MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Seventy-Ninth Session
May 30, 2017

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:35 a.m. on Tuesday, May 30, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Aaron D. Ford, Senate District No. 11
Assemblyman John C. Ellison, Assembly District No. 33
Senator Becky Harris, Senate District No. 9
Senator Patricia (Pat) Spearman, Senate District No. 1

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Karyn Werner, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada; and representing Nevada Law Enforcement Coalition
Michael Sean Giurlani, President, Nevada State Law Enforcement Officers' Association; and Member, Nevada Law Enforcement Coalition
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers, Local 9110, AFL-CIO
Todd Ingalsbee, Legislative Representative, Professional Fire Fighters of Nevada
Thomas D. Dunn, District Vice President, Profession Fire Fighters of Nevada
Jennifer Noble, representing the Nevada District Attorneys Association
Danny L. Thompson, representing Laborers International Union Local 872 AFL-CIO; International Union of Operating Engineers Local 3; and Professional Firefighters of Nevada
Ryan Beaman, President, Clark County Firefighters Local 1908
Marlene Lockard, representing the Las Vegas Police Protective Association for Civil Employees; Retired Public Employees of Nevada; and Nevada Women's Lobby
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro Incorporated; and Nevada Law Enforcement Coalition
Mike Cathcart, Business Operations Manager, City of Henderson
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
James W. Hardesty, Justice, Supreme Court of Nevada
Dan Roberts, Publisher/Editor, The Vegas Voice
Gail J. Anderson, Deputy Secretary for Southern Nevada, Office of the Secretary of State
Joice Bass, representing Legal Aid Center of Southern Nevada
Jennifer J. Gaynor, representing Nevada Credit Union League
Samuel P. McMullen, representing Nevada Bankers Association
Michael R. Brooks, representing the United Trustees Association
C.J. Manthe, Administrator, Housing Division, Department of Business and Industry
Kristy Oriol, Policy Coordinator, Nevada Coalition to End Domestic and Sexual Violence
Verna Mandez, Organizer, representing Battle Born Progress
Natalie Hernandez, Organizer, representing Battle Born Progress

John Saludes, Co-Chair, Nevada Gun Safety Coalition
Patricia Padden, Private Citizen, Verdi, Nevada
Diana Loring, representing Action Together Nevada; and One Pulse for America
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison Clark County District Attorney's Office
Corey Solferino, Sergeant, Legislative Liaison, Washoe County Sheriff's Office
Sharon Brown, Private Citizen, Carson City, Nevada
Megann Johnson, Intern, Progressive Leadership Alliance of Nevada
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Randi Thompson, representing Nevada Firearms Coalition
Robert S. Uithoven, representing the National Rifle Association

Chairman Yeager:
[Roll was taken. Committee protocol and rules were explained.] We have four bills on the agenda today. As everyone knows, this is the part of session where things pick up. We are going to do our best to keep the bill hearings to one-half hour each, including the presentation, support, and opposition testimony, so I am asking everyone to keep their comments brief, and it is perfectly fine to say "me too" if someone has already covered your position. We are going to take the bills slightly out of order. We will start with Senate Bill 541 (1st Reprint), and then we will see where we go.

Senate Bill 541 (1st Reprint): Enhances the criminal penalty for certain crimes committed against first responders. (BDR 15-1219)

Senator Aaron D. Ford, Senate District No. 11:
We have a serious bill before us. I am here to present Senate Bill 541 (1st Reprint), which enhances the criminal penalty for certain crimes committed against first responders. The measure defines "first responder" as any peace officer, firefighter, or emergency medical personnel acting in the normal course of business. It authorizes an additional term of imprisonment of up to 20 years for any person who willfully commits certain crimes because the victim is a first responder. It sends a message—one that is loud and clear—that here in Nevada we will not tolerate attacks on our brave first responders who work to protect and defend our liberties and our families, and if you do, you will face enhanced penalties.

Across the country we have seen case upon case where violent offenders have targeted first responders. Imagine for a second you are setting your house and your vehicle on fire in an effort to lure firefighters in an attempt to ambush them. This is what happened on December 24, 2012, in Webster, New York. Two firefighters died, a police officer who volunteered as a firefighter, and a 19-year-old who was named Firefighter of the Year just 2 weeks before.

Ambush killings such as this are no longer uncommon, according to law enforcement groups, some of whom you will hear from today who will recount incidents that happened in Nevada. The number of officers killed in 2016 was the highest number in 5 years. On July 7, 2016—I get chills thinking about this because it was in my hometown of Dallas, Texas—five law enforcement officers were killed and seven others were injured in a sniper attack. The sniper shot at the officers at the end of a protest against officer-involved shootings in other states. This attack on 12 police officers is considered the deadliest in the United States since the 9/11 terrorist attacks.

I visited my hometown a week or so after that fatal incident, and I was honored to carry with me a proclamation signed by our Governor; me, as the Senate Minority Leader; the then-Senate Majority Leader, Michael Roberson; the then-Assembly Speaker Hambrick; and the Assembly Minority Leader, Paul Anderson. It showed the city of Dallas that we stood with them, and they had our condolences. However, condolences are no longer enough because these things have continued to happen since then, and they will happen going forward. Here in Nevada, we will make a strong statement against it.

Other examples include a July 17, 2016, incident where officers responded to a call of shots fired in Baton Rouge, Louisiana, and were gunned down in an ambush: three officers were killed. On November 2, 2016, two police officers, each sitting in their own squad car in Des Moines, Iowa, were killed in two separate ambush-style attacks. Benjamin Marconi, a 50-year-old detective, was sitting in his patrol car writing a ticket after pulling over a vehicle outside of the San Antonio Public Safety Headquarters on November 20, 2016; another vehicle pulled up beside him and shot through Marconi's window, striking him twice in the head.

Let me offer some specifics of the bill. Killings like these are tantamount to hate crimes, and that is why we are looking to enhance the penalties accordingly. In determining the length of any additional penalties, the court is required to consider the facts and circumstances of the crime, the criminal history of the person, the impact of the crime on any victim, and any mitigating factors presented. Under the bill, any enhanced punishment cannot exceed the sentence imposed for the crime itself and must run consecutively and not concurrently with the sentence of the primary crime. We also have amendatory provisions in this bill that would apply to an offense on or after October 1, 2017.

As I close, I will remind everyone that every day Nevada's first responders put on their uniforms and go to work with the goal of keeping our streets safe; they go to work with the goal of providing lifesaving assistance in emergencies. They go to work with the goal of protecting our families. They go to work with the goal of going home to their own families. It is time that we let them know we will do anything in our power to protect them as they protect us.

Some of our first responders are here today to testify in support of the bill, and we will be cognizant of your time limits on this. Please support this bill.

Assemblyman Wheeler:
In its original form, when Mr. Ellison originally put this bill through, it included family members. We have seen officers and first responders attacked at home when their families were home. Would you be amenable to including family members in this bill, as well as adding Assemblyman Ellison's name to the bill? I am sure he would like to be on it. It is a great bill.

Senator Ford:
Let me offer you a correction to your statement and a little chronology so that you understand how this bill came to be. I was entirely unfamiliar with Assemblyman Ellison's bill. I had nothing to do with it not making it to my house. I did not know about the bill and did not know about the contents of the bill. While my character and integrity have been attacked, I am chalking it up to ignorance in the sense that people just did not know the chronology of this. I was approached on May 9 and was asked to sponsor this bill as originally presented. I thought about it and looked at ways in which we could accommodate the request. I took it upon myself to present a new bill, a bill that seems to be similar to Assemblyman Ellison's. It was not borne out of his idea. This was not a stolen idea or a borrowed idea; this was an idea that was presented to me, and one that I am pursuing.

The fact that the "original bill," as you call it, contained protections of family members is not one that I knew. It was one that was brought up in the hearing in the Senate, a Senate hearing in which I presented side-by-side with Assemblyman Ellison. It was a hearing in which I said out loud that I was proud to have Assemblyman Ellison as a sponsor of this bill. That issue was already addressed.

The request was that we consider this tantamount to a hate crime. I have done research and according to the information I have received back from legal counsel, the hate crime statute does not include family members in its protections. That is ostensibly because we want to ensure we narrowly focus our areas in that regard. While I appreciate the concern that has been raised, I will not be amenable to including family members under that particular rationale. I am looking to treat violence against our first responders as tantamount to a hate crime because they are first responders. We will copy the enhancements and provisions thereof into this particular bill and that is the extent of this bill so far.

Assemblywoman Krasner:
Thank you for bringing this bill that protects people who are out there putting their lives on the line every day for the safety of our communities. It is a great bill.

Assemblyman Thompson:
This is a tough question for me to ask because I love law enforcement and our first responders, but at the other end are people in the community who hurt as a result of things that might happen through first responders' actions. With the bill coming forth, I want to suggest a potential balance. There is an initiative that has occurred in southern Nevada that is called the "Safe Village Initiative," wherein if there is crime in the community, our community leaders—mainly from the faith-based community—usually come together with

law enforcement to try to deescalate the situation, so there is no further harm to others. Sometimes in those situations, as you have presented, a first responder may be hurt. Have you considered putting in anything similar to the Safe Village concept so it includes the community portion in here? Maybe I am not articulating myself correctly. Can you help me out?

Senator Ford:
I understand what you are talking about. I do not think there is any confusion that I seek criminal justice reform to be balanced and that we, when necessary, hold offenders accountable, including first responders. I do not think that is mutually exclusive from honoring our first responders, protecting them, and from acknowledging that they keep us safe 99.9 percent of the time. We should acknowledge that they put their lives on the line and have every right to go home to their families as well. That is what this bill is about.

One of the things I learned in law school is that you do not need to solve every social ill with one piece of legislation. You can find other routes to accomplish other goals. People know that I have sponsored other bills that address other issues related to cop and citizen interactions; however, this bill needs to go as is because it is one that addresses a very real concern. We must stand shoulder to shoulder and hand in hand with our first responders in these types of situations.

Assemblyman Thompson:
I appreciate that. I do support this bill. It frustrates me, however, that it is always a challenge when people do not agree that excessive force becomes a major issue. It is not slam-dunk legislation. It sounds like a lot of people are on board with this, but when we try to talk about the other end, it is a struggle.

Senator Ford:
I appreciate that, and this is why it is so important that you are here, and that others are here with differing views and differing experiences. It is important that we live by the mantra of speaking truth to power from our positions of power. We get to make decisions that affect everyone's lives, and today this decision is affecting our first responders. This may have been an opportunity to address the issues that you were talking about yesterday.

Assemblywoman Miller:
These comments move me. As a teacher, I absolutely appreciate the things that our first responders and police go through. Most of the time they are out saving lives and protecting us. We know that at our core, but the actions of a few take over our perceptions. When that takes over, we know that they—and teachers—will be the first ones to take a bullet for a child. We know that most of them are out there doing the right things and protecting us.

For this bill, I see two more forms of further protection. I notice it does not say anything about retired first responders, especially police officers. There is active duty, and there is someone who just retired. There could be someone out there who still has a vendetta against a certain officer. I would like it to specify that.

I am a cop's daughter. I remember, as a kid, the big line of protection for us was not having our information posted in the 4-inch telephone book. These days, with the Internet and information all over the place, I know there are a lot of movements trying to publish the private information of our public employees and such. Can you tell me if something like that could be an added layer for our first responders?

Senator Ford:
I am happy to look into the retiree component. I think you are the first to mention that to me, and I do not know if I have an immediate response to that. I am not entirely adverse to that idea.

In terms of the anonymity issue, that seems to be very appropriate for the circumstances that we are talking about here. I do not know what our current law says about that. I do not know if it provides the anonymity that you are speaking of, or if it is an exception to the request many people make to have public employees' information public. I am happy to look into it.

Assemblywoman Tolles:
I am a sister to police officers, and I appreciate your commitment to this issue. I appreciate your acknowledging hate crime as hate crime, no matter who the target is.

I want to address section 1, subsection 1, and that it lists *Nevada Revised Statutes* (NRS) Chapters 200, 205, and 206. Without getting into the details, and for the record, can you briefly explain what kinds of acts we are talking about here that constitute a felony and would accompany this legislation?

Senator Ford:
I would defer that to legal counsel for help. Looking at the actual numbers, they do not resonate with me.

Chairman Yeager:
I had a chance to look into these sections last night, so I will run through them quickly in terms of which crimes are specified. We have murder, voluntary manslaughter, mayhem, kidnaping, sexual assault, robbery, battery with intent to commit a crime, false imprisonment, assault and battery which rises to a felony, grand larceny of a motor vehicle, larceny from a person which rises to a felony, killing of a police animal, and grand larceny of a firearm. Basically, those are the enumerated sections that you see at the bottom of page 1 and the top of page 2 of the bill. There is a limiting factor that they must be felony conduct. For instance, if battery was simply a misdemeanor, this statute would not apply. However, battery against a protected official is an enhanced crime anyway, and this particular provision would not apply because the enhancement in here contemplates the enhancement of a felony offense. All of those that I listed would have to be felonies—and most of them are obviously felonies—but some can be misdemeanors, gross misdemeanors, or felonies.

Assemblywoman Cohen:
I am also related to law enforcement officers. Both of my parents are in law enforcement, but neither of them wears a uniform. I want to make sure we have the legislative intent in here. What happens when we have law enforcement officers who are not uniformed? What happens if a first responder firefighter stops at an incident, is not in uniform because he is off duty, but wants to provide aid? What if something happens?

Senator Ford:
Let me remind everyone that this is an enhancement for an assault or attack on a first responder just because the person is a first responder. You have to know that the person is a first responder. You have to be, as in Dallas, aiming at first responders. If someone is not in uniform who is helping and just appears to be a good Samaritan, this bill would not potentially apply. If the person being attacked was known to be a first responder, and the person doing the attacking attacked him because he or she was a first responder, then this bill would apply. Its comparable intent amounts to not quite a hate crime. Hate crimes are not based on profession, but a hate crime is based on constitutional suspect classifications, like being a woman, a man, African American, or Hispanic. It is tantamount to a hate crime. You have to know that someone is of a particular profession in order for this to kick in.

Assemblyman Pickard:
I agree with the sentiment. I was not going to ask this question, but since it came up, I thought I would ask it on the record. As you may be aware, we had some presentations at the beginning of session about how many of our sentences tend to be overdone. They are disproportionate with the crime. I, too, went through the various sections that are involved here. Some crimes, like the theft of the police vehicle, may rise to a felony, but since I do not practice criminal law, I do not know. There are probably different things that would apply. As I read the statute, it looks like a felony charge. We are adding 20 years to whatever the sentence is. This session has brought to light the fact that we, in some respects, over sentence in fairly focused ways. There has been a distinct desire or effort to try to pull back a little bit. Rather than send people to jail, we find other punishments.

To be honest, I am supportive of the concept, but this seems so different from everything else that we have seen up to this point. Can you help put this in context and why we are doing this now given everything else we have done this session?

Senator Ford:
I will be the first to admit that I have been on the forefront of sentencing reform. I sat on the interim committee on the Advisory Commission on the Administration of Justice. We put forth a bill that, if it has not yet been here, will establish a sentencing commission to take a look at exactly what you are talking about: the appropriateness of sentencing. I do not think these are mutually exclusive, however.

Why now and why on this? It is particularly heinous and despicable to have our first responders targeted because they are first responders. There are certain things that we address because of their peculiarity. This is one of those. It is not done in a vacuum. It is

not done as if we cannot take a look at the sentencing that is already associated with hate crimes, such as this legislation, and a sentencing commission may come up with recommendations to the body in two years to address those. Under our current statutory scheme, in view of everything that has happened over the last few years and in view of our efforts to improve cop and citizen interactions, I think it is very important that we pursue this legislation at this time because the time is right.

Assemblyman Pickard:
I appreciate that, and I do not want to suggest that we should not be looking at this as a particularly heinous crime. In fact, what we have seen in the media over the last several months has been very damaging to the whole law enforcement profession and first responders. This is an opportunity to stand up and say we really do support these people because they protect us every day. Would the 20 years be subject to review by the sentencing commission? It seems to me to be a one-size-fits-all approach to a very convoluted and complex issue. What might we do to prevent this from becoming one more impediment to justice and sentencing reform?

Senator Ford:
Those are very, very valid questions. Again, these are questions that can exist simultaneously with our efforts, with the understanding and recognition that the sentencing commission and this body, subsequent to recommendations, can consider what those may be. They may decide they will go down, or they may decide they go up. Under no circumstance does this prohibit or preclude the sentencing commission or this body from looking back at the punishments associated with these particular crimes against first responders.

Assemblyman Pickard:
As I understand it, the death penalty was once discussed in this context too. There is certainly some room to give. Given where we came from at the beginning of session to today, my eyes were opened as to how arbitrary some of the sentences seem to be. I did not want to return to the same path as we had before.

Senator Ford:
That is intellectual honesty that I can appreciate. We are aligned on this issue. I believe they are looking again at sentencing not being mutually exclusive from addressing issues under our current scheme. I look forward to working with you going forward, Assemblyman Pickard, on ensuring we can find the right balance.

Chairman Yeager:
I will note for the record that the enhancement is listed as 1 to 20 years. If you look at line 21 on page 2, it indicates that the enhancement given may not exceed the sentence imposed for the crime. That is in line with other enhancements that we have in statute. For instance, if someone were to get a 2- to 5-year sentence, a judge could not tack 20 more years on the back. It would be limited to 2 to 5 years maximum. It could potentially be a lesser enhancement as well. I did not want anyone to have the impression that it was a mandatory 20 years. It would be in line with the actual underlying sentence for the offense.

Assemblyman Pickard:
I appreciate that. What I was focusing more on was the consecutive nature as opposed to a concurrent sentence. Whatever it is—we are adding to it. The source of my concern was in the larger context.

Chairman Yeager:
Assemblyman Ellison has joined us. Would you like to come up and give testimony in support, or do you have any other comments on S.B. 541 (R1)?

Assemblyman John C. Ellison, Assembly District No. 33:
I agree with everything said. I had a similar bill that went a little further. We pay our first responders to be the first persons out on the line; we pay them to protect us. We need to protect them, and we need to step forward to do that. If not, we are going backwards. I am glad the Senator picked up this bill. It is different from mine, but it still comes together as a whole. I support this bill 100 percent.

Chairman Yeager:
Thank you for joining us, and I think we have gotten through all of the questions. I will open it up for additional testimony in support of S.B. 541 (R1). Please make your way to the table in Las Vegas and here in Carson City. We will start in Carson City.

Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada; and representing Nevada Law Enforcement Coalition:
I want to bring up a couple of things. I am also here on behalf of Carolyn Sullivan, who is the spouse of the murdered sergeant, George Sullivan. He was murdered in 1998. He was sitting in his police car at the University of Nevada, Reno when he was brutally attacked. I was the first detective on the scene that night. It was all because he was sitting in his car writing a field interview card that he was very brutally murdered. This bill would have been perfect for what that individual did. I will not even give him the courtesy of mentioning his name; he is on death row.

The second murder was here in Carson City. In August 2015, responding to a domestic battery call, Deputy Carl Howell was ambushed as he approached the house. That is the reason for this legislation. Hopefully, with the questions asked here, it can be seen as a deterrent because that is what is missing from law enforcement. We are under attack. Our officers are under attack every day in this country. They are murdered just because they wear a uniform with a badge, and that is ridiculous.

Michael Sean Giurlani, President, Nevada State Law Enforcement Officers' Association; and Member, Nevada Law Enforcement Coalition:
We represent 22 state law enforcement agencies and their employees. Also, as a member of the Nevada Law Enforcement Coalition, we greatly support S.B. 541 (R1), and I would like to thank Senator Ford for honoring us with this bill.

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers, Local 9110, AFL-CIO:
It is an honor and a privilege to sit here today on behalf of Nevada's first responders to support S.B. 541 (R1). The importance of this bill cannot be overstated. Law enforcement and first responders covered by this bill are under siege. More than ever before, first responders have become targets of an angry society that seeks its own form of justice by committing violence against those who are sworn to protect us. This bill is similar to bills introduced earlier this year in state legislatures in California, Kentucky, Louisiana, and New York. Other measures are being introduced in Texas, New Jersey, and Mississippi, as well as the United States Congress that just passed it out of the House last week.

Our police officers put their lives on the line every day, and it is deeply disturbing to me that they have become intentional targets because of what they do. Nevada's lawmakers are now loudly saying that first responders' lives—the lives of police officers, firefighters, and emergency medical personnel—are precious. If you kill or harm one of them because of what they do, you will be punished to the fullest extent of the law, and then some. This law will send a message to criminals who target law enforcement that their reprehensible behavior will not be tolerated.

With respect to Assemblyman Pickard's comment about the session's sentence reform that we have gone through and watched and why this bill and why now. I have one simple response: because it is the right thing to do. It is that simple.

Todd Ingalsbee, Legislative Representative, Professional Fire Fighters of Nevada:
We support this bill wholeheartedly and want to thank Senator Ford for bringing this bill forward. We feel it is long overdue. We have to protect our own firefighters, police, first responders, and everyone out there trying to save our lives.

Thomas D. Dunn, District Vice President, Profession Fire Fighters of Nevada:
I am an active Reno firefighter. Earlier this month in Dallas, Texas, a firefighter paramedic was shot while performing his duties on an emergency medical call. Just last week in Chelsea, Massachusetts, a man called 911 and threatened to kill his wife and set his house on fire, then began shooting at police officers and firefighters when they showed up. There is a picture on the Internet, and in the media as well, of firefighters kneeling behind a police ballistic shield as they attempted to contain a fire to the house of origin.

On a personal note, in November 2006, my own crew was shot at as they attempted to stop a crime in progress. A 14-year-old who was in the process of putting graffiti on the side of a building chose to pull a gun and fired five shots at my crew. When an identifiable big red fire engine showed up and three guys got off the rig and told him to please stop, he chose to shoot at my crew. That led to a special weapons and tactics (SWAT) standoff. In December of 2016, my crew and a paramedic crew were nearly assaulted by an ambush out of a crowd during a special event pub crawl in downtown Reno as we were performing our duties on an emergency medical services scene. Six people were ultimately arrested and prosecuted for that. Last week in Las Vegas, a ventilation saw was stolen off a fire apparatus on scene of an

emergency incident. It cost approximately $1,250 to replace that piece of equipment. The stuff that we have on our apparatus is critical to all operating scenes. That is one less piece of equipment that a crew has to do their job.

Echoing my colleagues' comments, this is the right thing to do to protect those who protect our communities.

Jennifer Noble, representing the Nevada District Attorneys Association:
This legislation recognizes the very special risk our first responders—police, fire, and others—take when they come on these scenes. They should not have to worry about being targeted as well. This recognizes the heinous nature of targeting a police officer or others just because of what they do for a living.

Danny L. Thompson, representing Laborers Intl. Union Local 872/AFL-CIO; International Union of Operating Engineers Local 3; and Professional Firefighters of Nevada:
Three years ago, two police officers were eating lunch in a pizza restaurant in Las Vegas when two maniacs who thought there was going to be a revolution walked in and shot them both point blank. The perpetrators were ultimately killed. This is certainly the right thing to do for the people who put their lives on the line for us every day.

Ryan Beaman, representing Clark County Firefighters Local 1908:
We support this bill. As the role of the firefighter has changed over the years, we have now gotten involved with the police department. When there is an active shooter, we go in with the police on those types of incidents to remove victims.

Marlene Lockard, representing the Las Vegas Police Protective Association for Civil Employees:
We are strongly in support of this legislation. One only has to turn on the nightly news to see how important it is to protect those who protect us.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
I think everything that needs to be said has been said. We are here in full support of the bill.

It was Officer Alyn Beck and Officer Igor Soldo who were in CiCi's Pizza and were assassinated. It is not the first time that happened. You probably remember that Sergeant Henry Prendes was ambushed and killed in 2006 while responding to a domestic violence call. As can be read on the Internet, in 2016, the *USA Today* reported that ambushes and attacks on police officers are up 167 percent.

Mike Ramirez, Director of Governmental Affairs, Las Vegas Police Protective Association Metro Inc.; and Nevada Law Enforcement Coalition:
We urge your support.

Mike Cathcart, Business Operations Manager, City of Henderson:
Henderson is a full-service city, so we have both police and fire services provided by our organization. Currently we have 586 men and women providing public safety services to our community. We are in full support of this piece of legislation.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:
We strongly support this legislation and strongly request your support.

Chairman Yeager:
Is there anyone else in support of S.B. 541 (R1) who would like to testify? Seeing no one, is there anyone here or in Las Vegas in opposition to the bill? Seeing no one, is there anyone who would like to testify neutral on the bill? Again, I do not see anyone, so we will welcome back Senator Ford.

Senator Ford:
It has been brought to my attention—to the extent this Committee is interested and willing to move this bill—I will have to ask for a conceptual amendment. It is under section 1, subsection 4, paragraph (b). It defines "firefighter" by saying, "'Firefighter' has the meaning ascribed to it in NRS 450B.071." We need to add NRS 286.042 as well. We need to include volunteer firefighters, so they are also covered. At a minimum, I would request that the conceptual amendment be added to the bill if you are amenable to passing it.

Chairman Yeager:
Some of you know that my younger brother is a police officer back in Michigan, so I certainly appreciate the intent behind this bill to make sure we are doing all we can for our first responders who are doing all they can to keep us safe.

At this time, I will close the hearing on S.B. 541 (R1).

I see Senator Harris has joined us. Do you have a particular bill you want to do first? Since Justice Hardesty is here, I will open the hearing on Senate Bill 229 (2nd Reprint).

Senate Bill 229 (2nd Reprint): Revises provisions relating to guardianships. (BDR 13-87)

Senator Becky Harris, Senate District No. 9:
Senate Bill 229 (2nd Reprint) allows any person to appoint his or her guardian by completing a nomination of guardianship form that is signed and witnessed by two impartial adults and notarized. In this statute there would also be a model form provided that people can copy. It allows for storage of the form in the Office of the Secretary of State's lockbox. It also authorizes the Secretary of State to provide access to the lockbox to a court, hospital, law enforcement agency, or other entity that needs to determine if a guardian has been nominated. It restricts access to other documents contained in the lockbox, so the only document that would be available to those entities would be the guardianship nomination but not necessarily a medical power of attorney or other documents that may exist.

It establishes that if one or more guardians have been nominated, the last one designated will control. It requires out-of-state guardians to designate an in-state registered agent. It allows for gifts, bequests, devises, et cetera to help defray the cost associated with the cost of the program. The Secretary of State's Office said it would cost about $5,000, which was not a problem for the Senate Finance Committee. We were able to get it out of there, but some nonprofits have come to me and said they would be interested in helping to defray the cost so people who do not have a lot of means would still have the opportunity to designate a guardian. The declaration of guardianship provides clarity in emergency situations because, for the first time in Nevada, we will have a place for first responders, hospital staff, and judges to look to see if loved ones have been designated to take care of individuals who may be in distress.

Chairman Yeager:
Justice Hardesty, would you like to add any comments before we take questions?

James W. Hardesty, Justice, Supreme Court of Nevada:
Both of these provisions were part of the recommendations made by the Commission to Study the Administration of Guardianships. I want to thank the Secretary of State, her office, and their staff who worked closely with the Commission to help formulate the structure for the lockbox program and to incorporate it within the existing lockbox program that deals with wills and trusts that people can now provide to the Secretary of State as a safekeeping measure.

The other issue that was critical in the 2015 Session was that the Legislature had called on resident agents through the Secretary of State's Office to be appointed for out-of-state guardians thereby recognizing that out-of-state guardians could be appointed. However, that legislation created some confusion about the role and responsibilities of the Secretary of State's Office. The second portion of Senate Bill 229 (2nd Reprint) attempts to clarify and fix that.

Assemblyman Pickard:
In a prior conversation, I said if there is any reason to amend this, I would like to add my name to it. I do not want to suggest an amendment for that purpose alone. My question is probably a little outside the bill, but I love the idea. This is one of those where you think, "Why has no one thought of this before?" How do we get the word out? How do we let people know that this exists, so they can take advantage of it?

Senator Harris:
I think we have a lot of avenues, and the Secretary of State has her own website where they will be able to advertise it. There are several senior advocacy groups that are going to be able to advertise. I think there is a gentleman in the south who publishes *The Vegas Voice* that reaches thousands of seniors. I do not think there is going to be any problem getting the word out. People are going to know that this exists, and I really believe there will be a lot of people who take advantage of it.

Assemblywoman Cohen:
My question is on the provision that states you do not want a private guardian to participate in your care. That is in the "Request to Nominate Guardian." Understandably, a lot of people have heard about what is going on. They are concerned about that, but I am worried about what happens to people who do not have family members or close friends whom they trust, and we flood the public guardianship system.

Senator Harris:
I do not know that we will necessarily be flooding the public guardians' system, especially with the new bills that have been passed this session where for the first time we established a Statewide Public Guardianship Office. We are also funding it so that any person in need of a guardianship will have access to counsel. I think we have put the protections in other pieces of legislation to make sure we are going to have the bandwidth to be able to deal with these challenges. Of the seniors whom I have heard testify at the Guardianship Commission and who have come to talk with me, there is such a fear regarding private guardians that I think they will work hard to find people who can help care for them. In some of the other bills, there is a term called "person of natural affections," so if you do not have a family member but you have a neighbor or someone from work whom you care about, you can designate him or her as your guardian. I think there are going to be a lot of opportunities for people to select people they are comfortable with, and the public guardian will be an office of last resort for the majority of people.

Chairman Yeager:
I will open it up at this time for additional testimony in support of S.B. 229 (R2). There is someone at the table in Las Vegas, so we will go there.

Dan Roberts, Publisher/Editor, The Vegas Voice:
The Vegas Voice is the largest monthly senior newspaper in Nevada and is now a magazine in southern Nevada.

Over the past 2 1/2 years, *The Vegas Voice* has investigated, reported, and exposed the guardianship scandal in Nevada. Many among us today have heard the horror stories. However, for the political editor, Rana Goodman, and me, such abuses have taken us to another level. We have seen firsthand the greed and evil in people. We have met many more who simply closed their eyes or walked away knowing full well the financial and emotional hardship that resulted to those totally innocent people. More important, we have defended and helped those who are the victims. We can cite case after case of individuals and their families who were destroyed.

What we cannot convey, however, was the fear, the all-consuming fear in their eyes and their desperate pleas begging us to help them. There are no words that I can use to adequately address such fear, such hopelessness, and such total shock as to how this happened to them.

Yes, there have been changes. Wards freed, families reunited, and the bad guys are under indictment, but there is still more to do. Senate Bill 229 (2nd Reprint) is the single most important bill for those who have been caught up in the guardianship system. It is the magic document for those who will be proactive to protect themselves, their loved ones, and their friends and neighbors.

The model nominated guardian form in this bill will alleviate any question as to what that person wanted should it become necessary. We also unconditionally endorse the Nevada Secretary of State's lockbox for the placement of these future forms. *The Vegas Voice* has been using its own version of such a form since the previous Nevada Legislature authorized one last session. Along with our sister nonprofit company, the Nevada Association to Stop Guardianship and Elder Abuse, we have established our own temporary lockbox and as of today have over 850 executed forms. Senate Bill 229 (2nd Reprint) will ensure that seniors will never be placed in the guardianship system as long as they take the simple effort of executing this model form and using the lockbox services of the Secretary of State. On behalf of *The Vegas Voice* and its 100,000 senior readers, we urge you to pass S.B. 229 (R2).

Gail J. Anderson, Deputy Secretary for Southern Nevada, Office of the Secretary of State:
I oversee the special programs in the Las Vegas office of the Secretary of State's Office, which includes the current Living Will Lockbox program.

The Office of the Secretary of State is in support of Senate Bill 229 (2nd Reprint). The existing lockbox for the filing of advanced health-care directives has just under 13,000 documents filed. We will create a parallel but separate and secure guardianship lockbox to maintain the separation and security of those who have access to each of these lockboxes.

To address one of the questions that came up earlier about how we will get the word out, in addition to our website, we do a lot of community outreach events, particularly in southern Nevada. Some of them are broad-based business types of expos. We bring all of our material, and our current program officer for the lockbox does a lot of outreach events. We will be creating a special brochure and presentation on the guardianship nomination process. We look forward to working on this.

Chairman Yeager:
We will come up to Carson City and take testimony in support.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
We are here in full support of Senate Bill 229 (2nd Reprint). We have seen an increase in guardianship abuse and exploitation. Giving law enforcement the ability to access the lockbox in these cases provides clarification during investigations. We are here in full support.

Marlene Lockard, representing Retired Public Employees of Nevada:
We would like to applaud Senator Harris and Justice Hardesty for working so hard on this legislation and other guardianship issues this session. We will be pleased to publish on our website the information for this important new work.

Chairman Yeager:
Is there anyone else in support of Senate Bill 229 (2nd Reprint), either in Las Vegas or here? There is no one, so is there anyone opposed to the bill? [There was no one.] Is there anyone neutral? I do not see any neutral testimony either, so Senator Harris, do you have closing remarks? [She indicated no.] It would be my desire to take a motion to do pass Senate Bill 229 (2nd Reprint).

> ASSEMBLYMAN PICKARD MADE A MOTION TO DO PASS SENATE BILL 229 (2ND REPRINT).
>
> ASSEMBLYMAN WATKINS SECONDED THE MOTION.
>
> THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON WAS ABSENT FOR THE VOTE.)

I will give Assemblyman Pickard the floor statement.

And with that, we will close the hearing on Senate Bill 229 (2nd Reprint). We will now open the hearing on Senate Bill 490 (2nd Reprint).

Senate Bill 490 (2nd Reprint): Revises provisions relating to the foreclosure of real property. (BDR 9-488)

Senator Becky Harris, Senate District No. 9:
I am here to testify on the Senate Judiciary Committee's bill, Senate Bill 490 (2nd Reprint). This bill updates and reinstates the Foreclosure Mediation Program (FMP). Per this bill, the FMP would be placed within Home Means Nevada, Inc., a nonprofit that resides within the Department of Business and Industry. After having an eclectic group of bipartisan supporters of this program meet on a very regular basis in the interim, we came up with what we think is a really productive, streamlined, cost-efficient program for the FMP.

We have changed it a bit for those of you who may be familiar with it. We start by filing a $25 petition with the district court. The reason for this is that we will now have a district court judge have the ability to oversee the mediation process which will provide more timely oversight of the program and allow for the entry of order at the conclusion of mediation.

The bill provides for quarterly reports to the Interim Finance Committee. The good news is that we have a balance to take with us to fund the seed money for the new program. The current ending balance of the FMP that ended on December 31, 2016, has about $500,000, give or take, after all of the expenses are paid. That will stay with the FMP and will be available immediately for the new program to use.

One of the things that we learned from the FMP was that we were very paper and staff intensive. Utilizing some technology, we found that it will be possible to create a portal much like the federal bankruptcy portal for those of you who are attorneys and may have had an opportunity to utilize that. We will have opportunities for documents to be uploaded for homeowners and lenders to be able to see the progress of the exchange of documents. The mediator will have immediate access to those documents. That helps us in a lot of ways. It helps reduce staff, and we will only need three full-time staff: one manager and two analysts for the entire state. They will be able to divide up responsibilities north and south and run the program much like the program has been run in the past. The portal is just going to be there and available for anyone on whatever time frame they want to be able to upload and view documents.

We have changed the cost a little bit to help the program become self-sufficient, so we are not constantly needing to come back to the Legislature for General Fund appropriations. There is a $50 increase for the notice of default fees. A total of that fee would be diverted to the FMP. We are going to raise the cost of participation by $50 from each party, so instead of $200 to participate, it will cost $250 to participate, with $50 of that going for the ongoing maintenance of the program.

Assemblyman Elliot T. Anderson:
I would like to let the Committee know about my experience with the bankruptcy portal program. It is very efficient and effective. I have heard from both sides that the people really like it and it makes it a lot easier.

As to the party who would be required to go to mediation, are you looking to get the owner of the note there? What is your thought on that?

Senator Harris:
My thought would be that we will run the program just as we have in the past. The homeowners would be there, as well as the lender representative, the lender himself, or anyone they choose to send who has authority to negotiate on behalf of the lender. I know we have had some challenges in the past in getting someone with authority, but that is what is good about having the district court oversee the FMP.

Assemblyman Pickard:
You just addressed my first question. I know that early on in the FMP we had lenders who would show up with no authority and thus waste everyone's time. What I do not see here is any additional teeth. I do not know that it is necessarily important at this stage given the significant reduction in the numbers going forward. That was my next question. Given the significant decrease, is the purpose of putting it into the nonprofit a means of being responsive to the needs as they increase or decline over time that they are more responsive in the court system?

Senator Harris:
Yes. It helps the program be more nimble, plus we have a bunch of loans that are getting ready to reset. While the economy is continuing to improve, we are still one of the highest states in the nation with regard to foreclosures. I do not know that we have achieved housing stability the way we all understand housing stability to be. I think it is important to keep a program such as this in place. Having had the opportunity to be a mediator for this program, which I am no longer, and to see the benefits of having homeowners sit down with their lender for 4 hours after months of trying to get someone on the phone to talk to and to handle the problem is compelling. I think it is important and helps people come together. From last session we have a predefault component now, so if you think you are at risk of defaulting, you can elect into the program, before you have gotten into default, to sit down with your lender and see what you can work out. We are doing some really wonderful things for homeowners and putting in place a structure that is necessary to make sure we have housing security in this state.

Assemblyman Pickard:
That was actually one of the things that I really liked when I read the bill. I came into this thinking there were so few people taking advantage of this that we just need to kill it off because it is too expensive to continue. I really like the changes that I see in this.

Assemblywoman Jauregui:
I have lots of experience with the FMP, and I have a love/hate relationship with it. I want to follow up because I know there were some sections that were deleted where it would not be required for the person coming forward on behalf of the lender to have the note with him, to actually be the note holder. What does it mean to have the authority to negotiate legally?

Senator Harris:
How I interpret it—and Justice Hardesty is here to help as well, since he has been a steward of the program since its inception—it is someone who has been given the authority on behalf of the bank to sit down and talk to homeowners about their note and to be able to enter into a negotiation to either get them to where they are current or to get them on a payment plan to where they are able to retain the home. It would probably be a loan modification, or if the loan modification is not something that will be a possible outcome, they would start talking about graceful exits, which are short sales or deed in lieu. It would be that kind of an option. It would be someone who has authority on behalf of the lender who comes and enters into a resolution outside of the terms of the note with the homeowners.

Assemblywoman Jauregui:
In section 1.5, we are deleting a lot, and I know a lot of what we are deleting was initially put in to protect homeowners from robo-signing, and they had to sign the affidavit saying that they witnessed everything and have the note. Why are we deleting that?

Senator Harris:
The thought behind this was now that we will have the oversight from the district court, we will have that judicial oversight to make sure homeowners have the protections they need. If there is a delay in receiving documents or a lender does not show up with the document, they can then go to the judge who can then enter an order to compel.

Assemblywoman Jauregui:
Section 1, subsection 5, deletes the part of the lender signing the affidavit. Was that put in place to address the robo-signing?

Senator Harris:
I will call Justice Hardesty up to answer that question.

James W. Hardesty, Justice, Supreme Court of Nevada:
The answer to part of your question is found in case law that the court has resolved. In cases since the Foreclosure Mediation Program started, once the authority has been decided in these two cases and what that authority constitutes, I cannot see a reason why that authority would not continue to apply to the program going forward.

You are now talking about an affidavit about robo-signing. In that area, I suggested to Senator Harris that we eliminate the mediator process delay. There is always a petition in the district court. This bill changes the dynamic quite a bit, so the court has jurisdiction of this from the very outset. If one is involved in that type of problem, the documents and the like will be evaluated by the district court judge just as any discovery issue would be involved. The homeowner, instead of asking the mediator—or begging the mediator, or pleading with the representative of the lender—to provide documents, or question the validity of the documents for their authenticity, that would now be raised directly with the district court that has all of the authority that a district court judge has to either compel documents and ensure they are authentic, or question their underlying support and signatures. This is a more direct way for the court to deal with this issue.

Assemblywoman Jauregui:
I want to follow up on my colleague's question. One of the issues we had with mediation was after we helped a homeowner; we did not have any enforcement behind it, no teeth. Will there be enforcement? If the mediator finds in favor of the homeowners saying that they should have been awarded a modification or some type of assistance, who will ensure the lender acts on the outcome?

Justice Hardesty:
One of the key provisions, as I noted earlier, is having the petition filed with the district court. If there is a successful mediation, it will be documented as a settlement just as any civil case would be. That becomes enforceable by the district court judge. That is quite a difference from previous mediated resolutions that oftentimes did not get documented, and the parties would end up going to district court, and the judge was faced with this "he said, she said" issue about what they had agreed to. As you may know, the district court and the Supreme Court rules compel the resolution of these cases to be part of a documented settlement agreement that the district court can then enforce in a number of ways. One way is to compel the parties' compliance.

Assemblywoman Jauregui:
When I was the program director for the Office of the Attorney General's housing program, Home Means Nevada, Inc., we had a huge push. We thought that having something sent out from the Attorney General's Office encouraging people to use the mediation program or sending them to the U.S. Department of Housing and Urban Development (HUD) counseling agency would help. Has there been any thought given to this free assistance to the homeowner? They can have free representation from a HUD counseling agency or a legal aid center to encourage them. Can we require them to go there first, so they have someone with them?

When we saw homeowners who came to us wanting representation with them during the mediation hearing, a lot of the issue was that they were not paying their mortgage because they did not have the money. They could not come up with the $200 application fee to pay for their half of the foreclosure mediation process. Now we are increasing it to $250 because of the shared cost. Is there a fund set up for those who may not be able to pay for it, or for those who, through no fault of their own, are in a hardship and cannot pay their mortgage and cannot come up with the money? If those are the homeowners we are trying to help, we should be helping them completely.

Senator Harris:
I do not disagree with that. I will take the second question first. It has been my experience that, while people are in a difficult and challenging situation, the $200 filing fee that the homeowner pays is significantly less than their mortgage. I understand that people live paycheck to paycheck and have difficulties, but I have not had a situation as an attorney or as a mediator where the homeowners have not been able to come up with the $200. We were very careful in Senate Finance because the original bill was going to raise it by $100, but we lowered it by $50 once we knew what it was going to cost to continue to fund the program. The bill does not currently contemplate any type of fee waiver for those who are the most significantly disadvantaged. I am happy to work with you on that, but I do not think we will get a fix this legislative session. I would like to see that.

In terms of the HUD counseling and that type of thing, the bill that I brought last session required some HUD counseling, primarily if you were predefault. The way the FMP has been run in the past, you were asked if you wanted to see a HUD counselor, but some of the

federal programs are now expiring. I think it is going to be an education campaign, and I believe Home Means Nevada, Inc., will be able to point people to those counseling centers as well as to Legal Aid of Southern Nevada, which is completely supportive. They have been great to work with any time I have someone who has been particularly vulnerable. I have been able to call them, and they have been great about taking them on.

It is just an issue of education. I do not think anyone really needs to go alone. As a mediator in the program, very few of the people who have appeared before me actually came without representation, and those who did were fairly sophisticated. Even though it was not mandated into law, the practical reality of the program was that those who were the most vulnerable and needed help were able to be put in front of some resources, so they did not have to go through the experience alone.

Assemblywoman Jauregui:
When the foreclosure mediation documents are sent out, is a list of all the Nevada HUD counseling agencies included? When they receive their notice of default, the lenders are required to send out a list of where they can seek assistance. Is that list also sent out with the notice? Does it say there is free assistance in filling out the application? Some people cannot even fill out the application. Would there be an appetite to require it?

From my experience working with the homeowners, the mortgage part is just one component of the entire financial distress they are facing. The reason they are facing financial distress is that they may have hit an economic roadblock, and they were forced to decide whether to buy new tires or fix the roof or make the mortgage payment. Usually there is an underlying financial problem that the HUD counselors can address through budgeting.

Senator Harris:
I have no problem with making that a requirement as part of participation in the program. We can certainly make people aware of the HUD counseling on the websites that we have throughout the state now that the federal programs have started to drop off. They used to be pretty aggressive in terms of giving that type of information. It has been too many years since I was a mediator in the program to tell you what the program was doing up until they ceased in December. I do not recall that there was a one-page paper regarding where they could go to get help with budgeting.

One of the reasons I brought the bill for the FMP last session was for that very reason. A lot of the people who would come into my office were financially distressed with credit card balances, business debt, had lost their job, their insurance benefits, might have had health issues, et cetera. We continue to work on the pieces of the program, so we have an overall reinforcement program. Looking at the program as a whole, the pieces are there to help everyone, so we can drill down on some of those underlying challenges as to why we do not have housing stability and security.

Assemblywoman Jauregui:
It would then be consistent. I know that Home Means Nevada, Inc., requires a HUD counseling for all of their other programs since they took over the hardship funds.

Assemblyman Elliot T. Anderson:
I want to clarify something my colleague said when she was asking about the repealed sections. It looks to me that we are just repealing an Assembly bill from last session; we are not repealing any requirements. I wanted to make sure the record was clear on that. If the legal counsel would take a look at the repealed sections, I believe it is not repealing any requirements. Is that your understanding? Let the record reflect that legal counsel is nodding his head yes.

I also want to follow up on this authority issue because we are using vague terms such as "person with authority" and "bank," et cetera. If you have the authority, do you need to have the right to the economic value of the underlying note? Is that what it means? Does the person who grants the authority have to be that person? I am trying to get my head around this because it will continue to be a big issue, so we need to have more specificity.

Justice Hardesty:
Senator Harris has asked me to comment on that. It is really the authority in the deed of trust that matters as much as the authority in the note. We have said in the *Edelstein* case [*David Edelstein vs. Bank of New York Mellon,* 128 Nev., Advance Opinion 48 (2012)] and one other case, that they are to be connected in this context, but we have recognized that there can be a separation of those issues. The first focus is who has the authority in the deed of trust. We have also recognized that the authority can be granted through servicer agreements as long as the servicer agreements can be inspected for that proper authority to be granted.

Assemblyman Elliot T. Anderson:
The reason I ask is that Uniform Commercial Code (UCC) Article 9 applies to the sale of promissory notes, so once someone sells a note, they give value for that note. Are they really in control of what happens to the person who owns the promissory note? Oftentimes they are going to be under contract with the person who is entitled to enforcement under UCC Article 3. How can you really have authority and the right to negotiate if you are under contract to someone else?

Justice Hardesty:
These are some of the legal issues that the court has been faced with for the first time; some we have not answered yet. In fact, I think there is a case pending with regard to split notes and deeds of trust, so I cannot comment on a pending case.

Chairman Yeager:
Are there any more questions? I do not see any. I will open it up for testimony in support of Senate Bill 490 (2nd Reprint). We have someone in Las Vegas, so go ahead.

Joice Bass, representing Legal Aid Center of Southern Nevada:
I work in the foreclosure unit. Much has been said already about the benefits of this bill. I want to express that, from our experiences, there remains an important and significant need in Nevada for the mediation program, notwithstanding that the economy is clearly improving. We at the Legal Aid Center continue to see many homeowners who are faced with imminent foreclosure who, without the mediation program, would not have a fair chance of retention of their homes.

This is because the number of factors included are broader than simply the homeowners' personal financial situation. The rate adjustments of second mortgages that were taken out immediately before the housing market crashed are resulting in payments that are up to 100 percent higher. A previously affordable payment on a second mortgage of $300 a month is now $600. Under such drastically changed circumstances, homeowners should be allowed a fair chance at loss mitigation and valuation. I use the term "fair" because, while the industry appears to agree that homeowners and borrowers should be treated as such, this is theoretical only in too many instances.

The industry itself is still in the early years of implementing the Consumer Financial Protection Bureau (CFPB), and other government regulations that have been designed to ensure a fair process for borrowers in the absence of uniform industry standards and practices. In fact, we have seen several high-profile and broad lawsuits and settlements against huge mortgage servicers, such as Ditech and Ocwen to name names, in the headlines in just the last 6 to 8 months. Those high-profile lawsuits demonstrate the problems that permeate the industry that too often result in foreclosures that are either improper or unnecessary, and do not benefit any of the parties involved—meaning the lender, the borrower, the servicer, and the community.

While homeowners and the industry would like to rely on CFPB regulations—there is the Real Estate Settlement Procedures Act and, in Nevada, the Homeowner's Bill of Rights—the reality is that we are not there yet, and the number of defaults being recorded remains high. In fact, they have increased since the end of the FMP. We need the FMP to protect the many homeowners and borrowers in our communities who are not sophisticated enough to hold their lenders and servicers accountable under all the laws that have been passed, specifically to ensure a fair process.

Another factor that we see driving foreclosures in southern Nevada is the industry itself not having uniform and effective procedures for dealing with so-called successors and interests under the mortgage. For instance, we know that the number of divorces increased during the recession because of financial pressures on families. Currently, there is no statutory or regulatory process for an ex-spouse to assume a mortgage or to even gain access to the account information without the former spouse's express consent. The situation can and has led to foreclosures, which seems very unfair. The same applies to situations where the spouse on the mortgage account passes away, leaving the surviving spouse struggling to communicate with the lender/servicer.

Last, but not least, and certainly not the final factor driving foreclosures in Nevada, we all know the law regarding homeowners' association (HOA) foreclosures has been in turmoil since 2014. During the recession, thousands of HOA foreclosures were carried out. What we are seeing now is that the lenders on the deeds of trust are coming back to foreclose on the current owners of the property. By "current owner" I mean the second or third buyer post-HOA foreclosure. For these buyers/owners, the mediation program may be the only option other than litigation, and litigation would only further the burden on the courts. This is a fairly new trend in foreclosures in Nevada, but we can already tell that it is not going to be insignificant, especially considering the number of HOA foreclosures in the past.

In conclusion, the economic future may be brighter for many in our community, but the devastation caused by the Great Recession continues to affect our community, and the continuance of the Foreclosure Mediation Program is most necessary to mitigate the high numbers of foreclosures that continue to be initiated in Nevada.

Chairman Yeager:
Is there any other testimony in support of Senate Bill 490 (2nd Reprint)? Seeing none, let us take opposition testimony if anyone is opposed to the bill. I do not see anyone in Las Vegas, so we will take testimony here in Carson City.

Jennifer J. Gaynor, representing Nevada Credit Union League:
We do understand the positive intent of Senate Bill 490 (2nd Reprint); however, we feel the bill requires some important clarifications to make it work better. We brought some of these ideas to the bill's sponsor a few weeks ago, but it was suggested that these policy discussions were better suited for this Committee rather than Senate Finance, and that is why we are here today. We submitted our proposed amendments (Exhibit C) and (Exhibit D) to the Committee, and they should be on the Nevada Electronic Legislative Information System (NELIS), but I will walk you through them very quickly.

The first one is in section 1.5, and throughout the bill, we added language to allow for electronic notification when authorized. In Senate Finance, we appreciate that they added an amendment that they would create an electronic portal for the FMP. However, throughout the bill whenever there is notice that is needed, it needs to be delivered by certified or registered mail, which takes time, and there is no option for electronic delivery. If you are going to have the electronic portal, you need to have that option throughout the bill; otherwise, it is not really useful.

Next, in section 8, it clarifies that a homeowner cannot opt into mediation if the property is already liquidated or a foreclosure sale date has been scheduled. Per our discussions with the bill's sponsors, we understand that it is absolutely not intended. As you know, there is a period of time between the last FMP ending at the end of December 2016, and when the new one will begin. There is a desire to allow people who fell within that gap to take

advantage of the program; however, we all agree that if a foreclosure has already happened or a foreclosure sale has already been scheduled, you cannot unwind those events. Those are vested rights that have already been exercised. From my discussion with the bill's sponsors, that is not at all the intent, but I think the language in the bill does not necessarily make that clear. We hope for something that would clarify that.

Throughout the bill, we changed some of the timelines and deadlines and created some where there was none. We really believe some streamlining of the processes of this program is necessary. Per our credit union members, average mediation time is about 3 to 4 months. That is a long period of time. When you take into account that you need to wait at least 120 days after delinquent payment for a notice of default, you are looking at about 8 to 9 months that a home is sitting there with no payments being made.

This is harmful for all Nevadans. The costs for the lender will trickle back to raise mortgage rates and fees for all prospective homeowners. This contributes to the lack of housing inventory that is plaguing our state, making new homes unavailable to prospective homeowners. Homes that remain in limbo lead to increased zombie homes with squatters, crimes and meth labs being built in them. There are a lot of incentives for us to try to streamline the program where we can. I will not walk through the timelines but will be happy to address any specific one if you have questions.

The fourth amendment change would be to reflect what the process would be if a borrower's payment of required fees fails. If it is a bad check, for example, it gives them the opportunity to correct this failure. That scenario is not provided for in the current draft.

The next requested amendment is to require some additional reporting to the interim committee from Home Means Nevada, Inc., regarding information on how long mediations are taking, the number of successful mediations, those that failed because homeowners did not have sufficient income for a reasonable modification, and other information that will help the Legislature evaluate this program in future years, like where it is successful and where it has issues that need to be fixed. People are scrambling to get that kind of information at this time and during this discussion, and it would be helpful to be collecting that information as we go along.

The final amendment that we have recommended is in section 1.5. The notice of default fee was raised by $50. This is from $150 to $200 per notice of default. This is an increase to a fee that goes far beyond the FMP. It is a much larger fee increase to all mortgage lenders. Because of credit unions' cooperative nature, this cost increase is a hit to our membership as a whole. We would pass it on to our members in the form of higher rates and other fees.

Credit unions are not often called upon to participate in the FMP. We do not have numbers from all of our members, but two did provide them. During the high part of the recession between 2007 and 2012, one member only had four members participate in this program. Another one, during that period, only had two. It is very low participation because credit unions proactively reach out to their members to try to modify their loans before they are

forced into this program. By increasing the cost of a notice of default, which is a much broader item than just increasing the FMP fees, you are forcing good actors who are taking care of their members to subsidize the program for others. We would hope there would be another fairer and less harmful way to pay for this program.

We urge the Committee to consider these recommendations. I know you are getting close in time, and bill sponsors do not like to open their bills, but I think a couple of these would make this a much stronger program for all.

Assemblyman Pickard:
I appreciate your coming to me yesterday or the day before and going through the proposed amendment. In fact, I liked the idea of the electronic notice. I cannot really comment on the timelines. It seems that some of them may be appropriate and some of them may not be. I will let the bill's sponsor get into the weeds on that. However, the one that really caused me to pull back was number four. We want to give borrowers who have defaulted on their loans and may have passed a bad check time to cure. If you are in the situation where you know you are in financial difficulty, but you give them a check and that check bounces, why would that not outright disqualify you and send you straight to default? This would not be done unknowingly. Because these people are oftentimes living paycheck to paycheck, there may be an issue. Would that be something they should address before they write the check?

Jennifer Gaynor:
We are just trying to be fair. If you look further at the amendment and they do not cure within a certain period of time, the mediation would fail. Sometimes this is done unintentionally, and we want to be fair.

Assemblyman Ohrenschall:
As to the notification by electronic means, would that be with the homeowners' agreement that they can get it via email or some kind of secure server as opposed to a letter by snail mail?

Jennifer Gaynor:
Correct. When we discussed this with Legal Aid, that was one concern they raised. Sometimes homeowners may not have access to the Internet, so we put into the language of the amendment that it was with authorization of the parties. This makes it clear that, unless they agree to accept an electronic notice, it will not be forced on them.

Assemblyman Ohrenschall:
In the proposed amendment, in section 2, subsection 16, paragraph (b), it requires reporting from Home Means Nevada, Inc., regarding how long mediations are taking, the number of successful mediations, those that failed because the homeowner did not have sufficient income, et cetera. Is there any reporting from the program currently, or would this be something that we did not have before?

Jennifer Gaynor:
It is my understanding that those particular types of questions are not addressed in the reporting, but I will leave it to the bill's sponsors to answer that. They probably know better than I.

Assemblyman Elliot T. Anderson:
I want to follow up on your discussion of vested rights, and your proposed amendments regarding the folks who are stuck in the middle. I thought, at least in Nevada in the foreclosure context, that the Supreme Court found that a vested right is once the sale has been completed, which then crystalizes how much the collateral is worth and any deficiency that might be applicable. Are you saying there is a vested right before a sale has been completed?

Jennifer Gaynor:
Yes, and as you know, that can be a very complex discussion. I believe once a lender has already entered into the foreclosure process—they have scheduled the sale and the foreclosure has been completed—it would be unfair to unwind those actions that have already begun. I would defer to legal as to what a vested right is.

Assemblyman Elliot T. Anderson:
I am sure that is not a vested right at that point. It may be an amorphous discussion, but in the context that the Supreme Court considered it, the vested right occurred only after there was a sale. Then there was a right to a deficiency because the collateral will be worth whatever the collateral is worth. That is not going to change depending on the time frame that much. I am not sure that unwinding it would really change the recourse. It may only change the value if you have to wait longer. Does that make sense?

Jennifer Gaynor:
I understand what you are saying. I just know that in my discussions with the bill's sponsors they let us know that it was not anyone's intention to unwind foreclosure sales that had already begun or had been completed.

Assemblyman Elliot T. Anderson:
I wanted to make sure the record was clear on vested rights.

Samuel P. McMullen, representing Nevada Bankers Association:
We are here in the negative category because we support the amendments, but I think my best efforts today would be to try to give you some perspective. It probably adds on to the Legal Aid testimony because the things that have been created are new and different in many ways than what was in place when this was first created. It is important for everyone here to understand that.

We support the amendments, but I think the call for some type of metrics is a very important one because we basically have to scramble to find out exactly what the metrics, or numbers, are. There is a letter in the file, and probably on NELIS, from the Credit Rights Attorneys

Association [no letter was submitted], which basically indicates that 11 percent of all of the notices of default go to some sort of mediation. Out of those, 14 percent end up in some type of adjustment. This data is only through December 2015. In fact, that is 1.4 percent or 1.5 percent of the total notices of default that actually get to some type of adjustment.

There is a real need to keep watching the numbers, and I will share with you the reasons during the rest of my testimony. It is an admirable program; we appreciate it. At the time it made a lot of sense. Right now, however, it is becoming more and more unnecessary. Frankly, some of the things that the Legal Aid Society rolled out can become better, but are these things going to actually help reduce the number of people who have to get to this mediation?

Most important, the banks are required, under the Consumer Financial Protection Bureau and the Homeowners' Bill of Rights, to do this at no fee or no cost. That is helpful as well. The issues today are that banks need to stretch out, to reach out, and to make sure they are talking to people if there is a default in one payment and then in a second payment. They have to be there within 7 days. Any individual can ask for information about a modification at any time. We are supposed to respond. The days of people not being able to get through to the lender and not having meaningful conversations with people should be over, or at least declining. We asked for a sunset in the other house because we think it is important to continue looking at these numbers. The metrics of what is actually happening, how many of those lead to an adjustment, and how many are foreclosed on give everyone data to act on.

We know you are going to pass this. We do not have a problem with that, but we really want to ensure that there is some understanding of the new processes that are in place. Things that were not there at the start of this program were surveyed by Legal Aid and the task force. They still do not think they are adequate, but at some point, we believe our efforts and our compliance with required laws are going to reduce the number of people going to mediation. It may, in fact, be a program that becomes more and more unnecessary. I hope so.

One of the things that we want to make clear is that it is not in our business interest as banks and lenders to have the loan go to foreclosure. There are a lot of reasons there are fewer foreclosures. We did suffer through the period when neighbors were foreclosing on neighbors as HOAs. It stilted the numbers, reduced our chance to work things out and to do the kinds of things we needed to do with borrowers over a longer time. Now we are working on having fewer homeowner foreclosures and more opportunities to work those out. It is important for everyone to understand that we actually reduced the number of foreclosures for years because it would not be good for the market, market values, and homeowner values—the largest asset for some people is their home—and if we had glutted the market with foreclosures and houses and reduced the value of those things, it would not have been good for anyone.

While this program had a great function early on for delaying foreclosure, that found its way in there because of natural business interests and economic interests of banks because they do not necessarily need to have those things done. Some of you were not here when we did

Senate Bill 306 of the 78th Session, but that is basically another opportunity for banks to show that they can work these things out without foreclosing, even if they have to spend more money to make sure they buy time and have some opportunity to work it out. There are a lot of things going on, and this will, hopefully, make some changes in the program over time, and our hope is that it becomes unnecessary.

Assemblyman Fumo:
You may have answered the question with your final statement, but it seems that, after the crash of 2008, we learned the hard way that the process was not adequate. Why not just keep it going, so that does not happen again?

Samuel McMullen:
What I was trying to say is that there are a lot of other programs that we are supposed to comply with. They are actually part of our daily operations. There are requirements in federal law and state law. There are a lot of changes. Those things did not exist. We had a whole bunch of Community Reinvestment Act (CRA) loans early on. One of our banks was required to take over Countrywide Home Loans, Inc., and went from 1 in 10,000 foreclosures to where they could not keep up with the mediation program.

A lot of those things have worked themselves out through the process. The process has changed significantly. As the head of the Bankers Association says, we did not have the playbook for that kind of work. A lot of people worked foreclosures, but not at these levels and volumes. Now, it is much more in the DNA of the banks to understand this and to look at underwriting correctly to ensure they do not help people into these programs.

There are a number of things that have changed, and it is an admirable program. You will put it in there to help citizens who need it. We understand that, but hopefully, if these other things work, it will become less and less necessary.

Assemblyman Elliot T. Anderson:
Right now, the bankruptcy court for the District of Nevada has a foreclosure mediation program for Chapter 13 debtors. No matter what we do here, there will be a foreclosure mediation process in Nevada that your clients will have to go to. The only difference is whether they declare bankruptcy and go into a Chapter 13 reorganization rather than just going through the nonbankruptcy version here. If we were to think of this in a broader scope than what is happening inside this building in terms of all that is available, this would be beneficial to creditors, others, and homeowners to be able to do this program through the state rather than having to declare bankruptcy. The protection of the automatic stay can create a whole ton of other issues. Would it not make sense for us to have something folks could go through without declaring bankruptcy?

Samuel McMullen:
My first answer is that our hope and our drill is to make sure we do not need any court-supervised programs like this, or any bankruptcy-supervised programs. It is not in our best interest, and we have built tools to comply with the programs that are there right now.

The best answer would be that we would never have to go to one of those programs. It would be worked out with the lender and borrower, and it would make some sense in what can actually be done. Unfortunately, that is not going to be there for everyone. This is not much different than a bankruptcy foreclosure mediation program. I always like it to be closer to home if it can be. I would rather that it is a worked-out loan than a bankruptcy.

Assemblyman Elliot T. Anderson:
I agree with you that it would be good if it were not needed. I am looking at what level of process we should have as a default process going forward. I hope we have this worked out.

Samuel McMullen:
We are sure this program is going to survive this Committee. We just wanted to make sure that people understood that there are a lot of other features out there that are working for the same goals to the economic interests of those parties, but also because of the rules and compliance.

Assemblyman Ohrenschall:
You brought up the metrics and looking at the proposed language in the amendment in section 2, subsection 16, it seems information on how long the mediations are taking, how many are successful, and how many failed would be valuable information. What kind of information are we getting now from Home Means Nevada, Inc., that you are aware of, and do you think this would supplement the information that the Legislature and the Interim Finance Committee would have?

Samuel McMullen:
I am not an expert. Reports were done by the Supreme Court in terms of results of mediation and some type of adjustment. You need this information, and maybe more when you actually look at it. This requires a quarterly report, which is great, but the point is that there is going to be less need and more understanding of exactly what happens. How many are there that cannot get adjusted? Mediation used to be a place where people delayed the process until they figured out that banks were not going to foreclose as much, so they did not have to use this as a tactic. It is the kind of thing that a policy committee like this ought to have when it looks at the program and what the effectiveness is. I assume that this is going to be supervised indirectly through the Department of Business and Industry. If this Committee sends a message that they would like to have these kinds of things—maybe through your agency—there are certain things that can be developed and responded to before next session.

Chairman Yeager:
Is there anyone else in opposition to Senate Bill 490 (2nd Reprint)? Seeing no one, is there anyone neutral? We have someone in Las Vegas so we will take testimony there.

Michael R. Brooks, representing the United Trustees Association:
The United Trustees Association (UTA) shares a lot of the same concerns that the banks and the credit unions do about the program and its usefulness at this time, and in particular, about

the amount of information we have to actually make a determination regarding its benefits. Overall, the concern is about maintaining the program without full knowledge of its usefulness. It does add a cost to the mortgage transaction process that is placed on borrowers at origination in the form of higher underwriting standards and increased interest rates. The benefit to homeowners of not having the program when it is no longer needed would be the greater availability of loan proceeds to help stabilize the housing market, which I think is everyone's goal.

With regard to the current status of the bill, we strongly support the provisions and the proposed amendments by the credit unions. We think it is thorough and well thought out. We would join with the banks in suggesting that there is a sunset provision for the bill, whether it is in the next biennium or after that. That would be up to the proponents of the bill. We have submitted our own set of proposals (Exhibit E) and (Exhibit F), which are very much in line with the credit unions. We would like to work with the sponsors in making this bill as efficient and streamlined as possible so it can be as effective as possible.

C.J. Manthe, Administrator, Housing Division, Department of Business and Industry:
I also sit on the board for Home Means Nevada, Inc. For the last couple of years, Home Means Nevada, Inc., has run the Nevada Home Retention Program and the Neighborhood Stabilization Program. I wanted to point out that Home Means Nevada, Inc., does not run the Nevada Hardest Hit Fund. It is run by a separate nonprofit, Nevada Affordable Housing Assistance Corporation.

I also want to inform the Committee that the Home Means Nevada, Inc., board met last week to discuss S.B. 490 (R2), and they are prepared to meet again as necessary in response to the legislative efforts and outcome of the bill.

Chairman Yeager:
Is there anyone else who is neutral? Seeing no one, Senator Harris, do you have concluding remarks?

Senator Harris:
I just want to respond to a couple of comments that were made regarding the credit union amendment. I am confused about the challenge they have to the increase in the notice of default fees when they testified that they only had six notices of default participants who actually participated in the Foreclosure Mediation Program. That is not a lot of dollars to spread across their members. It is not like we are talking tens of thousands of dollars in terms of notices of default unless they are executing notices of default for individuals who are not participating in the program. I think we need to have more conversations about how they really are impacted in a financial capacity.

With regard to the timelines, they testified that they had changed their timelines to help streamline the process. I would note for the Committee that it has been my experience and the experience of the program in general that it is not the homeowner who causes the delay. It is getting the information from the banks in a timely manner that is the problem. That is

the reason for the original timelines. Nevertheless, to the extent that it is the Committee's pleasure to entertain amendments, I am happy to work with them to see if we can find something that works out for the benefit of everyone. All perspectives need to be taken into account when we are looking at potentially changing the timelines from the original draft of the bill.

Regarding subsection 16, we are talking about transparency, and I want it on the record that, when the Supreme Court was running the program, there were annual reports and almost all of the information that is being requested in this amendment has been available, and has been available for quite some time. In fact, the program was so concerned about statistics they formed an advisory committee on which trustees, lenders, and stakeholders—including homeowners—were able to participate. They reviewed the statistics monthly during the height of the foreclosure meltdown so they could see what the outcomes were regarding the mediation. If the Committee is considering requiring the transparency piece, which we are happy to accommodate, we need to be sensitive to the confidentiality of homeowners. I am not sure that people would want to participate in a program where their financial information is being tracked in terms of the loan-to-value ratio. With regard to time frames for completion of mediation, that information has been tracked since the inception of the program. I would not expect that to change.

Regarding the percentage of successful modifications, that information has also been tracked since the beginning. As for the number of borrowers utilizing the program more than one time, I am not aware that you can—unless there has been a challenge with a petition for judicial review—have a homeowner go back into subsequent mediations. I know that there are a couple of situations where that has occurred, but that is very much the exception and not the rule.

Finally, I had asked for a transparency piece with regard to the financial institutions. Mr. McMullen testified to the fact that the lenders held back on filing notices of default or foreclosing on homes during the height of the housing economic meltdown. I think it would be helpful for the legislative body to know how many notices of default they are holding and how many properties they have not foreclosed on for economic reasons, so we can really drill down on the true nature of the housing situation in Nevada. We have never had access or been privy to that kind of information. As we are contemplating processes to help homeowners, that kind of transparency on their part would be helpful in assisting us, as policymakers, to begin making the right kinds of decisions. There is value to this program. The fact that the seconds have begun to reset and they are doubling as we heard from testimony today in terms of the monthly payment that is being required shows that there is still an ongoing need for this program. We have done our best to streamline, to make it efficient and effective to provide the teeth that we have not had prior to this point. If you are inclined to be supportive of this bill, what you will find is a much-improved foreclosure mediation program that works not only for homeowners, but can work for lending institutions as well.

Chairman Yeager:
At this time I will close the hearing on S.B. 490 (R2). That brings us to our final bill on the agenda this morning. I will open the hearing on Senate Bill 124 (2nd Reprint).

Senate Bill 124 (2nd Reprint): Revises provisions concerning the ownership, possession and control of firearms by certain persons. (BDR 3-307)

Senator Patricia (Pat) Spearman, Senate District No. 1:
I am here to present Senate Bill 124 (2nd Reprint), which revises provisions concerning the ownership, possession, and control of firearms by persons in domestic violence, battery, and stalking cases. It also increases penalties for violations relating to the possession and control of firearms for such persons.

This is important because, according to the National Coalition Against Domestic Violence, having a gun in the home increases the risk of intimate-partner homicide by at least 500 percent. In households with a history of domestic violence, the risk increases to 2,000 percent. A report from the Violence Policy Center indicates that firearms, especially handguns, were the weapons most commonly used by males to murder females in 2013. Of the females killed with a firearm, 61 percent were murdered by male intimates. The number of females shot and killed by their husbands or intimate acquaintances was 474. This was five times higher than the total number murdered by male strangers using all weapons combined, which was only 92 victims.

The same report ranks the state of Nevada fifth in the homicide rate of females killed by males in a single victim-offender incident. The homicide rate per 100,000 females was 1.95, which compares with the United States' rate of 1.09.

Looking specifically at Nevada in 2013, there were 25 females murdered where the offender relationship could be identified. Of these, 23 were murdered by someone they knew. Of the victims who knew their offenders, 57 percent were wives, common-law wives, ex-wives, or girlfriends of the offenders. Of these, 46 percent were killed with guns.

Senate Bill 124 (2nd Reprint) makes the following revisions to help reduce the use of firearms in cases of domestic violence, battery, and stalking. Existing law authorizes a court to include in an extended order for protection against domestic violence a requirement that the adverse party not possess or control any firearm while the order is in effect. In addition, the order may require the person to surrender, sell, or transfer any firearms currently held in the adverse party's possession.

Section 3 of the measure requires the court to inform every person convicted of a battery, which constitutes domestic violence, that the person is prohibited from owning, possessing, or having control of a firearm.

Section 4 provides that, under certain circumstances, a person convicted of stalking may be prohibited from owning, possessing, or having control of a firearm.

Sections 1, 3, and 4 increase the penalty for violating these provisions to a category B felony punishable for a minimum term of not less than 1 year and not more than 6 years, with a fine up to $5,000. In cases where the adverse party does not possess a firearm, section 2 of the measure requires the person to submit an affidavit to the court that acknowledges the understanding that failure to surrender, sell, or transfer any firearm is a violation of the extended order and state law. Section 2 also provides that, in cases where a firearm is sold or transferred to a licensed firearm dealer, the dealer must provide the adverse party with a receipt detailing each firearm transferred and noting whether the transfer is temporary or permanent.

Existing law provides a list of persons in Nevada who are prohibited from owning or having a firearm in their possession or control. Section 7 of the measure adds to this list a person in Nevada or any other state who has been convicted of stalking and the court entered a finding of judgment of conviction prohibiting the person from owning, possessing, or having control of a firearm. It also adds that to a person subject to an extended order for protection against domestic violence.

Section 5 of the measure sets forth a procedure for the surrender, sale, and transfer of such a firearm.

Section 6 makes conforming changes, and section 8 provides that the provisions apply to judgment of convictions issued on or after October 1, 2017.

I think we are all painfully aware of how our community has been touched by such violence. As recently as 2016 in North Las Vegas, someone who had an extended protective order rented a different truck, so his ex-wife did not know who was driving up. He drove up to her car and shot her and one of the children while she was attempting to take them into day care.

There are those who will surely come in opposition and challenge this as an assault on the Second Amendment, but nothing could be farther from the truth. What this bill does is to attempt to provide additional safety and protection for those who are vulnerable to homicide from an intimate partner or someone who is stalking them. I believe we have a moral obligation to ensure we are doing all within our power to protect this particular segment of our citizenry. This is not—and I repeat—not an assault on the Second Amendment.

In previous testimony on the Senate side, I referenced the fact that, as an officer in the Army, and when I served as commander of a military police unit, we went to the range at least once a quarter to qualify with our weapon. Initially, it was a .38 caliber for women and a .45 caliber for men; then it went to a .45 for everyone. One of the things that I was required to say before the range went hot, before anyone started firing, was, "If you have been convicted of domestic violence or have been accused of domestic violence and a case is pending, put your weapon down and walk away from the range." That is in accordance with the Lautenberg Amendment [Title 18, United States Code, Section 922 (g) (9)], which specifically states that anyone who has been convicted of domestic violence battery and is serving in the military loses his or her right to carry a weapon.

I have been challenged by those who did not understand that statement by saying that I was trying to take some type of moral high ground and insinuated that if they did not believe what I was saying they were against the military, but nothing is farther from the truth. I simply point that out because members of the military who live on post have these protections already. What Senate Bill 124 (2nd Reprint) does is simply to extend that to people who are in the civilian world.

Some of you who were here in 2015 may recognize this bill as one that was initially sponsored by our colleague, Debbie Smith. Some provisions were taken out, but it never received a hearing. One of the promises that I made was that we would see this particular part of her work through to fruition.

Again, this is not an assault on the Second Amendment. If you are a law-abiding citizen, and you have not been accused or convicted of domestic battery, keep your weapon. If, on the other hand, that is not the case, according to the provisions of this legislation, I do not believe you have a right to a weapon and to put someone else's life in jeopardy.

Kristy Oriol, Policy Coordinator, Nevada Coalition to End Domestic and Sexual Violence:

We are here in support of Senate Bill 124 (2nd Reprint) today (Exhibit G). You have heard many statistics so far, and I want to share a few more that are very specific to Nevada. In the past decade, we have consistently ranked in the top ten states for women killed by men. The most recent Violence Policy Center report puts Nevada third in the nation with 48 percent of these homicides committed with a firearm. This is not just national data. We also conducted an annual homicide report, and we have consistently found that Nevada has ranked highly in the nation as well as upward of 50 percent or more homicides occurring with guns. We certainly have a problem here.

We also know that there are unsettling numbers when it comes to stalking. One in 6 women and 1 in 19 men in the United States have experienced stalking in their lifetime. Over 60 percent of this stalking occurs by a former intimate partner. In fact, one study found that in one in five cases, stalkers also used weapons to harm or threaten harm to their victims. Seventy-six percent of women who were murdered by intimate partners were first stalked by them. The intersection of stalking and domestic violence is strong and needs to be addressed.

We know domestic violence continues to be a pervasive and dangerous crime in Nevada. As Senator Spearman mentioned, the presence of a firearm in a domestic violence situation increases the risk of homicide by 500 percent. There are several different studies verifying the percentages. We must do more to make Nevada a safer place for victims and their families.

Senate Bill 124 (2nd Reprint) does quite a bit that codifies things that happened last session. You may recall that Senator Roberson sponsored Senate Bill 175 of the 78th Session and Senate Bill 240 of the 78th Session, and that these bills codified three new crimes. I believe S.B. 124 (R2) simply puts a process in statute to fully implement these pieces of legislation.

First, S.B. 175 of the 78th Session made Nevada law consistent with federal law in prohibiting anyone convicted of misdemeanor domestic violence from possessing or purchasing a firearm. Prior to 2015, we did not have this prohibition in our statutes.

Second, S.B. 175 of the 78th Session prohibited someone who is the subject of an extended order of protection from subsequently purchasing or acquiring a firearm. This bill said if you are issued an extended order, which can last up to one year in Nevada, you cannot subsequently purchase or in any way acquire a gun.

Third, Senate Bill 240 of the 78th Session, which was a separate piece of legislation, codified that anyone prohibited by federal law from purchasing or possessing a firearm is also prohibited in Nevada law. While S.B. 175 of the 78th Session addressed the subsequent purchase and acquisition, S.B. 240 of the 78th Session addressed anyone who is prohibited from possessing or purchasing a gun. This includes misdemeanor domestic violence convictions, and those subject to an extended protection order, which involves a hearing. These bills created important protections and, by in large, S.B. 124 (R2) seeks to create a process to implement these protections. It also adds some more teeth to this law to make an impact.

As Senator Spearman also mentioned, S.B. 124 (R2) would require the adverse party of an extended protection order to surrender, sell, or transfer any firearms in their possession for the duration of the order. I also want to mention that in section 2 of the bill, there was an amendment that was not placed in the language, so we would like to clarify that we want to put this in (Exhibit H). It is on Nevada Electronic Legislative Information System and was proposed on April 11, 2017, by the Nevada Sheriffs' and Chiefs' Association. This would reinstate the language that allows for a third-party surrender. Currently, section 2, subsection 1, paragraph (b), removes the option of a court designating a third party to store the weapons for the duration of the order. This would reinstate that option. We hope this will help with some of the storage concerns that we have heard from law enforcement, as well as the question of where these guns can go.

We really think this is a bipartisan piece of legislation that received strong bipartisan support in the Senate. It is commonsense and is not about the Second Amendment. This is about prohibiting dangerous people from possessing and purchasing firearms.

Assemblyman Pickard:
I disagree with one point. This is about the Second Amendment. We are dealing with a person's right to bear arms. However, you, Ms. Oriol, know very well in our conversations last session with Assembly Bill 263 of the 78th Session that this is an area in which I deal with in the domestic context. In that bill, we put in some pretty specific protections because we know that accusations of domestic violence are made frequently within the domestic context that turn out to be less than truthful. We see that system abused.

You answered one concern that I had regarding the court-appointed storage where we have a third party store it with permission of the court. I appreciate that, but the one part that I struggle with is where we talk about permanently removing someone's right to bear arms without a conviction and just on an accusation. As we know, extended orders are not criminal convictions. These are determinations based on a much lower standard. It is the satisfaction of the court as opposed to either a preponderance of the evidence or beyond a reasonable doubt criminal standard. How do we bring these two points together and then balance the protections that we put in Assembly Bill 263 of the 78th Session where we require a conviction or a finding after a hearing at a higher standard with the standard that you are proposing here?

Kristy Oriol:
First, to clarify a few points, if someone is issued an extended protection order, that is not a permanent prohibition from them possessing firearms. The prohibition lasts only through the duration of the order. The misdemeanor convictions are a lifetime prohibition and there are processes in place to restore that right if that person wishes to pursue those. We will agree to disagree on the topic of false allegations. Certainly it does happen, but we maintain that the vast majority of allegations of domestic violence are accurate and in good faith. I also think that there is a sufficient system in place for these serious prohibitions.

In addition, the discretion of the court remains with this legislation. In original drafts it did mandate that, at the time of the issuance of the extended order, the court would be required to order the surrender of firearms. That has been removed. The discretion still exists for the court to make the ultimate decision. I think we have come to a good compromise on this legislation that protects the rights of those to bear arms while making sure that dangerous people do not have firearms.

Assemblyman Pickard:
Maybe I am reading this wrong. Let me preface this by saying that I certainly agree with the idea that we need to keep guns out of the hands of dangerous people. I am thinking about this from the perspective of the abuse and not from that perspective. Section 1, subsection 1, paragraph (b), is the extended order, and we are now prohibiting the possession or control of firearms pursuant to *Nevada Revised Statutes* (NRS) 202.360, which is a permanent removal. As I read this, and maybe I am reading this wrong, we are turning this into a permanent removal if we tie it to NRS 202.360. Is that not the case?

Kristy Oriol:
The discretion is still there, so we would still need to review this, but it is not the intent to have someone permanently lose their weapons. That would not be consistent with federal law.

Senator Spearman:
One of the things that I am sure those of you who are attorneys know is that when you read the law, whatever is contained in a section initially, everything that follows applies to that section as well. In section 1, it says, "NRS 33.031 is hereby amended to read as follows: 1. A court may include . . . ," so the discretion of the court remains.

With your indulgence, I would like to address one of the things that we know based on research, and that is that many women who are in battered situations take it as long as they can. Usually the battery starts with verbal abuse, then psychological abuse, and then it escalates up to physical. By the time they get to the point where they are actually saying that they have been a victim of domestic violence, for the most part, they have endured so much that—there is the term "battered woman syndrome"—they do not believe in themselves or have faith in themselves. What we are attempting to do is to make sure that, as the battery activity escalates, we have something in place for women who are in that situation. Let me bring it home: it is not just "women." We are talking about our sisters, our mothers, our daughters, our nieces, and in some cases, maybe even our nephews. This is not something that we are doing in the abstract. We have a moral responsibility for those who are vulnerable in this particular situation to make sure there are laws in place to address that.

Yes, there are rights. There is a right to keep and bear arms, but with rights come responsibilities. One of the things that I tell my son all of the time is that every decision you make will either be a reward or a consequence. You have a right, but if you do something like this, you made a conscious decision to accept this consequence.

Assemblywoman Cohen:
I have some technical questions. In section 1, subsection 3, paragraphs (b) and (c), the section about the employee possessing the firearm in the course of employment and the employer providing the storage, I want to make sure we are clear. Does the employer have any other responsibility except to provide the storage location?

Senator Spearman:
Can you give me the line number?

Assemblywoman Cohen:
Starting at line 25 on page 3.

Kristy Oriol:
That is correct. It would simply be for storage.

Assemblywoman Cohen:
On the next page, section 2, subsection 3, paragraph (a), where the firearm dealer must provide the receipts with a description, is there a reason that the description does not include a reference to the serial number of the weapons?

Senator Spearman:
There is not a reason why it does not include that. I am willing to accept an amendment if that will make it clearer in terms of the information that has to be included.

Assemblywoman Cohen:
Okay. Going up the page to section 2, subsection 1, paragraph (c), where the affidavit is discussed. When there is a situation of someone turning over a weapon to a family member or friend to hold it for them, what happens if they get the gun back before they are supposed to? What is the responsibility of the person holding the gun?

Kristy Oriol:
The third-party surrender is in the current statute, so that is an option that we currently have. I am not aware of protections or penalties for the third party holding that weapon. This is something that I have concerns about. I think the court does its best effort to make the owner of the weapon aware that he cannot possess that gun for the duration of the order. The person holding the weapon would not be subject to penalties as I understand it.

Chairman Yeager:
I also have a few technical questions on the bill that I think will probably be easy to answer. On page 4 of the bill, where it talks about the affidavit on line 14, do you have a vision in your mind as to who would be responsible for preparing that affidavit? Would it be the offender, the attorney, or would the court have a stock affidavit that could be filed? I wonder logistically if you had put any thought to that?

Kristy Oriol:
It is not something that we put a great deal of thought into, but I believe it could be a stock form that the adverse party could complete. I do not think it would necessarily be on the shoulders of the adverse party. In civil matters, they likely will not have an attorney anyway.

Chairman Yeager:
In various sections throughout the bill, it mentions a judgment of conviction being filed to basically let the offenders know that they are supposed to either forfeit firearms or they are not allowed to obtain firearms, and if they do, it is a category B felony. In justice court and municipal court where these misdemeanors are occurring, oftentimes there really is not a judgment of conviction that is formally entered. What usually happens is called "an admonishment of rights," so before the offender pleads guilty, there would be a list of all the different rights about domestic violence cases being enhanceable. I would envision that we would probably put in the admonishment of rights these new provisions. The question is, would you be comfortable in the bill allowing either a judgment of conviction or an admonishment of rights? That document is actually signed by the offender and filed with the court. Would you be comfortable with that as an alternative, so courts that do not have judgments of convictions would not be required to file them?

Senator Spearman:
Yes, sir.

Chairman Yeager:
My final question is about the stalking offense. I notice that we are putting stalking in here as a precluder. Do you know if there is a federally equivalent stalking charge that would preclude someone from owning or possessing a firearm? Or is this something that would be unique to Nevada state law?

Kristy Oriol:
It would not be unique to Nevada. Many states are working toward greater protections against stalking. It is not currently in federal law under the Lautenberg Amendment or other ways to address firearm possession. I think there have been federal efforts to change that, and I hope it does change.

Chairman Yeager:
I will now open it up for some additional testimony in support of S.B. 124 (R2). We will start in Las Vegas.

Verna Mandez, Organizer, representing Battle Born Progress:
I am in favor of Senate Bill 124 (2nd Reprint). Nevada is one of the deadliest states in terms of gun violence. Women in Nevada are killed at a 38 percent higher rate than the national average. Maybe it is because of loose gun laws and the access to alcohol 24/7. Those two together are a deadly combination.

I grew up in a low-income area with a lot of rundown areas here in Las Vegas. My dad always had firearms. Due to my upbringing, I understand Second Amendment rights, but I also know why we want to make sure we keep guns out of the hands of people who are dangerous and violent. Both of these beliefs can work hand in hand, and they do not have to contradict one another. The answer is simple: If you do not want S.B. 124 (R2) to affect you and your gun rights, do not commit domestic violence, do not stalk people, and do not commit battery.

The very last thing an already violent person needs is access to weapons. Senate Bill 124 (2nd Reprint) addresses domestic violence and potentially turns dangerous situations by making sure that dangerous stalkers and domestic abusers have their firearms removed. I believe this bill will keep a lot of men and women safe. Because of this, I strongly support S.B. 124 (R2).

Chairman Yeager:
Is there anyone else in Las Vegas who would like to offer testimony in support of S.B. 124 (R2)? Seeing no one, we will come back up to Carson City.

Marlene Lockard, representing Nevada Women's Lobby:
We strongly support this bill. The Lobby wants to ask the question, what is it going to take to get something finally done? Over the weekend, many of you may have heard the account of the squatter in Mississippi. It is reported that the roots of that incident were in domestic violence. We as a society must begin to take steps to try to prevent these horrible crimes, murders, and homicides.

Natalie Hernandez, Organizer, representing Battle Born Progress:
We are in support of Senate Bill 124 (2nd Reprint). In Nevada, a person is killed with a gun every 20 hours. Unfortunately for women like me, Nevada is among the deadliest states in terms of friend-related homicides. Of those friend-related homicides, 40 percent are committed by an intimate partner. Firearms are used in approximately 50 percent of these cases.

It makes sense in my head that a person convicted of battery, domestic violence, or stalking should not be in possession of a firearm. Women here in Nevada are murdered with guns at a rate 38 percent higher than the national average. Senate Bill 124 (2nd Reprint) will help women in their communities feel safer. I hope you will do the right thing and pass S.B. 124 (R2) to help end violence against women and to stop another senseless death.

John Saludes, Co-Chair, Nevada Gun Safety Coalition:
We are in support of Senate Bill 124 (2nd Reprint) because we feel strongly that it will save lives by providing a mechanism to remove firearms from an adverse party during the period of a domestic violence protection order (Exhibit I). It makes sense to do this because we recognize that when firearms are present in highly charged situations, the propensity to use them is elevated and lives are lost.

A 2014 poll found that 78 percent of Nevada voters supported commonsense measures to prevent gun violence. We believe that S.B. 124 (R2) is a commonsense approach to prevent gun violence and will save lives. Consequently, we urge the Committee to vote in favor of S.B. 124 (R2).

Patricia Padden, Private Citizen, Verdi, Nevada:
I am here to present the face of a victim of domestic violence involving guns. I will tell you about the first incident. It was 2 o'clock in the morning and even the morning was exhausted. I was teaching full-time, attending graduate school, and had the sole responsibility of my two children. My husband picked a fight with me. It was escalating; and the dog was barking; and our neighbors were complaining. We went downstairs and I sat in the corner. It was the most comfortable chair, and I thought that this would be a long fight, so I might as well be comfortable.

Unfortunately, I was in the corner, and he was between me and the upstairs where our children were. He took out a gun and said, "I am just going to finish this." I told him not to kill the dog; that it was not the dog's fault. He agreed that he would not kill the dog and turned the gun and pointed it straight at my stomach. I knew I was dead. However, the true

terror struck when I realized that he could go upstairs and kill my daughter in her crib and my son in his bed. I knew I had to talk him down, or at least I could try. I softened my voice and I talked to him for a half hour until he put the gun down. I was very lucky, unlike 46 people—men, women, and children in Nevada—who were not as lucky as I.

I believe this bill can help prevent the domestic violence I was faced with and help save lives. I have since recovered from post-traumatic stress disorder, but my ex-husband still has those guns. Please pass this bill.

Diana Loring, representing Action Together Nevada; and One Pulse for America:
I would like to tell you about the last 48 hours of Christina Franklin's life. Christina was a 27-year-old mother of two and worked as a surgical nurse. She had been in an on-and-off relationship with Travis Spitler for almost 8 years. Christina had suffered from verbal and physical abuse throughout their relationship.

On Tuesday, June 3 of last year, a preliminary hearing was held, and Spitler was ordered to stand trial on charges of domestic battery from an assault on Christina the previous Christmas. Additional charges were forgery and dissuading a person from testifying. The prosecutors asked the justice of the peace to revoke Spitler's bail. Christina also testified, but the justice of the peace denied the request. Instead, she ordered Spitler to have no contact with Christina or their children.

Two days later Christina was dropping her children off at the day care center. She got out of her car and was holding her daughter in her arms and her son was by her side. That is when Spitler pulled up behind her in a rented black Dodge Dart, got out, and began firing at the family. Christina was struck twice in the back, her 3-year-old daughter was shot in the buttock, and her 4-year-old son was struck in the right shoulder. He ran and stumbled to the day care center doors. Employees of the day care center watched in horror as Spitler walked over to Christina, pointed his gun down, and shot her behind her left ear. Moments later he put the gun to his head and pulled the trigger.

It is time to say enough. It is time to save the lives of women in abusive relationships. I urge this Committee, the Assembly, and this Legislature to vote yes on S.B. 124 (R2). The women of Nevada are watching.

John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office:
I am here in support of this measure. The deputies in our domestic violence unit hear accounts like you just heard all the time, and that is what leads me here to support this bill. I also want to say for the record that we also support Chairman Yeager's conceptual amendment adding admonishment of rights or judgment of conviction. I think that better matches the practice that we have, specifically in Clark County.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:
We are here in support of the bill as amended.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:
We would like to thank Senator Spearman for bringing this bill forward and for addressing our concerns with the proposed amendment from the Association pertaining to storage. We support this bill and what it is to accomplish.

Corey Solferino, Sergeant, Legislative Liaison, Washoe County Sheriff's Office:
We support this measure as amended.

Sharon Brown, Private Citizen, Carson City, Nevada:
As a nurse, I know that gun violence is an epidemic in our state. This would be one way to start curbing that.

Megann Johnson, Intern, Progressive Leadership Alliance of Nevada:
A study published in the *New England Journal of Medicine* in January 2013 found that 80.8 percent of people surveyed supported prohibiting gun ownership for those convicted of domestic violence. Of those in support, 75.6 percent were gun owners. To ensure the safety of Nevadans, it is important to keep guns out of the hands of domestic abusers who have been proven to be dangerous. We have heard the data on intimate-partner gun violence in our state. Therefore, Progressive Leadership Alliance of Nevada supports S.B. 124 (R2).

Chairman Yeager:
Is there any additional testimony in support of Senate Bill 124 (2nd Reprint)? Seeing no additional testimony, we will take opposition.

Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:
We stand in limited opposition to Senate Bill 124 (2nd Reprint). Some of our concerns have already been addressed on the Senate side. Section 1, subsection 1, gave the court's discretion back. We firmly agree with that.

My other chief concern is increasing penalties from a gross misdemeanor to a category B felony carrying 1 to 6 years and a $5,000 fine. Assemblyman Pickard already addressed the reasons for these concerns. There is no burden of proof that the court would have to meet. Regarding the temporary protective order or extended protective order proceedings, as Assemblyman Pickard has already stated, it is if it appears to the satisfaction of the court. We do not have "beyond a reasonable doubt," or "clear and convincing evidence," or "a preponderance of the evidence" at these civil proceedings. The offender is oftentimes standing there without the aid of counsel because counsel is not afforded under the Sixth Amendment in civil proceedings.

These are difficult proceedings for the offender to navigate. With the increasing penalties from a gross misdemeanor to a category B felony that carries 1 to 6 years, that is troubling for us at the Washoe County Public Defender's Office. It would still require the adverse party to navigate a difficult legal process when surrendering, selling, or transferring a firearm when issuing or swearing under penalty of perjury an affidavit saying they have complied with these provisions. That is very troubling for the offender without the aid of counsel. For these reasons, we have limited opposition.

We agree with Chairman Yeager's conceptual amendment for the admonishment of rights. He is correct. It has been my experience that there are no judgments of conviction historically in justice court. They can do them, but historically, we have seen them in district court and not at the justice court level. We would agree with the admonition of rights being added.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:
I want to touch on some things that my colleague has not touched on. We come into this and we are asking people to turn in their firearms within 24 hours of being issued the order. I agree that it should occur rather swiftly after an order has been issued; however, what we are attaching to that failure to surrender if it does not occur within 24 hours is a new category B felony. Having Justice Hardesty here today reminded me of his testimony earlier about 62 percent of our prisons being filled with category B offenders. It is a giant swath of criminal law with no rhyme or reason. I guess my question would be, why is a category B felony designated as the felony here in this case? Why not a category C, D, or E? We should be talking about those things when we are crafting new crimes into new legislation.

Our opposition is limited, and I want to be the first to say on behalf of both of us, when we come up here to debate these issues about new crimes and new procedures, we do not mean to demean the suffering or the pain that victims of crime have been through that brings about these circumstances we need to do to move our system forward. What we are trying to do is to talk about issues within these bills to first try to make them better, to catch the truly bad actors, and to have a reason for deciding what, when, and where we are going to sentence people and to have the reasons laid out, so we can look back on it and say with some certainty that we have made progress.

Assemblyman Ohrenschall:
Looking at the language about the category B felony on page 7, I am not clear if that would be probation eligible? Would this be a nonprobational category B felony?

John Piro:
We would assume these would be probation eligible. Maybe there is some language to be added since, obviously, felony domestic violence is mandatory prison. If we are doing something different in this room, that should definitely be a conversation that we have. Perhaps the sponsor could speak to their intent.

[Submitted but not discussed is (Exhibit J).]

Chairman Yeager:
Is there anyone else who is in opposition to Senate Bill 124 (2nd Reprint)? Seeing no one, how about neutral? Is there anyone who would like to testify in the neutral position?

Randi Thompson, representing Nevada Firearms Coalition:
It is tough to be in neutral listening to the testimony this morning. Assemblyman Pickard did express some of our concerns. We worked with Senator Roberson, Senator Cannizzaro, and Chairman Yeager in making this amendment, so we are neutral on the bill as amended. We were concerned about the limiting of judicial discretion related to the surrender of firearms, but I think the amendment adequately addresses our concerns. We appreciate the addition of submitting an affidavit for the firearm transfer. Part of my concern is that gun stores cannot actually possess guns; they either sell them or transfer them. There are things that we can work out to make this work. We are neutral as amended.

Robert S. Uithoven, representing the National Rifle Association:
I will echo what we heard from the Nevada Firearms Coalition. We were strongly opposed to the original bill. You can see our opposition as it occurred when this was heard in the Senate. We applaud the bipartisan work done in that committee to move the bill forward. That moved us into a neutral position. It seems there may still be more work to be done, and we will look forward to working with members of the Committee as it goes forward. Amendment 567 brought significant changes that allowed us to move into the neutral position.

Chairman Yeager:
Are there any questions from the Committee? I do not see any questions. Is there any further testimony in the neutral position? Seeing no further testimony, I will invite Senator Spearman and Ms. Oriol for concluding remarks.

Kristy Oriol:
I want to clarify that the prohibition for protection orders is only for extended protection orders and not temporary orders. As most of you are probably aware, temporary orders are issued for 30 days, and then the victim and the adverse party are both notified that they can return to court to request an extension of that order. It is only at the time that the order would be extended that the temporary prohibition would apply.

Senator Spearman:
I just want to say a couple of things. We have had several bills this session that acknowledged the fact that we have a problem with domestic violence. We have a huge problem. We have a bill that requires time off for someone who is in an abusive situation, so they can get their life back together. We have passed legislation that will allow people to get out of contracts or leases, so they can get in a place where they are safe. The question came up as to why a category B felony and not a category C or D. Sit down and talk to someone who has gone through this, not just one, but several.

Someone came up and testified about the person who rented the Dodge Dart. That happened in North Las Vegas. She had no idea who he was.

Why submit an affidavit within 24 hours? Research shows that 24 hours is usually the time when the person is the most vulnerable. We require people who are convicted of DUI to lose their license. One of our colleagues had a bill that would require some type of technology if they were convicted. That was in order to protect people. I recognize that for those who have not experienced this or know someone close to them who has, they speak in abstract terms. There are those who would want us to make this legislation more palatable, more friendly, but I for one believe it is time for us to make a statement. If you are going to do the crime; you are going to do the time. If you like your weapons, do not commit battery. Do not do it. Every store that I go in usually has a sign that says they prosecute shoplifters to the full extent of the law. That does not concern me. It does not bother me because I am not a shoplifter. I have no intention of doing that. For those who are not involved in these types of heinous crimes, unspeakable crimes, I believe it is time for us to increase the emphasis on victims who happen to be women and who happen to be part of our most vulnerable communities. As I said before, it is not abstract: it is your daughters, granddaughters, nieces, moms, grandmas, and every woman who is in your life. That is who this could be. It is time.

Chairman Yeager:
I am going to close the hearing on Senate Bill 124 (2nd Reprint). Before we adjourn I want to consider a work session on Senate Bill 541 (1st Reprint), which was brought forward by Senator Ford this morning. I am looking for a motion to amend and do pass, adding Assemblyman Ellison as a cosponsor. Senator Ford had asked for an amendment relating to the firefighter language. It is the opinion of legal that the language in the bill right now does capture all firefighters, but in an abundance of caution, I would accept an additional amendment just to give legal the leeway needed to make any additions, if need be, to make sure the definition of firefighter is all-inclusive. The two amendments would be to add Assemblyman Ellison as a cosponsor and allowing legal whatever discretion is needed to capture all firefighters.

> ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND DO PASS SENATE BILL 541 (1ST REPRINT).
>
> ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.
>
> THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT FOR THE VOTE.)

I will take the floor statement.

Now would be the time for public comment. Would anyone like to give public comment? Seeing no one, I will close public comment. Is there anything else? Seeing nothing, the meeting is adjourned [at 11:28 a.m.].

RESPECTFULLY SUBMITTED:

_____
Karyn Werner
Committee Secretary

APPROVED BY:

_____
Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a proposed amendment to Senate Bill 490 (2nd Reprint) presented by Jennifer J. Gaynor, representing the Nevada Credit Union League.

Exhibit D is a proposed amendment to Senate Bill 490 (2nd Reprint) presented by Jennifer J. Gaynor, representing the Nevada Credit Union League.

Exhibit E is a proposed amendment to Senate Bill 490 (2nd Reprint) presented by Michael R. Brooks, representing the United Trustees Association.

Exhibit F is a letter dated May 30, 2017, from Michael R. Brooks, representing the United Trustees Association, to Chairman Steve Yeager and members of the Assembly Committee on Judiciary, regarding an explanation of the proposed amendment to Senate Bill 490 (2nd Reprint).

Exhibit G is a letter dated May 29, 2017, in support of Senate Bill 124 (2nd Reprint) to Assemblyman Steve Yeager, Committee on Judiciary, authored by Kristy Oriol, Policy Coordinator, Nevada Coalition to End Domestic and Sexual Violence.

Exhibit H is a proposed conceptual amendment to Senate Bill 124 (2nd Reprint) presented by Kristy Oriol, Policy Coordinator, Nevada Coalition to End Domestic and Sexual Violence, and submitted by Robert E. Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association.

Exhibit I is written testimony presented by John Saludes, Co-Chair, Nevada Gun Safety Coalition, in support of Senate Bill 124 (2nd Reprint).

Exhibit J is written testimony submitted by Doug Nulle, Private Citizen, Las Vegas, Nevada, dated May 30, 2017, in opposition to Senate Bill 124 (2nd Reprint).