-to-1 or 2-to-2 caseload. We have individuals who are trying to help these children.

You received a letter that was submitted from the Ninth Judicial District Court from Michael P. Gibbons, District Judge (Exhibit I). I will read a couple of things that he said:

> SB 141 would include Nevada CASA programs in the list of many other agencies which are currently entitled to receive this information under NRS 179A.100. Allowing access to these records would dramatically improve the quality of the CASA reports to the court and better satisfy the mandate stated in NRS 432B.500 (3). Uncovering criminal offenders (including past cases involving children), and locating missing parents, serves the interests of all.

> Time is of the essence in these cases and there are very short time periods between hearings as required by Chapter 432B. Children need and deserve safe homes. Providing thorough and objective information to the court hastens that process. Please support the passage of Senate Bill 141.

It is signed Michael P. Gibbons. The reason we brought this forward is because there are special needs in our state. When you get into some of the rural areas, the caseloads are even bigger. If you were to ask Clark County or Washoe County how long it takes to get access to this information, they will say they can get it much quicker. What we are asking for is the ability for the CASA folks to get access to this information in a timely manner, so they can do the best they can as they go before the court. I would urge support.

Chairman Frierson:
I admonish folks whenever this happens, no matter which side they are coming from. It is always good practice to contact the sponsor of the bill with all concerns. I will certainly encourage continued communication before the hearings. I will uphold that premise every time it comes up.

I am sorry. I overlooked Ms. Fiore, who has a question.

Assemblywoman Fiore:
I think Nevada is quite different. I was raised in Brooklyn and we need different things here than there. Our needs are different from what we want to do on a national level.

Chairman Frierson:
We will close the hearing on Senate Bill 141 (1st Reprint). I will open the hearing on Senate Bill 45 (1st Reprint).

Senate Bill 45 (1st Reprint): Revises provisions governing the sealing of certain records of criminal history. (BDR 14-345)

Julie Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety:
The overall intent of Senate Bill 45 (1st Reprint) is to improve the process for sealing records of criminal history at the Criminal History Repository. Currently, the Repository has difficulty complying with court-ordered seals of criminal history records. Many court orders do not contain the specific information required to seal a record. [Continued to read from written testimony (Exhibit J).]

Assemblywoman Cohen:
I am concerned with lines 44 and 45 on page 5 of the bill where the petitioner provides the specific charges that were dismissed or of which the petitioner was acquitted. I have had instances where I dealt with clients who knew they were arrested at some point and that something had happened, but they do not know the difference between municipal and justice courts. What happens with the people who do not have all of the specific information about their charges?

Julie Butler:
What happens is my staff goes to exhaustive lengths to research it and it creates delays of weeks and sometimes months. The intent is to have the petition come to us with the information that we need to effect the seal in a timely manner. The individual should know where he got arrested and what happened. The intent is to have that information come to the Repository as complete as possible to prevent delays.

Assemblywoman Cohen:
I want to make sure I understand your Department asking for as much of the relevant information as possible. Are you saying not to even bother trying if you do not have all the information because the Department will not help you?

Julie Butler:
No, not at all. We are court ordered to do the seal, so we will do our due diligence to complete the seal. Our intent in bringing this forth is twofold. First we want to let the individual or his attorney know that this is what we are going to need to effect the seal. Second is to help my staff when complying with that order. Certainly, if we are directed by the court to seal a record, we seal the record. It is very difficult to do when an individual has multiple charges on a rap sheet and my staff is left to determine which one is the correct one.

Assemblyman Thompson:
In section 8, subsection 2, page 7, if I understand correctly, when records are being sealed, you notify all of the pertinent agencies. At the end of line 5, it says they are supposed to advise the court of compliance and then seal the record. We know that every agency has a different database and reporting system, and nothing usually interfaces. What is the notification? I would hate for a person with his record sealed to get pulled over for a routine whatever, and discover one agency did not comply. Eventually it will be resolved, but he should not have to go through it. How do the agencies notify the courts that they have sealed the records?

Julie Butler:
Our agency sends a letter of compliance to the courts. I do not know what the other criminal justice agencies' processes are, but I would assume it would be something similar to what we do.

That is exactly the situation we are trying to address, and the reason for the modification in that section, so that does not happen. Unfortunately, anecdotally, we know that happens all too frequently; it is sealed everywhere but one place that has a copy of the record.

Assemblyman Thompson:
Who is the master agency, so to speak, that makes sure all of those eight or nine agencies have complied?

Julie Butler:
Ultimately, that would be the court. There is no master agency. Each agency in the criminal justice system, whether it is the arresting agency, the court, the repository, or the Federal Bureau of Investigation, has a piece of that record. If the individual has done time with the Division of Parole and Probation, the Department of Corrections, or wherever, they all have a record on him. The intent is to ensure everyone has a copy of the seal order to effect a complete seal. The individual ought to know where he was arrested, booked, went to court, was supervised, and did time.

Assemblyman Wheeler:
I see the intent of the bill; you want to ensure a record gets sealed that is supposed to be sealed. Do we currently open ourselves up for any liability when a record does not get sealed?

Julie Butler:
Not being a lawyer, probably. Has the Repository been sued? No, not to date, but it is not to say that someone could not try. My staff gets threatened quite a bit when people go for jobs or try to obtain a firearm and find out that a record that was to be sealed was not. When that happens, my staff will try to assist them the best they can.

Assemblyman Ohrenschall:
On page 6, lines 37 and 38, it speaks of any public or private company that may have the records. What would be an example of a private company that would have records that would need to be sealed? Would that be a subcontracting company that handles records for an agency?

Julie Butler:
That is existing language that we are not modifying, but are just renumbering. I do not know.

Assemblyman Ohrenschall:
Assemblyman Munford and I have both had similar bills dealing with circumstances where someone is arrested, but charges are not filed, to ensure the record is sealed. Ms. Cohen brought up the point about specific charges that were dismissed or of which the petitioner was acquitted. Is it the Department's vision that it would include charges that were declined if this bill passes? Or will that be taken care of in a resolution amendment?

Julie Butler:
I would hope that, if both of these bills go forth, whatever differences will be melded into the bill. We feel we can work with Assembly Bill 156 if S.B. 45 (R1) passes, because it provides us with the specific information we need to effect the seal. I do not see them in conflict at all.

Assemblyman Ohrenschall:
If they both pass, does the Department have a problem with lines 44 and 45 including "if the charges are denied"?

Julie Butler:
Not at all.

Chairman Frierson:
Are there any other questions from the Committee? Seeing none, I will now invite those who wish to provide testimony in support of S.B. 45 (R1) to come forward, both in Carson City and Las Vegas.

John T. Jones, Jr., representing Nevada District Attorneys Association:
We are here in support of S.B. 45 (R1). We appreciate Ms. Butler working with the District Attorneys Association and our concerns. There is one point that I would like to make; we made this same point on the other side. We do not feel that this legislation deals with child welfare agencies or juvenile justice agencies. One of our members brought up that potential and Ms. Butler agrees that this bill is not intended to address those two specific agencies.

I also want to say that, in Clark County, we have a chief deputy district attorney by the name of Bart Page who works with the law enforcement agencies in southern Nevada to help streamline this process for defendants. When a petition to seal records is sent to the Records Division, it is as clear as possible so we do not have errors or gaps.

Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department; and representing Washoe County Sheriff's Office:
We are in support of this bill.

Chairman Frierson:
Is there anyone else wishing to provide testimony in support of S.B. 45 (R1)? Seeing no one, I will now invite those who wish to provide testimony in opposition to S.B. 45 (R1) to come forward, both in Carson City and Las Vegas. [There was no one.] Is there anyone who is neutral? Seeing no one, I will close the hearing on S.B. 45 (R1). I will now go to our last bill, Senate Bill 38 (2nd Reprint) and open the hearing.

