

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

**Seventy-Eighth Session  
March 9, 2015**

The Committee on Judiciary was called to order by Chairman Ira Hansen at 9 a.m. on Monday, March 9, 2015, 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 [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Ira Hansen, Chairman  
Assemblyman Erven T. Nelson, Vice Chairman  
Assemblyman Elliot T. Anderson  
Assemblyman Nelson Araujo  
Assemblywoman Olivia Diaz  
Assemblywoman Michele Fiore  
Assemblyman David M. Gardner  
Assemblyman Brent A. Jones  
Assemblyman James Ohrenschall  
Assemblyman P.K. O'Neill  
Assemblywoman Victoria Seaman  
Assemblyman Tyrone Thompson  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

Minutes ID: 437



**STAFF MEMBERS PRESENT:**

Diane Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Counsel  
Linda Whimple, Committee Secretary  
Jamie Tierney, Committee Assistant

**OTHERS PRESENT:**

Mona Lisa Samuelson, Private Citizen, Las Vegas, Nevada  
Mark Olson, Private Citizen, Henderson, Nevada  
Cindy Brown, Private Citizen, Las Vegas, Nevada  
Vicki Higgins, Private Citizen, Las Vegas, Nevada  
Tonja Brown, Private Citizen, Carson City, Nevada  
Karen O'Keefe, Director of State Policies, Marijuana Policy Project,  
West Hollywood, California  
Carol Howell, Private Citizen, Carson City, Nevada

**Chairman Hansen:**

[Roll was called and protocol was explained.] We have a workshop this morning, but there are three bills I am going to temporarily remove from the agenda, which are Assembly Bill 7, Assembly Bill 31, and Assembly Bill 51. That is for the purpose of amendments; there was some confusion, so I am going to hold them just for a little longer so we can get some of the details worked out. We will start with Assembly Bill 11.

**Assembly Bill 11: Revises provisions governing reports of presentence investigations. (BDR 14-356)**

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 11 revises provisions governing reports of presentence investigations. This bill requires the Division of Parole and Probation of the Department of Public Safety to disclose the factual content of the report of any presentence investigation and the recommendations of the Division to the prosecuting attorney, the counsel for the defendant, the defendant, and the court no later than 14 calendar days before the defendant will be sentenced, unless the defendant waives this minimum period ([Exhibit C](#)).

**Chairman Hansen:**

I will entertain a motion at this time on Assembly Bill 11.

ASSEMBLYMAN WHEELER MADE A MOTION TO DO PASS  
ASSEMBLY BILL 11.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

Is there any discussion?

**Assemblyman Elliot T. Anderson:**

I had hoped that the parties could come to an agreement on this one. I am very concerned about the public defenders and their caseloads, and I would have much preferred to give them more than 14 days to get the presentencing investigation report and go speak with their clients. I will be a no.

**Assemblyman Ohrenschall:**

I do not want to repeat what my colleague, Assemblyman Anderson, said, but you and I have been here a good number of sessions and we know that good bills can have unintended consequences. That is my fear with this bill. Shortening it to 14 days may have unintended consequences, and mistakes may get through the presentence investigation. All good-intentioned defense attorneys and clients working together may not catch those and then, under a Supreme Court case law, there is no remedy. That is my fear. Efficiency is great, but when there is no available remedy after sentencing, I think we are treading on dangerous ground. I will be voting no.

**Assemblyman Thompson:**

I will make it short and sweet and echo what my colleagues have stated. I will be voting no.

**Assemblyman Araujo:**

I want to echo what my colleagues have said, and also will be voting no.

**Chairman Hansen:**

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,  
ARAUJO, OHRENSCHALL, AND THOMPSON VOTED NO.  
ASSEMBLYWOMAN DIAZ WAS ABSENT FOR THE VOTE.)

Assemblyman Gardner will handle the floor statement. The next bill is  
Assembly Bill 16.

**Assembly Bill 16: Revises provisions concerning sexual conduct between certain prisoners in lawful custody or confinement and other persons. (BDR 16-343)**

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 16 revises provisions concerning sexual conduct between certain prisoners in lawful custody or confinement and other persons. The bill was heard on February 3, 2015. It provides that a prisoner who voluntarily engages in sexual conduct with a person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony. In addition, the bill provides that whether or not the prisoner consents to a sexual act, an employee of or a contractor or volunteer for a prison is committing sexual abuse of the prisoner. The employee, contractor or volunteer who commits sexual abuse of a prisoner is guilty of a category D felony. There is a collaborative amendment which was proposed by Pamela Del Porto, Steve Yeager, and Sean Sullivan ([Exhibit D](#)).

**Chairman Hansen:**

I will entertain a motion at this time to amend and do pass A.B. 16.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 16.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Is there any discussion?

**Assemblyman Elliot T. Anderson:**

I appreciate the amendment and will be voting yes. I would like to reserve my right to let it settle in, but I am voting yes for now.

**Assemblyman Ohrenschall:**

I am going to be voting yes, but I want to reserve my right to change my vote on the floor.

**Chairman Hansen:**

Just so that everyone on the Committee knows, you always have the right to change you vote on the floor. If you are, in fact, going to change your vote from how you voted in the Committee, it is just simple courtesy to let me know in advance.

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT FOR THE VOTE.)

Assemblyman O'Neill will handle the floor statement. Next on the agenda is Assembly Bill 45.

**Assembly Bill 45:** Revises provisions governing the assessment by the Department of Corrections of prisoners convicted of sexual offenses. (BDR 16-152)

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 45 revises provisions governing the assessment by the Department of Corrections of prisoners convicted of sexual offenses. It was heard in Committee on February 6, 2015. This bill permits the Department of Corrections to use the best currently accepted standard of assessment for the evaluation of sex offenders to determine the prisoner's risk to reoffend in a sexual manner. There are no proposed amendments ([Exhibit E](#)).

**Chairman Hansen:**

I will entertain a motion on A.B. 45 at this time.

ASSEMBLYMAN GARDNER MADE A MOTION TO DO PASS  
ASSEMBLY BILL 45.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Is there any discussion?

**Assemblyman Thompson:**

For the sake of getting it out of the Committee, I will vote yes. However, I have some reservations about it. I have questions about the assessment tool that is going to be used, which is the Static 99. It really seems like truly that-static. It basically gives a profile to the Parole Board of what a person looks like and what their charges were when they were first incarcerated which follows them 5, 10, 15 years later. I really wanted to see where the behavior changed, where those factors came into play, and I really did not feel comfortable with the answers I was given. Hopefully, between now and the time it goes to the floor, I can get those answers. For now I will vote for it out to the floor, but reserve my right to change my vote on the floor.

**Chairman Hansen:**

Hopefully, there are some people listening who will make an effort to get hold of you and help alleviate some of those concerns. Is there any further discussion at this time? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT FOR THE VOTE.)

Assemblyman Ohrenschall will handle the floor statement. The next bill is Assembly Bill 47.

**Assembly Bill 47: Revises provisions governing the dissemination of records of criminal history. (BDR 14-294)**

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 47 revises provisions governing the dissemination of records of criminal history. It was heard in Committee on February 17, 2015. The bill allows a person or entity designated to receive a criminal history record of a current or prospective employee or volunteer on behalf of an employer to obtain the information from the Central Repository for Nevada Records of Criminal History. The bill authorizes a criminal justice agency to audit any employer or person or entity designated to receive records of criminal history to ensure that the disseminated records are securely maintained. An amendment is on the following pages for the members to review. It was proposed by the Nevada Department of Public Safety ([Exhibit F](#)).

**Chairman Hansen:**

I will entertain a motion to amend and do pass on A.B. 47 at this time.

ASSEMBLYMAN O'NEILL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 47.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT FOR THE VOTE.)

Assemblyman Jones will handle the floor statement. The next bill on the agenda is Assembly Bill 113.

**Assembly Bill 113: Revises provisions governing the sealing of juvenile records. (BDR 5-444)**

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 113 revises provisions governing the sealing of juvenile records. The Committee heard it on March 2, 2015. This measure provides guidelines

for sealing juvenile records. If a child is under 21 years of age, the child, probation, or parole officer may petition the juvenile court for an order sealing all records relating to the child. The measure allows the district attorney, the Chief Probation officer, or a certain designee to testify at the hearing on the petition to seal the records. [Continued to read from work session document ([Exhibit G](#)).]

**Chairman Hansen:**

I believe all three of the amendments were considered collaborative. I will entertain a motion to amend and do pass on A.B. 113.

ASSEMBLYMAN THOMPSON MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 113.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Is there any further discussion at this time? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN DIAZ WAS ABSENT  
FOR THE VOTE.)

