

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 11, 2015**

The subcommittee of the Senate Committee on Judiciary was called to order by Chair Greg Brower at 9:31 a.m. on Monday, May 11, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SUBCOMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Scott Hammond
Senator Ruben J. Kihuen
Senator Aaron D. Ford

SUBCOMMITTEE MEMBERS ABSENT:

Senator Michael Roberson (Excused)
Senator Tick Segerblom (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Victoria A. Dooling, Assembly District No. 41
Assemblyman Lynn D. Stewart, Assembly District No. 22

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Cassandra Grieve, Committee Secretary

OTHERS PRESENT:

Jonathan Friedrich, Nevada Homeowner Alliance
Bob Robey

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Mike Avpperle
George Crocco
Robert Frank, Citizen Task Force for Voters Rights
Rana Goodman, Nevada Homeowner Alliance
Robin Huhn, Nevada Homeowner Alliance
Tim Stebbins
Norman McCullough
Mark Leon
Glen Proctor
Catherine O'Mara, DK Las Vegas, LLC
Pamela Scott, The Howard Hughes Corporation
Garrett Gordon, Community Associations Institute; Southern Highlands
Homeowners Association
Keith Pickard
Marshal Willick
A.J. Delap, Las Vegas Metropolitan Police Department

Chair Brower:

I will open the hearing on Assembly Bill (A.B.) 238.

ASSEMBLY BILL 238 (2nd Reprint): Makes various changes to provisions relating to a homeowners' association. (BDR 10-808)

Assemblywoman Victoria A. Dooling (Assembly District No. 41):

This bill addresses issues with homeowners' associations that constituents and others have brought to my attention. I submit my testimony ([Exhibit C](#)). I also submit a proposed amendment ([Exhibit D](#)).

Jonathan Friedrich (Nevada Homeowner Alliance):

Assembly Bill 238 closes several loopholes. A last-minute amendment made in the Assembly took out the 48-hour notification of towing an improperly parked car. This change in the bill is draconian. Removing the 48-hour notification will be a bonanza for the towing companies. Towing companies will wait like vultures to tow cars. Rather than fight to restore the language, we propose an amendment, [Exhibit D](#), which states all associations must post signage indicating assigned parking and stating violators will be towed.

Assembly Bill 238 addresses the problem of people being on an association board who are related, spouses of one another or live under the same roof.

Having people on association boards who are related creates havoc in a number of units throughout the Las Vegas Valley. *U.S. v. Benzer*, No. 2:13-cr-00018-JCM-GWF (D. Nev. filed Jan. 15, 2013) is one example of this problem. The issues with the Appaloosa Canyon/Quarterhorse Falls Homeowners Association and the \$300,000 embezzlement from Cactus Springs are further examples. Assembly Bill 238 prevents this scenario from occurring.

Section 2 is important because it creates a system for associations where the association must solicit bids instead of getting them without homeowner approval. There is protection for the homeowners throughout this bill.

Chair Brower:

Why are associations not choosing to institute the rules that A.B. 238 imposes?

Mr. Friedrich:

In many cases, association boards are lazy.

Chair Brower:

Association boards are elected by the homeowners, so a lazy board, if not doing what the homeowners desire, should be changed out. If homeowners perceive their association board as lazy and not making the changes they want and need, the homeowners need to choose different board members.

Mr. Friedrich:

A big obstacle to solving these problems is homeowner apathy. Homeowners think it is not worth going to the board meetings because board members do as they choose. I see this often. Some of the big associations—for example, Sun City Community Association, Inc., in Summerlin has over 7,000 homeowners—are lucky if 40 or 50 people show up, and that is a retirement community. Many association boards meet at 10 a.m. when people are working. All kinds of games are played.

Chair Brower:

The meeting time you mentioned is an example of something that could be prohibited by the rules. If the majority of homeowners want the rules changed to require evening or weekend meetings, they should make that happen.

Mr. Friedrich:

The State has had to step in already, requiring two meetings a year. There are normally four meetings in a year; the State legislated that two of the four meetings must be after business hours. Even then, games are played. After business hours means after 5 p.m. One association I worked with scheduled a board meeting exactly at 5 p.m. I complained that someone who works on the other side of the Las Vegas Valley cannot get to the meeting by 5 p.m. The compromise involved holding the Executive Session from 5 p.m. to 5:30 p.m. and starting the open meeting at 5:30 p.m.

Chair Brower:

The Legislature is already too far into the weeds with respect to micromanaging homeowners' associations.

Mr. Friedrich:

The Legislature needs to be involved because of all the abuses.

Chair Brower:

The problem is the apathy you spoke of earlier. Homeowners' apathy allows those abuses to happen.

Mr. Friedrich:

Yes, and then homeowners wake up and ask, "How can this happen?"

Chair Brower:

They were apathetic, and they should have shown up at the board meetings.

Bob Robey:

I support A.B. 238. Regarding professional services, attorneys ask for and respond to requests for proposals.

Regarding homeowners' apathy, people did not move into a community with their eyes wide open. Homeowners do not understand the obligations they assume and are blindsided. I worked with homeowners' associations for about 10 years, and it is always the same thing—association elections are like a junior high school activity where the class president belittles, bemoans and picks on everybody else in order to be elected. It is not something these people do so changes can be proposed to make the association better. It is about

belittling the people with whom they disagree. I have seen this many times: fear is rampant.

I live in an association that is good in comparison to others, but if somebody gets on our private chat line and says anything negative on the board—my goodness gracious. I have held board positions twice; you can imagine what is said about me now. Please pass A.B. 238; we desperately need it.

Mike Avpperle:

I support A.B. 238, especially if it includes the proposed amendment, [Exhibit D](#). I am in an over-55 homeowners' association, which is run like a dictatorship by a small group of people who control it tightly. Even if you volunteer, you cannot get assigned to a committee. If you ask questions about how money is spent, you are blackballed. I ask the Committee to investigate what is happening in these associations, especially in the over-55 communities.

George Crocco:

I am an elected member of a five-member board on the homeowners' association at Canyon Willow. Assembly Bill 238 offers much-needed protection for homeowners.

I want to focus on section 1.5, subsection 9, which deals with two people married or living under the same roof serving on the board at the same time. Two married couples are on the five-member board of which I am a member. These two married couples represent two units out of the entire association, yet they control the board. This nepotism is controlling the functions of the board.

Being the fifth member, I am ignored by the association board. I have requested pertinent documentation from the board president, who is married to the treasurer. Ten days later, I am still waiting for a response. The vice president is married to the secretary. These two couples are not following Nevada law. They refuse to take advantage of the free courses offered by the Real Estate Division of the Department of Business and Industry. They do not inform me when they hold board meetings, which is illegal.

This nepotism curtails the discussion of how our association funds are spent and is a conflict of interest in every way imaginable. Please pass A.B. 238 so owners are afforded protection while living within an association.

Robert Frank (Citizen Task Force for Voters Rights):

I am a member of the Governor-appointed Commission for Common-Interest Communities and Condominium Hotels. The Commission does not have a position on bills this Session, so I appear on behalf of myself. *Nevada Revised Statutes* (NRS) 116 is a bloated chapter. I support A.B. 238 because the 3,000 homeowners' associations across Nevada do not all do the right thing.

When I speak on behalf of homeowners, I often receive complaints from industry members. Industry leaders think that the majority of homeowners in associations are happy.

Fixing the law so associations are not allowed to engage in nepotism is an important decision. I do not think the 3,000 associations in Nevada can collectively make this kind of policy without guidance from the Legislature.

Regarding the towing, it is amazing in the condominium business how many people are abused by towing companies because there is not a consistent policy among communities. This simple change to NRS 116 ensures consistency across all 3,000 associations.