Senate Bill 38 (2nd Reprint): Revises provisions governing the dissemination by the Central Repository for Nevada Records of Criminal History of information relating to certain offenses. (BDR 14-343)

Julie Butler, Records Bureau Chief, Records and Technology Division, Department of Public Safety:
The intent of Senate Bill 38 (2nd Reprint) is to help protect Nevada's most vulnerable citizens from harm. Senate Bill 38 (2nd Reprint) amends *Nevada Revised Statutes* (NRS) Chapter 179A to broaden access to criminal history record checks for employers serving the elderly and persons with disabilities. Currently, only employers serving children have access to state and Federal Bureau of Investigation (FBI) criminal history records to conduct fingerprint-based criminal history record checks for employees and prospective employees. [Continued to read from written testimony (Exhibit K).]

Assemblyman Thompson:
On page 2, section 1, subsection 1, why is it 60 years of age or older? With our seniors, it could be 50, 52, or 55 years; why 60?

Julie Butler:
That is the definition that is found elsewhere in statute, so it is 60 years to be consistent with other statutes.

Assemblyman Thompson:
On page 5, line 21, it talks about, "Two or more incidents resulting in arrest or initial charge for a sexual offense that have not resulted in a conviction." In this situation it is not substantiated, so why would that person be subject to this if he has not been convicted?

Julie Butler:
That is existing language and we are not proposing any modifications to that, but it is within this body's purview if you would like to see that changed.

Assemblywoman Diaz:
I need clarification on how this bill changes how we do background checks.

Julie Butler:
Using the Aging and Disability Services Division, they have a senior volunteer program where those volunteers go out to seniors' homes and provide them with things like companionship services, and maybe meals. Because that is a group that is generally considered a vulnerable population, the Division has a policy to obtain a background check on all of the volunteers. We went through an internal audit of our statutes a couple of years ago and determined that we previously had the authority to background-check volunteers, but we no longer did. We had to close Aging Services' account, along with several others that were in the same boat. What that means is they have no statutory mechanism to background those volunteers who go into the homes of seniors. That has led to a workaround. They have to say they are Retired and Senior Volunteer Program volunteers and get their own rap sheet. They must wait the turnaround time necessary to provide it to the organization. That circumvents an FBI rule that says you cannot use it for that purpose, plus it is inconvenient for those volunteers. We are trying to get back to the intent: to protect that vulnerable population. We want to allow Aging Services access to criminal history records on the front end, and not to inconvenience those folks to get their personal rap sheets. We, and the FBI, will provide them pursuant to statute.

Assemblywoman Diaz:
So this does not modify the current way employers get background checks on their employees? As a public employee, I know that we often have to do background checks.

Julie Butler:
No. A lot of employers are licensing entities and have a separate section in NRS that addresses their specific occupational license, and has provisions for rechecking backgrounds after a certain length of time has passed. This bill does not do that. In current law, it allows employers who provide services to children only access to a redacted rap sheet. This allows the employer to know if the individual has been convicted of a felony or a sex offense. What this bill will do is allow employers who also serve the elderly and people with disabilities to know if the volunteer has been convicted of a felony or a sex offense.

Assemblywoman Diaz:
Does this encompass any volunteers going into public schools?

Julie Butler:
Actually, no. There was an amendment proposed to this bill specifically excluding public school volunteers from the provisions of the bill (Exhibit L). There was a concern raised on the Senate side of overbroadening background check requirements. However, there are provisions under the federal Adam Walsh Act if the schools would like to take advantage of that to background-check their volunteers. Even if they are not included with this bill, there is a provision under the federal law that they could be included in. Many schools do take advantage of this currently.

Assemblywoman Fiore:
I am subject to background checks, along with my employees, because we work with children and the elderly. I find that very appropriate. My concern, however, is that I thought everyone had to do that already. I did not realize that some did not. Have we had recent incidents so this bill is now necessary? What happened to prompt this bill?

