

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

**Eightieth Session
April 12, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:09 a.m. on Friday, April 12, 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
Cheryl Williams, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

None

Chairman Yeager:

[Roll was called. Committee rules were explained.] We do not have any bill hearings today, we just have a work session. We will start with Assembly Bill 60.

Assembly Bill 60: Revises provisions related to domestic violence. (BDR 3-425)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit C](#)).]

Our first bill is Assembly Bill 60, which revises provisions related to domestic violence. It was sponsored by this Committee on behalf of the Attorney General and heard in this Committee on March 25, 2019. This bill defines domestic violence to include coercion, burglary, home invasion, and pandering. Penalties are revised for a person convicted of a battery which constitutes domestic violence, and for a person convicted of a battery which constitutes domestic violence if the battery is committed by strangulation. Penalties are also provided for a person convicted of a battery which constitutes domestic violence where the act was committed against a victim who was pregnant at the time of such a battery.

If a person is convicted of a battery which constitutes domestic violence, where such a battery causes substantial bodily harm to the victim, the court is required to consider the presence of a child during the commission of a battery that constitutes domestic violence as an aggravating factor in determining the sentence.

The measure includes a legislative declaration regarding the serious problem of stalking. The definition of stalking is revised as are the related penalties. Lastly, the bill revises the duties of the Committee on Domestic Violence.

There is a large amendment sponsored by and proposed by Jessica Adair and Kyle George from the Office of the Attorney General. The amendment changes section 1, and clarifies the crime of domestic violence. Sections 5, 6, 9, 10, 12, 13, 15(6), 17(5) and (8), and 18 through 36 of the bill are deleted. Section 14 and new section 9 of the amendment revise the definition of an officer in the assault and battery statutes to include a prosecuting attorney of an agency or political subdivision of the United States or of this state. Section 14, subsection 3 is deleted thereby removing the administrative assessment.

Section 15 revises the crime of domestic violence battery and its associated penalties. Section 15, subsection 4 assesses penalties and clarifies the crime of domestic violence battery against a victim who was pregnant at the time, and the person knew that the victim was pregnant. Section 17 revises the stalking statutes and penalties. Section 21 includes the crime of facilitating sex trafficking when involving a child victim. Section 38 revises the definition of "victim." Section 39 revises the determination to make an order for compensation for a victim of crime. Section 40 revises the funding for the Account for Programs Related to Domestic Violence. Section 41 revises the membership and duties of the Committee on Domestic Violence. Section 42 revises the duties of the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General.

There is a new section 22 added, amending provisions related to an arrest being required for suspected battery constituting domestic violence. New section 23 is added amending provisions related to suspension of a sentence, conditions of a suspension, and programs of treatment in justice courts. New section 24 is added amending provisions related to the suspension of a sentence, conditions of a suspension, and programs of treatment in municipal courts. Finally, a new section is added to the bill allowing for a prosecuting attorney to request an alternate address on a driver's license or identification card.

Chairman Yeager:

I again want to thank Assemblywoman Nguyen and Ms. Adair from the Office of the Attorney General, who both worked very hard on this bill. I know there were other stakeholders that I am probably leaving out, but obviously we have come a long way on Assembly Bill 60. Does anyone have questions about Assembly Bill 60 as detailed in the work session document? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 60.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

The floor statement will be assigned to Assemblywoman Nguyen. We will move to Assembly Bill 81.

Assembly Bill 81: Makes various changes relating to the oversight and provision of legal representation of indigent defendants in criminal cases. (BDR 14-436)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit D](#)).]

Assembly Bill 81, sponsored by this Committee on behalf of the Nevada Right to Counsel Commission, was heard in this Committee on March 12, 2019. This bill creates the Office of Indigent Defense Services within the Office of the Governor to oversee criminal defense services provided to indigent persons in this state. The measure establishes the Board on Indigent Defense Services and sets forth its duties. The bill also establishes the duties of the executive director of the Office of Indigent Defense Services. The Board is required to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.

This bill removes obsolete language which requires the state public defender and the county public defender to provide indigent defense services within the limits of available money to conform with the provisions of this bill that require appropriate representation be provided to indigent defendants in every case. The public defender is required to make an annual report to the Office of Indigent Defense Services.

