

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

**Eightieth Session
May 17, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 10:16 a.m. on Friday, May 17, 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:

Assemblyman John C. Ellison, Assembly District No. 33
Senator Pat Spearman, Senate District No. 1



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

None

Chairman Yeager:

[Roll was called, and Committee protocol was explained.] We have nine bills on our work session document today. We will take them in the order as they appear on the agenda with the exception of Senate Bill 480 (1st Reprint), which will be our first bill today.

Senate Bill 480 (1st Reprint): Revises provisions relating to the number of justices of the peace in each township. (BDR 1-978)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 480 (1st Reprint) revises provisions relating to the number of justices of the peace in each township. It is sponsored by Senators Goicoechea and Settlemeyer and Assemblyman Ellison and was heard in this Committee on April 25, 2019 ([Exhibit C](#)).

This bill revises the process for determining how many elected justices of the peace a township is required to have based upon the population of the township. This bill provides that when the population in a township grows to the point that an increase in the number of justices is indicated, a majority of the justices in the township must consult with the board of county commissioners to determine whether the caseload and available funding warrant an additional justice. If it is determined that a new justice is not warranted, the justices will notify the director of the Legislative Counsel Bureau and the board of county commissioners. The bill also revises the schedule for determining how many justices are required in each township in a county with a population of less than 100,000 by requiring a new justice when a township's population reaches 50,000 instead of the current 34,000.

There are two amendments proposed for this measure. Chairman Yeager proposed revising section 1, subsection 3 by restoring the word "does" and striking the language "and the availability of funding do"; thereby allowing for the consultation with the board of county commissioners regarding whether or not the caseload warrants an additional justice of the peace.

Keith Lee, representing the Nevada Judges of Limited Jurisdiction, proposed an amendment to grandfather in those justices who currently serve in those counties that would be affected by the increase in the population cap in the bill.

Chairman Yeager:

Are there any questions on S.B. 480 (R1)? [There were none.] I will take a motion to amend and do pass Senate Bill 480 (1st Reprint).

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
SENATE BILL 480 (1ST REPRINT).

ASSEMBLYWOMAN BACKUS 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 Fumo. We will move next to Senate Bill 7 (1st Reprint).

Senate Bill 7 (1st Reprint): Revises provisions relating to the prohibitions against facilitating sex trafficking and pandering. (BDR 15-406)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 7 (1st Reprint) revises provisions relating to the prohibitions against facilitating sex trafficking and pandering. It is sponsored by the Senate Committee on Judiciary on behalf of the Attorney General and was heard in this Committee on April 30, 2019 ([Exhibit D](#)).

This bill provides that a person is guilty of a category B felony of sex trafficking for soliciting a person he or she believes to be a child regardless of the person's actual age. It is not a defense that the person did not know the actual age of the solicited person unless the person believed that he or she was acting lawfully within a licensed brothel. The bill also grants the Attorney General concurrent jurisdiction with county district attorneys to prosecute the crime of facilitating sex trafficking, sets forth fines for the crime, and includes facilitating sex trafficking within the definition of a "crime related to racketeering." Finally, this bill clarifies that a person is not guilty of the crime of pandering if the person is a customer of a prostitute in a licensed brothel unless the person believed the prostitute to be a child.

There is one amendment to the bill. Chairman Yeager proposed the following amendment to the bill:

1. Delete all sections of the bill.
2. Provide that a person is guilty of soliciting a child for prostitution if the person solicits a peace officer posing as a child or a person assisting a peace officer posing as a child.

3. Increase the penalties in *Nevada Revised Statutes* (NRS) 201.354: Engaging in prostitution or solicitation for prostitution.
 - a. For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$5,000.
 - b. For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.
 - c. For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

Chairman Yeager:

Are there any questions on S.B. 7 (R1)?

Assemblyman Daly:

This is not really a question, but I wanted to be clear for the record when reading the work session document, the increased penalties apply to NRS 201.354. I wanted to clarify that is subsection 5, regarding child prostitution and not the above references to just soliciting. That is my understanding in reading it, and I would be in favor as long as that is clear on the record.

Chairman Yeager:

You are indeed correct, Assemblyman Daly. The penalties under item 3 in the work session document (Exhibit D) intend to apply to solicitation of a child for prostitution. You will notice that they follow what the step-up is now by increasing one category each time and getting to a nonprobationable category B at the end. That is indeed the intent, and when the amendment comes out it will be clear in the mock-up.

Are there any other questions? [There were none.] I will take a motion to amend and do pass Senate Bill 7 (1st Reprint).

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
SENATE BILL 7 (1ST REPRINT).

ASSEMBLYMAN DALY 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 Daly. We will move next to Senate Bill 8 (1st Reprint).

Senate Bill 8 (1st Reprint): Revises provisions governing the conditions for lifetime supervision of sex offenders. (BDR 16-408)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 8 (1st Reprint) revises provisions governing the conditions for lifetime supervision of sex offenders. It is sponsored by the Senate Committee on Judiciary on behalf of the Attorney General and was heard in this Committee on May 14, 2019 ([Exhibit E](#)).

This bill authorizes the State Board of Parole Commissioners (Board) to establish conditions for sex offenders under a program of lifetime supervision that are similar to those placed on sex offenders released on parole, probation, or a suspended sentence. The Board must make a finding in relation to each condition prior to its imposition. The bill also sets forth provisions determining how the prosecution of a violation of a condition is to be conducted depending on whether the offender lives within or outside of Nevada.

There is one amendment to the bill proposed by Chairman Yeager. The amendment proposes the following:

1. The Board is to require that, as a condition of lifetime supervision, in addition to any other condition imposed pursuant to this section, that the sex offender:
 - a. Participate in and complete a program of professional counseling approved by the Division [Division of Parole and Probation of the Department of Public Safety] unless the sex offender previously completed the program recommended by the Board after conviction for the underlying sex offense and prior to release from custody or probation into a program of lifetime supervision;
 - b. Not use aliases or fictitious names;
 - c. Not possess any sexually explicit material that is harmful to minors as defined in *Nevada Revised Statutes* (NRS) 201.257;
 - d. Not enter, visit, or patronize an establishment which offers a sexually related form of entertainment as its primary business.
2. Require the Board to impose the following additional condition if the underlying sexual offense involved the Internet:

- a. Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless the sex offender installs a device or subscribes to a service which enables the parole and probation officer assigned to the sex offender to monitor the sex offender's use of the Internet.
3. Require the Board to impose the following additional condition if the underlying sexual offense involved alcohol, marijuana, or other controlled substances:
 - a. Participate in and successfully complete a program of substance abuse counseling approved by the Division, unless the sex offender previously completed the program recommended by the Board after conviction for the underlying sex offense and prior to release from custody or probation into a program of lifetime supervision.
4. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within three business days.
5. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision:
 - a. In which the violation occurred outside this state, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, outside that county or outside this state; or
 - b. In which the violation occurred within this state, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the violation occurred.
6. The provisions are effective for persons currently in a program of lifetime supervision, on January 1, 2021; for eligible persons currently incarcerated or on probation who have not yet commenced a program of lifetime supervision, on January 1, 2020.

Chairman Yeager:

To the extent it is not clear, I wanted to let the Committee know that this amendment is intended to replace the new language that was in the bill. Of course, in statute there are already some conditions that are imposed so those would continue to remain there. I wanted to let the members know that this bill is still a work in progress. There are still ongoing discussions about potential further changes as well as the constitutionality, or lack thereof, of

some of the things that were in the bill. Given that we are here on a Friday, deadline day, we intend to move it forward as indicated. I will let Committee members know that I had a chance to speak with Ms. Jessica Adair of the Office of the Attorney General and she is in agreement with moving this bill forward as detailed in the work session document but would like to continue discussions that are taking place around this particular bill. Before I get to the motion, are there any questions? [There were none.] At this time, I would take a motion to amend and do pass Senate Bill 8 (1st Reprint).

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
SENATE BILL 8 (1ST REPRINT).

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Krasner:

I would just like to say thank you to the Attorney General for his work on lifetime supervision for sex offenders.

Assemblyman Edwards:

I will be voting yes to move it out of Committee; however, I may have to change my mind depending on the final outcome of the bill.

