

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

**Seventy-Seventh Session  
May 8, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 8:16 a.m. on Wednesday, May 8, 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](http://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](mailto: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  
Assemblywoman Ellen B. Spiegel  
Assemblyman Tyrone Thompson  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Andrew Martin (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Ben Kieckhefer, Senatorial District No. 16  
Senator David Parks, Clark County Senatorial District No. 7

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**STAFF MEMBERS PRESENT:**

Dave Ziegler, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Nancy Davis, Committee Secretary  
Colter Thomas, Committee Assistant

**OTHERS PRESENT:**

Brett Kandt, Special Deputy Attorney General, Office of the Attorney General  
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Allen Lichtenstein, representing American Civil Liberties Union of Nevada  
Stacey Shinn, Organizer and Legislative Advocate, Progressive Leadership Alliance of Nevada  
Elisa P. Cafferata, President & CEO, Nevada Advocates for Planned Parenthood Affiliates  
Valerie Wiener, Private Citizen, Las Vegas, Nevada  
Nick Vassiliadis, representing R&R Partners Foundation  
Carey Stewart, Director, Washoe County Department of Juvenile Services  
Joyce Haldeman, representing the Clark County School District  
Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General  
Jason Trevino, Deputy Chief of Police, Washoe County School District Police Department  
John T. Jones Jr., representing Nevada District Attorneys Association  
Margaret Flint, Private Citizen, Reno, Nevada  
Steve Yeager, Deputy Public Defender, Clark County Public Defender's Office

**Chairman Frierson:**

[Roll was called and standing rules were reviewed.] We have four bills and a work session today. I will open the hearing on Senate Bill 103 (1st Reprint).

**Senate Bill 103 (1st Reprint): Revises the period of limitation for crimes relating to the sexual abuse of a child. (BDR 14-177)**

**Senator Ben Kieckhefer, Senatorial District No. 16:**

Senate Bill 103 (1st Reprint) is a piece of legislation that is fairly simple on its face; the implications may not be. This bill will extend by 15 years the statute

of limitations upon which a complaint or an indictment can be found for the crime of child sexual abuse. Those crimes are listed in *Nevada Revised Statutes* (NRS) 432B.100, which defines seven separate violations which constitute sexual abuse upon a child. Ultimately, that is the entire basis of this bill. This was prompted following my review of the proceedings over the interim related to Jerry Sandusky and what was happening at Penn State.

It occurred to me that you may have an incidence of a serial offender and a child victim who, for whatever reason, decided not to file a complaint and has been living with it throughout his life. Then he realizes he may not have been the only victim and he wants to press his case against this person who was preying upon his friends, neighbors, and other children in his community. Within the more stringent statute of limitations that is currently in our law, he may have lost the ability to make that claim. With the rapid advances in technology, we have cameras within our cell phones and I think there is a significantly greater likelihood that you will be able to find videographic or photographic evidence in cases that could be used to support a prosecution for a child sexual assault that may be discovered further down the road than our current statute of limitations provides.

With that in mind, I decided to bring S.B. 103 (R1) forward. The way I originally introduced it would have entirely eliminated the statute of limitations; it would have been one of three crimes that would be listed without a statute of limitations, along with murder and terrorism. In consultations with the Senate Judiciary chairman, we decided to extend the existing statute by 15 years, which received a unanimous vote coming out of Committee in the Senate.

I will mention a few things this bill does not do. It does not deal with the civil statute of limitations; that remains in place. Most importantly, this in no way changes the burden of proof required by the prosecution in a case of child sexual assault or abuse; that burden still remains high, as well it should. With the concept of additional potential videographic or photographic evidence extending out into the future, it is reasonable to allow for a greater period of time for that complaint and prosecution to take place. I have provided two documents, one by the Legislative Counsel Bureau ([Exhibit C](#)), the other by the National Crime Victim Law Institute ([Exhibit D](#)), which outline the statute of limitations for child and sexual assault in other states.

Originally, when I brought this bill forward, I thought it may open the opportunity for individuals to press their case. Following the original hearing in the Senate Judiciary Committee, I was contacted by someone who was actually affected. Earlier this session, this Committee heard Assembly Bill 146, and heard testimony from James Dold, who is a former resident of Nevada. He did

try to press his case for sexual assault and was told he could not do so because the statute of limitations had run out. Since my original introduction, I have learned this is not something that I think could happen, but something that does happen. I think that strengthens the case that this is needed.

**Assemblywoman Fiore:**

Why did you change this bill? I like the thought of not having a statute of limitations.

**Senator Kieckhefer:**

I needed to get it out of committee and frankly, the chairman was uncomfortable with an unlimited statute of limitations. When I asked him what he would accept he said, "Anything less than infinity." We settled on 15 years.

**Assemblyman Ohrenschall:**

Are you aware of instances where if the NRS had the statute of limitations that you are proposing that cases could have been prosecuted, but have not been?

**Senator Kieckhefer:**

Yes, the case I referred to of Mr. Dold. He indicated that he had gone to prosecutors outside the statute of limitations and was told he could no longer make his claim.

**Assemblyman Wheeler:**

I have heard of cases where there are repressed memories and it is years later before the victim actually remembers what happened. I am wondering why anyone would put a statute of limitations on this.

**Senator Kieckhefer:**

When you look at the reprint of the bill, section 3, subsection 1, paragraph (b), subparagraphs (1) and (2) are two different statutes of limitations based on that concept. In the first one, there is a statute of limitations based on the age of the victim at 36 years old, if the victim reasonably knew that he had been a victim of assault. In an instance where there may have been the experience of repressed memory, and for whatever reason he did not meet the criteria of having reasonably known and discovered he was the victim of this crime, there is an additional seven years tacked on so that it broadens it out.

**Chairman Frierson:**

Are there any other questions of the Committee? Seeing none, I will invite anyone here to provide testimony in support of this bill to come forward.

**Brett Kandt, Special Deputy Attorney General, Office of the Attorney General:**

I am here to register our support for this bill. Mr. Jones had to step out, but he asked me to also note for the record the support of the Nevada District Attorneys Association.

**Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:**

We supported this bill in its original form, and we certainly support it now, especially with the headlines coming out of Ohio and the unique circumstances surrounding victims' ability to report.

**Chairman Frierson:**

I have had discussions about this issue and if it is an ongoing crime, the statute of limitations starts when the crime stops.

**Eric Spratley:**

I would like to add that those circumstances and memories could be repressed and come back years later.

**Assemblywoman Cohen:**

I have never understood the "knew or reasonably should have known," and who makes that call? Is it the police or does it go to the court?

**Eric Spratley:**

I believe it would be the prosecution and the court that determines that.

**Chairman Frierson:**

The reasonable person standard in a criminal context is generally a question of the fact finder, which would be the jury.

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

We are here in support. Sexual abuse is often very underreported for a variety of reasons, including family peer pressure, shame, repression of memories, or psychological damage. This gives victims more time to come forward and help stop further abuse in the future.

**Chairman Frierson:**

Is there anyone else wishing to offer support to S.B. 103 (R1)? Seeing no one, is there anyone wishing to offer testimony in opposition?

**Allen Lichtenstein, representing American Civil Liberties Union of Nevada:**

The question of repressed memory should not be taken lightly. We have a history of unscrupulous or misdirected psychiatrists who can conjure up

memories of things that did not happen. Science has shown that. We had a rash of these kinds of issues back in the 1980s when people who never had any suggestion that they were molested suddenly see a particular psychiatrist who essentially created memories. A lot of people were imprisoned; a lot of people were later freed. So I would be very careful about this idea that somehow or other a repressed memory, decades later, is going to be valid and something that should affect the statute of limitations.

There is a reason for statute of limitations on virtually every crime. That reason is to ensure the validity and nature of the evidence. While no one, including myself and my organization, is in favor of child molestation, there does have to be that particular balance. I understand law enforcement would prefer no statute of limitations and probably no statute of limitations on any crime. That is what they need to do their job, to strike a particular balance to ensure the rights of a victim, but also the rights of someone who is criminally accused. When we are talking about people who are accused with nothing other than a repressed memory, there is a delicate balance. A bandwagon approach as to not worry about some of the pitfalls of this, I think, is a mistake. We would oppose extending the statute of limitations.

**Assemblyman Hansen:**

Do you have a recommendation, or are you comfortable with the 21 years and 28 years that is currently in law, or is there a happy medium between you and the bill sponsor?

**Allen Lichtenstein:**

I think the 21 years and 28 years is more reasonable. Stretching it out another 15 years does create a bit of an imbalance. It is not the concept of a somewhat longer statute of limitations, it is the actual numbers that are disturbing.

**Assemblyman Ohrenschall:**

Is the current NRS in line with most other states?

**Allen Lichtenstein:**

I have not done a survey of other states, but my understanding is that this would seem to be fairly standard. Again, it is just a commonsense approach that allows people to come forward after they have, for whatever reason, not immediately reported something, without stretching it so far out that abuse of process can take place.

**Assemblyman Ohrenschall:**

Is there any data as to how many repressed memories turn out to be faulty?

**Allen Lichtenstein:**

There is a vast amount of evidence from experimental studies in the field of psychology that show how memories can be implanted in people who will be manipulated to conjure up memories of things that never happened. The science is pretty clear on that. This is not to suggest that some memories are real and repressed, but it is also clearly the case that memories can arise, particularly if in a psychiatrist's office, that never happened. That particular scientific phenomenon is well documented.

**Assemblyman Wheeler:**

Is it not the job of the court to decide whether a memory is true? That is why we go to trial. What does the statute of limitations have to do with that?

**Allen Lichtenstein:**

It is why we go to trial. Again, we had a spate of particular trials that had to be overturned because they were based on bad science in the '80s. The further back a memory goes, the more difficult it is to defend against it. Also, the less reliable those memories will be. If you are talking about a period of one year, as opposed to decades, the question of the reliability of those memories can make a difference. Again, it is a balance of fairness both to the accused as well as to the person who is making that accusation.

**Assemblyman Wheeler:**

So, it is the job of the court to determine the validity of the memory through their own experts. Therefore the statute of limitations really does not matter because, as you stated, a lot of these cases were overturned.

**Allen Lichtenstein:**

A lot of these were overturned and a lot of innocent people served a lot of time and had their lives ruined. If you are going to argue against the statute of limitations in general, then that is a very different kind of argument. Certainly we have a history of things that were overturned after people had spent many years in prison. I do not think that is a circumstance that anyone thinks is a good idea.

**Chairman Frierson:**

Is there anyone else wishing to offer testimony in opposition? [There was no one.] Is anyone wishing to offer testimony in a neutral position? Seeing no one, I will close the hearing on S.B. 103 (R1) and open the hearing on Senate Bill 388 (1st Reprint).

**Senate Bill 388 (1st Reprint): Revises provisions relating to crimes involving certain persons. (BDR 15-927)**

**Senator David Parks, Clark County Senatorial District No. 7:**

Today I come before you with Senate Bill 388 (1st Reprint). This bill repeals the crime of solicitation of a minor to engage in acts constituting the "infamous crime against nature" which is *Nevada Revised Statutes* (NRS) 201.195. This bill also changes the crime of "luring a child" to "sexual solicitation of a child."

Existing law provides that a person who incites, entices, or solicits a minor to engage in acts which constitute an "infamous crime against nature" is guilty of a crime. Existing law further defines "infamous crime against nature" as anal intercourse, cunnilingus, or fellatio between persons of the same gender. [Continued to read from prepared text ([Exhibit E](#)).]

**Chairman Frierson:**

Are there any questions? Seeing none, I will invite those here to provide testimony in support to come forward.

**Allen Lichtenstein, representing American Civil Liberties Union of Nevada:**

Senator Parks laid out the particular problem. This is not only a constitutional equal protection problem, but there is also a conflict with Nevada law. As mentioned, the statutory sexual seduction statute is not limited to heterosexual or homosexual activity. For homosexual activity, you have two conflicting ages of consent, which give a prosecutor a choice, but it also creates total confusion on the part of people who are engaged in this activity. This is something that is archaic and is left over from the 1990s when the infamous crime against nature itself was removed, and homosexuality was no longer outlawed in the state of Nevada. Until recently, it has not been used, but we now have a situation and a lawsuit based on that situation which involved two people who are over the age of 16, but under the age of 18. Clearly that creates the constitutional problem. The easiest and more reasonable solution is, as Senator Parks suggested, getting rid of archaic law and sticking with the standard statutory sexual seduction language that makes it illegal for someone over the age of 18 to engage in sexual activity with anyone under the age of 16, be it same gender or different gender.

**Stacey Shinn, Organizer and Legislative Advocate, Progressive Leadership Alliance of Nevada:**

Today I am also speaking on behalf of the Lesbian, Gay, Bisexual, Transgender, and Queer Statewide Coalition, who voted this as one of their top five priorities for this legislative session. The so-called "crime against nature law" creates a double standard based solely on sexual orientation by forbidding gay teens



under 18, but above the age of consent, from engaging in sexual acts. We agree with our friends at the American Civil Liberties Union (ACLU) that this law violates equal protection guarantees. It is unconstitutional and discriminatory to criminalize sexual acts between two people who are of the age of consent simply because they are partners of the same sex. We urge the passage of S.B. 388 (R1).