Assemblywoman Benitez-Thompson proposed three amendments to this bill. The mock-up for Assembly Bill 81, proposes the following changes:

- Section 1 clarifies that if the defendant declines an attorney, it must be recorded that the defendant's decision was made knowingly and voluntarily and with an understanding of the consequences;
- Section 6 changes the membership of the Board on Indigent Defense Services within the Office of Indigent Defense Services;
- Section 7 revises the term of Board members from 2 to 3 years, deletes the language referring to initial voting members, and clarifies the selection of the chair of the Board;
- Sections 12 and 13 add language concerning the duties of the deputy directors of the Office of Indigent Defense Services;
- Section 14 revises language regarding budgeting for the corrective action plan;
- Section 15.5 revises the assignment of counsel to include misdemeanors for which jail time may be imposed;
- Section 31.3 adds a section regarding the staggered terms of the members of the Board; and
- Section 31.5 adds an appropriation.

There is a proposed revision to the mock-up. Section 31.5 of the mock-up is revised to replace the year 2021 with 2023 throughout the section. Secondly, section 14, subsection 3, is revised to include a reference to the county public defenders.

The following amendments from Clark County were accepted by Assemblywoman Benitez-Thompson: Section 7, subsection 5, replaces "a majority vote of the quorum" with "a majority vote of the board." Section 27, subsection 1, seeks to continue the current statutory requirement that counties over 100,000 provide by ordinance for the office of the public defender.

Chairman Yeager:

Are there any questions on Assembly Bill 81 as detailed in the work session document? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 81.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

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

I will assign the floor statement to Assemblywoman Benitez-Thompson, with Assemblyman Watts as a backup. I want to recognize our majority leader; she was on the interim committee for the bill and I know there was a lot of work done. We will now move to Assembly Bill 142.

Assembly Bill 142: Eliminates the statute of limitations for the prosecution of sexual assault in certain circumstances. (BDR 14-175)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit E](#)).]

Assembly Bill 142 was sponsored by Assemblywoman Krasner and heard in this Committee on March 18, 2019. This bill eliminates the statute of limitations for the prosecution of sexual assault if the identity of the person accused of committing the crime is established by DNA evidence.

Assemblywoman Krasner proposed an amendment: first, a change of the effective date from October 1, 2019, to July 1, 2019. She also added cosponsors to the bill.

Chairman Yeager:

Are there any questions on Assembly Bill 142 as listed in the work session document? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 142.

ASSEMBLYWOMAN BACKUS 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 Krasner. We will now move to
Assembly Bill 148.

Assembly Bill 148: Revises provisions governing plea agreements. (BDR 14-121)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit F](#)).]

Assembly Bill 148 was sponsored by Assemblyman Fumo and heard in this Committee on February 22, 2019. This bill provides that if a defendant and the district attorney enter into a stipulated agreement as a result of any negotiations between the defendant and the district attorney, such an agreement must be treated as a conditional plea agreement that is subject to acceptance by the court. The measure requires that a written plea agreement for a plea of guilty or guilty but mentally ill must not contain any information other than the information required by this section.

Assemblyman Fumo proposed two amendments to the bill: first, to restore the language in section 2 regarding the acknowledgment of the defendant not being promised or guaranteed a sentence. Secondly, he is changing the effective date from July 1, 2019, to October 1, 2019.

Chairman Yeager:

Are there any questions on Assembly Bill 148? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 148.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Roberts:

I struggled back and forth with this bill, whether or not I was going to support it. I really think there could be some improvements to the plea bargain process. I am concerned about the number of cases that are run through the judicial system and the impact that this could

have. I know that the sponsor is working with the district attorney's office to fix those things, but I will still be a no.

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

I will assign the floor statement to Assemblyman Fumo. We will now move to Assembly Bill 201.

Assembly Bill 201: Revises provisions governing certain traffic laws. (BDR 43-604)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit G](#)).]

Assembly Bill 201 was sponsored by Assemblyman Roberts and heard in this Committee on March 4, 2019. This bill makes it unlawful to drive a vehicle in an unauthorized trick driving display on a public highway or to facilitate an unauthorized trick driving display. Driving a vehicle in an unauthorized trick driving display constitutes reckless driving and is punishable as a gross misdemeanor, with graduated penalties. The bill provides similar penalties for a person who facilitates an unauthorized trick driving display.