Chairman Yeager:

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

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

I will take the floor statement on S.B. 8 (R1). I noticed that we have Senator Spearman here in Committee so we will move next to her bill, Senate Bill 368 (1st Reprint).

Senate Bill 368 (1st Reprint): Revises provisions relating to protections for victims of crime. (BDR 2-166)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 368 (1st Reprint) revises provisions relating to protections for victims of crime. It is sponsored by Senators Spearman and Parks and Assemblywoman Krasner and was heard in this Committee on May 10, 2019 ([Exhibit F](#)).

This bill creates the Sexual Assault Victims' DNA Bill of Rights which primarily addresses the testing of and victim notification concerning sexual assault forensic kits. The bill also makes other changes regarding sexual assault, sex trafficking, and victims of crime. Among these provisions, the bill removes the statute of limitations on civil and criminal complaints arising out of sexual assault, creates a rebuttable presumption that sexual conduct by a person

in a position of authority over an alleged victim is not consensual, prolongs the length of time that an extended protection order may remain in effect, and provides for the vacation and sealing of records when a child who was adjudicated delinquent for certain acts associated with prostitution is found to be a victim of sex trafficking.

The bill also revises timelines and procedures for performing tests for exposure to human immunodeficiency virus and other sexually transmitted diseases on a person who is alleged to have committed a sexual offense and requires the Advisory Commission on the Administration of Justice to study the laws of this state relating to prostitution and the solicitation of prostitution and report its findings and recommendations to the 81st Session of the Nevada Legislature.

There is one proposed amendment to the bill. The amendment does the following:

1. Deletes section 1;
2. Revises section 2 by adding the definition of "person in a position of authority" as follows:

"Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer, or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.
3. Deletes section 3;
4. Deletes sections 6 through 12;
5. Revises section 15 by replacing the language in subsections 2 through 8 to mirror the rights contained in Assembly Bill 176, "The Sexual Assault Survivor's Bill of Rights," that references DNA evidence. References to definitions to be added as needed.
6. Revises section 17, subsection 3 by revising from 5 years to 3 years the time that an extended order does not exceed, and adds language that the court must enter a finding of fact explaining the basis. In addition, either party may apply to the court to modify or vacate the order. This language mirrors language from Assembly Bill 19.
7. Deletes section 18;
8. Deletes section 20;

9. Revises section 27 by changing from 96 hours to 72 hours after the arrest of a person or adjudication of a child when the health authority must perform certain tests;
10. Deletes section 27, subsection 1(b); and
11. Deletes section 27.3.

Chairman Yeager:

Thank you, Senator Spearman. I had the chance to speak with her yesterday and today and wanted to thank her publicly for being willing to work on this bill. I think we still have something in front of us that is going to make a difference, so it was important to her and me as well that we were able to get something moved out of Committee today. Are there any questions regarding S.B. 368 (R1)? [There were none.] I will take a motion to amend and do pass Senate Bill 368 (1st Reprint).

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
SENATE BILL 368 (1ST REPRINT).

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Is there any other discussion on the motion?

Assemblyman Daly:

I do want to thank everyone who worked on this to get it going. I just have one question that I need to get answered in subsection 2, regarding the harassment and the rebuttable presumption. Hopefully I will get there before we get to floor, but right now I just want to check on a couple more things. I will be a no right now, but I think we are working on issues.

Chairman Yeager:

We will have a little bit of time as we wait for the formal amendment so I encourage you to see if you can get that particular issue worked out between now and a potential floor vote. Is there any other discussion on the motion?

Assemblyman Edwards:

I am going to join Assemblyman Daly for now and see what the amendment comes out as.

Chairman Yeager:

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

THE MOTION PASSED. (ASSEMBLYMEN DALY AND EDWARDS
VOTED NO. ASSEMBLYMAN FUMO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Krasner. Again, thank you, Senator Spearman. We will now go to Senate Bill 121 (1st Reprint).

Senate Bill 121 (1st Reprint): Revises provisions relating to fiduciaries. (BDR 13-99)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 121 (1st Reprint) revises provisions relating to fiduciaries. It is sponsored by the Senate Committee on Judiciary on behalf of the Needs Related to the Behavioral and Cognitive Care of Older Persons and was heard in this Committee on May 7, 2019 ([Exhibit G](#)).

This bill creates a form for a power of attorney for health care decisions for persons with any form of dementia that is based on the form used for persons with intellectual disabilities and removes from statute certain declarations that are currently required to be made by a notary public. It also provides that a person who has executed a power of attorney for financial decisions retains the authority to act on his or her own behalf unless the power of attorney specifically removes this authority.

This bill also extends powers that a public guardian currently has regarding investigating financial and familial issues and receiving certain information regarding a protected person to apply to a potential protected person if the guardian has received a referral from the Aging and Disability Services Division of the Department of Health and Human Services, a law enforcement agency, or a court in relation to a civil or criminal matter involving the potential protected person. A public guardian in a county of less than 100,000 who seeks to conduct an investigation of a potential protected person may petition the district court in the relevant county to order such an investigation before a guardianship is established.

There is one proposed amendment submitted by Alex Ortiz, Assistant Director, Clark County Department of Administrative Services. The amendment proposes to clarify the legal relationship of the public guardian to the adult protected person with regards to the investigation. Section 7, subsection 1 is amended by adding the language "of any protected person for whom the public guardian has been appointed as guardian."

Chairman Yeager:

Are there any questions on S.B. 121 (R1)? [There were none.] I will take a motion to amend and do pass Senate Bill 121 (1st Reprint).

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
SENATE BILL 121 (1ST REPRINT).

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Are there any questions on the motion? [There were none.]

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

I will assign the floor statement to Assemblywoman Cohen. We will move next to Senate Bill 218.

Senate Bill 218: Revises provisions relating to domestic violence. (BDR 3-316)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 218 revises provisions relating to domestic violence. It is sponsored by Senators Cannizzaro and Spearman and was heard in this Committee on April 16, 2019 ([Exhibit H](#)).

This bill provides that, when considering whether to issue an extended order for protection from domestic violence, a court may not consider any factors other than whether the petitioner was a victim of domestic violence or the threat thereof. The bill increases the penalty for violating a temporary protective order from a misdemeanor to a gross misdemeanor and for violating an extended protective order from a misdemeanor to a category C felony.

Further, a person who commits battery constituting domestic violence with the use of a deadly weapon is guilty of a category B felony if the person has previously been convicted of:

- Felony battery constituting domestic violence;
- Battery constituting domestic violence including strangulation; or
- A crime in another jurisdiction that would constitute felony domestic violence in Nevada.

Chairman Yeager proposed an amendment to the bill. The amendment does the following:

1. Replaces the language in section 3 of the bill (*Nevada Revised Statutes* [NRS] 33.100) with the language from section 4 of Assembly Bill 19, thereby mirroring the penalties in the two bills for an intentional violation of temporary and extended orders; and
2. Replaces the language in section 5 of the bill (NRS 125.560) with the language from section 6 of A.B. 19, thereby mirroring the penalties for orders for protection against domestic violence.

Chairman Yeager:

Are there any questions on S.B. 218?

Assemblywoman Hansen:

The amendment that was just mentioned where it would mirror other language, the penalty is not increased? I had notes that the introduced language of the original bill increased the

penalty in section 3. I was just curious when it said it mirrors the penalties or was section 3 replaced?

Chairman Yeager:

The bill as introduced had certain penalties for violation of temporary and extended protective orders. We replaced that language with the language that this Committee passed out in A.B. 19, which was the Attorney General's bill. Assembly Bill 19 does increase the penalties in certain circumstances from what is in current law. But in order to make these two bills match, we simply mirrored them so this is an increase in penalties from current law for those who violate protective orders on more than one occasion. I should also mention that Senator Cannizzaro does view this as a friendly amendment.

Do we have any other questions on S.B. 218? [There were none.] I will take a motion to amend and do pass Senate Bill 218.

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
SENATE BILL 218.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Are there any questions on the motion? [There were none.]

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

I will assign the floor statement to Assemblywoman Nguyen. We will move next to Senate Bill 328.

Senate Bill 328: Prohibits certain communications that are obscene, threatening or annoying. (BDR 15-70)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 328 prohibits certain communications that are obscene, threatening or annoying. It is sponsored by Senator Cannizzaro and was heard in this Committee on May 1, 2019 ([Exhibit I](#)).

This bill prohibits a person from using an electronic communication device to willfully communicate in an obscene, threatening, or annoying manner in the same way that current statute forbids a person from doing so via telephone. A person who violates these provisions is guilty of a misdemeanor. There are no amendments to the bill.

Chairman Yeager:

I know there were some concerns about the word "annoy," in particular, when we heard this bill. I have been working with Senator Cannizzaro to try to potentially address that language. I think we are just in a situation where we ran out of time, so I will answer any questions if

there are any, but what I am looking to do is take a motion to refer this bill to the floor without recommendation from the Committee so that Senator Cannizzaro can continue her efforts to potentially address some of the concerns. Before I take that motion, are there any questions on S.B. 328?

Assemblyman Edwards:

Could you clarify the length of punishment for the misdemeanor?

Chairman Yeager:

It would be a standard misdemeanor under our criminal code, which is punishable by up to six months in jail. Of course, jail is not required so someone could get informal probation, and I think, generally speaking, the fine amount for misdemeanors is up to \$1,000, unless specified otherwise. That is the current penalty for the existing language that is in statute, but of course, this bill seeks to extend the protection in this statute to, I believe, electronic communications as well, but it would still be a misdemeanor.

Are there any other questions on S.B. 328? [There were none.] I will take a motion to refer to the floor without recommendation.

ASSEMBLYMAN ROBERTS MOVED TO REFER SENATE BILL 328 TO THE FLOOR WITHOUT RECOMMENDATION.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

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

Thank you, Committee. I know Senator Cannizzaro will be appreciative of having a little bit more time to try to work on this issue. I will take the floor statement on S.B. 328. We will go next to Senate Bill 342 (1st Reprint).

Senate Bill 342 (1st Reprint): Revises provisions relating to animals. (BDR 14-748)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 342 (1st Reprint) revises provisions relating to animals. It is sponsored by Senator Scheible and was heard in this Committee on May 2, 2019 ([Exhibit J](#)).

This bill revises provisions relating to animals that have been impounded, including due to charges of animal cruelty, and sets forth revised timelines, notices, and hearings that arise out of the impoundment.

In the case of animal cruelty, the bill provides for an expedited hearing process to determine the arrestee's ownership of the animal and ability to provide adequate care and shelter.

If a court determines the detained person is not the owner or is unable to provide adequate care and shelter, the court must order the person not to own or possess the animal, and the animal must be transferred. Additionally, under certain circumstances, the court may also order the impoundment of other animals the detained person owns or possesses and enjoin the person from owning or possessing any animals in the future.

There are three proposed amendments to this measure. Senator Scheible has indicated that all three amendments are friendly.

1. The first amendment proposed by Senator Scheible does the following:
 - a. Revises section 1, subsection 7 by amending the definition of "animal" to include non-domesticated animals that are maintained as a pet;
 - b. Revises section 7 of the bill by replacing the requirement that the prosecutor provide notice to the arrested person with the requirement that the notice is given to the person pursuant to *Nevada Revised Statutes* (NRS) 574.055;
 - c. Provides that the person must request a hearing within 5 days; and
 - d. Deletes that notice must be provided within 2 judicial days after the person's arrest.
2. Alex Ortiz, Assistant Director, Clark County Department of Administrative Services, proposed conforming language for cities and counties by removing the language "in addition to the time set forth in subsection 1" from section 1, subsection 5 of the bill.
3. John Jones and Jennifer Noble, Nevada District Attorneys Association, proposed:
 - a. Revising section 7 of the bill by replacing the requirement that the prosecutor provide notice to the arrested person with the requirement that the notice is given to the person pursuant to NRS 574.055 (mirrors Senator Scheible's amendment);
 - b. Deleting that notice must be provided within 2 judicial days after the person's arrest (mirrors Senator Scheible's amendment); and
 - c. Revising NRS 574.055 in section 11 by adding language requiring that the notice given to the person who was arrested include notice of the right to request a hearing pursuant to section 7 of the bill.

Chairman Yeager:

I can confirm that all three amendments are friendly. Are there any questions on S.B. 342 (R1)? [There were none.] I will take a motion to amend and do pass Senate Bill 342 (1st Reprint).

