

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
April 27, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 12:59 p.m. on Monday, April 27, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 124, Greenhaw Technical Arts Building, Great Basin College, 1500 College Parkway, Elko, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Michael Roberson
Senator Ruben J. Kihuen
Senator Aaron D. Ford

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond (Excused)
Senator Tick Segerblom (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Pat Hickey, Assembly District No. 25

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Paul Deyhle, Executive Director, Commission on Judicial Discipline
The Honorable James Hardesty, Chief Justice, Nevada Supreme Court

Robert Compan, Farmers Group, Inc.
Jeanette K. Belz, Property Casualty Insurers Association of America
Lisa Foster, Allstate Corporation; American Family Insurance Company
Jim Wadhams, American Insurance Association
Loren Young, Las Vegas Defense Lawyers
Mark Wenzel, Nevada Justice Association
Jo Lee Wickes, Chief Deputy District Attorney, Juvenile Division, District Attorney's Office, Washoe County
Susan Roske, Chief Deputy, Public Defender's Office, Clark County
Sean B. Sullivan, Office of the Public Defender, Washoe County
Regan Comis, M+R Strategic Services
John T. Jones, Jr., Nevada District Attorneys Association
Jason Frierson, Chair, Legislative Committee on Child Welfare and Juvenile Justice
Brigid Duffy, Chief, Juvenile Division, District Attorney's Office, Clark County
Kevin Schiller, Washoe County Social Services
Vanessa Spinazola, American Civil Liberties Union of Nevada
Alina Kilpatrick, Deputy Public Defender, Public Defender's Office, Elko County
Frank Cervantes, Department of Juvenile Services, Washoe County
Kerry Kleiman, Juvenile Justice Clinic, William S. Boyd School of Law, University of Nevada, Las Vegas

Chair Brower:

I will open the hearing on Assembly Bill (A.B.) 68.

ASSEMBLY BILL 68 (1st Reprint): Revises provisions relating to the Commission on Judicial Discipline. (BDR 1-494)

Paul C. Deyhle (Executive Director, Commission on Judicial Discipline):

Assembly Bill 68 makes changes to *Nevada Revised Statutes* (NRS) chapter 1. These changes were the result of a high-profile case involving a former judge who was convicted of fraud. The purpose of the bill is to make NRS 1.440 more clear with respect to the governance of the Commission on Judicial Discipline and how it carries out its statutory and constitutional mandates.

Section 3, subsection 2 of the bill requires all complaints to be filed with the Nevada Supreme Court as opposed to other courts in the State. If a judge files a complaint in any other court, it will be presumed frivolous and for the purposes of delay.

Section 3, subsection 3, and section 3.5 deal with how many commissioners, alternate or regular, the appointing authorities can appoint at any given time.

Section 6, subsection 3 of the bill states that the Commission minutes are held confidential. The statute already provides that the meetings are confidential, and this clarifies that the minutes of those meetings are also confidential.

The Honorable James Hardesty (Chief Justice, Nevada Supreme Court):

I would like to thank Mr. Deyhle and the Commission for their efforts with A.B. 68. A number of areas within the judicial discipline statute needed clarification and explanation, and they have done a good job doing that. This bill has the full support of the Judicial Council of the State of Nevada and the Nevada Supreme Court. It will enhance and improve areas of judicial discipline that are badly needed in the State.

Chair Brower:

We are all aware of the case that prompted some of these changes. I think there is a consensus that these proposed changes get at the problems associated with this case.

I will close the hearing on A.B. 68 and open the hearing on A.B. 7.

ASSEMBLY BILL 7 (1st Reprint): Limits the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances. (BDR 3-227)

Assemblyman Pat Hickey (Assembly District No. 25):

This bill, which is known as the "No Pay No Play" insurance bill, is the same as S.B. No. 296 of the 77th Session. I have written testimony explaining the purpose of A.B. 7 and outlining its main provisions ([Exhibit C](#)).

I agreed to an amendment in the Assembly Committee on Judiciary changing the cancellation or termination notification from 30 days to 45 days. It was brought out in testimony that an accidental lapse in coverage could occur when a bill is unpaid for a short period. We thought it was fair to extend that to 45 days for this reason. I have worked with the interested parties on the amended version of the bill.

This is a fairness bill that encourages drivers to obey the law and purchase insurance, and it contains reasonable exceptions to its provision.

Robert Compan (Farmers Group, Inc.):

I have written testimony describing the purpose of A.B. 7 ([Exhibit D](#)).

When this bill was heard in the Assembly Committee on Judiciary on March 4, the Nevada Justice Association (NJA) testified that:

Nevada's average car insurance rates are \$115 lower than the average rates throughout the rest of the United States. In other states that have enacted some form of No Pay No Play laws, the average auto insurance rates vary from an average of \$2551 in Michigan, to \$1058 in Iowa.

Michigan should be taken out of this equation because it has no-fault insurance, which is much more complicated. The NJA also said, "Non-economic damages provide recompense for real pain and loss ... such as: disfigurement, permanent loss of sight, loss of limb, loss of fertility, loss of enjoyment of life, pain and suffering, and continued emotional distress." We are not asking for those issues to be ignored. If something like that were to happen, I would assume the policy limits would be extended to cover them. Assembly Bill 7 provides for general damages—getting your car and your body fixed—but it does not pay for pain and suffering.

Under Nevada law, drivers are required to carry insurance. We have been working with the Department of Motor Vehicles (DMV) through the Nevada Liability Insurance Validation Electronically (LIVE) system. Fines of several hundred dollars were set up for people who failed to comply with the statute. Those fines increase with each violation from \$250 to \$500 to \$700, and after 90 days of noncompliance, it goes to \$1,000 and requires the filing of an SR-22 form as well. Unfortunately, there is still a percentage of Nevada drivers who do not carry auto insurance. Increasing the fines for people who cannot afford insurance in the first place is nonsensical.

I have a handout showing the potential effect of A.B. 7 ([Exhibit E](#)). The Insurance Research Council has shown that in states that have enacted these laws, uninsured motorist coverage has gone down 1.6 percent, and the number

of uninsured motorists has also fallen too. This is \$14 million that Nevada consumers are paying for people who have chosen not to obey the law.

I understand some people have economic issues and cannot afford auto insurance. The Nevada Justice Association states that if people have to choose between putting food on the table and buying insurance, most will choose to put food on the table. I understand that. But this legislative body has passed laws that require every driver to carry liability insurance, and we are paying the bill for those who do not have insurance. The NJA also stated that A.B. 7 would put a burden on Nevadans through Medicaid and Medicare and that Nevada consumers will end up picking up the bill for that. Once again, I would remind the Committee that this bill only prohibits awards for noneconomic damage. We will pay to get their bodies fixed; we will pay to get their cars fixed. They are just not going to be entitled to awards for pain and suffering because they chose to break the law.

In the March 4 meeting of the Assembly Committee on Judiciary, I supplied a copy of Farmers Notice of Cancellation, which we send out to insured motorists when policies lapse. They have ample notice that they do not have proper insurance. They will then have 45 days to put that right before the provisions of this bill kick in. Most insurance companies actually give 60 days notice before the next premium is due, and then there is a notice of cancellation.

Assembly Bill 7 is good public policy. More than 87 percent of Nevadans comply with the requirement to have liability insurance. Those who comply with this law should be able to have their insurance rates reduced rather than face higher rates because others choose to break the law.

The NJA has voiced concerns about a possible infringement of U.S. Constitution Seventh Amendment rights. We have not been able to talk with the NJA representative on this assertion, but we are open to dialogue.

Senator Ford:

My primary concern with S.B. No. 296 of the 77th Session was the disproportionate effect it would have on people who are impoverished and people who are black or brown. I do not see anything in the current iteration of this bill that addresses that concern. You say that 87 percent of Nevada's drivers are compliant with the law about having insurance. I would imagine that

the 13 percent who are not compliant are disproportionately in that same demographic.

I have a handful of questions; perhaps you can address them and tell me why this punishment is appropriate for this particular crime. It is a crime not to have insurance, and a statute addresses that crime. Why do you think our statutory scheme is insufficient for purposes of addressing this issue? Why do you need to take from someone the ability to recover noneconomic losses?

Mr. Compan:

Actuarially, insurance does not see socioeconomic status or race. Rates are based on statistics, not on race, color, creed or socioeconomic status. The fact remains that 13 percent of drivers did break the law. It is obvious that fines are not working to enforce the statute. People are still choosing not to buy auto insurance.

Senator Ford:

Is it your view that knowing they will not be able to receive an award for pain and suffering will in and of itself will be sufficient motivation to get uninsured drivers to buy insurance? Do you think this is going to work better than a criminal statute?

Mr. Compan:

I have provided a copy of the Insurance Research Council's booklet from 2012 entitled *The Potential Effects of No Pay, No Play Laws* ([Exhibit F](#)). This booklet shows that in states where No Pay No Play laws have been passed, there has been a decrease in the percentage of uninsured motorists when the figures are adjusted for the level of unemployment and other factors. These models show that these laws work.

Assemblyman Hickey:

I do not look at the consequences of A.B. 7 so much as a punishment but as a loss of a benefit. There is a difference. The punishment is implied in the fines someone without insurance could face. This bill reduces the level of benefits and removes the opportunity to sue for pain and suffering.

Talking about equity in a different way, those who do buy insurance, regardless of their backgrounds, end up paying a higher price in their premiums because of those who do not. It is incremental; it is not a large amount of money. But my

simple understanding of insurance premiums is that the number of uninsured persons in a given state or a given area affects the premiums of the insured.

Senator Ford:

That is a decent point. I am wondering, though, if the trade-off is fair. This is unfair in that it does not look at the negligence of the individual who is involved in the accident. You would disallow a nonnegligent victim who does not have insurance from being able to recover pain and suffering just as you would a negligent driver. Is that right? How is that fair?

Assemblyman Hickey:

Fairness works both ways. Is it fair for the rates of those who go to the trouble of paying for insurance to be affected by those who do not?

Mr. Compan:

Accident is defined throughout NRS as a sudden and unexpected occurrence of events that results in bodily injuries. In A.B. 7, we are precluding some of the things from that definition. If the person who caused the accident was DUI or was in the commission of a felony, or if the uninsured person was a student or a passenger, the uninsured person is still entitled to be compensated for pain and suffering under this bill.

Senator Ford:

But if you are a nonnegligent owner of a vehicle who has been hit by someone else, you are not included in those exceptions. How is that fair?

Mr. Compan:

Is this nonnegligent owner someone who is required by law to have insurance?

Senator Ford:

Yes.

Mr. Compan:

In that case, the person is not entitled to pain and suffering under this bill, unless it is one of the exceptions in section 1, subsection 2 of A.B. 7.

Senator Ford:

That is how I read the bill, and I do not think it is fair. This is lopsided; the punishment does not fit the crime.

If you are going to limit someone's ability to recover for pain and suffering who does not have insurance, would you consider instead a cap on how much they can recover under those circumstances, whether negligent or not?

Assemblyman Hickey:

We would be open to that discussion.

Senator Harris:

As I understand it, the goal of this bill is to encourage everybody to get the insurance they are already required to have. At 87 percent, Nevada is doing a pretty good job of compliance. How much is insurance at the lowest amount, and how much are the fines? How do they compare with the premium one would otherwise pay?

Mr. Compan:

In 2014 dollars, Nevada insurers are paying \$14 million for uninsured motorists. It averages out to be about \$8.50 per insured vehicle.

Senator Harris:

My question was about the cost of buying insurance. Joe Public is going to buy a minimum insurance policy to meet the requirements of the State of Nevada. How much is he going to pay for that policy?

Mr. Compan:

It depends on the company and the coverage. There are high-risk companies that offer insurance policies for as little as \$30 a month.

Senator Harris:

That would be \$180 for a 6-month premium. And yet they run the risk of not carrying insurance, knowing they will be charged a fine of \$250 to \$1,000 if they are found to be without insurance. The system of fines is not working, and this bill is your approach to compel people to have insurance. What other incentives have you looked at to encourage people to carry insurance coverage? What options have other states pursued?

Assemblyman Hickey:

When I decided to cosponsor this bill, it was not because I thought it was an incentive to get people to buy insurance. In Nevada, driving is considered a privilege rather than a right, and along with that privilege goes responsibility.

Those who go to the trouble of getting a license and having a car are instructed by the DMV that having insurance is required. In fact, a big part in selling S.B. No. 303 of the 77th Session was the belief that allowing illegal immigrants to have driver authorization cards would help increase insurance coverage in Nevada.

As I said, I do not look at this bill as offering an incentive to get insurance. Instead, it rewards those who take the responsibility of paying for insurance in the sense that in overall terms, the more insured drivers there are, the lower the premiums everyone is going to pay.

Senator Harris:

We still have 13 percent of Nevadans who choose not to get insurance. Based on what we have heard today, getting insurance is less expensive than a fine. I want to ascertain why those individuals choose not to get insurance and how this bill would incentivize them to want to get insurance. How does this bill solve the problem we are trying to address, which is that 13 percent of Nevadans fail to obtain insurance?

Assemblyman Hickey:

I do not look at it as a vehicle to incentivize those folks; the fines can do that. I look at it as saying, "You are not going to enjoy the full benefits you would have enjoyed if you had exercised your responsibility to have insurance."

Mr. Compan:

The NJA did some research on this, which was presented during the Assembly Committee on Judiciary meeting on March 4. In that meeting, the NJA representative stated that the average cost of car insurance in Nevada in 2014 was approximately \$1,388. That is for the Cadillac of policies with all the coverage. When I answered your question about the cost of insurance, I was talking about the most basic, minimal amount of liability coverage. The NJA's figure is for someone who is buying liability insurance, comprehensive collision, underinsured motorist coverage and a variety of endorsements on their policy. That \$30 a month is the lowest-case scenario.

Chair Brower:

Can you explain the wrongful death exception in section 1, subsection 2, paragraph (g) of A.B. 7? Why is it in the bill, and how would it work in practice?

Mr. Compan:

Wrongful death is defined in the medical statutes. Under this statute, I guess a wrongful death would be a death that was considered by a court of law to be deemed wrongful.

Chair Brower:

I understand the term. My point is if it is fair to deprive an ordinary tort victim of an award for pain and suffering, why would it not be just as fair to deprive a wrongful death victim of an award for pain and suffering? In the case of a wrongful death, the plaintiff would be a family member who was bringing an action for wrongful death rather than the person who did not comply with State law and buy insurance. Is that the reason?

Mr. Compan:

That is my understanding of it.

Senator Ford:

Assemblyman Hickey, as I understand your response to Senator Harris's questions, you do not consider this bill to be providing an incentive to buy insurance. You also do not consider it to be a punishment, so the effect of this bill is supposed to be something between those two things. I am not certain I can categorize it as anything but a punishment if you are not trying to incentivize.

As I look at the cost-benefit analysis side of it, you have indicated that the cost of insurance increases a small amount because of the 13 percent who are not insured. You mentioned Medicaid; let us talk about other societal costs associated with those who would be deprived the opportunity to recover these damages that otherwise would have benefited society. Has that cost-benefit analysis been performed?

I understand your statistics, Mr. Compan, and I would like to see the statistics you cite showing states that have enacted this have had an increase in the number of people insured. Is that due to a massive advertising campaign? "Guess what, guys? If you don't get insurance, you won't get pain and suffering, so let's all run out and get insurance." I want to know the correlation between the enactment of this bill and the alleged increase in the number of insured drivers. That connection is not intuitive.

Mr. Compan:

With regard to payments as punishment, if you have those kind of injuries, you are going to exhaust the policy no matter what kind of limit you carry. There will be no money for pain and suffering because there will be no money at all. If people are insured and have uninsured/underinsured motorist coverage, that coverage can be used to supplement payments. But because they do not, they do not have the luxury to do it. By that time, I would think it is a moot point. The policy limits would already have been exhausted, and nothing there would address pain and suffering.

With regard to the 87 percent of Nevadans who are paying insurance, everyone wants to save a few dollars on insurance. If you asked your constituents, "Would you rather save a few dollars on your insurance or compensate someone who didn't bother to buy insurance for pain and suffering?" then you would find overwhelmingly that your constituents would choose to save money.

Chair Brower:

You got it backward, Mr. Compan. You meant to say that is what would happen if you hit an uninsured person, not if an uninsured person hit you.

Mr. Compan:

Yes.

Senator Ford:

I do not think you answered my question. I am trying to understand the cost-benefit analysis. I understand what would happen if I asked my constituents that question, but I am asking you. Has a cost-benefit analysis been done? What costs will the State have to pay, through Medicaid or some other form of public benefit, to those who have been prohibited from recovering pain and suffering? That is what I am asking.

Mr. Compan:

[Exhibit F](#) does not touch on that. It does show that the states that have passed No Pay No Play laws have seen a decrease in the number of uninsured drivers. With regard to the cost-benefit analysis, I do not think the burden on the State is going to be heavy. I have to go back to my previous statement that such an accident will exhaust the policy anyway. This bill awards general damage for the person's car and body. The only thing it does not allow is the luxury of pain and suffering because the person chose to break the law.

I do not know if that answers your question. [Exhibit F](#) is simplistic in what it states. It shows statistically that No Pay No Play laws lower the cost of insurance and the number of uninsured motorists.

Assemblyman Hickey:

Let me point out that [A.B. 7](#) allows uninsured plaintiffs to receive lost income along with medical costs and property damage recovery. That might address some of the needs of a person involved in a tragic accident.

Chair Brower:

Your point is that the injured person would be made whole for all out-of-pocket expenses. It is just the fuzzier concept of pain and suffering that would not be available.

Assemblyman Hickey:

That is correct.

Senator Harris:

What is the percentage of uninsured motorists in California since the No Pay No Play law was passed in that state?

Mr. Compan:

Pages 8 through 12 of [Exhibit F](#) talk about the formula for figuring that out. Page 13 states:

The estimation results show that the institution of a no pay, no play law is associated with a 1.6% decline in the percentage of uninsured motorists. ... [N]o pay, no play laws have a moderate, yet statistically significant, effect on the percentage of motorists who drive uninsured.

Chair Brower:

Does that mean we do not know the specific number for California, but the overall decrease is 1.6 percent?

Mr. Compan:

Yes.

Jeanette K. Belz (Property Casualty Insurers Association of America):

We support A.B. 7. I have a letter from Mark Sektnan, our vice president, explaining our position on the bill ([Exhibit G](#)). I would be happy to ask for the information about California's uninsured motorist rate.

Lisa Foster (Allstate Corporation; American Family Insurance Company):

We support A.B. 7. We agree with the comments made by the previous speakers and the sponsor of the bill. We believe that if you are out of compliance with the law, you should not receive benefits beyond the cost of your losses.

Jim Wadhams (American Insurance Association):

We support A.B. 7. The number of uninsured drivers on the road in Nevada probably exceeds 13 percent on any given day. That 13 percent only applies to those who register vehicles in Nevada.

Chair Brower:

We are struggling with the concept that putting this disincentive in the law would translate into a higher compliance rate. It assumes that those who are registering vehicles will purchase the statutory required liability insurance because they are thinking ahead to potentially being accident victims and they want the full array of damages available to them. Does the industry actually believe there is a connection there, and that statistically, in those states that have passed similar legislation, that connection has been borne out by increased compliance rates?

Mr. Wadhams:

I defer to the studies that have been done. Not only has it increased compliance, it has overall decreased the cost of uninsured motorists. If we can get more drivers insured, the cost will go down for those who do purchase insurance.

Senator Ford:

Does anyone have an answer to my questions about the cost-benefit analysis or the demographic issue?

Ms. Belz:

You and I had a chance to speak about this last Session. We talked about similarly situated people within a socioeconomic class. We imagined two single

mothers with children who are struggling to get along; one buys insurance and one does not.

Senator Ford:

I remember the conversation. Thank you for reminding me.

Chair Brower:

When we look at our criminal laws, there is a significantly disproportionate impact on the groups Senator Ford identified. That does not suggest we should throw out our criminal laws; it is just an unfortunate reality of our society. It needs to be an apples-to-apples comparison.

Senator Ford:

Would you let me know if the cost-benefit analysis I asked about exists out there somewhere?

Mr. Wadhams:

I am not sure I could generate a report like that. I will check with the trade association to see if it is possible. One would think an individual is not going to anticipate having an accident. However, if you have not insured your vehicle when you register it, you are probably anticipating that some day you are going to be stopped and the missing insurance will be discovered.

Senator Harris:

Ms. Belz, when you get those figures about California for me, I would also be interested in a breakdown by age. Perhaps our younger drivers are the ones who are choosing not to get insurance because they have a higher tolerance for risk than older drivers.

Ms. Belz:

I would be happy to do that.

Senator Ford:

I am not suggesting you throw out the whole bill. I am suggesting we refine the language to make certain we can minimize any disproportionate effect, whether that be by virtue of a cap or some other means.

Loren Young (Las Vegas Defense Lawyers):

We support A.B. 7. We look at this as a personal responsibility bill that encourages people to comply with the law and obtain appropriate insurance. California has had this law on the books for approximately 20 years. I am not aware of any studies or challenges to the law based on the Seventh Amendment or its effect on Medicaid.

In regard to the wrongful death exception, no common law in Nevada allows for a wrongful death lawsuit, so it is all statutory. The statute provides for what is recoverable by an estate for someone who has passed away. Pain and suffering is not one of the damages that can be excluded, and that could be related.

Chair Brower:

I have received a letter of support for A.B. 7 from Michael Geeser, CSAA Insurance Group ([Exhibit H](#)).

Mark Wenzel (Nevada Justice Association):

We oppose A.B. 7. When we expressed reservations about this bill, Assemblyman Hickey was accommodating and met with us to discuss those concerns. Unfortunately, we were not able to reconcile those concerns before the bill was passed by the Assembly.

No organization or individual wants every single person in Nevada to have insurance more than the NJA. Nothing in my testimony today should be construed as suggesting that we allow people to drive without insurance. However, in the opinion of the collective body of the NJA, A.B. 7 goes too far and punishes many people by taking away their access to the court system for what amounts to forgetting to pay a bill. Many times in my professional career, I have discussed issues like this with people who do not realize their insurance has lapsed until they are involved in accidents. In the opinion of the NJA, the punishment for these people is draconian in comparison to the infraction committed. The punishment for driving without insurance or driving with expired license plates fits those crimes. Adding to that punishment by taking away pain and suffering damages is not an appropriate penalty for people who forget to pay their insurance bills.

Pain and suffering damages are real. These are not just "my back hurts" type of damages. They are for such damages as disfigurement, permanent loss of sight, loss of limbs and loss of fertility. These are very real components to damage

that you are being asked to strip away from people simply because they did not comply with the statutory mandate to have insurance when they were injured by someone else. Just because they forgot to pay a bill, these items of damages should not be stripped away from them.

As Senator Ford said, this bill would have a disproportionate effect on people of color, people who are uneducated, people who are down on their luck, people who have lost their jobs and people who have lost a spouse. Those are the people I see in my office virtually on a daily basis. I have represented thousands of people in those circumstances, both as a defense attorney and as a plaintiff attorney.

If the purpose of A.B. 7 is to punish people for driving without insurance, it takes it too far. If this bill was geared toward repeat offenders, I would have no problem with it. Those who repeatedly drive without insurance have been cited or convicted before, and I do not want them on the streets where my wife and daughter are driving and my son is a passenger. However, this bill punishes people who have a one-time occurrence in their lives when they forget to pay a bill. I see a lot of people who are going through a divorce and the spouse was supposed to pay the insurance bill and did not, and it is not until after an accident happens that the person realizes the spouse failed to pay the bill. These people are not scofflaws who choose to thumb their noses at the law. These are people who, for a variety of reasons, do not have auto insurance on the one day they have accidents.

Let me give an example. Several years ago, I represented a single mom who held down two jobs. She bought a used car from a coworker. The coworker assured her that the insurance was up to date and paid for the next 6 months. The woman did not make the greatest choice in the world when she decided to drive without checking to see if the insurance went with the car, which it did not. Several months after purchasing that vehicle, she was hit head-on by another car. She is now a paraplegic. Her medical bills were paid largely by Medicaid, and she had to pay some medical expenses out of pocket while the lawsuit proceeded through the litigation process. Because of her constrained financial circumstances, her lost wages were minimal. The largest component to her damages was the disfiguring injuries she had—the scarring on her face where the windshield cut her face—and the fact that she lost the ability to walk. I do not think A.B. 7 is the appropriate vehicle to punish this woman

because she made an error in judgment based on a lack of knowledge of the law. For those reasons, I encourage the Committee to vote no on A.B. 7.

Chair Brower:

You make some compelling points. In my opinion, it is not accurate to say that A.B. 7 would undermine anyone's access to the court system. It certainly would undermine one's ability to obtain all the types of damages that might otherwise be obtained, but it would not in any way undermine one's ability to access the court system.

Mr. Wenzel:

I respectfully disagree. It infringes on a person's ability to pursue a legal right as guaranteed by the Seventh Amendment. If that item of damage is cut out of the equation, it makes for a much less economically feasible lawsuit to go forward.

Chair Brower:

I hear what you are saying, but let us not suggest that this bill would somehow preclude one from having a day in court. Yes, the damage amount would be lower, but nothing about this bill says the person cannot file a lawsuit, have a jury trial and receive all the damages a jury might want to give them, except for pain and suffering.

Mr. Wenzel:

That is correct. There has never been any suggestion that these people are not allowed to pursue a lawsuit. However, for people without insurance who are injured through no fault of their own, it would effectively preclude their day in court. Let me repeat that nothing written in the statute would do that, but I am looking at this pragmatically from a practitioner's perspective.

Senator Ford:

What is the remedy? Clearly, it is not right for people to not be insured as a matter of fairness. What should be the appropriate remedy if it is determined that the criminal statute is insufficient? What do you suggest?

Mr. Wenzel:

Under existing law, uninsured motorist coverage is not required, only liability insurance. We are all mature enough to realize that regardless of what we do, a certain percentage of people will drive without insurance. That is the unfortunate reality.

Senator Ford:

Are you suggesting that we make those who are already insured go out and buy more insurance to cover people who are not insured?

Mr. Wenzel:

Uninsured motorist coverage covers the insured driver in case of injury by an uninsured driver. If I am driving down the road and someone hits me and that person does not have liability coverage, my uninsured motorist coverage will pay for my injuries. My insurance carrier would step into the shoes of the adverse party and pay me for whatever my damages would be.

My second suggestion would be stricter enforcement of the penalties already in place. We are not proposing that people drive without insurance. We would like our number to be 100 percent; we would like to be the leader in the Country for something we could take pride in. Mr. Compan mentioned the Nevada LIVE program, which alerts people when they register their vehicles that they are out of compliance with the law.

Taken together, those changes would decrease the number of uninsured drivers on the road in Nevada.

California's uninsured rate, with No Pay No Play in place since 1996, is 18 percent.

Senator Ford:

I am not enamored at all with the idea of going out and buying more insurance for people who are uninsured.

Let me propose something else. Take your situation of a woman who accidentally did not have insurance. What if the fact that her lack of insurance was accidental went to the jury? Jury members could then make their own determination as to whether she should be precluded from receiving pain and suffering. I am also interested in the idea of a cap on pain and suffering awards for people who do not have insurance. What are your thoughts about those ideas?

Mr. Wenzel:

With regard to uninsured motorist coverage, it does not benefit the bad guy who hits us; it benefits us. We buy uninsured motorist coverage because we

realize there are people out there who do not buy insurance. We buy it for our families; we buy it for the kids we haul around on the weekends. We buy it to protect them from people who do not have insurance.

Regarding your idea of giving the information about the victim's insurance situation to the jury, I would be very much against that. I have tried cases, both on the defense and the plaintiff side, and I do not think insurance has any place in the courtroom.

Senator Ford:

I mean for damages, not liability. It could be part of the consideration for what damages the victim will receive.

Mr. Wenzel:

It would be difficult to bifurcate a trial into one part for liability and one for damages. Judicial resources are very limited. It is an interesting concept, but practically speaking, I do not know if it would work.

With regard to the idea of a cap, I do not know how that would work. I would be willing to discuss it with Assemblyman Hickey and Mr. Compan.

Senator Harris:

I appreciate your pragmatism, but your second solution to continue increasing fines is not pragmatic. We already know fines do not work. If they worked, we would have more people compliant with the statute. I would be interested in the outcome of the discussions you have with Assemblyman Hickey and Mr. Compan. We need to figure out a way to help everybody understand that insurance is an important component of protecting yourself.

Mr. Wenzel:

I concur with everything you said. We are certainly amenable to any discussions with Assemblyman Hickey, Mr. Compan and any of the insurance folks who spoke today to find a solution. All of us want everyone to have insurance. We will put our collective heads together and see if there is some practical solution.

Assemblyman Hickey:

We welcome the discussions. The Committee's questions were appropriate and important. This bill is not about addressing people who have merely forgotten to pay an insurance bill. Insurance companies have policies in place—I think they

are called “extraordinary life events”—that take into account extenuating circumstances, such as divorce or a person going into the military, and allow for insurance to be reinstated. That is an important point.

I will point out again that since S.B. No. 303 of the 77th Session was passed, we have seen increases in insurance coverage to the benefit of all. I look forward to see if we can come to a solution that is acceptable to everyone.

Chair Brower:

I will close the hearing on A.B. 7 and open the hearing on A.B. 138.

ASSEMBLY BILL 138 (2nd Reprint): Enacts a juvenile competency standard.
(BDR 5-188)

Jo Lee Wickes (Chief Deputy District Attorney, Juvenile Division, District Attorney’s Office, Washoe County):

I am here on behalf of the Nevada Supreme Court Commission on Statewide Juvenile Justice Reform and also the Legislative Committee on Child Welfare and Juvenile Justice, which sponsored A.B. 138 in its original form. After the bill was passed out of the Assembly Committee on Judiciary, a floor amendment was passed to add a section 13 to the bill. The District Attorneys Association disagrees with that language. With your permission, I will present the bill and explain where we are on section 13 in the hope that we will reach an agreement that we will present to you later.

Assembly Bill 138 is critical to juvenile justice in Nevada. In the last several years, almost every judicial district in Nevada has tackled the questions that arise when a juvenile or a child is charged with violating Nevada law and appears to be incapable of fully participating in a juvenile court proceeding. No statutory scheme in Nevada gives courts or attorneys any framework or guidance on the procedure to be followed when a juvenile presents with issues of possible incompetence. This bill would provide that framework.

Children and juveniles are quite different from adults who may present with competency issues. It is often true that children with competency issues have developmental deficits or a lack of maturity in addition to the cognitive impairments and mental health issues you might see with an adult with competency issues. In Nevada, juvenile court judges and the attorneys who practice in juvenile court rely upon a 1979 Nevada Supreme Court case and a

patchwork of existing statutes along with some practical solutions developed by individual judicial districts to address these types of cases.

Statewide efforts to find solutions to determining juvenile competency began in late 2007 and early 2008. Through the efforts of the Nevada Supreme Court Commission on Statewide Juvenile Justice Reform and its many members, we have developed a commonsense procedural framework that addresses fundamental fairness and the realities of limited resources. That framework also recognizes community safety, the unique aspects of juveniles and children, and the overall purpose of juvenile court to balance the needs of the child with the best interests of the community and the State.

The intent of A.B. 138 is to protect the constitutional rights of juveniles and children appearing in delinquency court in Nevada; to provide the juvenile court with procedures assuring the flexibility necessary to address the unique needs of juveniles and children; to protect public safety; and to allow juveniles to participate fully in an evaluation and process without fear that their statements will be used against them unless the children choose to utilize those statements themselves.

