

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

**Seventy-Ninth Session  
March 3, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:06 a.m. on Friday, March 3, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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](http://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:**

None



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Brad Wilkinson, Committee Legal Counsel  
Janet Jones, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Robert T. Eglet, representing Nevada Justice Association  
Lisa Rasmussen, Legislative Committee Co-Chair, Nevada Attorneys for Criminal Justice  
John J. Piro, Deputy Public Defender, Clark County Public Defender's Office  
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Renée L. Olson, Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation  
Andres Moses, Staff Attorney, Eighth Judicial District Court  
Michael D. Hillerby, representing Nevada District Judges Association  
John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office; and representing Nevada District Attorneys Association  
Graham Lambert, Private Citizen, Henderson, Nevada  
Charles Cullison, Private Citizen, Henderson, Nevada  
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada  
Corey Solferino, Sergeant, Legislative Liaison, Washoe County Sheriff's Office  
Dan McDonald, Criminalist, Forensic Science Division, Washoe County Sheriff's Office  
William "Bill" Anderson, Ph.D., Forensic Toxicologist, NMS Labs, Reno, Nevada  
Eric Bauman, Chief Deputy District Attorney, Vehicular Crimes Unit, Clark County District Attorney's Office  
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Brian Evans, representing the Nevada State Medical Association  
Laurel Stadler, Rural Coordinator and Legislative Liaison, Northern Nevada DUI Task Force  
Vicki Higgins, Private Citizen, Las Vegas, Nevada  
Timothy Eli Addo, Private Citizen, Las Vegas, Nevada  
Kimbel Halliday, Private Citizen, Las Vegas, Nevada

**Chairman Yeager:**

[Roll was called. Committee protocol and rules were explained.] In today's meeting, we are going to begin with Committee bill draft request (BDR) introductions. We have one today, which is BDR 39-688.

**BDR 39-688**—Revises provisions relating to adjudication of mental health. (Later introduced as [Assembly Bill 253](#).)

This bill draft request (BDR) comes out of the Judiciary Committee. I will entertain a motion to introduce BDR 39-688.

ASSEMBLYMAN OHRENSCHALL MOVED FOR COMMITTEE  
INTRODUCTION OF BILL DRAFT REQUEST 39-688.

ASSEMBLYMAN WATKINS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Yeager:**

We will now move on to our work session. Ms. Diane C. Thornton, Committee Policy Analyst, will review the work session documents.

**Assembly Bill 145: Extends the statute of limitations for certain civil actions for damages for injuries incurred as a child as a result of sexual abuse or pornography. (BDR 2-584)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 145 was heard in Committee March 1, 2017 ([Exhibit C](#)). Assembly Bill 145 extends the statute of limitations for filing a civil action to recover damages arising out of sexual abuse committed against a person under the age of 18. The time is extended from 10 years to 20 years after the person reaches the age of 18, or discovers or should have discovered that an injury was caused by the sexual abuse, whichever is later.

In addition, the bill extends that statute of limitations for filing a civil action to recover damages arising out of the appearance in pornographic material before the age of 16. The time is extended from 3 years to 20 years after the person reaches 18 years of age or after a court enters a verdict in a related criminal case, whichever is later.

There are three amendments to this bill. Assemblyman Elliot T. Anderson proposed the first amendment. He proposed changing the effective date of the bill from October 1, 2017, to upon passage and approval.

The second amendment is proposed by Assemblywoman Krasner. This amendment proposes to add cosponsors to the bill. The cosponsors added to the bill are Assemblywoman Bilbray-Axelrod, Assemblywoman Joiner, Assemblywoman Tolles, Assemblywoman Woodbury, Assemblyman Kramer, Assemblyman Wheeler, Senator Denis, Assemblyman Watkins, and Assemblyman Carrillo.

The third amendment would add transitory language. The transitory language to the statute would determine how the bill would be applied in cases in which the statute of limitations has expired or has not expired.

**Chairman Yeager:**

We only have the one amendment in the work session document. The last amendment was an effort to clarify that this bill, if enacted, would extend any existing statute of limitations that has not yet expired, which is consistent with what we talked about during the hearing on March 1, 2017, and I think is consistent with the intent of the bill. I will entertain a motion to amend and do pass with all three amendments for A.B. 145.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 145.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

**Assemblyman Wheeler:**

Is the third amendment a friendly amendment to the author of the bill?

**Chairman Yeager:**

Yes, it is. We had a discussion in Committee on how this would be applied going forward. Even without the language, this is likely how it would be applied. In talking to legal counsel we wanted to make sure that it extends existing statute of limitations, which I believe is in line with Assemblywoman Krasner and Assemblywoman Bustamante-Adams' intent to protect as many people as possible.

THE MOTION PASSED UNANIMOUSLY.

The floor statement is assigned to Assemblywoman Krasner.

**Assembly Bill 147: Revises provisions governing the disposal of property in the custody of certain governmental agencies. (BDR 14-577)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 147 was heard in Committee on February 22, 2017 ([Exhibit D](#)). This bill creates procedures governing the disposal of property in the custody of a law enforcement agency. The metropolitan police department is required to perform an annual audit of the disposition of property and present a report of that audit to the metropolitan police committee on fiscal affairs. In addition, the bill authorizes a board of county commissioners or its authorized representative to donate any property previously in the custody of a law enforcement agency to certain organizations.

There is one proposed amendment for this measure. The amendment adds a procedure on page 2, lines 7-14 of the mock-up that the metropolitan police department must follow before the disposing of certain property ensuring the department has made a reasonable effort to discover and notify the owner or person entitled to the property. The amendment also defines the term, "property" on page 2, lines 20-26 of the mock-up to ensure that property

related to an active criminal case is not disposed of prior to proper documentation and preservation. The mock-up includes the proposed amendment from John Piro, Clark County Public Defender's Office and Sean Sullivan, Washoe County Public Defender's Office clarifying the definition of property.

**Chairman Yeager:**

I will entertain a motion to amend and do pass Assembly Bill 147.

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 147.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

**Assemblyman Elliot T. Anderson:**

As the Committee will recall, I had a number of concerns regarding this bill. I met with the Las Vegas Metropolitan Police Department and the sponsor of this bill. We were able to arrange a good process that will cut down on the bureaucracy and ensure a mechanism to track compliance with the statute and create an audit trail. I believe it was a good fix for all of those reasons.

**Assemblyman Hansen:**

I noticed that we are deleting section 1, subsection 2, "If the property that has been stolen or embezzled is a firearm, the law endorsement agency shall notify only the owner of the firearm of the location of the property and the method by which the owner may claim it." Is there something else in the amendment that protects their right? Is there a reason we are singling out firearms and eliminating that?

**Chairman Yeager:**

My recollection from the testimony is striking out that provision was because that is how it already operates in current law, that by default they would automatically notify the owner of the firearm. I think the idea was that the provision was superfluous. I can have legal comment on that if you would like.

**Brad Wilkinson, Committee Counsel:**

Mr. Chairman, that is correct. Mr. Callaway testified that there was a desire to treat firearms like any other property, which is what they do now.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Yeager:**

The floor statement is assigned to Assemblyman Thompson.

That concludes the work session. We have two bills to be heard today; we will be hearing Assembly Bill 207 first. I will note that we have a number of people signed in to testify on both bills. If those testifying could please keep their comments concise, we do not want to put time limits on anyone who wishes to testify. I will now open up the hearing on Assembly Bill 207.

**Assembly Bill 207: Revises provisions governing juries. (BDR 1-648)**

**Assemblyman Ozzie Fumo, Assembly District No. 21:**

Attorney Lisa Rasmussen will be presenting with me today; she is licensed in California and Nevada. She handles both state and complex criminal cases. My last jury trial was with Ms. Rasmussen. Just to explain her dedication to her clients, one week before the trial started, she broke her arm and completed the entire trial without having the surgery needed because she did not want to delay the trial. Mr. Robert Eglet is an elite attorney statewide and known nationally. He is probably the premiere jury expert in Nevada.

Assembly Bill 207 makes necessary changes to the *Nevada Revised Statutes* (NRS) 6.045. Under the current law, this statute allows the district court to designate a jury commissioner. The jury commissioner will estimate the number of potential jurors needed for jury trials. A computer currently selects them. For instance, in Clark County we use the Department of Motor Vehicles (DMV) and NV Energy records. This bill would expand the jury pool to include registered voters, the DMV, the Employment Security Division of the Department of Employment, Training and Rehabilitation, and a public utility, which is currently NV Energy.

There was an amendment, which I consider a friendly amendment ([Exhibit E](#)). Instead of names being forwarded to the Office of the Attorney General, the jury commissioner of each county would keep them; those are reported annually to the courts. It would not only be the names of those selected in the pool but those selected for the jury would be kept. There is another friendly amendment by Chairman Yeager ([Exhibit F](#)) which expands the peremptory challenges after this law is enacted.

**Chairman Yeager:**

If I could clarify for the record, the first friendly amendment you referenced, is that the amendment from Andres Moses of the Eighth Judicial District Court?

**Assemblyman Fumo:**

Yes, that is correct.

**Chairman Yeager:**

I will remind the Committee members that the first and second amendments are located on the Nevada Electronic Legislative Information System (NELIS).

**Robert T. Eglet, representing Nevada Justice Association:**

First, I would like to thank Assemblyman Fumo for introducing this bill. I have had the privilege of knowing him for many years, and District No. 21 is very fortunate to have him as their representative. I trust this bill is one of many pieces of legislation he will sponsor during this session.

Assembly Bill 207 is an important bill and one that I felt compelled to offer my testimony and support. It will remedy a reoccurring and serious issue that plagues our judicial system, one that I frequently encounter as a trial lawyer: a noninclusive and unrepresentative jury pool. I have been practicing law for nearly 30 years in Nevada. During that time I have tried to verdict 115 to 120 civil jury trials. I have selected juries in twice that many trials because approximately half the number of trials I selected juries for settled before the trial was over. I have conducted jury selection in approximately 230 to 240 trials over the past 30 years in Nevada. Over the past decade, I have served as lead trial counselor in many of the largest, longest, and most complex civil jury trials in Nevada. A number of these trials lasted as long as six months. Because of the length of these trials, and because many involved issues that were widely reported on by the press, in order to ensure we had enough potential jurors to select a qualified jury from, the trial judges had 500 to 700 potential jurors complete a jury questionnaire weeks before the trial began. I review this so the Committee may appreciate the first-hand experience I have with a vast number of potential jurors and numerous jury panels in Clark County.

The jury questionnaires would always have an indication of the race of the potential jurors. In the last census completed, the population of Clark County was 11 percent African American and 29 percent Hispanic. Yet the number of African Americans and Hispanics we see in our jury pools are not representative of these percentages. Many jury panels I have seen over the past 30 years had virtually no African Americans in the panels and those that had some representation had nowhere near the percentages that represent Clark County's African-American population. In my experience, African Americans in the jury pools are closer to 2 to 4 percent of their population. It is the same for the Hispanic community.

The American system has always considered a jury as a critical part of our democratic government. More than any single institution, juries give citizens the opportunity to participate in government, which educates and enhances their regard for the American system of justice. Jury service is the only place where average citizens can participate directly in government in a way that has a direct impact on events. Many studies show that juries rate both their experience and the jury system uniformly high. Their service is often a major and moving experience in their lives. Jury service often turns nonregistered, nonvoters into registered voters who make the effort to actually go out and vote. Jury service inspires disengaged citizens to become engaged in their community. Jury service has been credited with people running for office, many who never considered this before their jury service. While prospective jurors may grumble over their responsibility to serve, I never cease to be amazed at how proud they are after they have served and thankful that they did.

Thomas Jefferson recognized that a jury of our peers is the most effective check there is against state power, and the jury system has been the cornerstone in our judicial system since our nation's birth. It legitimizes the law by providing opportunities for our citizens to validate civil statutes and common law, and to apply them to the facts of the specific trials, creating a common sense of justice. Jury service is the most meaningful way for people to participate in our country's democratic governmental decision making. For most Americans jury service is the only opportunity they will ever have to play an important role in governmental decision-making other than casting their vote in an election. As the Honorable William G. Young, District Court Judge, United States District Court for the District of Massachusetts wrote in an open letter to the U.S. District Judges in July 2003:

When people recognize that they have been cut off from their opportunity to govern directly through citizen juries, the sense of government as community—as a shared commonwealth—is severely diminished. . . .the moral force of judicial decisions—and the inherent strength of the third branch of government itself—depends in no small measure on the shared perception that democratically selected juries have the final say over actual fact-finding.

However, if the way our court system selects potential jurors excludes any large and identifiable segment of our community, then we are not getting a true cross section of eligible jurors who are representative of the demographics of our communities. By passing this bill and requiring jury commissioners to draw from multiple and expressly defined source pools, this increases the likelihood of a jury pool that is reflective of its own community.

A uniform list is the essential component in preserving what is right to a fair and impartial jury of his or her peers. As evidenced by information available online, there is much inconsistency in Nevada between our judicial districts and counties when it comes to the sources of information used for a jury pool. For instance, the Eighth Judicial District Court in Clark County is the largest general jurisdiction court in Nevada; it is my understanding that 52 elected judges preside over more than 90,000 criminal and civil cases filed each year. Based on its website, it draws from the DMV a list of driver's licenses and state identification card holders as its source pool. It is my understanding from Assemblyman Fumo's comments that they also draw from NV Energy customers as its source pool. From this pool, names are then selected to receive a jury summons.

I ask the Committee to compare this with the information posted on the Second Judicial District website; its pool is drawn from voter registration in addition to DMV records. Humboldt County, located in the Sixth Judicial District, uses their telephone directory and the assessor's listing in addition to the aforementioned records. Douglas County and the Ninth Judicial District states on its website that its jury pool is drawn from driver's license holders but does not specify if that pool also includes having only a state identification card. If you rent and do not own your home, or are not registered to vote or do not drive, you



potentially could be excluded from a prospective jury pool. It is not difficult to perceive which section of our communities make up the largest percent of this demographic; it is our poor black and Hispanic citizens. The United States Supreme Court, in *Peters v. Kiff*, 407 U.S. 493 (1972) spoke on this very issue.

When any large and identifiable segment of the community is excluded from jury service, the effect is to remove from the jury room qualities of human nature and varieties of human experience, the range of which is unknown, and perhaps unknowable. It is not necessary to assume that the excluded group will consistently vote as a class in order to conclude, as we do, that its exclusion deprives the jury of a perspective on human events that may have unsuspected importance in any case that may be presented.

Renters, the politically apathetic, and those who use public transportation and do not own a car all can and do have their day in court and, as such, should be judged by a jury of their own peers equally represented by those in the community in which they live. It must be noted that this bill is not overly burdensome. The DMV already has an obligation to produce and maintain a list of qualified electors to serve on a jury under *Nevada Revised Statutes* (NRS) 482.171. Likewise, public utilities are required to produce and maintain this information under NRS 704.206 upon request by the district court or jury commissioner. Voter registration rolls are easily accessible, and this Legislature can make employment and unemployment records available to the jury commissioners. In essence, what this bill seeks to do is create a uniform procedure to which the district courts and jury commissioners will adhere and which will cast a much broader and wider net to capture the true demographics of each of our jurisdictions.

In conclusion, A.B. 207 is a good bill and worthy of your consideration. While procedural safeguards available to attorneys in a courtroom such as peremptory challenges or removing jurors for cause are available, they are not enough. Statutory language is needed to combat this problem of a noninclusive and unrepresentative jury pool and to eliminate this systemic problem. I need not remind this Committee, the stakeholders, and others present here today offering testimony on this bill that for some a fair and impartial jury could mean the difference between life and death. Therefore, I respectfully ask you to vote in favor of A.B. 207.

**Chairman Yeager:**

Thank you for your testimony, Mr. Eglet. I can tell you that I agree with you on the importance of serving as a juror. It was about ten years ago that I was called and served on a jury for a criminal trial. I was voted as the foreperson and, at the time, I was practicing civil law. If it was not for that experience, I would not have become a public defender and I do not think I would be sitting here today. It was a very valuable experience. I had the reaction that many people have, "Oh this is going to be a pain, and I do not want to do this." I think that in the end all of us were happy that we had done it. I know some of my colleagues here shared the same experience.

**Lisa Rasmussen, Legislative Committee Co-Chair, Nevada Attorneys for Criminal Justice:**

I am an attorney in private practice in Clark County and licensed in California. I am here to testify not only on my own behalf but also on behalf of the Nevada Attorneys for Criminal Justice. In 17 years of practice in Clark County, Nevada, this has been an ongoing problem. It has only been recently that our jury commissioner has kept data with regard to race.

I practice in both state and federal court. I have had jury trials in state court where in a panel of 54 there would be one or two African Americans, which is woefully inadequate. Jury trial panels in the federal court are better represented by race. The only list the federal courts use to pool their jurors is the voter registration. This made me question what are we using in Clark County and why are we not getting representative juries. It is not unique to me; I have colleagues who as recently as October 2016 have panels with no African Americans. The second to the last death penalty case that I did with Assemblyman Fumo, we had 250 questionnaires and of those, we had 15 African Americans, which was 5 percent. I asked the jury commissioner to provide me with the race breakdowns they had been collecting since March 2016. In each of those months, the number of African Americans never exceeded 7.8 percent, which is again, woefully inadequate. The Hispanics are 29 percent of the population in Clark County; 15 to 20 percent appear on the jury pools. On my last death penalty case in January 2017, I had 14 percent Hispanics, which is not even half of our Hispanic population in Clark County.

These are challenges that continue to be brought into court. It creates litigation that is unnecessary and due process violations for criminal defendants in cases where they have a constitutional right to trial by a jury of their peers. This can simply be resolved by being more inclusive with where we pull the jury pools. I think this bill covers all of that: it includes voter registration and employment data, and this will cast a wider net and could solve the problem, if not go a long way to resolve the issues we are currently seeing. I find it sad that in Clark County, which is probably the most diverse county in the state, we have these ongoing problems with underrepresentation of minorities on our juries. As Mr. Eglet indicated, this is a wonderful opportunity for people to participate in a civil civic process. By excluding people from that process, we miss out as a society.

I would encourage the Committee to vote in favor of this bill. I have spoken with Mr. Moses from the district court and the Nevada Attorneys for Criminal Justice (NACJ), and both are in complete agreement with the proposed amendments. My understanding is that there is also a proposed amendment from Chairman Yeager and NACJ is also in favor of that amendment, which addresses the number of peremptory strikes.

**Assemblywoman Cohen:**

How will the report break down the ethnicity of those in the pool?

**Assemblyman Fumo:**

Currently, the way it is handled in Clark County, and I assume in other counties, the people who come in for the pools self-identify.

**Assemblyman Thompson:**

For the record, I would like to be added as a cosponsor to this bill. I think it is an opportunity for a paradigm shift in communities of color. Sometimes, we do not like receiving a jury notice and often try to avoid it. I think it will help to have a higher concentration of notices being sent out in communities of color; we have been diligently trying to get the word out that it is important to be a juror of your peers. I think this is all-encompassing. I know you probably have a laundry list of access points to get names, but going off Mr. Eglet's statement, if we are really looking at our low-income people in communities of color, perhaps other state agencies can assist with the jury pools. I think we could then see an even greater return on that.

**Assemblyman Pickard:**

I am in favor of expanding our pool of jurors. I do not do jury trials; I practice in family law where juries are not permitted. However, I am a strong supporter of a good cross section of jurors.

There are two things I would like you to comment on; first, it appears they are not tracking women. Is that an oversight, or is there a reason why we are not tracking women? More importantly, with regard to including utility bills or phone books, typically, those only include one family member and could be excluding people in each household. I would also imagine those lists would create duplications. Could you address those issues?

**Lisa Rasmussen:**

We do collect gender data, which is self-identified. When people get a summons, they call and do a phone questionnaire and at that time they report their gender and race. In terms of gender representation, we seem to have an equal participation.

Concerning duplication, the software vendor is set up to weed out duplications. What we are not getting is that in one household only one name would be on the power bill and we are not likely to get the names of any other adults living there. This would have additional sources that would be added and the duplicates weeded out.

**Assemblyman Pickard:**

My concern is that we are adding a burden to organizations who I suspect are not going to be able to give us significant breadth. We are asking for a subset of information we likely have from the other sources. I am trying to be sensitive to those we are burdening with providing these lists. If utility companies and phone books only have a subset of the greater information, I think we are adding a burden to them that may be unnecessary.

In respect to the gender issue, I recognize that women do appear with frequency on juries, but this is a structural component that we are adding to the statutory scheme. If we are creating a structure that everyone is going to follow, if we are going to track race, I think we should be tracking gender. Yes, it may be currently tracked, and I believe race is currently tracked. However, if we are building a structure, why would we not build it so that we are identifying the things that we actually expect for fear that someone might say, Oh it is not on the list, we do not have to do this anymore.

**Lisa Rasmussen:**

On behalf of NACJ, we would have no opposition to having gender included to the data that is being collected. It is currently only recently they began to track and run the statistics, and certainly gender could easily be added. We do not have an issue with that, and I doubt that the other proponents in favor of this bill would have an issue with gender being added.

Regarding the concern about burden, I think that Assemblyman Fumo can address that. I know that the Department of Employment, Training and Rehabilitation (DETR) is concerned about the burden of having to provide information. I think those burdens are addressed in the bill. The burden falls largely on the software vendor in recognizing duplications.

**Assemblyman Pickard:**

That is in respect with the duplicates; I am talking about compiling the data and sending it over in the first place. Anyway, thank you; I appreciate it.

**Assemblywoman Krasner:**

I agree that all citizens—rich, poor, black, white, male or female—should have the opportunity to participate in their government and serve on a jury of their peers. My only question is with whom will this information be shared or will it be maintained exclusively for jury purposes?

**Lisa Rasmussen:**

The information is kept with the jury commissioner and is confidential. When I requested monthly breakdowns I received juror identification numbers with no name connection. There is no risk of confidentiality breach by the public record. The data that would be reported would be by race, and we could add gender. It is all confidential; any information that came from a state agency would be confidential as well.

**Assemblyman Hansen:**

You rattled off a lot of information about people who do not drive, do not vote, are politically apathetic, and another category I cannot recall. We have a similar bill in the Assembly Committee on Legislative Operations where we are trying to get everyone on the voter list. I asked how many people are not on the voter list currently and found out 85 percent of the people in Nevada who are eligible to vote are registered to vote. When I look at these lists, I see a potential of a group of people in the state that frankly do not want to participate. This to me is Big Brother coming in. You said politically apathetic, not

interested, wanted to be left alone, and did not register to vote, and want to be, as Nevadans have been traditionally, libertarian. There are some people who do not want to participate, do not want to be on juries, do not want to vote, and here we are once again coming up with an idea where we are going to essentially force them to participate in something in which, by their own choice, they do not want to be involved. So why is Big Brother always trying to force everyone to either vote or force them to be on juries, when a certain percentage of people in this state flat out want to be left alone?

**Robert Eglet:**

I respectfully disagree with your comments regarding Big Brother. I do not think this is Big Brother; this is simply an attempt to have a more inclusive jury pool in each of our courts. I think, quite frankly, it is speculative to say that the reason these people are not on the voter rolls or registered to vote is because they do not want to participate in jury service. I am not speaking for every civil trial that has occurred in our state. People whom you describe as apathetic or not wanting to be on a jury—we have many people who initially do not want to be on a jury—come up with every excuse in the world and, unless it is a severe hardship, our judges do not excuse them. I can tell you from my experience over the last 30 years, that virtually every one of those people who expressed the desire to be left alone and did not want to participate, their minds and attitudes changed and they had a newfound respect for our judicial system, both civil and criminal. They have a newfound inspiration to be more participatory in their community and do go out and begin voting. I think the positive effect on this bill far outweighs any perception that we may be annoying people that do not want to have anything to do with the community.

**Assemblyman Hansen:**

I would agree with that to a point. Again, 9 out of 10 people do participate already. Undoubtedly, the ones that have served on those juries probably come away with that feeling. My wife has served on several juries and has found it to be a wonderful experience. I am not disputing that. What I am disputing is why we have to come up with yet another way to force people to participate in Nevada, which historically has been very libertarian on these kinds of issues. That is my issue with this and the forced voter registration situation as well.

The other question I have is, after you list all of those lists, it has to be a small number of people that are not already on a list that is used in the jury selection process. Are there any numbers? If 85 percent of the people are on the voter list and then you add in the vehicle registration list, the utility list, and the telephone list, how many people are actually left that are not on jury pools now? I would like to see some statistics. Are we talking 2 to 5 percent? It has to be minimal if 85 percent of the population are already on the voter rolls.

**Robert Eglet:**

This bill is intended to cast a wider net and get as many people who are representative of our community as possible. The focused effort of this bill and the reason behind this bill is the fact that we have an 11 percent population of African Americans in Clark County and we have somewhere between 2 to 3 percent, in my experience in trial after trial.

**Assemblyman Hansen:**

I got that Mr. Eglet, I heard your testimony. What I am asking is, are there statistics that show all the people you are talking about are not currently on one of these lists? No one has provided any numbers. I see where you are going with this, but are you telling me that none of those people are on driver's lists, on utilities lists, on phone book lists? You are basically saying that for a certain percentage—for whatever reason, you have seen that consistently. On the list that they use right now for jury selection, can you give me a number of people that are not in fact on those lists that could be potential jurors?

**Assemblyman Fumo:**

With all due respect, Assemblyman Hansen, you are asking us to prove a negative. We do not currently use the negative.

**Assemblyman Hansen:**

How is that a negative? Very good: I would just like to see some numbers. I am curious because it looks like most people are included in all these lists. There has to be a very small number of people who are not.

**Chairman Yeager:**

We are going to move on. We have a few more questions for this panel, and then we will go on to supportive testimony.

**Assemblywoman Miller:**

My question brings it down to the core of this issue, which are constitutional rights. We have constitutional rights to have a jury by our peers. Other agencies have brought up concerns about burden. I believe the burden is on the state to comply, uphold, and protect a person's constitutional rights. When I look around this room and we are talking about numbers and lists, where does someone's implied right to not be involved, to not participate, supersede my constitutional right to be protected and to have a jury by my peers? In this room, raise your hand if you consider yourself my peer racially. If we were to put a jury together from our entire Legislature, I could not come up with a jury of my peers. If we went through this entire building, every person in this building today, regardless of their position or duty in the Legislative Counsel Bureau, would I be able to get a jury of my peers? We are discussing things like numbers, whom the burden is going to be on, and computer systems. The bottom line is we need to uphold constitutional rights. I am sorry that was not a question.

**Chairman Yeager:**

That was more of a statement, so I do not think there is a reason to answer that. We will close out this panel with Assemblyman Anderson.

**Assemblyman Elliot T. Anderson:**

I also could not resist making a comment. This is not too much to ask. People have an obligation to support our system of government. They live here; they get the benefits of our government and have an obligation to serve. This is service and important; this is not something that should be taken lightly. We have penalties for failing to show up for jury

service. We have penalties because we need people to serve. To act as though this is too much, that is where you lose me, Assemblyman Hansen, because a lot of people have put a lot of time into serving this country and this state. To simply send out a notice to more people is not asking them too much. We all have to do our part for our government, for our state, our country, and community. We all live here, and it is unacceptable to me to act as if this is some huge burden. You lose me there. We will have to respectfully disagree that this is Big Brother; this is asking people to serve their community.

**Chairman Yeager:**

I know there are more questions, but I am going to ask the members to take their questions offline. We do have another bill to address today that will be quite lengthy. I want to thank this panel of three for coming. At this time, we are going to open testimony for support of A.B. 207.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

We are in support of A.B. 207 and the amendment that increases the number of peremptory challenges.

**Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:**

I agree with the previous comments from the panel. Being a trial lawyer for the Washoe County Public Defender's Office and the Second Judicial District Court for the past 14 years, there is a quote on the Second Judicial District Court website by Stephen J. Adler, journalist and author: "The American system of trial by jury is unique. No other nation relies so heavily on ordinary citizens to make its most important decisions about law, business practice, and personal liberty—even death. Ideally, Americans take their participation seriously lest they someday stand before their peers seeking justice." That sums up my comments this morning. I am proud to sit here this morning and support this piece of legislation.

**Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:**

I, too, am very proud to be sitting here in support of A.B. 207. I do want to state that this is actually a constitutional requirement from case law out of the U.S. Supreme Court for us to expand our jury pool. Whether this is Big Brother or not, this is something that we have to do in order to fall in line with those requirements and ensure that we have impartial juries of our peers. By ensuring fair jury pools, it will decrease the likelihood of minority defendants being convicted by all white juries, increase the number of prospective jurors, and expand the overall jury pool in congruence with the U.S. Supreme Court precedents.

**Assemblyman Wheeler:**

I think this comes down to a definition of a jury of your peers. I keep going back to that silly little sentence that says, "All men are created equal." So by your definition with the American Civil Liberties Union, since 82 percent of all criminal defendants are male, should not 82 percent of all juries be male?

**Holly Welborn:**

Right now, we are talking in the context of race. We had a question earlier about expanding the pool for women. What our peers look like, we have always been overrepresented by men on juries in this country. I think that is something to look at when we are talking about convicting women and what that jury pool would need to look like. I think the practitioners would speak better to that than I can.

**Chairman Yeager:**

You do not need to answer the question; I think the point has been made. It sounds like there is some disagreement on this bill. I would note for the record that all women are created equal as well. It does not say that in the document, but I think we have all come to realize that.

**Assemblyman Pickard:**

Ms. Welborn, I remember a comment you made in a prior presentation where the tracking of race was racist by definition. I wonder if you could comment on why your testimony is different today?

I guess I missed in the amendments that we are looking to expand peremptory challenges, so Mr. Piro, I wonder if you would address how that is not, particularly in light of the Batson rule, somewhat problematic. Many states have done away with peremptory challenges altogether because they tend to be used as a way of removing people for all sorts of reasons that they do not necessarily have to disclose unless a Batson challenge is actually made. Could you explain why it would be in the interest of obtaining a jury of our peers to increase the number of peremptory challenges?

**John Piro:**

In answer to your question, jury trials are a measure of art. Peremptory challenges are a way for lawyers to root out jurors that may not be fair on that jury panel for one reason or another that cannot be challenged for a cause. You have recognized and probably know, because you keep up to date on things, there is explicit bias where people will say that they are indeed racist out loud, and with Trump as President, that has become more prevalent on our juries. People are not afraid to say that out loud. Many of my colleagues have done jury trials where we have a Hispanic defendant and people are not afraid to say that they cannot be fair in that trial. That is a minority of people who are not afraid to say that. There is also implicit racial bias where people do not speak out loud about their biases, and peremptory challenges help you root that out and eliminate them from the jury. You could not necessarily challenge them for a cause but would be able to remove them from the jury because you know they would probably not be a good juror in this trial based on answers they responded to. Additionally, even without involving race, some jurors are unable to feel that police make any mistakes during the investigations; some jurors tend to give them enhanced credibility and if the judge will not excuse that juror for a cause then it is important for us to make sure that everyone comes in to the trial on equal footing as both the state and defense. Those peremptory challenges are good for us to excuse those jurors as well.



**Assemblyman Pickard:**

That did not really answer the question with respect to how increasing the number actually makes the jury better. Granted, we use them to get people out that we cannot actually point to a reason, but does that not invite mischief? How does it not invite mischief?

**John Piro:**

If you were not doing it for racist reasons, it would fall under the Batson challenge. It would not invite mischief. Sometimes we get to that four mark and then we are down to a Hobson's choice: "I do not know that I want to leave that person on the jury," and once you hit your fourth an alternate juror comes on, and then you only have a challenge for a cause that is left there. If you do not like that juror for one reason or another, you are unable to excuse that juror.

**Chairman Yeager:**

Assemblyman Pickard, I want to note for the record, on NELIS there are a couple of documents about the peremptory challenges and a couple of spreadsheets ([Exhibit G](#) and [Exhibit H](#)) that put in context where Nevada is in line with other states and western states. I think you will see from the criminal side at least, Nevada has fewer peremptory challenges than other jurisdictions. I will remind you that this is my proposed amendment and perhaps we can continue to talk offline. I will certainly consider your concerns, but I do not know if we want to go down that path right now due to lack of time today.

**Assemblyman Ohrenschall:**

My question is directed to Ms. Welborn from the ACLU. I was shocked when I heard the data about how our jury selection process is so unrepresentative of our population. Do you think there is a possibility that if we do not act or try to broaden the jury pool and make it more inclusive and democratic, that there could be litigation and the federal courts might interfere instead of us deciding how we are going to broaden our selection of jurors?

**Holly Welborn:**

I think we will open ourselves up to litigation under *Berghuis v. Smith* 599 U.S. 314 (2010).

**Chairman Yeager:**

I will now open the hearing up for opposition testimony.

**Renée L Olson, Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation:**

One of my primary responsibilities as administrator is the unemployment insurance program. This bill directly requires those records be sent to the various district courts throughout the state. Let me clarify that we are not opposed to the concept of expanding the number of people in the pools and the diversity. We do have concerns of the unemployment insurance records being included.

My primary concern is that we have a bill that impacts another program without fully understanding what those impacts might be to the unemployment insurance program. I come to you today with more questions than answers at this point. What will this do to individual claimants, and how will it affect the program overall? I cannot say that the impacts would be significant; I can just say we do not have a good understanding. If we are making public policy that might impact the unemployment insurance program, we should understand those impacts. We do have an amendment ([Exhibit I](#)) that was submitted to the Committee to strike the Department of Education, Training and Rehabilitation from the bill. It is important that we have an opportunity to explore questions about the impacts and possibly in the next session come back and explain those impacts. It is going to require analysis and looking at data to understand what those impacts will be.

On the surface, because these people are currently not working, it might appear that they are readily available to sit on juries; however, the basic eligibility rules of the unemployment insurance program are that these individuals are actively seeking work and readily available to accept work. We have to look at the impact on individuals who are included in a long-term jury assignment and how that will affect their prospects of returning to employment.

We are not convinced at this point that you are going to gain a number of individual records over and above what you would gain from the DMV records. Workers are people who have to have identification to go to work, such as a driver's license. I do not have numbers at this point, but it seems likely you will capture most of those people through the DMV records anyway. The question becomes, is it worth a possibly slim number of people being captured that you would not otherwise capture from the data that you have in the bill already through DMV and voter registration and other means, to insert another exception to the unemployment insurance confidentiality statutes that we have in place? Confidentiality statutes in the unemployment insurance law were put there to protect people's personal identification and protect information about their employment status, and protect employers' possible trade secrets, and things such as that.

Over the last few sessions, we have had five new exceptions added to our statute for confidentiality. Every time you send data from one system to another, you increase the opportunity for a data breach. That data is sitting in a new system that is a new opportunity for a breach. These are things that we have to consider to protect the data in the unemployment insurance program. We take that very seriously. It can be something as casual as a mistake, or someone leaves a paper document full of records on their desk and those documents are stolen. It has been shown that people have sold data, and that data is used to file fraudulent claims, tax returns, or steal someone's identification. From that perspective, we feel compelled to ask these questions and ask you respectively to consider impacts of the unemployment insurance program and impacts to opening the confidentiality statutes when you look at that aspect holistically in the system.

We do support the concept of increasing the diversity and numbers in the jury pools; we just have questions regarding impacts to the system. We respectfully ask that the Committee allow that to occur.

**Chairman Yeager:**

That was helpful in clarifying your position that you are not opposed to the philosophy behind this bill, but that you might have some procedural or implementation concerns with respect to the data breach, could not that have already happened with the exceptions that are in the statute? Do you not depend on the people you contract with to keep up their end of the bargain to keep that information confidential?

**Renée Olson:**

Yes, we do, and you are correct that the data is out there. The more times you offer to send that data to someone else, the more opportunity there is for someone to access that data. I would also like you to consider that confidentiality in our system enables a confidence in people applying for unemployment insurance that their data is not going to be widely shared. At some point, when we look at confidentiality of data, we have to think about what the impact of adding more exceptions to our confidentiality statutes does to the statutes as a whole. Why have confidentiality statutes if we are going to continue to add exceptions to that statute?

**Assemblyman Elliot T. Anderson:**

I need more specificity on why you believe this data will be duplicative of DMV data? What I am familiar with about your office is that many of the locations that people can come in for JobConnect are on regularly traveled bus lines. Do you accept forms of identification such as a power bill or birth certificate in lieu of an ID? I am trying to get my head around why you think it is duplicative.

**Renée Olson:**

I believe it could be. I do not have the statistics. I am not here to state that I know for sure that is the case. We do identify individuals who seek services that are able to go to work. We have to identify them to make sure that they are eligible for work to receive our services. Many times people will have the need to use the bus system, but that does not preclude them from having an ID card. We also verify the social security numbers.

I failed to introduce Laurie Trotter; she is the attorney for the Division and is assisting me with answering your questions.

Not everyone that comes into a JobConnect office is on unemployment insurance. The data from the DMV could possibly contain additional people that would not be included on the unemployment rolls.

**Assemblyman Thompson:**

I have a question about your amendment letter ([Exhibit I](#)). In the last paragraph you said that you have communicated with Assemblyman Fumo. Can you share with us what that communication was like? Did you send an email or set up a meeting to talk this through with him? It is important to communicate as sending an email may not mean that you truly communicated with the person.

**Renée Olson:**

I did arrange a meeting and we had a very cordial conversation over my proposed amendment. I guess technically it is not considered a friendly amendment.

**Chairman Yeager:**

Thank you, and I think that is why you were in opposition. At this point, it is not considered a friendly amendment. I want to thank you for your testimony. Is there anyone who would like to testify in the neutral position?

**Andres Moses, Staff Attorney, Eighth Judicial District Court:**

We are neutral on A.B. 207. I would like to thank Assemblyman Fumo for working with us and being amenable to our concerns and the language we proposed. I am going to review our amendment for the Committee today ([Exhibit E](#)). In section 1, subsection 5, paragraph (a), we are seeking to clarify which group of people's records will be kept by the court. In the original bill, the record keeping requirement only extended to individuals who were actually seated for jury service. Our amendment broadens that group to include prospective jurors who report for service in response to a summons. Not only does this language conform to what we are already doing in Clark County, we feel that is the best practice to keep records for the people who report, which we refer to as the venire.

In subsection 5, paragraph (b), we seek to change the entity that we would send the report to. Originally, it was written to send it to the Office of the Attorney General and we have changed that to the Administrative Offices of the Courts. We thought this was a more appropriate home for this report since they are our parent court and supervise the judicial branch.

We did submit a small fiscal note to the bill ([Exhibit J](#)). Adding the source list will require modification to our software, which will be a one-time cost of \$2,000 and an increase of \$2,200 to our annual maintenance fee. We do recognize that our sister courts in the rurals and Washoe County have more resource and technology concerns, and I believe Mr. Hillerby is here to articulate those on behalf of the District Judges Association.

**Michael D. Hillerby, representing Nevada District Judges Association:**

The Association is neutral on A.B. 207. Our comments are directed not to the policy but simply to some implementation issues. On NELIS, there are some comments from the Second Judicial District Court ([Exhibit J](#)); those do a nice job of summarizing the issue for the courts outside of Las Vegas, and particularly the rurals. Not surprisingly, this is largely an issue of staffing and information technology. Many of those courts operate on lean

budgets, so programming is not done in-house and they would have to contract it out, which will involve additional costs having to do with obtaining the lists and removing duplicate names and so forth. We just want to be sure we have it on the record that the issue was not with the policy of the bill but implementation, reprogramming computer systems, and some of the costs involved with that issue.

**John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:**

We are neutral on A.B. 207. I want to start by saying what prosecutors want more than anything is a fair and impartial jury that complies with both statutory and constitutional guidelines. I want to point out for this Committee that defendants are entitled to a jury venire that is selected from a fair cross section of the community. We do have case law that guides us with respect to what meets that guideline.

*Williams v. State* [121 Nev. 1184 (Nev. 2005)], the Nevada Supreme Court gave a lengthy discussion of the random variation in a venire composition. When I use the term venire, I am talking about the group of people who were sent to the district court and make up the potential jurors in a case. There is some random variation in respect to this process, so they talk about if a group is 10 percent of a population and you have a venire of around 40 people, anywhere from zero members to 6-8 people would be constitutional with respect to the random variation we have built into our system.

I want to make two major points: at no time in Nevada have we been found to have a systematic exclusion of specific groups from jury service. In fact, the most recent unpublished opinion in *Battle v. State* [128 Nev. 882 (2012)] the Nevada Supreme Court said that the system we have now passes the constitutional test. That goes directly to Assemblywoman Miller's earlier statement. This leads me to my second point. In Clark County, the jury commissioner and the chief judges have been making efforts to bring more people into the pools. We have had two administrative orders: the first is that we recently added registered voters to our jury pool, and the second administrative order created a jury services committee to help us examine the jury service process from summons through discharge.

According to the Supreme Court, we are not constitutionally deficient, and we are making efforts. You will never hear me say we have a perfect system, but we have one that is striving to be perfect.

**Chairman Yeager:**

Mr. Hillerby, it appears that we do not have the comments from the district judges ([Exhibit J](#)) on NELIS. If you would provide another copy to the committee manager, we will be sure to have it uploaded to NELIS.

**Michael Hillerby:**

The comments I was referring to was the fiscal note from the Second Judicial Court, which did a nice job of summarizing the comments.

**Chairman Yeager:**

At this time, I would like to invite the sponsors of A.B. 207 for any concluding remarks.

**Robert Egert:**

I would like to clear up some issues raised by some of the members of the Committee. A jury of your peers as defined in our *U.S. Constitution* for your right to a jury trial in criminal cases and by the Seventh Amendment to your right to a jury in civil cases, does not mean—as in Assemblyman Wheeler's comment—that if 82 percent of criminals are males, they would be entitled to have the jury be 82 percent males. Nor is it the fact that if you are an African-American defendant are you entitled to have the entire jury be African Americans and the same goes for white defendants or any other race. What a jury of your peers means is a jury of peers from the community you live in that are representative of the demographics of that community. I think there is some confusion here; we are not arguing that every African-American defendant in a criminal trial should have only African Americans on their jury or in the panel, or male versus female. This is not what this is about; it is simply an effort to cast a broader net so when the pool of potential jurors comes into the courthouse they are representative of the demographics of our community.

**Assemblyman Fumo:**

I want to thank Assemblyman Anderson for his question to DETR because other states use that information: New York, Rhode Island, and Connecticut to name a few. The transmission of information is from one government agency to another, and it is allowed under the *Federal Code of Regulations*. I look forward to your supporting this bill.

**Chairman Yeager:**

I will now close the hearing on A.B. 207. I will now open the hearing on Assembly Bill 135.

**Assembly Bill 135: Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. (BDR 43-598)**

**Graham Lambert, Private Citizen, Henderson, Nevada:**

I would like to start by saying that Charles Cullison and I are happy to be here. We are both registered voters of Nevada, in the Military Veterans Scholarship Program and medical students. For the record, A.B. 135 is not for or against the use of marijuana but to update the current law with scientific facts, as we know them to date (Exhibit K). The *Nevada Revised Statutes* (NRS) 484C.110, subsection 3, provides for two methods of determining the cognitive impairment of operating a motor vehicle under marijuana. Those two methods are through blood draw and urinalysis. The problem with urinalysis for determining cognitive impairment under marijuana use is that the only compound they test for in Nevada is tetrahydrocannabinol (THC) carboxy, also known as THC-COOH. This compound is inert and does not provide any psychoactive effects. This compound has been shown to remain in the body for extended periods. One study showed it stayed in the body for up to 76 days.

**Charles Cullison, Private Citizen, Henderson, Nevada:**

I would like to move on to the blood portion of the presumption of cognitive impairment while operating a motor vehicle. That same compound, which under the current statute is looked for in urine is also referred to in statute as marijuana metabolite, which is the carboxy. You run into the same problem when testing for this compound in urine. It does not alter the mind; it is nonpsychoactive. It is nonpsychoactive if it is found in the blood, and it remains in the blood for extended periods. What this bill provides for and what the science has shown us is that the psychoactive compound that we should be looking for is marijuana, which is delta-9 THC and its psychoactive metabolite 11-hydroxy-THC or 11-OH-THC. Both have been proven to have cognitive impairing effects ([Exhibit L](#)).

Currently, Henderson Police Department Forensic Laboratory does look for the marijuana and the marijuana metabolite 11-hydroxy and the 11-OH-THC; however, that same practice is not carried over to the Las Vegas Metropolitan Police Department Forensics Laboratory or the Washoe County toxicology offices. This bill provides for the analysis of blood for 11-OH-THC and delta-9 THC, the two main psychoactive compounds from marijuana use.

**Chairman Yeager:**

I think it would helpful for the Committee if you could take us through what your impetus was for bringing this particular bill forward. Also, talk about the process at school in terms of the people who reviewed your work and how that process got us here today.

**Charles Cullison:**

You are asking what the process was that led us here today. Our journey began when one of our faculty advisors offered us the potential of doing a poster presentation for the American College of Legal Medicine through our school. At that moment we had no idea what our research topic was going to be; however, we knew we would like to do a research topic that was important or active in the state at the time. We opened up a newspaper and figured the most talked about subject matter at the time was marijuana. This was before the legalization vote for recreational use was put before the voters. We had a few ideas about what we could look into as far as what legal matters you would run into when it was legalized, especially in the health care field. However, we could not go into that area because federal law governs hospitals and their requirements for the employees.

We started by conducting interviews with different toxicology labs, our first being Henderson Forensic Laboratory section. From there we did phone interviews with forensic toxicologists with Henderson, Las Vegas Metropolitan Police Department Forensic Laboratory, and the Washoe County toxicology labs. We compiled our research into a poster and an abstract of the presentation, which we submitted to our faculty advisor. He needed verification that all our facts were true because it seemed almost unbelievable. He asked for the assistance of Senator Joe Hardy to personally call the toxicology labs that we quoted as



being interviewed in our paper to verify all the facts that we added to our poster. Once that process was finished and everything was verified through our research and what we said what the different toxicology labs do, we presented our poster at different conferences and we were advised to take it up to this level.

**Assemblyman Pickard:**

I will disclose to the Committee that I did have a conversation prior to session starting. I believe one or both of you are in my district. I am a little concerned about the fact that the testing is not widely available to law enforcement; were we to implement this right away, we are apparently not going to be able to do those field tests. Sounds like Henderson does it, but Las Vegas Metropolitan Police Department and Washoe County Police Department do not. That concerns me. I was looking for the fiscal note because I think it addresses what the cost of getting this up-to-speed around the state is going to be. My question has to do with section 4, subsection 4 where it states we are adding saliva to the test. I am unaware of any saliva test that will measure any of the metabolites.

**Chairman Yeager:**

There is an amendment ([Exhibit M](#)) on Nevada Electronic Legislative Information System (NELIS) that strikes saliva tests. You are correct; the technology does not yet exist for saliva tests. There is a very large fiscal note on the bill from Washoe County; I think the removal of saliva will remove that fiscal note. I neglected to make that clear at the beginning of the hearing that the version of the bill that is being brought forward—and I can let these gentlemen testify as well—but I think it contemplates blood tests, which is the way it is being done.

**Assemblyman Pickard:**

I apparently missed that in the amendment when I reviewed it. I appreciate that information.

**Chairman Yeager:**

We also have a couple of other testifiers who may want to talk about the current blood testing that is done, or how it is done procedurally. If anyone wants to take that up, I think this would be the time to do it.

**John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:**

In a driving under the influence (DUI) prosecution, the police must have probable cause to make a stop, whether it is a traffic infraction or believing that a driver is impaired in such a way as to cause the officer to pull the vehicle over. If they see other signs of the driver being impaired, then they have permission to pull them out of the car and conduct a field sobriety test. I hope I understand your question right; how the blood test procedure works now is if the officer believes a person is under the influence of a controlled substance, they have the right to either ask for consent to take blood or request a warrant to take blood. We currently do that testing, as is, right now. When you process the blood, we would be looking at something different, and I think the doctors could speak to that better. However, it would not necessarily change the practice of what we are doing now it; would just alter it.



**Assemblyman Pickard:**

I apologize if I was not clear; I understand the process and that it would be taken at a hospital or a medical facility. However, my concern is if this is something that is not currently available in the bulk of the state, outside of the City of Henderson, this creates a problem in my mind for implementation.

**Graham Lambert:**

To the best of our knowledge, everyone has access to this type of testing. It is the compounds we test for that we would like to change in terms of blood. The technique is called gas chromatography mass spectrometry; it is essentially what is required to determine impairment, if that answers your question.

**Assemblyman Pickard:**

Not really, because I know we have the capability of drawing the blood and making the tests but I thought your testimony was that only Henderson currently has capability for testing for these compounds.

**Charles Cullison:**

I did not testify that Henderson was the only one who has the capability to do it and the only city that currently does the extra work. Everyone, to the best of our knowledge—Washoe County Police Department, Las Vegas Metropolitan Police Department, rural areas of Nevada, and Henderson—all have the capability because of the process that my colleague already said. It is just taking the extra step in their already capable process of looking for this very active psychoactive compound, 11-hydroxy.

**Assemblywoman Tolles:**

Just two quick questions: one, you referenced a copy of a report I believe you worked with Senator Hardy in order to obtain; I did not see that on NELIS. Is it possible for us to see a copy of that report of current practice across the state?

**Graham Lambert:**

We can get that report to you. It is included in our acknowledgments that we did work with Senator Hardy on this. We did not include the actual conversation or emails within our references, but I believe we could probably get that to you.

**Assemblywoman Tolles:**

How long did it take to get the results from the lab on the blood tests? What time frame are we talking about that we are holding the individual?

**John Piro:**

Generally, it takes about 90 to 120 days to get a blood test back from the lab; we are not necessarily holding that person in custody for that time. If there is an accident, the labs generally will speed up that time frame on getting the blood test results back. Generally, what happens is the person is held for a certain amount of time during that DUI and released pending the blood test results, and then the state would file its criminal complaint.

**Assemblywoman Krasner:**

I am looking at sections 1 and 2; it appears that you have lined out the use of urine to test for marijuana and are going to only use a blood test; is that correct and why?

**Charles Cullison:**

As my colleague Graham Lambert said in his portion of the testimony, the compound that they look for in urine is THC carboxy and that compound is not psychoactive and remains in the system for extended periods. If you were looking for presumption of impairment while operating a motor vehicle, you would not look for a compound that is not psychoactive or mind-altering. Because it can stay in your system for extended periods, we are proposing the blood test. The blood test actually does show you active levels of the psychoactive compound, which is THC and 11-hydroxy-THC, so that is why we would like to remove urinalysis or urine as a viable testing option for the presumption of impairment.

**Chairman Yeager:**

Are there any further questions for the panel? Would Mr. Sullivan or Mr. Piro like to give any additional supporting testimony at this time?

**Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:**

We are in full support of A.B. 135. We believe it is necessary to further the efforts of defending our clients who may be subject to DUI infractions.

**John Piro:**

The voters voted to legalize marijuana, so if we are going to have per se statutes that deal with whether or not a person is impaired, it is important that we test the substance that actually shows impairment rather than just whether or not you had the substance in your system at all, which is the current framework that we have. We are in support of A.B. 135.

**Chairman Yeager:**

I have one clarifying question probably for Mr. Piro or Mr. Sullivan, but you mentioned per se levels, and in this bill, nothing is being changed in terms of the 2 or 5 nanograms, which is the threshold that is currently in law. Could you tell the Committee, if you have a blood test and are prosecuted for these substances and you come in over those limits of 2 and 5 nanograms, what impact does that have in the criminal prosecution against you?

**John Piro:**

It will make it virtually impossible to defend yourself. You are going to be presumed guilty.

**Assemblyman Pickard:**

I am concerned about having to wait on a case for 90 to 120 days for just the first result. Is there no faster way of getting a valid result? I understand the problem with urinalysis if it was testing for something that does not make any sense; we do not need to do that. However, is this the only way to figure it out, outside of the sobriety check that the officer may do in the field? Is there any other way to know with something taking less than 120 days?

**John Piro:**

I think that is going to be a question best answered by the Las Vegas Metropolitan Police Department and Washoe County Sheriff's Association. The labs are generally very backed up and that is why it takes the time to get the results.

**Chairman Yeager:**

I would welcome when you come up to testify, if you are with the labs, if you could walk us through the process. My experience is that 90 to 120 days is the standard unless there is an emergency need to process it sooner in cases that are more serious. Perhaps the labs can tell us more about that process.

We will go ahead and take supporting testimony at this time. We have quite a few folks signed in that would like to testify on one side or the other of this bill. I am going to ask you in the interest of time to try to hold your comments to two minutes. If someone before you mentions everything that you wanted to say, it is fine to say I agree with that to get your name on the record.

**Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:**

Good morning, I am Wendy Stolyarov, Legislative Director for the Libertarian Party of Nevada. The Libertarian Party supports A.B. 135 as a measure that improves both the accuracy of our criminal justice system and respect for an individual's privacy.

At present, the urine test commonly used to check for marijuana intoxication detects all metabolites at an extremely low level, far below what is necessary for impairment. According to NORML (the National Organization for the Reform of Marijuana Laws), "... urine tests do not detect the psychoactive component in marijuana, THC (delta-9-tetrahydrocannabinol), and therefore in no way measure impairment; rather, they detect the non-psychoactive marijuana metabolite THC-COOH, which can linger in the body for days and weeks with no impairing effects."

The use of urine tests for immediate intoxication therefore flags as false positives two types of innocent drivers: One, individuals who have used a high THC strain of marijuana in the preceding days or weeks but were not intoxicated at the time of driving and two, individuals who have used low THC strains of nonintoxicating marijuana for medical purposes. The incarceration of either of these is a waste of government time and resources, as well as a miscarriage of justice against the individual.

While we understand that lawmakers want an efficient, accurate measure of marijuana impairment, urine tests are not the solution. The Libertarian Party, therefore, supports A.B. 135 and thanks the Committee for harmonizing justice with science.

**Corey Solferino, Sergeant, Legislative Liaison, Washoe County Sheriff's Office:**

Washoe County Sheriff's Office was originally in opposition of this bill due to the language regarding the testing for saliva and the unfunded mandates it would force upon our agency, estimated at \$2 to \$3 million. As the only forensic science division in northern Nevada, our crime lab is responsible for providing services to over 80 agencies and 13 counties statewide.

We appreciated meeting with the drafters of this bill and Chairman Yeager regarding their willingness to remove the saliva testing from this bill. We now stand in support of those changes. Washoe County Sheriff's Office is dedicated to preserving a safe and secure community with professionalism, respect, integrity, and the highest commitment to equality.

We as a law enforcement community are concerned about the rise in fatal accidents over the last few years and the role impaired driving plays in those fatalities. We have invested in furthering our education for our patrol officers and have collaborated with National Highway Traffic Safety Administration and have joined forces with DUI campaigns to reduce the number of traffic accidents and fatalities that occur on our state roadways.

In 2015, we trained our entire patrol division in Advance Roadside Impaired Driving Enforcement. Our agency recognized the value of this training and the importance of removing our impaired drivers from the roadway before tragedy strikes. We have watched our DUI drug arrests increase by 53 percent since 2015 and 87 percent from 2014 through 2016, and that is just from the sheriff's office, not all of northern Nevada. For calendar year 2016, drug arrests accounted for 24 percent of our total DUI arrests.

The gentlemen that are accompanying me at the table represent over 40 years of experience in the toxicology field. Dr. William Anderson retired as the chief toxicologist of our forensic science division just five years ago and now works for an independent lab. Dan McDonald is our current criminalist, and we would be happy to entertain any questions.

**Chairman Yeager:**

Thank you for your testimony. So the record is clear, if the bill is processed with the amendment that removes saliva testing, would that then cause you to remove the fiscal note that was attached to the bill?

**Corey Solferino:**

Yes, it would.

**Assemblyman Pickard:**

Just to follow up on that point, are you saying because the saliva test would have added cost, that there is no other cost or testing problem, you are capable and able? I am wondering if you can do it in less than 120 days?

**Dan McDonald, Criminalist, Forensic Science Division, Washoe County Sheriff's Office:**

In Washoe County, we process about 80 percent of our drug testing within 30 days. The remaining 20 percent would be within 60 days. That is due to cost; if we had enough analysts we could do it in three days. Regarding the question on saliva, we currently do not test saliva; it is in the bill only for hemophiliacs and heart patients who are unable to give blood. For the few samples you would receive in that case, the cost of instrumentation in validation of methods and the upkeep of the methods used would affect the costs. You could still collect urine in that case to look for the metabolite and then the courts would have to prove the impairment. The number would be nothing.

**Assemblywoman Cohen:**

I want to make sure I am clear on this and understanding this because I understood over the last couple of years that we have not known where actual impairment begins versus just having this in your system. However, you are saying with this bill you are comfortable that this is telling us that this is where impairment is, correct?

**Dan McDonald:**

It is very hard to pin a perfect number or line in the sand for every individual. However, these samples are not collected in a vacuum; they are collected with signs of impairment enough for a judge to allow for a blood draw.

**Assemblywoman Cohen:**

At the same level of surety that we have when we are talking about alcohol? That level of impairment, that when we say 0.08 we all generally know what we mean when we say 0.08—is that where we are at with this bill?

**Dan McDonald:**

Alcohol 0.08 is a line in the sand also. That was a line in the sand given by lawmakers. There are individuals who are 0.08 and not impaired, but there are people at 0.05 who are impaired. That would be the same with the line in the sand for marijuana; there would be individuals who would not be impaired but there would be individuals who would be impaired below 0.08; it is just a line in the sand. Individuals are different and use patterns are different.

**William "Bill" Anderson, Ph.D., Forensic Toxicologist, NMS Labs, Reno, Nevada:**

I think it is important to understand in terms of what this bill is doing. I have been doing toxicology since before we could test for marijuana. This bill removes the carboxy THC, which is totally inactive, and I have no reservations whatsoever about taking that from our per se law. We test urine, and with the questions that have come up, I think it is important to understand why urine only tests for the carboxy THC and not THC or 11-hydroxy. It is because they are not there. Marijuana is taken into the body and is extensively metabolized to many products and they are so low in the urine that you do not see them. It is not a choice not to look for the THC; it simply is not there. I think that is important to understand. It is not that we are ignoring something here; it just cannot be done.

In terms of what the labs would have to do, they would have to develop methodology to include 11-hydroxy-THC. They will probably retain measuring carboxy THC because it can be helpful sometimes to characterize recency of use; not always but sometimes. It is another piece of information but it has no pharmacological activity.

**Eric Bauman, Chief Deputy District Attorney, Vehicular Crimes Unit, Clark County District Attorney's Office:**

I would like to echo the comments regarding the removal of the urine testing from the statute. I believe the comments before me adequately address that.

Some important points I think we need to raise about the blood testing: First, I think it is very important that we are replacing the testing of the general marijuana metabolite, which took the form of carboxy THC, with the 11-hydroxy THC. I think the carboxy before cast too wide a net and ran the risk of us potentially convicting persons who may not have been under the influence by testing for that substance. My understanding, from relying upon consultation with forensic chemists and toxicologists whom I rely upon in my duties, are that the 11-hydroxy is much more indicative of the subject being under the influence to the extent that they cannot safely operate an automobile, of course, delta-9-THC being the active compound, which leads to the impairment of the skills required for safe driving. Again, relying upon my consultations with these experts my belief is that the limits set forth in A.B. 135 will be adequate based on the research we have done to this extent in this area. I am confident that the limits set will not cast too wide a net; they will not run the risk of catching individuals who are not under the influence.

I would like to bring up the importance of our having these limits. A place this becomes most important is in our most serious cases, the most violent crashes which tend to have the most tragic results. Due to the severity of such crashes, law enforcement officers may not have the opportunity to make all the physical observations and perform all the physical tests necessary to prove a DUI beyond a reasonable doubt in the absence of blood results. This could be because of injuries to the suspect driver or disorientation resulting from the crash, hitting their head in the crash or something along those lines. In those cases, we will be able to make observations that are sufficient to meet the lower burden that is required for a warrant for a blood draw. Without those limits set by A.B. 135, we would never be able to hold these drivers accountable for their criminal acts and for the damage they cause in our communities.

In conclusion, on behalf of the Clark County District Attorney's Office, I encourage passage of this bill for the safety of the motoring public of our state. I would be happy to entertain any questions regarding the procedures of DUI prosecutions.

**John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:**

We are here in support of A.B. 135. I want to draw your attention to a report by the Rocky Mountain High Intensity Drug Trafficking Area, often called Rocky Mountain HIDTA: they put out volume 4 of a report called "The Legalization of Marijuana in

Colorado, The Impact." You can find that at [www.rmhidta.org](http://www.rmhidta.org). Rocky Mountain High Intensity Drug Trafficking Area is a collaboration of federal, state, and local drug enforcement agencies, and they focused on the legalization of marijuana. The first thing they talk about in their report is the increase in marijuana-related traffic deaths since the legalization of recreational marijuana in Colorado. According to Rocky Mountain High Intensity Drug Trafficking Area, marijuana traffic deaths increased 48 percent in the three years since legalization, compared to the three-year average prior to legalization of marijuana. During that same period, all traffic deaths increased 11 percent.

We have seen similar marijuana-related fatality increases in Washington since they have legalized recreational marijuana. Marijuana-related fatal crashes went from 9 percent of all crashes prior to legalization to 18 percent of all crashes. This is one of the reasons we are supporters of A.B. 135. The 2-nanogram limit is important in terms of protecting our public from marijuana-impaired drivers. Again, the Nevada District Attorneys Association is in support of A.B. 135.

**Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:**  
We stand in support of A.B. 135.

**Brian Evans, representing the Nevada State Medical Association:**  
We support A.B. 135 and feel that this is just a good public safety, given current marijuana law in Nevada. We would also like to thank the Touro University Nevada College of Osteopathic Medicine students for all their hard work on this topic.

**Chairman Yeager:**  
Would anyone else like to testify in support of A.B. 135?

**Laurel Stadler, Rural Coordinator and Legislative Liaison, Northern Nevada DUI Task Force:**

I am here in support of A.B. 135 and the clarification on the impairing substances in the marijuana itself. I am very appreciative of Mr. Bauman's testimony regarding the crashes and speaking of the victims, as that is our focus. Unfortunately, most of the DUI laws in Nevada were built on the backs of victims of DUI crashes and this will ensure that those victims will have fair and honest prosecution of the offenders in these crashes because of the per se levels staying in the law.

**Chairman Yeager:**  
Is there anyone in opposition who would like to testify?

**Vicki Higgins, Private Citizen, Las Vegas, Nevada:**

I am more neutral than against A.B. 135. I represent medical cannabis patients and want to be assured that these patients are taken into consideration as opposed to the recreational user when it comes to intoxication. I am very impressed with what I have heard today. It has obviously been discussed that the urine and the nanogram levels do not prove that there is intoxication. I would like to see some wording that says documented, reasonable, suspicion of intoxication before we automatically have blood work done.

I have some paperwork here ([Exhibit N](#)) and I apologize I should have taken time to update it. This is from the 78th Legislative Session when I did submit this; Standard American Specialty Labs assisted us with this back in 2015. It is a very unscientific test; we had six people who used different methods of cannabis ingestion then 12 hours later had them tested. Not one of them could have passed the bloodwork requirements in A.B. 135.

I appreciate the description on why urine tests came out so high. None of us could have passed the blood work because we are regular long-term patients. We have continual maintenance and it depends on body weight, body type, and fat content, how much you have eaten, or how much fluid is in your system; there are many things that affect that. I very much want to see that, if there is a reasonable suspicion of intoxication, especially with medical cannabis patients.

I understand that we need to keep our roads safe and there are many uneducated users out there and this is something that we need to be concerned about. I appreciate your efforts to study and look into and understand the problems and issues surrounding this. Again, we are patients and we are going to have a long-term standard in our system. As patients, we develop a tolerance. I know if I took oxycodone I could not drive the next day because I would have a hangover and residual effects from that. Medical cannabis, ingested, just maintains in the system and keeps things steady. Before it automatically goes to blood work, I think we need to prove reasonable suspicion of impairment. I have heard of parents losing their kids, their jobs, licenses all because of the assumption that you are a medical cannabis patient and so you are obviously high. I would like to see that assumption put aside. If you could do whatever you can to help protect the patients of Nevada in addition to protecting us from intoxicated drivers on the road; I would appreciate it. Many patients have been using these medicines for years and their driving history is very clear. It is not necessarily an impact of impairment just because we use it as a medicine. I want to thank you for your time and all your efforts to educate yourselves and to assist our community in moving forward with this.

**Chairman Yeager:**

Thank you for your testimony, and I do think this is one small step in an effort to protect the patients to make sure we are only testing for the psychoactive metabolite. I realize it may not be as big of a step as some folks would like, but I think it is a good first step. If you want to provide the documents you have to the secretary in the room, we could take those and make sure they are distributed to the Committee members.



I wanted to make one comment to, I think you said, probable cause or reasonable suspicion. Currently, at least with respect to DUI law, the officer does need to have probable cause to pull the driver over. In terms of the blood test, it is only done if the driver gives consent or if the officer seeks and gets a search warrant from a judge. I understand you are making comments probably about other areas of the law, such as custody and family law, but at least when it comes to driving under the influence there is protection that is already built into the law. I wanted to make sure that was clear for the record.

**Timothy Eli Addo, Private Citizen, Las Vegas, Nevada:**

I came to share a few concerns as being a medical cannabis patient. I was born with a rare genetic disease called Ehlers Danlos Syndrome, Hypermobility. Assembly Bill 135 is important to our livelihood and to be able to have a productive means of living.

I understand this is a huge step, going for the psychoactive cannabinoids and testing those. My main question is, We are looking to test for THC in its acidic form, and if you test per se 2 nanograms with the blood, how does that really correlate to finding the degree of intoxication or impairment? Two nanograms, how does that correlate to a patient or recreational user being impaired? Even up to this point that still cannot be proven. When it comes to medical cannabis, there are still lots of clinical trials that have to be done to be able to put into light many things that we as patients are being prosecuted for. As a patient, I drove here this morning; yes, I took my medication this morning and if I were to be tested right now, I would more than likely be over 2 nanograms.

As a medical patient, everything is done with ratios. You could literally test for the high psychoactive cannabinoids, but what about the non-psychoactive cannabinoids as well? You use different ratios for your condition. Sometimes you can use a very low dosage of the non-psychoactive, then use a high dosage of psychoactive, depending on your condition.

**Chairman Yeager:**

Sir, if I could interrupt you for a second, I understand what you are saying, and I think you are correct that we do not have enough scientific information or clinical trials to make an analysis, but in terms of this particular bill and what it seeks to do, are you opposed to this bill? I am just asking because you came up in opposition and I want to make it clear for the record. Is it that you oppose the bill or do you support the bill but just think it should go further?

**Timothy Eli Addo:**

Yes, I am neutral on this bill because I see the progress in it, and I would like to see it go further.

**Chairman Yeager:**

Thank you, sir. I appreciate your testimony and I think all of us here would like to see some more scientific evidence to correlate those levels of 2 and 5 nanograms. I hope that in the future we will have an opportunity to do that and maybe look at how we are prosecuting these cases. I do want to thank you for being here this morning and for offering your testimony.

**Timothy Eli Addo:**

If I may please, I have one more question. How do we protect ourselves without living in fear? Because that is very important as this bill is moving forward. Some of us have to either live in fear or live in harmony. That was all I wanted to include.

**Chairman Yeager:**

Is there anyone else who would like to testify in opposition?

**Kimbel Halliday, Private Citizen, Las Vegas, Nevada:**

As we are presenting percentages, statistics can be presented in dramatic ways. When you use percentages as has been done a couple times in testimony here, I am wondering what that means in real numbers. For example, when someone says there was a 48 percent increase in highway fatalities of a certain type under the influence, what does that mean? Does it mean it went from 2 to 3 3/4 or 6 to 12? What does this mean in real numbers and perhaps marginal returns? That may be an inflammatory statement to a person who has been a victim of a crash. I understood it is rumored that one of the large insurers wrote to the state stating that this law was overly strict and cast a very wide net on the presumption of guilt. I am wondering what this really means. The impairment and the per se definitions in the law, do they jive? Does this relate to insurance company actuarial data?

**Chairman Yeager:**

Sir, if I could interrupt you. I think you are making some good points and asking good questions. That is probably outside the scope of this bill we are hearing today. I do not know if we are going to have any good answers for you. I know one of the presenters earlier referenced a Rocky Mountain study that was done in Colorado that seemed to be available on line. In terms of the methodology that was used in that study, you may want to consult that report to figure out where those statistics come from; but for this particular bill, could you just let the Committee know, do you have any concerns with the language that is attempting to be changed in this bill? I understand you may want the bill to go further but the bill as presented today, are you in support or do you oppose it for some reason?

**Kimbel Halliday:**

I think I do oppose it and the person who maybe spoke to my concern the best was the Public Defender's representative that said it was impossible to defend yourself because of the presumption and that indicates bias to me. Is it supported in reality with actual impairment? That was my key question.

**Chairman Yeager:**

Thank you so much for providing your testimony this morning. Is there anyone else in Las Vegas who would like to testify in opposition? Is there anyone in the neutral position? Ms. Higgins, did you change your mind? Are you neutral or opposed to the bill?

**Vicki Higgins:**

I am against the nanogram being set at such a low number. My earlier point was I would like to see the intoxication level based on behavior, not a nanogram. That is what I object to in this bill.

**Chairman Yeager:**

However, Ms. Higgins, you understand that A.B. 135 does not make any change to the law in respect to the nanogram levels.

**Vicki Higgins:**

That is not how I understood it.

**Chairman Yeager:**

Just so the record is clear, A.B. 135 makes no changes to the existing nanograms levels; those are the levels already in the law. All this bill seeks to do is to say that we must test for the psychoactive metabolite. It does not talk about the levels. I understand your concern and that you would like to see the levels changed, but this bill does not change the levels in any way whatsoever.

**Vicki Higgins:**

Okay, my apology.

**Chairman Yeager:**

If our presenters would like to come back up and present any concluding remarks, or if you want to address anything that has been raised, now would be the time to do it. On the other hand, you may want to make some summary remarks.

**Graham Lambert:**

I am in support of this bill and thank you for having us here.

**Charles Cullison:**

Thank you for giving us the opportunity to come up to Carson City, hearing us today, and I hope you support the bill.

**Sean Sullivan:**

The Washoe County Public Defender's Office supports A.B. 135. I want to thank these fine young medical students for coming here today to help us present this bill. Nevada law must provide for accurate testing for presumptive cognitive issues, so I think this bill is a step in the right direction.

**Chairman Yeager:**

I want to thank you as well for traveling up here from Las Vegas, probably getting a day or two off from school. Hopefully you do not get too far behind, but I thank you for your work on this bill and thank you for talking to the various stakeholders. I know how hard you have worked over the last several months and certainly appreciate your being here this morning.

We will now close the hearing on A.B. 135. [([Exhibit O](#)) and ([Exhibit P](#)) were submitted but not discussed.]

Is there any public comment? [There was none.] The meeting is adjourned [at 10:24 a.m.].

RESPECTFULLY SUBMITTED:

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Janet Jones  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 145](#), presented by Diane C. Thornton, Committee Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 147](#), presented by Diane C. Thornton, Committee Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 207](#) presented by Andres Moses, Staff Attorney, Eighth Judicial District Court.

[Exhibit F](#) is a proposed amendment to [Assembly Bill 207](#), dated March 2, 2017, submitted by Assemblyman Steve Yeager, Assembly District No. 9.

[Exhibit G](#) is a document titled "Criminal Peremptory Challenges," submitted by Assemblyman Steve Yeager, Assembly District No. 9.

[Exhibit H](#) is a document titled "Civil Peremptory Challenges," submitted by Assemblyman Steve Yeager, Assembly District No. 9.

[Exhibit I](#) is a letter requesting an amendment to [Assembly Bill 207](#), dated March 1, 2017, authored and presented by Renée L. Olson, Administrator, Employment Security Division, Department of Employment, Training, and Rehabilitation, to Chairman Yeager and members of the Assembly Committee on Judiciary.

[Exhibit J](#) is a fiscal note to [Assembly Bill 207](#), dated February 27, 2017, submitted by Andres Moses, Staff Attorney, Eighth Judicial District Court, prepared by the Second Judicial District Court.

[Exhibit K](#) is a document titled "Nevada's Adoption of Recreation Marijuana Use Compels Amending Nevada Revised Statutes' Testing for Presumed Cognitive Impairment by Marijuana and Marijuana Metabolites," submitted by Graham Lambert, Private Citizen, and Charles Cullison, Private Citizen, both from Henderson, Nevada.

[Exhibit L](#) is a document titled "Medical Toxicology of Drug Abuse: Synthesized Chemicals and Psychoactive Plants," presented by Graham Lambert, Private Citizen and Charles Cullison, Private Citizen, both from Henderson, Nevada.

[Exhibit M](#) is a proposed amendment to [Assembly Bill 135](#), dated March 1, 2017, proposed by Assemblyman Steve Yeager, Assembly District No. 9.

[Exhibit N](#) is a document titled "NV-MM Patient Survey Blind Study," dated May 4, 2015, submitted by Vicki Higgins, Private Citizen, Las Vegas, Nevada.

[Exhibit O](#) is material provided by the Washoe County Sheriff's Office, Forensic Science Division, and submitted by John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office; and representing Nevada District Attorneys Association, consisting of the following:

1. A graph of THC plasma levels.
2. A graph showing mean plasma concentrations.

[Exhibit P](#) is a copy of an article titled "DA wants state's marijuana DUI law changed," by Arnold M. Knightly, *Las Vegas Review-Journal*, [www.review/journal.com/news/las-vegas/da-wants-state-s-marijuana-dui-law-changed](http://www.review/journal.com/news/las-vegas/da-wants-state-s-marijuana-dui-law-changed), dated September 7, 2014, submitted by John J. Piro, Deputy Public Defender, Clark County Public Defender's Office.