

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session
March 19, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:04 a.m. on Tuesday, March 19, 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:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

George Flint
Margaret Flint, Chapel of the Bells; Arch of Reno Wedding Chapel; Silver Bells
Wedding Chapel
Kathleen Marino, Arch of Reno Wedding Chapel
Nancy Parent, Chief Deputy Clerk, Washoe County Clerk's Office

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Scott Anderson, Deputy for Commercial Recordings, Office of the Secretary of State

Matthew Taylor, President, Nevada Registered Agent Association

John McCormick, Rural Courts Coordinator, Administrative Office of the Courts, Nevada Supreme Court

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

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

William O. Voy, District Judge, Department A, Eighth Judicial District

Carey Stewart, Director, Washoe County Juvenile Services

Chair Segerblom:

I will open the meeting of the Senate Committee on Judiciary with a hearing on Senate Bill (S.B.) 77.

SENATE BILL 77: Revises provisions governing the issuance of marriage licenses. (BDR 11-683)

Chair Segerblom:

This is Senator Mark Manendo's bill, but he cannot come testify about it this morning. He asked me to let everyone know he strongly supports this bill and asks the sponsors to come forward and make a brief presentation.

George Flint:

I represent several wedding chapels in northern Nevada. In 1963, I put together the first financial impact study on the wedding industry in Nevada. That study was kind of a bible around here for about three decades. It showed that somewhere close to 20 percent of our tourist economy is directly tied to our wedding industry. In 2011, S.B. No. 381 of the 76th Session ([Exhibit C](#)) was enacted with a sunset for June 30 of this year. We insisted on that sunset because we expected to sell some marriage licenses during that 2-year period, after which we could return to show you we could do it well and with proficiency. We wanted to show we could perform as well as wedding chapels in California and the Humboldt County wedding chapel in Winnemucca. That site has successfully sold licenses outside of County offices for more than a decade.

However, we were not given the opportunity to issue many licenses, since Washoe County was content to operate the longer hours, hence being available for those seeking marriage licenses after hours or on weekends. Washoe County

must stay open from 8 a.m. to midnight, 7 days a week, or allow us to issue licenses. The law is set to sunset in 3 months. It has been a lifesaver for the four standing wedding chapels still surviving in northern Nevada.

Chair Segerblom:

To summarize, before the predecessor bill was passed, the Washoe County Clerk's Office was either cutting hours or threatening to do so. Anticipating that, the wedding chapel operators said they wanted to issue the licenses themselves as private entities. We passed the law last Session giving the chapels the right to do so. As a result, Washoe County kept the hours open. Either way, you achieved your objectives. Now you want to make the law permanent, which would force Washoe County to keep its doors open for people wanting to get married after 5 p.m. Alternatively, the law would allow wedding chapels to issue the licenses themselves. Many people come to Nevada on the spur of the moment and want to get married after 8 p.m., so this way they can.

Senator Jones:

Could we make it so the chapels could do licenses if the County office is not open?

Margaret Flint (Chapel of the Bells; Arch of Reno Wedding Chapel; Silver Bells Wedding Chapel):

If you go back to [Exhibit C](#), S.B. No. 381 of the 76th Session does specify we can only issue marriage licenses when the County Clerk's Office is closed. The history of this began in 2010 in which A.B. No. 2 of the 26th Special Session allowed the counties to deviate from certain mandatory operating hours. As a result, it authorized the two larger counties, both Clark County and Washoe County, to deviate from the statutory hours of 8 a.m. to midnight daily. We knew Clark County would not act on that because that Office issues around 90,000 licenses a year. I have a handout that illustrates the decline of marriage licenses in Washoe County ([Exhibit D](#)). I have crunched the numbers in the past 2 years and still find that about 65 percent of marriage licenses in Washoe County are issued to tourists.

After that bill was passed, the Washoe County Commission authorized the County Clerk's Office to deviate from the statutory hours. Effective as of June 2010, the Office started closing at 8 p.m. Monday through Thursday, which is when our peak season just begins. It is still light outside at that time of

the year. On Sundays, the County Clerk's Office was only open from 10 a.m. to 6 p.m., and on certain holidays, including Thanksgiving and Christmas, the Office was closed.

