

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

**Eightieth Session
April 11, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:07 a.m. on Thursday, April 11, 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
Assemblyman Ozzie Fumo
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:

None

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Alfredo Alonso, representing Black Knight Sports and Entertainment LLC
Tim Mullin, Director of Strategic Partnerships, Vegas Golden Knights Foundation
Tamara Daniels, Vice President and General Counsel, Vegas Golden Knights; and
Vegas Golden Knights Foundation
Greg Ferraro, representing Nevada Resort Association

Chairman Yeager:

[Roll was called, and Committee protocol was explained.] We are going to hear the bill first and then conduct the work session. I will open the hearing on Assembly Bill 117, which revises provisions relating to charitable gaming. There is a proposed amendment ([Exhibit C](#)) on the Nevada Electronic Legislative Information System.

Assembly Bill 117: Revises provisions relating to charitable gaming. (BDR 41-715)

Alfredo Alonso, representing Black Knight Sports and Entertainment LLC:

In Las Vegas we have general counsel Tamara Daniels and director Tim Mullin of the Vegas Golden Knights Foundation. They will go into a few details of how Assembly Bill 117 will work for them and what the issue has been.

Basically, this been an ongoing problem for the foundation for the last couple of years. I would like to thank Chairman Yeager for his indulgence as well as Chair Sandra Morgan and staff at the Nevada Gaming Control Board who have worked with us for the last couple of years putting a square peg in a round hole. All of what you see in the existing bill is attempting to streamline the process. I will speak to the amendment ([Exhibit C](#)) itself in which we were attempting to carve out a lane just for professional sports and did not want to affect anybody else in this area—anything from church bingo to any other charitable events. You have some of the minor leagues do some of this work similar to what the Vegas Golden Knights do with the 51/49 raffle at the games.

The attempt here was to raise that cap, and I think we have consensus language that tightens this up so that it is just major league sports—National Football League, Major League Soccer, National Basketball Association assuming we may get more in the future, which is obviously a hope. It excludes minor leagues as they fit under the original cap and that is sufficient for them. We have not had any indication that anyone has gone over that or even close to it at this point.

Section 3.5 carves out that lane. The second part of the amendment ([Exhibit C](#)) is in section 14 where we are simply including that language again to indicate that the professional sports organization would be able to raise as much as \$2 million. As a result of our very sad loss last night, I am hoping that this would raise the morale of our team and get a win at our next game.

Chairman Yeager:

I certainly have personally invested in the 51/49 raffle on many occasions. I have not won yet, but I intend to win one of these days.

Tim Mullin, Director of Strategic Partnerships, Vegas Golden Knights Foundation:

Thank you for giving us the opportunity to speak on behalf of this bill this morning, and thank you, Chairman Yeager, for purchasing 51/49 raffle tickets. We appreciate your support of the foundation.

The changes recommended in this bill will allow our Vegas Golden Knights Foundation to streamline the 51/49 raffle that we host at every game at T-Mobile Arena to be more efficient and more effective, but ultimately resulting in more charitable dollars that we can raise and donate back to our community.

A little background on the Vegas Golden Knights Foundation: our primary mission is to provide a positive impact in our philanthropic community by supporting qualified local charities through our five giving pillars and supporting charities through financial gifts, grants, and even sponsorship of events. Last year alone, our foundation donated more than \$1.9 million back into our community and supported more than 100 different local charities.

However, for us to provide that kind of support into our community we have to fundraise to do so. We ultimately do not get a blank check from the team, and we have to raise our money through our fundraising efforts such as sponsorships and partnerships we have with team sponsors, events such as our charitable golf tournament that we do in the fall, and our Knight to Remember Gala. But our largest and primary fundraiser is the 51/49 raffle we do at T-Mobile Arena at every game.

A little overview of that raffle: It is hosted at every game and fans can purchase tickets ranging from \$10 to \$100. We start selling the tickets about 75 minutes before game time when the doors open at T-Mobile Arena, and each night the winning number is pulled in the middle of the third period and announced to the crowd. The winner receives 51 percent of the jackpot that we raised that night with the other 49 percent going back to the Vegas Golden Knights Foundation or community partners, minus the expenses for the raffle. Even before our team stepped on the ice last season, we had worked very closely with our friends at the Nevada Gaming Control Board to ensure that our raffle was always compliant with the current law.

I do not believe when this law was conceived anyone realized that a qualified charity would ever come close to raising, let alone awarding, more than half a million dollars in prize

money, which is the current cap. In the decade that I have been fundraising in this community, I certainly did not. But then came major league professional sports and the Vegas Golden Knights. Once we started doing this raffle, this past season our average jackpot for each night was around \$44,000, which means that a little more than \$22,000 going to a winner and \$21,000 going back to our foundation or charity partners.

The money we raise through this raffle goes directly back into the community through our five giving pillars, which are military veterans and first responder charities, educational charities, health and wellness charities, hunger and homelessness charities, and youth development through sports charities, supporting and growing the game of hockey in our community. To date, our raffle proceeds have supported 68 different charities in gifts ranging from \$10,000 to a targeted game, up to \$250,000 that we raised through our raffle that was part of our team's \$1 million commitment that we made to the Las Vegas Metropolitan Police Department Foundation after the events of 1 October.

To summarize, approving our recommended changes for the professional sports team exemption and changing the amount of money we can award from \$500,000 to \$2 million for professional sports teams will allow us to raise even more dollars that we can give back to our community. The more fans that purchase tickets in our arena—traveling fans from Montreal and Calgary—if they want to buy tickets and support our raffle, which ultimately means supporting our community, I am not going to be the one to say no to that.

Tamara Daniels, Vice President and General Counsel, Vegas Golden Knights; and Vegas Golden Knights Foundation:

Culture is very important to our team, and one of the most important tenets of that culture is that community is a contact sport just like hockey. We try to abide by that, and we make a lot of effort to follow that tenet of our cultural pillars. This is one of the major ways that we can give back to our community. Having the cap at \$500,000 posed a lot of operational challenges to us last season, and increasing the cap would allow us to continue to raise more money in a more streamlined fashion. We worked closely with the Nevada Gaming Control Board last year because we are very committed to remaining compliant and transparent. We do not believe that there is anything in this bill that would hinder that. We intend to continue to do so, and we appreciate the consideration.

Assemblywoman Cohen:

I noticed in a few places, as in section 10, "political" was removed. I was just wondering the reason for that.

Alfredo Alonso:

This was not part of our drafting. We worked with the Nevada Gaming Control Board on the original bill, and they might be able to answer better than I can.

Assemblywoman Cohen:

I can ask if they come up in support or neutral.

Chairman Yeager:

Do we have any other questions from Committee members? [There were none.] Going back to the 51/49 raffle, I also was as surprised as Mr. Mullin was about how high those numbers got. I remember one game in particular, it was a game with the Edmonton Oilers, and I think the amount got up to almost \$120,000, which was pretty incredible. From what I was told, when the Canadian teams come to Las Vegas, the 51/49 raffle is usually about 50 percent up as well as the beer sales. That was very interesting and I want to say a very shrewd scheduling to have most of those Canadian teams come to Las Vegas in the middle of the week in the winter. That certainly helps attendance.

I will now open it up for testimony in support of A.B. 117.

Greg Ferraro, representing Nevada Resort Association:

We support this amended bill. Our members worked on this from the very beginning with the Nevada Gaming Control Board, the proponents, and Chairman Yeager. We are very pleased to support this legislation and urge your support.

Chairman Yeager:

Are there any questions from Committee members? [There were none.] Do we have any other support testimony? [There was none.] Do we have any testimony in opposition to A.B. 117? [There was none.] Do we have any neutral testimony? [There was none.] Concluding remarks were waived.

Assemblywoman Backus:

I noticed that this required a two-thirds majority vote. Do you have an understanding why that was put on there? If not, I can defer to legal.

Alfredo Alonso:

I believe it is because in some of the Nevada Gaming Control Board's language they have a \$25 fee, and it does not even cover their cost of taking an application. Within the bill, there is language that would allow them to set the fee in the future. I think that is the only reason for the two-thirds vote.

Chairman Yeager:

I have confirmation from legal counsel that Mr. Alonso is spot-on. Section 16 of the bill is where that language exists that the fee could be raised. You will see, in particular, in section 16, subsection 1, paragraph (b), they are removing the existing statutory fee of \$5 or \$25, and the fee would be established by the Nevada Gaming Control Board by regulation.

Alfredo Alonso:

I think the theory was that church bingo is okay, but 42 games later it becomes a burden on the Nevada Gaming Control Board.

Chairman Yeager:

Do we have any other questions from Committee members? [There were none.] In the interest of moving this bill forward, I would be interested in taking a motion to amend and do pass A.B. 117.

ASSEMBLYWOMAN NGUYEN MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 117.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement on A.B. 117. At this time I will close the hearing on A.B. 117. We will now begin our work session and will be taking a few out of order. We will begin with Assembly Bill 281.

Assembly Bill 281: Restricts certain state and local law enforcement agencies from performing certain actions relating to immigration enforcement. (BDR 14-898)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 281 restricts certain state and local law enforcement agencies from performing certain actions relating to immigration enforcement, sponsored by Assemblymen Flores, and heard in this Committee on March 29, 2019. This bill prohibits a state or local law enforcement agency, school police unit, or campus police department from detaining a person on the basis of a hold request relating to immigration enforcement, except where there is an independent finding of probable cause. This bill does not prevent any state or local law enforcement agency, school police unit, or campus police department from participation in a delegated authority program, which is defined as a program implemented pursuant to Section 287(g) of the Immigration and Nationality Act of 1952, 8 U.S.C. § 1357(g) ([Exhibit D](#)). There were no amendments for this measure.

Chairman Yeager:

Do we have any questions from Committee members? [There were none.] I would take a motion to do pass A.B. 281.

ASSEMBLYWOMAN TORRES MADE A MOTION TO DO PASS ASSEMBLY BILL 281.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Backus:

I am going to vote yes to get it out of Committee, but I may change my vote on the floor.

Assemblyman Roberts:

I think the practices that are outlined in the bill work well for Las Vegas Metropolitan Police Department; however, I just have concerns about other portions of the state and imposing our policies on them, and in the event other programs come up, it might prohibit them from being involved in those. I will be voting no.

Assemblyman Edwards:

First I want to say that the sponsor did a pretty good job trying to balance out two opposing forces here, and I think it is probably about the best he could have done given the circumstances. However, I also have some concerns about it. I will be voting no out of Committee, but if we can alleviate some of my other concerns, I may vote yes.

Chairman Yeager:

Are there any other comments from Committee members? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN DALY, EDWARDS,
HANSEN, KRASNER, ROBERTS, AND TOLLES VOTED NO.)

I will assign the floor statement to Assemblyman Flores. I will have Assemblywoman Torres be the backup just in case we need it. We will now go to Assembly Bill 20.

Assembly Bill 20: Revises provisions governing judicial discipline. (BDR 1-494)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 20 revises provisions governing judicial discipline, sponsored by the Assembly Committee on Judiciary on behalf of the Nevada Supreme Court and heard in this Committee on March 27, 2019. This bill revises provisions governing Nevada's Commission on Judicial Discipline. The measure sets forth provisions regarding the investigation of complaints against judges and the procedural rules and standard of proof applicable to investigatory and adjudicatory proceedings of the Commission ([Exhibit E](#)).

There is one amendment to the measure submitted by Chairman Yeager. The amendment proposes amending *Nevada Revised Statutes* (NRS) 1.462 as follows:

1. In any matter before the Commission, the investigative and prosecutorial function of the Commission, including deciding whether a formal statement of charges should be filed, shall be separate from the adjudicatory function of the Commission, including hearing evidence, making factual findings, and imposing discipline following the filing of a formal statement of charges. Commission members tasked with the adjudicatory function of the Commission in a particular matter shall not receive any investigatory or informational reports relating to that matter prior to the hearing nor be provided with any information beyond what is

provided to the judge against whom the formal statement of charges has been filed;

2. Any procedural rules utilized by the Commission pursuant to NRS 1.425 to 1.4695, inclusive, regardless of when such rules are adopted, must provide adequate due process to a judge, including, but not limited to:
 - (a) No judge must be required to answer written discovery under oath with the Commission until after the filing of a formal statement of charges;
 - (b) Upon the filing of a formal statement of charges, the Commission and/or the designated prosecutor shall provide the judge with any exculpatory evidence as well as any evidence intended to be introduced at the hearing. Any additional evidence that arises must be provided at least five judicial days prior to the hearing unless there is good cause shown for a later disclosure;
 - (c) Pre-hearing motions shall be ruled upon in writing at least 10 judicial days prior to the hearing unless there is good cause shown for a later ruling; and
 - (d) Upon the scheduling of the hearing, both parties will inform the Commission as to how much time will be required to present their evidence and witnesses so that all interested parties may plan accordingly.

Chairman Yeager:

Obviously this amendment ([Exhibit E](#)) is in conceptual form and it is intended to replace the entirety of the bill. These would be the only provisions moving forward on A.B. 20. Are there any questions?

Assemblywoman Tolles:

I know you did a great deal of work on this and I appreciate it. I still have some questions from the opponents in regard to the fiscal impact. I do not know if it is a question that can be answered now, but I am going to be a no but will be reaching out for more clarification so I might change and be a yes. I still need to follow up on a couple of those questions.

Chairman Yeager:

I will note for the record, as well, that I believe there was a fiscal note originally on the bill, so I do not think there is any commitment to remove that fiscal note. The fiscal note might change based on the conceptual amendment, but in either case I would expect that Assemblywoman Carlton will be pulling this bill into the Assembly Committee on Ways and Means to try to resolve or not the fiscal note that is on the bill. That might be an opportunity to ask about that and, of course, there will be some time before that happens. If we pass this out of Committee, an amendment will be drafted, it will go to the floor, the bill would be amended, and then it will be pulled into the Assembly Committee on Ways and Means. You will have some time to ask those questions.