Through the Commission on Statewide Juvenile Justice Reform, Chief Justice Hardesty and Justice Nancy M. Saitta convened a subgroup that included District Judge Egan Walker from Washoe County; District Judge William O. Voy from Clark County; Assemblyman James Ohrenschall; Ms. Duffy; Ryan Sullivan, Chief Deputy Public Defender from Washoe County; Susan Roske, Chief Deputy, Clark County Public Defender's Office; and me. We consulted with District Judge Steven L. Dobrescu from the Seventh Judicial District and Dr. Joseph R. Haas, a psychologist with Washoe County Department of Juvenile Services. Members of our subgroup also contacted evaluators who are performing juvenile competency evaluations in Nevada.

We utilized two national publications: the John D. and Catherine T. MacArthur Foundation's Models for Change Initiative booklet titled *Developing Statutes for Competence to Stand Trial in Juvenile Delinquency Proceedings: A Guide for Lawmakers* and the National Juvenile Justice Network's *Competency to Stand Trial in Juvenile Court: Recommendations for Policymakers*. We studied the statutes of several other states and surveyed all of our judicial districts to learn how they were conducting competency evaluations, how the evaluations were funded and the average cost of those evaluations. We responded to the

concerns voiced by a diverse group of juvenile justice participants, including judges, county probation departments, defense attorneys and prosecutors.

Assembly Bill 138 does not have any fiscal impact since these evaluations are already occurring in the judicial districts and each district already funds them.

In April 2014, the Commission unanimously approved the original version of A.B. 138. When the bill was heard in the Assembly Committee on Judiciary, some concerns were raised by several Assembly members, and changes were incorporated into the language that strengthen the bill. Those changes were made with the agreement of prosecutors and defense attorneys.

With regard to section 13, the Nevada District Attorneys Association has submitted an amendment ([Exhibit I](#)). Ms. Roske sent me some proposed additions to [Exhibit I](#). We are close to reaching an agreement regarding section 13, but we have not reached it. We would like the ability to present final language for that amendment at a later date.

Susan Roske (Chief Deputy, Public Defender's Office, Clark County):

As noted by Ms. Wickes, the practitioners in juvenile court have struggled with the appropriate procedures to use in determining if a child is competent to stand trial. The due process clauses of the U.S. Constitution and the Nevada Constitution require courts to ensure that a child is competent to participate in the court process. Statutes outlining adult competency procedures do not apply in juvenile court and are not adequate for the unique needs of children. States around the Country are working to enact developmentally appropriate competency laws for juvenile courts to protect youths.

Section 1 of A.B. 138 places the statute in NRS 62D, which outlines the procedure in juvenile court proceedings.

Section 2 of the bill summarizes the legal standard in Nevada for youths to be considered competent to stand trial. They must be able to understand the nature of the charges, to understand the purpose of the proceedings and to aid counsel in their own defense.

Sections 3 and 4 outline the procedure to raise the issue of competency. It must be raised before final disposition. The court retains power to consider placement and treatment of the youth. The person raising the issue must certify the facts

and support the position using unprivileged observations or statements in order to protect attorney-client privilege.

Section 5 outlines the procedure for appointing an expert to evaluate the child.

Section 6 provides factors the evaluator is to consider in determining competency to stand trial.

Section 7 provides the factors that must be addressed in the report, the procedures used in findings and the sources of information used, among other things.

Section 8 provides the procedure for the competency hearing itself. It establishes the burden of proof and the ability of the parties to introduce evidence and cross-examine witnesses.

Section 9 protects the statements of the child. The child's statements are not to be used against him or her in the adjudicatory phase of the proceedings. They are to be used only in determining competency to stand trial and in the final disposition of the case, unless the child uses those statements for some other purpose.

Section 10 is the procedure to be followed after the court makes a finding on the child's competency. If the child is found not to be competent to stand trial, the court may order treatment to attain competency.

If the child is found not to be competent, section 11 provides for periodic status checks or reviews of the case not later than every 6 months. The court can also review the case more frequently. It also allows the court to dismiss the charges if the child is not competent or unable to attain competency in a reasonable, foreseeable period of time. The court has the jurisdiction to dismiss the petition after examining certain factors: the gravity of the act, including whether the act involved violence or the use of a weapon; the number of times the child committed the act; the extent to which the child has received treatment and the response to such treatment; whether a psychological report indicates a risk of recidivism; the behavior of the child while under court supervision; and other factors, which are listed in section 11, subsection 3, paragraph (c), subparagraphs (1) through (13).

Section 12 states that if the child is not competent to stand trial, that child cannot be adjudicated delinquent or in need of supervision and cannot be placed on a consent decree pursuant to NRS 62C.230.

The original language of section 13 states that any statement made by a child pursuant to a court-ordered competency evaluation is not to be used in criminal proceedings. As Ms. Wickes indicated, we are close to finding language we can agree upon for section 13.

Chair Brower:

Just to make sure we are all on the same page, are we are talking about a scheme in which juveniles are being prosecuted in juvenile court? As I understand it, these are not juveniles being certified and tried as adults; that is a whole different issue. These are juvenile court proceedings.

Ms. Wickes:

Yes.

Chair Brower:

What is the approximate percentage of juveniles who present a competency question? What percentage are actually deemed to be incompetent under this process?

Ms. Roske:

I do not have those figures. If I were to guess, maybe 5 percent raise the issue, and maybe 3 percent are found to be incompetent. That is a wild guess.

Sean B. Sullivan (Office of the Public Defender, Washoe County):

We support A.B. 138. I have been speaking to the stakeholders, including Ms. Wickes and Ms. Roske, concerning this bill and would be happy to lend our further services in its support and help to craft the language in section 13.

Regan Comis (M + R Strategic Services):

We support this bill and will continue to work with the stakeholders.

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

We support A.B. 138. We appreciate the work of Ms. Wickes and Ms. Roske under the leadership of the Nevada Supreme Court. They have come up with a good product.

Chair Brower:

I will close the hearing on A.B. 138 and open the hearing on A.B. 8.

ASSEMBLY BILL 8 (2nd Reprint): Revises provisions relating to children.
(BDR 11-191)

Jason Frierson (Chair, Legislative Committee on Child Welfare and Juvenile Justice):

This bill came about after I read an article from Wisconsin about a practice that was then being referred to as rehoming. This is the practice of illegally placing adopted children up for readoption without any type of oversight, often through an advertisement on the Internet. The name “rehoming” is no longer being used for this practice since it typically refers to pets, not children.

As a chief deputy district attorney representing the Department of Family Services, I have witnessed this firsthand as adoptive parents try to place adopted children into other homes without background checks or review of the subsequent placements to make sure they are safe.

This practice is essentially human trafficking. The most offensive aspect of this is that these children were already victimized by being subjected to abuse and neglect, placed in the foster care system and subsequently adopted. If the adoptive parents then discover something about the child that makes them uncomfortable, instead of contacting the authorities or treating the child as their own, they look for alternate placement options. That might mean sending the child back to the original family or to another family or individual who is not suitable. You can imagine the kinds of people who are looking for children on Craigslist; they are often sex offenders and child abusers. In 2013, Reuters published a report titled “The Child Exchange: Inside America’s Underground Market for Adopted Children” in which they reported over 5,000 cases of this practice. The authors reported seeing an ad on the Internet offering to readopt out a child at least once a week.

Adding to the problem is that often the adoptive parents get subsidies for these children. When the next placement is not a licensed option, the original adoptive parents continue to receive payments. There are hundreds of examples where this occurred. Having seen it for 2 years, I can only imagine the anguish experienced by children who have been victimized like this—having to deal with the notion that their biological parents could not or did not want to care for

them and to then have the hero who comes in to care for them turn around and do the same thing again. That is the worst thing you can do to an abused or neglected child.

We heard this bill during the interim, and it was fairly straightforward. Ohio adopted a similar provision last year. Wisconsin, Florida and Maryland are also in the process of adopting or have already adopted laws in this area. At the moment, this behavior is not addressed in Nevada law. We have situations where children are being victimized, and there is no remedy. We think it is time to make sure Nevada is not a safe haven for people who want to victimize children in this way.

The original provisions of A.B. 8 did not include section 3.5, which has to do with shackling juveniles in court. That provision was added by a floor amendment in the Assembly.

Chair Brower:

We will discuss the original version of A.B. 8 first and take section 3.5 separately.

Brigid Duffy (Chief, Juvenile Division, District Attorney's Office, Clark County):

We support A.B. 8 in its original form. We will exclude section 3.5 at this point and discuss just the issues regarding rehoming.

While he was chair of the Legislative Committee on Child Welfare and Juvenile Justice, Mr. Frierson reached out to the Division of Child and Family Services and the Clark County Department of Family Services to do a presentation regarding rehoming. The research conducted was enlightening to me, even after many years in child welfare. I found a lot of cases in which families adopted children, were unable to handle them and then placed advertisements saying, for example, "8-year-old girl, sexualized behaviors, reactive attachment disorder, please contact me if you're interested." These children were then being exchanged in truck stops and trailer parks to people who were convicted child abusers and sexual predators. That Reuters report included the experiences of a young girl who finally broke away from the people she was rehomed to to tell her story.

In the last few weeks in Clark County, we have been unraveling a case of alleged rehoming where we met with law enforcement to talk about what

charges could be brought against the adoptive parents; at this point, the answer is none. The adoptive parents gave legal guardianship to a nonrelative, and that nonrelative then turned the guardianship of a 13-year-old girl over to another man.

We need to tighten up this area of law to prevent this atrocity from happening to our abused and neglected children. We would also like to see some encouragement of adoptive parents to reach out to child welfare agencies for assistance before reaching the point of giving their children away to strangers.

The provisions of this bill would not include relatives. It would only cover transfer of guardianship to strangers. If you are taking guardianship of a relative, you would be excluded from a charge of criminal activity.

Chair Brower:

I had no idea this problem existed before I saw this bill. Is this a business model, where people are adopting special needs children with the idea that they will turn around and flip them to someone willing to pay for them?

Ms. Duffy:

I do not know if I have seen that. We have seen plenty of cases where individuals adopt children and then turn them over to other people while continuing to take the State subsidy, which can run to several thousand dollars a month, for children they are not providing care for.

Chair Brower:

Is it the case that there may have been a monetary incentive on the front end with maybe no ill motive, but then it turns into a situation that is detrimental to the child, even though that was not the original plan for the adoptive parent?

Ms. Duffy:

Yes. The majority of the cases seen so far have been international adoptions—children being adopted from orphanages in Africa, Eastern Europe or Russia—but they are not confined to international adoptions. We are seeing cases of rehoming in Nevada.

Chair Brower:

We want to do whatever we can to tighten up the laws and make them tougher and more comprehensive in this regard. If this bill does that, you have come to

the right place. Is there really nothing in statute that allows the District Attorney's Office to address this adequately?

Ms. Duffy:

We have been poring through the NRS. We are dealing with a case like this right now. The adoptive parents found a family who had some familiarity with the child and did a temporary legal guardianship for 6 months; you are allowed to do that. After that, however, the child got passed down again and again.

We want the court system involved in what is going on. If you have adopted a child and there is a problem—you cannot control the child's behaviors or the adopted child is a threat to another child in the family—any change of guardianship must be done through the court system or with the court's oversight.

Chair Brower:

Is the real hook in this bill that it requires the court to supervise the transaction?

Ms. Duffy:

Yes. Section 4, subsection 2, paragraph (e) requires that the court approve placement.

Chair Brower:

I notice that section 1, subsection 1 mentions a misdemeanor charge. Does this bill increase the penalty for this conduct, or is it at most a misdemeanor?

Mr. Frierson:

The original bill made this crime a misdemeanor. It was amended by the Assembly Committee on Judiciary to elevate it to a Category C felony. This is in section 4, subsection 3 of A.B. 8, where the behavior is characterized as trafficking in children.

I agree with Ms. Duffy that I have not seen a business model, but I have seen adoptive parents who take a victimized child and then act as if he or she is not their child. I have seen these cases, and I have no problem with the elevation of the penalty.

Chair Brower:

I agree.

Senator Harris:

What kinds of situations are we talking here? Does this cover children who have been adopted, special needs children who have been rehomed or children in the foster care system?

Ms. Duffy:

This would apply to all children, not just adopted children. If you are advertising your child on Craigslist, this bill would apply.

Senator Harris:

Thank you for the clarification. We need to protect every child, particularly those who are at risk.

Chair Brower:

Is there truly no existing statute that would cover that situation? Does putting your child on Craigslist for adoption or sale not violate some human trafficking statute? That does not mean I do not see a need for this bill.

Ms. Duffy:

Yes, it would violate human trafficking statutes. We had it placed within the human trafficking statute because it best fit within that section of NRS.

Kevin Schiller (Washoe County Social Services):

We support A.B. 8 based on the testimony that has been provided so far.

Chair Brower:

We will now turn to section 3.5 of A.B. 8, which deals with shackles or restraints.

Ms. Comis:

The language in section 3.5 of A.B. 8 addresses the use of restraints on juveniles in the courtroom. The intent of the language is to stop the indiscriminate shackling of juveniles. The indiscriminate use of restraints or shackles on juveniles works against the rehabilitative stance of juveniles in juvenile court. Not only can shackles be physically painful, they can cause psychological harm as well. Children's feelings of humiliation, low self-worth and alienation can be reinforced by shackling because of their immaturity and undeveloped coping skills. Adolescent development experts confirm that

children who are shackled are more vulnerable than adults to lasting harm from feelings of humiliation and shame.

The language in section 3.5 does not remove staff's ability to use shackles or restraints on juveniles in the courtroom. Instead, it establishes standards for the appropriate use of shackles. It allows the use of shackles if children threaten to harm themselves or others or to escape from the courtroom. Children with histories of attempts to escape or disruptive behavior may be shackled.

We have a proposed amendment to the language in section 3.5 of the bill ([Exhibit J](#)).

Vanessa Spinazola (American Civil Liberties Union of Nevada):

We support A.B. 8. I have a publication from the National Juvenile Justice Network entitled "Unchain the Children: Policy Opportunities to End the Shackling of Youth in Court" ([Exhibit K](#)).

I would like to thank Mr. Frierson for permitting this amendment to his bill. There are some constitutional issues involved in this matter. You cannot shackle adults during jury deliberations, and there are due process considerations when you shackle youths. When youths are shackled, they do not communicate the same way, so there is actually an ineffective assistance of counsel issue.

Chair Brower:

What do you mean when you say you cannot shackle adults during the jury deliberation process? I have seen shackled adults many times in court.

Ms. Spinazola:

The U.S. Supreme Court's decision in *Deck v. Missouri* established that visible shackling is not allowed during the guilty phase of a trial.

Chair Brower:

I see; you were speaking of visible shackles.

Ms. Spinazola:

Some of the litigation proceeding now has to do with shackling being an ineffective assistance of counsel issue. Under argument is whether being shackled means not being able to communicate effectively with your counsel.

I have written testimony in support of section 3.5 of A.B. 8 from Donald Rosenblitt ([Exhibit L](#)), Eugene Griffin ([Exhibit M](#)), Robert J. Bidwell ([Exhibit N](#)), Gwyneth C. Rost ([Exhibit O](#)) and David Shapiro ([Exhibit P](#)). The testimony from these psychologists indicates that if you are a youth who has experienced trauma, you experience either a flight risk or you withdraw into yourself and you cannot communicate when you experience that shackling. That is where the ineffective assistance of counsel comes in. That is in litigation. There is no current Supreme Court case on that issue.

Alina Kilpatrick (Deputy Public Defender, Public Defender's Office, Elko County):

We support this bill. I have written testimony explaining the urgent need for this provision in A.B. 8 ([Exhibit Q](#)). What Ms. Spinazola just said about the ineffective assistance of counsel issue is something I experience every day. Here in Elko County, all children—whether truant, out too late, alleged to have stolen a car or just told their moms they did not like them anymore—are shackled in court. When I am in court as an attorney, my clients want to communicate with me. When a child is shackled with handcuffs and chains that jingle with every movement, that child cannot communicate with me. The child must try to wiggle over to me and whisper in my ear, which is completely ineffective since the judge is only several feet away and can hear everything. It makes it very hard for me to defend that child.

Ms. Duffy:

We are in support of the amended language of section 3.5 in [Exhibit J](#). These are already policies and procedures in place throughout the Department of Juvenile Justice Services in Clark County. The only issue we were concerned about was the large number of kids who come back and forth and how slow that might make our court process. However, in conversations with the sponsors of this portion of A.B. 8, we are in support of it with the amendments. We asked that the words “argue” and “contest” be changed because district attorneys do not argue.

Frank Cervantes (Department of Juvenile Services, Washoe County):

We support A.B. 8 with [Exhibit J](#). Section 3.5 standardizes a practice that already occurs in our agency.

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**Kerry Kleiman (Juvenile Justice Clinic, William S. Boyd School of Law,
University of Nevada, Las Vegas):**

I am speaking on behalf of the clients we represent and the Public Defender's Office to express our support of A.B. 8. We were not made aware of many of the proposed amendments. We want to stress that earlier this month, Washington, D.C., passed a similar bill. We urge Nevada to join the 12 other states that have ended the practice of indiscriminate shackling of juvenile offenders and detainees. The Florida court said this was a repugnant, degrading and humiliating practice. We urge you to consider the amendment in [Exhibit J](#).

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Chair Brower:

I will close the hearing on A.B. 8. We are adjourned at 3:03 p.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit/ # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
A.B. 7	C	3	Assemblyman Pat Hickey	Written testimony
A.B. 7	D	1	Robert Compan / Farmers Group, Inc.	Written testimony
A.B. 7	E	1	Robert Compan / Farmers Group, Inc.	No Pay No Play Legislation handout
A.B. 7	F	31	Robert Compan / Insurance Research Council	The Potential Effects of No Pay, No Play Laws
A.B. 7	G	1	Jeanette K. Belz / Property Casualty Insurers Association of America	Letter from Mark Sektnan
A.B. 7	H	1	Michael Geeser / CSAA Insurance Group	Letter of support
A.B. 138	I	1	Nevada District Attorneys Association	Proposed amendment
A.B. 8	J	2	Regan Comis / M + R Strategic Services	Proposed amendment
A.B. 8	K	7	Vanessa Spinazola / American Civil Liberties Union of Nevada	Unchain the Children: Policy Opportunities to End the Shackling of Youth in Court
A.B. 8	L	2	Donald Rosenblitt / Lucy Daniels Center	Written testimony
A.B. 8	M	3	Eugene Griffin	Written testimony
A.B. 8	N	4	Robert J. Bidwell	Written testimony
A.B. 8	O	4	Gwyneth Rost	Written testimony
A.B. 8	P	1	David Shapiro	Written testimony
A.B. 8	Q	2	Alina Kilpatrick / Elko County Public Defender	Written testimony