One Christmas, we got the Clerk to open for a few hours. Not many licenses were sold. That Thanksgiving, we stayed open just to see what would happen. We already had weddings scheduled with couples who already had licenses. At noon that Thanksgiving, a couple came in wanting to get married but did not have a license. Since there was no way for the couple to get a license in town that day, they went to Las Vegas instead. We understand it is not cost-effective in Washoe County for the Clerk's Office to maintain those hours because it only receives \$21 from each marriage license. But it is cost-effective for us and absolutely cost-effective for tourism in Nevada.

A little flower shop in Winnemucca sells handwritten marriage licenses when the Humboldt County Clerk's Office is closed. That system has worked well for years.

If you go through S.B. No. 381 of the 76th Session, [Exhibit C](#), you will see we tried to cover responsible areas—requiring the wedding chapel to be bonded, establishing a misdemeanor to knowingly issue a marriage license to someone without proper identification, etc. We also put in a safeguard requiring the signature of a guardian if a minor applies for a license. We work with Washoe County Clerk's Office and would contact it or the Washoe County Marriage License Bureau supervisor if we had a question.

Kathleen Marino (Arch of Reno Wedding Chapel):

I am the co-owner of the Arch of Reno Wedding Chapel. We have had problems in the past with the Washoe County Clerk's Office changing hours. It is important to our industry to have this after-hours availability to our customers. I support this bill.

Chair Segerblom:

Let me be a devil's advocate and say that since we have not tested this, what if it does not work? What if Washoe County cuts back the Clerk's Office hours, you start issuing licenses, we test it and it does not work? If the law is permanent, what do we do?

Mr. Flint:

If someone in our industry did not follow the rules, beyond the misdemeanor and other penalties, it would undoubtedly come back and be taken away from all of us. I am so dedicated to this that I believe we have prepared enough to do a proper job.

Chair Segerblom:

Did you work with the Washoe County Clerk's Office about procedures and details of execution after we passed the bill last Session?

Mr. Flint:

Since the last Session, we have had only one meeting with the Washoe County Clerk's Office, including the Clark County Clerk. The meeting was mostly on issues of acceptable identification. Both those county clerks came together and found a level of acceptance and agreement. The Washoe County Clerk has not discussed this particular issue with us. I have gone to a couple of the Washoe County Commissioners on the subject, since that body has authority to decide what the Clerk's Office does. Commissioners have been polite but do not seem interested.

Nancy Parent (Chief Deputy Clerk, Washoe County Clerk's Office):

The Washoe County Clerk's Office is not actively opposing this bill; we reached an agreement with Clark County Clerk Diana Alba and the wedding chapels. In Washoe County, we reinstituted our hours when the sunset lifted on the bill, allowing counties to set their own hours if it would save them money. We went back to operating 8 a.m. to midnight, 365 days a year. Marriage license numbers are still declining as they have for many years. The peak was in the late 1960s and early 1970s. I think the trend has a lot to do with society and other neighboring states changing qualifications for marriage licenses.

In Washoe County since S.B. No. 381 of the 76th Session was passed, we moved our Office out of the courthouse because we needed security and the heating and cooling system was antiquated. We moved to the Washoe County Complex, where security is not needed and the climate control system is more efficient. This move saved the taxpayers around \$150,000. When our Office is open, we are not busy selling marriage licenses. We do other necessary tasks during that time, including archiving records, so our staff is used efficiently. We also partner with other County departments to make full utilization of our staff. We collect tax and utility payments. We intend to partner with the County

Recorder's Office to provide some of its documents to our citizens, and we may partner with the libraries in the future. We are neutral on the bill.

Senator Hutchison:

Is this a positive private-public relationship where the private industry can take over and partner with a public agency that has to limit its hours?

Ms. Parent:

That is hard to answer. We are not in the position to discuss doing that with the wedding chapel industry since we are neutral on the bill.

Senator Hutchison:

Is there a reason for that?

Ms. Parent:

All the reasons we testified to in 2011. I am afraid to go into any detail because we are neutral on the bill.

Senator Hutchison:

I assume that if it had been a bad experience, you would be here testifying against the bill.

Ms. Parent:

I cannot really answer that.

Chair Segerblom:

I will close the hearing on S.B. 77.

SENATOR FORD MOVED TO DO PASS S.B. 77.

SENATOR JONES SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom:

I will open the hearing on S.B. 234. This is Senator Scott Hammond's bill and he will present it.

SENATE BILL 234: Revises provisions relating to corporations. (BDR 7-1006)

Senator Scott Hammond (Senatorial District No. 18):

This bill came to me from a friend who practices law with corporations. He said there is a glitch in the system. Sometimes a person forms a limited liability company (LLC) and does not create bylaws, even though he or she is supposed to do so. If no stocks are sold and there is a disagreement between members and the LLC collectively wants to remove one of the members, a problem arises. The way the law reads, if you want to remove someone, stockholders must vote to remove the individual with a two-thirds majority vote. If there are not stocks sold, the issue goes back to the two-thirds vote of the LLC. In the absence of stockholders, this bill will enable the members of the corporation to remove a member of the directorship or any other part of the corporation with a simple majority vote.

Section 1 of the bill adds a sentence to *Nevada Revised Statute* (NRS) 78.335 that provides a mechanism for removing one or more directors of a private corporation if the corporation does not have stockholders. In those circumstances, S.B. 234 authorizes removal by a majority vote of the remaining directors.

Chair Segerblom:

Has the State Bar of Nevada looked at this?

Senator Hammond:

I do not believe so.

Senator Hutchison:

This bill is addressing a quirky situation. When someone forms a corporation on a shoestring, all he or she has to do is file officers and directors with the Office of the Secretary of State. Nothing under Nevada law requires stock to be issued. This bill would address that unusual, bare-bones situation where there are just officers and directors, no bylaws or stocks. In that case, you fall back on the corporation statutes, which say if you want to get rid of a director, you need two-thirds of the stockholders to support that. This law says in that instance, we can have a majority vote by the directors. Have I got the intent right?

Senator Hammond:

That is correct. This happens in other states too. In Minnesota, the legislative correction directed that if there are no shareholders, a director may be removed anytime, with or without cause, by those directors eligible to elect a director.

Senator Ford:

Would it cover a corporation with just two people?

Senator Hammond:

That is where litigation comes into play.

Senator Brower:

This makes a lot of sense. I am a little surprised that the State Bar of Nevada Business Law Section has not made an appearance today. We should check with the State Bar to make sure there are no unintended consequences.

Chair Segerblom:

I agree we should reach out to the Bar. I will close the hearing on S.B. 234 and open the work session with S.B. 60.

SENATE BILL 60: Revises various provisions relating to businesses. (BDR 7-380)

Mindy Martini (Policy Analyst):

This measure makes changes to the filing processes of the Secretary of State's (SOS) Commercial Recordings Division. I have a work session document with the bill and amendments ([Exhibit E](#)). This bill was discussed at the March 13 work session. At that time, there were two amendments. One was from the SOS and one was from the Nevada Registered Agent Association. Following discussion of the amendments, Chair Segerblom asked that both parties try to compromise. A revised amendment was recently submitted.

Scott Anderson (Deputy for Commercial Recordings, Office of the Secretary of State):

I am here on behalf of Secretary of State Ross Miller. We worked with the Nevada Registered Agent Association to come up with language agreeable to both our Office and the Association.

In section 8, we reduced the threshold required to be a commercial registered agent from 50 or more entities to 10 or more. This addresses the Nevada

Registered Agent Association's concern that 50 may not cover all registered agents serving for compensation. This should encompass those registered agents, and it puts us in line with Wyoming.

We have two additional minor changes to our amendment. On page 9 of our [Exhibit E](#) in NRS 77.040, we need to change the number 50 to 10. On page 10 of [Exhibit E](#) in NRS 77.330, we need to change the 50 to 10 also. As revised, the amendment changes the penalty in the hearing process from an administrative hearing in the SOS office to an action in district court. We removed any cap on the penalties with the provision that the court may lower the penalty if it determines the penalty is disproportionate to the violation. The amendment also reinstates the prohibition of any felon serving as a registered agent with the provision that the SOS may deny or revoke the registration of a registered agent convicted of a felony. This leaves some discretion as to the revocation based on the nature of the felony. This provision also mirrors Wyoming law, which we are using as a model.

On page 12 of our amendment, we made some changes to the audit process, including what records could be audited. We specified that the audits would pertain to records required by provisions of *Nevada Revised Statutes*.

Matthew Taylor (President, Nevada Registered Agent Association):

We agree with this amendment.

Chair Segerblom:

Are you saying the enforcement mechanism before involved the SOS and had a process, and now you have to file something in district court?

Mr. Anderson:

We had proposed that it be an administrative hearing and would go through a hearings officer. It was suggested that a registered agent would be more comfortable if this was a court action. The SOS agreed to that. It will probably be more efficient for our Office also.

Senator Brower:

We appreciate this compromise. I am satisfied.

Senator Jones:

By way of disclosure, the Nevada Registered Agent Association is represented by my law firm. After discussions with legal counsel, I am going to abstain from this vote.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 60.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR JONES ABSTAINED FROM THE VOTE).

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Chair Segerblom:

I will open the work session hearing on S.B. 106.

SENATE BILL 106: Revises various provisions relating to judicial administration.
(BDR 14-509)

Ms. Martini:

This bill was submitted on behalf of the Commission on Statewide Juvenile Justice Reform. It was heard on February 19. I have a work session document with the bill and three amendments ([Exhibit F](#)). The first amendment was submitted by the Commission and the other two are from the Las Vegas Justice Court and the Eighth Judicial District Court.

John McCormick (Rural Courts Coordinator, Administrative Office of the Courts, Nevada Supreme Court):

After the last hearing, we added a provision halfway down on page 4 of [Exhibit F](#) which would allow a 3-year grace period if a judgment is levied against a juvenile. Pursuant to the rest of the bill, that juvenile has 3 years to get that sorted out before it would reflect negatively on his or her credit report. We are fine with the other two amendments.

Senator Brower:

We all know the age of majority for contract purposes is 18. Why the change to the age of 21?

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

We have found some young people who are doing pretty well but still owe a modest amount in restitution. The statute directs the judge to keep the person on probation. A judgment would adversely affect his or her ability to move forward. The intent of this bill is to give the child another 3 to 4 years to get back on track before that judgment would appear. If the person is on probation, there is no access to Job Corps, professional training or school. If you or I had the opportunity to put our boy or girl into a professional program or school but we could not pay the restitution owed, we would jump at the chance. But we cannot under this statute. The court should have that ability. If there is a concern the judgment will adversely affect the child, we would give a grace period.

Senator Brower:

Are you saying this is a temporary period during which no report is made that would be on the person's record adversely affecting credit? In other words, the person is paying the restitution, but it is not reported to a credit agency?

Mr. Graham:

Yes. Restitution is not eliminated by this. All of us who have been victims of crime would like to see restitution. This bill would allow the judge to terminate probation. The restitution and other judgments would be an advance until the child is 21.

Chair Segerblom:

The way the law is now, if you still owe money, you have to be on probation.

Mr. Graham:

The ability for the courts to utilize funds broadens the use of those resources. It is not a new tax or filing fee.

SENATOR HUTCHISON MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 106.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. Martini:

Senate Bill 108 was submitted on behalf of the Commission on Statewide Juvenile Justice Reform. I have a work session document with the bill and two amendments ([Exhibit G](#)). The amendments both relate to section 3 of the bill, which decreases the length of time a child may remain in detention or shelter care pending the filing of a petition. One of the amendments is from the Commission and the other amendment is from the Nevada District Attorneys Association.

SENATE BILL 108: Revises provisions governing juvenile justice. (BDR 5-518)

Senator Jones:

In the Nevada District Attorneys Association amendment, the section on page 4 of [Exhibit G](#) stating the district attorney (DA) can simply state orally that 8 days are required seems to defeat the purpose of the bill.

John T. Jones, Jr. (Nevada District Attorneys Association):

That section provides an allowance for cases in which the district attorney needs more time due to the seriousness of the offense or the amount of evidence there is to process.

Senator Jones:

If all you need is a simple oral proclamation at a hearing, why not do that?

Mr. Jones:

If an attorney tells the judge he or she needs 8 days to file a petition, the judge can take that into account in deciding whether to keep the child detained for the full 8 days. This amendment does not mandate the child remain in custody if the DA requests 8 days. It puts the judge on notice before the detention determination is made that the DA needs more than 4 days.

Rushing a DA into filing a petition does no justice to anyone. No defense attorney will plead his or her client out when the DA does not have all the necessary information. We do not want to spend time and resources amending a petition because when you amend a petition after a trial has been set, you are talking about motion work. You cannot just do it orally. This amendment accomplishes both goals. It cuts in half the time required—from 8 days to 4 days—and it provides allowances for situations in which the DA needs more time.

Senator Jones:

Regarding the amendment being proposed by the Commission on Statewide Juvenile Justice Reform, under section 3, subsection 6, paragraph (c), it allows for additional time while requiring a showing of good cause by an attorney. This allows an extra 72 hours, excluding weekends and holidays. Why is that not enough?

Mr. Jones:

You are asking the courts to make a determination as to how long it should take the district attorneys to file a petition. For filing a petition, we are the ones who need to make a determination for how long the filing process will take. It is the court's determination whether the child should remain in detention during that period.

Senator Jones:

Is it that hard to explain to the judge why additional time is needed?

Mr. Jones:

We do that now when we request 8 days. In Clark County, we tell the judge why we are requesting that 8 days.

Senator Jones:

But your amendment does not require that.

Mr. Jones:

No, it does not.

Senator Brower:

Are you saying that under your amendment, the district attorney's office can be given extra time to file, but the juvenile is not in custody during that additional time?

Mr. Jones:

That is correct. The determination whether the child will remain detained is up to the judge.

Senator Brower:

Irrespective of how long the judge allows you to file?

Mr. Jones:

That is correct.

Senator Brower:

That allays my concerns. Many of us approached this bill with a concern for how long a juvenile might be in custody while the DA's Office drags its feet. If the judge can free the juvenile from custody while giving the DA's Office additional time to file, that makes sense.

Senator Hutchison:

Is there language that establishes the fact that the judge is the one to release the juvenile if the DA asks for 8 days?

Mr. Jones:

This amends the section that deals with the detention process and when the petition should be filed. In section 3, subsection 6, paragraph (b), subparagraph (1), it says "The district attorney orally states at the initial detention hearing that 8 days are required."

Senator Hutchison:

At that detention hearing, the question is whether the child should be detained?

Mr. Jones:

Yes.

Senator Hutchison:

Are you saying the procedure is that legally the judge will make that detention decision and the district attorney can say that the full 8 days are needed? The judge would then agree to that and release the child, is that correct?

Mr. Jones:

Yes. That situation could arise.

Senator Hutchison:

Does that happen in practice, or is that discretion granted under a statutory provision?

Mr. Jones:

Do you mean the discretion to ask for 8 days or the discretion to release the child?

Senator Hutchison:

To release the child.

Mr. Jones:

Releasing the child is the discretion given to the court pursuant to NRS 62C. A finding must be made that the child is not a threat to others, a flight risk or a threat to property.

Senator Hutchison:

I agree with Senator Brower that it is important the child not be held for a lengthy period of time while the DA is putting together charges.

Chair Segerblom:

On the opposing side, if the DA says more time is needed, the judge might be reluctant to let the juvenile out, since the charges are not known. The judge might think that if the DA needs more time to figure out the charges, it must be pretty serious.

Mr. Graham:

This proposal came from the Commission on Statewide Juvenile Justice Reform. That body had a split vote, but it was recommended that a period of 72 hours was needed. There was testimony from Clark County that the majority of cases were processed in that 72-hour period. The amendment put together from the court's perspective was to get closer to what the DA wanted but still give restraint on the open-endedness with the 8 days. This amendment was a compromise.

Mr. Jones:

In Clark County, we get petitions filed within 4 days, not 72 hours. We are required to do it in 8 days. One issue the Nevada District Attorneys Association has is the implication that children are being allowed to languish in detention, but that is not the case. We try to get petitions filed in an expedited manner and in many instances, we do. When we do ask for additional time, it is because we need it. There might be more discovery to go over or the case might be serious enough to warrant a longer look.

Senator Brower:

When you ask for additional time, it is within the discretion of the court to allow the juvenile out while you are taking that extra time. If I understand that correctly, I can support this.