Julie Butler:
In 2008 or so, the FBI started requiring each state to look at its statutes and the reasons it was submitting criminal background checks for volunteers to ensure there was an underlying statute that supported the submission of fingerprints to the FBI. We took a look at NRS Chapter 179A and realized we did not have the statutory authority to background-check volunteers. Not only that, but our statute only covered children and not the elderly or the disabled. By the time we discovered that, it was too late to bring the bill. We had to wait a couple of years for this. That is what prompted it. It has caused hardships for several agencies trying to comply with their own policies, and doing what is right for their volunteers and clientele.

Assemblywoman Fiore:
Is it possible to include the definition of vulnerable with the definition of elderly? I have patients between the ages of 18 and 60 who are paraplegics. They are vulnerable and need protection too.

Julie Butler:
We did include a definition of disabled in the bill in section 1, subsection 4. Does that address your concerns?

Assemblywoman Fiore:
I think it does as long as it does not say "elderly disabled."

Julie Butler:
No, it does not. The intent is to address all vulnerable populations, meaning children, the elderly, and persons with disabilities.

Chairman Frierson:
I have a question about the amendment. I am not sure if the amendment is proposing to remove the entire section, including existing law, or simply to remove the proposed revision to that section.

Julie Butler:
I apologize if that is not clear. The intent is to remove the amendatory provisions in that section, not remove existing law.

Chairman Frierson:
If we are leaving existing law in that section that applies to an employer being liable to a child, why are we not adding the elderly person or person with a disability as we do in the other sections for liability purposes?

Julie Butler:
There was concern when we spoke with other folks who had an interest in this bill that it was overbroadening their civil liability. We removed it to keep existing language.

Chairman Frierson:
So this was a compromise.

Julie Butler:
Yes.

Chairman Frierson:
Are there any other questions? Is there anyone wishing to offer testimony in support of S.B. 38 (R2)?

Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
We support this bill because it serves to further protect the elderly and the disabled from criminals who may prey upon them.

Chairman Frierson:
Does anyone else want to offer testimony in support of the bill? Seeing no one, does anyone want to offer testimony in opposition? Seeing no one, is there anyone wishing to offer testimony in the neutral position? Seeing no one, I will

close the hearing on Senate Bill 38 (2nd Reprint). I will briefly open it up for any public comment. I see no one, and we have no other business for today.

For the Committee's edification, we are going to start working up bills, so bring your tennis shoes because we are going to run through them. We have a lot of work and little time to get it done. We will be efficient like we were last deadline. With that, today's Assembly Committee on Judiciary is now adjourned [at 10:39 a.m.].

[Letters of support of Senate Bill 141 (1st Reprint) submitted but not discussed are to be included as (Exhibit M) and (Exhibit N).]

RESPECTFULLY SUBMITTED:

_____
Karyn Werner
Committee Secretary

APPROVED BY:

_____
Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary
Date: May 7, 2013 Time of Meeting: 8:10 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 169 (R1)	C	Senator Segerblom	Proposed Amendment
S.B. 169 (R1)	D	Senator Segerblom	PowerPoint Presentation
S.B. 169 (R1)	E	Angela Morrison	Written Testimony
S.B. 169 (R1	F	Angela Morrison	State Survey
S.B. 169 (R1)	G	Kyle Edgerton	Written Testimony
S.B. 141 (R1)	H	Linda Cuddy	Written Testimony
S.B. 141 (R1)	I	Senator Denis	Letter from the Ninth Judicial District Court
S.B. 45 (R1)	J	Julie Butler	Written Testimony
S.B. 38 (R2)	K	Julie Butler	Written Testimony
S.B. 38 (R2)	L	Julie Butler	Proposed Amendment
S.B. 141 (R1)	M	Linda Cuddy	Letter of Support
S.B. 141 (R1)	N	Linda Cuddy	Letter of Support