Assemblyman Thompson will handle the floor statement. The next bill is Assembly Bill 128.

**Assembly Bill 128: Creates a power of attorney for health care decisions for adults with intellectual disabilities. (BDR 13-418)**

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 128 creates a power of attorney for health care decisions for adults with intellectual disabilities. It was heard in Committee on February 23. This bill provides a simplified power of attorney form for health care for adults with intellectual disabilities. There is an amendment that is proposed on the following pages. It was proposed by Assemblywoman Benitez-Thompson. The amendment adds language that the agent for the adult with intellectual disabilities, whether a spouse, legal guardian, or next of kin, can sign for certain health care decisions that have to be made, with the understanding that the power of attorney can be revoked at any time. In addition, there is a separate form for end-of-life decisions ([Exhibit H](#)).

**Chairman Hansen:**

My understanding is that it is a friendly amendment as it came from the bill sponsor?

**Diane Thornton:**

Yes.

**Chairman Hansen:**

I will entertain a motion to amend and do pass on A.B. 128.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 128.

ASSEMBLYWOMAN SEAMAN SECONDED THE MOTION.

Is there any further discussion at this time? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Anderson will handle the floor statement. The next bill is  
Assembly Bill 138.

**Assembly Bill 138: Enacts a juvenile competency standard. (BDR 5-188)**

**Diane Thornton, Committee Policy Analyst:**

Assembly Bill 138 enacts a juvenile competency standard. It was heard in Committee on February 19, 2015. This bill establishes procedures that both a court and a person who makes a motion for the evaluation of a child, must follow in determining the question of competence. If the juvenile court suspends a case to consider the question of competency, then the juvenile court must appoint one or more qualified experts. The bill specifies the ability and qualifications of the experts that may be appointed. The measure also provides guidelines and considerations an expert must take into account as part of the evaluation, such as age, developmental maturity, and any other factor that affects the competence of a child. An expert must submit a written report, as required by the guidelines, to the juvenile court for evaluation. [Continued to read from work session document ([Exhibit I](#)).]

**Chairman Hansen:**

I will entertain a motion on A.B. 138 to amend and do pass.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 138.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

Is there any further discussion at this time?



**Assemblyman Ohrenschall:**

I am going to vote yes to support this bill but will consider possibly changing my vote on the floor. I appreciate all of the hard work everyone has put into the amendment. I am still concerned with section 9; maybe the language should be a little tighter just to make sure that whatever comes out during the competency evaluation is limited to juvenile delinquency court and could never come back to haunt the child if he or she is certified into adult court later on or into majority age. I will be voting yes but reserving my right to change my vote on the floor.

**Chairman Hansen:**

Is there any further discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Araujo will handle the floor statement. We will move to Initiative Petition 1.

**Initiative Petition 1: Makes various changes relating to marijuana and marijuana establishments.**

**Diane Thornton, Committee Policy Analyst:**

Initiative Petition 1 makes various changes relating to marijuana and marijuana establishments. This measure authorizes the possession, use, consumption, purchase, processing, and transportation of certain quantities of marijuana by persons in this State. The possession, use, transportation, and purchase of marijuana paraphernalia by certain persons in this State is also authorized. [Continued to read from work session document ([Exhibit J](#)).]

**Chairman Hansen:**

I just noticed that Mr. Horne is in the audience. For those of you who do not know, Mr. Horne was chairman of this Committee when I was a freshman, and I mimic him a great deal—in my mind I can still hear him saying some of this—so if I do anything that does not seem quite right, you can blame it on William Horne. It is great to see you.

Just so everyone knows, I intend to move both I.P. 1 and Initiative Petition 2 out of Committee without any recommendation to let them go to the leadership, and if the leadership wants to hold an actual vote on them, it will be a vote of the Committee of the Whole. That is all I am doing with these. They will go on the ballot this Friday regardless of what we do, unless we propose some alternative to it, but at this point I just want to move them out of Committee so they will not just sit here and do nothing.

At this time, I will ask for a motion to move without recommendation.

ASSEMBLYMAN ELLIOT T. ANDERSON MOTIONED TO MOVE  
INITIATIVE PETITION 1 WITHOUT RECOMMENDATION.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion at this point?

**Assemblyman Ohrenschall:**

After consulting with our Legislative Counsel Bureau, I want to make the following disclosure: because we are considering I.P. 1, which makes changes related to marijuana and marijuana dispensary establishments, I would like to advise this Committee that my wife lobbies on behalf of marijuana dispensary owners. Although I.P. 1 does not affect her clients any differently than any other dispensary owners, I am making this disclosure and abstaining from voting on I.P. 1 out of an abundance of caution.

