

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

**Seventy-Seventh Session
June 3, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 12:03 p.m. on Monday, June 3, 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
Assemblywoman Michele Fiore
Assemblyman Ira Hansen
Assemblyman Andrew Martin
Assemblywoman Ellen B. Spiegel
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman Wesley Duncan (excused)

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Linda Whimple, Committee Secretary
Macy Young, Committee Assistant

OTHERS PRESENT:

Scott Sisco, Deputy Director, Support Services, Department of Corrections

Chairman Frierson:

[Roll was called and protocol was explained.] We have Senate Bill 519 on the agenda for today and we are going to hear that bill. I will open the hearing on Senate Bill 519.

Senate Bill 519: Authorizes the Director of the Department of Corrections to apply on behalf of a prisoner for a determination of Medicaid eligibility. (BDR 16-1230)

Scott Sisco, Deputy Director, Support Services, Department of Corrections:

I have only been with the Department a little less than two weeks, and unfortunately this bill came up unexpectedly and our medical administrator was unable to change an appointment to be here himself. I will do the best I can to explain the need for the bill and what it will allow the Department of Corrections (NDOC) to do.

Senate Bill 519, as introduced by the Senate Finance Committee, allows the Director of the Department of Corrections or his designee to apply for Medicaid on behalf of an offender. Currently, inmates are prohibited from receiving federal financial participation associated with Medicaid, with one exception. If an inmate is admitted to a hospital for more than 24 hours, at that point an inmate is no longer considered an inmate for the purpose of receiving Medicaid federal financial participation. With the implementation of the Affordable Care Act on January 1, 2014, almost all inmates will be eligible for Medicaid; newly eligible inmate claims will be paid with 100 percent federal financial participation. Use of Medicaid for eligible hospital claims is projected to save the state \$2.7 million in fiscal year 2014, and \$5.2 million in fiscal year 2015. The Department of Corrections' budgets have been closed with the reduction to the medical cost budgeted in anticipation of passage of this bill. Again, if this bill is not passed, we will have about an \$8 million hole in the budget that has been closed. However, S.B. 519 was introduced to overcome difficulties other

states have experienced with obtaining signatures from inmates to file for Medicaid on their behalf, either because the inmate was incapacitated or because the inmate was not willing to cooperate. The Department of Corrections urges passage of this bill, and I will do whatever I can to answer any questions you may have.

Assemblyman Ohrenschall:

Do you have any idea how much money this might save NDOC if Medicaid-eligible inmates are able to get those benefits?

Scott Sisco:

Yes. It was literally taken out of the budget because of the anticipation of saving \$2.7 million in 2014 and \$5.2 million in 2015.

Assemblyman Thompson:

Are you also going to utilize this as a discharge planning tool? As you probably know, we passed that there would be—and it has been signed into law—identifications for the prisoners when they are released. So it would be awesome if we could use this bill for discharge planning purposes as well, so when the prisoners are released, they have access to medical care.

Scott Sisco:

I believe the sole purpose of this bill is to confront the problem that other states have had with being able to apply for Medicaid on inmates' behalf. I can look into this and get information directly to you, and hopefully it will not hold up the passage of this bill. I do not believe this is tied to their discharge.

Chairman Frierson:

Are there any other questions from the Committee? [There were none.] Thank you. It seems like it is a straightforward concept. I invite anyone who wishes to offer testimony in support of S.B. 519 to now come forward. [There was no one.] Is there anyone wishing to offer testimony in opposition? [There was no one.] Is there anyone wishing to offer testimony in a neutral position? [There was no one.] Seeing none, I will close the hearing on S.B. 519. I will be entertaining a motion to do pass S.B. 519.

ASSEMBLYWOMAN DIAZ MOVED TO DO PASS
SENATE BILL 519.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

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

Chairman Frierson:

The floor statement will be handled by Assemblyman Carrillo.

I will take a moment to again thank our staff. Our staff is wonderful. This is Day 120 and I would not be true to myself if I did not acknowledge that we would not have gotten to this point without them bailing us out daily. We know it; even if we do not always say it, trust me that we know it. We really appreciate all that you do to get us here. Thank you very much.

We are going to go into work session, and consider Senate Bill 221 (2nd Reprint).

Senate Bill 221 (2nd Reprint): Makes certain changes relating to public safety. (BDR 14-943)

Dave Ziegler, Committee Policy Analyst:

Senate Bill 221 (2nd Reprint) was sponsored by Senator Jones and heard earlier in this Committee. This bill has a number of provisions. It requires a court to transmit a plea of guilty but mentally ill to the Central Repository for Nevada Records of Criminal History within five business days. Regarding a defendant found guilty but mentally ill, it requires a court to transmit a record of the finding to the Central Repository, again within five business days. The same type of provision regarding a verdict of acquittal by reason of insanity and ditto a defendant found incompetent, the court must transmit a record to the Central Repository within five business days. It requires each agency of criminal justice to submit information relating to the criminal history records that it creates, issues, or collects to the Central Repository within 60 days after disposition of the case.

In terms of the privilege that exists between a psychologist and a patient, the bill removes the privilege for communications relevant to certain determinations under *Nevada Revised Statutes* (NRS) Chapter 202, ditto for doctor-patient privilege. The bill has a number of provisions in NRS Chapter 202 having to do with background checks for transfers of firearms. It also has a provision that if a patient communicates an explicit threat of immediate physical harm or death to another person to a mental health professional and has the intent and ability to carry it out, the professional must make a reasonable effort to communicate that threat timely to the subject of the threat, the closest law enforcement agency, or the parent or guardian if the person is a minor. There are other provisions, Mr. Chairman, and I will turn it back over to you.

Chairman Frierson:

Thank you, Mr. Ziegler. Obviously, there has been a great deal of conversation about this bill and a significant hearing. I will entertain any comments.

Assemblywoman Diaz:

This bill was a very difficult one for me to come to a decision on. I listened to the testimonies, I read the bill, and I read some research. I believe the intent of the bill is to capture the market that currently is not subject to background checks. The research paper that I read, which was just published in 2013, said that a lot of the black market guns are channeled through private sales and that swayed my decision. I know that this bill is not going to solve the black market issue, so I want to make sure that we understand that I am not naïve and this is not going to solve this issue. But I am thinking of the community and the domestic violence victims and if we want to do something to potentially protect and minimize the extent to which guns are available in that area of the black market, then I believe this bill might close some loopholes and keep our community safer.

Assemblywoman Spiegel:

This bill has also been very difficult for me. I have been working with the sponsor to try to get some amendments that have not been put forth. In addition to what Assemblywoman Diaz just said, one of things that has been overwhelmingly influencing me are the mental health provisions. I have seen a number of instances firsthand where I have known people who have been harmed by mentally ill people who had firearms. I am hopeful this bill will help save lives in the future. It has not been an easy decision to come to.

Assemblyman Wheeler:

I just want to point out to my colleague that all the mental health issues were amended into Senate Bill 38 yesterday.

Chairman Frierson:

As a procedural matter, we do not typically discuss other bills, but it is not uncommon to have multiple bills on a similar topic in the event that one of the bills does not survive.

Assemblyman Hansen:

For me, this bill has not been difficult at all. In my lifetime, I have seen the Gun Control Act of 1968 and the federal assault weapons ban in the mid-1990s. There have been a series of attempts over the years to have the government come in and regulate things and, as always, these things are obeyed by the people who are already obeying the law. That is all this is going to do. It is going to punish the good people. People who consistently

break the laws are going to continue to break the laws, and its impact is going to—minimal at best—make criminals out of people who otherwise are simply making a transaction that they have been doing for many years.

I think that while the intent is good, like so many things around here, we need to look at the history of what has already been done. There are more than 300 million firearms in the United States, and we are going to have some people—and that is one of the problems with living in a free society—who will abuse these sorts of constitutional rights. To then turn around and restrict everyone else's constitutional rights because of those abuses just does not make sense to me, especially in light of the fact that all these other gun control events have had minimal or, in fact, no effect on reducing crime. Go back to 1968 to current. We had a massive increase in crimes following the passage of those laws, and that is why we got rid of the assault weapons ban. It is proven to have zero impact on crimes. This is an easy no for me.

Assemblywoman Fiore:

Since this bill has come forth, I can only thank goodness that we have a governor that is going to veto this bad bill.

Chairman Frierson:

Are there any other comments on the bill? [There were none.] I will be entertaining a motion to do pass.

ASSEMBLYWOMAN COHEN MOVED TO DO PASS SENATE BILL 221 (2ND REPRINT).

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARRILLO, FIORE, HANSEN, OHRENSCHALL, AND WHEELER VOTED NO. ASSEMBLYMAN DUNCAN WAS ABSENT FOR THE VOTE.)

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Chairman Frierson:

The floor statement will be handled by the Chairman. With that said, Assembly Judiciary is now in recess [at 12:20 p.m.].

[The Assembly Committee on Judiciary reconvened at 11:55 p.m.]

[The Assembly Committee on Judiciary adjourned [at 11:55 p.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: June 3, 2013

Time of Meeting: 12:03 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster