

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 8, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 2:29 p.m. on Friday, May 8, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Nelson Araujo, Assembly District No. 3
Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Assemblywoman Olivia Diaz, Assembly District No. 11
Assemblyman John Ellison, Assembly District No. 33
Assemblywoman Dina Neal, Assembly District No. 7

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Brian Wilson, Policy Advisor to Assemblyman John Ellison
Lynette Jones, Committee Secretary

OTHERS PRESENT:

John Wagner, Independent American Party
Megan Bedera, Nevada Firearms Coalition
Vernon Brooks
John Ridgeway
Chuck Callaway, Las Vegas Metropolitan Police Department
Alex Ortiz, Clark County
Liane Lee, Office of the County Manager, Washoe County
Gabriele Neumann, City of Las Vegas
Marla McDade Williams, City of Reno
Javier Trujillo, City of Henderson
Steve Yeager, Office of the Public Defender, Clark County
Sean B. Sullivan, Office of the Public Defender, Washoe County
Sheryl Foster, Deputy Director, Programs, Department of Corrections
John Collins, Statewide Reentry Administrator, Department of Corrections

Chair Brower:

I will open the meeting with Assembly Bill (A.B.) 352.

ASSEMBLY BILL 352 (1st Reprint): Revises provisions relating to concealed firearms. (BDR 15-1070)

Assemblyman John Ellison (Assembly District No. 33):

I will present A.B. 352. I have submitted my written testimony ([Exhibit C](#)).

This bill is simple. A person who has a permit to carry a concealed firearm with training and a federal, State and local background check is a criminal for carrying a concealed firearm in a place in which it is legal to open-carry a firearm. For example, it is legal for me to walk into the Department of Motor Vehicles (DMV), openly carrying my firearm. The Nevada Constitution grants this right; however, if I walked into the DMV carrying the same firearm covered by a jacket, I am a criminal. This is true if the firearm is in a pocket or anything else that conceals it. Nothing in this bill changes where it is legal to carry a firearm. The only change is whether you can wear a jacket over your firearm.

Sections 1, 3, 4, 5 and 6 were removed through an amendment. Section 2 allows a person with a valid permit to carry a concealed firearm to carry in public buildings unless the building is secured with a metal detector. Statute allows people to open-carry a firearm. Section 7 makes the bill effective July 1.

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I direct you to the Legislative Counsel Bureau (LCB) opinion from Bradley A. Wilkinson, Chief Deputy Legislative Counsel, regarding the open-carry of a firearm in public buildings ([Exhibit D](#)). The opinion states,

Because there is no general statutory prohibition against the open carry of firearms in a public building, it is the opinion of this office that the open carry of firearms is not prohibited in a public building, unless otherwise prohibited by a specific statute such as NRS 202.265 or 218A.905. We would note, however, that not all portions of a public building are necessarily open to access by the public, and persons who are openly carrying firearms are not, therefore, authorized to carry firearms in all portions of a public building.

The right to open-carry a firearm under law requires no background check. I can take a weapon and legally walk into any public building. There are 91,000 concealed weapons permits in Nevada. I do not want people to open-carry in public buildings or other public places. If you had a background check and you have the required training for a concealed weapons permit, you should have the right to keep a firearm concealed. I do not like to open-carry in some areas because it scares people and provides a distraction. You would be surprised to know the number of people who carry a concealed firearm in this building. In the Republican caucus there are five to ten Legislators who have shoulder holsters or pocket guns. I carry a weapon 365 days a year. Can you see my weapon? It is concealed; no one can see it and it poses no threat.

Brian Wilson (Policy Advisor to Assemblyman John Ellison):

I will address questions that came up during the hearing before the Assembly Judiciary Committee. One main concern was if A.B. 352 passes, it requires a mandate for public buildings to install and staff metal detectors. The bill does not create a mandate for metal detectors. Public buildings, such as the DMV, do not have metal detectors. People walk in and out of this building every day and we do not know if criminals are carrying firearms in the building. There is no way to check. If citizens can legally open-carry a firearm and not violate the law, a licensed, trained person with a background check should be allowed to carry a concealed firearm. Criminals enter public buildings, and we do not know if they are carrying a weapon, but we do not feel the need to secure the building with metal detectors.

If A.B. 352 should pass, we would have no need to secure buildings to manage criminals carrying a concealed firearm. This will still happen. People affected by this bill are those who have been through a background check and firearms training. We know they are not a threat.

Law enforcement raised concerns regarding private areas of public buildings. The legal opinion from LCB clarifies the bill would not allow people to carry a concealed firearm in all areas of a public building. Concealed weapons would be allowed in areas accessible to the public. If law enforcement personnel took a person to the back office to interview for a crime, the person would not be allowed in that area with a firearm. This bill only applies to publicly accessible areas and areas where people can open-carry a firearm now.

It is bad policy for a person licensed to carry a concealed firearm to choose between open-carry, which could be frightening to those who are not gun friendly, or force them to leave a firearm unattended in a vehicle, which could result in theft.

Chair Brower:

The bill would require a public building to install metal detectors at each public entrance if it wanted to preclude people who are carrying a concealed firearm from entering the building.

Mr. Wilson:

Yes. Metal detectors will be necessary if building administrators want to preclude someone from carrying a concealed firearm in the building. We contend that if building administrators wanted to preclude people from carrying a firearm in the building, they would already have metal detectors in secure areas.

Chair Brower:

What are the rules in the State Capitol? I assume the Capitol has a sign stating a person may not carry a concealed firearm. Under A.B. 352, the Capitol would need a metal detector at the front door to maintain that policy.

Mr. Wilson:

I did not notice if the State Capitol has a sign. Under this bill, if you want to keep concealed firearms out of public buildings, it would require a metal detector. Law allows the open-carry of a firearm in the State Capitol. Under A.B. 352, only those with a background check and a permit to carry a

concealed firearm could do so in a public building, like the State Capitol. There should be no fear of someone who has gone through this process.

Chair Brower:

What are the rules in the Legislative Building? This building has no metal detectors but does display a sign that states firearms are not allowed. I believe there is another statute that precludes firearms except for employees and Legislators. Under A.B. 352, the Legislative Building would continue to prohibit people from carrying a concealed firearm with the exceptions I mentioned.

Mr. Wilson:

Yes. The Legislative Building is an anomaly. It has a separate statute that prohibits firearms in areas where business is conducted and would not be affected by the passage of the bill.

Chair Brower:

If we pass the bill without changing the statute related to the Legislative Building, we would send the message that public buildings should allow the concealed carry of a firearm, but we will not allow it in our building.

Mr. Wilson:

I agree with that interpretation. The Committee must decide if it wants to review the language of the other statute.

John Wagner (Independent American Party):

We support A.B. 352. Janine Hansen, who is a member of the Independent American Party, could not attend the hearing, but she wants the Committee to know she supports the bill.

Megan Bedera (Nevada Firearms Coalition):

We support A.B. 352.

Vernon Brooks:

I support A.B. 352. This bill does not change who can carry a firearm in public buildings, and it does not change where people can carry a firearm. The only change will be to allow people to wear a jacket. It provides clarification to the staff in public buildings who are unclear on the rules regarding openly carrying a firearm and carrying a concealed firearm. The bill removes this confusion entirely. Assembly Bill 352 dovetails nicely with S.B. 175 that improves

preemption. I like the brevity of this bill. There was discussion regarding the statute related to the Legislative Building and a possible friendly amendment proposed by Chair Brower. I welcome that amendment.

John Ridgeway:

I am in favor of A.B. 352. The bill allows people to defend themselves against criminal perpetrators who do not obey laws. This bill could save lives.

Chuck Callaway (Las Vegas Metropolitan Police Department):

We oppose A.B. 352. I am perplexed by the purpose of the bill. If you want to legalize the carry of concealed weapons in public buildings, you should draft a bill that legalizes it. You would not seek to require metal detectors in public buildings which is a roundabout way taken by the proponents of the bill.

We have signs posted at our facilities to prohibit the carry of concealed weapons in our buildings. We will continue this policy if the bill passes. We have eight substations in Las Vegas and our headquarters have three separate buildings with multiple public entrances. We would be required to install metal detectors at each entrance and hire employees to operate them. There is no point in having a metal detector unless an employee is there to operate it.