Assemblywoman Krasner:

First of all, it is a little concerning to me that both sides of this bill are so unwilling to work together at all. I do appreciate the Chairman's amendment that attempts to level the playing field. While I do have some concerns still, I will vote yes to get it out of Committee but reserve my right to change before floor vote.

Assemblywoman Backus:

As set forth in United States Supreme Court case *Withrow v. Larkin*, 421 U.S. 35 (1975), the combination of a prosecutorial investigative and adjudicative function within one entity does not in itself violate due process. This legislative body voted to amend Article 6, Section 21 of the *Nevada Constitution* to allow the Commission on Judicial Discipline to impose its own standards for handling such proceedings, and specifically noted that the Commission itself is empowered to adopt its own procedural rules for the conduct of its hearings and any other prosecutorial rules it deems necessary to carry out its duties. With that, I will be voting no on A.B. 20.

Assemblywoman Miller:

I would also like to say that I have some concerns about this bill as well, but I will continue to reach out before I make a final decision for the floor.

Assemblyman Edwards:

I have some concerns as well. I will probably vote no in Committee, but will see what happens afterwards.

Chairman Yeager:

Are there any other questions or comments from Committee members? [There were none.] I will entertain a motion to amend and do pass A.B. 20.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 20.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN BACKUS, EDWARDS,
MILLER, AND TOLLES VOTED NO.)

I will assign the floor statement to Assemblyman Fumo. We will now go to Assembly Bill 356.

Assembly Bill 356: Revises provisions governing criminal procedure. (BDR 14-863)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 356 revises provisions governing criminal procedure, sponsored by Assemblyman McCurdy II and heard in this Committee on March 28, 2019. This bill establishes provisions relating to the filing of a petition for a hearing to establish the factual innocence of a person based on newly discovered evidence. The court is required to review such a petition to determine whether the petition satisfies the necessary requirements. If the court determines that the petition satisfies all requirements and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court is required to order a hearing on the petition. If the factual innocence of the petitioner is established, the court is required to vacate the petitioner's conviction and issue an order of factual innocence and exoneration and order the sealing of all records of criminal proceedings relating to the case ([Exhibit F](#)).

Assemblyman McCurdy and Michelle Feldman of the Innocence Project proposed an amendment. The language includes:

- Revising language in the bill regarding the factual innocence legislation addressing claims of newly discovered evidence brought after the two-year limit;
- Restoring language in *Nevada Revised Statutes* (NRS) 176.09187 and NRS 176.515 regarding motions for new trial;
- Adding the definition of material to be "reasonable probability of a different outcome"; and
- Adding language regarding the notification of a victim.

Chairman Yeager:

Are there any questions on A.B. 356 from Committee members? [There were none.]

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 356.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Krasner:

I appreciate all of the work that has been done on this, and I understand that there is more work being done currently to try to make this the best bill possible. I will vote yes to get it out of Committee, but reserve my right to change my vote prior to floor.

Chairman Yeager:

I want to remind members that you always do have the right to change your vote. You have been elected to represent your district just like each of us here at the table. It is helpful for me to know if you are planning to change your vote so we do not have any surprises on the floor. Again, I would just remind you, if you do have a change of heart, that is all right; just let me know before the floor vote. Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McCurdy. I will assign Assemblywoman Miller as backup on A.B. 356. We will now move to Assembly Bill 140.

Assembly Bill 140: Prohibits discrimination against persons with a physical disability in certain proceedings relating to children. (BDR 11-172)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 140 prohibits discrimination against persons with a physical disability in certain proceedings relating to children, sponsored by the Assembly Committee on Judiciary on behalf of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs and heard in this Committee on March 5, 2019. This bill prohibits a court from discriminating against a person in a proceeding concerning child custody or visitation, adoption, guardianship, or child protection solely because the person seeking custody or visitation, adoption, guardianship, or child protection is deaf, is legally blind, or has another physical disability ([Exhibit G](#)).

There is one proposed amendment submitted by Assemblywoman Cohen deleting the following language in the bill:

- Sections 1, 2, 4, 5, and 10-12 expressly authorize a court to decide against a person who is deaf, is legally blind, or has another physical disability if it finds, based on evidence presented to the court, that the person's physical disability is likely to cause or contribute to or is causing or contributing to circumstances that are detrimental to the best interests of the child.
- Section 3 authorizes an agency which provides child welfare services or a child placing agency to make such a determination if it finds, based on its investigation, that the physical disability of the prospective adoptive parent or parents is likely to cause or contribute to circumstances that are detrimental to the best interests of the child if the child is placed in the home.

Chairman Yeager:

Are there any questions on A.B. 140?

Assemblywoman Torres:

I just wanted to make a comment because I do see that some of the stakeholders are here with us today. I want to once again express our appreciation to them for taking the time to come here. Their young daughter made the time to speak with us as well, so we appreciate your taking the time to share those concerns with us as I think it helped us create good policy.

Chairman Yeager:

If I am not mistaken, I think that was the testimony from the young lady who had a very annoying brother, and she mentioned that several times. That was an exciting morning in the Assembly Committee on Judiciary and she, of course, did a fantastic job testifying in front of the Committee.

Are there any further comments or discussion? [There were none.] I will take a motion to amend and do pass A.B. 140.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 140.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Cohen. We will now go to Assembly Bill 176.

Assembly Bill 176: Enacts the Sexual Assault Survivors' Bill of Rights. (BDR 14-87)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 176 enacts the Sexual Assault Survivors' Bill of Rights, sponsored by Assemblyman Yeager and Senator Cannizzaro and heard in this Committee on April 5, 2019. This bill enacts the Sexual Assault Survivors' Bill of Rights ([Exhibit H](#)). The rights provided to a survivor attach whenever the survivor is subject to: (1) a forensic medical examination; and (2) an interview by a law enforcement official, prosecutor, or defense attorney. A survivor has the right to consult with a sexual assault counselor or to designate an attendant to provide support during:

- Any forensic medical examination; and
- Any interview by a law enforcement official, prosecutor, or defense attorney.

A survivor is afforded the right to counsel under certain circumstances. This bill also sets forth procedures regarding the collection and analysis of forensic evidence kits and requires

the Office of the Attorney General to develop and make available certain information for a survivor regarding his or her sexual assault.

This bill further provides a survivor with certain rights regarding the legal process. This measure authorizes: (1) a survivor to maintain an action to compel any duty required under the Sexual Assault Survivors' Bill of Rights; and (2) the Office of the Attorney General to commence a civil action against a public officer or employee for a violation of the Bill of Rights.

The bill creates the Advisory Committee on the Rights of Survivors of Sexual Assault and prescribes the duties of the committee as related to sexual assault forensic evidence kits, sexual assault counselors, and the implementation of the rights guaranteed by the Sexual Assault Survivors' Bill of Rights. This bill revises the provisions governing the collection and analysis requirements of sexual assault forensic evidence kits.

Chairman Yeager proposed a conceptual amendment to this measure [page 2, ([Exhibit H](#))].

Chairman Yeager:

I want to apologize in advance because there is a very long conceptual amendment. In an ideal world, we could have had a mock-up available, but we just ran out of time. I wanted to give a high-level overview of what we are trying to accomplish with the conceptual amendment. You will remember we heard this bill on Friday and there was quite a bit of testimony, a lot of it in opposition to what was being done.

