

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
May 15, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:20 a.m. on Wednesday, May 15, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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:

Assemblywoman Olivia Diaz, Assembly District No. 11

STAFF MEMBERS PRESENT:

Mindy Martini, Policy Analyst
Nick Anthony, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Ben Graham, Administrative Office of the Courts, Nevada Supreme Court
Jonathan Friedrich

Chair Segerblom:

I will open the work session on Assembly Bill (A.B.) 64.

ASSEMBLY BILL 64 (1st Reprint): Revises provisions concerning the delivery of copies of reports of presentence investigations and certain judgments of conviction. (BDR 14-338)

Mindy Martini (Policy Analyst):

I have prepared a work session document for A.B. 64 ([Exhibit C](#)). The only amendment received was the verbal amendment submitted by Ben Graham at the hearing of the bill on May 1.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 64.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

I will open the work session on A.B. 116.

ASSEMBLY BILL 116 (1st Reprint): Revises certain provisions concerning accessories to certain crimes. (BDR 15-135)

Ms. Martini:

I have prepared a work session document for A.B. 116 ([Exhibit D](#)). Assemblywoman Teresa Benitez-Thompson, the bill's sponsor, offered an amendment to strike section 1, subsection 2 of the bill. This provision relates to the accessory after the commission of a gross misdemeanor. If approved, this amendment would retain the current provision in the *Nevada Revised Statutes* for gross misdemeanors.

Senator Brower:

I am not sure that proposed amendment fixes the issues some of us had with the bill. As I recall, my reaction was that section 1 of the bill made sense, but the changes in section 2 did not. I am not comfortable with the bill as amended.

SENATOR KIHUEN MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 116.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS BROWER, HAMMOND AND HUTCHISON VOTED NO.)

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Chair Segerblom:

I will open the work session on A.B. 156.

[ASSEMBLY BILL 156 \(1st Reprint\)](#): Revises provisions relating to the sealing of certain records. (BDR 14-590)

Ms. Martini:

I have prepared a work session document for A.B. 156 ([Exhibit E](#)). We received an amendment from Steve Yeager, Clark County Office of the Public Defender. This amendment was given as a verbal amendment during the bill's hearing on April 24 and is also printed in [Exhibit E](#). However, it was recommended that we remove the phrase "whichever is longer" from the amendment.

Nick Anthony (Counsel):

I believe the intent would be that the person can file any time after the applicable statute of limitations has run or 10 years after arrest. We do not need the phrase "whichever is longer" because there is no statute of limitations for some crimes, including murder.

Chair Segerblom:

As I understand it, sealing the record does not mean charges could not be filed at some future date since there is no statute of limitations on murder.

Senator Hutchison:

There is nothing in the amendment that would change what I understood to be the overall intent of the bill as well as its express language, which leaves all the discretion concerning petitions to seal with the judge. Is that right?

Mr. Anthony:

That is correct. It would still be within the discretion of the judge.

Chair Segerblom:

The district attorney also has to be notified so he or she is not blindsided.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 156 WITH THE REVISED AMENDMENT.

SENATOR JONES SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

I will open the work session on A.B. 182.

ASSEMBLY BILL 182 (1st Reprint): Revises provisions governing liens of owners
of storage facilities. (BDR 9-965)

Ms. Martini:

I have prepared a work session document for A.B. 182 ([Exhibit F](#)). There were
no amendments offered for this bill.

SENATOR HAMMOND MOVED TO DO PASS A.B. 182.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

I will open the work session on A.B. 262.

ASSEMBLY BILL 262: Revises provisions governing child custody and visitation.
(BDR 11-951)

Ms. Martini:

I have prepared a work session document for A.B. 262 ([Exhibit G](#)). A verbal
amendment was offered at the bill's hearing on April 29 by Senator Hutchison

to remove the phrase "if those fees and costs are in issue under the pleadings" from section 1 of the bill.

