

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session  
May 14, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 10:11 a.m. on Tuesday, May 14, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Tick Segerblom, Chair  
Senator Ruben J. Kihuen, Vice Chair  
Senator Aaron D. Ford  
Senator Justin C. Jones  
Senator Greg Brower  
Senator Scott Hammond  
Senator Mark Hutchison

**GUEST LEGISLATORS PRESENT:**

Assemblyman Elliot T. Anderson, Assembly District No. 15

**STAFF MEMBERS PRESENT:**

Mindy Martini, Policy Analyst  
Nick Anthony, Counsel  
Linda Hiller, Committee Secretary

**Chair Segerblom:**

I will open the work session hearing of the Senate Committee on Judiciary. We are not going to hear Assembly Bill (A.B.) 54.

**ASSEMBLY BILL 54 (1st Reprint):** Revises provisions relating to fees charged and collected in justice courts. (BDR 1-388)

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**Chair Segerblom:**

I will open the hearing on A.B. 10.

**ASSEMBLY BILL 10 (1st Reprint)**: Revises provisions relating to certain crimes involving gaming. (BDR 41-329)

**Mindy Martini (Policy Analyst):**

I have a work session document for this bill ([Exhibit C](#)). It has one amendment from the State Gaming Control Board.

SENATOR HUTCHISON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 10.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 30.

**ASSEMBLY BILL 30 (1st Reprint)**: Revises provisions governing the statewide sex offender registry notification website. (BDR 14-344)

**Ms. Martini:**

I have a work session document on this measure ([Exhibit D](#)). It has no amendments.

SENATOR HAMMOND MOVED TO DO PASS A.B. 30.

SENATOR JONES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 44.

**ASSEMBLY BILL 44 (1st Reprint)**: Revises provisions governing the storage of trash and recycling containers in certain planned communities. (BDR 10-262)

**Ms. Martini:**

I have a work session document on this bill ([Exhibit E](#)). It has three amendments—one from Senator Hutchison, one from Wes Henderson and one from Jay Bloom.

**Chair Segerblom:**

We know who Senator Hutchison and Wes Henderson are, but we might want to talk to Mr. Bloom. Since there is no response, we will move on. There will not be any action on Mr. Bloom's amendment, but we do thank him for participating. Senator Hutchison, how does your amendment fit in with Mr. Henderson's amendment?

**Senator Hutchison:**

It fits in just fine. I have spoken with Mr. Henderson and most of the others who were here for the initial hearing. I think Mr. Henderson's amendment incorporates what I suggested in mine, and it includes a helpful provision. I recommend we use Mr. Henderson's amendment, pages 4 and 5 of [Exhibit E](#).

SENATOR HUTCHISON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 44 WITH WES HENDERSON'S AMENDMENT.

SENATOR JONES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 84.

**ASSEMBLY BILL 84 (1st Reprint)**: Requires certain district courts to establish an appropriate program for the treatment of certain offenders who are veterans or members of the military. (BDR 14-124)

**Ms. Martini:**

I have a work session document for this bill ([Exhibit F](#)). There is one verbal amendment from the bill's sponsor, Assemblyman Elliot T. Anderson, requesting the deletion of section 1 of the bill.

**Senator Hutchison:**

I want to clarify the removal of section 1 from the bill and make sure we are not creating an unfunded mandate.

**Assemblyman Elliot T. Anderson (Assembly District No. 15):**

Yes, please remove section 1 and just keep the reasonable apprehension language.

**Senator Hammond:**

Did this bill go through the Assembly Committee on Ways and Means?

**Assemblyman Anderson:**

No, it did not have a fiscal note because in the bill we specified, "to the extent that funds are available." Section 1 applied primarily to Clark County, and the Eighth Judicial Court already has a veterans court up and running. The mandatory language in section 1 is not necessary for Clark County anymore.

SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 84.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 97.

**ASSEMBLY BILL 97 (1st Reprint):** Revises provisions governing habitual criminals, habitual felons and habitually fraudulent felons. (BDR 15-680)

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**Ms. Martini:**

I have a work session document for this bill ([Exhibit G](#)) that includes one amendment from the Nevada District Attorneys Association.

**Senator Hutchison:**

This was a compromise between law enforcement and prosecuting attorneys on both sides. I am assuming the amendment is acceptable to all parties. I see nods from the interested parties in the audience, so it looks like the amendment is acceptable to everyone.

SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 97.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 102.