**Assemblywoman Fiore:**

There was an incident in Henderson involving 17-year-olds, and I want to make sure that this bill saves them.

**Stacey Shinn:**

I think that would be a very good question for my ACLU colleague.

**Allen Lichtenstein:**

We are not litigating that particular case, but the answer to the question, I assume, is if this passes it would be unlikely that any prosecutor is going to go forward with a particular prosecution. If so, then it would obviously end up in the courts and be thrown out. There is nothing in this particular bill that makes it retroactive. That would still presumably be done by a district attorney who will listen to the will of the Legislature and not continue to prosecute a law that was declared void and have the courts declare it unconstitutional.

**Assemblyman Hansen:**

This bill talks about solicitation of a minor. If we pass this, and a 52-year-old approaches a 16-year-old boy and offers to engage in some sexual activity with him, it would be legal?

**Allen Lichtenstein:**

As it would if a 52-year-old man approached a 16-year-old girl. There would be no difference; whereas now there is a difference whether it is a boy or a girl. The standard of 16 being the age of consent would be consistent regardless of gender.

**Assemblyman Hansen:**

I think we should be doing the opposite; we should be bumping the age of consent up. I think it is crazy in Nevada that we still have a 16-year-old age of consent law between so-called consenting adults.

**Elisa P. Cafferata, President & CEO, Nevada Advocates for Planned Parenthood Affiliates:**

We support this bill on the basis that it makes the rules equal for all of the young people in Nevada and will facilitate access to health care, which is our

primary mission at our health centers so that young people are not concerned about coming to us and speaking frankly with their health care providers.

**Chairman Frierson:**

Is there anyone else wishing to offer testimony in support? Seeing no one, is there anyone wishing to offer testimony in opposition? [There was no one.] Is there anyone in a neutral position? [There was no one.] [Written testimonies provided but not discussed include ([Exhibit F](#)) and ([Exhibit G](#)).] I will close the hearing on S.B. 388 (R1) and open the hearing on Senate Bill 427 (1st Reprint).

**Senate Bill 427 (1st Reprint): Revises provisions governing bullying. (BDR 5-72)**

**Valerie Wiener, Private Citizen, Las Vegas, Nevada:**

Today I appear before you as the requestor of Senate Bill 427 (1st Reprint). I would like to give a little bit of history on this bill and the language of bullying in the *Nevada Revised Statutes* (NRS). In 2009, I proposed a measure that dealt with cyber-bullying. There was already a measure in the Assembly that dealt with bullying. The sponsor of the bill came to me during session and asked that I include some of her language because she wanted to drop the bill in her house. It was at that time that we determined there was no statutory definition of bullying. We believed it was important to come up with something so we know what we are referring to. I worked with the Legal Division of the Legislative Counsel Bureau and determined what would help would be to take the statutory definitions of intimidation and harassment, blend them, and create a definition for bullying.

In 2011, other legislation was processing through the session that dealt with reporting on bullying, cyber-bullying, intimidation, and harassment for school districts. There was quite a bit of confusion among those who were required to do the reporting and compile the information because they had difficulty discerning between bullying, intimidation, and harassment. I said that would be natural because bullying is a blend of the other statutory definitions. What this bill does is take what is left of the language and brings it all into the definition of bullying. What looks like a very big bill takes what was left of the definitional language and applies it to bullying. The rest of this bill deletes a lot of language dealing with intimidation and harassment because it is all being brought into the definition of bullying. It is simply clarifying so the application is clear, meaningful, and all in one place. Section 15 prohibits a member of a club or organization which uses facilities of any public school, regardless of whether the club or organization has a connection to the school, from engaging in bullying or cyber-bullying. This was a piece that we felt needed to be addressed.

The deleted language was casting the net further to locations outside of school, if there was a nexus between bullying or cyber-bullying behavior and it affected a campus or student in some way. We felt that was a bit far-reaching and we would leave it with the organizations on campus.

Just to give you a sense of the impact, there was a report from the journal of the American Medical Association, *JAMA Psychiatry*, in late February 2013, which said the long-term consequences of childhood bullying can reach decades beyond the experience. The elevated risk across a wide range of mental health outcomes and over a long period of time has been documented—this is the most comprehensive study done to date. It affects both the perpetrator and the victim; those who have been bullied and those who bully others. The victims of bullying in childhood were more than four times more likely to have an anxiety disorder as adults compared to those who have no history. Those bullies who were also victims were nearly 15 times more likely to develop panic disorders. Men who were both bullies and victims were nearly 19 times more likely to have suicidal thoughts in adulthood and female counterparts were nearly 27 times more likely to have developed agoraphobia. They are actually finding that bullying is not a harmless rite of passage but inflicts lasting psychiatric damage on par with many other dysfunctions that can happen within the family. The impact is just not what we may have thought years ago, that bullying is something that kids do and they get over it. This psychiatric study, which is the most comprehensive to date, indicates that these impacts go on for decades.

**Assemblywoman Spiegel:**

I appreciate your commitment to ongoing good policy in Nevada and ongoing good legislation. I did have a question on section 7; you inserted the word "otherwise" so it now says, "'Bullying' means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law. . . ." I was wondering, when would any of these actions be authorized by law?

**Valerie Wiener:**

I cannot address why that is there. That is part of drafting. I do not know what the exception would be either. I am sure we could work with Legal to determine why it was added.

**Brad Wilkinson, Committee Counsel:**

That definition is based on the definition of harassment which is in NRS. The language is taken right out of that definition. In that context, there are certain circumstances under which people may be legally authorized to act in a manner that might be interpreted as intimidating or harassing. There are some activities

that are specifically excluded from that like picketing and demonstrating. It is designed to protect people's First Amendment rights.

**Assemblyman Ohrenschall:**

Section 15, page 29, lines 23 through 26, states, "a member of a club or organization which uses the facilities of any public school. . . ." What will that add to the statute?

**Valerie Wiener:**

I was working in the interim with school police and other school officials who felt this was an important piece to allow full enforcement and protection of the children. This was a group that was left out. They are on campus and they are using the facilities, yet they were not included in prior language in statute.

**Chairman Frierson:**

Section 1 says if a court determines that a child unlawfully engaged in bullying or cyber-bullying, does that contemplate a juvenile adjudication?

**Valerie Wiener:**

That is something that maybe the juvenile justice people will be able to respond to. There are specific ways to address these behaviors when we deal with the cyber-bullying.