The conceptual amendment seeks to address many of those points. We are going to keep the timelines that are already in place for the testing of kits, which is 120 days. The bill had sought to change that to 90 days. We are trying to ask for an additional appropriation to make sure that the state has an adequate number of sexual assault survivor counselors to be able to enact these provisions. We removed some of the problematic provisions that could have implicated a defendant's constitutional rights. For instance, the privileges that were granted even if someone else was in the room, those were removed from the bill. The ability for a survivor to clear the courtroom besides state witnesses, that provision was removed. We also removed the provision that there would be a private right of action against state actors or private laboratories. I think the thought there was if we can enact this, that if there is a problem going forward, we could potentially look at putting that back into statute. For now, we wanted to accommodate our state officials and other laboratories to make sure they were not unwittingly subjected to civil actions when we are just trying to get up and running with compliance.

Some of the other changes are pretty technical. I think the only two issues that remain to be figured out in a substantial way is how to merge the advisory committee that was created by the bill with the already existing working group that is in the Office of the Attorney General. I am committed to still work on how best to do that.

The other issue that I think is a difficult one that we have had a lot of discussion about is what to do with untested kits when the person wishes to remain anonymous. Right now in our state, usually the medical facility holds on to those kits for a pretty short period of time, which I believe is around 30 days, and then they are destroyed. The conceptual amendment makes the recommendation that those kits be stored with the Department of Public Safety for 20 years. I can tell this Committee that there is not buy-in yet on that portion of the bill. I think discussions are going to need to be ongoing about whether that is possible and then secondly, as the Committee knows, there will be a fiscal note associated with that. There are some appropriations so this bill, much like the judicial discipline bill, if we pass it out, will have a stop in the Assembly Committee on Ways and Means for quite a while.

I think the piece of legislation is important enough that I want to keep it moving, so I have tried to address as much of this as I can in the conceptual amendment ([Exhibit H](#)). I am happy to answer any questions about the conceptual amendment or about the process that got us to where we are this morning.

Are there any questions from Committee members? [There were none.] I would be looking for a motion to amend and do pass A.B. 176.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 176.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any further discussion on the motion?

Assemblywoman Miller:

I want to thank you and tell you how much I appreciate your work on this bill. We all know how much work, passion, and heart go into bills, and then when there are challenges or opposition, but your willingness to work on it—because for me it really did resolve a lot of those concerns—that turned me from a, Gosh, I really do not want to vote against something for survivors, to a yes.

Assemblyman Roberts:

I will say ditto to that. I had some concerns about the impact on what we do with these kits and how long we store them, but we need to do something, and it needs to be better than what we have. I am glad that you and law enforcement got together and came up with something that we can work on.

Assemblyman Fumo:

I was a firm no on this until I heard your amendment about the privileges. I think that is a good amendment and with that, I will be voting yes to get it out of Committee.

Chairman Yeager:

Do we have further discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Thank you, Committee, for allowing me the opportunity to keep working on this issue. I did want to thank all of the interested parties who are here in the room. I received a lot of feedback and it was very helpful in crafting this conceptual amendment, so we will continue to work on this to see if we can get it to a place where everyone can give a solid thumbs-up. I will take the floor statement on A.B. 176.

At this point, we will start from the beginning of the agenda. I did want to note a couple of things before we start. For Committee members and the public, Assembly Bill 248, which is about nondisclosure agreements, there was an original amendment that was attached to the work session document, but there has been a replacement amendment from Speaker Frierson. It is a one-page amendment, and it is on the Nevada Electronic Legislative Information System (NELIS).

I believe the document that was sent out yesterday afternoon did not include Assembly Bill 420, which is the forfeiture bill. We did get some language on that late, but it is on the work session document and is available on NELIS. For members of the public or Committee members, we have some time before we get to that bill, but I just wanted to make everyone aware that was added. My apologies for not letting folks know that.

We will go back to the beginning of the work session agenda and we will start with Assembly Bill 15.

Assembly Bill 15: Revises provisions governing crimes related to certain financial transactions. (BDR 15-409)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 15 revises provisions governing crimes related to certain financial transactions, sponsored by the Assembly Committee on Judiciary on behalf of the Office of the Attorney General and heard in this Committee on March 14, 2019. This bill revises provisions governing crimes related to certain financial transactions. It is unlawful for any person to conduct or attempt to conduct a financial transaction concerning any property that has a value of \$5,000 or more with the knowledge that the property is directly or indirectly derived from any unlawful activity. This bill increases the penalty for a violation of any such provision from a category D to a category B felony. It is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any provision of federal or state law that requires the reporting of a financial transaction and provides that a person who violates such a provision is guilty of a category C felony (Exhibit I).

There is one proposed amendment from Assemblywoman Nguyen and Jessica Adair, Chief of Staff, Office of the Attorney General. The amendment does the following:

- Adds the language "or other property" throughout the bill to include transactions involving property;
- Cryptocurrency is added to the definition of a "monetary instrument;"
- Provides for a category C felony for the crimes listed in the bill;
- Financial transaction or property values at \$5,000 or more are deemed to be separate offenses; and
- A new section is added to the bill to provide penalties for filing documents that simulate a legal process.

Chairman Yeager:

First, I want to thank Assemblywoman Nguyen and Jessica Adair for working on this and getting it into shape for work session this morning. Are there any questions on A.B. 15?

Assemblyman Fumo:

The amendment will take all of the punishments from a category B to a category C felony now, is that correct?

Assemblywoman Nguyen:

Yes, it went from a category B with 1 to 20 years to a category C, and we consolidated multiple offenses to just one category C.

Chairman Yeager:

Do we have any other questions on A.B. 15? [There were none.] I would take a motion to amend and do pass A.B. 15.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 15.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Chairman Yeager:

Is there any discussion on the motion?

Assemblyman Fumo:

While I appreciate all of the work that has been put into this bill, I still have problems with the unintended consequences. I think the way it reads, it is going to allow for anybody who works in the medical marijuana dispensary business to potentially be charged with a crime under this, so I will be voting no.

Chairman Yeager:

Any other discussion? [There was none.]

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

I will assign the floor statement to Assemblyman Edwards. We will go next to Assembly Bill 19.

Assembly Bill 19: Revises provisions related to certain temporary and extended orders for protection. (BDR 3-417)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 19 revises provisions related to certain temporary and extended orders for protection, sponsored by the Assembly Committee on Judiciary on behalf of the Attorney General and heard in this Committee on March 25, 2019. This bill revises provisions relating to service of process of certain temporary and extended orders for protection. The bill provides that temporary orders for protection against domestic violence and orders for protection against stalking, aggravated stalking or harassment, respectively, expire after 45 days.

The measure provides that an extended order for protection against domestic violence and an extended order for protection against stalking, aggravated stalking, or harassment expire after not more than 5 years. The penalty for intentionally violating such an extended order is increased.

The name of the Repository for Information Concerning Orders for Protection Against Domestic Violence is changed to the Repository for Information Concerning Orders for Protection. The Repository is required to maintain records of all temporary and extended orders for protection against stalking, aggravated stalking, or harassment within the Central Repository for Nevada Records of Criminal History, Nevada Department of Public Safety.