**Chairman Hansen:**

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN OHRENSCHALL  
ABSTAINED.)

Next on the agenda is Initiative Petition 2.

**Initiative Petition 2: Revises provisions relating to the sale or transfer of firearms.**

**Diane Thornton, Committee Policy Analyst:**

Initiative Petition 2 revises provisions relating to the sale or transfer of firearms. This measure prohibits certain persons from purchasing and possessing firearms by requiring background checks on all firearms sales and transfers, with exceptions for immediate family members, hunting, and self-defense ([Exhibit K](#)).

**Chairman Hansen:**

I would like to send I.P. 2 to the floor without any recommendation. Do I have a motion?

ASSEMBLYWOMAN DIAZ MOTIONED TO MOVE INITIATIVE PETITION 2 WITHOUT RECOMMENDATION.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Is there any further discussion at this time? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

That ends our work session. Hopefully, we can get all of the bugs worked out on the three bills that I pulled, and we will bring them back to Committee. We will now open the meeting to public comment. Is there anyone who would like to speak publicly at this time on any of these measures?

**Mona Lisa Samuelson, Private Citizen, Las Vegas, Nevada:**

I am a 25-year resident in Nevada. I have lived the last 15 years here in Las Vegas, and as I got into medical marijuana, I learned more and more about my community. I want to tell you that having been out in the community for quite some time—over seven years—this Initiative Petition 1 is a really bad thing. I see how this is going to come down as far as regulating business, and we need things to be cleared up with the regulations that we have now. Introducing new regulations on how things should be transported will make it where the medical patients are criminals once again. Many of us are going to be living within 25 miles of a dispensary, but the dispensaries are not going to have what we need. We need help. I have gone to every committee, state subcommittee, and every council—I have been begging for help. This is a really bad thing for medical marijuana patients. I want everyone to know that I.P. 1 does not spell good things for our community. Thank you for letting me have my moment.

**Mark Olson, Private Citizen, Henderson, Nevada:**

I am here today in opposition of Assembly Bill 128, as I was at the February 23, 2015 hearing. Very briefly, I have submitted extensive written comments that you should have in your record, but I will summarize. The durable power of attorney for health decisions proposed in A.B. 128 and the amendment has not been adopted in several states as was represented in common for the record on February 23, 2015. Adopted means enacted into law by state legislature, or adopted into regulation by any state agency or regulatory body.

Moreover, our research has failed to uncover any state that has enacted this form into law or any state agency that has adopted this form into state regulation. When we asked for links to any state where this form had been

adopted into law or regulation, we were provided only with text copy from two pages of a PowerPoint presentation by an advocate in Michigan. As I said on February 23, the bill is certainly well-intentioned and, as a parent of a child with disabilities, I can relate. But even with the amendment, it remains fatally flawed. These flaws are detailed in the new expert analysis that is attached to my public comment that was submitted this morning.

First, best practice in any area involving persons with intellectual disabilities is and should be evidence-based. The durable power of attorney form created by A.B. 128 and the amendment does not meet the standard. No evidence has been presented and, to the best of our knowledge, has it been attempted to be gathered that persons with an intellectual disability, especially those with an intelligence quotient under 70, understand this form any better than the existing power of attorney form that exists in Nevada. Second, no evidence has been presented or, to the best of our knowledge, has it been attempted to be gathered, that physicians or health care professionals or any relevant, governing, or advisory entity serving health care professionals, will accept this form any more than they accept the existing power of attorney form that exists in Nevada. Third, no evidence has been presented or, to the best of our knowledge, has been attempted to be gathered that attorneys representing physicians or health care professionals or any relevant, governing, or advisory entity will accept this form any more than they accept the existing power of attorney form.

I like to be constructive as well as critical. This is too important a change to help persons with intellectual disabilities to access health care services in Nevada not to get it right the first time. Our recommendation is that Nevada should abandon A.B. 128 this session and restart this effort with an eye towards the 2017 session of the Legislature by beginning with the best model legislation available as a template. Such a model bill is now available from the National Resource Center on Supportive Decision-Making (NRCSDM), a nonprofit entity that is funded by the Administration for Community Living, the federal agency that was referenced in the February 23 comments for the record. The model bill is the product of a collaborative effort between Jonathan Martinez, Director of the NRCSDM; Thomas Coleman of the Autism Spectrum Institute; the Autistic Self Advocacy Network; and other proponents. Mr. Martinez is widely considered to be a top legal authority in the United States on supportive decision-making, and he and his work were the centerpiece of the session at the 2014 Tennessee Alliance for Continuing Higher Education regional conference in Atlanta discussing supportive decision-making and alternatives to guardianship.

With the form modeled after the one in the model bill, and developed in collaboration with the NRCSDM and Mr. Coleman, the following evidence should be collected by the NSED at the University of Nevada, Reno or similarly credentialed entity.

**Chairman Hansen:**

Mr. Olson, I see a big pile of papers in front of you. I just want to make sure that you are not going to read for 15 minutes. Go ahead and wind up your testimony.

**Mark Olson:**

I am almost done. Our recommendation is to test the form with persons with intellectual disabilities with a sample size adequate to ensure acceptable results to determine if a satisfactory proportion of these adults understand the form. Test it with physicians, hospitals, and medical providers who most commonly resist or object to accepting powers of attorney signed by persons with intellectual disabilities to determine if they will accept the form. Test the form with attorneys serving physicians and medical providers or any relevant, governing, or advisory entity to determine if they will accept the form. Then with that evidence to support a new bill in a form, bring the matter back before the Legislature.

**Chairman Hansen:**

Thank you. I appreciate your involvement. Do not think that we do not pay attention to it. We still have to get it to the floor and then if it gets out of the Assembly, you have a second shot at it on the Senate side. I do appreciate your comments.

**Cindy Brown, Private Citizen, Las Vegas, Nevada:**

I am a medical marijuana advocate and we are opposed to I.P. 1 due to the fact that we have not even gotten the medical marijuana system off the ground yet. They are still working on the laboratory requirements. That should have been the first thing that was done, yet it has been two years. Hopefully in the future you will just let it go so that the public can vote on it, and maybe we will come up with something better between now and then.

I am also opposed to I.P. 2. We do not need any more background checks. We have enough stuff on the books when it comes to guns. Thank you.

**Vicki Higgins, Private Citizen, Las Vegas, Nevada:**

I am a medical cannabis advocate and also a business owner of a medical cannabis establishment. I would like to oppose I.P. 1. There are so many things in the bill that need changes. I agree with my associates. Let us lock

down the medical aspect of this first. Our patients need the supply and the concentrates, et cetera. If we put this recreational use—and let us call it adult use—into play at this point in time, I feel the medical cannabis issue will be pushed back. We are not defining in this bill the difference between medical cannabis patients and adult use. Now the driving-under-the-influence issue right there—there is a nanogram level I wake up in the morning with that would be considered to be high. I would like you to reconsider that area especially. The recreational or occasional user is going to have different levels of nanograms within their system, and I would like to see the intoxication be a test as opposed to a blood level. Thank you for your time.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

I am an advocate for the inmates. I want to briefly discuss A.B. 31, even though it is not going to be heard, but for future reference, when you take a vote on it. We oppose this bill. The Nevada Department of Corrections (NDOC) needs more transparency in government, not less, and if you take it away from the Board of Prison Commissioners, that is exactly what you are going to be doing.

As an example, there are administrative regulations that allow inmate families to provide monies to inmates twice a year—monies that we family members send in that they use to buy their vitamins, personal hygiene products, clothes, jackets, and so on and so forth. If you take this away and pass this, then NDOC can move away from those administrative regulations and go into those accounts and use that money for whatever reason. A lot of people do not realize this. Most of the monies that the inmates receive come from family members who have trouble enough trying to make ends meet, and then they are providing monies for their loved ones while they are incarcerated. The NDOC is taking that. The inmates have money that has come in and been set up through the store accounts. We buy products, we send money in so they can spend their money through the stores. It is our money. Basically we are going to get hit two or three times and then they want to add on for paying for this and paying for electricity, and so on and so forth.

Now I do not know if this would all apply or not, but this bill is something similar to what happened back in the 1990s. There was a situation when Ely State Prison came to the inmates and informed them that they were going to take money out of their accounts for whatever reason. It could have been for electricity or whatever. It wound up going to court in *Vignolo v. Miller* [120 F.3d 1075 (9th Cir. 1997)] in a published opinion. So this could apply to that possibly. I want you to know that. We are against anything being taken away from the Board of Prison Commissioners again. We need more transparency, not less, and this would take away from that.

