

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

**Seventy-Seventh Session
March 7, 2013**

The Committee on Judiciary was called to order by Chairman Jason Frierson at 8:11 a.m. on Thursday, March 7, 2013, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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 Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Dave Ziegler, Committee Policy Analyst
Thelma Reindollar, Committee Secretary
Gariety Pruitt, Committee Assistant

OTHERS PRESENT:

Mitch Schneider, Director, G.I. Dogs Program, Nevada Humane Society
Beverlee McGrath, representing Best Friends Animal Society; Nevada Humane Society; American Society for the Prevention of Cruelty to Animals; Northern Nevada SPCA; Nevada Political Action for Animals; Lake Tahoe Humane Society & SPCA; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPAC; Lake Tahoe Wolf Rescue
Margaret Flint, representing Canine Rehabilitation Center & Sanctuary; Nevada Humane Society
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office
Richard Hunter, Private Citizen, Mound House, Nevada
Kari Riley, Private Citizen, Reno, Nevada
Dennis Johnson, Private Citizen, Carson City, Nevada
Bonnie McGrew, Private Citizen, Las Vegas, Nevada
Jesica Clemens, Executive Director, Incred-A-Bull
Lynn Lightfoot, Private Citizen, Las Vegas, Nevada
Jonathan Friedrich, Private Citizen, Las Vegas, Nevada
Nechole M. Garcia, Assistant City Attorney, Civil Division, City Attorney's Office, City of Henderson
Michael J. Oh, Assistant City Attorney, Civil Division, City Attorney's Office, City of Henderson
Steven Sweikert, Deputy District Attorney, Clark County District Attorney
John T. Jones, Jr., representing Nevada District Attorneys Association; Clark County
Kristina L. Swallow, P.E., Engineering Program Manager, City Engineer Division, Department of Public Works, City of Las Vegas
Tim Bedwell, Director, Intergovernmental Services, City of North Las Vegas
Karen Layne, President, Las Vegas Valley Humane Society

Chairman Frierson:

[Roll was called. Committee protocol and rules were explained.] We do have a quorum. We have one bill on the agenda for today and we also have a work session. I am seeking a motion to introduce Bill Draft Request (BDR) 5-993

regarding criminal background checks for Department of Juvenile Justice applicants.

BDR 5-993—Revises provisions governing criminal background checks of applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (Later introduced as [Assembly Bill 217](#).)

ASSEMBLYMAN OHRENSCHALL MOVED TO INTRODUCE
BDR 5-993.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chairman Frierson:

We will now open the hearing on [Assembly Bill 110](#) and invite Mr. Ohrenschall to introduce the bill.

[Assembly Bill 110](#): Revises provisions concerning canines and breed discrimination. (BDR 15-567)

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

Good morning, Chairman Frierson and members of the Committee. Thank you for scheduling [Assembly Bill 110](#). I do not think much is as close to the human heart as our canine friends. In the old days the law looked at a dog as personal property, as chattel, but any of us who have owned a dog realize they become much more to us and to our families. Ms. McGrath approached me during the interim with the idea that Nevada needed a statute to prohibit breed discrimination at the local level. There has not been an ordinance like that in Nevada, but similar ordinances have passed in other jurisdictions. Other states have passed state laws prohibiting, and trying to preempt, such local ordinances. I have received tremendous support for the section of the bill that tries to prohibit breed discrimination at the local level. I think almost everyone I have spoken with agrees that it is rarely the dog that is born dangerous or vicious. It is the environment the dog grows up in; it is the human beings who train the dog. I have to say, if only one part of this bill survives, I hope it is the part that prohibits breed discrimination at the local level.

There is one amendment which was proposed by the City of Henderson. I thought we had a consensus on trying to address all the concerns of the local animal control agencies, but to quote our former majority leader, "I do not think we have soup yet on this bill." I am happy to answer any questions.

Chairman Frierson:

Would you or Ms. McGrath go through the bill and summarize what the sections are proposing to do?

Assemblyman Ohrenschall:

I would be happy to. Assembly Bill 110 adds a requirement that an animal control agency, and in smaller communities where there is not a separate animal control agency, would have to undertake an investigation before determining that a dog is dangerous. In many of our local jurisdictions, you can have a dangerous dog but you have to have a special permit in order to have that dangerous dog.

Assembly Bill 110 also adds a requirement that the owner or keeper, if known, be given notice and an opportunity for hearing before making a determination that the dog is dangerous. That is on page 1, line 6 to page 2, line 2. The bill adds a requirement that a dangerous dog finding be based on the preponderance of evidence standard. Right now there is no evidentiary standard and it is kind of willy-nilly in terms of each county and each local government.

Assembly Bill 110 adds a dog behaving menacingly to the degree that a reasonable person would defend a domestic animal against substantial bodily harm; currently the statute only refers to the defense of persons. In addition to the current dangerous dog criteria, A.B. 110 adds a qualification that when the dog is off the owner's premises, it must also be off a leash or not otherwise controlled. The bill also makes some parallel changes relating to the term "vicious dogs." Specifically, A.B. 110 adds a requirement for an investigation by an animal control agency before determining that that dog is indeed vicious.

For the Committee's clarification, a vicious dog cannot be owned. It also adds a requirement to give the owner or keeper notice and an opportunity for a hearing if the animal control agency or local government is seeking to declare that dog vicious. In terms of the "vicious" label, in which case the dog would be destroyed, it is a higher standard of clear and convincing evidence that we put in the bill.

The bill adds another basis for declaring a dog as vicious which is when it kills a domestic animal that is not on the premises of its owner. Current law provides for a vicious dog finding when a dog owner has been notified by law enforcement that the dog was dangerous and that the dog continued its behavior. Assembly Bill 110 would allow an animal control agency to provide the required notice before a vicious dog finding may be made. It also adds abuse as a basis for finding that a dog was provoked. I think that is very important because we have seen many examples in the news lately.

The bill prohibits finding a dog dangerous or vicious based solely on the breed of the dog and also prohibits a local authority from adopting an ordinance or regulation that deems the dog dangerous or vicious based only on the breed of the dog.

Finally, A.B. 110 defines local authorities, the governing board of a county, city, or other political subdivision having authority to enact laws, ordinances, or regulations relating to dogs. I am happy to answer any questions.

Chairman Frierson:

I have a couple of questions and I see that there are a few more. The preponderance of the evidence standard as proposed in the amendment is a pretty low standard. From what you have learned, is that what the practice is even if it is not articulated in statute?

Assemblyman Ohrenschall:

I found that there are different practices in our different jurisdictions. It seems like Clark County has the gold standard from what I have learned. I might want to defer to representatives from Clark County Animal Control.

Chairman Frierson:

You said that the difference between a dangerous and a vicious animal is that once an animal is determined vicious, it is illegal to own that vicious animal, right?

Assemblyman Ohrenschall:

Right. That is what I have been informed.

Chairman Frierson:

In looking on page 2, section 1, subsection 1, paragraph (c) my question is, if a dog kills a cat while that dog was off the premises of its owner or keeper, would that make that dog automatically illegal to own by virtue of, quite frankly, what comes naturally to some dogs, and not indicative of them being vicious?

Assemblyman Ohrenschall:

That is an area we looked at and we tried to resolve with the different amendments. I agree that that is an issue in the original bill that I would not want to see go forward if the bill is processed.

