

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

**Seventy-Seventh Session
May 30, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 9:12 a.m. on Thursday, May 30, 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:

None

Minutes ID: 1325



STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Thelma Reindollar, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

Terry Care, Commissioner, Uniform Law Commission
Steve Yeager, Deputy Public Defender, Clark County Public
Defender's Office
John T. Jones, Jr., representing Nevada District Attorneys Association
Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department

Chairman Frierson:

[Roll was called. Committee protocol and rules were explained.] I will open the hearing on Senate Bill 395 (2nd Reprint) and invite Mr. Care up to introduce the bill.

Senate Bill 395 (2nd Reprint): Requires the Advisory Commission on the Administration of Justice to identify and study certain information. (BDR 14-22)

Terry Care, Commissioner, Uniform Law Commission:

Senator Segerblom is presiding over the Senate Committee on Judiciary this morning and asked me to present the bill if he was not here. He is the sponsor of Senate Bill 395 (2nd Reprint) and is also a Uniform Law Commissioner. Senate Bill 395 (R2) began as a ten-page, twenty-five section bill. It was a Uniform Act called the Uniform Collateral Consequences of Conviction Act. Originally, the idea was that a criminal defendant, before entering into a plea, would like to know, maybe is even entitled to know, all of the things that could happen to him if he agreed to enter into a guilty plea. By collateral consequences—and there are two kinds—I am not talking about the sentence of imprisonment or the fine contained in statute. I am talking about, in the one instance, a collateral sanction which could be that if you agree to a guilty plea to a certain crime, you might lose your right to sit on a jury or to run for office. Then there is what is known as the disqualification, that if you agree to enter into a plea, you might be giving up, without knowing, some sort of professional license. You may or may not, but that would be up to a licensing board.

The idea behind the bill originally was to ensure that defendants knew these things could happen to them before entering a guilty plea. The only section in the bill that does anything is section 4, subsection 12. After the first reprint, the collection and inventory of collateral consequences in Nevada and the publication of those was going to be up to the Attorney General. That was a fiscal hit of about \$500,000, and that is gone now. All we have left of the bill is that it would be up to the Advisory Commission on the Administration of Justice, which was created under *Nevada Revised Statutes* (NRS) Chapter 176 by this Legislature, to undertake a study to determine the collateral consequences that I just explained and to make those available on the Internet, primarily so that criminal defense counsel as well as a defendant representing himself could have access to knowing going in, "If I agree to plead guilty, what are the things that could possibly happen to me?" That is all it is. There is no fiscal hit to the state. There is no duty imposed now on the courts or the Attorney General. It is just there, and it is available for anybody to use—courts, pretrial services, or prosecutors themselves who may want to make use of it. I do want to acknowledge the work of Professors Elizabeth MacDowell and Ann Cammett from the William S. Boyd School of Law, University of Nevada, Las Vegas.

I am unaware of any opposition, Mr. Chairman. I do not have any other people to testify in support of the bill.

Chairman Frierson:

Thank you, Mr. Care. We talked about this before today, and I understand the history leading up to the current form that it is in. It does exactly what you said it does. With that, I would invite anyone wishing to offer testimony in support to come forward.

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

Good morning, Mr. Chairman. I am also authorized this morning to speak on behalf of the Washoe County Public Defender's Office. We are in support of this measure. Some of the most tricky questions we get asked as public defenders can be questions related to collateral consequences. It is not unusual for clients to ask you, "If I take this negotiation for a misdemeanor, how is that going to impact some professional license, or how is that going to impact potential benefit that I am getting?" Those are not always easy questions to find the answers to, so we think this will be a very nice resource for defense counsel to at least be able to start the process of trying to get someone an accurate answer, or at least try to let them know what the statute says on that point. We think this is going to help us give better information to criminal defendants.

Chairman Frierson:

Are there any questions for Mr. Yeager? [There were none.]

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

Thank you, Mr. Chairman. We are here in support of S.B. 395 (R2). We want to thank Senator Segerblom and Senator Care for working with us to address some of our concerns. We have no objection to the Advisory Commission on the Administration of Justice putting together a website which will help both defense attorneys and defendants go through the potential collateral consequences of their conviction.

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

As the law enforcement representative on the Advisory Commission, we welcome the opportunity to look at this important issue.

Chairman Frierson:

Are there any questions from the Committee? [There were none.] Is there anyone else wishing to offer testimony in support? [There was no one.] Opposition? [There was no one.] Neutral? [There was no one.] I will close the hearing on S.B. 395 (R2) and invite anyone up for public comment. [There was no one.] With that, today's Assembly Committee on Judiciary is adjourned [at 9:21 a.m.].

RESPECTFULLY SUBMITTED:

Thelma Reindollar
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: May 30, 2013

Time of Meeting: 9:12 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster