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

## Seventy-Eighth Session
## April 23, 2015

The Committee on Judiciary was called to order by Chairman Ira Hansen at 8 a.m. on Thursday, April 23, 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. 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; 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 Glenn E. Trowbridge

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Senate District No. 7
Senator Ruben J. Kihuen, Senate District No. 10
Senator Greg Brower, Senate District No. 15

**STAFF MEMBERS PRESENT:**

Diane Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Lenore Carfora-Nye, Committee Secretary
Jamie Tierney, Committee Assistant

**OTHERS PRESENT:**

Sheryl Foster, Deputy Director, Programs, South, Department of Corrections
James Scally, Manager, Casa Grande Transitional Housing Center, Department of Corrections
Lynn Goya, County Clerk, Clark County
Nancy Parent, County Clerk, Washoe County
Margaret Flint, representing Chapel of the Bells and Arch of Reno Chapel
Marshal Willick, Private Citizen, Las Vegas, Nevada
Juanita Clark, representing Charleston Neighborhood Preservation
Loren Young, President and Chair, Las Vegas Defense Lawyers
John J. Jones, representing Nevada District Attorneys Association
Steve Yeager, representing Clark County Public Defender's Office
Janine Hansen, representing Nevada Families for Freedom
Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada
Carol Howell, President, Northern Sierra Ladies Gun Club, Carson City, Nevada
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office
Natasha Koch, Captain, Executive Officer, Nevada Highway Patrol, Department of Public Safety
Megan Bedera, representing Nevada Firearms Coalition
John Wagner, State Chairman, Independent American Party
Vernon Brooks, Private Citizen, Las Vegas, Nevada

John Ridgeway, Private Citizen, Las Vegas, Nevada
Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence
Art Dixon, Private Citizen, Las Vegas, Nevada
Alvin Heskett, Private Citizen, Las Vegas, Nevada
Marlene Lockard, representing Nevada Women's Lobby
Mark Doering, Private Citizen, Las Vegas, Nevada
Robert Gaudet, Private Citizen, Las Vegas, Nevada
John M. Saludes, Private Citizen, Reno, Nevada
Erin Grinshteyn, Private Citizen, Reno, Nevada
Pamela W. Ford, Private Citizen, Las Vegas, Nevada

**Chairman Hansen:**
[The roll was called and Committee protocol was explained.] There are five bills on the Committee docket this morning, and we will begin today's meeting with Senate Bill 294 (1st Reprint).

**Senate Bill 294 (1st Reprint): Expands authorization for certain offenders to have access to telecommunications devices under certain circumstances. (BDR 16-282)**

**Senator David R. Parks, Senate District No. 7:**
I am here today to present Senate Bill 294 (1st Reprint). I am joined by members of the Department of Corrections staff who will provide details for the needed change to the statutes. Senate Bill 294 (1st Reprint) expands the authorization for a number of inmates to have limited access to the use of telecommunications devices. Existing law prohibits inmates from having any access to telecommunications devices except under certain very limited circumstances, which are contained in *Nevada Revised Statutes* (NRS) 209.417. Senate Bill 294 (1st Reprint) authorizes the Department of Corrections to enter into an agreement with an inmate allowing the inmate to use telecommunications devices for certain specific purposes related to education and employment.

With that, I will be happy to answer any questions the Committee may have. As I previously indicated, I am joined by Department of Corrections staff who can provide further testimony and answer any technical questions. Thank you for taking the time to consider S.B. 294 (R1).

**Assemblyman Jones:**
I think this is a really good bill because I employ inmates from Casa Grande Transitional Housing, and if an inmate did not show up for work, we had no way of getting ahold of him or her. My only question is, how do you limit it so that they can only use it for the specified purpose?

**Senator Parks:**
This would be under very tight control by the Department of Corrections. The Deputy Director is in Las Vegas, and she can probably answer your question much better than I can.

**Sheryl Foster, Deputy Director, Programs, South, Department of Corrections:**
Before I answer the question, I would like to provide a brief overview. I would like to thank Chairman Hansen and the Committee for allowing us to be here today. I would also like to thank Senator Parks who has been an ongoing support related to this bill. This bill directly relates to the reentry process for inmates trying to make a successful reentry into the community. It directly impacts their employability, educational advancements, et cetera.

We all know that electronic devices like computers and cell phones are prominent in everything we do today. Job applications, educational testing, and vocational training are almost all done on computers now. Inmates at our restitution center in Reno and the transitional housing center in Las Vegas are involved in community-based education and vocational work programs. The fact that they are currently prohibited from accessing network computers and portable telecommunication devices restricts their job search efforts, employability, job retention, and job advancement opportunities. Likewise, it affects participation in certain education and vocational programs.

With the changes recommended in S.B. 294 (R1), we can eliminate this huge barrier for inmates who are trying to prepare themselves for successful reentry into society. On behalf of Director Cox, who unfortunately could not be here today, we completely support S.B. 294 (R1).

To answer the question asked previously, this bill is not going to allow inmates to have personal telecommunication devices. They will not be issued personal cell phones and will not be allowed to have personal cell phones or computers. This will allow them to access the Internet and use a cell phone for employment and education purposes. They will not be allowed to access social media sites. They will not have access to personal email accounts. This is strictly for the purpose of education and employment.

**Assemblyman Nelson:**
Senator Parks, you and Ms. Foster used the words inmates. I think you meant that generically, right? In section 1, subsection 3, it says an offender who is assigned to transitional housing. Does that include an inmate? To me, when I think of an inmate, I think of someone who is actually inside the prison or jail.

**Sheryl Foster:**
Someone who is in transitional housing is still an inmate of the Department of Corrections. They have not actually been released on parole or discharged yet. They are in what we consider as community trustee status. They are placed in either the Casa Grande Transitional Housing Center in Las Vegas or the Northern Nevada Restitution Center in Reno. They are on a work release program but they are still inmates.

**Assemblyman Nelson:**
In section 1, subsection 1, you added "or in a vehicle of the Department." Is that just to make sure that no one accesses a cell phone while they are in a vehicle?

**Sheryl Foster:**
With me today is James Scally, who is the manager of Casa Grande. He would like to respond to your question.

**James Scally, Manager, Casa Grande Transitional Housing, Department of Corrections:**
That language was included so that if anyone is leaving from his job, going back to an institution, or being transported by the state, we would not allow him to have that device on him. It is more of a safety and security concern.

**Assemblyman Thompson:**
Ms. Foster, you stated that they cannot have a personal email account. I have worked with the population for a long time myself. That can be somewhat problematic. I know we need to consider security and safety, but when they are going to an employer and applying for a job, most times you must have an email account. How are they going to be successful in their endeavor if they are not allowed to have an email account?

**James Scally:**
They will have an email account set up. We will set it up, maintain it, and have the password. When they transition back into the community, they can still receive emails from the job applications they completed. They can then change the password because it will become their own. We will set up and maintain it while they are in our custody because we need to monitor it.

**Assemblyman Thompson:**
What is the telephone number they are able to give? That is also a challenge because along with the email, they will have to have a telephone number. When and if a prospective employer sees State of Nevada 702-486-XXXX, the inmate can be weeded out of the process.

**James Scally:**
It is also important that we are transparent with respect to who is applying for a job. Those calls will come in to us. We can explain any questions they may have about the program and relevant tax credits, et cetera. There are a couple of numbers the employers will call back that will be directed to our job developers. Once the inmate secures a job, the calls will be directed to the unit where there is someone on call 24/7.

**Chairman Hansen:**
Senator Parks, is there anyone else that you have here to testify?

**Senator Parks:**
I do not believe there is; I think we covered it. Thank you for the time in hearing this bill.

**Chairman Hansen:**
Is there anybody else who intends to testify in favor of this bill? [There was no one.] Is there anyone who intends to testify against the bill or in the neutral position? [There was no one.] I will close the hearing on S.B. 294 (R1). We are going to take a short recess [at 8:12 a.m.].

[The meeting was reconvened at 8:36 a.m.]

**Chairman Hansen:**
We will now hear Senate Bill 395 (1st Reprint).

**Senate Bill 395 (1st Reprint): Revises provisions governing domestic relations. (BDR 11-530)**

**Senator Ruben J. Kihuen, Senate District No. 10:**
With me is Lynn Goya representing the Clark County Clerk's Office and she will be presenting the bill. Also here is Nancy Parent, Washoe County Clerk.

**Lynn Goya, County Clerk, Clark County:**
I am going to run through the bill quickly. We have provided some additional information to the Nevada Electronic Legislative Information System (NELIS) which includes "Economic Impacts of Wedding Tourism in Clark County" (Exhibit C) and a "Promote Wedding Tourism" brochure (Exhibit D).

Senate Bill 395 (1st Reprint) talks about issues relating to marriage licenses and domestic issues. The first section relates to placing an information display in front of the county clerk's offices in counties whose population is more than 100,000 people. Therefore, it would apply to Clark and Washoe Counties.

Section 4, subsection 2(c) discusses the collection of additional fees. Section 56 ensures that any monies that are collected go directly to the special revenue fund. Section 27, subsection 3, talks about domestic issues. It would ensure that retirement funds are included in the divorce settlements even if not included in the original judgement. Section 56 is the one put forward by Clark County. It relates to adding an additional fee to marriage licenses in order to help promote wedding tourism.

**Senator Kihuen:**
As most of you know, I represent the Las Vegas Strip. In my Senate district, the main industry is tourism. This bill was brought forward at the request of the Clark County Clerk. It would raise some funds in order to maintain Las Vegas as the entertainment and wedding capital of the world. There is a handout provided by the County Clerk which talks about the economic impact that weddings have in our state and particularly in Clark County (Exhibit D).

In the last few years, we have seen a steady decrease in wedding tourism. There were 128,000 licenses issued in Clark County in 2004. Over 82 percent of the wedding licenses issued in Clark County were from tourists. Since 2004, there has been a steady 3 percent decrease every year. In 2014, Clark County only issued about 80,000 licenses, which is a scant 245 more than 2013, despite the legalization of same-sex marriage in October 2014. That translates to real money for Clark County and the state of Nevada.

Wedding tourism produced over $2 billion in economic activity in 2014 and generated over $69 million in tax revenue for Nevada. Wedding tourism is one of our iconic brands, and it is imperative that we do something to stem the loss of one of our core industries before it drops another 37 percent. This bill will add $14 to each wedding license, which will be used to promote tourism. That is the main reason why we brought this bill forward.

**Assemblyman Gardner:**
It is my understanding that the decline in marriages is happening around the country. How is this $14 going to reverse this trend?

**Lynn Goya:**
In the last 65 years, the number of people getting married nationally decreased from approximately 90 percent in the 1950s to about 50 percent currently. Despite that, Clark County had increased its number of issued wedding licenses until 2004. Therefore, despite the national trend in the decline of weddings, we were still seeing an increase. Although the numbers of weddings are declining, I think we can still increase the numbers. One in four couples in the United States plans to travel for their wedding. According to the national

statistics, the number of people getting married is about the same; it is just the percentage that is going down.

**Chairman Hansen:**
I have a question on section 27, subsection 3. It appears to be very similar to Assembly Bill 362 (2nd Reprint). I am wondering how this language got into this particular bill. We just passed that bill on the floor with amendments. Senator, can you walk us through how it ties in directly to wedding tourism?

**Senator Kihuen:**
This is a provision that both Senator Segerblom and Senator Brower included. I am going to have Lynn Goya explain how it relates to wedding tourism.

**Lynn Goya:**
This relates more to divorce settlements. Often people forget to include retirement funds in the divorce settlement. This allows people to go back once they realize it should be included as an asset. Typically, people do not think about it when counting up their assets.

**Assemblywoman Seaman:**
I had the same question. This seems like a real good bill, but you have added something that we had amended in a different bill. I cannot support leaving a divorce or annulment with a never-ending ability to return to court. The other parts of the bill I think are very good.

**Assemblyman Trowbridge:**
Assembly Bill 362 (2nd Reprint) addresses this issue a little bit better. You had mentioned that it is specifically for retirement. However, this bill says any community property or liability. Assembly Bill 362 (2nd Reprint) had a three-year time frame after discovery of facts, so there is a significant difference in the language and the intent. I like the rest of the bill. It is a good idea that will serve a needed purpose.

**Senator Kihuen:**
Thank you for bringing that up. I am not familiar with A.B. 362 (R2) as it has not yet been heard in the Senate. After talking with Ms. Goya, this is something that we would be more than happy to talk with you about. We do not want a great bill to go down because of one section that could potentially be taken out. We would be more than happy to work with you on that section.

**Assemblyman Nelson:**
I really like your bill. I just have one question about section 56, subsection 5(a). It says, "Must be used by the county clerk only to promote wedding tourism in

the county." Do you have any plans on how to do that? Would you be working with the Las Vegas Convention and Visitors Authority (LVCVA) or do you have your own office that knows how to do that sort of thing?

**Lynn Goya:**
We anticipate working closely with LVCVA and the Department of Tourism and Cultural Affairs (NDTCA), and becoming a liaison with the wedding industries so that we have a higher profile with those organizations.

**Nancy Parent, County Clerk, Washoe County:**
I am here in support of this bill, particularly sections 1 and 56. I would like to give you a little background on section 1 and the informational brochures that we would like to post. In 1977, the Legislature adopted a provision in *Nevada Revised Statutes* (NRS) Chapter 122 that prohibited anyone from soliciting or influencing a person on county property to be married in any particular place. That left the marriage license people in the county clerk's offices without a means of referring most of our out-of-town customers to a place to get married. They come here and have no idea where to go. We have placed this brochure rack in our hallway, which gives the people who wish to get married a good tool to use. This does not put our staff in the position of violating state law. If we put it in state statute, we are protected from being challenged by people in the community. Typically, advertising is not allowed on county property. This gives us the authority to keep it there and provide the service to our customers.

Regarding section 56, we are limiting it to Clark County at this point because the chapel industry in Washoe County does not feel that their customer base can withstand a fee hike. They would like to reserve the right to do it later.

**Assemblyman Thompson:**
Regarding section 1, you are referring to a display of brochures. Have you looked into using a kiosk? A kiosk may be able to help assist your customers even more. People sometimes do not know where to go to get their license, and there is a plethora of information that they can get by navigating with a computerized kiosk versus brochures. This would also minimize clutter. Has there been any thoughts from the clerk's offices to make it more automated?

**Nancy Parent:**
I think that is a great idea. Currently, it is done by the chapels and not by county clerk staff. We are totally removed so that we cannot be accused of favoritism. I do think it is a great idea and I would be happy to look into it further in the future.

**Assemblyman Gardner:**
Regarding section 56, I could not find any notes on where the marriage industry in Clark County stands on this. Are they for or against it?

**Lynn Goya:**
I have been doing some outreach to the marriage industry, and we have had a number of hearings. Quite a few people have attended and they are thrilled. I have been trying to bring attention to this matter for a long time. I ran for the office of an elected position last year, and I had heard over and over again how this is an industry in decline. After I ran the numbers from our database, I saw a steady 37 percent decline in the last ten years. That is pretty dramatic. If there is another 37 percent decline in the next ten years, we will not be the wedding capital of the world. The wedding industry has been trying to bring this to people's attention for a long time but has not really had the resources to do it. I offered to be their point person. When I brought the facts to LVCVA and NDTCA, they were shocked because the statistics they were provided with still showed 100,000 marriages a year. I feel it is something the county clerk's office, as the chief marriage officiant, can bring forward to help address this. Yes, the wedding industry is behind this bill. They are excited and thrilled that this bill has the potential of really helping the industry.

**Assemblyman O'Neill:**
Does this bill require a two-thirds vote since there is a fee hike? I do not see it on the front and am curious as to how we got around that.

**Senator Kihuen:**
It does not. This is basically enabling the county to be able to raise the fee by $14. Therefore, we are not raising it directly. This is just the enabling language giving the county the ability to raise the fee.

**Chairman Hansen:**
Thank you all for your testimonies this morning. We will now open it up to the public. Is there anyone in Carson City or Las Vegas who would like to testify on S.B. 395 (R1)?

**Margaret Flint, representing Chapel of the Bells and Arch of Reno Chapel:**
My family has been in business since 1962 in Reno. We are here to support sections 1 and 56 of this bill. Section 1 is a no-brainer; it is an easy way for people to reach out and get information.

I would like to tell you about the decline and why we support Clark County in regard to section 56. As Clark County is showing such a severe decline, we are in an even more grave situation in Washoe County. In fact, we are down to

three free-standing wedding chapels in Reno. We are the oldest surviving wedding chapel in Reno. The second oldest wedding chapel closed their doors this year, the day after Valentine's Day. Washoe County is down to issuing barely 8,000 marriage licenses annually. I have been in the business for over 30 years and I can remember where Washoe County was easily issuing 30,000 annually. We would like to see Clark County try this fee increase. We are not opposed to them trying it to see how it works in Clark County. If things start to bounce back, it might be something we would want to get on board with in the future, but for now, we are totally good.

**Marshal Willick, Private Citizen, Las Vegas, Nevada:**
I can answer the question regarding section 27. Unknown to those of us who testified on A.B. 362, the same language had been handed over to some of the senators. Senator Segerblom inserted it into S.B. 395 (R1) with the agreement of the sponsor. I apologize for any confusion because we did not know what they were doing and they did not know what we were doing. The reason for this is it is something that nobody got around to for a long time, but we are finally able to do so now.

I am a family law attorney and have practiced law in Nevada for over 30 years. I am the former chair of the Family Law Section of the State Bar of Nevada, and former president of the Nevada Chapter of the American Academy of Matrimonial Lawyers. I am the primary author of the *Nevada Family Law Practice Manual*, and have been teaching family law to other lawyers for many years.

There are a few things that Josef Karacsonyi did not know to tell you when he testified in favor of A.B. 362 on April 1, 2015. I would like you to consider adopting this bill exactly as it is. You could change it to model the other language. You are correct, Mr. Chairman, that the same model language is in here as was in A.B. 362. It is word-for-word precisely the same. What Mr. Karacsonyi did not know to tell you was that this language was modeled after, or basically copied, from the California statute embodying the same principle. California has had 30 years of experience with this subject in order to tweak the language. Their community property law is virtually identical to ours. If there were going to be abuses, problems, or horror scenarios, we would know about it by now. Essentially, those cases do not exist. This model language exists the way it does for a good reason. I think I can provide you with some background which will explain why it is the way it is. It will help explain why I believe you should adopt it the way it is rather than amending it to match what was done to A.B. 362.

This legislation, as is, has universal support. The lawyers who will bring these motions, the lawyers who will defend them, and the judges who will hear them all believe it to be a necessary and good idea. By way of background, this is the law just about everywhere around us. That was another question someone asked during the hearing of A.B. 362 that no one had an answer for. It is nonpartisan from conservative Utah to liberal California. If you leave Nevada going in any direction—California, Arizona, New Mexico, Utah, Washington, Idaho, or Oregon—you will find this law in effect. They all have the same law on the subject. As Mr. Karacsonyi pointed out during his testimony on A.B. 362, it is the uniform law of every other community property state. We thought it was adopted here by case law in 1991, until last year's decision by the Nevada Supreme Court when it was decided that it required legislative enactment, and that is a fairly rare determination. Most states have done this by judicial fiat. A relative handful have gone forward legislatively. The California experience is much more common where the matter is established by case law and then later adopted and formalized into statute by the legislature, which is what provided the language that is before you. It was first introduced in A.B. 362, and now in S.B. 395 (R1).

The horror scenarios just do not occur. There have been cases from the early 1980s all the way to last year. We know how the plaintiff and defendant sides of this are litigated. Respectfully, the concerns that were raised about limitations really are not there. In places like New Mexico and California, the courts have established the remedy and the state legislature has adopted it. Almost everywhere there is no explicit time limit built into the statutes for the very good reason that no one can predict all of the unique facts of these cases in advance. I believe there have been instances of people literally coming out of comas.

For one reason or another, the time limits are difficult to establish as objectives surfacing after a divorce. The law is generally left to the courts to deal with the unique facts of unique cases. For example, in California, in *Casas v. Thompson,* 720 P.2d 921 (1986), the wife was out of the country and the husband raised several children alone. The court was using the equitable defenses that are built into this and decided that no arrearages would be appropriate, only sums in the prospective future. Partition was appropriate for the defined benefit pension plan. Just last year in Alaska, their statute, like most of the statutes, is very simple.

**Chairman Hansen:**
Mr. Willick, I am sorry to interrupt you, but we already had a hearing on A.B. 362. Frankly, you carry a lot of weight with me, and obviously, you have done a tremendous amount of homework on these issues. I would like you to

forward your findings to me since we are obviously going to discuss this further. There were some members in this Committee who felt there needed to be a time limitation. I will discuss it further with the Committee to see if we can perhaps extend the three-year limitation.

**Marshal Willick:**
Very good, Mr. Chairman. I apologize for taking up so much time.

**Chairman Hansen:**
That is all right, but we do have several bills to get to. Again, it is obvious that you have done your homework and that you practice in the field. It carries some weight with me because of your extensive years of experience. There are several other attorneys who have contacted me on this same matter. However, I am going to have to limit your testimony today because of time constraints.

**Marshal Willick:**
I understand; thank you.

**Chairman Hansen:**
Is there anyone else to testify in support?

**Juanita Clark, representing Charleston Neighborhood Preservation:**
We were apprehensive about this until we heard some more testimony. Previously we faxed a notice showing us as a maybe. However, now it is changed to the affirmative. Yes, we are in favor of S.B. 395 (R1).

**Chairman Hansen:**
Seeing no one else to testify, Senator, are there any last minute details to provide? [There were none.] Thank you for being here today. We will close the hearing on Senate Bill 395 (1st Reprint), and open the hearing on Senate Bill 135.

**Senate Bill 135: Revises provisions relating to witnesses. (BDR 4-44)**

**Senator Greg Brower, Senate District No. 15**:
I would like to say, with respect to the discussion on the last bill, we will go to work on the Senate side with sorting out the two bills. As you pointed out, Mr. Willick really does know what he is talking about. We just need to make sure we get the language correct between the two bills.

Senate Bill 135 addresses a somewhat nuanced legal issue relating to civil litigation. I will give you an example of a typical scenario. Let us say that Mr. Smith represents Ms. Jones in a civil case. In preparation for Ms. Jones'

testimony at trial, Mr. Smith provides Ms. Jones with a document or two that is otherwise protected from disclosure by the attorney-client privilege. Perhaps it is an email that Mr. Smith had sent to Ms. Jones or vice versa. Mr. Smith shows Ms. Jones the document in preparation for a trial testimony. She reviews it to refresh her recollection of the facts of the case. Under current law, specifically *Nevada Revised Statutes* (NRS) 50.125, and according to a recent Nevada Supreme Court decision, Mr. Smith would have to turn that document over to the other side despite the fact that it is arguably a privileged document and otherwise protected from disclosure.

The good news is that in the recent Nevada Supreme Court case *Las Vegas Sands v. Eighth Jud. Dist. Ct.,* 130 Nev. Adv. Op. 13 (February 27, 2014) the Nevada Supreme Court essentially invited the Legislature to fix this problem by looking to Federal Rule of Evidence 612. That is exactly what this bill does. Unlike NRS 50.125, which gives the court no discretion for Mr. Smith having to turn over that privileged document, Federal Rule of Evidence 612 allows the court discretion in deciding whether or not part or all of that document should be produced to the opposing party.

Senate Bill 135 adopts the language from Federal Rule of Evidence 612 into NRS 50.125. In the Senate, this bill passed unanimously. It fixes the glitch that we now have in NRS and responds to the Nevada Supreme Court's invitation to remedy this problem. That is essentially what this bill does. I would be happy to answer any questions.

**Assemblyman Nelson:**
You mentioned a privileged document; however, the bill does not limit it to privileged documents. Is that correct?

**Senator Brower:**
That is correct. The scenario typically takes the following form: the witness acknowledges having looked at a document to refresh her recollection, the other side requests to view the document, and it is declared a privileged document. It is only in the privileged context that it would necessarily come up. If it was not a privileged document, there would be no reason to withhold the document in question from being produced. This bill aims at addressing the issue where a document is privileged and otherwise should not be produced. Under our current statute, the court has no discretion.

**Assemblyman Nelson:**
You see this a lot in depositions. Would this apply to depositions? Do you think you could object on these grounds if you are defending a witness? It would seem that you would be able to.

**Senator Brower:**
That is a great question, and the answer is yes. I used the trial scenario as a hypothetical situation. However, it would apply to depositions as well. This issue does not pertain to a witness reviewing a document while testifying. At trial or deposition, using my hypothetical situation, if Mr. Smith were to provide Ms. Jones a document to review while she is testifying on the stand, there is no doubt that the opposing counsel would be able to get a copy of that. That would make sense to anyone. This issue addressed in the bill pertains to documents that the witness reviewed prior to testimony.

**Assemblyman Elliot T. Anderson:**
How do you know that you are going to need to refresh someone's recollection before trial? I know the federal rules already contemplate that, but I thought the refreshed recollection rule was just for when someone is stuck on the stand and they are having trouble. You would give it to the witness quickly but he is not supposed to read it; he is just supposed to look at it quickly to see if it gets his brain firing. Does that make sense?

**Senator Brower:**
It does make sense, and thank you for the question. I think it is a bit of an apples and oranges issue. The recollection refreshed evidentiary issue is somewhat different. The scenario we are talking about here is where the lawyer is preparing his client for deposition or trial. Typically, lawyers are careful about showing the client any documents to prevent this rule being implicated and having to produce the document for the other side. It is really about getting a witness ready for testimony and making sure they remember the incident in question. Perhaps the incident in question took place years ago. The lawyer is simply trying to refresh the witness's recollection as to what happened and when. With respect to privileged documents, there should not be an automatic requirement that privileged documents be turned over. If the court believes the document should be turned over, regardless of privilege, that should be the court's decision. However, under current state law, there is no discretion.

**Assemblyman Elliot T. Anderson:**
How often do you have privileged documents that a witness uses to refresh a recollection? In the criminal context, police officers often look at their reports. I am just trying to figure out how many times these scenarios actually occur when these privileged documents need to be used for their recollection. Perhaps it would be something that was written in a business context such as a memo that would help someone to remember it. Do you know how often this occurs?

**Senator Brower:**
It is hard to say. Of course, a memo written in a business context would not necessarily be privileged. A police report would not be privileged. Let us say, as in the hypothetical situation of Mr. Smith's representation of Ms. Jones, that Mr. Smith sent an email summarizing Ms. Jones' conversation with him about the facts. That would be considered a privileged communication. That is the kind of thing Ms. Jones might look at on her own, or Mr. Smith might want to show to her to prepare her for her testimony. That is the sort of thing we are talking about.

**Assemblyman Elliot T. Anderson:**
This would allow for an *in camera* review for the judge to see beforehand. Is that how it would work procedurally?

**Senator Brower:**
Let us say you are the opposing counsel in my scenario, and you might ask the court to order Mr. Smith to produce the document. Mr. Smith might object, saying it is privileged. Under this bill, it would be up to the court to look at the document *in camera* and make a decision as to whether it should be turned over despite that fact that it might be privileged.

I would like to briefly share the relevant language from this somewhat lengthy opinion. Essentially the court said, whereas Federal Rule of Evidence 612 "permits the district court's exercise of discretion to preclude disclosure of privileged documents used to refresh a witness's recollection before testifying, no such discretionary language exists in NRS 50.125." Without such language in NRS 50.125, "Nevada district courts lack discretion to halt the disclosure of privileged documents when a witness uses the privileged documents to refresh his or her recollection prior to testifying." The court went on to say that in the 40 years since the passage of Federal Rule of Evidence 612, the Legislature has had the option to bring NRS 50.125 in line with the federal rule by adding a discretionary prong, but has not. We seek to do so with this bill.

**Chairman Hansen:**
Seeing no further questions, is there somebody else you wish to testify?

**Senator Brower:**
Mr. Loren Young is in Las Vegas, and he has been involved in this effort.

**Loren Young, President and Chair, Las Vegas Defense Lawyers:**
We are an organization that represents defense lawyers involved in civil litigation in the Clark County area. We are in full support of this bill. It is very

important that this addition to the bill be made to bring this law into compliance with the federal rule.

I believe this scenario comes up more often than not. Based on the current law, a lot of attorneys try to avoid showing any documents to their clients because of this potential disclosure of privileged documents. As a defense attorney, it is our ethical obligation to make sure our clients are updated and are apprised of what is going on. Many times the defense attorneys will provide regular letters and updates to their clients that may contain opinions, conclusions, and evaluations of the case. Many times clients and witnesses may review those just to become familiar with what has happened. As many of you are probably aware, litigation does not happen overnight. It drags on sometimes for years, which will require witnesses to be refreshed about what is happening in the case as well as what happened four years ago when the incident originally occurred. It is important to make sure the courts are allowed to have this discretion to evaluate what documents have been reviewed and to make sure that privileged communication and information is still protected.

In addition to the *Las Vegas Sands* case, a good example of what is going on in the courts because of the failure to include a discretionary language was part of a decision on May 29, 2014, by the Nevada Supreme Court. The case is *Las Vegas Development Associates, LLC v. Eighth Judicial District Court,* 130 Nev. Adv. Op. 37 (May 29, 2014). In that particular case, the witness had reviewed two memoranda which were created by counsel as well as handwritten notes prior to a deposition. Because of the automatic language of the statute, they were required to produce those at the deposition. Clearly those memoranda contained privileged information. It is important to have this on the books, and we are in full support of the bill.

**Chairman Hansen:**
I will now open it up to the public. Is there anyone to testify in favor of S.B. 135? [There was no one.] Is there anybody in opposition? [There was no one.] Is there anybody in the neutral position? [There was no one.] Senator, do you have a closing statement?

**Senator Brower:**
For the record, the Nevada Justice Association testified in support of this bill during the Senate hearing. It really does have broad support from both the civil defense bar and the civil plaintiff's bar. I think that is important for the Committee to know.

**Chairman Hansen:**
We are going to close the hearing on Senate Bill 135. I will now open up the hearing on Senate Bill 191 (1st Reprint).

**Senate Bill 191 (1st Reprint): Revises provisions relating to the return of seized property. (BDR 14-204)**

**Senator Greg Brower, Senate District No. 15:**
This is what we might call a correction bill. It corrects an oversight or fills a gap in our state rules of criminal procedure. We are not seeking to federalize our state rules. However, we lack a comprehensive body of rules of criminal procedure at the state level. In the Federal Rules of Criminal Procedure Rule 41(g), it addresses an issue that our state law simply does not. I will provide the Committee with a hypothetical situation.

Let us say that Mr. Jones owns a business which is the subject of a search warrant being executed by state law enforcement authorities. He is left with a copy of the warrant but the affidavit ordering the search warrant is under seal. Mr. Jones is in the dark regarding what this investigation is all about and why his business was just raided, and all of his files and computer seized. He calls his lawyer, Mr. Anderson, to look into the matter. Mr. Anderson calls the relevant district attorney's office or the Office of the Attorney General and asks what is going on. The answer is, "We cannot tell you." Mr. Anderson then says, "I know something is going on because my client just called me, and all of his business files, computers, cell phones, and a copy machine were seized. As a result, he cannot operate his business, and we want it all back." The state denies his request and tells him that they will give it back once everything has been copied.

As many of you may know, the government will often seize business computers and copy the hard drives and eventually return the actual machines to the owners so that they can continue to operate their business. In the scenario that I presented, Mr. Anderson, as counsel for Mr. Jones, has been told by the state, "Don't call us; we'll call you. You will get your stuff back when we are ready to give it back."

At that point in the scenario, Mr. Jones, through Mr. Anderson, does not know enough about the investigation to believe and to argue that the search in question was illegal. Mr. Jones just wants his belongings returned so he can operate his business. Under current law, there is no way for Mr. Anderson, on Mr. Jones' behalf, to file a motion with the court seeking the return of the property without arguing that the search in question was illegal. This issue can be found in *Nevada Revised Statutes* (NRS) 179.085. As the statute currently

reads, it does not allow for a motion to return the property unless it is also argued that the search was unlawful. This bill adds a second option for an aggrieved party to argue that the continued retention of the property by the government is not reasonable and that the property should be returned. This is really what the bill does.

Under federal law, a lawyer in Mr. Anderson's position would have two options. The first option would be to argue to the court that the search was illegal. For that reason, the property seized should be returned. The second option would be to argue to the court that even though no argument is being made as to the legality of the search at this time, the fact that the government seized his client's property, has not returned it, and has expressed no plan for returning it is enough to ask for its return.

**Assemblyman Jones:**
I understand that when this happens, many times people do not get their belongings back for months. Was there any thought of potentially putting a time frame on this? If the warrant is sealed, property seized, and you have no idea what is going on, you cannot say it is unlawful because you do not even know what the warrant says. Can we put in a time frame that says the state has 30 days, for example, in order to get this done?

**Senator Brower:**
You would have the warrant, but the warrant would not tell you much. The warrant would basically indicate a list of what is sought to be seized. It is the supporting affidavit that is under seal. That is the document that may clue you in as to what is going on. Meanwhile, you are in the dark. Yes, some thought has been given to that. The problem is that it really varies quite a bit from case to case. If you have one computer that the government seizes, it should not take very long to copy and return it. If you are a much larger business with 300 computers, it will take a lot longer. Like the federal rule which does not have a time limit, I think the right approach is to not put a time limit on this. Rather, it would allow the attorney to go to court and ask the judge to order the return. It is at that hearing the judge will ask the government what is taking so long. The timing will be worked out at that point. I think that is the more practical approach.

**Assemblyman Elliot T. Anderson:**
We have heard a lot about civil forfeiture this session. This would provide a remedy for someone in that situation. Is that correct?

**Senator Brower:**
This is actually an issue that is very different from civil forfeiture. This bill is not about property seized pursuant to a forfeiture attempt. In that case, the government believes the property is an instrumentality or proceeds of criminal conduct. This is the typical, old-fashioned property believed to be evidence of a crime and is seized as a result. The problem this bill seeks to address is when the government seizes property, as it is entitled to do pursuant to the warrant, but has indicated no desire to expeditiously return the property. That is the scenario that is the typical issue here.

**Assemblyman Elliot T. Anderson:**
Let us say, in the civil forfeiture context, law enforcement believes it is the proceeds of a crime. However, what if that is a disputed issue? Let us say that the situation happens and the person disagrees with his lawyer. Would that also be a deprivation of property?

**Senator Brower:**
It is, indeed. You are absolutely right. That seizure and forfeiture effort is the subject typically of a separate case, an actual civil case in which the owner of the property can litigate the propriety of the seizure and the forfeiture, and can attempt to get the property back. It is a separate proceeding.

**Assemblyman Ohrenschall:**
My question has to do with section 1, subsection 1. The current language of NRS 179.085 says, "A person aggrieved by an unlawful search and seizure may move the court having jurisdiction where the property was seized for the return of the property and to suppress for use of evidence anything so obtained on the ground that ...." The bill proposes to delete the language about the motion to suppress the evidence obtained. I am sure there is probably a good explanation, but I do not get it. I wonder if we are taking the right away.

**Senator Brower:**
No, you really hit upon the purpose of the bill. Currently under statute, the law contemplates a motion for return of property that accompanies a motion to suppress because it is believed that the search was illegal. What the federal law provides is a better approach; it is an either/or approach. In my hypothetical example, if Mr. Anderson believes that both the seizure of the property was illegal, and as a result the evidence should be suppressed, and he is just trying to get the stuff back so that Mr. Jones can continue operating his business, that motion can be made. However, if Mr. Anderson does not know enough about the search to make an argument that it was illegal and the evidence seized should be suppressed but simply wants to get Mr. Jones his stuff back, this bill makes that second option possible.

**Chairman Hansen:**
Senator, is there anyone else you would like for me to call to testify?

**Senator Brower:**
There is nobody I would invite up, but I would be happy to hear from others.

**John J. Jones, representing Nevada District Attorneys Association:**
We are here in support of S.B. 191 (R1). This bill fills a gap in the law. Currently, defense attorneys will get around this by filing a motion pursuant to the statute asking the judge to return the property anyway, even though it does not necessarily fit the parameters of NRS 179.085. This will provide a mechanism for the return of the property. We appreciate Senator Brower working with us on our concerns, which have since been addressed.

I wanted to address Assemblyman Ohrenschall's question regarding the striking of suppression in section 1, subsection 1. That issue is addressed in subsection 2 where it says, "If the motion is granted on a ground set forth in paragraph (a), (b), (c) or (d) of subsection 1, the property must be restored and it must not be admissible evidence at any hearing or trial." That is basically the same thing as a suppression.

With respect to the time frame, as you know, law enforcement is sometimes constrained by the resources that we have. Unfortunately, sometimes the lack of resources will keep us from being able to process evidence in a certain period of time. As Senator Brower has indicated, this will give us the ability to let the judge know that we cannot process the evidence in the amount of time given and provide a plan for how much longer we will require.

**Steve Yeager, representing Clark County Public Defender's Office**:
We are in support of this bill because we agree that it fills a gap in our current statutes. Additionally, I wanted to let you know that Sean Sullivan from the Washoe County Public Defender's Office also is in support. Unfortunately, he could not make it in this morning.

**Chairman Hansen:**
Seeing no questions, thank you for your testimony. We have some others to testify in favor of the bill.

**Janine Hansen, representing Nevada Families for Freedom:**
I had a personal experience with this, and that is why I am so interested in this bill. My issue was a federal issue rather than a state issue, but I think it will provide a good example. Law enforcement came in and seized my friend's personal and business information. Later the warrant was found to have been

illegally issued but it was very difficult to get the documents back. A lot of the material had nothing to do with the business; it was personal information regarding his political activities. I think it is always very important to do all that we can to protect the individual rights of citizens as are generally stated in the *Bill of Rights* and in our own affirmation of rights. We support this bill.

**Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada:**
Me too.

**Chairman Hansen:**
We will now move to opposition. Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] Senator, is there anything you would like to add to the record?

**Senator Brower:**
No. Thank you for hearing the bill. I think it is important, and you have seen about as broad an array of support as we see in this building. That says something about the bill.

**Chairman Hansen:**
We will now close the hearing on Senate Bill 191 (1st Reprint), and open the hearing on Senate Bill 175 (1st Reprint).

**Senate Bill 175 (1st Reprint): Makes various changes relating to public safety. (BDR 15-515)**

**Senator Greg Brower, Senate District No. 15:**
I am pinch-hitting this morning for Senator Roberson, who is the primary sponsor of the bill. However, he was called away for a meeting. As the Chairman of the relevant committee in the Senate and a cosponsor of the bill, it is my pleasure to try to present it as well as the chief sponsor might have.

I am here today to present Senate Bill 175 (1st Reprint). This version combines several ideas this Legislature has previously discussed into one broad-based measure that will greatly improve public safety in our state. This bill covers two important subjects: self-defense and who can carry firearms in our state. First, I am going to talk about the sections of the bill related to self-defense. I will cover the sections addressing the firearms later. Along the way, I will also be highlighting some of the changes made on the Senate side, which were the product of a lot of discussions with many stakeholders from every possible

point of view on the issues. Even the former chairman of this Committee, Jason Frierson, added some very important and valuable input to the final product.

Many times we overlook the definitions contained in a bill, but it is important to note that section 1 amends the definition of justifiable homicide to include the killing of a person in self-defense while in a motor vehicle. That is essentially what section 1 is all about. To put it simply, the idea behind the bill is to make sure the classic carjacking scenario is addressed in the bill just as the castle doctrine scenario is addressed in the law. The definition was further amended to make it clear that justifiable homicide would be limited to occupied homes and occupied motor vehicles only. Frankly that constitutes a significant narrowing of the current law which arguably provides that one can kill another in defense of property regardless of whether the property in question was occupied. Most everyone who reviewed the law agreed that was simply too broad. Therefore, this bill narrows that scenario to an occupied vehicle or home.

Section 2 of the bill lays out the circumstances under which a killing is presumed justified. [Continued reading from prepared statement by Senator Michael Roberson (Exhibit E).]

Section 3 provides that a person who has been convicted in Nevada, or any other state, of misdemeanor domestic violence as defined in federal law cannot own or have in his or her possession, custody, or control any firearm. Doing so constitutes a category B felony, and section 12 makes this provision retroactive. Felons cannot possess a firearm under federal and state law. This bill adds to that list of prohibited persons such as those who have been convicted of domestic violence misdemeanors.

Sections 5 and 6 add provisions stipulating that anyone who has had an extended protection order against domestic violence issued against them by a court may not purchase or otherwise obtain a weapon during the time the order is in effect. Again, violation of these provisions is a category B felony. [Continued reading from prepared statement by Senator Michael Roberson (Exhibit E).]

Rather than requiring the Department of Public Safety (DPS) to engage in a quite laborious effort to analyze the concealed carry permit (CCW) requirements of every other state and make a reciprocity determination, the bill simplifies the process and requires DPS to determine which states require a training course, and those states have reciprocity under this bill. There is a proposed friendly amendment (Exhibit F) the sponsors agreed to with respect to section 4.5.

I think we will hear from the Nevada Sheriffs' and Chiefs' Association (NVSCA) about this later. The proposed amendment would remove lines 23 through 25 from section 4.5, which under current law requires NVSCA to agree with the list of recognized states provided by DPS for reciprocity. The proposal by NVSCA is that DPS is capable of making that decision and NVSCA need not agree with it. That proposed amendment (Exhibit F) was not proposed on the Senate side due to an oversight, but it is agreeable to the bill's sponsor.

Sections 8 through 10 expand and clarify the Legislature's right to regulate firearms, ammunition, and accessories and to define the associated terms. These sections also stipulate that any ordinances or regulations made by political subdivisions of the state that are inconsistent with the Legislature's rights are null and void and must be repealed. What this bill seeks to do in those sections is to say the state is going to preempt the field with respect to the regulation of firearms for most purposes. As to not allow for inconsistencies between counties, the Legislature will make the regulation regarding firearms policy. The local governments cannot do so in any way that is inconsistent with state law.

Finally, these sections provide a legal avenue for anyone who believes they have been adversely affected by such an ordinance or regulation to file suit in the appropriate court, receive relief, and be awarded damages if they prevail.

Section 11 amends the law to eliminate the grandfather provision that has allowed Clark County to require registration of firearms, so that the Legislature will now have the sole authority to regulate firearms. Finally, Clark County must dispose of the records related to its firearm registration program no later than one year after the enactment of the bill.

On the Senate side, this bill was the subject of no small amount of controversy. I think the original bill was misunderstood by many. At the same time, many very valid points were raised during the hearing, which led to changes in the bill. This bill was passed unanimously out of the Senate Committee on Judiciary. There were some "no" votes on the floor. This is a compromise that is about as good as it can get on issues as potentially controversial as these. We understand that strong feelings arise whenever the subject of guns is broached. Despite the amendments in the Senate that addressed many of the concerns with the original bill, this Committee will likely hear from some who still oppose various provisions. We look forward to that continued dialogue.

I will close by stating that our goals are simply these: (1) to keep guns out of the hands of those who have proven their propensity to commit violence against those they supposedly love and should protect; (2) to allow law abiding gun

owners to appropriately defend themselves in their vehicles as they currently can in their homes; and (3) to ensure that our Second Amendment rights are administered in a fair and uniform way across the state, and to provide a means of redress when that is not the case. I thank you for your time. We certainly hope the Committee will give fair and due consideration to this bill. I look forward to answering your questions.

**Chairman Hansen:**
Regarding section 11 and the destruction of the blue card system, is that going to remove all of the blue card data after a year? What is the time frame?

**Senator Brower:**
It is more comprehensive than one year, as I understand it. I would like to defer the question to Chuck Callaway from the Las Vegas Metropolitan Police Department (Metro).

**Assemblyman Elliot T. Anderson:**
I wanted to talk with you about the remedies for filing a lawsuit for a breach of the preemption section. I am not necessarily against preemption because it falls into the line of what we do as a Dillon's Rule state. I wanted to talk about the remedies. I would expect Clark County to comply with this, particularly, and I would expect that all of the municipalities throughout all of the counties would also comply. Why is a cause of action necessary? I can understand injunctive relief if a county or municipality did violate the preemption section of this bill, but why damages? I do not know how you would actually quantify that anyway. Does that make sense?

**Senator Brower:**
It is a great question and was the subject of a lot of discussion on the Senate side. There are some who support this bill who feel very strongly that the local governments, towns, cities, and counties need to be appropriately incentivized to make sure that they take seriously the legislative preemption pronouncement that this bill makes. Do I believe that the cities, towns, and counties will not take this seriously and thus cause litigation? No, I do not. I would agree with you that it is extremely unlikely that we will see any litigation. The idea here is that we want to make sure that the litigation is potentially painful enough that the local governments will not ignore the Legislature and dare someone to sue them. I think what you see in terms of the remedies that made it into the final bill strikes the right balance.

**Assemblyman Nelson:**
I am looking at section 5 where it talks about the extended order. As you know, *Nevada Revised Statutes* (NRS) 33.030 contains content that the court

can order a person not to do. Section 5, subsection 1 says that the "adverse party shall not subsequently purchase or otherwise acquire any firearm during the period that the extended order is in effect." Do you contemplate that the judge in those situations will inform the defendant that he or she should not acquire firearms since it will be a felony if they go out and do that? I do not know if we need to amend the bill to say that should be in the order or just make it clear in the legislative intent. The other question is that it does not say that they cannot have one; they just cannot go and get a new one, right?

**Senator Brower:**
That is correct and was also the subject of a lot of discussion on the Senate side. To answer your first question, I would expect the judge to make it very clear in the record upon issuance that this is the law and violating the law would be a felony. Every judge in this situation has the power to require that the subject of the order not possess a firearm at all. It is within the judge's discretion and this power is often exercised. Most observers and participants in the process agreed that the judge should have that discretion. The judges generally exercise it appropriately with care.

**Assemblyman Ohrenschall:**
I have a question about section 7 regarding the expansion of the immunity for civil liability. Could you explain that a little more and why you felt the expanded language was necessary?

**Senator Brower:**
Essentially, here is what the civil liability part does. Based upon the other parts of the bill and the law, if you are in a situation where you were forced to kill another human being, and under Nevada law it is deemed justifiable homicide, you should also be immune from civil liability for your conduct. That is as simply as I can state it.

**Assemblyman Elliot T. Anderson:**
The civil liability and criminal liability standards are significantly different. I would like you to address that. Could you give us some idea of what would qualify as a crime of violence? I would be a little bit more comfortable if the felonies were specifically articulated rather than leaving the definition a little looser. Can you provide some intent as to what you would expect for felonies to qualify for a crime of violence as shown in section 1, subsection 3(a) of the bill?

**Senator Brower:**
To address your first question, yes, the standards are different. The standard of proof in a criminal case is guilt beyond a reasonable doubt. In a civil case it is

typically a preponderance of the evidence. The consensus was that the difference need not matter in this context. Under the statute, if one was found to have killed with justification, one should not be held civilly liable either. With respect to your second question, the definition of a crime of violence was provided with a statutory reference elsewhere in the bill. We had a statutory definition of a crime of violence in mind when we added that section. I will have to check and see if it made it into the bill.

**Chairman Hansen:**
Senator, is there anyone you would like for me to call up to testify?

**Senator Brower:**
No, but I would like to hear from anyone that the Committee has time for today.

**Carol Howell, President, Northern Sierra Ladies Gun Club, Carson City, Nevada:**
We are in support of S.B. 175 (R1), and have followed it through the Senate. The one concern I have heard expressed is the domestic violence issue. I do not want anyone who is convicted of domestic violence to have a gun in his or her possession. We all know that, in relationships, things can get blown out of proportion. If somebody is convicted of a domestic violence issue that does not incorporate a gun, I would like to see it addressed here. To me, when you are talking about relationships, fights, and what goes on between two people, it can get blown out of proportion. I would like it to be clarified for someone who is accused and convicted of verbal abuse rather than someone who had a gun. I would just like to look at that issue a little bit closer. As far as the rest of the bill, I am in total support.

**Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:**
We stand in support of the bill and the amendment that we submitted (Exhibit F), which included some cleanup language. When this bill was originally drafted, existing language from NRS 202.3689 remained. We feel it is no longer needed. The part that has been removed was substantially similar or more stringent. At the time, when DPS would present their findings to the Sheriff's and Chief's Association, there would be debates over what we felt would fit that requirement versus what DPS thought. With the new language in the bill, it is very cut and dried. As long as there is a training standard and there is 24/7 access to a database, that is all that is required. We do not feel as though we need to be involved in this, and DPS does not need to present the information to us formally.

**Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:**
We are here today in support of S.B. 175 (R1) in its current form. Initially, on the Senate side, about half of the bill we supported, but we had concerns with the other half. I thank Senators Roberson and Brower for working with us to get to the bill as it is currently written, which I believe is a good compromise. As you know, Sheriff Lombardo has publicly stated that we wish to get rid of the gun registration program. We did ask for some time to get rid of those records. To answer the question asked earlier, we have records going back to the early 1980s. When we moved over to our headquarters building from the old City Hall headquarters, we purged records that were older than 25 years. I believe we currently have close to 1 million records, and it would take some time to purge them properly. Initially, we asked for five years to do that. The Committee felt that five years was too long so we agreed with the one-year requirement that was written into the bill.

I also want to note that we support the domestic violence section because it codifies the federal law with regard to the prohibition of domestic violence. We are here today in support of the bill as written.

**Chairman Hansen:**
In section 3, regarding the misdemeanor crime of domestic violence, are you saying that this brings us into compliance with federal law? We have a Second Amendment right to own firearms, and we are possibly limiting that right for a misdemeanor violation although probably for good reason. What is the current definition of misdemeanor domestic violence? Someone told me that you can be in a fistfight with your college roommate in a dormitory and that would be considered domestic violence. What is the actual definition?

**Chuck Callaway:**
As far as the definition as it is written, I would defer to the Legal Division. Basically, domestic violence is the unlawful use of force by one person upon another whom they have a relationship with, which may be a cohabitant, spouse, family member, or domestic partner. However, I would defer to the Legal Division for the actual definition as it is written in statute.

**Assemblywoman Fiore:**
I want to make sure that we are crystal clear that the intent of the bill is to destroy all records. Is that correct?

**Chuck Callaway:**
Yes, as this bill is written, we would destroy all of our handgun registration records, including everything associated with the handgun registration program, within one year.

**Assemblywoman Fiore:**
Will this include records prior to 2007?

**Chuck Callaway:**
Yes, all of them. Currently, we have them going back to about 1986. All those prior to that have already been purged.

**Chairman Hansen:**
Seeing no further questions, thank you all for your testimonies. Is there anyone else who would like to testify in favor?

**Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:**
I am representing Washoe County Sheriff Chuck Allen to say that we are in support of S.B. 175 (R1).

**Natasha Koch, Captain, Executive Officer, Nevada Highway Patrol, Department of Public Safety:**
We are also in support of the bill.

**Megan Bedera, representing Nevada Firearms Coalition:**
With the risk of possibly beating a dead horse, I do want to clarify a question that has been asked. In section 12.5 of the bill, it references ordinances adopted before June 13, 1989. There were changes to those ordinances in 2007. We just want to make sure that the changes in 2007 are also included in the records that will be destroyed per section 12.5. I think it has been made clear, but I just wanted to reiterate that. With that clarification, the Nevada Firearms Coalition is in support.

**Chairman Hansen:**
I think that Mr. Callaway made it crystal clear that those records will be destroyed assuming the bill passes.

**John Wagner, State Chairman, Independent American Party:**
I will be very brief by saying ditto.

**Janine Hansen, representing Nevada Families for Freedom:**
We are in support of this bill, and we feel that it improves reciprocity. We are pleased about the repeal of the Clark County gun registration and having

statewide consistency. I am personally and particularly encouraged by the extension of the castle doctrine to an occupied vehicle. I do a tremendous amount of traveling to and from the Nevada Legislature by myself, late at night. I am happy to have that part in the bill.

There is one concern I have that has been mentioned with regard to the issue of domestic violence, which can include a fistfight between a couple of brothers. Perhaps it would be better defined as a gross misdemeanor where there are some definite issues involved. There are some very minimal requirements for it to be labeled domestic violence, especially now with the domestic violence laws in place. I am concerned about the far-reaching extent of that particular section of the bill.

**Chairman Hansen:**
I would like to hear from Legal to get the definition straightened out on what constitutes domestic violence. I agree and that is the number-one area of concern that has been raised. If we are taking away someone's constitutional right, we want to make sure it is for a reasonably serious crime. Mr. Wilkinson, can you address the definition for the Committee?

**Brad Wilkinson, Committee Counsel:**
A misdemeanor crime of domestic violence is defined in federal law, and that definition is incorporated into the bill. It is defined as an offense that is a misdemeanor under federal, state, or tribal law and has an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

**Chairman Hansen:**
Did you say a weapon has to be involved?

**Brad Wilkinson:**
It says, "for use or attempted use of physical force." It is not as broad a definition as our definition of domestic violence under Nevada law.

**Chairman Hansen:**
If this law passes as is, would the federal statute be used as the definition of domestic violence?

**Brad Wilkinson:**
Yes, that is correct. It incorporates the federal definition of misdemeanor crime of domestic violence. It would not apply to a situation involving brothers, for example. It also would not apply to a dating relationship, or those things that are more expansive in Nevada law than they are under the federal law.

**Senator Brower:**
In *United States Code*, Title 18, Section 921(a)(33)(B), it goes on to say that "(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and (II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either (aa) the case was tried by a jury, or (bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise." Therefore, it is a pretty tight definition. That is why we chose it.

**Chairman Hansen:**
Is there anyone else in Las Vegas who would like to testify?

**Vernon Brooks, Private Citizen, Las Vegas, Nevada:**
I want to address a few points that came up in earlier conversations. First, I would like to address some of the generically typical arguments that come up against a bill like this. This bill does not change who can carry a firearm in Nevada. I am certain that it will get asserted that it does, but it does not. I think it is fairly apparent from the language. This bill will not harm convicted felons. That is already covered under federal statute, and this does not change that. What it does do is make the laws uniform across the state. The original preemption bill passed in 2007 under a Democratic-controlled Legislature. It was a fairly good statute, but it was missing a few things. This bill is more of a correction of that than anything else.

The point has been raised of whether the penalties are necessary. Anecdotally, I can point out examples of how this has been abused in the last few years. It is well known to those who carry firearms daily that the local jurisdictions have not fully adopted preemption as intended because nothing really forced them to. They keep their invalid ordinances on the books. The common consensus is because it allows for officers in the field to use what they know to be an invalid ordinance to further their investigation at that moment, and then throw it out later once something more useful is found. That is a miscarriage of justice that I think everyone will uniformly agree on.

As a person who regularly participates in locally based social circles and forums, I have become one of the go-to people that others come to with questions. Of course, I am not a lawyer and I preface everything I say with that, but this has become something of a passion for me to be familiar with it. Somebody has to disseminate this information down to the average everyday person who just has to go to his job every day. The most common questions that I get involve conflicts between state statutes and local ordinances. Local ordinances are mostly invalid. The other questions are about the blue card program that I think all of us will be relieved to have go away. Without fail, nine out of ten questions we get in our forums are about North Las Vegas or Boulder City. They are about parks and what is city versus county versus state. Preemption fixes all of that and makes it clear that you can walk across the street and your legal status as a firearms carrier does not change dramatically.

Regarding the occupied amendment that was proposed early on, I think it is important to convey that as an avid firearms owner, the occupied portion of this was very important to me. I think it clarified language in this bill that could have been misconstrued as defending property instead of defending life. I know that in a few other states, defending property is legal, and I have never agreed with that. You shoot to defend human life; you do not shoot to defend property. An example of defending human life is carjacking coverage for an occupied vehicle such as when you are unloading groceries with your child still in the car, and someone jumps in the car and takes off. That is a no-brainer and should definitely be covered. The civil immunity is an imperative. A person should not have to be terrified to defend themselves just because they are going to lose everything in a civil suit later. That should not be a consideration in that moment.

**John Ridgeway, Private Citizen, Las Vegas, Nevada:**
As I understand the way everything works, the Legislative Branch of the government is supposed to be the logical branch of the government. The Judicial Branch is the conscience, and the Executive Branch is the free expression. If we use logic in the sausage-making process, and we add the heavy duty ingredients of the *U.S. Constitution*, I think S.B. 175 (R1) is the way to go. I am in strong support of this bill.

**Assemblyman Elliot T. Anderson:**
Mr. Ridgeway, thanks for all of your passion in getting involved with the process.

**Kristy Oriol, Policy Specialist, Nevada Network Against Domestic Violence:**
We are here today in support of the provisions of the bill referring to domestic violence. I do want to clarify that we are referring to convictions of domestic

violence. These are very, very difficult to get. We are not talking about a particular instance where something happens between brothers. We are talking about some very severe crimes. I would strongly support this Committee keeping it to convictions and extended orders of protection.

With regard to extended orders of protection, these are orders that are issued after there has already been a temporary protection order. There would have had to have been a violation of that temporary order or a court would have had to determine that there was still risk to the victim or the victim's family in order to issue an extended order. There is a hearing that is included to issue an extended order, and it is only for the duration of that order. I think that it is very fitting for a crime of domestic violence. These are serious crimes and I would encourage you to keep our victims safe.

**Art Dixon, Private Citizen, Las Vegas, Nevada:**
We need to push this forward. It is a good bill, and I cannot wait for the blue card bonfire.

**Alvin Heskett, Private Citizen, Las Vegas, Nevada:**
I am a resident of Clark County, and I have been following this bill for some time along with some other bills that were introduced in this session. Generally, I am very supportive of the bill; however, I do have some concerns. I would like clarification on the expansion of reciprocity. The abolishment of the gun registration program here in Clark County, and the alignment of the laws throughout the state being consistent have been very welcome additions. Regarding the details of defending your life in a vehicle, I lived in places in the East like Massachusetts and New York, and California, which has become part of the East in many ways. The definition of being in the vehicle at that moment, the argument at the time of an incident, can be reduced to a popular anecdote that has oftentimes been jokingly referred to as make sure that you drag somebody back in the door. I think the focus should be more upon the violence and intent of the moment rather than the occupancy of the vehicle at the time. I can see that being a problem over time.

I have another concern about the misdemeanor application of this law for a lifetime prohibition on somebody's constitutional rights without the possibility of any kind of remedy in the future or a path to redemption. While there is a definition in place, and if we are using the federal statutes, that is good. There are many people who have made mistakes in past incidents in their lives who regret pleading down to a misdemeanor crime. The explanation was that this was a misdemeanor and the consequences were limited. All of a sudden those people are facing a lifetime prohibition with felony consequences without any remediation or a possibility of redeeming themselves from a decision that

they made long ago about something they consider to be a minor incident. I find that more than troubling. I find that to be duplicitous and wrong. I am fully in support of the protection of anybody who is involved with another person where violence is introduced. That is probably why most of us who are adamant about the Second Amendment feel that the Second Amendment is important in the protection of the weaker party.

I am also very concerned that when we expand laws to the development of a prohibition for somebody's entire life without a little more conscientiousness on the part of how that is implemented is deeply troubling to me. I would strongly urge that it be revisited and examined more carefully.

**Assemblyman Gardner:**
If you look at the definition of domestic violence under the federal law, there is actually a way to get those convictions expunged, in which case you would no longer be convicted of the crime. That is an available option.

**Alvin Heskett:**
There is a path to a pardon on the federal level as well. If I am not mistaken, that path has been blocked by the refusal of the U.S. Congress to fund the process. Like many other things, that is a path in name only.

**Chairman Hansen:**
We will do what we can to make some compromises.

**Marlene Lockard, representing Nevada Women's Lobby:**
We are in support of this legislation.

**Mark Doering, Private Citizen, Las Vegas, Nevada:**
I am here to speak in support of S.B. 175 (R1), specifically on the addition of occupied motor vehicles to the definition of justifiable homicide. I can relate it to an incident that happened to me just this week. I was involved in a road rage incident with a driver who decided he was going to take it upon himself to try to run me off the road and subsequently follow me. Like any firearms owner, the last thing I would ever want to have to do is to use my firearm.

Defusing the situation, for me, meant trying to lead him to a nearby Metro station. I was able to do that and the subject left. However, several times along that route, we did have to stop. There were many times along that route that I wondered when that person stopped behind me, if he was to get out of his vehicle to approach my vehicle, would it be justified if he was to try to use force against me. That made it very personal to me this week.

**Robert Gaudet, Private Citizen, Las Vegas, Nevada:**
I am in strong support of S.B. 175 (R1). I agree with everyone who has spoken before me on all of the different issues.

**Senator Brower:**
While we are waiting for the next testifier, let me just clarify that a domestic violence misdemeanant is already a prohibited person under federal law. That is nothing new; we are simply adding that to state law. That person cannot possess a firearm today.

**Chairman Hansen:**
We are simply adding the federal definition to our statutes.

**Assemblyman Nelson:**
Senator Brower, I think what the bill is doing in section 3 is taking the definition from 18 U.S. § 921(a)(33) and incorporating it into Nevada law, at least as far as this bill is concerned. This is not saying that they have to be convicted under federal law in a federal court. You are just taking that definition, correct?

**Senator Brower:**
That is correct. That is a great question and was the subject of a lot of discussion on the Senate side. Here is the rationale. It makes sense to have a uniform definition because we are talking about people who may have been convicted in other states. Rather than sorting out whether their conviction in Arkansas was for a crime that constitutes domestic violence in Nevada or not, we use the federal definition. It is uniform, and it is easy to determine if someone is a misdemeanant domestic violence offender. That is the reason.

**Chairman Hansen:**
Is there anyone who would like to testify against S.B. 175 (R1)?

**Vanessa Spinazola, Legislative and Advocacy Director, American Civil Liberties Union of Nevada:**
I am here to speak only to sections 1, 2, and 7. We do think the bill has definitely improved, particularly the addition of occupied, the crime of violence, and rebuttable added to the presumption. Our concern has to do mainly with race. There is nothing new on that part, and we vetted this bill previously.

Professor Addie Rolnick of the William S. Boyd School of Law, University of Nevada, Las Vegas, will write to you as a follow-up. She wrote an article recently about this and I am going to read one brief paragraph. Professor Rolnick wrote:

> Stranger self-defense cases (whether by police or by civilians) are always about race. In fact, it is impossible to take race out of self-defense law. This is because self-defense involves a split-second assessment of whether a stranger is about to kill you. We can rely only on easy-to-see cues to make that determination. Race is an irrevocable part of that mix of cues. We can't close our eyes and not see it. Race can also influence our best guesses about other factors—what we think someone is doing, whether we think we see a weapon, whether the person looks out of place. All of that is colored by race.

We are concerned about expanding our current self-defense law without a more thorough discussion about how we can prevent that.

If the Committee decides to go forward with the policy, there is one additional suggestion we would make in section 1. One of the manners in which the crime could be committed is surreptitious. We do not think that surreptitious really rises to the level of a violent crime. If you are committing a crime, I would think you would be attempting to do it sneakily. It could be a catch-all that may bring everything into play.

**John M. Saludes, Private Citizen, Reno, Nevada:**
The domestic violence portion of S.B. 175 (R1) only prohibits the further purchasing or requiring of firearms by the adverse party during the period of an extended order of protection. Senate Bill 175 (R1) purports to protect women against domestic violence who have obtained a restraining order by prohibiting the further purchase or acquiring of a firearm by their abuser during the period of the order. Under this bill, the abuser gets to keep his arsenal, but cannot acquire any more guns during the extended order of protection. I see no wisdom in that.

In a recent study, 34 percent of all female murder victims were killed by an intimate partner, and 58 percent of women murdered by an intimate partner in the United States were killed with a firearm. Women are 500 percent more likely to be murdered by an intimate partner when a gun is present and there is a history of domestic violence. The gun murder rate for women in Nevada is 38 percent higher than the national average. This bill says nothing about the adverse parties surrendering guns in their possession as a mandatory provision of an extended order of protection. It only prohibits the further purchasing or acquiring of guns during the period of the extended order for protection.

This bill should be amended to prohibit possession by the adverse party of all firearms in the adverse party's possession during the period of an extended

order of protection. I have provided your committee manager copies of a proposed amendment (Exhibit G). This amendment provides that during the period of an extended order for protection, the adverse party is prohibited from possessing or having custody or control of any firearm, making it mandatory.

I realize there has been a lot said about the discretion of a judge. Of course, the judge has a number of things he can do in terms of issuing an order of protection. However, we are not talking about a temporary order of protection. We are talking about an extended order of protection. An extended order of protection is required when something has happened during the temporary order of protection, which is typically 30 days long, such as the abuser has either violated the temporary order of protection or has continued the abuse. We are talking about very serious matters here, and a highly charged situation. You know what is going to happen if a gun is in place when these things are occurring. Somebody is going to get shot and it will probably be the abuser who is using that weapon. That is why this amendment is sorely needed if you are really serious about protecting those involved in domestic violence situations. I hope you will consider and pass this amendment. Thank you for your time, and I am available for any questions. [Written testimony (Exhibit H) and website links (Exhibit I) also were submitted.]

**Erin Grinshteyn, Private Citizen, Reno, Nevada:**
I am here today as a volunteer of the Nevada Chapter of Moms Demand Action for Gun Sense in America. I am also a researcher in this area with a background in health policy and violence prevention. Here in Nevada there are over 30,000 members of Moms Demand Action. We are part of a grassroots movement of mothers and other concerned citizens who are fighting for public safety measures that both respect the Second Amendment and protect people from gun violence.

We are here to register our organization's concerns about two provisions in S.B. 175 (R1) that will make Nevada communities less safe. The first will make it legal for dangerous people to carry hidden loaded weapons in public and the second will allow out-of-state trial attorneys and special interest groups to sue Nevada municipalities at taxpayer expense. Right now, Nevada has very commonsense standards that ban certain people from getting concealed carry permits. That is because we understand that stalkers, violent criminals, and people who have never fired a gun should not be allowed to carry loaded guns in our communities. That is what could happen under S.B. 175 (R1).

The automatic reciprocity provision in S.B. 175 (R1) would bring our standards down and could allow people who have permits from other states with dangerously lax requirements to carry concealed and loaded guns in our

communities. Many states issue concealed carry permits to convicted stalkers, people with recent violent misdemeanor convictions, or people who have not had live-fire training. If S.B. 175 (R1) passes, suddenly all of these people could be entitled to carry concealed, loaded weapons in Nevada as long as they have had the required training from their state.

The second provision of S.B. 175 (R1) would allow out-of-state organizations, defined in this bill as membership organizations, in the bill's definition of a person, to sue Nevada communities over local public safety ordinances. Soon after similar legislation passed in Pennsylvania, four cities in that state were sued by Virginia- and Texas-based organizations. In some ways, S.B. 175 (R1) is worse than what has passed in Pennsylvania. This bill would make Nevada the first state in the country to entitle these groups to collect double or possibly triple damages, all at local taxpayers' expense.

We ask you to stand with local Nevada communities and not with out-of-state trial attorneys and special interests who are looking for a taxpayer-funded handout. In closing, we urge you to oppose S.B. 175 (R1) because of these two issues. Thank you very much for your time. I appreciate the opportunity to be heard and to participate in the dialogue about this bill.

**Assemblyman Nelson:**
This question is for Ms. Spinazola. In your letter of February 24, 2015, to the Senate (Exhibit J), where you talked about the definition of a vehicle, you said the definition is much broader than current definitions for motor vehicles that we see in the *Nevada Revised Statutes* (NRS). It included scooters, bikes with motorized capabilities, and other casual recreational vehicles. Was that sorted out on the Senate side, or is that still a concern of yours?

**Vanessa Spinazola:**
That is still a concern; it is still self-propelled vehicles.

**Assemblyman Ohrenschall:**
My question is for Ms. Spinazola and is regarding section 7, subsection 1(a) and 1(b). Let us say that I am back in Las Vegas this weekend, it is Saturday night, and I am driving in a neighborhood that has a lot of crime. I am stopped at a red light and someone approaches the car which makes me nervous. I see the person reaching into his pocket, and I am thinking he is trying to carjack me. I am a CCW holder, and I fire on him and kill him. It turns out he was reaching for a bottle of water. We go through the legal process, and criminal charges are not filed. I felt that I was justified under the new language proposed for NRS Chapter 200. The court felt that reasonable fears had me excited and that I was within my rights. My question is with section 7, in the scenario of the

fellow who has been killed in this situation through my mistake, I am not seeing that the family could recover civilly due to the mistake I made. I am troubled by that and I am wondering what your thoughts are.

**Vanessa Spinazola:**
That scenario is also my understanding of the bill. What we are specifically worried about is mentally ill people. For example, there is a study in San Diego that indicated that 81 percent of the fatal shootings by the police in that city were of mentally ill people. The police are much more trained on when and how to use weapons than most folks that are going to be carrying in their car. We are worried about mentally ill folks walking up to a car and how that is going to be perceived. We are also worried about the people who sell papers and water at major intersections in urban cities. The way I read that section is, even though it was a mistake, there would be no way for the victim's family to recover.

**Chairman Hansen:**
Seeing no further questions, I thank you all for your testimonies this morning. We will now go to Las Vegas and hear from the lady who has been waiting so patiently.

**Pamela W. Ford, Private Citizen, Las Vegas, Nevada:**
This is my first time doing this, but I feel strongly enough about this bill that I felt I had to give my opinion. First of all, it deals with a variety of very, very different issues. It is a very bad bill for that reason alone. These issues should be divided out and discussed individually and not in one document.

The issue that I specifically oppose has to do with concealed weapon permits from other states. Just as a generalization, Carson City seems to think that for the safety of our country and our state, we should have more weapons in the hands of individuals, concealed or open carry. I do not feel that way; it scares me. I do not want to be sitting in a theater on campus thinking the person next to me is carrying a concealed weapon. That does not make me feel safer, and that is my personal opinion.

**Chairman Hansen:**
We would like to thank you for taking the time to come and testify for your very first time. We like to hear from regular citizens because sometimes all we hear from are lobbyists. We do take your views into consideration.

Is there anyone else who would like to testify on this bill? Seeing no one, Senator Brower, would you like to tie up any loose ends?

**Senator Brower:**
Believe it or not, we did not have any neutral testimony on the Senate side either. I do not think there is any neutral testimony on these issues. I commend the Committee on the excellent hearing. On the Senate side, we were not as successful at keeping the rhetoric contained to what is actually in the bill, perhaps because of the original language in the bill.

I would like to point out just a few things. First of all, federal law already prohibits domestic violence misdemeanants from possessing firearms. We are simply adding that to our state statutes; this is nothing new. I do have to take issue with some of the rhetoric. I have been railing all session long against exaggerated, distorted rhetoric on every side of every issue. It is my position that it does not help the legislative process. We need to try to focus on what is in the bill. I know the Committee will do that. We cannot control witness testimony, but I just have to call it like I see it. This bill does not allow the subject of an extended protective order to maintain an arsenal of weapons. This bill says that the subject of an extended protective order cannot acquire weapons and does nothing to change the current state of the law that allows the judge, who is closest to the situation, to require that the subject not possess. This bill does not give the subject the right to possess. That issue has been distorted all session long and I just want to get that on the record. For the record, Everytown for Gun Safety, an organization that many of you have heard of, supports this bill. They have been very involved in the negotiations on the Senate side. They support the version of the bill you have in front of you.

With respect to reciprocity, we heard some mention of dangerous persons being allowed to carry concealed weapons under this bill. Let me be clear, this bill in no way broadens the rights of persons to carry concealed weapons. In fact, it does just the opposite. It limits those rights with respect to certain persons convicted of certain crimes. If you cannot carry a concealed weapon currently under the federal or state law because you are a convicted felon, this bill does not give you that right. The reciprocity provision in this bill does not change that. If you cannot carry in Florida, Arkansas, or New York, you still cannot carry in Nevada. I do not know what this mention about out-of-state attorneys making money off of the private right of action section is all about. I will just leave it at that.

Finally, regarding Assemblyman Ohrenschall's hypothetical scenario, given the facts of your scenario, the chance of that person not being prosecuted is so remote that I do not think the Committee should be concerned about the impact it might have in a civil suit.

I want to thank the Committee, on behalf of all of the sponsors of the bill who supported this bill in a bipartisan fashion, for hearing and supporting the bill. We are all interested in a further dialogue to make sure we get the language just right. We are all interested in this Committee's views on the various issues. Thank you for your time and your attention this morning.

[Also submitted as an exhibit was a letter of support from Don Turner, President of the Nevada Firearms Coalition (Exhibit K).]

**Chairman Hansen:**
Thank you, Senator Brower. We will close the hearing on S.B. 175 (R1), and we will open it up to public testimony. Is there anyone who would like to talk to the Committee about any issue? Seeing no one, we will close public testimony. I would like to thank the Committee for getting through all the bills while maintaining good demeanor. The meeting is adjourned [at 10:40 a.m.].

RESPECTFULLY SUBMITTED:

_____
Lenore Carfora-Nye
Committee Secretary

APPROVED BY:

_____
Assemblyman Ira Hansen, Chairman

DATE: _____

**EXHIBITS**

**Committee Name: Assembly Committee on Judiciary**

**Date: April 23, 2015** **Time of Meeting: 8 a.m.**

| Bill | Exhibit | Witness / Agency | Description |
|---|---|---|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 395 (R1) | C | Lynn Goya, County Clerk, Clark County | "Economic Impacts of Wedding Tourism" |
| S.B. 395 (R1) | D | Lynn Goya, County Clerk, Clark County | "Promote Wedding Tourism" |
| S.B. 175 (R1) | E | Senator Michael Roberson, Senate District No. 20 | Prepared Testimony |
| S.B. 175 (R1) | F | Robert Roshak, Nevada Sheriffs' and Chiefs' Association | Proposed Amendment |
| S.B. 175 (R1) | G | John M. Saludes, Private Citizen, Reno, Nevada | Proposed Amendment |
| S.B. 175 (R1) | H | John M. Saludes, Private Citizen, Reno, Nevada | Written Testimony |
| S.B. 175 (R1) | I | John M. Saludes, Private Citizen, Reno, Nevada | Website Links |
| S.B. 175 (R1) | J | Vanessa Spinazola, ACLU | Letter to Senate dated February 24, 2015 |
| S.B. 175 (R1) | K | Don Turner, Nevada Firearms Coalition | Letter of Support |