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
SENATE BILL 342 (1ST REPRINT).

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Chairman Yeager:

Is there any discussion on the motion?

Assemblyman Edwards:

Based on our discussion, I will be a no in Committee but hopefully a yes on the floor. Actually, I will save that comment for the next bill.

Assemblywoman Tolles:

I just want to say that I have received confirmation that parrots are included in this definition of "animals" and "non-domesticated pets." I am grateful for that clarification and glad to support this bill.

Assemblywoman Torres:

I had a question for Assemblywoman Tolles. Does that include parrots that talk?

Assemblywoman Tolles:

Yes, it does.

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 give the floor statement to Assemblyman Watts. We will move to our last bill on the work session, Senate Bill 431 (1st Reprint).

Senate Bill 431 (1st Reprint): Revises provisions relating to participation in organized retail theft. (BDR 15-1151)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 431 (1st Reprint) revises provisions relating to participation in organized retail theft. It is sponsored by the Senate Committee on Judiciary and was heard in this Committee on May 8, 2019 ([Exhibit K](#)).

This bill revises provisions governing the crime of organized retail theft by making it a crime to directly or indirectly engage in such activities instead of simply participating in them. The bill also clarifies that committing organized retail theft through the use of an Internet or network site is unlawful and extends from 90 days to 180 days the period of time for which

the value of the property or services stolen may be aggregated for the purpose of determining a criminal penalty.

Chairman Yeager proposed an amendment to the bill. The amendment does the following:

1. Revises section 1, subsection 1 by adding the language "knowingly" participates:

Section 1. NRS 205.08345 is hereby amended to read as follows:

A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for . . .

2. Revises the period of time, from 180 days to 120 days, for which the value of the property or services involved in the organized retail theft may be aggregated for purposes of determining the criminal penalty.

Chairman Yeager:

Committee members, you may recall during the Committee hearing there was some concern about innocent folks being caught up in this bill with the way that some of the language was written. I want to thank Mr. Bryan Wachter, who is here, as well as Senator Cannizzaro for agreeing to tighten up the language, and that is what you see in section 1. The idea here is that you have to knowingly participate in something with the intent to further organized retail theft, so the idea being you could not be an innocent purchaser of goods or facilitator without having a specific intent. That is where we are with the work session document. Do we have any questions on S.B. 431 (R1)? [There were none.] I will take a motion to amend and do pass Senate Bill 431 (1st Reprint).

ASSEMBLYWOMAN MILLER MOVED TO AMEND AND DO PASS
SENATE BILL 431 (1ST REPRINT).

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Chairman Yeager:

Is there any discussion on the motion?

Assemblyman Edwards:

Ditto my previous comment.

Chairman Yeager:

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

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

I will assign the floor statement to Assemblyman Roberts.

I will open it up for public comment. [There was none.] Are there any questions or comments from Committee members? [There were none.] I wanted to thank all of you for getting back to me quickly with where you are on some of these bills this morning. In terms of next week, we are not going to have a meeting on Monday. We do have meetings agendaized for Tuesday and Wednesday. Tuesday will start at 8 a.m. and we are going to take up the cannabis control board legislation, which is weighing in at around 200 pages; some nice weekend reading for everybody. We will start at 9 a.m. on Wednesday and consider the other bill we have in Committee about emergency response. That is what we have for now as far as next week is concerned.

Just to let everybody know, I am not going to adjourn just yet. I will recess to the call of the Chair, but I do not think we have anything else that we are going to need to review in work session today. In the interest of making sure we did not make any mistakes, I will recess to the call of the Chair and I will let all of the Committee members know when we do finally adjourn. I do not anticipate calling us back together today unless somebody tells me that we did something wrong.

The meeting was recessed to the call of the Chair [at 10:49 a.m.]. This meeting was adjourned [at 2:19 p.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
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 480 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document on [Senate Bill 7 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document on [Senate Bill 8 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document on [Senate Bill 368 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document on [Senate Bill 121 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document on [Senate Bill 218](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document on [Senate Bill 328](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document on [Senate Bill 342 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document on [Senate Bill 431 \(1st Reprint\)](#), dated May 17, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.