**Chairman Frierson:**

Thank you, we will address that when we get to it. Are there any other questions? Seeing none, I will invite those wishing to offer testimony in support to come forward.

**Nick Vassiliadis, representing R&R Partners Foundation:**

We are here in support of this bill. We think that the measures that Senator Wiener has taken to clarify not only the definition, but some of the reporting requirements are crucial to gain a clear understanding of what is actually happening in our schools and during after-school extracurricular activities. We think that knowing what is actually happening is the best kind of tool we can have to combat and try to prevent future occurrences.

**Carey Stewart, Director, Washoe County Department of Juvenile Services:**

I am also here on behalf of the Nevada Association of Juvenile Justice Administrators. We are in support of this bill. We worked very closely with Senator Wiener over the last couple of years in clarifying the language. We truly appreciate her patience with us in doing so to get this bill to this point.

Mr. Frierson, you bring up a good point in regard to the court releasing or notifying the school. There is reference that that would be an adjudication. A lot of these cases are handled on an informal basis, especially the first referral. One thing I might suggest is that the court or a juvenile department may release the information to the school district as it is explained, then we would cover all the cases that are handled by the juvenile system.

**Chairman Frierson:**

Has that notion been discussed with Senator Wiener?

**Valerie Wiener:**

Not specifically, but I understand the reason behind it and I would support that.

**Joyce Haldeman, representing the Clark County School District:**

We also are in support of this bill. We would like to thank Senator Wiener for her ongoing quest to ensure that schools are safe and respectful environments for our students and visitors who come to our campuses as well. We appreciate her working with us so we can evaluate every section of the bill and ensure that it does what it is intended to do.

[Chairman Frierson left the room. Vice Chairman Ohrenschall assumed the Chair.]

**Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General:**

The Attorney General's Office supports this bill and believes it will assist victims of bullying.

**Jason Trevino, Deputy Chief of Police, Washoe County School District Police Department:**

We would like to thank Senator Wiener as well for all of her support on this bill and getting it to this point. We support this bill moving forward. For clarification on the reasoning why we included the other groups, there are a lot of times when our students are involved in extracurricular activities on our school sites but are not directly related to the school. Oftentimes, the people who are facilitating the after-school events are not aware of the rules and regulations regarding bullying, even though it is the same set of students that we would normally deal with if the event were sponsored by the school.

**Vice Chairman Ohrenschall:**

Can you give us an example where the new language might help you?

**Jason Trevino:**

A specific example would be an after-school soccer club, which is composed of Washoe County School District students who, during school, would be held to the standard of nonbullying, but after school, once the nonschool event starts, those rules no longer apply. Section 15 of this bill would allow us, as a school district police department, to continue to enforce that same set of guidelines as long as they are on the property.

**Assemblyman Hansen:**

How many officers are there in the Washoe County School District, and are all of the officers typically armed with firearms?

**Jason Trevino:**

We have 38 sworn law enforcement officers for the Washoe County School District. All 38 officers are armed.

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

We appreciate Senator Wiener's efforts in this area and we are here in support.

**Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:**  
Me too.

**Vice Chairman Ohrenschall:**

Is there anyone else here in support of S.B. 427 (R1)? Seeing no one, is there anyone in opposition or in the neutral position? [There was no one.] Senator, do you have any closing remarks?

**Valerie Wiener:**

I appreciate the witnesses coming forward and I urge your support.

**Vice Chairman Ohrenschall:**

I will now close the hearing on Senate Bill 427 (R1) and we will be in recess [at 9:07 a.m.].

[Chairman Frierson reassumed the Chair.]

**Chairman Frierson:**

We will come back to order [at 9:19 a.m.]. I will now open the hearing on Senate Bill 414 (1st Reprint).

**Senate Bill 414 (1st Reprint): Prohibits transmitting or distributing certain images of bullying involving a child under certain circumstances. (BDR 15-70)**

**Valerie Wiener, Private Citizen, Las Vegas, Nevada:**

I am here today to seek your support for Senate Bill 414 (1st Reprint). As mentioned earlier, in 2009, I brought language to address what we call cyber-bullying. I had attended a conference on children's issues in Florida and became very entrenched in this issue. As the Senate representative on the Technological Crime Advisory Board for many years, I was interested in this as a technological crime as well. During deliberations at one of our meetings, we saw videos of what we call cyber-bullying on campuses in this state. I offered to the Attorney General, who was chair of the committee, that I would be privileged to see what we could do to address this particular issue. I have two short videos from northern Nevada that I would like to show now. [Videos were shown to the Committee but not provided as an exhibit.]

The two videos you just saw were videos we had seen as part of the Technological Crime Advisory Board. The first video captured someone using a phone to record it, which means someone else was recording that video. Also, what we did not hear was someone saying, "Don't start yet, I am not ready." What this does is allow this crime against the victim to be perpetuated and perpetuated when it is transmitted electronically to others. The video you did not see was from southern Nevada of a child being kicked off of a school bus and then kicked while on the ground, all the time being recorded. That video was put on YouTube.

When I was preparing my testimony for the other house, I went to YouTube and I searched for high school fights, although this bill goes way beyond fighting because it deals with bullying. This is what I found, which reinforces why this measure is before you. Just to name a few, "Graphic Girl Fight Captured on Video," had 4.2 million views. Another fight, nearly 2.2 million views. Another fight, posted two years ago, had 484,000 views. There is one from Sydney, Australia, which went global with 17 million views.

I was talking with one of my former youth legislators, Alex Bybee, who told me to go to YouTube for his high school. I searched for fights at Bonanza High School. I found a video from one month ago, 351 views; nine months ago, 1,027 views; two from one year, the first with 5,707 views, the other had 11,945 views. When someone is bullied by the definition in statute, it happens once, and it is horrible; when it is transmitted with the intent to cause harm, who knows how many times that child is being harmed over and over again.

The language of S.B. 414 (R1) addresses this. As you will see, there are accountability measures in the bill that mirror the language under child pornography and also sexting. So the language for identifying a child is already statutorily included in Nevada law. What you will see also are for the violations; the accountability of first violation, second, and subsequent are pieces that I pulled out of the sexting bill that is now law which passed in the last legislative session.

The reason I am using these accountability measures is part of the same conversation we had when we were working on the sexting bill. These are people who are making bad decisions. I have testified many times on these kinds of issues. If I could require in federal law that anything on a computer or any electronic device, software, or hardware that indicates where you push something and it is transmitted somewhere, it could have the word forever or infinity or eternity—that is what that means. Young people often have no sense of what that means. They do not have the capacity to make those long-term decisions. The first time doing something like this, it would be a child in need of supervision. Any subsequent acts are delinquent acts. This would give the child the opportunity to learn how to think differently and more responsibly about these kinds of behaviors.