Assemblyman Wheeler:

In section 1, subsection 1, paragraph (a), does it take both the local authority and the owner agreeing on the investigating agency?

Assemblyman Ohrenschall:

I think that what we and the drafters were trying to do was to provide for the scenario where there is no separate animal control agency in some of the smaller communities, where the city or the township government is the de facto animal control agency. We were not trying to allow for subcontracting out to some other investigative agency.

Assemblyman Wheeler:

What I was looking at so I can give you the right section is on page 2, line 16.

Assemblyman Ohrenschall:

That language is simply to provide for the smaller communities that do not have a separate animal control agency unlike our more populous counties.

Assemblyman Wheeler:

The way I read it is that it takes both the owner of the dog and the animal control agency to designate another local authority. You may want to clarify that. My other question is regarding page 2, line 11. The way I read this is that a dog can behave menacingly on a leash but not off a leash. Is that correct?

Assemblyman Ohrenschall:

That certainly was not the intent. I believe the intent is that if the owner knew the dog had behaved menacingly in the past and was allowed to be off the leash. I agree that it does seem a little unclear but I do not believe that is the intent. Thank you for pointing that out.

Assemblyman Hansen:

You have "or a domestic animal." Do you want to get rid of that because it is wrong to discriminate against cats here? If you are going to have a vicious dog and it attacks the next-door neighbor's cat and kills it, the cat's owner should have a right to come and say that dog is a vicious animal. Seriously, I think that should be left in.

The bigger question I have though is on page 2, lines 29 through 31 where you are going to delete "a dog may be declared dangerous by a law enforcement agency" Why would you remove that? Why would law enforcement not have some authority to declare a certain animal hazardous which has done a crime or participated in a crime?

Assemblyman Ohrenschall:

I want to address your first comment. It is a valid comment but again, it is important to remember the distinction between vicious and dangerous. Many of

us who have owned dogs have had the sad experience where a stray cat has unfortunately been the victim of a dog's natural tendency. Now does that make the dog vicious where it would need to be destroyed or dangerous where the owner might need to have a special permit and need to be on notice that the dog has that tendency? I would say dangerous, and I think that is what we are trying to go for here, not vicious. The owner needs to have that higher regard for the potential danger of that dog.

Assemblyman Hansen:

The standard is the dog has to have done this off the owner's property or when it is not in the owner's control. If your dog takes off and runs across the street to my house and kills my cat, the way I am reading the "or a domestic animal" part, that would give me some recourse to say that dog is out of control and this animal is a hazard to the other animals in the neighborhood. I do not want that part pulled out if you say you want it gone. I think it is a pretty reasonable thing to give all domesticated animals a level playing field.

Assemblyman Ohrenschall:

I am going to ask for some assistance here.

Mitch Schneider, Director, G.I. Dogs Program, Nevada Humane Society:

I am the former head of Washoe County Regional Animal Services and a master dog trainer. I have spent my lifetime training dogs and performing animal control work. To address the question on the cat, I wholeheartedly agree but it is also true that putting a dog down because it killed a cat is very different than if it is out killing other dogs, and not because cats are less valuable.

Assemblyman Hansen:

Why?

Mitch Schneider:

It is more natural for them to see a cat like they would a rabbit. It does not mean they are vicious enough to destroy. However, if they are declared dangerous and are required to be more confined, restricted, and supervised, that is the reasonable thing to do. I had a case where a woman living in a townhome had tethered her cat in her yard. Two standard poodles got out of the other townhome and the dogs did what dogs will do when they encounter a cat. There should be a distinction there and, even with dog on dog, it is not that unusual. It is like siblings getting into a fight. Destroying a dog based on one act like that is probably not reasonable. Having a dog declared dangerous so that it is put on notice to take extra precaution but they fail to do that, and the dog repeats the behavior, now it is vicious. Often in these cases, it is not about the breed. It is about the owner; they are either responsible or they are

not. As long as we own animals as pets, there will be accidents and tragic incidents. We should do everything we can to minimize them but we should not overreact.

My primary purpose for coming here today was to speak on the breed specific aspect of this legislation. I can tell you in a lifetime of training dogs at the highest levels in the nation—field trial dogs, obedience trial champions, and for movies and commercials—I now train service dogs for disabled veterans through the G.I. Dogs Program that the Humane Society began last year. I have placed pit bulls with my veterans and I have a pit bull in my service dog training class. I now have a pit bull at home because I was fostering one for a veteran as a pet, and getting it ready to transition from shelter life to home life. The veteran found out that he could not have one of the dangerous breeds where he was living and so I kept the dog. The other pit bull that I placed in a pet home was for a Vietnam-era veteran and he said it was the most loving dog he has ever had. So it is not about the breed; it is about the owners who are often not informed enough, or they are too naive.

Assemblyman Hansen:

I asked the same question and never got an answer. I want to get to that part of the bill specifically. Why is that being deleted?

Assemblyman Ohrenschall:

Page 2, lines 29 through 31 have been deleted by the drafter; however, if you will look at page 2, lines 3 through 5, it is just being moved around in the statute. That provision about the dog being used in the commission of a crime is still there. There has been some debate about whether that is really good policy because the crime was committed by a criminal, a human, and does not necessarily mean the dog is dangerous or vicious. That is current law and this original version of the bill is not proposing to delete that.

Assemblyman Hansen:

For the record, I have three dogs and one cat.

Mitch Schneider:

Seldom does law enforcement have the experience and knowledge to declare a dog dangerous without some type of hearing no matter who brings it forward.

Assemblywoman Diaz:

In the amendment submitted by Mr. Ohrenschall, in section 1, subsection 4, it says, "it exhibits a condition or behavior which causes the animal control officer to believe the animal is a threat to public safety." I wanted some elaboration on what that means ([Exhibit C](#)).

Assemblyman Ohrenschall:

I am going to defer to Ms. McGrath or Mr. Schneider on that.

Beverlee McGrath, representing Best Friends Animal Society; Nevada Humane Society; American Society for the Prevention of Cruelty to Animals; Northern Nevada SPCA; Nevada Political Action for Animals; Lake Tahoe Humane Society & SPCA; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPAC; Lake Tahoe Wolf Rescue

This is language that was proposed by another one of the animal groups. As Mr. Ohrenschall stated, amendments have been flying around like crazy and I apologize to him for the volume of emails. This is just for consideration.

Assemblywoman Diaz:

In terms of making good policy, I just wanted to get the gist of why we added this. It was not in the original draft but now we are adding it in. I wanted to know the background as to why people felt that this needed to be included.

Mitch Schneider:

Having been in animal control for almost 30 years, sometimes you become aware of information and people are reluctant to testify against a neighbor. Between what is noticed, witnessed, and heard, it should be appropriate for an animal control officer to request a hearing be held to determine whether that dog is dangerous or not, that there may be a public safety threat. They should not be able to just declare a dog dangerous.

Assemblyman Ohrenschall:

That would be just one of the triggers to get the investigation and the hearing started. It would not be a declaration that the dog is dangerous based on the observation. That would just be a potential trigger.

Assemblywoman Spiegel:

If a homeowners' association (HOA) has in its covenants, conditions and restrictions (CC&Rs) that dangerous dogs are not allowed, is that still okay? Also, are landlords allowed to specify that they would not allow dangerous breeds in their rental units?

Assemblyman Ohrenschall:

I know better than to invoke Chapter 116 in this bill. The intent of the bill is this would apply to a local authority and not to a common-interest community.

Assemblyman Carrillo:

Can an animal not be deemed dangerous or vicious if the dog has not been provoked or abused?

Assemblyman Ohrenschall:

That would be the result of the hearing and the process that the local authorities set up.

Mitch Schneider:

Typically, in those situations, what you are doing is using a reasonable person standard. It is information that would come up in a hearing and the courts would make a judgment on whether or not that past abuse was relevant to what happened in that instance.

Assemblyman Carrillo:

Would you define reasonable person?

Mitch Schneider:

Reasonable person standard is used throughout the statutes and codes. We hope our administrative officers and courts can do so properly.

Assemblywoman Cohen:

I have a question getting back to the dog injuring a person while being used in the commission of a crime by its owner or keeper. I was thinking about dogs that were being used in dogfighting rings. I wanted to make sure, since dogfighting is a crime, that we are not intending to sweep up all those dogs in this definition.

Assemblyman Ohrenschall:

I certainly hope not. Of course, that is existing language in *Nevada Revised Statutes* (NRS) 202.500 and I am not sure that that belongs in statute. There are many instances, as you pointed out, where the dog has no choice and it has been made to dogfight.

Mitch Schneider:

I would simply say that is a good example of why we do not want something like that, where law enforcement could just declare a dog dangerous because it was involved in something. You may need to actually have a hearing on a dog even though it is a victim. They are not safe to put back out into the community as a result of that. They should still be looked at and scrutinized very closely.

Assemblywoman Cohen:

How do you find law enforcement's ability to delineate the different breeds? Do you find they are lumping together everything that they do not know what it is and calling it a pit bull, or do you find that they can really tell the difference?

Mitch Schneider:

You hit a very valid point. It is nearly impossible to be certain a dog is a pit bull unless it is a spitting image of it. There are so many other breeds. Statistically, German Shepherds are one of the highest biting breeds and, before pit bulls became popular, they were number one for many, many years. Nobody wanted to ban the German Shepherds, but the pit bull has not been as fortunate in that regard.

Assemblywoman Cohen:

I was asking about law enforcement's ability to delineate between different breeds.

Chairman Frierson:

I think the question was your experience with how law enforcement deals with it.

Mitch Schneider:

They do not have the ability to differentiate between the breeds. They lump them all together so distinguishing between them is very challenging, almost impossible.

Assemblywoman Cohen:

I wanted to get your understanding with all your years on the street working with law enforcement.

Mitch Schneider:

It is challenging and impossible to be accurate.

Assemblyman Carrillo:

Are steps being taken to rehabilitate the dogs that you are speaking of?

Assemblyman Ohrenschall:

Yes.

Beverlee McGrath:

Many steps are being taken by all the animal rescue groups to rehabilitate dogs. Some can be rehabilitated; some cannot.

Assemblyman Carrillo:

Explain to me what happens if the rehabilitation process does not take place.

Beverlee McGrath:

If a dog is vicious, under this code and this current language, the dog is euthanized. That is what is happening on a regular basis in some of the rural counties in Nevada and that is why we are here.

Assemblyman Carrillo:

Basically, if a dog is considered vicious and cannot be rehabilitated, be it by a 12-step program for a dog, then being euthanized is the final end.

Beverlee McGrath:

That is the current process. If it is vicious and cannot be rehabilitated, certainly different counties, different animal groups, and different rescue groups have different steps for rehabilitation. That is what is happening but the reason we are here is that currently, no attempt is being made to rehabilitate some of these dogs. There is no pit bull breed, to be clear. Pit bull is a look and there are many dogs that have that appearance. When we say pit bull, we are referring to American Staffordshire Terrier. Right now, they are being euthanized the minute they come in.

Assemblyman Ohrenschall:

As I understand it, once that dog has been declared vicious, it is killed. It is the end of the line. There is no rehabilitation. The rehabilitation has to be before the declaration of dangerous, or after the declaration of dangerous, in terms of animal welfare society or the owner trying to get some training to retrain the dog if it is a rescue that was used in dogfighting.

Mitch Schneider:

As a trainer, I can tell you it takes a truly rare expert to really rehabilitate a dog. It is not likely that it is going to occur with just some basic obedience. Usually, the problems are rooted in the way the owner responds to the dog. I used to specialize in working with aggressive dogs and more often than not, it was an owner problem. So if that dog stays with that owner, that owner has done things and created an environment where this dog now thinks it is the boss. Rehabilitation will seldom work.

Chairman Frierson:

Are there any other questions? Mr. Ohrenschall, you indicated in your opening that there has been a difference of opinion. At the very least, you were hopeful that something could be passed to prohibit breed discrimination. Specifically with the bill so that I am clear, on page 2, line 32, you are saying that if the bill

advanced from that point on through the rest of the bill, that would be what you would hope if it cannot be a consensus on the other portions of the bill?

Assemblyman Ohrenschall:

Yes. Even if just this part—page 2, lines 32 through page 3, line 11—passed, I think it would be a victory for pet owners and for these dogs.

Chairman Frierson:

Okay, I see no other questions. Thank you all for the presentation. I am going to invite those here to testify in support of A.B. 110.

Assemblyman Ohrenschall:

Pardon me, Mr. Chairman. Ms. McGrath wondered if she could add one comment.

Chairman Frierson:

Absolutely.

Beverlee McGrath:

Because we are focusing on breed discrimination only, it was never our intention to separate the two codes, criminal and civil, and clean up the clarification of dangerous and vicious. It was our intention to address the breed specific legislation (BSL). Because of that, I would just like to mention some costs that are involved with enforcement once a state adopts BSL. I will apply that to Nevada which currently has an estimated 447,780 dogs. [Ms. McGrath read from ([Exhibit D](#)).]

It is costly to taxpayers and a special burden to animal control and animal services that are performing the enforcement. They are already underfunded and, in our opinion, overworked. So that is a serious consideration. We are proposing that BSL be prohibited in the state of Nevada. In all fairness to the dogs and to the owners, a better alternative would be to spay and neuter dogs and prohibit the constant chaining and tethering as these dogs are 2.8 times more likely to bite than other dogs. Ninety-seven percent of dogs involved in fatal dog attacks in 2006 were not spayed or neutered. Eighty-four thousand reckless owners play into this part. If you have BSL, what often happens is that gang members are often attracted to dogs that have been banned so you have that scenario. Also, they just adopt another breed and train that breed to be aggressive—file their teeth so they can bite and all that goes along with aggressive dogs and dogfighting. We think that BSL is something that should be stopped nationwide, and certainly in Nevada. [Ms. McGrath read ([Exhibit E](#)).]

Chairman Frierson:

Are there any questions at this time? I see none. I will now invite those to testify in support of A.B. 110 to come forward both here and in Las Vegas.

**Margaret Flint, representing Canine Rehabilitation Center & Sanctuary;
Nevada Humane Society:**

I would like to address the question about the vicious dogs and what their ultimate demise is. It is not necessarily true that they are all euthanized. There are sanctuaries throughout the country such as Best Friends Animal Society that houses some of the big dogs deemed too vicious to ever be adoptable. These are sanctuaries where these dogs will go and live out their lives. I participated in a case involving two dogs that the Nevada Humane Society (NHS) had deemed too vicious and unadoptable, and they were going to be euthanized. We made arrangements with Smiling Dog Farms in Texas to take in these two dogs where they have lived now for two years. The dogs are kept separate from other dogs in fenced and kenneled areas in a condominium-type facility where they will live out their lives at Smiling Dog Farms.

Another organization that I represent is Canine Rehabilitation Center & Sanctuary (CRCS) which has taken many of these dogs. We work very closely with the Nevada Humane Society with some of the dogs that have been deemed vicious, dangerous, and unadoptable. We have boarding facilities and foster programs; some of them have been able to be rehabilitated and placed in good responsible homes. We are very selective and conduct a very thorough application process and visiting process before we decide where these dogs are going to be placed. Within the last two years since CRCS was formed, we have had about 90 dogs a week and we have seen a 100 percent success rate.

I want to talk about BSL which is an issue of public policy. There are many cities across the U.S. that have breed bans in place where a dog can be seized and destroyed just because of the way it looks. People went to great expenses trying to retrieve their dogs and went through hearings to no avail. The most notorious BSL city is Denver, Colorado, which has had a strict ban on pit bull-type dogs since 1989. [Ms. Flint read from ([Exhibit E](#)).]

There is a photograph to test your ability to correctly identify a pit bull. [([Exhibit F](#)) was handed out.] In the photograph, all of the dogs are purebred dogs and not one of them, except for the pit bull itself, would be labeled a pit mix of any kind. If anyone would like to try to pick out the pit bull, I would welcome that. Studies indicate that more than 75 percent of people misidentify the pit bull and that is why BSL is dangerous. We believe that each and every dog, no matter their appearance or perceived breed, should be regarded as

individuals. The responsibility of ensuring a dog is safe and well-mannered ultimately lies in the hands of the owner.

Assemblyman Duncan:

Is it correct that there is no BSL in any of the townships in Nevada?

Margaret Flint:

That is correct. We would like to be sure that never happens in the state of Nevada.

Assemblyman Duncan:

Are kill shelters utilizing breed specific legislation in terms of identifying dogs to be euthanized? Is that a concern as well?

Margaret Flint:

I do not know specifically what each shelter's policies are. Dogs are identified based on their appearance when they come in. I have been volunteering at the NHS for 3 1/2 years and when I first came into the facility, I had the same mentality that so many people do but that changed very quickly. There are dogs that are labeled pit bulls that I can promise you are not pit bulls. They do not, and cannot afford to, do DNA testing on every single dog that comes through the facility.

Assemblyman Duncan:

Will this legislation that basically outlaws BSL also outlaw the practice by kill shelters euthanizing dogs based on their appearance?

Margaret Flint:

I do not believe, at least at the NHS, that is a common practice. When they are euthanized at the NHS, it is due to an incident, or evaluation of the dog to determine whether it is food-aggressive, dog-aggressive, or human-aggressive.

Chairman Frierson:

Before we go on, Ms. Flint, would you please give us the answer to the test?

Margaret Flint:

Number 16 is your pit bull. If anyone is interested, I do have the key code if you would like to see what the other breeds are.

Chairman Frierson:

Thank you. Are there any other questions? I see none.

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

I represent Washoe County Sheriff's Office and Washoe County Regional Animal Services. I am here to express our support of A.B. 110 as originally written along with the proposed amendment from Assemblyman Ohrenschall and Ms. McGrath. Washoe County Regional Animal Services is the consolidated animal control and animal service agency for all of Washoe County including the cities of Reno and Sparks, and is a division of the Washoe County Sheriff's Office.

Chairman Frierson:

Thank you. Are there any questions? I see none.

Richard Hunter, Private Citizen, Mound House, Nevada:

I thank Assemblyman Ohrenschall for proposing A.B. 110. I am speaking in support of it and would strongly urge everyone else to do the same. I have a unique perspective on this. Three years ago I adopted my dog, Mel, who was one of the dogs rescued from Michael Vick's dogfighting ring. It has been mentioned several times by other speakers that it really is the nurture and not the nature of the dog and I can absolutely, through three years of daily personal experience, attest to this unequivocally. My dog was bred and born in Michael Vick's dogfighting ring and they attempted to force him to fight. For the three years now that I have had Mel, not only is he completely friendly, loving toward other dogs, and great with kids, and to meet him, you would have no idea what he came from. It is absolutely a nature versus nurture argument. What had been attempted with Mel was to try and convert a dog and turn it into a weapon. To sum up, my dog Mel was owned by a world-class ne'er-do-well and five years later, he has a very different life. Thank you for the opportunity to speak and if anyone has any questions, I can answer them.

Kari Riley, Private Citizen, Reno, Nevada:

I have previously worked in animal shelters and at NHS, and I continue to rescue animals and support local rescue organizations. I have a unique perspective because I have seen many dogs of many different breeds over the years. Some of these have come from owners that are no longer able to care for them; some have come in as strays with no known history; and some have come in with visible scars and scars that ran much deeper. I can tell you that the resilience of these animals is nothing less than exceptional. By all rights, many of these should never trust a human again and yet they do every single day. I urge you to vote in favor of A.B. 110 and judge each case individually, whether a dog might be deemed dangerous or vicious, and not judge a breed as a whole. Thank you for your time.

Dennis Johnson, Private Citizen, Carson City, Nevada:

In a chance meeting with Assemblyman Ohrenschall a few weeks ago, he mentioned this bill to me. I told him that I would be in support of this bill, especially in reference to a dog not being blamed solely because of its breed. I take my dog to a neighborhood park at least four to five times a week. I have a 14-pound dog and its biggest playmates are a couple of pit bulls, or what would normally be considered a pit bull. They all get along and the owners pay attention to their dogs, and so it is very clear that it is up to the owner—if the owner is bad, the dog is going to be bad. I stand in full support of A.B. 110. I would be happy to answer any questions if you have any.

Chairman Frierson:

Thank you. I see no questions. Is there anyone else in Carson City to testify in support of A.B. 110? Is there anyone in Las Vegas?

Bonnie McGrew, Private Citizen, Las Vegas, Nevada:

I am here to support A.B. 110. I would like to introduce my dog, Capone. He was confiscated two years ago from a dogfighting ring. He was very good at his job. The night that they confiscated him, there had been a dogfight; he was bloody. There were three other dead dogs so they believed that he was the winner. The animal control and the police force deemed him vicious and were going to take him and put him down immediately. One of the police officers knew that I loved pit bulls and asked if I would take him and work with him to see what I could do so I brought him into my home. I have four other pit bulls and two dachshunds. The night we got him home and introduced him to what I call my pack, he was so happy to be out of an element that was forcing him to live beyond his means. Through retraining, he is now my service animal and I take him everywhere. We go to dog parks and there is not a dog he has not loved; there is not a person that he has not loved; and he came from a dogfighting environment. We rescued another dog, Nina, who came from another dogfighting ring. Her canines have all been filed off and she has scars from the tip of her nose to the tip of her tail. When we brought her into our household she was scared of the other dogs but now she loves them. She is not a fighter; she is so forgiving. I have another dog, Shady, who was also used as a bait dog. She has adopted my dachshunds and she nursed them. I got my dachshunds when they were two weeks old and she has taken them over. We also rescued Tank when he was 12 weeks old. He is a year old now and weighs about 110 pounds. We taught him how to pull a wheelchair and turn on the lights. We just gave him away to a gentleman who is in a wheelchair.

We adopted another dog that was deemed a pit bull. We got the DNA test done and there was no pit bull in his blood. It was a Labrador and

English Springer Spaniel. He was a tad aggressive in a shelter setting but after he got out of that little cage and without everybody walking by him, he has turned out to be a wonderful dog.

Any dog put in the right environment can be vicious and dangerous. It does not have to be a Rottweiler; it does not have to be a German Shepherd; and it does not have to be a pit bull. You give them responsible owners. Look at the person on the other end of the leash instead of just the dog. All of the pit bulls we have taken are so willing to please the owner which is why they make good fighters—they want to please you. So we need to make sure that there is no BSL. We have to set up laws that look at the owners and not just the dogs.

Chairman Frierson:

Thank you, ma'am. Is there anyone else in Las Vegas to testify in support of A.B. 110?

Jesica Clemens, Executive Director, Incred-A-Bull:

I represent the organization here in Las Vegas known as Incred-A-Bull. Our mission is to restore the positive image of pit bull-type dogs through education, advocacy, and low cost services. I am in favor of A.B. 110. As the owner of a pit bull-type dog and founder of Incred-A-Bull, I do not support breed discrimination in any form.

While pit bulls are the number one targeted dog when it comes to BSL, as many as 75 breeds, or kinds, of dogs find themselves subjected to this discrimination. Those dogs include pugs, Chihuahuas, German Shepherds, and even Golden Retrievers. While the goal of breed specific legislation is typically to increase public safety, historically this has never been accomplished through BSL. When you target only a handful of animals in the community, you are missing the point. Instead, families are torn apart; taxpayers' dollars are wasted; and pets are killed. Meanwhile, reckless owners are not held accountable. Breed discrimination discriminates against certain members of the community based on the pets they own. As a pit bull owner myself, I am regularly discriminated against based on the perceptions of others of who I am and who my dog is. My family has continued to work very hard in making our dogs the best ambassadors they can be within our community. My pit bull has earned his AKC Canine Good Citizen award and I take pride in being a responsible owner.

As it was mentioned before by Ms. McGrath, BSL is expensive. Prince George County in Maryland had engaged in BSL. After a while, they began to realize their community was not any safer so a task force was formed. This task force determined that the cost to confiscate and euthanize a single dog was \$68,000. Meanwhile, the committee found no measurable results with regard to an

increase in public safety. Some of the costs associated with attempting to enforce BSL include enforcement, kenneling, vet care, litigation fees, DNA testing, euthanasia, and disposal of the bodies. In time of economic crunch, allowing BSL in Nevada would take funding and manpower away from resources within our communities. We must hold all dog owners accountable equally for their actions and reckless behavior despite what the dog looks like.

We are in favor of breed neutral responsible ownership laws such as mandatory spay/neuter, training, socialization, vet care, and more that have proved to be effective in humane communities. Breed specific legislation is a slippery slope and its discrimination has no place in our public policy. I hope you will support A.B. 110 and join the growing number of states who have outlawed BSL. Thank you for your time and consideration.

Chairman Frierson:

Thank you. Are there any questions? I see none. Is there anyone else in Las Vegas to testify in support of A.B. 110?

Lynn Lightfoot, Private Citizen, Las Vegas, Nevada:

I have three pit bulls at home and I started a group on Facebook, "Pit Bull Friendly Apartments." We would appreciate it if we do not have BSL in Nevada. Thank you.

Jonathan Friedrich, Private Citizen, Las Vegas, Nevada:

I had an opportunity a number of years ago when I lived in New York to rescue a German Shepherd. He came wandering onto a job site where I was working. Although his size was very intimidating, I had a wonderful, loving, sweet dog for about ten years. When I got him, he was about a year old and I lost a very good friend when I had to put him to sleep because of a cancerous tumor he had. Again, because of size and breed, a dog should not be judged as dangerous or vicious. Thank you.

Chairman Frierson:

Is there anyone else in Las Vegas to testify in support of A.B. 110? I see no one. Is there anyone in Carson City to testify in opposition to A.B. 110?

Nechole M. Garcia, Assistant City Attorney, Civil Division, City Attorney's Office, City of Henderson:

The City of Henderson supports the intent behind this bill. We want to thank Assemblyman Ohrenschall, Ms. McGrath, and others in the animal rights community that have worked with us. We went through several iterations of amendments trying to find something that would work for all parties concerned. Unfortunately, although we got close, there were still some problems and that is

why the City of Henderson did create its own proposed amendment to A.B. 110.

**Michael J. Oh, Assistant City Attorney, Civil Division, City Attorney's Office,
City of Henderson:**

Good morning, Mr. Chairman and members of the Committee. I represent the Henderson Police Department which oversees the Henderson Animal Control Bureau. The City of Henderson supports the intent behind the bill which is not having any breed discrimination legislation. However, with the bill as it is introduced, we are in opposition with some of the provisions of the bill. One of the problems we have is the chapter in which it is placed; *Nevada Revised Statutes* (NRS) 202.500 entitled Miscellaneous Crimes Concerning Public Safety under Title 15 Crimes and Punishment. This bill was originally enacted in 1993 as Assembly Bill No. 89 of the 67th Session. It was in response to an individual killed in Esmeralda County from a dog attack. The owner of the dog was not charged for the killing because there was no specific crime allowed for that and the judge ultimately dismissed the charge. During that session, they incorporated new language, and ultimately what that law provided for was a category D felony for a person who was an owner of a vicious dog which caused substantial bodily harm from an attack by a dog known to be vicious; its owner or keeper is guilty of a category D felony and shall be punished as provided in NRS 193.130. So this is basically a criminal statute and the definition provided for dangerous and vicious dogs is an element of the crime.

The issue with this bill is that right now, prior to a dog being deemed vicious, it would require a hearing to be conducted. That would mean that prior to a charge being filed under NRS 202.500, there would have to be a separate independent hearing before the district attorney could make a determination whether or not they are going to file charges. That causes a series of other problems, which would frustrate the original purpose and prosecution of these types of charges. I think what this bill does is it blends the criminal aspect of it and the regulation and ownership of dangerous and vicious animals. When we are talking about the prosecution under this statute, there is a potential that we could be violating the Fifth Amendment rights of the owner of the animal or someone who could be charged under this statute. That said, that would potentially require the owner of the dog to participate in this hearing which would require them to testify at that hearing. If they testify the dog is deemed vicious and the district attorney decides to go forward and prosecute the charge, they have now waived their Fifth Amendment right and anything they said at that hearing could potentially be used against them.

Also, the bill does not indicate who is going to conduct the hearing whether it is the judge in which the charges are going to be filed, or if it is going to be the local authority or the animal control board.

The next issue I also find troubling would be the standards of proof that are in the bill being that this is a criminal statute. As you know, for a criminal proceeding, the standard is beyond a reasonable doubt. One of the elements of this crime is that the dog is going to be vicious but under this bill, a dog has to be deemed vicious under clear and convincing evidence. That contradicts the standard of beyond a reasonable doubt, so you have a preliminary step to determine that the dog is going to be deemed vicious at a higher standard of clear and convincing evidence.