Senator Jones:

As a compromise, would you be amenable to file within 4 days after the time the complaint was referenced, but incorporate the good cause requirement in the Administrative Office of the Courts provision? And in that section, you would get an additional 4 days if there is good cause.

Mr. Jones:

That is getting closer to our intent, but there would still be situations where the court would tell the district attorney's office how much time it would need to file a petition.

Senator Jones:

The other alternative is to make it clearer that the requested time period does not give the court authority to continue to hold the juvenile. I am not sure the language as written clearly conveys that message.

Senator Ford:

I think Senator Jones' suggestion is a good one. Sometimes the legislative intent does not get looked at. The statute needs to say what we need it to say. I like the 4-day, 4-day allowance and the good cause requirement. If we can find a compromise, I can get behind this. Otherwise, I agree that we have to spell out in statute exactly what is required.

William O. Voy (District Judge, Department A, Eighth Judicial District Court):

The child needs to make points in our complicated system to be detained in the first place. Typical scenario: the child comes in over the weekend and we have the initial detention review the following Monday morning. When the probable cause determination is made and the detention question is asked. At that time, either the child is released with the plea date set, or if the district attorney needs more time, the time is given and the child is not detained. The 8-day waiting period is only applicable if the child is detained. Once the decision to detain or not detain is made, the plea is typically set for that Thursday or Friday morning.

The biggest issue causing the delay is if there are problems with filing—missing a witness statement, having to get back to a detective who did the booking, or any number of issues slowing the process. The issue is usually clear.

Chair Segerblom:

Are you clear that even if the DA requests an additional 4 days, you have the authority to let the child out?

District Judge Voy:

Yes. There is no question in my mind about that. Additional provisions in statute allow the court to make that call anytime.

Chair Segerblom:

Would it change anything if we require the DA to show good cause to you to get the additional 4 days?

District Judge Voy:

I do not have a problem with it because good cause could be that the detective forgot to leave a certain statement. Right now, when the child is booked in juvenile court, we do these cases in very short periods of time. Even in the adult system, which is slower, we sometimes rush to judgment. We have statutory time frames to have trials in 60 days or less from the date the person is detained. Good cause could be that the DA has to get back to the detective to get more information to correctly determine the charges. The majority of the cases where the DA asks for 8 days are when the child comes in on Monday detention review; probable cause is being determined; and the DA is requesting 8 days to put it on my calendar for the next Monday. That is because he or she is going to be potentially petitioning for certification, and more time is needed to get all the relevant information. I would hate to put additional pressure on these professionals to make that call. I would rather have the additional information be obtained in case that would cause the petition to be unnecessary.

Chair Segerblom:

If you are certifying a child as an adult, it is probably a serious crime.

District Judge Voy:

Yes. In most cases, it is serious.

Senator Brower:

Judge Voy, did you say that as a Commission member, you opposed this bill?

District Judge Voy:

Yes.

Chair Segerblom:

Are you talking about the 3-day, 3-day stipulation, or did you oppose the whole bill?

District Judge Voy:

I did not oppose the whole bill, just this portion of the 8-day window. I like the compromise of 4-day, 4-day time period, and if you want to add a good cause element, that would be fine from my perspective from the bench. The Nevada District Attorneys Association's amendment makes the most sense and would allow those few cases some flexibility to get that additional information so the DA's prosecutorial discretion can be exercised in a sensible amount of time.

Senator Brower:

Were you the only juvenile court judge on that Commission?

District Judge Voy:

Yes.

Senator Hutchison:

Senator Jones' point is something that already occurs. If you decide 8 days is going to be granted, that would implicitly be supported by good cause. I do not oppose the idea of putting in good cause. You are the one who will determine this. If the district attorney tells you he or she needs 8 days, you will ask why and then you will be in good cause. I am hearing you say you like the amendment from the Nevada District Attorneys Association, and you are fine with a good cause shown on the 8-day request because you do that anyway.

District Judge Voy:

Correct.

Senator Jones:

I would like to see the following in the amendment to this bill. In section 3, subsection 6, paragraph (b): "Filed within 4 days after the time the complaint

was referred to the probation officer, excluding Saturdays, Sundays and holidays." I also add subsection (c): "The juvenile court may, upon a showing of good cause by the district attorney, allow up to an additional 4 days, excluding Saturdays, Sundays and holidays, for the filing of the petition."

SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 108.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom:

I will open the work session hearing on S.B. 130.

SENATE BILL 130: Revises provisions governing common-interest communities.
(BDR 10-428)

Ms. Martini:

This bill was submitted by Senator Donald G. Gustavson and relates to common-interest communities. It does three things: requires written notice to explain in detail to a homeowner any violation from a homeowners' association; requires a proposed action to cure; and requires a clear photograph to accompany the notice of violation. There are two amendments, one in your work session packet ([Exhibit H](#)). An oral amendment was also submitted by Senator Gustavson at the original hearing, changing the effective date of the measure from October 1, 2013, to January 1, 2014.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 130.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom:

I will open the hearing on S.B. 199.

SENATE BILL 199: Makes it a felony to perform certain medical procedures without a license. (BDR 15-504)

Ms. Martini:

This bill was originally heard on March 12. It was submitted on behalf of the Legislative Committee on Health Care. There is one amendment from Brett Kandt in your work session packet on this bill ([Exhibit I](#)).

Senator Jones:

This is an important bill to crack down on the unlicensed practice of medicine in our State.

Senator Hutchison:

What is the practical effect in the amendment of moving from a Category C felony to a Category B felony?

Nick Anthony (Counsel):

A Category C felony would be 1 to 4 years; a Category B is 1 to 20 years; but in this case, the amendment is spelling out a specific term.

SENATOR JONES MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 199.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom:

I will open the work session hearing on S.B. 177.

SENATE BILL 177: Prohibits a minor from committing certain acts relating to the possession and use of tobacco products. (BDR 5-689)

Ms. Martini:

This bill was originally heard on March 7. It was submitted by Senator James A. Settelmeyer. The bill prohibits a child under the age of 18 from purchasing, possessing and using tobacco products. There is one amendment in your work session document on this bill ([Exhibit J](#)).

Senator James A. Settelmeyer (Senatorial District No. 17):

I worked with juvenile justice individuals on this bill. In the amendment, on the third to the last bullet referring to a violation of section 5 of the bill, we are making sure the DA is not filing a formal petition alleging the child is in need of supervision; that it is a status offense under NRS 62B.320.

Senator Jones:

In your amendment, what is the purpose of deleting section 8?

Senator Settelmeyer:

That was at the request of the departments. In discussion, I sent all members a list of what occurs in all the states that have laws on point. Nevada is one of 11 states that does not have laws on point. Since no other state seals the records, it must not be a big issue. This may not be utilized because it would create more administrative paperwork and make it so costly.

Chair Segerblom:

Juvenile records are already sealed, are they not?

Senator Settelmeyer:

Yes.

Senator Hutchison:

Looking at section 5—if there is financial hardship and the child cannot pay the fine, then the court can order community service. Why did you delete that?

Senator Settelmeyer:

At request, because community services have been offered in other chapters and situations and not utilized. It seemed like it just created problems.

Carey Stewart (Director, Washoe County Juvenile Services):

My colleague Scott Shick, the Chief Juvenile Probation Officer in Douglas County, and I worked with Senator Settelmeyer on this bill. This bill allows us to

address the issue of smoking. Senate Bill 177 does not allow kids to end up in detention or on probation. We can develop accountability, they can touch our systems, and we can give them appropriate measures. With the driver's license suspension, we have a powerful lever to use with kids. In our minor possession of alcohol statutes, we suspend licenses and 80 percent of offenders do not come back after the first suspension.

SENATOR BROWER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 177.

SENATOR HUTCHISON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Segerblom:

I will close the work session and the hearing of the Senate Committee on Judiciary at 11:06 a.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	7		Attendance Roster
S.B. 77	C	7	George Flint	S.B. No. 381 of the 76th Session
S.B. 77	D	1	Margaret Flint	Marriage License Issuance Washoe County 2009-2012
S.B. 60	E	20	Mindy Martini	Work Session Document
S.B. 106	F	17	Mindy Martini	Work Session Document
S.B. 108	G	4	Mindy Martini	Work Session Document
S.B. 130	H	2	Mindy Martini	Work Session Document
S.B. 199	I	2	Mindy Martini	Work Session Document
S.B. 177	J	2	Mindy Martini	Work Session Document