**Assemblywoman Cohen:**

If a student reposts something from YouTube of someone being bullied thousands of miles away and maybe a few years ago, are they still liable under this statute—will they still get in trouble for that?

**Valerie Wiener:**

That was not part of the conversation, but if they are transmitting the image with the intent to cause harm, it does not refer to the original image. That is something we could ask counsel about.

**Brad Wilkinson, Committee Counsel:**

I think that is probably something that could be prosecuted if it occurs here in Nevada. Obviously these are difficult jurisdictional questions. If you are talking about a minor in another state or country who is the victim of that bullying, I am not sure that is something a prosecutor would pursue. Theoretically, it could be prosecuted if the act of transmission occurs in Nevada.

**Brett Kandt, Special Deputy Attorney General, Office of the Attorney General:**

I would first like to register the Attorney General's support for this bill. Secondly, during my conversations with Senator Wiener in the development of this bill, the intent was to focus on a minor whose intent is to promote the bullying of the individual in the video. Typically, it is envisioned that there is a



relationship there, or that the minor who is conducting the cyber-bullying knows the minor who is the victim of the cyber-bullying.

**Chairman Frierson:**

That helps clarify the legislative intent, although there may need to be language added to make that clearer.

**Brad Wilkinson:**

My understanding is the same as Mr. Kandt's. I would imagine we would typically be talking about a minor in Nevada and that there be some preexisting relationship. We could certainly clarify that if there is some need to specify. I do not know that you would want to always exclude a minor in another state, but whatever the desire would be, we could certainly craft language that would accomplish that.

**Valerie Wiener:**

I do not know what type of relationship to the person being recorded would be required. There may be a relationship of being on the same campus, but not a personal relationship. I do not know that it should be limited to knowing the person, but that there is intent to cause harm by the very nature of transmitting with the opportunity for this to be unlimited plays of this act. I know that because the Legislature tweaks legislation from session to session, there is one thing that I would want to make clear with this particular provision in law. The definition of bullying may be tweaked, changed, and modified through time, and there is the possibility that it may say "recurring acts of violence." What I would hope that in this particular act of bullying involving electronics, it would not require a "recurring behavior," but rather there would be accountability on a first offense. The reason this should be an exception to any changes in bullying language is that one act is enough to perpetuate it again, in perpetuity, as we have seen with some of the examples earlier. One act is enough to create a recurring image over a long period of time. I also do not know how we would determine if the person had done it before, therefore establishing a pattern of behavior with this particular act of transmitting the image.

**Chairman Frierson:**

We discussed that very issue in light of the possibility of the definition of bullying being adjusted and believe that instead of cross-referencing the other statute we simply use the definition as it currently exists. I think that would bypass the concern about it needing to be recurring, and would satisfy your needs of ensuring it is a first offense.

**Valerie Wiener:**

If indeed that is incorporating the language that is here, I would request that the Committee entertain the idea of looking at the language of S.B. 414 (R1), where it brings intimidation and harassment language into the definition of bullying.

**Chairman Frierson:**

Thank you for getting your intent on the record.

**Assemblyman Carrillo:**

If the individual who does this is a high school senior over the age of 18, is there something in statute already for dealing with adults?

**Brad Wilkinson:**

This does not apply under those circumstances; this bill is dealing with minors. I cannot think of another existing crime that would apply, but I cannot rule that out.

**Assemblyman Wheeler:**

Are we going to run into a First Amendment problem here?

**Brett Kandt:**

That issue has been brought up previously. It is established in case law that cyber-bullying is not protected speech under the First Amendment.

**Assemblywoman Spiegel:**

Kids can be very mean. If they know that this bill is enacted and they cannot post videos, they may then post audio recordings over a montage of a child in unflattering poses, for example. I am wondering if you might be willing to entertain including audio as well.

**Valerie Wiener:**

As I look at electronic communications, the bill states visual depiction, photograph, or video. I would support that.

**Chairman Frierson:**

I would be concerned with the ability to be able to identify who the person is with simply an audio.

**Brett Kandt:**

As a prosecutor, you are going to have to be able to prove the case beyond a reasonable doubt. I suppose you could have an instance where people identify themselves and the victim on the audio record. That would allow the

prosecutor to sufficiently prove the case. There would be proof issues in that circumstance.

**Assemblywoman Diaz:**

What happens for the second or subsequent violation? It states that the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult. What are the consequences for the minor?

**Valerie Wiener:**

That language is used to describe a juvenile delinquent act.

**Assemblyman Hansen:**

How many circumstances are we talking about? Is this going to have a major impact on juvenile justice systems?

**Valerie Wiener:**

Part of the conversation has been with school police, other law enforcement, and juvenile justice. This is an escalating behavior and in many ways it is surpassing traditional bullying.

**Assemblyman Hansen:**

Do other states have similar legislation, or are we doing some groundbreaking?

**Valerie Wiener:**

Other states are looking at this. We did use some language from other states that would serve Nevada as well.

**Assemblyman Ohrenschall:**

After the video has been found, is there any provision to take the video offline?

**Valerie Wiener:**

I cannot respond to that. Possibly other law enforcement officials can answer that.

**Nick Vassiliadis, representing R&R Partners Foundation:**

Currently, that is a problem that most jurisdictions are facing in terms of how to get the material off of the Internet. For the most part, those individuals are referred to the particular social site and go through that process. On various social sites there is a formal process that you can get into and flag inappropriate material to have removed. However, it is very difficult to get the content off of YouTube.

I would like to address Assemblywoman Cohen's question. I believe it is the intent to capture those postings that had the intent to perpetuate the action. If you are posting it to raise awareness and call attention to, or to be an activist to prevent, then it would not be captured within this bill.

**Assemblywoman Cohen:**

You could be posting it to be a jerk, but it could be of someone who is 3,000 miles away and you have nothing to do with him. You just think it is funny that he got beat up.

**Nick Vassiliadis:**

I would like to go on the record that R&R Partners Foundation is very much in support of any bill that goes after cyber-bullying.

**Carey Stewart, Director, Washoe County Department of Juvenile Services:**

On behalf of the Nevada Association of Juvenile Justice Administrators, we support S.B. 414 (R1).