Chairman Frierson:

Mr. Oh, not all of us are lawyers; I am and I understand what you are saying. The standard for determining whether or not a dog is vicious is not a criminal offense; that is just an element to the criminal offense. But there is always a *mens rea* element to a criminal offense. For example, the value of a car does not have to be proven beyond a reasonable doubt or any criminal standard for it to be an element to a crime.

I am really interested in your walking us through the amendment that is proposed by the City of Henderson.

Michael Oh:

Okay, that is all that I had with regard to the bill as it is introduced. What we did was work with all the jurisdictions in creating the amendment. We maintained the integrity of the criminal statute but also provided consistency with the criminal statute and the regulation of animals, and moved that over to NRS 575.020. One of the things that it does provide for is due process rights for owners by having an opportunity to be heard when their dog is deemed dangerous or vicious. I know there has been testimony by people in support of A.B. 110, that they want a hearing prior to the determination of being dangerous or vicious. An opportunity to be heard under the law would be an opportunity to appeal the determination of dangerous or viciousness, and that is how the interpretation of the law was envisioned. If a determination has been made, they would be entitled to a hearing or an appeal process after a determination of a dog being deemed dangerous or vicious.

There is still a provision to provide for a prohibition of breed discrimination but what it does really allow for is the local government framework to work with regulating animals within their respective jurisdictions. We do have our

amendment submitted on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit G](#)).

Chairman Frierson:

We have the City of Henderson's proposed amendment. If you would go through it section by section, we can ask questions as we go through it.

Michael Oh:

Nevada Revised Statutes (NRS) 202.500, section 1 is amended to modify the language of dangerous. We took out the original language, "It is so declared pursuant to subsection 2; or" and replacing it with "Without provocation, on two separate occasions within 18 months, the dog behaved menacingly, to a degree that would lead a reasonable person to defend himself or herself against substantial bodily harm; when the dog is: (I) Off the premises of its owner or keeper; or (II) Not confined in a cage, pen or vehicle." [Mr. Oh read from ([Exhibit G](#)).]

Chairman Frierson:

Mr. Oh, is it your intention in section 1, subsection 2, to add that a dog, which is restrained but attacks a cat, would be considered by definition a dangerous animal?

Michael Oh:

Yes, if it is at large or restrained and off the owner's property, and it causes a death or serious injury to a cat or dog, it would be considered dangerous. The qualification would be to another pet not at large, so with a cat, I know that most people's cats are at large and technically, at least for Henderson, they need to be on a leash. Most people realistically do not have their cat on a leash but if the cat was not on a leash and the dog did attack it, that cat would technically be at large. It really would not, under our ordinance, be considered dangerous because that cat was at large. Under this proposal, the animal would have to be not at large.

Chairman Frierson:

Just so I am clear, in Henderson a cat has to be on a leash?

Michael Oh:

Correct. We have leash laws for all animals including cats.

Chairman Frierson:

I had a question about subsection 3. I recognize that language already exists in law. I thought it a little broad talking about animals used in the commission of a crime by its owner or keeper. There is some subjectivity to it, but there

was nothing in that which indicated the animal had to be used in a way that indicated viciousness or dangerousness. I am asking because it already exists in law. Is that something where you would expect a prosecutor to exercise some discretion? For example, if I had the cutest little puppy in the world that I use to distract somebody when I go shoplift, technically they could consider that to be a pet used in the commission of a crime.

Michael Oh:

I think what is a requirement in order to be charged with a crime would be if it causes substantial bodily harm.

Chairman Frierson:

I am not talking about a crime yet. I am talking about the definition of dangerous.

Michael Oh:

I do not know if that really comes into play because using the commission of a crime, being deemed dangerous really has no impact for purposes of NRS 202.500. It is there but you have to look at the entire NRS 202.500 to see how that comes into play. It is kind of a building block. The dangerous definition really does not come into play until you are going to use it under the vicious definition; the dangerous definition really only comes into play when we are trying to roll it into a vicious definition. An animal can be deemed vicious if it had been previously declared dangerous.

Chairman Frierson:

Okay, I will move on. I realize that was kind of an extreme example. In subsection 5, it indicates that a dog is considered dangerous if it is subject to any criminal, civil, or administrative proceeding to determine whether it is dangerous. It sounded kind of contradictory in reading it to say a dog is dangerous if somebody is inquiring as to whether or not the dog is dangerous.

Steven Sweikert, Deputy District Attorney, Clark County District Attorney:

Chairman, this is Deputy District Attorney Steve Sweikert and I am from Clark County, Nevada. If I may address that question as I added that language. The purpose of that language, and it is equivalent under the section dealing with vicious, is to make applicable the criminal penalties against transferring a vicious dog or allowing a dangerous dog to be placed in unsafe conditions while it is determined whether or not it is actually dangerous or vicious. For example, if somebody receives a notice that their dog is going to go through a proceeding for it to be determined vicious, the thing that they might want to do is to sneak it out of the county and give it to somebody else so that it is no longer reachable. This would make that a crime. It is a temporary determination while

the proceeding is going on. It happens once the person is on notice that the proceeding has begun.

Chairman Frierson:

Thank you, Mr. Sweikert. My question in reading it is, if it is a proceeding to determine whether the dog is dangerous and ultimately, the proceeding results in a determination that the dog is not dangerous, we have already called that dog dangerous by virtue of there having been a proceeding.

Steven Sweikert:

I do not believe that to be the case. At that time, it would no longer be subject to the proceeding so that clause would not apply. Then it would just be a matter of whether or not it had been determined in the proceeding after a conclusion was reached as to whether or not it was dangerous. It would not continue to be dangerous if it was, for lack of a better word, acquitted.

Chairman Frierson:

It sounds like you are analogizing it to maybe a pending. Obviously this is not a criminal case but you are saying, while it is pending, it could fall under this. I am a little troubled by it essentially being inconsistent with the notion of innocent until proven guilty, but I know we are not talking about a criminal standard.

Steven Sweikert:

Yes, that is true. I understand the issue and that brings up the due process concerns of whether or not you get a pre-deprivation or post-deprivation hearing. For purposes of public safety, the courts have recognized that it is important to take some seizure; taking away of property rights before there is a hearing. That is very equivalent to locking up a criminal in jail while he is waiting his trial. In the case of an animal that is dangerous and is attacking other animals, you have to consider safety first. You do not want this animal hurting some person, or some animal, while you are deciding whether or not it is appropriate to deal with it as a dangerous or vicious animal.

Chairman Frierson:

Thank you, Mr. Sweikert. In the Henderson amendment ([Exhibit G](#)), page 3, subsection 2, paragraph (c), it essentially says a person who knowingly allows a dangerous dog to escape but I misread that earlier—escape was not something they would allow but, if you say "knowingly," that includes the intent. I appreciate it and, Mr. Oh, I apologize. You do not necessarily have to read the amendment verbatim but I wanted to go through a couple of sections where I knew there were questions and to have those answered. Does any

other member of the Committee have any questions regarding the City of Henderson's amendment? I see none.

I appreciate that and I know there has been ongoing work amongst the local governments to try and come up with something that everybody, including the sponsor, can live with. I have one question for Henderson and that is, in the introduction, Mr. Ohrenschall indicated at the very least, they would like there to be a prohibition on breed discrimination. If the bill was essentially only that, would the City of Henderson remain opposed to the bill without additional amendments?

