

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

**Eightieth Session
May 16, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:49 a.m. on Thursday, May 16, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Lesley E. Cohen, Vice Chairwoman
Assemblywoman Shea Backus
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblywoman Alexis Hansen
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Rochelle T. Nguyen
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Jill Tolles
Assemblywoman Selena Torres
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

Assemblyman Ozzie Fumo (excused)

GUEST LEGISLATORS PRESENT:

Senator Julia Ratti, Senate District No. 13
Senator Ira Hansen, Senate District No. 14



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Traci Dory, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Marc Newman, Private Citizen, Las Vegas, Nevada
Lilia Ceballos, Owner and Bail Agent, Aztec Bail Bonds, Las Vegas, Nevada
Marc Gabriel, Owner and Bail Agent, eBail Cheap Bail Bonds, Las Vegas, Nevada

Chairman Yeager:

[Roll was called, and Committee protocol was explained.] Before we get to the work session, Committee members, we have one order of business to take care of.

BDR 16-1220—Revises provisions regarding response to emergencies. (Later introduced as [Assembly Bill 534](#).)

We had introduced as a Committee a bill draft request (BDR) on Friday, and it was going to be reported to the floor. It was discovered that there were some changes that needed to happen to the BDR so it never got reported to the floor. We have a new version of the BDR, so I am going to ask that at this time we take a motion to rescind the prior action of introducing BDR 16-1220.

ASSEMBLYWOMAN COHEN MOVED TO RESCIND THE
INTRODUCTION OF BILL DRAFT REQUEST 16-1220.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR
THE VOTE.)

That action has been rescinded. Now we will go to the revised BDR that has the same number, BDR 16-1220, which revises provisions regarding response to emergencies. I will be looking for a motion to introduce BDR 16-1220.

ASSEMBLYWOMAN PETERS MOVED TO INTRODUCE BILL DRAFT
REQUEST 16-1220.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR THE VOTE.)

We will report this to the floor and will probably have a hearing on this bill sometime next week. Thank you, Committee. We will now go to our work session document. We are going to take Assembly Bill 125 at the end of our work session. We will start with Senate Bill 131 (1st Reprint).

Senate Bill 131 (1st Reprint): Revises provisions relating to the resale of tickets to an athletic contest or live entertainment event. (BDR 52-64)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 131 (1st Reprint) revises provisions relating to the resale of tickets to an athletic contest or live entertainment event. It is sponsored by Senator Woodhouse and was heard in this Committee on May 6, 2019 ([Exhibit C](#)).

This bill revises existing deceptive trade laws to impose additional requirements related to the sale of tickets to athletic contests and live entertainment events. The bill prohibits a reseller, a secondary ticket exchange, or any affiliate from:

- Reselling a ticket without first disclosing to the purchaser certain information;
- Reselling or advertising to resell a ticket unless the reseller has possession of the ticket or has a contract with a person who has the initial ownership rights to a ticket, also known as a rights holder, to obtain the ticket;
- Advertising or representing themselves as a primary ticket provider or rights holder unless authorized by the rights holder;
- Reselling a ticket prior to the ticket being made available to the public by the rights holder unless authorized by the rights holder; and
- Reselling or offering for resale a ticket if the person participated in or had the ability to control the use of an Internet robot or had reasonable knowledge that the ticket was acquired with the use of an Internet robot.

Finally, the bill increases the amount of damages that a court is required to award for the first violation of the requirements related to ticket sales and provides for increasing damages and penalties for each subsequent violation.

There is one amendment to the bill submitted by Chairman Yeager. The amendment does the following:

1. Section 7, subsection 1, paragraph (c) deletes the word "seat";
2. Section 7, subsection 1, paragraph (d), subparagraph (1) adds "constructive possession";
3. Section 7, subsection 2, clarifies "available to the public" by adding the language "including pre-sale, fan club pre-sale, or any other promotional pre-sale events";
4. Section 8, subsection 2, paragraph (b), deletes the language "or reasonably should have known";
5. Section 9, subsection 2, deletes the language "be not longer than two pages and";
6. Section 10, subsection 3, adds the following new language:

A civil action may be brought in any district court of the State of Nevada pursuant to this section:

- (a) In which the cause therefor accrued;
- (b) In which the defendant resides or may be found;
- (c) In which the plaintiff resides, or
- (d) In which an athletic contest or live entertainment event occurs.

Chairman Yeager:

Are there any questions on S.B. 131 (R1)? [There were none.] At this time, I would be looking for a motion to amend and do pass Senate Bill 131 (1st Reprint).

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
SENATE BILL 131 (1ST REPRINT).

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Tolles:

I appreciate all of the amendments which addressed a number of my concerns. I still have concerns over some of the language under section 7, particularly, "any other restrictions imposed." I always get nervous when we in government let one business put restrictions on

another business that could be a competitor. I have some questions about that, but I will be a yes out of Committee and I will keep working on that.

Chairman Yeager:

Is there any other discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR THE VOTE.)

Given the amount of interest we have had on S.B. 131 (R1), I will assign the floor statement to myself. We will go next to Senate Bill 151 (2nd Reprint).

Senate Bill 151 (2nd Reprint): Revises provisions related to certain proceedings concerning property. (BDR 3-516)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 151 (2nd Reprint) revises provisions related to certain proceedings concerning property. It is sponsored by Senator Ratti and was heard in this Committee on May 7, 2019 ([Exhibit D](#)).

This bill provides that a sheriff or constable must post an order for removal in a conspicuous place on the premises of a tenant within 24 hours after receiving an order from a court and that a sheriff or constable must then remove the tenant not earlier than 24 hours nor later than 36 hours after posting the notice. Absent an agreement between a new owner and a lessee, a residential lease remains in effect if a residential property is transferred or sold. The bill defines low-income housing project consistent with federal law and eliminates the ability for a landlord of a low-income public housing project to make use of summary eviction procedures in some cases. Additionally, the bill provides that an eviction notice must be served by a sheriff, a constable, a licensed process server, or the agent of an attorney licensed to practice in Nevada.

Senator Ratti and the Coalition of Legal Services Providers proposed an amendment to the bill. The amendment:

1. Replaces the 5 p.m. closing time of justice courts with "the close of business";
2. Replaces the language "low income housing project" with "conventional public housing" to clarify that the exclusion from summary eviction applies only to conventional public housing; and
3. Makes a conforming change to *Nevada Revised Statutes* 40.253 regarding service of eviction notices.

Chairman Yeager:

Are there any questions on S.B. 151 (R2)? [There were none.] At this time, I would take a motion to amend and do pass Senate Bill 151 (2nd Reprint).

ASSEMBLYWOMAN PETERS MOVED TO AMEND AND DO PASS
SENATE BILL 151 (2ND REPRINT).

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Tolles:

I see the sponsor in the room, and I always appreciate her expertise and extremely hard work on these issues. I still do have some concerns though, so I will be a no out of Committee with some conflicts with the housing authorities and also some unintended consequences of fees that will be passed down.

Assemblywoman Krasner:

I do appreciate and agree with the majority of S.B. 151 (R2). I think we do need to provide affordable housing options for people who are currently living in our state and those who want to move here. However, I do still have some concerns with one section of the bill so I will have to be a no out of Committee, but I am open-minded if there is an amendment forthcoming.

Chairman Yeager:

Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, HANSEN, KRASNER, ROBERTS, AND TOLLES VOTED NO. ASSEMBLYMAN FUMO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Peters. We will now move on to Senate Bill 163 (1st Reprint).

Senate Bill 163 (1st Reprint): Revises provisions relating to technology used by certain business entities. (BDR 7-877)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 163 (1st Reprint) revises provisions relating to technology used by certain business entities. It is sponsored by Senator Kieckhefer and was heard in this Committee on April 26, 2019 ([Exhibit E](#)).

This bill includes "blockchain" and "public blockchain" within the definition of an accepted "electronic transmission" in relation to business communications and authorizes various businesses including nonprofit corporations to conduct recordkeeping via blockchain or public blockchain. The bill also provides that blockchain and public blockchain are included in the technologies available to various business entities in carrying out their duties and powers. There are no amendments to the bill.

Chairman Yeager:

Are there any questions on S.B. 163 (R1)? [There were none.] I would take a motion to do pass Senate Bill 163 (1st Reprint).