The measure prohibits the introduction of testimony as to the reputation or an opinion related to the past sexual conduct of a petitioner for an order for protection against stalking, aggravated stalking, or harassment ([Exhibit J](#)).

There is one amendment to the measure proposed by Jessica Adair, Chief of Staff, Office of the Attorney General. The amendment includes the following:

- Adds a new section to the bill to provide that a temporary or extended order must provide notice to the adverse party that responding to contact initiated by the protected party may constitute a violation of the protective order;
- Revises provisions regarding when the adverse party is not available to receive personal service;

- Provides that an extended order does not exceed 2 years, and 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;
- Provides penalties for a violation of the temporary or extended order;
- Makes conforming changes to include protective orders for sexual assault;
- A person who commits any other crime which constitutes a violation of a temporary or extended order may be prosecuted for each crime separately; and
- Provides that information must be submitted to the Repository for Information Concerning Orders for Protection. The Repository must retain all expired records, unless expunged or vacated by a court.

Chairman Yeager:

Again, I would like to thank Assemblywoman Nguyen and Ms. Adair for working on this bill over the last couple of weeks. Do we have any questions or comments about A.B. 19?

Assemblywoman Nguyen:

I just wanted to thank Ms. Adair and some members of the Nevada Attorneys for Criminal Justice. I know that they worked very hard to try to get this together along with Assemblywoman Backus. She had a lot of input, especially from her background in family law, to put this together. I know there might be some concerns with some of the provisions that we added, and if anyone has any questions, I am happy to answer them.

Assemblywoman Miller:

One of my concerns is about the ability to serve the individual at work. It looks as though it still remains, is that part addressed?

Assemblywoman Nguyen:

It was a section that we looked into. In talking in particular with Assemblywoman Backus, she indicated that is already an option for people. Some of the protections that we put in there to alleviate members' concerns about that was, prior to doing so, you have to make three attempts of personal service at the residence of the adverse party. You may go to court and do it by way of motion. We added some additional attempts that have to be made and added by way of motion to get into that. That was our way of compromising on that situation. In most civil actions, you can serve people at their place of employment, but I do know there were concerns and it was something we attempted to address.

Assemblywoman Miller:

I, also, would like to thank Ms. Adair. I know she made multiple attempts to reach out to many of us to make sure that discussions were continuing.

Chairman Yeager:

Do we have any other questions on A.B. 19? [There were none.] I will take a motion to amend and do pass A.B. 19.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 19.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

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

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

I will assign the floor statement to Assemblywoman Hansen. We will go next to Assembly Bill 41.

Assembly Bill 41: Revises provisions governing the fictitious address program for victims of certain crimes. (BDR 16-418)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 41 revises provisions governing the fictitious address program for victims of certain crimes, sponsored by the Assembly Committee on Judiciary on behalf of the Attorney General and heard in this Committee on March 25, 2019. This bill requires any public or private entity to allow the use of a fictitious address upon the request of a participant who has received a fictitious address issued by the Division of Child and Family Services of Nevada's Department of Health and Human Services. Such entities are prohibited from disclosing certain information and expands the protected information to include the telephone number and image of the person with the fictitious address ([Exhibit K](#)).

There is one proposed amendment to this measure submitted by Jimmy Humm, Deputy Chief of Staff, Office of the Attorney General. The proposed amendment does the following:

1. Revises language specifying state, county, and local government entities;
2. Allows the utilities to maintain records which contain the participants' actual physical addresses, while prohibiting disclosure of those addresses under certain circumstances; and
3. Adds an exception for certain entities to release information to law enforcement at the direction of a court order, or when mandated by any other state or federal law.

Chairman Yeager:

Do we have any questions on A.B. 41? [There were none.] I will take a motion to amend and do pass A.B. 41.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 41.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

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

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

I will assign the floor statement to Assemblywoman Peters. We will go next to Assembly Bill 45.

Assembly Bill 45: Creates the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of the Department of Public Safety. (BDR 43-348)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 45 creates the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of the Department of Public Safety, sponsored by the Assembly Committee on Judiciary on behalf of the Investigation Division of the Department of Public Safety and heard in this Committee on February 15, 2019. This bill creates and sets forth the duties of the Nevada Threat Analysis Center and the Nevada Threat Analysis Center Advisory Committee in the Investigation Division of Nevada's Department of Public Safety. The measure authorizes the Advisory Committee to hold a closed meeting to receive or provide security briefings or to discuss certain topics. All information and materials received or prepared by the Advisory Committee during a closed meeting and all minutes and audiovisual or electronic reproductions are confidential and not subject to subpoena or discovery, or subject to inspection by the general public ([Exhibit L](#)).

An amendment was proposed by John J. Piro, Chief Deputy Public Defender, Clark County Public Defender's Office, and Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office. This amendment allows certain information obtained by the Advisory Committee to be subject to discovery.

Chairman Yeager:

Do we have any questions on A.B. 45? [There were none.] I will take a motion to amend and do pass A.B. 45.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 45.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Hansen:

I had some concerns about this bill, but with the amendment fixing section 8, subsection 3, I am comfortable, so I will be a yes.

Chairman Yeager:

Do we have further discussion on A.B. 45? [There was none.]

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

I will assign the floor statement to Assemblywoman Tolles. We will go next to Assembly Bill 166.

Assembly Bill 166: Revises provisions relating to prostitution. (BDR 15-861)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 166 revises provisions relating to prostitution, sponsored by Assemblywoman Tolles and heard in this Committee on March 12, 2019. This bill establishes the crime of advancing prostitution. A person is guilty of such a crime if he or she aids another person in:

- Committing or engaging in prostitution;
- Procuring or soliciting customers for another person to engage in prostitution;
- Providing another person or premises for the purposes of prostitution;
- Operating or assisting in the operation of a house of prostitution or a prostitution enterprise; or
- Engaging in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

A person who is guilty of advancing prostitution shall be punished: (1) for a category C felony if physical force or the immediate threat of physical force is used in the commission of the crime; or (2) for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime ([Exhibit M](#)).

Assemblywoman Tolles proposed an amendment to this measure. The amendment does the following:

1. Deletes section 1 of the bill;

2. Revises the crime of advancing prostitution by clarifying when a person who owns, leases, operates, controls, or manages any business or private property and who knows or should know that:
 - Illegal prostitution is being conducted on the premises; and
 - One or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude or sex trafficking;
3. A person who fails to take reasonable steps to abate the illegal prostitution is guilty of the crime of advancing prostitution and is punishable by a category C felony; and
4. Lastly, the amendment sets forth when “a person who owns, leases, operates, controls, or manages any business or private property” is deemed to have knowledge of certain facts and circumstances and when such a person is deemed to have taken reasonable steps to abate prostitution.

Chairman Yeager:

Do we have any questions or comments on A.B. 166? [There were none.] I will take a motion to amend and do pass A.B. 166.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 166.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Tolles. We will go next to Assembly Bill 248.

Assembly Bill 248: Prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information. (BDR 2-1004)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 248 prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information, sponsored by Assemblyman Frierson and heard in this Committee on March 20, 2019. This bill prohibits a settlement agreement from containing provisions that prohibit or restrict a party from disclosing certain information relating to a civil or administrative action, if such an action relates to conduct that would otherwise qualify as a sexual offense punishable as a felony under certain

circumstances, discrimination on the basis of sex by an employer or a landlord or an act of retaliation by such an employer or a landlord for a claim of discrimination ([Exhibit N](#)).

As Chairman Yeager mentioned, there is a new amendment ([Exhibit O](#)) proposed by Assemblyman Frierson. This proposed amendment to A.B. 248 would amend section 1 of the bill to exclude a settlement agreement executed by the Nevada Equal Rights Commission from the prohibitions on including a provision in such a settlement agreement that prohibits the disclosure of information relating to certain claims in a civil or administrative action.

Chairman Yeager:

Are there any questions on A.B. 248?

Assemblywoman Krasner:

With the Chairman's permission, I would like to ask legal to clarify exactly what that amendment would do on behalf of victims asserting their rights.

Bradley A. Wilkinson, Committee Counsel:

The new amendment ([Exhibit O](#)) simply provides that information that is obtained during the settlement process before the Nevada Equal Rights Commission would remain confidential as it is under existing law.

Chairman Yeager:

Do we have any other questions on A.B. 248? [There were none.] I will take a motion to amend and do pass A.B. 248.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 248.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Backus:

With A.B. 248, I still continue to struggle because there are two parties to an agreement, so I am going to vote yes to get it out of Committee, but I reserve my right to change my vote on the floor.

Assemblywoman Krasner:

With A.B. 248, while the intention is so good, sometimes there are consequences that tend to hurt parties to a bill and end up putting them in a worse place. I appreciate this new amendment today, so I will vote yes to get this out of Committee but reserve my right to change prior to floor.

Assemblywoman Hansen:

This one is very difficult because sexual harassment is horrendous and should not be tolerated. I am just a little bit concerned about the execution of some of the things that still need to be worked out. I am still a little torn on my vote, but at this point I am just not comfortable with it yet and hope to get there, so I will be a no.

Chairman Yeager:

Is there any further discussion on A.B. 248? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN DALY AND HANSEN VOTED NO. ASSEMBLYWOMAN PETERS WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Torres. We will go next to Assembly Bill 272.

Assembly Bill 272: Requires law enforcement agencies in certain counties to participate in the National Integrated Ballistic Information Network. (BDR 15-603)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 272 was sponsored by Assemblyman Roberts and heard in this Committee on April 3, 2019. This bill requires law enforcement agencies in certain counties to participate in the National Integrated Ballistic Information Network of the Bureau of Alcohol, Tobacco, Firearms and Explosives of the United States Department of Justice. The law enforcement agency is required to recover an unlawfully possessed firearm from a crime scene and deliver it to a designated forensic laboratory for testing. Any resulting data is required to be entered into the National Integrated Ballistic Information Network ([Exhibit P](#)).

There is one amendment proposed by Assemblyman Roberts, which includes language from Clark County and Washoe County. The amendment lowers the population to include Washoe County, changes the word "firearm" to "semi-automatic pistol," includes shell casings for ballistic testing, and allows for a forensic laboratory to charge a law enforcement agency for the actual costs in performing the duties specified in the bill.

Chairman Yeager:

Are there any questions on A.B. 272?

Assemblywoman Cohen:

I do not remember if this came up at the hearing, but is Washoe County good with lowering the population cap?

Chairman Yeager:

Just for the record, we received a thumbs-up from Mr. Solferino, so that is an affirmative that Washoe County is okay with lowering the population cap. Do we have any other questions on A.B. 272? [There were none.] I will take a motion to amend and do pass A.B. 272.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 272.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Roberts. We will go next to Assembly Bill 286.

Assembly Bill 286: Makes various changes relating to trusts and estates. (BDR 2-1028)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 286 makes various changes relating to trusts and estates, sponsored by Assemblymen Frierson and Backus and heard in this Committee on March 26, 2019 ([Exhibit Q](#)). This bill, brought forth by the Probate and Trust Section of the State Bar of Nevada, makes various changes relating to trusts and estates, including, but not limited to:

- Revising provisions relating to Uniform Statutory Rule Against Perpetuities;
- Clarifying certain provisions relating to nonprobate transfer of property upon death;
- Providing that certain sums derived from the sale of a homestead are exempt from the execution of a judgment;
- Revising provisions that govern the transfer of community property or separate property into a trust;
- Revising certain provisions that govern wills and estates of deceased persons;
- Revising certain provisions of the Uniform Powers of Appointment Act of 2013;
- Revising certain provisions that govern trusts and the administration of trusts; and
- Revising certain provisions that govern spendthrift trusts.

Assemblywoman Backus proposed an amendment. The amendment revises the following sections of the bill:

1. Section 8 revises provisions regarding the character of property transferred into an irrevocable trust;

2. Sections 17, 20, and 21 revise the Uniform Powers of Appointment Act regarding the creation of power of appointment, the powerholder's authority to revoke or exercise a power of appointment, and the rights of a powerholder's creditors in appointive property;
3. Section 24 of the bill revises provisions relating to the terms of a trust instrument;
4. Sections 40, 41, and 42 revise various definitions regarding spendthrift trusts;
5. Section 43 and 44, the proposed changes to the bill are withdrawn; and
6. Section 48 increases the value of the estate in relation to the fees a petitioner must pay in a civil action.

Chairman Yeager:

Do we have any questions regarding A.B. 286?

Assemblywoman Cohen:

I think Assemblywoman Torres would like to give us a definition of the rules of perpetuity.

Assemblywoman Torres:

At the request of my colleague, I would like to give some further clarification on the rules of perpetuity. Because it is not my area of expertise, I will give it using a hypothetical because that is how I learned it best. The rules of perpetuity really are made so that we can ensure that once an individual has passed, they do not have the ability to control what we do with their estate.

Chairman Yeager:

That is a pretty good description of the rule against perpetuities. Just in case you thought we did not learn anything in this Committee, we have, and there is much more to come. Are there any other questions on A.B. 286? [There were none.] I will take a motion to amend and do pass A.B. 286.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 286.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Backus, but we will list you, Assemblywoman Torres, as a backup in case there are questions on the rule against perpetuities. We will go next to Assembly Bill 315.

Assembly Bill 315: Revises provisions relating to records of criminal history. (BDR 14-831)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 315 revises provisions relating to records of criminal history, sponsored by Assemblyman Assefa and heard in this Committee on April 3, 2019. This bill removes the requirement for certain persons to file a petition and instead provide that the records are sealed automatically. The measure requires a prosecutor to notify the court of charges declined for prosecution in certain circumstances and the court to order the sealing of all records of criminal history upon receipt of such notice. Provisions are established governing the consideration of the criminal history of an applicant by a private employer ([Exhibit R](#)).

There is one amendment to this measure. Assemblyman Assefa proposed deleting the sections of the bill and replacing it with language that would allow for the expungement of a person's arrest records if the person was wrongfully arrested.