There is one proposed amendment to this measure. Chuck Callaway, Director, Intergovernmental Services, Las Vegas Metropolitan Police Department, proposed the amendment. Section 3, subsection 6, provides that the first offense for facilitating an unauthorized trick driving display is a misdemeanor offense, and any subsequent offense is a gross misdemeanor. In section 3, subsection 7(d) and subsection 8, the language is deleted.

Chairman Yeager:

Are there any questions on Assembly Bill 201? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN EDWARDS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 201.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Roberts. We will now move to Assembly Bill 260.

Assembly Bill 260: Revises provisions governing mental health. (BDR 4-1031)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit H](#)).]

Assembly Bill 260 was sponsored by Assemblyman Roberts and heard in this Committee on March 29, 2019. This bill revises provisions relating to confidential communications made by law enforcement or public safety personnel who participate in a peer support counseling session. This bill removes the authorization of a court to issue an order or subpoena requiring the disclosure of confidential communications made during such a peer support counseling session. There are no amendments to the measure.

Chairman Yeager:

Are there any questions on Assembly Bill 260? Seeing none, I will entertain a motion to do pass.

ASSEMBLYWOMAN NGUYEN MADE A MOTION TO DO PASS
ASSEMBLY BILL 260.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Roberts. We will now move to Assembly Bill 301.

Assembly Bill 301: Revises provisions relating to county jails. (BDR 16-769)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit I](#)).]

Assembly Bill 301 was sponsored by Assemblywoman Benitez-Thompson and heard in this Committee on March 22, 2019. This bill requires the sheriff of the county to report certain information concerning deaths in the county jail to the board of county commissioners. Each board is required to review all available information concerning deaths of prisoners and include this information as an item on the agenda of a public meeting. In addition, the board must take necessary precautions against suicide and death in the county jail.

The sheriff is required to report a death of a prisoner in the county jail or any branch county jail in his or her county to the board of county commissioners not later than 48 hours after the death. If the sheriff determines that the death of a prisoner in the county jail or any branch county jail in his or her county is suspicious or the cause of the death is unknown, the sheriff must investigate the death and report the results of the investigation to the board.

There is an amendment to the bill proposed by Assemblywoman Benitez-Thompson. The amendment does the following:

- Revises the bill to include city jails;
- Requires the board of county commissioners to include certain information regarding deaths of prisoners on the agenda of a public meeting;
- Defines "basic demographics"; and
- Requires the sheriff to submit to the board of county commissioners a biannual report that includes the data submitted pursuant to the Death in Custody Reporting Act.

Chairman Yeager:

Are there any questions on Assembly Bill 301? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN DALY MADE A MOTION TO AMEND AND DO PASS
ASSEMBLY BILL 301.

ASSEMBLYWOMAN TORRES 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 Benitez-Thompson, and will list Assemblywoman Miller as a backup. We will now move to Assembly Bill 376.

Assembly Bill 376: Requires local law enforcement agencies to report annually to the Legislature certain statistics relating to transfers of undocumented persons to the custody of federal agencies. (BDR 14-675)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit J](#)).]

Assembly Bill 376 was sponsored by Assemblywoman Torres and heard in this Committee on April 2, 2019. This bill requires local law enforcement agencies to report annually to the Legislature certain statistics relating to transfers of undocumented persons to the custody of federal agencies.

There is one proposed amendment by Assemblywoman Torres. The amendment does the following:

- Changes the date the report is due from each local law enforcement agency to the Legislative Counsel Bureau;
- Removes the word "undocumented" from the bill;
- Amends the bill by adding the United States Department of Homeland Security, U.S. Immigration and Customs Enforcement;
- Revises the information that is required to be included in the report; and
- Provides that any person who is in the custody of a county or city jail or detention facility and who is being questioned regarding his or her immigration status must be advised of the purpose of the questions.

Chairman Yeager:

Are there any questions on Assembly Bill 376?

Assemblywoman Nguyen:

I would like to commend my colleague, Assemblywoman Torres, for working together with all the different stakeholders to come up with this solution.

Assemblywoman Krasner:

I want to thank the sponsors for all their work on this bill; however, I still have some concerns, so I am going to vote no out of Committee and reserve my right to change prior to floor.

Chairman Yeager:

Are there any further questions or comments on the bill? I do not see any. I want to thank Assemblywoman Torres; I know there was a lot of interest in this bill when it first came out, and I want to thank those in the room who worked with Assemblywoman Torres to get this in place. Hopefully it will accomplish what it intends to do without being too disruptive of our local law enforcement agencies. I will entertain a motion to amend and do pass.