Senator Hutchison:

My amendment does not substantially change A.B. 262. I thought the phrase in question was confusing. The intent of this bill is that the court can award reasonable attorney's fees and costs at its discretion. This makes sense to me because this provision is available in the other areas of family law, such as divorce and paternity actions.

SENATOR HUTCHISON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 262.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

I will open the work session on A.B. 365.

ASSEMBLY BILL 365 (1st Reprint): Revises certain provisions relating to court interpreters. (BDR 1-483)

Ms. Martini:

I have prepared a work session document for A.B. 365 ([Exhibit H](#)). We received an amendment from Cristina Sanchez, court interpreter, as listed in [Exhibit H](#).

Assemblywoman Olivia Diaz (Assembly District No. 11):

I believe this amendment is not friendly to A.B. 365. This bill puts in place an interim study that will then tell us the next step to take. I do not want to put anything in statute that constrains the courts to a degree that it makes it impossible for them to operate smoothly. I have been assured by Ben Graham that Ms. Sanchez will be made aware of all of the meetings of the Advisory Committee on the Administration of Justice and all the conversations that occur regarding this issue during the interim in order that we make sure we address all her concerns. At this point, I would prefer that the bill be processed without her amendment.

Senator Hutchison:

Regarding section 5, subsection 4, I would like it to be clear on the record that this provision is not intended to create a defense for a person to claim that the interpreter did not interpret correctly and therefore the proceedings or decisions of the court were not valid. I do not think that was your intent.

Assemblywoman Diaz:

My intent was that it should not be assumed that the assigned court interpreter is the best possible interpreter for the job. There are a lot of different nuances in language. If I speak Spanish and come from a country in Central America, I might not be the best interpreter for a defendant who comes from Mexico or Spain. That defendant should have the recourse to say, "I do not understand; I need a different interpreter." This is especially important because we cannot guarantee that a certified court interpreter is being used for every case. I do not think you will see this happen too often when the best interpreters are used. However, when you appoint an alternate interpreter, you do not have the same high standard of skill to choose from. If the translator is not effective, the court needs to consider another translator who is better.

Senator Hutchison:

The question of interpretation and whether the testimony that came through the interpreter was valid or not would always remain at the discretion of the court. Is that right?

Assemblywoman Diaz:

Yes, that is correct.

Ben Graham (Administrative Office of the Courts, Nevada Supreme Court):

I would anticipate that if something were to happen during a proceeding, there would be a recess so a different interpreter can be brought in. I would not anticipate any grounds for a complaint to be made after the case is finished.

Senator Hutchison:

In any event, the discretion would always lie with the court to deal with the matter.

Mr. Graham:

Yes.

SENATOR KIHUEN MOVED TO DO PASS A.B. 365.

SENATOR FORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Segerblom:

We will hold A.B. 395 for another day.

ASSEMBLY BILL 395 (1st Reprint): Revises provisions regarding
common-interest communities. (BDR 10-1013)

Chair Segerblom:

Is there any public comment?

Jonathan Friedrich:

I sent an email to the Committee regarding a homeowners' association (HOA) called Boulder Ranch. If you have not had an opportunity to read that email and follow the link included in it, I recommend that you do so before you consider A.B. 395. The executive board of that HOA has a renegade board member who is intimidating and harassing people, and A.B. 395 would be apropos to rein in people like this who are terrorizing their neighbors.

Senate Committee on Judiciary
May 15, 2013
Page 8

Chair Segerblom:

The meeting is adjourned at 9:39 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	2		Attendance Roster
A.B. 64	C	1	Mindy Martini	Work session document
A.B. 116	D	2	Mindy Martini	Work session document
A.B. 156	E	1	Mindy Martini	Work session document
A.B. 182	F	1	Mindy Martini	Work session document
A.B. 262	G	1	Mindy Martini	Work session document
A.B. 365	H	1	Mindy Martini	Work session document