**John T. Jones Jr., representing Nevada District Attorneys Association:**

We, too, support S.B. 414 (R1). The Nevada District Attorneys Association appreciates Senator Wiener bringing this matter forward. I would like to go on record of how the Nevada District Attorneys Association views this bill. We view this bill as another tool in the arsenal of a prosecutor to go after certain conduct that bullies victims. We do not see this statute as superseding our ability to file a delinquent act against a child who conspires with another to commit an act of battery as another child films it. In other words, if two children agree to have one beat up the victim and the other film it—when they commit the act, we will file a delinquent act against those individuals, being a conspiracy to commit battery, or battery as an aider and abettor. What we see this bill doing is filling the gap of the student who happens upon a battery, or hears about a battery that is going to happen, goes to the event, films it, and puts it online to further the battery.

I also want to say, I do not know if many of you are aware, but there are two different types of offenses in the juvenile system. We have crimes that are called a child in need of supervision (CHINS), which are truants, runaways, et cetera, and there is a delinquent act. The major difference between the two is that someone who commits a delinquent act could be put in a detention center or a youth facility, whereas someone who commits a CHINS offense, all the court can do is admonish them, order them to community service, or other types of counseling.

**Assemblyman Thompson:**

Will a CHINS be assigned a probation officer, or a member of the juvenile justice system? If so, do we have the capacity? We do not know what the numbers will be. It could be enormous.

**John Jones:**

Administratively, I am not sure how the Department of Juvenile Justice Services will handle this. I do know that for some of our current CHINS offenses they get what we call an informal supervision by a probation officer—basically an officer that ensures the child is doing what the court has asked him to do, such as going to school or going to counseling; if he doesn't comply, the officer will refer him back to court to see the judge.

**Carey Stewart:**

On the first referral of a CHINS, they will be assigned a probation officer. As Senator Wiener explained, that allows us the opportunity to put sanctions in place to educate the minor to hopefully discontinue the behavior. We had these types of conversations last session when the sexting bill was discussed. What we have found is that it has not drastically impacted our system. We anticipate that this legislation will not either. If it does, I think it is a worthwhile adventure for our probation departments to address.

**Assemblyman Thompson:**

Will this become a part of the juvenile's record, or will it be looked on as a diversion on the first offense?

**Carey Stewart:**

Anytime a juvenile is referred by a law enforcement agency, there is a record of the offense. After that, whether a CHINS or a delinquent act, there are a lot of factors involved in who gets the information. Kids can self-disclose the information or they can ask the court to release it in a formal document. If a child is applying to go to school or the military, those agencies require that they provide a copy of their legal history. Any referral is subject, at some point in time, to be released to another party upon a request, based upon the circumstances; even though the statute states the information is confidential.

**Assemblyman Hansen:**

Are there currently laws on the books for adults who knowingly and intentionally film a crime? Is it against the law?

**John Jones:**

I was having that same conversation with my counterpart from Washoe County, and off the top of my head, I cannot think of a crime right now that I could charge for filming an unlawful act.

**Margaret Flint, Private Citizen, Reno, Nevada:**

I have dealt with an incident that parallels this issue very closely. In the 2011-2012 school year, my 15-year-old daughter was a sophomore at Reno High School. She became embroiled in an issue with a gang of girls who decided, for no apparent reason, that they did not like my daughter. Part of the communication on this was electronic devices and texting. We dealt with the school, which tried to deal with this internally for about a month and a half. Part of the dilemma was that with the texting and such, these girls were able to target what areas of the school my daughter was in.

The school started meeting with parents; my ex-husband and I attended several meetings with the school and the school police. It got to the point where it was not just the verbal harassment and taunting; these girls were actually meeting my daughter by her locker and by her classes and started laying hands on her to the point where she was coming home with bruises.

Then we started filing assault charges. Even after the first assault charges were filed, there was still nothing the authorities could do with these girls until we went through the legal process. After she was assaulted a second time, we went to the school for a meeting with the school police and the vice principal. We were informed that they could no longer guarantee my daughter's safety on campus. They recommended that we apply for a temporary protection order (TPO). We went to the justice court and applied for this TPO. The dilemma that we ran into with the justice court is that it is an adult court; they have no jurisdiction over juvenile matters. They had me, as an adult, file for the TPO. It took about two days before the judge decided whether he would issue the order. He finally did issue it.

During the holidays and winter break, the girl who was the biggest instigator of the affair was arrested and detained in the juvenile detention center. Once that happened, things started to dissolve. This was not just the texting, there was also the social network—there was a lot of verbal harassing and taunting on Facebook.

Finally, when it was time to extend the TPO and we went to the justice court, we were denied based on jurisdiction. The offender, who was housed at Willow Springs until February, was finally sentenced. It was not until then, as

part of her probation, that she was ordered not to have any contact with my daughter.

I know that is not part of this bill, but there should be something in the courts that we can do to protect these kids in the juvenile court system. But the cyber-bullying, electronic devices, texting, and social networks, these are definitely a real issue. It got to the point where I had to drop my daughter off at a different part of the school, I had to pick her up at a different place. It became, "Mom, I do not feel good, I do not want to go to school today." My daughter is a good student, she is a good girl. I would definitely be in support of this bill, and anything you can do to help these kids out of these dilemmas would be very much appreciated.

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**

We support this bill.

**Eric Spratley, Lieutenant, Washoe County Sheriff's Office:**

We support this bill.

**Chairman Frierson:**

If this was law, could an adult who behaved this way be charged with contributing to the delinquency of a minor?

**Eric Spratley:**

That is a very good point.

**Jason Trevino, Deputy Chief of Police, Washoe County School District Police Department:**

In Washoe County, we have successfully prosecuted adults for this type of behavior under child endangerment. To address the question asked earlier, we do not have statistics on how much of a burden this would be, however, we can say that it is an increasing problem and is becoming very difficult to adapt current laws into new technology areas of crime. This would address that gap that has been identified, but we are having a hard time getting our foot in the door. This would help solve that. It is very rare these days to not have video evidence in a battery case.

**Assemblyman Hansen:**

Is there anything we can do, on a legislative level, in addition to this? You are dealing with this day in and day out, you are the guy whose opinion is extremely valuable.

**Jason Trevino:**

The biggest part of this issue is awareness. We have been very successful in Washoe County at spreading the word and setting up a lot of avenues for kids to report this type of behavior anonymously. The biggest issue we found was that kids do not want to be known as a snitch. We have found that at the school, putting those mechanisms in place for reporting has helped drastically. The other thing that we can really use the help on is giving us tools to be effective to help manage the problem. Obviously our goal is to not introduce more and more kids into the system; it is to introduce those minors who need to be introduced into the system and for us to be effective with it. Currently, without measures such as this bill, we have to get creative in what we charge someone with. Oftentimes that is not something that can be successfully prosecuted because it does not quite fit.

**Assemblyman Carrillo:**

What kind of charge is child endangerment?

**Jason Trevino:**

Child endangerment is a gross misdemeanor.