ASSEMBLYWOMAN TOLLES MADE A MOTION TO DO PASS
SENATE BILL 163 (1ST REPRINT).

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Cohen:

I am going to support it out of Committee and I will probably support it on the floor, but I am somewhat concerned about the effect on our uniform law. I know that one of the proponents thinks we will get to where blockchain will be in its own chapter, but I think it is something we need to consider and continue to consider over the next couple of years.

Chairman Yeager:

Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR
THE VOTE.)

I will assign the floor statement to Assemblywoman Tolles. Next on the work session, we will move to Senate Bill 221.

**Senate Bill 221: Revises provisions governing warnings against trespassing.
(BDR 15-17)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 221 revises provisions governing warnings against trespassing. It is sponsored by Senator Settlemeyer and was heard in this Committee on April 17, 2019 ([Exhibit F](#)).

This bill revises provisions governing how trespass warnings are to be marked, painted, and posted and removes distinctions based on how the land is being used. It also adds a definition of "cultivated land" and adds "using the area as cultivated land" to the list of methods that are sufficient to warn against trespassing. Assemblyman Daly proposed an amendment to the bill. The amendment:

- 1 Revises the interval distance in section 1, subsection 2, paragraph (c), subparagraph (1) from intervals of not more than 1,000 feet to intervals of not more than 500 feet; and
- 2 Revises the definition of "cultivated land" in section 1, subsection 5, paragraph (a) by removing the terms "orchard," "grove," "trees," and "fallow" to clarify that the land is planted with a crop.

Chairman Yeager:

Are there any questions on S.B. 221? [There were none.] I want to thank Assemblyman Daly for working on this bill. I remember there were some concerns particularly about the definition of "cultivated land," so I think the bill is now stronger and does provide a better warning to those who may be trespassing. Again, thank you, Assemblyman Daly, for working on the bill. I would take a motion to amend and do pass Senate Bill 221.

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
SENATE BILL 221.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR
THE VOTE.)

I will assign the floor statement to Assemblyman Edwards. We will move to our next bill, Senate Bill 252 (1st Reprint).

Senate Bill 252 (1st Reprint): Authorizes the residential confinement or other appropriate supervision of certain older offenders. (BDR 16-1050)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 252 (1st Reprint) authorizes the residential confinement or other appropriate supervision of certain older offenders. It is sponsored by Senator Hardy and was heard in this Committee on April 29, 2019 ([Exhibit G](#)).

This bill allows the director of the Department of Corrections to assign an offender who has not been sentenced to death or life without the possibility of parole to residential confinement or other appropriate supervision not to exceed the length of the offender's sentence. These provisions apply only if the offender is 65 years of age or older, was not convicted of any of several serious offenses, and has served at least a majority of his or her maximum or maximum aggregated sentence. Chairman Yeager proposed an amendment to revise section 1, lines 17 and 18 to mirror the language in Assembly Bill 236.

Chairman Yeager:

I will let Committee members know I did have a discussion with Senator Hardy about the proposed amendment. He agreed to the proposed amendment, so it is friendly. The intent was to make sure that we were not moving two different versions of the same concept in two different bills. The way that this bill has been amended mirrors what was in A.B. 236 for the potential, what is called, "geriatric parole." Just to remind members, in both versions, including this one, there are exclusions so certain crimes—crimes of violence, crimes against a child, sexual offenses, and driving under the influence causing death—are not eligible for geriatric parole. That remains in Senator Hardy's bill and that language from Senator Hardy's bill was put into A.B. 236 as well. Are there any questions on S.B. 252 (R1)?

Assemblywoman Backus:

I may have been wrong, but did A.B. 236 include the age of 60 and would that amendment also be considered, or are they both 65?

Chairman Yeager:

Assembly Bill 236 as introduced had two different models of this. It had an age of 60 with different criteria than an age of 65, but in the amended version of A.B. 236 that we passed we struck the age of 60. Right now, only the age of 65 is in both bills and the criteria is exactly the same. There is no conflict now at this point. Are there any other questions?

Assemblywoman Krasner:

I continue to have concerns with S.B. 252 (R1) as it relates to victims' rights. I have had several families of victims reach out to me and state that they feel as if house arrest or other forms of release are not the same as spending time in prison after a crime. They tell me that 60 is the new 40, and I will be voting no on S.B. 252 (R1).

Chairman Yeager:

Thank you, Assemblywoman Krasner. I think everyone knows this because we talk about it all the time, but with victims' rights being in our *Constitution*, the State Board of Parole Commissioners, if they decided to consider someone for geriatric parole, would have to notify the victim and the victim would have the right to come and speak before that decision was made. I wanted to make it clear that this does not remove the ability at the hearing of a victim to make his or her position known.

Assemblyman Roberts:

I like the bill and think it puts in some provisions that exclude some violent crimes and other crimes that would produce a greater risk to the public. Due to the age of 65 and some oversight, I will be supporting the bill.

Chairman Yeager:

Do we have further questions or discussion? [There was none.] I will take a motion to amend and do pass Senate Bill 252 (1st Reprint).

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS
SENATE BILL 252 (1ST REPRINT).

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.
ASSEMBLYMAN FUMO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Torres. We will move on to the next bill, Senate Bill 316 (1st Reprint).

**Senate Bill 316 (1st Reprint): Revises provisions governing public nuisances.
(BDR 15-53)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 316 (1st Reprint) revises provisions governing public nuisances. It is sponsored by Senators Settlemeyer and Hansen and was heard in this Committee on May 2, 2019 ([Exhibit H](#)).

This bill provides that it is a public nuisance for any person to:

- Prevent or obstruct free passage over any federal or state highway, county road, state land, or public land by threat, intimidation, fencing, enclosure, or by any other unlawful means; or
- Knowingly misrepresent the status of or assert any right to exclusive use and occupancy, if the person has no good faith leasehold interest in or claim or color of title to such highway, road, state land, or public land.

Senator Hansen proposed a conceptual amendment to the bill. The amendment revises section 3.2 of the bill by adding a reference to "minor county roads" and "public road."

Chairman Yeager:

Are there any questions on S.B. 316 (R1)?

Assemblywoman Torres:

I just wanted to clarify that during the hearing I had brought up protests, and I wanted to let everyone know that protests would not be affected. Thank you, Senator Hansen and the policy team, for getting back to me about that information. This legislation will not impact those protests.

Chairman Yeager:

Are there any other questions about S.B. 316 (R1)? [There were none.] I will take a motion to amend and do pass Senate Bill 316 (1st Reprint).

ASSEMBLYWOMAN HANSEN MOVED TO AMEND AND DO PASS
SENATE BILL 316 (1ST REPRINT).

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR
THE VOTE.)

I was hoping that maybe Assemblywoman Hansen would be a nay, which would be unusual to make the motion and vote nay but that has happened before. I will assign the floor statement to Assemblywoman Hansen. Congratulations, Senator Hansen, and my hope would be if you get this one signed, you could have a bill signing with the two of you and the Governor. That would be nice.

We will now move back to the first bill on the agenda, Assembly Bill 125.

**Assembly Bill 125: Revises provisions governing bail in certain criminal cases.
(BDR 14-542)**

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 125 revises provisions governing bail in certain criminal cases. It is sponsored by Assemblywoman Neal and was heard in this Committee on April 18, 2019 ([Exhibit I](#)).

This bill sets forth certain factors which the court must consider in deciding whether there is good cause to release a person without bail and authorizes the court to use an evidence-based risk assessment tool, if available. In addition, this measure provides that after the defendant has personally appeared before the magistrate, the magistrate may not rely solely on a standardized bail schedule to set the amount of bail. Assemblywoman Neal proposed an amendment. The amendment does the following:

1. Section 1 is deleted;
2. Sections 2, 3, and 10 through 14 make conforming changes;
3. Section 4 provides that under certain circumstances if a court has made a determination of bail based on a criminal complaint, the state may not seek a modification of the original determination of bail. The court may modify the amount of bail if the indictment includes new or additional charges;

4. Section 5 is amended to:
 - a. Provide that unless a defendant is automatically released pursuant to an administrative order, a magistrate must individually review the custody status of a defendant in accordance with the procedures set forth in the bill;
 - b. Provide the following during an individualized custody review hearing:
 - i. A rebuttable presumption that the defendant should be released on his or her own recognizance;
 - ii. That monetary bail be imposed as a condition of release only when the magistrate determines that no other conditions of release will adequately ensure that the defendant will appear in court as required; and
 - iii. That a person arrested for an offense other than murder of the first degree must be released pending trial with the least restrictive conditions under certain circumstances;
 - c. Eliminate specified amounts of monetary bail for certain offenses;
 - d. Allows the court to modify any condition of release, require any additional condition of release or set or increase the amount of monetary bail after conducting an individualized custody review hearing;
 - e. Requires each court to compile a report on individualized custody review decisions to be submitted to the Legislative Counsel Bureau for distribution to the Legislature or, if the Legislature is not in session, to the Legislative Commission.
5. Section 6 provides circumstances when the defendant must receive a new individualized custody review hearing, which may result in the addition or modification of conditions of release;
6. Section 7 provides for the revocation of bail if certain crimes are committed during the period of release. Under such circumstances, the defendant must not be held for more than 48 hours and an individualized custody review hearing must be held;
7. Section 8 is amended to:
 - a. Provide when a magistrate may impose monetary bail or a secured bond and the factors in determining the amount of the monetary bail or secured bond;

- b. Provide that a defendant who is eligible for pretrial release must not be detained solely because the defendant is financially incapable of paying the amount of any monetary bail or secured bond; and
8. Section 9 provides that upon notice and a showing of good cause, a magistrate may consider a modification of bail.

Chairman Yeager:

There was one additional amendment that Assemblywoman Neal had requested that I conveyed to the Committee as it did not make it into the work session document, but that is because we did not communicate that to Ms. Thornton. Assemblywoman Neal had asked that Assemblyman Fumo be added as a primary co-sponsor to the bill. I am sure he was added but we cannot see it yet because we have the mock-up and not the reprint of the bill.

Before we take questions, I wanted to let Committee members know where we are with this issue. You may all remember that we heard Assembly Bill 325 some time ago. It was a long, action-packed, contentious hearing, and out of that hearing came a series of working groups in The Woodshed with all of the different interested parties on this issue and I think they had somewhere in the neighborhood of eight to ten hours of meetings, perhaps more. Then you will remember that we heard A.B. 125, which was Assemblywoman Neal's bill that did not have nearly the comprehensive content that A.B. 325 did.

What you have in front of you is essentially what came out of the working groups on A.B. 325, but is now in A.B. 125. In terms of where everyone is on this piece of legislation, I think it is accurate for me to say that I do not think anybody loves it, I do not think anybody hates it, but everybody agrees that we need to move it onward and get it out of this Committee to continue to be worked on. I have had conversations with the district attorneys, public defenders, the American Civil Liberties Union, Assemblywoman Neal, and the court representatives. That is where we are with the bill. I do not think it is perfect yet, but they have committed to continue working on it. I think it does encompass most of what was really sought for in bail reform, which was a quicker hearing where a judge makes an individualized determination for the offender and the indication that cash bail should not be the first resort when looking at potential release unless the defendant wants cash bail, but that a court should look at other less restrictive means as long as those can assure to the court that public safety will be preserved and that the individual will actually come back to court. That is what is in A.B. 125 in a couple of different ways, but I wanted to explain where we came from and where we are, as well as let the Committee members know that it is not perfect but, given that we have 16 or 17 days, we need to move this out of here or it risks not being moved at all. With that, I will take questions first and then I can take some comments after the motion.

Assemblywoman Backus:

I had a couple of questions as I am not as familiar in this context. I noticed with respect to A.B. 325 there was a lot of reference to the pretrial hearing process; whereas in the new proposed amendment to A.B. 125, it talks about the individualized hearing. I am trying to

wrap my head around it. Is it so that we end up having more hearing masters involved in the process so we can ensure the quick presence of people who have been incarcerated before a magistrate judge, and it is my understanding that A.B. 125 allows the magistrate judges to make these bail-type hearings?