If the metal detector went off when a person entered the building, the person would have the option to return to the parking lot and secure the weapon or use a lockbox, similar to family court, to secure the weapon to be retrieved on the way out. Beside our headquarters and eight substations, we have an office for fingerprinting, a dispatch facility, a criminalistics facility and a number of other facilities citizens can go for police services. We did not put a fiscal note on the bill, but the cost associated with installing and operating metal detectors at these facilities would be high. At this point, I cannot calculate the cost until we perform research regarding hiring additional employees and purchasing metal detectors.

This bill could potentially tie up the entry and exit areas of our facilities. In the morning, you see a line of people waiting for the doors to open. Victims and witnesses come to our facilities every day, and it would be a time-consuming screening process to get everyone through the metal detectors. This bill is not needed. If the proponents want to change the law to allow the concealed carry of firearms in public buildings, do that. They are going about this in the wrong way by requiring metal detectors in addition to posting signs.

Chair Brower:

In prior meetings, there has been discussion by law enforcement regarding the tactical response in an environment where everyone who should be carrying is carrying openly. It is tough to identify people who violate the law by carrying a concealed firearm in prohibited areas. If someone can openly carry a firearm in a public building, what is the problem with carrying a concealed firearm? Can you tell us the tactical reasons for that difference?

Mr. Callaway:

Our legal counsel reviewed the law regarding cases in which people openly carried a firearm into our facility. We understand law allows for this in the front areas of our facilities where the public has access. People coming to our facilities include victims of serious crimes, suspects coming to be interviewed and citizens in general. We would prefer that no firearms be brought into our facilities. When people come to our facility and are openly carrying a firearm, we tell them it is preferred they not carry a weapon into the building. Sometimes they agree and take the weapon out of the building. Sometimes they state their rights to open-carry the firearm, which requires an escort while on the property.

From a police standpoint, we know criminals are not going to obey laws. Criminals will run through stop signs and law-abiding citizens will not. Under this theory, we should get rid of stop signs because criminals are not going to obey them. I do not agree with this theory.

From a tactical standpoint, we can see when people openly carry a firearm into our facility, and we can get an idea of their intentions. We can see they are proponents of the open-carry statute, and we can find out why they are at the facility. Proponents of A.B. 352 said that most gun enthusiasts, which include me, do not openly carry a firearm. When it does occur, we can quickly identify it and get an idea of the person's motives. If a person is carrying a concealed firearm in the building, we do not know that person's intentions or if he or she is a valid cardholder. We prefer a firearm-free environment.

Alex Ortiz (Clark County):

We oppose A.B. 352. The balance between security for our employees and our personal freedoms is delicate. In addition to our primary responsibility of keeping employees, business partners and tenants safe in our buildings, we must also be

sensitive to the perception of safety and security of 43 million visitors passing through our airports and thousands of customers visiting our public buildings.

During an active shooting, the presence of concealed weapons in our public buildings and airports make it difficult for security and law enforcement personnel to identify armed suspects. The presence of open-carry weapons in public buildings and airports cause concern for building occupants who may not know why that person is carrying a weapon. It makes it difficult for security and law enforcement personnel to calm employees and customers who may already be in a heightened state of alert.

Clark County conducts business in over 300 buildings we lease or own. We prohibit firearms in some of our buildings, with metal detectors and signs posted at courts and other buildings. Metal detectors are used at the Regional Justice Center, family court, social service buildings and a few others. All other facilities have signs posted at the entrance indicating firearms are prohibited in the buildings.

Assembly Bill 352 would require the County to install metal detectors at all public building entrances to prohibit or restrict firearms. We would be required to contract or hire POST-certified security guards to operate these locations and install locking systems on all doors used by employees. We estimate metal detectors will cost between \$3,000 and \$6,000 each and would require a minimum of two POST-certified security guards to run one metal detector and manage employee and customer traffic. At a minimum, the expense would be approximately \$3,000 a week for the additional staff.

There would be a cost to modify spaces to accommodate metal detectors and staff. For example, the Clark County Government Center has six entrances and is open to the public during normal business hours. Some of these entrances will require significant modifications to implement such a system. Each recreation center and other County buildings would require similar modifications. Assembly Bill 352 will cost the County millions of dollars in capital costs to retrofit County buildings and hundreds of thousands of dollars every year in operating costs. It is important to have control in our buildings, especially the court facilities, justice court, family services and social service facilities where emotions sometimes run high and interfere with rational thought. Throwing a firearm into the mix could lead to a tragic result. This bill could have grave

consequences and hinder our ability to secure and protect our employees and customers.

Liane Lee (Office of the County Manager, Washoe County):

We oppose A.B. 352 for the fiscal reasons stated today. We are not as large as Clark County, but we share their concerns about the costs associated with this bill. Concealed weapons are prohibited in 24 of our buildings. This includes detention centers, senior centers and administrative buildings. If this bill passes, County managers and County Commissioners would need to decide between staffing senior centers and libraries and paying for metal detectors.

Chair Brower:

Why do you not prohibit open-carry of a firearm in your buildings? The law does not prohibit open-carry in public buildings, but it does address concealed carry of a firearm. What is the opinion of your legal department regarding this issue?

Mr. Ortiz:

Law allows for the open-carry of a firearm. Our signs prohibit the concealed carry of a firearm.

Chair Brower:

Can you point me to the law that specifically addresses this issue?

Mr. Ortiz:

Law does not prohibit the open-carry of a firearm but it does prohibit concealed carry of a firearm. If a person comes to our building openly carrying a firearm, they would be allowed into office spaces. Security guards will monitor the person's movements and our employees will call the security desk to learn if there is a threat. This person could go to an office and conduct business without restrictions.

Senator Harris:

I have been in Nevada for a long time, and I have never seen a person openly carrying a firearm. How often does this happen in your buildings?

Mr. Callaway:

We had a handful of instances in which people came in openly carrying a firearm. At a police station, my experience has been when people come in openly carrying a firearm; it is not because they need a report or need to

conduct business. They want to test the system to see if they can create a confrontation with law enforcement or a situation in which they feel law enforcement violates their rights or does something against the law. It is a test to see if a law enforcement officer will take the weapon or take an action that creates grounds for a lawsuit. We had a case where an individual came to the station, filmed the encounter with the officer and put it on YouTube. I am not saying that people openly carrying a firearm do not come to the police station for legitimate reasons, but I have seen a handful of people who want to elicit a response.

Senator Harris:

I understand that people open-carry so they can register a firearm and get a blue card. In that case, they would need to do so to get the firearm into the police station.

Mr. Callaway:

For registration of firearms at the substation, we encourage people to unload the firearm and put it in a drop box we provide before coming into the substation. Staff will retrieve the weapon and do the background check needed for registration. It is unsafe for a person to openly carry a firearm into the substation and unload it before the registration process. There is another bill this Session that repeals gun registration and we support it. If it passes, the process I described will be a thing of the past.

Senator Harris:

Mr. Ortiz, how many cases of a person openly carrying a firearm into a public building have you experienced?

Mr. Ortiz:

I am aware of one case in where a person came to a County building for legitimate reasons, openly carrying a firearm. The person went to the sixth floor to speak with an employee. To reach the employee's office, the person passed through the door separating employees from the public. Security staff monitored the person's movement while in the building. This was one situation, but there may be others.

Senator Harris:

Open-carry of a firearm is rare. How many complaints or requests did you have related to the concealed carry of a firearm in your facilities?

Mr. Ortiz:

I do not know the answer.

Mr. Callaway:

I am not aware of any requests to carry a concealed firearm in our facilities.

Gabriele Neumann (City of Las Vegas):

We oppose A.B. 352 because of fiscal concerns.

Marla McDade Williams (City of Reno):

We oppose A.B. 352 for the same reasons as other local governments represented today.

Javier Trujillo (City of Henderson):

The City of Henderson is in agreement with previous statements made in opposition to A.B. 352. While the bill does not mandate metal detectors, the City of Henderson would need to put them in place as we have signs posted at the entrances of all our buildings. We have 11 public buildings with many entrances such as parks, recreation centers, City Hall and the convention center. The fiscal impact of metal detector installation is a concern. The cost to the City would be in the hundreds of thousands of dollars. If the bill passes, the City recommends public buildings and local governments have the same exemptions afforded to the Legislative Building.

Assemblyman Ellison:

I met with most of the testifiers here today. The Las Vegas airport would be excluded from the bill's requirements. Most people do not go to the police department carrying a gun. If you go to a public place, such as the Assessor's Office or the library and lock your gun in the car, you are subject to a potential problem. There are 10,000 guns shipped through airports each month. How do you address this? My Arizona business associates fly to Las Vegas and Reno for shooting events and ship their guns through the airline. Guns are going through airports. We do not want criminals carrying weapons, and we do not want to open-carry firearms. People should be allowed to carry concealed firearms in areas that allow the open-carry of firearms.

Chair Brower:

I will close the hearing on A.B. 352 and open the hearing on A.B. 225.

ASSEMBLY BILL 225 (1st Reprint): Revises provisions governing programs for reentry of offenders and parolees into the community. (BDR 16-45)

Assemblywoman Dina Neal (Assembly District No. 7):

I will present A.B. 225 with a proposed amendment (Exhibit E). I had two stakeholder meetings to learn about services and programs provided by nonprofit entities to offenders as they prepare for reentry into the community. This bill deals with the Department of Corrections and the Department's contracts with nonprofit entities.

After learning about reentry programs, I became aware of nonprofits engaging in contracts with Corrections without adequate funds to sustain the nonprofits' activities. The service delivery model was interrupted because the nonprofit organization did not have realistic expectations of services it planned to provide or if it had the staff or the funding to provide the service. For example, a nonprofit organization in Las Vegas contracted to deliver services for reentry at a Department of Corrections facility. The transportation dollars of the nonprofit organization became exhausted and the staff member never returned to the prison to provide services. There was no conversation regarding why that person did not return except that funding for the activity was no longer available.

We discussed how the service delivery model for reentry could work effectively. There is a cost associated with offenders going in and out of prison that can be reduced. We will have a cost reduction if Corrections provides the service delivery model and nonprofit organizations provide adequate and timely services for offenders. Services relating to mental health, substance abuse and job training must occur to give parolees the tools they need to successfully reenter society.

The Department of Corrections requested a change to NRS 209.4889 to ensure a consultation with the Division of Parole and Probation, Department of Public Safety be made before entering into one or more contracts for services with public or private entities. The Division of Parole and Probation has an interesting relationship with the Department of Corrections because the Division receives the parolee after release from prison. These agencies must coordinate services and communicate about the needs of offenders after their release from prison.

Section 1, subsection 4 of A.B. 225 requires the contract between the nonprofit entity and the Director of the Department of Corrections include provisions regarding certain services to be provided. This will require communication between the Department of Corrections and the Division of Parole and Probation regarding budgeting of services to be provided by the nonprofit entity and ensures that a qualified nonprofit entity is selected with the appropriate funding for services. Nonprofit entities sometimes engage in activities because the funds exist and not because they are qualified or have adequate funds to complete the service.

Section 1, subsection 4, paragraph (d) requires the nonprofit entity to provide the Division of Parole and Probation a list of offenders served by the entity and the services they received.

Section 1, subsection 4, paragraph (e) requires the nonprofit entity provide a certificate of completion to offenders who complete a program of services provided by the entity with a copy provided to the Division of Parole and Probation. The certificate will document the type of services provided.

Section 1, subsection 4, paragraph (f) requires the nonprofit entity to assess the risk level of offenders and parolees. Some nonprofit entities were not assessing the risks or the needs of the offenders in the same way as the Department of Corrections. There must be a conversation regarding the assessment tools used to determine if offenders are low, medium or high risk. This information is not effectively being discussed between the entity and the Department. This paragraph includes language that says, "To the extent financially practicable" The language addresses the issue of an entity that does not have funds to perform the risk assessment. The Department can make its assessment tools available to the entity or validate the entity's statistical information. This is how the Department will determine the number of offenders who received services or still need services. For example, the statistical report will show that an offender needs job skills training, substance abuse counseling and mental health services. Once this is identified, the entity can engage in service delivery for this offender.

Section 1, subsection 4, paragraph (h) requires entities meet annually with the Director of the Department of Corrections and a representative of the Division of Parole and Probation to discuss the results of the services provided, which includes an analysis of what was successful about the program and areas in

need of improvement. This is an opportunity for these agencies to examine how well the program worked and determine if they will engage in a contract with the nonprofit entity for future services.