Chairman Yeager:

Are there any questions on A.B. 315? [There were none.] I will take a motion to amend and do pass A.B. 315.

ASSEMBLYMAN ROBERTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 315.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Assefa, and I will list Assemblyman Watts as the backup. We will go next to Assembly Bill 393.

Assembly Bill 393: Providing protections to certain governmental employees and certain other persons during a government shutdown. (BDR 3-1015)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 393 provides protections to certain governmental employees and certain other persons during a government shutdown, sponsored by Assemblyman Frierson and heard in this Committee on March 26, 2019. This bill enacts provisions in state law intended to

provide certain protections to federal workers, state workers, and household members of such workers during a government shutdown at the federal or state level ([Exhibit S](#)).

There are four proposed amendments to the bill.

1. Assemblywoman Peters proposed amending the bill to provide to tribal workers the same protections as in the bill for federal and state workers. “Tribal worker” would be defined as an employee of a qualified Indian tribe or an employee of a contractor who has entered into a contract with a qualified Indian tribe. “Qualified Indian tribe” would be defined as a federally recognized Nevada Indian tribe that receives at least a majority of its funding from the federal government.
2. Connor Cain, Nevada Bankers Association, proposed an amendment requiring:
 - Lenders notify borrowers that they may be entitled to certain protections. The borrower must provide proof that he or she is a federal worker, state worker, or household member of such a worker; and
 - Creditors notify persons liable on security agreements that they may be entitled to certain protections. The person liable on a security agreement must provide proof to his or her creditor that he or she is a federal worker, state worker, or household member of such a worker.
3. Jenny Reese, Nevada Realtors, proposed an amendment. The amendment does the following:
 - Defines “household member;”
 - Includes the landlord of such a worker in those that are provided certain protections during a government shutdown;
 - Sets forth provisions allowing the landlord to petition the court to determine whether the tenant or the landlord has a greater burden if the government shutdown lasts longer than 30 calendar days and the landlord is experiencing undue hardship; and
 - If the court determines that the tenant has a greater burden, the tenant is afforded the protections in the bill. If the court determines the landlord has the greater burden, the parties may renegotiate the terms of the existing lease or the landlord can terminate the rental agreement pursuant to law.
4. Alex Ortiz, Assistant Director, Clark County Department of Administrative Services, proposed an amendment. The amendment excludes a sheriff from liability for conducting the foreclosure sales unless notified in writing prior to the

foreclosure sale that the debtor is entitled to stay because of the government shutdown.

Chairman Yeager:

Do we have any questions on A.B. 393? [There were none.] I will take a motion to amend and do pass A.B. 393.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 393.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Tolles:

I just wanted to say, I appreciate the sponsor's willingness to take input on the landlord protections as well as providing the relief for those who do need them.

Chairman Yeager:

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Miller. We will go next to Assembly Bill 417.

Assembly Bill 417: Revises provisions governing the dissemination of certain records of criminal history to certain persons by the Central Repository for the Nevada Records of Criminal History. (BDR 14-714)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 417 revises provisions governing the dissemination of certain records of criminal history to certain persons by the Central Repository for the Nevada Records of Criminal History, sponsored by the Assembly Committee on Judiciary and heard in this Committee on April 3, 2019. This bill authorizes a screening service which has entered into such a contract with the Central Repository for Nevada Records of Criminal History to inquire about, obtain, and provide records of criminal history to an employer, volunteer organization, landlord, owner, or manager. Additionally, this bill provides that a person who enters into a contract with a person, business, or organization for certain services provided by an independent contractor, subcontractor, or third party is an employer for the purpose of being eligible to conduct a name-based search of records of criminal history of an employee pursuant to existing law ([Exhibit T](#)).

There is one proposed amendment to this measure submitted by Assemblyman Yeager. The amendment proposes the following

- Removes the terms “tenant or prospective tenant” from the bill;
- Restores the term “written consent”;
- Adds a definition of “written consent”; and
- Removes certain entities in the definition of an “eligible person.”

Chairman Yeager:

Are there any questions on A.B. 417?

Assemblywoman Hansen:

I understand this is a cleanup bill. Can we clarify with the amendment, is A.B. 417 in any way going to prohibit a landlord from using the Central Repository for the Nevada Records of Criminal History to background check prospective tenants to preserve and protect existing tenants that are there from any criminal elements?

Chairman Yeager:

All of the language that was stricken in the mock-up was language that was added in the original bill. The mock-up itself is not going to change what the status quo is today for how landlords access criminal records. I cannot say whether they go directly to the Central Repository for the Nevada Records of Criminal History, as I think many of them now do their own court-based, county-based, or city-based criminal records check. The amendment itself does not disrupt current law.

I will let the Committee know that we had some back and forth with some interested parties on this particular language. In response to some of the concerns I heard from this Committee, I thought it wise to take those provisions out and again, there were new provisions added. I have committed to continue working on this issue because I think what we are trying to balance is, we want landlords to have expedient access to these records but we also have some concerns about what the records might be used for. I am going to continue to work on it: a long-winded way of saying I am not disrupting the current practice, but would certainly like any input along the way if other folks have ideas about how to best accomplish this in a way that accommodates the concerns of both sides.

Are there any other questions on the mock-up on A.B. 417? [There were none.] I will take a motion to amend and do pass A.B. 417.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 417.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to myself. We will go next to Assembly Bill 420.

Assembly Bill 420: Revises provisions governing the criminal forfeiture of property. (BDR 14-717)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 420 revises provisions governing the criminal forfeiture of property, sponsored by the Assembly Committee on Judiciary and heard in this Committee on March 29, 2019. This bill repeals the existing statutory scheme for the seizure, forfeiture, and disposition of property and proceeds and establishes a new uniform procedure under the jurisdiction of the courts presiding over criminal proceedings, governing the seizure, forfeiture, and disposition of property and proceeds attributable to certain crimes ([Exhibit U](#)).

There is one proposed amendment to this measure submitted by Lisa Rasmussen, Nevada Attorneys for Criminal Justice. The amendment revises the following:

- Section 5 revises the definition of “law subject to forfeiture”;
- Section 9 establishes when a property is subject to forfeiture;
- Section 19 revises language limiting the amount of money or property a court may order returned;
- Section 25, subsection 2(a) deletes “Homestead declared pursuant to chapter 115 of NRS”;
- Section 25, subsection 7 deletes the definition of “constructive knowledge”;
- Section 26 amends the language relating to how auction proceeds and forfeited currency must be used; and
- Section 27 revises the prohibited acts by the state or a law enforcement agency.

Chairman Yeager:

Are there any questions on A.B. 420? [There were none.] I will take a motion to amend and do pass A.B. 420.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 420.

ASSEMBLYWOMAN HANSEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN KRASNER, ROBERTS, AND TOLLES VOTED NO. ASSEMBLYWOMAN PETERS WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Daly. I did want to thank Ms. Rasmussen, who worked really hard on the bill. I know discussions are still ongoing with some of the interested individuals to see if some additional improvements can be made. I encourage that to keep happening as the bill moves forward through the process. We will go next to Assembly Bill 422.