**Karen O'Keefe, Director of State Policies, Marijuana Policy Project, West Hollywood, California:**

I am the Director of the State Policies Department at the Marijuana Policy Project. I am here in support of I.P. 1. As most of you may have seen, marijuana prohibition has been a costly and destructive failure ([Exhibit L](#)). About half of all Americans admit that they have used marijuana at some point in their lives. The last three presidents are among those that have consumed marijuana. Prohibition has not worked. At the same time, it has enriched criminals, wasted law enforcement resources, and denied the state tens of millions of dollars in revenue every year.

By passing I.P. 1, the state can control marijuana and take it off the criminal market so it is not controlled by gangs and the revenue does not go to cartels. It would not in any way affect the medical marijuana law. Medical marijuana businesses would have the first opportunity to obtain a license to be an adult use provider, but other than that it would not undermine the rights. It would mirror the state's medical marijuana bill that the Legislature passed by having the same 25-mile buffer, but it would not undermine patients' rights. If the Legislature were to enact this measure, it would start generating revenue and creating jobs much earlier.

In Colorado, the state has had a similar proposal on the books since 2012. The sky has not fallen, crime rates are down a little bit, teen marijuana use is down—although it is within the margin of error—things are going well, and the state generated \$75 million in taxes and revenue from all the marijuana businesses in the past year. If Nevada were to enact this proposal through the State Legislature, it could go into effect this October instead of waiting until 2016 when California, Arizona, and other states will have similar measures on the ballot. It would take advantage of being one of the early adopters and get a possible boost in tourism revenue and taxes a little bit earlier. I encourage the Legislature to enact this proposal to stop destroying people's lives who are getting criminal records, who are getting arrested for providing product that people are going to continue to consume, and to bring control to the marijuana market.

**Carol Howell, Private Citizen, Carson City, Nevada:**

I need to apologize; I left my lobbyist badge at home. I am here to ask you all to oppose I.P. 1 and I.P. 2. I was approached during the elections for my signature on both of these petitions. I am here to tell you that both of them were really misrepresented when they were handed to the public to vote on. The signature gatherer was misrepresenting I.P. 1 as just a tax to be collected on marijuana. That is all. When I asked him to see the rest of it and saw that it was going to legalize it for anyone 21 years or older—recreationally—I asked

him how he could stand there and promote this and falsify what this was all about. He said that anyone was free to ask for the entire petition, so I did. He had to dig down into a box to get the entire petition for me. I do not think that half the people would have signed the petition had they realized what they were signing, and this would not be an issue. Same thing with I.P. 2. He represented I.P. 2 as being just a gun show registration; nothing about the transferring. I know you corrected that in I.P. 2, but that was so misrepresented.

If you even take a look at your Share Your Opinion section on the Legislature website, I think the numbers this morning were 124 against I.P. 2 and 6 for it. I think that is what he would have gotten had he not been standing there getting \$5 apiece for each signature and misrepresenting these petitions. I have got to believe in the voters of Nevada and that they will not take either one of these bills into consideration seriously and pass them. I am asking you all not to pass either one of these when you get to the floor.

**Vicki Higgins:**

Bear with me. I have to agree with the lady who just spoke.

**Chairman Hansen:**

I am sorry; have you already testified this morning? I apologize. I cannot have people come up to speak a second time, so I am going to have to stop you right there. Thank you for trying to participate.

Is there anyone else who would like to testify in public comment? [There was no one.] We will close public comment. Is there any business that needs to be brought before the Committee at this time? [There was none.] The meeting is adjourned [at 9:37 a.m.].

RESPECTFULLY SUBMITTED:

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Linda Whimple  
Committee Secretary

APPROVED BY:

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Assemblyman Ira Hansen, Chairman

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



**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 9, 2015

**Time of Meeting:** 9 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 11	C	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 16	D	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 45	E	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 47	F	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 113	G	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 128	H	Diane Thornton, Committee Policy Analyst	Work Session Document
A.B. 138	I	Diane Thornton, Committee Policy Analyst	Work Session Document
I.P. 1	J	Diane Thornton, Committee Policy Analyst	Work Session Document
I.P. 2	K	Diane Thornton, Committee Policy Analyst	Work Session Document
I.P. 1	L	Karen O'Keefe, Marijuana Policy Project	Testimony