ASSEMBLYMAN ROBERTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 376.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.)

I will assign the floor statement to Assemblywoman Torres. We will now move to Assembly Bill 411.

**Assembly Bill 411: Provides for civil penalties for certain traffic and related violations.
(BDR 43-426)**

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit K](#)).]

Assembly Bill 411 was sponsored by the Assembly Committee on Growth and Infrastructure on behalf of the Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions, heard in this Committee on April 4, 2019. This bill establishes civil penalties for certain traffic and related violations. A violation of any provision of existing law relating to driver's licenses, any traffic law or ordinance, any provision of existing law governing motorcycles, or any provision of existing law relating to off-highway vehicles would be a civil infraction and not a misdemeanor, unless a criminal penalty is prescribed for the violation by a specific statute.

Assemblyman Yeager has proposed an amendment to this measure. The conceptual amendment is on the following pages [pages 2 and 3, ([Exhibit K](#))]—I will not read them.

Chairman Yeager:

I apologize for the form in which the conceptual amendment appears. Some of the changes I am trying to make keep things moving along. One was to move the effective date back a year or a year and a half, which was a concern for some of the local courts. One of the concerns brought up in the hearing was making sure it is clear that this will not stop police officers from doing what they would normally do on a traffic stop, in terms of reasonable suspicion or probable cause to investigate other potential crimes. There are other changes, but I do not think this is ready yet. I had a fairly productive meeting with some of the local courts last week, and I anticipate from here on out we will continue to have those meetings to see if we can get this to a place where it might work. Does anyone have any questions about the conceptual amendment? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYMAN FUMO MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 411.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any further discussion on the motion?

Assemblyman Edwards:

I appreciate the effort you are making on this bill. Until those questions are answered, I am going to be a no, but reserve my right to change it to a yes.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS AND HANSEN
VOTED NO.)

I will assign the floor statement to myself. We will now move to Assembly Bill 434.

Assembly Bill 434: Revises various provisions relating to offenses. (BDR 14-428)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit L](#)).]

Assembly Bill 434 revises various provisions relating to offenses, sponsored by this Committee on behalf of the Committee to Study the Advisability and Feasibility of Treating Certain Traffic and Related Violations as Civil Infractions. This bill revises certain traffic-related offenses, including the following:

- Creates a separate class of misdemeanor called a petty misdemeanor for minor traffic and related violations to reduce the maximum penalty for minor traffic and related violations, which is currently 6 months imprisonment in jail or a fine of not more than \$1,000;
- Creates a uniform range of fines for minor traffic and related violations for use throughout the state;
- Amends *Nevada Revised Statutes* (NRS) 176.065 and 176.075 to increase from \$75 to \$150 the amount of credit that an offender receives against his or her fine for each day of incarceration served by the offender;
- Amends NRS 176.087 to require a court to provide a credit toward a fine of at least \$10 per hour for each hour of community service performed by an offender;
- Specifically authorizes a court to allow a person who has committed a minor traffic or related violation to attend traffic school to obtain a fine or charge reduction;
- Specifies the order in which payments by an offender with multiple violations or multiple cases are to be applied to outstanding fines, assessments, and fees;
- Specifies the order in which payments are applied to fines and administrative assessments;
- Amends NRS 176.065 and 176.075 to define when a person is indigent such that the court may not order the imprisonment of the person for failure to pay certain amounts due;
- Amends NRS to specify that if a person is cited for a traffic or related violation which a local government is prohibited from enacting into its ordinances pursuant to subsection 3 of NRS 484A.400, any fine or bail forfeiture paid by the person for that violation must be remitted to the state treasury and placed in the State Permanent School Fund;

- Encourages the early payment of citations for traffic or related violations by authorizing a reduction of the charge if payment is made prior to a court appearance; and
- Revises the use of fees paid by persons who have been issued a citation for a traffic or related violation to obtain a reduction in the severity of a violation.

Assemblyman Yeager proposed a conceptual amendment which is on the following pages [pages 3 and 4, ([Exhibit L](#))].