Rana Goodman (Nevada Homeowner Alliance):

It was testified earlier that homeowners are apathetic to their boards. Many times that apathy is actually an attitude of giving up because many homeowners read what they can of the covenants, conditions and restrictions (CC&Rs), but the documents are too numerous to comprehend.

Boards go around the CC&Rs because it is impossible for boards to change them. Meetings never get enough homeowners to attend in order to vote on changes. Consequently, boards have devised a way to make rules and regulations that they can change when desired. Boards make more rules and regulations every year to change what they want.

An example of boards going around the rules is when the Office of the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels, under the Real Estate Division, ruled that associations must mediate with a homeowner through the Ombudsman's Office. Instead of attending themselves as individuals, associations send a lawyer to settle the issue at the expense of the homeowners' association. The board should sit down with the homeowner and discuss the issues.

Association boards are totally out of control, so homeowners have given up attempting to participate. It is not apathy; homeowners feel they cannot change anything.

There are large associations with cliquey groups running the boards year after year like dictators, ruining those who have invested their life savings into their homes. It seems like Legislators do not care—every Legislative Session we hear, “Please do not bring me homeowners issues again.” Something has to be done to fix these problems.

Chair Brower:

The problem is not that Legislators do not care. I have not heard an actual example of someone—who is not in conflict with the CC&Rs—being victimized and adversely affected by a dictatorial homeowners’ association board.

We hear rumors, allegations and paranoia about cabals, conspiracies and cliques, but we rarely hear specific examples of homeowners being adversely affected in such a way that it undermines homeowners’ property values or enjoyment of their property—unless it conflicts with the CC&Rs.

Ms. Goodman:

I have a personal example. I own a condominium that I rent to a tenant. The CC&Rs for that association have a rule that a dog can only weigh 40 pounds. The association board’s director lives below the condominium I rent. I continually receive complaints from the board director’s wife about my tenant’s car being parked in the wrong place and my tenant’s dog weighing too much. She states that the dog runs across the floor and creates noise.

I had my tenant take the dog to the vet to be weighed. The dog weighs 42 pounds. The association told me either the dog needs to lose weight or the tenant needs to get rid of the dog or move. It is ridiculous that my tenant has been fined for this.

Chair Brower:

You stated the CC&Rs hold you cannot have a dog over 40 pounds.

Ms. Goodman:

Correct.

Chair Brower:

The dog in question weighs more than 40 pounds.

Ms. Goodman:

Correct.

Chair Brower:

That decision by the board does not conflict with the CC&Rs.

Ms. Goodman:

It is nitpicky.

Robin Huhn (Nevada Homeowner Alliance):

I support A.B. 238. The parking issue is ridiculous. Homeowners have to park outside their own community and walk through the gates to get to their homes because they are not allowed to park within their own community.

Association boards must seek out bids for services, especially for the services of association attorneys. Few attorneys do association work, and many of them are leeching off the associations and homeowners.

My association harassed me; it cost me \$20,000 to fight the board's claim that I did not follow the CC&Rs. Please do not say that associations do not harass homeowners. I get calls from all over the Country, and the stories I hear are horrific.

Chair Brower:

Can you tell the Committee why your association harassed you?

Ms. Huhn:

I built an addition to my house. The original plan had the air conditioner on the roof of my house. I chose not to put the air conditioner on the roof because it was against the CC&Rs; I put it on the ground. The association maintained I put the air conditioner on the roof, despite my telling them I had not. The association took me to court, and I had to defend myself against the association's attorney.

Chair Brower:

Why did the association think the air conditioner was on the roof when proving that it was on the ground would be so obvious?

Ms. Huhn:

The original plan had the air conditioner on the roof.

Chair Brower:

And they still took you to court?

Ms. Huhn:

Correct.