Chairman Yeager:

We use the phrase "magistrate judge" in statute, but it is a little different than what you consider to be a magistrate in federal court. A magistrate judge in our statute refers to a municipal court judge or justice of the peace. This does not allow hearing masters to make the decisions. It would actually be largely the justice of the peace and the municipal court judges; sometimes a district court judge if you were indicted. You could be indicted straight into district court, so you would not have a justice of the peace or a municipal court judge. That is the intent; it would be the actual—maybe not the judge overseeing your case—judge on the bench who would look at the case and make a quicker, individualized determination. I could send it to Assemblywoman Nguyen, because we heard some testimony, I believe, that in Clark County, at least, there are judges who are already doing this, running weekend courts and trying to see people within 24 hours. I mentioned Assemblywoman Nguyen because I think she had a chance to attend that court over the weekend in Clark County. To get to your question, that is the intent, that the hearing would happen quicker and it would be by an elected judge.

Assemblywoman Backus:

In A.B. 325 there was the presumption of release on your own recognizance (OR) in the situation where there were misdemeanors. I struggled trying to find anything similar to that and the closest thing I could find was on page 7 of the mock-up that just allowed for the court to consider section 5, subsection 3, paragraph (b). It does not provide the presumption, so I was curious if that was something that was removed?

Chairman Yeager:

Thank you for your patience as I consulted with Mr. Wilkinson, who has had the task of drafting several versions of this piece of legislation. You are in the right place on the mock-up at the top of page 7 starting at line 2 [page 9, ([Exhibit I](#))]. It requires that each court adopt an administrative order that provides for release of certain persons. When you go down to lines 9 and 10 on page 7, it indicates that it must "provide for the release of a defendant who is charged with a misdemeanor that does not involve the use or threatened use of force or violence against the victim." Under this bill, a court would be required to come up with an administrative order that would allow release for those certain individuals with exceptions, of course, because not all misdemeanors are the same. I think this provision is one of the pieces from A.B. 125 that stayed in the bill, this idea that if you were charged with a misdemeanor and it is a nonviolent offense, you really should get released on OR without any additional conditions. There is some more information there about how a court might consider other offenses that are gross misdemeanors or nonviolent felonies. But with respect to misdemeanors, with some exclusions, it would be an OR release with a promise to appear and a promise to behave because those two things are always conditions.

Assemblywoman Krasner:

I was leaning toward yes on A.B. 125, but we have just received this amendment dated May 16, 2019, so I will vote yes to get it out of Committee, but I do have some concerns. I want to reserve my right to change my vote prior to floor.

Chairman Yeager:

Thank you, Assemblywoman Krasner. I think that is a fair position as it is a pretty lengthy mock-up and I just would remind everyone that you can always change your vote on the floor; just let me know. We are going to have a little bit of time before this bill gets reported down to the floor so if you need to reach out and ask some questions, I think the interested parties would be happy to tell you what they are doing right now and where they might go in the next 18 or so days.

Are there any other questions or discussion from Committee members? [There were none.] I will take a motion to amend and do pass Assembly Bill 125.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 125.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any further discussion on the motion?

Assemblyman Roberts:

I was supportive of A.B. 125, and I have not had a good chance to really digest the amendment. In the effort to move this bill forward, I will be voting yes today, but do not be surprised if I change my vote.

Chairman Yeager:

Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FUMO WAS ABSENT FOR
THE VOTE.)

I will assign the floor statement to Assemblywoman Neal. I wanted to thank those in the room who worked on this issue. I know I was not often in that room, but I know all of you were and it was overflowing just like we had with A.B. 236. I wanted to thank all of you for your work so far and ask you to keep working on it for the next 18 days so we can get it across the finish line.

That takes us to the end of our work session for this morning. I will now open it up for public comment either in Carson City or Las Vegas.

Marc Newman, Private Citizen, Las Vegas, Nevada:

Assembly Bill 125 will not improve the lives of Nevadans because it does not consider victims or public safety. Assemblywoman Neal, on the 18th of April, you said direction of law enforcement is where we had been going, that we need to go in the direction of liberty now. What does that really mean? It means that you have no understanding of law enforcement as public safety. It ignores the rights and liberties taken from victims against the intent of Marsy's Law constitutional amendment. This will not help victims of the crimes. You should not use partisanship where people's safety is in jeopardy. My family lives in the state of New Jersey where this was implemented. This will not work. There are less eyes on people, more ways for people to run, and an easier path for them to do it. More people will be victimized in Nevada as a result of this. Please do not treat bail as a fine; it is insurance for the community.