Michael Oh:

If that were the only thing that was to go through on this bill, we would be in support of the bill. In fact, we are in the process of amending our Title 7, and that is the ongoing discussion with our animal control to ensure that there is no breed specific legislation or any kind of regulation on our part.

Chairman Frierson:

Thank you. Are there any other questions from the Committee? I see none. Thank you, Mr. Sweikert and Mr. Oh. Are there any other questions in Carson City? [There were none.]

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

Thank you, Mr. Chair and members of the Committee. I am representing both Clark County and the Nevada District Attorneys Association. I am here today in support of Henderson's amendment to the bill. We do want to thank Assemblyman Ohrenschall and the sponsors of this bill. We support it in concept and we do have some amendments. We want to separate the criminal side from the administrative and civil side of this issue and that is why we have broken it out into two separate sections of the NRS.

I did sign in as being in support of the measure, but as Assemblyman Ohrenschall said, we are close to a global resolution but not quite there yet. At this time, under the rules, we are opposing the bill, and supporting Henderson's amendment. In Mr. Ohrenschall's opening statement, he did indicate that Clark County did have the model for administrative proceedings with respect to animals. Mr. Sweikert is down south if you have any questions with respect to that proceeding or Henderson's amendment. With that, we are available for any questions.

Chairman Frierson:

Thank you, Mr. Jones and similarly, since Clark County does have a pretty extensive model of how to deal with it, if the bill simply said discrimination would not be allowed and that the local governments would need to come up with a procedure, would that suffice as far as Clark County is concerned?

John Jones:

We would be in support of that amendment, Mr. Chairman.

**Kristina L. Swallow, P.E., Engineering Program Manager, City Engineer Division,
Department of Public Works, City of Las Vegas:**

We initially signed in as being in support with the understanding the amendment offered by the City of Henderson had been a consensus and agreed upon. Hearing this morning that it was not, we have to then testify in opposition. We do support the intent if the language was stripped and was just breed discrimination. We are in favor of the Henderson amendment that addresses some of the other challenges.

Tim Bedwell, Director, Intergovernmental Services, City of North Las Vegas:

Good morning, Mr. Chairman. I did not know really how I was going to sign in; I am in kind of a quandary here. This was a little bit confusing with regard to the amendments. We support the ban on breed discrimination in the City of North Las Vegas. We believe that to deem a dog vicious there needs to be a hearing, and we support many of the elements of the Henderson amendment. I do think there are some things that need to be worked out.

Chairman Frierson:

Are there any questions for Mr. Bedwell? I see none. Going back to Las Vegas, is there anyone there to testify in opposition to the bill? Mr. Sweikert, if you have anything to add that was not part of your initial response, feel free, otherwise, anyone there to testify in opposition, now would be the time to come forward.

Steven Sweikert:

Briefly, with respect to the current law, NRS 202.500, and the proposed A.B. 110, both of them have due process concerns, public safety concerns, and preemption concerns. I think the current law does need to be changed, exactly what it is changed to, that is a good discussion. We are in support of the Henderson amendment as it is, but I think there is room for some change, improvements, and fine tuning.

I would like to address something to the proponents of the bill and that is, while Clark County is in favor of prohibiting breed discrimination, the bill as it is does

not go quite as far as they think they would like it to go. It prohibits breed discrimination only in a vicious and dangerous proceeding so, for example, it would not necessarily prohibit a city from just banning outright the ownership of pit bulls or placing other conditions on them that are not part of the vicious or dangerous proceedings. We have some additional language in Henderson's bill that goes a little farther and possibly could go even a little further to prevent breed discrimination.

Chairman Frierson:

Thank you. Are there any other questions for Mr. Sweikert? I see none.

Karen Layne, President, Las Vegas Valley Humane Society:

I am speaking today as Chair of the Las Vegas Valley Humane Society. I have also served for the past two years as Chair of the Clark County Animal Advisory Board which reviews the declarations of vicious that are brought before us. I just want to thank Assemblyman Ohrenschall for all the work that he has done on this bill. I feel somewhat awkward today because I have always supported the efforts that he had in terms of this and I would say this—I do not think any of us here in southern Nevada believe that breed specific legislation is an issue. I think what you have heard today is that we are in favor of banning any kind of discrimination. We have an overpopulation here but we actually have a reduction this year of about 25,000 animals that were euthanized, and while a large number of those animals were more cats than dogs, the dogs were pit bulls. We do have a very large proportion of pit bull lovers in southern Nevada and I do not think that any politician here would ever want to even propose a legislation that would ban the bully breeds.

My concern is more the process that takes place in looking at those declarations. It is really important that we have established a very good process in Clark County that is administrative in terms of the Animal Advisory Committee. It does not require that the person hire a lawyer. It is really important that they feel very comfortable in bringing people that are supportive to their case, both the victim and the defendant. I want to make sure that we try to keep that in place and I am not sure if that was done by the current reading of A.B. 110.

The only other thing that I would want to point out is that in Clark County, unincorporated Clark County, and the City of Las Vegas, feral cat colonies are legal. We do have a very big issue here with dogs running at large that do kill cats in those feral cat colonies. I am concerned about the wording; I think those animals should be looked at to try to deal with that because often what happens, it is not about one cat, it is about multiple cats. We think there should

be some allowance for those feral cat colonies and the provision of the safety of those animals.

Chairman Frierson:

Thank you. Are there any questions? I see none. Is there anyone else in Las Vegas to testify in opposition? I see no one. Is there anyone in Carson City or Las Vegas to testify in the neutral position? I see no one. I will invite Mr. Ohrenschall back for any closing remarks.

Assemblyman Ohrenschall:

Thank you, Mr. Chairman. We were very close yesterday and I thought we would have everyone on the same page. Unfortunately, that was hard to accomplish. Because our canine friends are so close to us, I think these issues become very difficult. I appreciate everyone working together. I think if it is the Committee's pleasure to process this bill, I hope that there will be a preemption on breed discrimination and that there will be some kind of process. I do not think the bill should micromanage what happens at the local government or animal control agency level, but when you look at the thousands and thousands of dogs that are abandoned in our state, and you think about people who love their dogs and want process if something happens, I think we need to ensure that there is a process before a dog is declared vicious and put down. Mr. Chairman, I hope that you might give us some time to work in your woodshed and maybe we can get everyone together and if we cannot, I hope at least those two things will progress in this bill. Thank you.

Chairman Frierson:

Thank you, Mr. Ohrenschall. I am now going to close the hearing on A.B. 110 and move on to what we have agendaized for our work session. We have four bills set for work session today. Mr. Ziegler can provide us with some background information to start with Assembly Bill 82.

Assembly Bill 82: Revises provisions governing evidence in certain court proceedings. (BDR 5-78)

Dave Ziegler, Committee Policy Analyst:

Thank you, Mr. Chairman. Members of the Committee and the audience, work session documents are in the Nevada Electronic Legislative Information System (NELIS) and we have paper copies available if you would like one. The first bill is Assembly Bill 82 sponsored by Assemblyman Frierson and heard in this Committee on February 11, 2013. Assembly Bill 82 relates to procedures in the juvenile justice system and laws on the protection of children. [Mr. Ziegler read from the work session document ([Exhibit H](#)).]