Chair Brower:

Did the association take you to court seeking an order that you could not put it on the roof, or did they take you to court alleging that it was on the roof?

Ms. Huhn:

The association alleged the air conditioner was on the roof and stated I needed to take it down. It was never on the roof.

Tim Stebbins:

I support A.B. 238 and the proposed amendment, [Exhibit D](#). It is not an easy task to change the board of an association. Such a process can take years. In theory, changing the board is a good way to go about solving these problems, but in practice, it is not workable.

Channel 13, a Las Vegas-area television station, reports on specific examples of associations that abuse homeowners constantly. Channel 13 Action News reports multitudes of association abuse in its "HOA Hall of Shame" segment. I urge you to search out those examples. Channel 13 broadcasts are public information. We need your help to make sure these regulations are in place.

The proposed amendment is important because a visitor to the community has no way of knowing the CC&Rs if there is no posting stating that visitors will be towed.

Norman McCullough:

I support A.B. 238. I have submitted my testimony ([Exhibit E](#)).

Mark Leon:

I oppose A.B. 238, specifically section 2 that mandates three bids by project cost. If an association has 125 homes, a project of \$5,000 equates to \$40 per homeowner, so a measured decision with multiple bids makes sense.

My association, Mountain's Edge Master Association, has 10,500 homes. Section 2 mandates three bids for a project that costs individual homes as little as 48 cents—this is ridiculous. In addition, \$2,500 is far too low of an amount to require three bids. Most vendors have no interest in a job that size because the profit is so low.

Any proposed cap or limit must be based on a percentage of an association's annual budget in order for the intent of the law to make sense for all community sizes. I recommend the Committee set the threshold to 1 percent of the annual budget or \$5,000, whichever is greater.

I support section 1.5 and am neutral on section 1. Our association gives people a 48-hour notice. I do not anticipate we will change that policy.

Glen Proctor:

I am neutral on A.B. 238, although I oppose section 1.5, subsection 9, paragraph (a), subparagraph (2). The language is too vague and indicates everybody has a potential of making profit. It makes more sense to narrow the sentence by saying, "matter currently before the board at election time."

Section 2 needs to be in percentages, not dollar figures. If A.B. 238 remains in dollar figures, it will have to be amended in every Session.

Catherine O'Mara (DK Las Vegas, LLC):

We oppose A.B. 238, primarily section 1.5, although we also oppose the bid-out process contained in the bill.

The DK Las Vegas, LLC, owns five large condominium high rises, some of which it owns between 50 percent and 93 percent. We are investing millions of dollars into these five properties as the company prepares to sell units to prospective buyers. Section 1.5, subsection 9, paragraph (a), subparagraph (3) prevents DK Las Vegas from having company members on the board. In an effort to protect its investment, DK Las Vegas normally hires the community manager. If DK Las Vegas owns a certain amount of the units, it would have

more than one of its own board members or employees on the association board.

Regarding the statement of personal profit or compensation in subparagraph (2), it is difficult to know at the time of election to the board if a personal profit opportunity may present itself during your term in that office.

We encourage the Legislature to move forward on Senate Bill (S.B.) 174.

SENATE BILL 174 (1st Reprint): Revises provisions governing eligibility to be a member of the executive board or an officer of a unit-owners' association. (BDR 10-617)

Even though it owns five condominium hotels, DK Las Vegas is not a declarant. The bill's sponsor wants to shield developers and entities like DK Las Vegas from the negative consequences of the bill by carving out a declarant. Because DK Las Vegas is not a declarant, it faces unintended consequences of this bill. Assembly Bill 238 harms DK Las Vegas's ability to protect its investment.

Chair Brower:

Senate Bill 174 addresses some of the problems we heard today without the Legislature getting too far into micromanaging associations. It is pending with the Assembly Committee on Judiciary.

Pamela Scott (The Howard Hughes Corporation):

We oppose A.B. 238, although we support section 1.5, subsection 9.

Regarding the assignment of a dollar number in section 2, this one-size-fits-all solution does not work. The break is at 1,000 units; however, there are 29,000 units in Summerlin alone. Using percentages is a better solution for the larger associations. This bill is a solution looking for a problem.

Garrett Gordon (Community Associations Institute; Southern Highlands Homeowners Association):

We oppose A.B. 238. An Assembly Floor amendment removed section 1, subsection 1, paragraph (s), subparagraphs (1) and (2). There was no testimony or hearing regarding its removal.

The deleted subparagraphs are the statutory authority to tow a vehicle in the event of blockage of a hydrant, a fire line or a handicapped space. That statutory authority is important to ensure the health, safety and welfare of all unit homeowners are protected.

Chair Brower:

I am looking at the deleted language. Do you know why the Assembly deleted that language?

Mr. Gordon:

No. I only know it was removed with a floor amendment.

Chair Brower:

Is it correct that paragraph (s) is statute that the Assembly deleted?

Mr. Gordon:

Yes.

We have worked closely with Senator Hammond on S.B. 174. A qualifier in A.B. 238, section 1.5, subsection 9, paragraph (a) subparagraph (1) states, "Unless there is an insufficient number of candidates to fill one or more vacancies as a member of the executive board or as an officer of the association"

Because smaller associations find it difficult to fill board seats, the insufficient-amount-of-candidates' clause in subparagraph (1) needs to be in subparagraphs (2) and (3) too. Senate Bill 174 includes this qualifier language throughout.

Section 2, subsection 1, paragraph (a) has already been amended in an effort to accommodate both larger and smaller associations; however, it is still not exactly what we want. A dollar amount is burdensome and inappropriate for larger communities.

We want A.B. 238 amended to have a percentage of the annual budget, not a dollar amount. I testified to this desire during the bill's hearing in the Assembly, and I proposed an amendment similar to what testifiers in Las Vegas suggested today.

Senator Harris:

What was the percentage requested?

Mr. Gordon:

One percent.

Senator Harris:

How large are some of the budgets in the larger communities?

Mr. Gordon:

The budget of Southern Highlands Homeowners Association is upwards of \$6 million or \$7 million.

Chair Brower:

Assemblywoman Dooley, why was language in section 1, subsection 1, paragraph (s) deleted? It appears your proposed amendment, [Exhibit D](#), does not restore that deletion. Why is that, please?

Assemblywoman Dooley:

I believe that section 1, subsection 1, paragraph (s), subparagraphs (1) and (2) should have been left in the bill. The part that should have been amended into [A.B. 238](#) regarded the blocking of spaces identified for owners.

Chair Brower:

The language needs clarification.

Assemblywoman Dooley:

Yes. Regarding [S.B. 174](#), points of both bills can be combined and still achieve the goals of the homeowners and the association boards.

Chair Brower:

I will close the hearing on [A.B. 238](#) and open the hearing on [A.B. 263](#).

[ASSEMBLY BILL 263 \(1st Reprint\)](#): Revises provisions governing the custody and support of children. (BDR 11-199)

Assemblyman Lynn D. Stewart (Assembly District No. 22):

[Assembly Bill 263](#) brings child custody laws together into one area of the NRS and narrows the playing field. Mr. Pickard will further testify on [A.B. 263](#).

Keith Pickard:

I am a family lawyer in Clark County. When families are falling apart, our first responsibility is to protect the children. I have submitted a document listing frequently asked questions regarding A.B. 263 ([Exhibit F](#)). I will read from my testimony ([Exhibit G](#)).

I have submitted a proposed amendment created after consultation with the Volunteer Attorneys for Rural Nevadans (VARN) ([Exhibit H](#)). The proposed amendment alters section 18, which deals with a parent fleeing domestic violence and the prospect of that parent being prosecuted for unlawful relocation.

In looking at the first reprint of A.B. 263, I see that one of the amendments that went to the Assembly did not make it in the bill in the two places that it should have. Section 13 is about the test for relocation and if a parent is taking the child out of the state or to a place that may impair the ability of the other parent to have a meaningful relationship with the child. That language should have also been transferred into section 16, where there is a limited distance; that is an error in the amendment process. Section 16 should mirror section 13.

We do not want to limit relocation to a geographical distance but make it so children are protected from losing a relationship. This decision should be based on if the relocation impairs the child's ability to maintain a relationship with the nonrelocating parent.

Marshal Willick:

I am a national expert in military-related matters. Assembly Bill 263 is a well-intentioned bill, but it was neither submitted nor vetted by the Family Law Section of the State Bar of Nevada or the Nevada Chapter of the American Academy of Matrimonial Lawyers. Assembly Bill 263 has unintended consequences that lay people cannot discern.

Section 14, subsection 1, paragraphs (b), (c) and (d) are basically fabricated and are not part of caselaw. It is a bad idea to have a nonlevel playing field between a parent seeking to relocate and a parent seeking to prevent another's relocation.

For example, in a military custody case, a soldier who receives military reassignment could never pass the tests set out in paragraphs (b), (c) and (d).

Assembly Bill 263 could lead to many children being accidentally removed from military members. That is not what the proponents of the bill intended. Nobody getting a military relocation can say if a child and the relocating parent will benefit from an actual advantage that currently exists or is certain to exist before the time of the relocation.

Instead of passing A.B. 263, I suggest caution, study and time plus an overall rewriting of the family code. We think that a rewrite can be accomplished before the next Session. Without additional time, study and expertise, the grown-ups in this area will not have time to correct what is not even viewed as a problem. Assembly Bill 263 attempts to correct one problem, creating other problems in the process.

Section 17 adds kidnapping penalties to parents who may have no idea they even have a legal problem. This is a terrible idea. Testimony indicates that 60 percent of the people in the divorce court are unrepresented.

There are never-married people who have children together and no contact with the legal system. They have never been advised by a lawyer, have not appeared before a judge and do not have custody orders. Unbeknownst to these people, we are criminalizing behavior of moving from one place to another because of family or other contingencies.

Chair Brower:

What sections criminalize behavior?

Mr. Willick:

I apologize. I meant to say section 16, subsection 2.

I am not criticizing the intention of the bill or the bill's proponents. I suggest experts in this area have not vetted it. The bill's proponents do not have input from people who have been studying these issues for decades. I am one of those experts; I have written several textbooks on family law in Nevada. I am concerned about unintended consequences in various places of this bill. I mentioned two examples of unintended consequences, but there may be more. The problem is insufficient time and study.

Mr. Pickard:

It is true that Mr. Willick is a family law expert; however, this bill was reviewed by members of both the Nevada Justice Association Legislative Committee and the Family Law Section Executive Committee of the Nevada Bar Association. The Family Law Section's Executive Committee gave us a submission deadline of March 2014 in order for them to take a position on the bill. Since *Druckman v. Ruscitti*, 130 Nev. Adv. Op. 50, 327 P.3d 511 (2014) was not decided until June 2014, it was not possible to get their opinion.

Nevertheless, A.B. 263 was circulated among those two bodies, as well as many family law practitioners. All weighed in with their opinions if they chose to do so.

Regarding section 14, we will not oppose an amendment that strengthens the language to protect those in the military. The Servicemembers Civil Relief Act already prevents many things, but if you compare section 14 with existing caselaw, NRS 125C.200 is taken almost verbatim.

Section 2 is the codification of the *Schwartz* and *Potter* standards that are heavily used in Nevada family law. Additions were made in an effort to clarify and unify the rulings so there are no longer multiple standards in caselaw.

Chair Brower:

Section 16, subsection 2 refers to NRS 200.359. It is strange that the language of the new subsection states "is subject to." In looking at NRS 200.359, I am concerned we are criminalizing the conduct. Please walk the Committee through the intent of this section.

Mr. Pickard:

Subsection 2 is resolved in section 18. As we considered the legislation, we realized that the rules lacked teeth in saying a party was not to relocate. This language was in the previous NRS 125C.200, which only applied to custodial parents.

Previously, the custodial parent had to get permission first; only custodial parents were required to get permission—a situation that remains true today. There were also no provisions linking this law to the child abduction standard.

Section 18—and this is where the VARN-proposed amendment, [Exhibit H](#), comes in—mirrors language used elsewhere in the bill. We want to ensure parents fleeing domestic violence—the parents who need to get out of serious issues—are allowed to do so without prosecution. If this scenario is not addressed, the present situation remains: a parent ignores the law, ignores the best interest of the child and relocates unilaterally. Custody then becomes a race of who can get to the border and who can get to court. All this happens without considering the best interests of the child from a neutral position.

Assemblyman Stewart:

Action needs to be taken to protect our children better and to level the playing field by putting these issues into one section of the NRS.

Chair Brower:

We will close the hearing on [A.B. 263](#) and open the hearing on [A.B. 244](#).

[ASSEMBLY BILL 244 \(1st Reprint\)](#): Provides an enhanced penalty for committing certain repeat graffiti offenses. (BDR 15-736)

Assemblyman Lynn D. Stewart (Assembly District No. 22):

We have a problem with chronic graffiti causing millions of dollars of damage in my community and also throughout Nevada. Mr. Delap will introduce [A.B. 244](#).

A.J. Delap (Las Vegas Metropolitan Police Department):

[Assembly Bill 244](#) addresses an issue brought by Detective Scott Black of the Las Vegas Metropolitan Police Department. Detective Black is the lead detective in this area and has been involved in graffiti investigations for the past 15 years.

All Las Vegas area graffiti investigations, citations, follow-ups and field interview cards go across his desk. Detective Black tracks this information and watches trends in Las Vegas as well as in Southern California. We find trends in Southern California find their way to Las Vegas.

[Assembly Bill 244](#) pertains to persons who have committed graffiti crimes for many years. These perpetrators are savvy with the law and stay underneath the thresholds for entering felony-level charges. Despite this, these individuals are responsible for thousands, if not hundreds of thousands, of dollars' worth of damage. These perpetrators are prolific but small in number. Detective Black can identify individuals through monikers, symbols and signs in their graffiti.

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Assembly Bill 244 removes loopholes by holding that if a perpetrator is convicted two times, it is a felony the third time he or she is convicted, regardless of the dollar amount. Based on interviews Detective Black conducted with perpetrators, the threat of a felony conviction is a significant deterrent to these individuals, who are neither juveniles nor even necessarily young. Chronic perpetrators of graffiti are adults in their thirties who are employed and have families. Committing graffiti crime is an issue of status, but the felony charge is enough of a deterrent.

Assembly Bill 244 is an effort to reduce the amount of repeat graffiti that occurs. I have submitted photographs showing the extent and variety of damage to property in Las Vegas ([Exhibit I](#)).

Chair Brower:

I will close the hearing on A.B. 244 and adjourn the meeting at 10:42 a.m.

RESPECTFULLY SUBMITTED:

Cassandra Grieve,
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. 238	C	3	Assemblywoman Victoria A. Dooling	Testimony in Support
A.B. 238	D	4	Assemblywoman Victoria A. Dooling	Proposed Amendment 238
A.B. 238	E	1	Norman McCullough	Statement in Support
A.B. 263	F	4	Keith Pickard	Question and Answer Document
A.B. 263	G	2	Keith Pickard	Testimony in Support
A.B. 263	H	1	Keith Pickard	Proposed Amendment
A.B. 244	I	10	A.J. Delap / Las Vegas Metropolitan Police Department	Graffiti Photos