**Joyce Haldeman, representing the Clark County School District:**

We, too, are in support of this bill. We feel this is a bill that will help us as we educate students about this issue as we do in our anti-bullying curriculum—that there are consequences connected to this type of behavior. Currently we can teach that this is not wise behavior and they may regret it later. This bill has some teeth in it for consequences for students. Clark County School District police tells me they deal with about a dozen of these types of cases a year.

**Assemblywoman Diaz:**

Youths' brains do not really mature until they are in their mid-twenties. Kids will be kids, and I think that educating them on the front end is always going to be very valuable. I recall a specific case where I do not think the child was aware of the consequences. The child sexted once, and I felt the consequences were too severe. He was pulled out of school and had to go to an alternate school. We need to send a clear message saying these actions are not right, but by the same token, I think they need to know before they actually do something of this sort. How early do we start anti-bullying awareness in our youth? Do they get it more than once, and does it go to the extent of letting them know what the consequences are if they engage?

**Joyce Haldeman:**

Our curriculum is K-12. We start with a "be kind" approach in elementary school and become more and more aggressive with the information we provide.



Consequences are a big part of what we teach students. As you say, sometimes they do not think the consequences apply to them. That is part of the ongoing education.

**Chairman Frierson:**

Is there anyone else wishing to offer testimony in support? [There was no one.]  
Is there anyone here wishing to offer testimony in opposition?

**Allen Lichtenstein, representing American Civil Liberties Union of Nevada:**

We are not in opposition to the concept, but we are in opposition to some language issues needed to ensure there is not a First Amendment issue. Cyber-bullying is not protected speech, and we are not suggesting that it is. If you look at section 1, starting on line 6, it talks about doing this activity "with the intent to encourage, further, or promote bullying or to cause harm to the minor." The intent of this bill is to prevent harm to a particular individual. The "or" in that sentence means that there need not be any intent to harm the individual. This could capture things like footage or pictures of bullying that may have taken place a decade ago, where there is no particular minor who is still a minor. The idea of promoting or encouraging bullying is reprehensible, but it is an idea that is protected by the First Amendment. To suggest that if it is used to prevent people from bullying but not to encourage it, then you have a viewpoint discrimination. Again, we are not suggesting that bullying is a good idea, it is one that we should support; but it is one that is protected. My suggestion would be to get rid of the "or" so the intent would be focused on something that would harm the individual who is the victim, avoiding the potential constitutional problem.

**Chairman Frierson:**

Is there anyone else wishing to offer testimony in opposition? Is there anyone wishing to offer testimony in a neutral position?

**Steve Yeager, Deputy Public Defender, Clark County Public Defender's Office:**

We are neutral on this bill. Section 1, subsection 3 talks about how a court is to make the determination of whether the individual in the video is a minor. I certainly do not have a problem with paragraph (a) inspecting the minor, or with paragraph (e), using the rules of evidence, but based on some of the testimony today, and the idea that perhaps out-of-state conduct could be prosecuted, I would like to recommend to the Committee that paragraphs (b), (c), and (d) should possibly be out of the bill. It seems that unless there is personal knowledge of the individual in the video, simply viewing the image or considering the opinion of a witness or a doctor who views the video might not necessarily indicate beyond a reasonable doubt that the person in the video is a minor. I think the bill may be better served to remove subsection 3 entirely and

allow the courts to use the standard rules of evidence that already exist. Again, I am taking no position on the bill. It is my understanding that language does appear elsewhere in NRS. I researched it and do not find where it has been challenged or overturned. I just wanted to bring this potential issue to the attention of the Committee.

**Chairman Frierson:**

Is there anyone else here in the neutral position? Seeing no one, Ms. Wiener, do you have any closing remarks?

**Valerie Wiener:**

Thank you. I appreciate the time allocated for this hearing. I look forward to working with you and your Committee to resolve any concerns you may have. I urge your support.

**Chairman Frierson:**

With that, I will close the hearing on S.B. 414 (R1). We will now get started on our work session, beginning with Senate Bill 9 (1st Reprint).

**Senate Bill 9 (1st Reprint): Makes various changes relating to the regulation of gaming. (BDR 41-328)**

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 9 (1st Reprint) has to do with the regulation of gaming, sponsored by the Senate Committee on Judiciary on behalf of the State Gaming Control Board, heard in this Committee on April 24, 2013. The bill revises the definitions of various terms relating to the licensing and control of gaming, including the definition of "gross revenue" as related to compensation for and losses in connection with Internet poker tournaments. [Continued to read from work session document ([Exhibit H](#)).]

**Chairman Frierson:**

Are there any questions? I will entertain a motion to amend and do pass.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
SENATE BILL 9 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT  
FOR THE VOTE.)

I will assign this to Assemblyman Ohrenschall to present on the floor. Next we have Senate Bill 17.

**Senate Bill 17**: Revises the deadlines by which certain gaming licensees are required to file financial reports and pay certain fees. (BDR 41-332)

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 17 has to do with the regulation of gaming licensees, sponsored by the Senate Committee on Judiciary on behalf of the State Gaming Control Board, heard in this Committee on April 24, 2013. This bill revises the deadlines for gaming licensees to file financial reports with the State Gaming Control Board and to file certain reports and pay fees to the Nevada Gaming Commission from the twenty-fourth to the fifteenth of each month. There are no amendments ([Exhibit I](#)).

**Chairman Frierson:**

Are there any questions?

ASSEMBLYWOMAN DIAZ MOVED TO DO PASS SENATE BILL 17.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Thompson. The next item on our work session is Senate Bill 19 (1st Reprint).

**Senate Bill 19 (1st Reprint)**: Revises provisions concerning driving under the influence of intoxicating liquor or a controlled substance. (BDR 43-366)

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 19 (1st Reprint) has do to with driving under the influence (DUI), sponsored by the Senate Committee on Transportation on behalf of the Department of Motor Vehicles, heard in this Committee on April 30, 2013. This bill subjects a person who was convicted of DUI pursuant to a city or county ordinance that prohibits the same or similar conduct as set forth in the *Nevada Revised Statutes* (NRS) to those provisions applicable to a person convicted of a violation of NRS, including, without limitation, revocation of the person's driver's license. This subjects a person convicted of a DUI under a local ordinance to the same provisions that would apply if they were convicted under NRS ([Exhibit J](#)).

**Chairman Frierson:**

Are there any questions?

ASSEMBLYWOMAN SPIEGEL MOVED TO DO PASS  
SENATE BILL 19 (1ST REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT  
FOR THE VOTE.)

I will assign that floor statement to Mr. Carrillo. Next up is Senate Bill 30 (1st Reprint).