Chairman Frierson:

Thank you, Mr. Ziegler. I will say, as a sponsor of the measure and discussions with the district attorney's office regarding section 1 of this bill, it was my recollection that section was not necessary as the rules of evidence were already being used to apply to proceedings under Chapter 62D of the *Nevada Revised Statutes* (NRS) so I would, in the interest of not wanting to confuse the current state of the law, strike section 1 of the measure and focus on section 2 of the measure which applies to dependency proceedings specifically. That was a conversation I had with those who had testified about their concerns, in particular, the Nevada Attorneys for Criminal Justice who had some concerns. This was in response to a Supreme Court case that noted the absence of any direction in this measure.

Are there any questions or comments about A.B. 82? [There were none.] I would be looking to move the measure with an amendment removing section 1 and proceeding with section 2.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 82.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

Dave Ziegler:

Thank you, Mr. Chairman. I failed to mention during my comments that the Washoe Legal Services amendment also would add a new section basically putting parallel language into NRS Chapter 128 which has to do with termination of parental rights. In summary, section 1 of the bill would be deleted by amendment. Section 2 of the bill would be amended as per Washoe Legal Services, and section 3 of the bill would be added as per Washoe Legal Services. That is just for clarification on the motion.

Chairman Frierson:

Thank you, Mr. Ziegler, and if I may, I believe the amendment was proposed to apply this measure to the proceedings early in the process and, subsequently, there is another chapter that deals with the actual termination of parental rights proceeding which is often a year or two down the road. That is certainly consistent with the intent of the bill.

The other amendment proposes to add some language that, I believe, intends to expand the application. In criminal cases, it is just an attorney for the defendant and the state, whereas in family cases and these proceedings, there is an attorney for the parent, the child, the state, and oftentimes the department. Many times there are multiple attorneys and I think this was

intended to basically expand that to make sure that no one could open the door for this type of evidence to come in unless the person representing the victim would have kept that door open. I believe the language would be consistent with the intent of the bill so that would also be section 2 with the proposed amendment from Washoe Legal Services.

So with the motion already out there, Ms. Diaz, would you be interested in amending your motion to include those provisions?

Assemblywoman Diaz:

Yes.

Chairman Frierson:

Mr. Ohrenschall?

Assemblyman Ohrenschall:

Yes.

Chairman Frierson:

So now the motion is to amend and do pass with section 1 being stricken and the Washoe Legal Services proposals being added to section 2 and section 3.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 82.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will handle the floor statement since it is my bill. Thank you all for your consideration. Now moving on to Assembly Bill 89.

Assembly Bill 89: Authorizes the formation of benefit corporations. (BDR 7-28)

Dave Ziegler, Committee Policy Analyst:

Assembly Bill 89 is sponsored by Assemblyman Bobzien and was heard in this Committee on February 25, 2013. It authorizes the formation of benefit corporations in Nevada. [Mr. Ziegler read from the work session document ([Exhibit I](#)).]

Chairman Frierson:

Thank you, Mr. Ziegler. Are there any questions on A.B. 89? I see none. I would entertain a motion.

ASSEMBLYWOMAN SPIEGEL MOVED TO DO PASS
ASSEMBLY BILL 89.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement for A.B. 89 to Mrs. Spiegel. Now to Assembly Bill 115.

Assembly Bill 115: Revises provisions governing the information required to be provided to suspected victims of domestic violence by law enforcement. (BDR 14-628)

Dave Ziegler, Committee Policy Analyst:

Assembly Bill 115 is sponsored by Assemblywoman Benitez-Thompson. It was heard in this Committee on February 26, 2013. Assembly Bill 115 makes changes to the written statement that a peace officer investigating an act of domestic violence must provide to a suspected victim. [Mr. Ziegler read from the work session document ([Exhibit J](#)).] Thank you, Mr. Chairman.

Chairman Frierson:

Thank you, Mr. Ziegler. Any discussion? [There was none.] I would entertain a motion.

ASSEMBLYMAN CARRILLO MOVED TO DO PASS
ASSEMBLY BILL 115.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor statement for A.B. 115 will be assigned to Mr. Carrillo. I will now open the discussion for Assembly Bill 127.

Assembly Bill 127: Authorizes the Nevada Gaming Commission to adopt a seal identifying certain licensees of interactive gaming and prohibits the unauthorized use of such a seal. (BDR 41-99)

Dave Ziegler, Committee Policy Analyst:

Thank you, Mr. Chairman. Assembly Bill 127 is sponsored by Assemblyman Horne and it was heard in this Committee on February 21, 2013. Assembly Bill 127 authorizes the Nevada Gaming Commission to adopt a seal for its use in identifying various licenses related to interactive gaming. [Mr. Ziegler read from the work session document ([Exhibit K](#)).]

Chairman Frierson:

Thank you, Mr. Ziegler. Is there any discussion on A.B. 127? [There was none.] I would entertain a motion.

ASSEMBLYMAN WHEELER MOVED TO DO PASS
ASSEMBLY BILL 127.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor statement for A.B. 127 will be handled by Mr. Ohrenschall.

[All items submitted on NELIS but not discussed will be made part of the record ([Exhibit L](#)), ([Exhibit M](#)), ([Exhibit N](#)), ([Exhibit O](#)), ([Exhibit P](#)), and ([Exhibit Q](#)).]

At this time, I will move on to public comment. Is there anyone here to provide any public comment either in Carson City or in Las Vegas? I see none. We have already introduced a new bill and I have no other matters from previous hearings.

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That being said, thank you all for your hard work and attention. The Committee on Judiciary is now adjourned [at 10:16 a.m.].

RESPECTFULLY SUBMITTED:

Thelma Reindollar
Committee Secretary

APPROVED BY:

Assemblyman Jason Frierson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Judiciary

Date: March 7, 2013

Time of Meeting: 8:11 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 110	C	Beverlee McGrath / ASPCA	Amendment
A.B. 110	D	Beverlee McGrath / ASPCA	Best Friends Breed Discrimination Legislation in Nevada
A.B. 110	E	Beverlee McGrath / ASPCA	McGrath Presentation / Best Friends Animal Society
A.B. 110	F	Margaret Flint / Nevada Humane Society	Dog Photos – Flint
A.B. 110	G	Nechole Garcia / City Attorney	Amendment from City of Henderson
A.B. 82	H	Dave Ziegler / Committee Policy Analyst	Work session document A.B. 82
A.B. 89	I	Dave Ziegler / Committee Policy Analyst	Work session document A.B. 89
A.B. 115	J	Dave Ziegler / Committee Policy Analyst	Work session document A.B. 115
A.B. 127	K	Dave Ziegler / Committee Policy Analyst	Work session document A.B. 127
A.B. 110	L	Kevin O' Neill / Submitted on NELIS but not discussed	Letter of Support Western Region American Society for the Prevention of Cruelty to Animals
A.B. 110	M	Beverlee McGrath / Submitted on NELIS but not discussed	Cover Letter
A.B. 110	N	Beverlee McGrath / Submitted on NELIS but not discussed	Petition – typed
A.B. 110	O	Beverlee McGrath / Submitted on NELIS but not discussed	Petition – hand written

A.B. 110	P	Beverlee McGrath / Submitted on NELIS but not discussed	Pit Bull Historic Photos
A.B. 110	Q	Beverlee McGrath / Submitted on NELIS but not discussed	Stubby Flyer