Assembly Bill 225 ensures that the service delivery model works, offenders have a high success rate and nonprofit entities and the Department of Corrections are engaged in the process. We want offenders to have a successful transition back into society.

Senator Ford:

Reentry programs are important. You indicated you worked with the Department of Corrections and other stakeholders when drafting this bill.

Assemblywoman Neal:

Yes. I worked with a large group of stakeholders. At the first meeting, I provided a document that included reentry programs provided in other states and best research practices. I learned what other states were doing and compared it to programs in Nevada. The first meeting was a sharing of ideas. At the second meeting, I determined the Department of Corrections was the most viable agency at the table that had defined issues and solutions that could be addressed. In southern Nevada, Sheryl Foster, Deputy Director, Programs, Department of Corrections, and John Collins, Statewide Reentry Administrator, are the individuals who proposed amendments to the bill.

Senator Ford:

The bill had the unanimous support of the Assembly. Do you have a proposed amendment to A.B. 225?

Assemblywoman Neal:

Yes. The proposed amendment to the bill makes minor technical changes based on procedures already in practice by the Department of Corrections. The Department plans to redesign the reentry program, and the proposed amendments support this change.

Chair Brower:

We hear about laws that put people in prison. The vast majority of incarcerated people will get out, and they need to be ready to reenter society.

Steve Yeager (Office of the Public Defender, Clark County):

We support A.B. 225. I was invited to the stakeholder meetings. We learned that agencies do not always do a good job communicating about programs. This is a good first step to make sure those providing services can continue to do so for the length of the contract. We want to reduce recidivism and repeat offenders.

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

We support A.B. 225. Reentry programs are critical to the success of parolees.

Sheryl Foster (Deputy Director, Programs, Department of Corrections):

We support A.B. 225 with the proposed amendments. We spoke with Assemblywoman Neal on several occasions to make minor technical changes to the bill. Reentry is an important program offered by our agency, and we want to ensure we provide a high level of service.

John Collins (Statewide Reentry Administrator, Department of Corrections):

I support A.B. 225. I attended the stakeholder meetings, and this bill will help us develop new strategies for reentry programs in the State.

Chair Brower:

I will close the hearing on A.B. 225 and open the work session with A.B. 113.

ASSEMBLY BILL 113 (1st Reprint): Revises provisions governing the sealing of juvenile records. (BDR 5-444)

Patrick Guinan (Policy Analyst):

The Committee voted to pass A.B. 113 at yesterday's Committee meeting, but staff did not include an amendment in the work session document. I recommend the Committee reconsider yesterday's action on A.B. 113.

SENATOR FORD MOVED TO RECONSIDER THE ACTION WHEREBY
A.B. 113 WAS DO PASSED.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Mr. Guinan:

I will read from the work session document on A.B. 113 ([Exhibit F](#)). There is a technical amendment on the bill submitted jointly by Brigid Duffy and the Administrative Office of the Courts that revises an internal reference in the bill concerning a court's consideration of juvenile rehabilitation.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 113 WITH THE PROPOSED AMENDMENT FROM BRIGID DUFFY
AND THE ADMINISTRATIVE OFFICE OF THE COURTS.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on A.B. 114.

[ASSEMBLY BILL 114 \(2nd Reprint\)](#): Revises provisions governing restitution.
(BDR 14-560)

Mr. Guinan:

I will read from the work session document on A.B. 114 ([Exhibit G](#)). We have Proposed Amendment 7025 from Chair Brower that removes the 10-year expiration period for a restitution judgment such that the judgment will not expire until satisfied.

Chair Brower:

Does the Committee have concerns regarding Proposed Amendment 7025?

Senator Segerblom:

Juveniles make mistakes. I am concerned about juvenile issues carrying with people for the rest of their lives. The punishment is beyond what is needed. I do not think 30- or 40-year-old people should be required to deal with issues that occurred when they were juveniles. Most of these people are living on the edge, and I do not see why we need to remove the 10-year expiration date.

Senator Roberson:

Your actions do follow you. Restitution should be paid irrespective of the time period.

Chair Brower:

The further people get into adulthood, the more likely they can pay a restitution. It is understandable that a juvenile cannot pay restitution, but an adult could make small monthly payments over time until the full amount is repaid to the victim, even with a minimum wage job.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 114 WITH PROPOSED AMENDMENT 7025 FROM
SENATOR BROWER REMOVING THE 10-YEAR EXPIRATION DATE FOR
RESTITUTION JUDGMENTS.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SEGERBLOM VOTED NO.)

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Chair Brower:

I will open the work session on A.B. 287.

ASSEMBLY BILL 287 (1st Reprint): Prohibits a person from making or causing
to be made certain nonemergency telephone calls under certain
circumstances. (BDR 15-922)

Mr. Guinan:

I will read from the work session document on A.B. 287 ([Exhibit H](#)). There is a proposed amendment from Assemblyman Edgar R. Flores, which removes the affirmative defense language and replaces it with language providing courts discretion to order appropriate treatment for an offender who is found to have a mental illness or intellectual disability.

Chair Brower:

This proposed amendment was the language Assemblyman Flores discussed during the hearing and is supported by the Clark County Public Defender's Office and the Washoe County Public Defender's Office.

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SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 287 WITH THE PROPOSED AMENDMENT FROM
ASSEMBLYMAN FLORES.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on A.B. 386.

ASSEMBLY BILL 386 (2nd Reprint): Revises provisions relating to real property
(BDR 3-921)

Mr. Guinan:

I will read from the work session document on A.B. 386 ([Exhibit I](#)). During the hearing, Melissa A. Saragosa, Las Vegas Township, Department 4, Clark County, suggested a conceptual amendment to clarify the civil filing fee is \$50 for an affidavit of complaint for eviction pursuant to sections 2, 3 and 4 of the bill. There was discussion in the hearing this fee may have been much higher.

Chair Brower:

There is an amendment to the bill?

Mr. Guinan:

Yes. The proposed amendment is conceptual and provides clarification regarding the amount of the fee.

Senator Segerblom:

Does the bill require a two-thirds vote because of the fee?

Chair Brower:

Legal Counsel says it does not.

Nick Anthony (Counsel):

The bill clarifies this is an existing complaint and is a separate form of summary proceeding with the fee already in statute.

SENATOR KIHUEN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 386 WITH THE CONCEPTUAL AMENDMENT CLARIFYING THE AMOUNT OF THE CIVIL FILING FEE FOR AN AFFIDAVIT OF COMPLAINT FOR EVICTION.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Brower:

I will open the work session on A.B. 124, A.B. 130, A.B. 151 and A.B. 153.

ASSEMBLY BILL 124 (1st Reprint): Revises provisions governing punishment for crimes. (BDR 4-182)

ASSEMBLY BILL 130 (1st Reprint): Revises provisions relating to the administration of estates of deceased persons. (BDR 12-862)

ASSEMBLY BILL 151 (1st Reprint): Revises provisions relating to the adoption of children. (BDR 11-757)

ASSEMBLY BILL 153 (1st Reprint): Revises various provisions related to sexually exploited children. (BDR 5-622)

Mr. Guinan:

I will read from the work session documents for A.B. 124 ([Exhibit J](#)), A.B. 130 ([Exhibit K](#)), A.B. 151 ([Exhibit L](#)) and A.B. 153 ([Exhibit M](#)). There are no amendments to the bills.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 124, A.B. 130, A.B. 151 AND A.B. 153.

SENATOR FORD SECONDED THE MOTION.

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THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Brower:

I will close the work session and adjourn the meeting at 4:56 p.m.

RESPECTFULLY SUBMITTED:

Lynette Jones,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
A.B. 352	C	2	Assemblyman John Ellison	Written Testimony
A.B. 352	D	2	Assemblyman John Ellison	Legal Opinion
A.B. 225	E	3	Assemblywoman Dina Neal	Proposed Amendments
A.B. 113	F	3	Patrick Guinan	Work Session Document
A.B. 114	G	9	Patrick Guinan	Work Session Document
A.B. 287	H	2	Patrick Guinan	Work Session Document
A.B. 386	I	1	Patrick Guinan	Work Session Document
A.B. 124	J	1	Patrick Guinan	Work Session Document
A.B. 130	K	1	Patrick Guinan	Work Session Document
A.B. 151	L	1	Patrick Guinan	Work Session Document
A.B. 153	M	1	Patrick Guinan	Work Session Document