**Senate Bill 30 (1st Reprint): Revises provisions governing the dissemination of records of criminal history by an agency of criminal justice. (BDR 14-400)**

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 30 (1st Reprint) has to do with records of criminal history, sponsored by the Senate Committee on Judiciary on behalf of the Attorney General, heard in this Committee on April 19, 2013. This bill grants access to the Attorney General's multidisciplinary team to review the death of a victim of crime that constitutes domestic violence to: (1) information contained in the Central Repository for Nevada Records of Criminal History; and (2) records of criminal history maintained by a criminal justice agency ([Exhibit K](#)).

**Chairman Frierson:**

Are there any questions?

ASSEMBLYWOMAN DIAZ MOVED TO DO PASS SENATE BILL 30 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT  
FOR THE VOTE.)

I will assign this to Mrs. Diaz. Next on our agenda is Senate Bill 32.

**Senate Bill 32: Revises various provisions relating to the Department of Corrections and the Division of Parole and Probation of the Department of Public Safety. (BDR 16-317)**

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 32 relates to the Department of Corrections and the Division of Parole and Probation. It is sponsored by the Senate Committee on Judiciary on behalf of the Department of Corrections, heard in this Committee on April 16, 2013. This bill authorizes the director of the Department of Corrections to permit distribution of money, from any money deposited in the individual account of an offender from any source other than the offender's wages, to a governmental entity for certain deductions. [Continued to read from work session document ([Exhibit L](#)).]

**Chairman Frierson:**

Is there any discussion on this bill?

ASSEMBLYWOMAN DIAZ MOVED TO DO PASS SENATE BILL 32.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT FOR THE VOTE.)

Mr. Wheeler, I am assigning the floor statement to you. Next is Senate Bill 37 (1st Reprint).

**Senate Bill 37 (1st Reprint):** Revises provisions relating to the destruction or theft of certain property. (BDR 15-261)

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 37 (1st Reprint) has to do with the theft of certain property, sponsored by the Senate Committee on Judiciary on behalf of the Nevada League of Cities and Municipalities, heard in this Committee on April 17, 2013. This bill provides that a person who willfully or maliciously removes, damages, or destroys any property maintained by a State or local government to obtain scrap metal is guilty of a crime. [Continued to read from work session document ([Exhibit M](#)).]

**Chairman Frierson:**

Are there any questions?

ASSEMBLYMAN DUNCAN MOVED TO DO PASS SENATE BILL 37 (1ST REPRINT).

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

**Assemblyman Ohrenschall:**

I had asked in Committee whether adding this mandatory community service requirement would be fruitful; if it would help the victim be made whole. I am going to vote no, and reserve my right to change my vote on the floor.

**Assemblywoman Diaz:**

I echo my colleague's sentiment on this bill.

**Chairman Frierson:**

Are there any other comments on the bill?

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL VOTED NO. ASSEMBLYMAN MARTIN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Duncan. Next on the agenda is Senate Bill 77.

**Senate Bill 77:** Revises provisions governing the issuance of marriage licenses. (BDR 11-683)

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 77 has to do with the issuance of marriage licenses, sponsored by Senator Manendo, heard in this Committee on April 18, 2013. This bill removes the prospective expiration of provisions relating to the issuance of marriage licenses by certain commercial wedding chapels, passed by the Legislature during the 76th Legislative Session. [Continued to read from work session document ([Exhibit N](#)).]

**Chairman Frierson:**

Are there any questions on the bill?

ASSEMBLYMAN CARRILLO MOVED TO DO PASS SENATE BILL 77.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT FOR THE VOTE.)

Ms. Fiore, the floor statement is yours. Next is Senate Bill 101 (1st Reprint).

**Senate Bill 101 (1st Reprint):** Revises provisions relating to departments of alternative sentencing. (BDR 16-464)

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 101 (1st Reprint) relates to departments of alternative sentencing, sponsored by Senator Settlemeyer, heard in this Committee on April 29, 2013. This bill expands the supervision of a department of alternative sentencing to include a "supervised releasee," who is a person charged with or convicted of a misdemeanor, gross misdemeanor, or a felony and who has been released from custody before trial or sentencing, subject to the conditions imposed by the court ([Exhibit O](#)).

**Chairman Frierson:**

Are there any questions on this bill?

ASSEMBLYMAN WHEELER MOVED TO DO PASS SENATE BILL 101 (1ST REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Ms. Cohen. Next on the work session is Senate Bill 175.

**Senate Bill 175:** Revises provisions relating to testing to determine the concentration of alcohol in a person's breath. (BDR 43-184)

**Dave Ziegler, Committee Policy Analyst:**

Senate Bill 175 has to do with breathalyzers, sponsored by the Senate Committee on Transportation, heard in this Committee on April 18, 2013. The bill revises provisions governing the manner in which a chemical solution or gas is determined to have the necessary composition for accurately calibrating a device for determining the concentration of alcohol in a person's breath. [Continued to read from work session document ([Exhibit P](#)).]

**Chairman Frierson:**

Are there any questions?

ASSEMBLYMAN CARRILLO MOVED TO DO PASS SENATE BILL 175.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MARTIN WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Ms. Dondero Loop. With that, we have finished the work session. I appreciate everyone reading the bills beforehand. I will now open it up for public comment. Seeing no one, this meeting is adjourned [at 10:30 a.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblyman Jason Frierson, Chairman

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



## EXHIBITS

**Committee Name:** Committee on Judiciary

**Date:** May 8, 2013

**Time of Meeting:** 8:16 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 103 (R1)	C	Senator Kieckhefer	Memo regarding Statutes of Limitation in Other States
S.B. 103 (R1)	D	Senator Kieckhefer	National Survey of Criminal Statutes of Limitations
S.B. 388 (R1)	E	Senator Parks	Prepared Testimony
S.B. 388 (R1)	F	Vanessa Spinazola, ACLU	Letter in Support
S.B. 388 (R1)	G	Allen Lichtenstein, ACLU	John Doe v. Elko County Court Case
S.B. 9 (R1)	H	Dave Ziegler	Work Session Document
S.B. 17	I	Dave Ziegler	Work Session Document
S.B. 19 (R1)	J	Dave Ziegler	Work Session Document
S.B. 30 (R1)	K	Dave Ziegler	Work Session Document
S.B. 32	L	Dave Ziegler	Work Session Document
S.B. 37 (R1)	M	Dave Ziegler	Work Session Document
S.B. 77	N	Dave Ziegler	Work Session Document

S.B. 101 (R1)	O	Dave Ziegler	Work Session Document
S.B. 175	P	Dave Ziegler	Work Session Document