Assembly Bill 422: Revises provisions governing criminal procedure. (BDR 14-1096)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 422 revises provisions governing criminal procedure, sponsored by the Assembly Committee on Judiciary and heard in this Committee on April 2, 2019. This bill provides that a person who is a victim of domestic violence or sexual assault and who fails to obey a subpoena is not deemed to be in contempt of court. A judge or magistrate is prohibited from requiring bail for a material witness in a criminal proceeding if the person is a victim of domestic violence or sexual assault. Lastly, this bill prohibits a court officer from issuing a warrant to arrest a witness upon failure to appear if the witness is a victim of domestic violence or sexual assault ([Exhibit V](#)).

There is one proposed amendment to this measure submitted by Assemblyman Yeager. The conceptual amendment replaces the entirety of the bill except for the definitions of “domestic violence” and “sexual assault.”

Chairman Yeager:

Committee, you may remember last week when we heard this bill, we talked about the difficulty of balancing the interests that were at play here. This conceptual amendment still allows for orders to show cause, bail to be set, arrests to happen in certain circumstances, but it provides some additional due process where a judge has to be involved early on in that process where the person has to be appointed an attorney and that a judge has to make a determination that if a victim is going to be incarcerated, the judge has to make written findings indicating that is necessary and there is not a least restrictive means to ensure the person's testimony. I will let Committee members know that we had some opposition from the Nevada District Attorneys Association and some of the local prosecutors both in the Cities of Las Vegas and Henderson. I have run this conceptual amendment by those three parties. They are all in agreement with the way the language reads now. I think we have gotten to a point where we added additional protections, but we do not entirely hamstring a potential prosecution when this kind of procedure is necessary. Do we have any questions on A.B. 422?

Assemblyman Edwards:

Can you just clarify if the victim would still have to be present in order to face the person she is accusing?

Chairman Yeager:

That is correct, at least in the adult setting. In the child setting, there are some protections that could be put in place. In the adult setting, the victim would have to be present at any preliminary hearing or at a trial to provide testimony with very limited exceptions that are not touched upon in this bill. For example, there are some times when a judge can allow prior testimony to be introduced, but that would go through the normal court process and this bill does not change that at all.

Are there any other questions on A.B. 422? [There were none.] I will take a motion to amend and do pass A.B. 422.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 422.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to myself. We will go next to Assembly Bill 424.

Assembly Bill 424: Revises provisions relating to parole. (BDR 16-1116)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 424 revises provisions relating to parole, sponsored by the Assembly Committee on Judiciary and heard in this Committee on April 8, 2019. This bill provides a prisoner who was sentenced as an adult for certain offenses that were committed when he or she was less than 18 years of age is eligible for parole after 20 years, if the offense or offenses for which the prisoner was convicted resulted in the death of one or more victims ([Exhibit W](#)). There are no amendments for this measure.

Chairman Yeager:

Do we have any questions on A.B. 424? [There were none.] I will take a motion to do pass A.B. 424.

ASSEMBLYMAN WATTS MOVED TO DO PASS ASSEMBLY BILL 424.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Krasner:

I still have some concerns. I do understand the intent is trying to help juveniles; however, I am aware that Nevada currently does not have mandatory life sentences without parole for juveniles or adults. Judges still have that discretion, so I will be a no and reserve my right to change my vote prior to floor.

Chairman Yeager:

Just so the record is clear, you are correct that right now a judge could not give a sentence of life without parole; however, there are individuals who are serving time in our prisons now who were sentenced to life without parole at the time they were sentenced. There are not a lot of them—I think about eight or nine. I wanted to make that clear for the record that going forward, it is not an option, but there are people who were sentenced that way which was lawful at the time.

Are there any additional questions on A.B. 424? [There were none.]

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

I will assign the floor statement to myself. Just in case he is watching, I wanted to say congratulations to Assemblyman Hambrick as well. We are thinking about you and hope you are doing well and you will be able to join us back up here in Carson City very soon. The last bill on the work session this morning is Assembly Bill 482.

**Assembly Bill 482: Revises provisions relating to governmental administration.
(BDR 11-1111)**

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 482 revises provisions relating to governmental administration, sponsored by the Assembly Committee on Judiciary and heard in this Committee on April 5, 2019. This bill revises provisions relating to an application for issuance or renewal of a certificate of permission to perform marriages or specific marriages. A person who is an applicant to become a marriage officiant must take a training course and pay a fee to any applicant for a certificate of permission to perform marriages or specific marriages. The measure provides that a person, while on county property, who solicits or otherwise influences, another person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel is subject to a civil penalty. The bill authorizes each county clerk to charge a fee for filing and recording or issuing certain documents. Finally, the measure requires that the additional fees collected are used only to acquire technology or to improve technology used in the office of the county clerk ([Exhibit X](#)).

An amendment was proposed by Assemblywoman Nguyen. The amendment does the following:

- In section 1, subsection 4(d) adds the qualifying language “if the county clerk has established such training course”; and
- Deletes section 1, subsection 6.

Chairman Yeager:

Do we have any questions on A.B. 482? [There were none.] I will take a motion to amend and do pass A.B. 482.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 482.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN PETERS WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Nguyen.

That is the end of our work session document. I will open it up for public comment either in Carson City or Las Vegas. [There was none.] Is there anything else from Committee members?

Assemblywoman Torres:

If there are any additional questions regarding the rules of perpetuities from my colleagues, I am happy to answer them.

Chairman Yeager:

We are going to try to get you to law school after all. Committee members, thank you for getting through that work session document. The good news is, the work session document tomorrow will contain fewer bills than the one we had today. We are looking at right around 16 or 17 bills. We are still finalizing some of that document so again if you have amendments and do not have them to us by noon today, your bill is probably not going to be

on work session. If we are waiting on your amendments, whether you are on the Committee or you are listening in the public, please get those to us. We are going to start at 8 a.m. tomorrow.

The meeting is adjourned [at 9:37 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 a proposed amendment to [Assembly Bill 117](#), submitted by the Vegas Golden Knights and the Las Vegas Raiders, and presented by Alfredo Alonso, representing Black Knight Sports and Entertainment LLC.

[Exhibit D](#) is the Work Session Document on [Assembly Bill 281](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document on [Assembly Bill 20](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document on [Assembly Bill 356](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document on [Assembly Bill 140](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document on [Assembly Bill 176](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document on [Assembly Bill 15](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document on [Assembly Bill 19](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document on [Assembly Bill 41](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document on [Assembly Bill 45](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document on [Assembly Bill 166](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document on [Assembly Bill 248](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is a proposed amendment to [Assembly Bill 248](#), submitted by Assemblyman Jason Frierson, Assembly District No. 8.

[Exhibit P](#) is the Work Session Document on [Assembly Bill 272](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document on [Assembly Bill 286](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document on [Assembly Bill 315](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document on [Assembly Bill 393](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is the Work Session Document on [Assembly Bill 417](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit U](#) is the Work Session Document on [Assembly Bill 420](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit V](#) is the Work Session Document on [Assembly Bill 422](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit W](#) is the Work Session Document on [Assembly Bill 424](#), dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit X](#) is the Work Session Document on Assembly Bill 482, dated April 11, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.