Lilia Ceballos, Owner and Bail Agent, Aztec Bail Bonds, Las Vegas, Nevada:

I have not had a chance to look at the revisions, but from what I have seen within the last few minutes, I am even more terrified of what is being proposed. My concern is safety. I have children and I have children who are grown and children who are smaller. I fear for their safety with this type of bill, not just because of the type of business that I am in, but I do not agree with it and I do not think it is in the best interests of the safety of this community.

Marc Gabriel, Owner and Bail Agent, eBail Cheap Bail Bonds, Las Vegas, Nevada:

My question to A.B. 125 is, Why limit the judges' discretion to using bail last? What if the judge decides that bail is the appropriate action, but was forced by your law to choose the next option as dictated by your law? Why take that power of discretion away from the judge who is sitting in the trenches dealing with defendants and knowing the circumstances surrounding that case? Why would you want to pass a law that will, in essence, tie the hands of a judge? This law seems kind of pointless; people are getting released on own recognizances (OR) right now even on violent felonies. I personally have over 150 court cases with numbers of defendants being granted OR even on violent felonies. As far as poor people languishing in jail, there is no evidence of that. The claim that there will be fewer inmates, therefore saving the taxpayers, is not correct. Right now New Jersey jails are over their capacity because of their bail reform. Instead of having defendants' appearances being managed by commercial bail agents, they went into warrant numerous times and now cannot get out of jail because there is no more bail. I encourage you to call any jail in New Jersey. In Las Vegas you can get the facts of what is happening from Clark County pretrial services. I hope you get, and I encourage you to get, that information.

My last thought is that the risk assessment tool, monitoring, check-in, house arrest, none of these requirements will have law enforcement go out and look for violators. They rely on police when they need them in person, and anytime you have a criminal sitting in an office with a uniform, they go the other way. It is kind of pointless. Bail is like an insurance policy that guarantees presence, just like we have car insurance in case of accidents. People with a perfect 30-year driving record with no tickets or accidents still have to pay for car insurance. The same for people who are in jail; this takes the huge financial burden of monitoring appearances away from the taxpayer. The United States Supreme Court has just last month upheld that bail and bail schedules are constitutional.

Chairman Yeager:

Is there any other public comment? [There was none.] Is there anything from our hardworking Committee?

I will remind you that tomorrow is Friday so we will have the donut wall up and running. There are only three more Fridays left so if you have not had a chance to get over to my office, please be sure to do that. We are usually up and running by 8 a.m., maybe earlier, depending on how soon we can procure the donuts.

We have about ten bills left in Committee that we may or may not hold a work session for, so some of those decisions are still being made and we are working with some of the sponsors to determine what we might be able to move forward tomorrow. Given that we only have about ten bills, tomorrow's meeting is going to start at 10 a.m. My hope is that we can finish with our business at the 10 a.m. hearing, but there is a likelihood that at the end of that hearing, we will recess to the call of the chair just in case, but my hope is that we can get our business done in the morning and then we do not have to worry about Judiciary for the rest of the day. We will get that work session document out to you as soon as we have it. It may come in pieces as we determine what is going to make the work session document and what is not. In any case, I will make sure that everyone has adequate time in the morning to review what is going to be on the work session document. None of the bills that are left are anywhere near the complexity of A.B. 125 that we just considered. It should not be too difficult to get through the work session document tomorrow. If anyone has questions or concerns, feel free to reach out. If anyone out there in the universe has a bill and we are waiting on an amendment from you, you really need to get that in by noon today to be safe.

This meeting is adjourned [at 10:31 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document on [Senate Bill 131 \(1st Reprint\)](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document on [Senate Bill 151 \(2nd Reprint\)](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document on [Senate Bill 163 \(1st Reprint\)](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document on [Senate Bill 221](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document on [Senate Bill 252 \(1st Reprint\)](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document on [Senate Bill 316 \(1st Reprint\)](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document on [Assembly Bill 125](#), dated May 16, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.