**ASSEMBLY BILL 102 (1st Reprint)**: Revises provisions relating to the crime of participation in an organized retail theft ring. (BDR 15-153)

**Ms. Martini:**

I have a work session document on this measure ([Exhibit H](#)). It has no amendments.

**Chair Segerblom:**

There was considerable work done on this bill in the Assembly, narrowing it down to a reasonable measure.

SENATOR HUTCHISON MOVED TO DO PASS A.B. 102.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 194.

**ASSEMBLY BILL 194**: Clarifies that a person who holds a leasehold interest in the real property of another person may be criminally liable for the destruction or injury of that real property. (BDR 15-654)

**Ms. Martini:**

I have a work session document on this bill ([Exhibit I](#)). It has no amendments.

**Senator Ford:**

I am still wondering, as I did during the hearing on April 30, if this is a necessary bill. Can someone remind me what this bill addresses that is not already in statute?

**Nick Anthony (Counsel):**

There have been some instances where a district attorney (DA) refused to prosecute because a tenant is still lawfully in possession. The tenant might have a leasehold interest and thereby be in possession and entitled to possess that property. The DA has taken the position that an individual who destroys that property has an interest, and therefore could not be prosecuted under statute.

This bill is similar to a bill we had last Session dealing with mortgaged property where you are the owner of the property, but in essence, the bank owns the property. This is a similar provision that would apply to tenancy.

**Senator Ford:**

Do we believe that this bill addresses that circumstance and requires a DA to prosecute under those circumstances?

**Mr. Anthony:**

I believe this bill certainly adds another tool. If the DA currently is not prosecuting, this tool could assist in those efforts.

**Senator Hutchison:**

If the DA is not prosecuting under Nevada law, it is because either he or she does not understand the current law or is deciding not to prosecute and using a misapprehension of statute not to prosecute.

*Nevada Revised Statutes* (NRS) 206.310, pertaining to injury to other property, says that a person is prohibited from willfully or maliciously destroying or injuring any real or personal property of another person. When you are a lessor, you do not own the property; you have a leasehold interest. It seems repetitive, and I am not sure this bill does a lot to clarify the law.

**Chair Segerblom:**

Is leasehold some kind of ownership of real property?

**Senator Hutchison:**

It is definitely an interest in the possession and use of real property, but you cannot destroy my house that I am leasing to you because you have a leasehold interest. I can come after you if you destroy my house. To Senator Ford, I also wondered if this bill was necessary, but it sounds like the Committee Counsel thinks there might be some benefit.

SENATOR HUTCHISON MOVED TO DO PASS A.B. 194.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

For the record, we have a similar bill coming later in the week where the police in Clark County are not willing to arrest someone who is living in an abandoned house, so the bill aims to tighten that up.

I will open the work session hearing on A.B. 217.

**ASSEMBLY BILL 217 (1st Reprint)**: Revises provisions governing criminal background checks of employees and applicants for employment with a department of juvenile justice services or an agency which provides child welfare services. (BDR 5-993)

**Ms. Martini:**

I have a work session document on this bill ([Exhibit J](#)). It has no amendments.

SENATOR HUTCHISON MOVED TO DO PASS A.B. 217.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

I will open the work session hearing on A.B. 352.

**ASSEMBLY BILL 352**: Revises provisions governing hoax bombs. (BDR 15-510)

**Ms. Martini:**

I have a work session document on this bill with no amendments ([Exhibit K](#)).

SENATOR FORD MOVED TO DO PASS A.B. 352.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Segerblom:**

Seeing no one wishing to make public comment, I will close the work session hearing of the Senate Committee on Judiciary at 10:35 a.m.

RESPECTFULLY SUBMITTED:

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Linda Hiller,  
Committee Secretary

APPROVED BY:

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Senator Tick Segerblom, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	2		Agenda
	B	3		Attendance Roster
A.B. 10	C	2	Mindy Martini	Work Session Document
A.B. 30	D	1	Mindy Martini	Work Session Document
A.B. 44	E	7	Mindy Martini	Work Session Document
A.B. 84	F	1	Mindy Martini	Work Session Document
A.B. 97	G	2	Mindy Martini	Work Session Document
A.B. 102	H	1	Mindy Martini	Work Session Document
A.B. 194	I	1	Mindy Martini	Work Session Document
A.B. 217	J	1	Mindy Martini	Work Session Document
A.B. 352	K	1	Mindy Martini	Work Session Document