Chairman Yeager:

Before I take any questions, I will highlight a few of the amendments. First, it gets rid of the petty misdemeanor. A couple of things I tried to accomplish, based on concerns raised, was to allow driver's license suspension or potential incarceration as long as someone was given an opportunity to perform community service. There has to be some recourse if someone is not taking care of their obligations. We tried to structure it to say, you may not have the money to pay, but as long as the court gives you the option to do community service and you refuse, then you potentially would be looking at a driver's license suspension—or potential incarceration. Section 7 of the conceptual amendment states how the fee would be distributed if someone is paying to get out of traffic school, and that 75 percent that would stay with the locals was based on some discussions I had in terms of what the percentage is now. This legislative body generally disfavors incarceration on minor traffic tickets unless there is some kind of nexus to public safety. Of course, a judge would still retain the right to do that. As a policy statement of this Legislature, that would be disfavored. Does anyone have any additional questions? Seeing none, I will entertain a motion to amend and do pass A. B. 434.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 434.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to myself. We will now move to Assembly Bill 439.

Assembly Bill 439: Eliminates the imposition of certain fees, costs and administrative assessments in juvenile proceedings. (BDR 5-1093)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit M](#)).]

Assembly Bill 439 was heard in this Committee on April 8, 2019 and is sponsored by the Committee on Judiciary. This bill relates to juvenile justice and eliminates the authority of the juvenile court to order a parent or guardian of a child to pay the costs of:

- Supporting the child if the child is committed to the custody of a person other than the parent or guardian or to the custody of a public or private institution or agency;
- Reimbursing the county for expenses incurred for the support of the child;
- A collection fee for a civil judgment for any payment owed by a child or a parent or guardian of the child;
- A program of restitution in which the child is required to participate;
- Reasonable fees and expenses of an attorney appointed by the juvenile court;
- Certain insurance while the child is performing community service;
- Medical, psychiatric, psychological, or other care or treatment after the parent or guardian of the child fails to provide such care or treatment;
- A tobacco awareness and cessation program the child is ordered to attend and complete;
- An evaluation to determine whether the child is an abuser of alcohol or other drugs the child is ordered to undergo;
- The required installation of an ignition interlock device in any motor vehicle the child operates;
- Counseling or other psychological treatment the child is ordered to attend; or
- A program of visitation to the office of the county coroner as ordered.

Lastly, the measure repeals the requirement that a child or the parent or guardian of a child pay an administrative assessment fee if the juvenile court imposes a fine against the child.

There is an amendment proposed by Jared Busker, representing Children's Advocacy Alliance, and the amendment does the following: it first clarifies the payment, offset, and reimbursement of fees if a child receives medical or behavioral health services administered or financed by a county, state, or by order of a juvenile court. It revises provisions regarding insurance policies against liability for personal injury and damaged property and industrial insurance. It adds language to the bill that a child, or the parent or guardian of the child, shall not be ordered to pay an administrative assessment. It clarifies that the language in

section 19 only applies to orders made by the juvenile court. And, lastly, it deletes section 16 of the bill.

Chairman Yeager:

Does anyone have any questions about A.B. 439 as detailed in the work session document?

Assemblywoman Tolles:

I did hear from a juvenile judge regarding a concern on the insurance coverage. I believe this amendment addresses that concern.

Chairman Yeager:

Is there any other discussion? I do not see any. I will entertain a motion to amend and do pass A.B. 439.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 439.

ASSEMBLYWOMAN TORRES 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 Miller. We will now move to Assembly Bill 153.

Assembly Bill 153: Revises provisions governing the storage of firearms. (BDR 15-119)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit N](#)).]

Assembly Bill 153 was sponsored by Assemblyman Fumo and heard in this Committee on April 1, 2019. This bill makes it a misdemeanor to negligently store or leave a firearm which a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing, or controlling a firearm, may obtain such a firearm.

There are two amendments to this bill. First, Assemblyman Fumo proposed amending section 1, subsection 5, to read: "Unless a greater penalty is provided by law." Stricken language is, "pursuant to subsection 2." Secondly, Assemblyman Fumo proposed adding Assemblywoman Gorelow as a sponsor to the bill.

Chairman Yeager:

Are there any questions on A.B. 153? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 153.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any further discussion on the motion?

Assemblywoman Krasner:

I really vacillated on this bill; based on the people I represent in my district, I am going to have to vote no.

Assemblywoman Tolles:

I know the sponsor is still talking to people about possible amendments. If he amends it, I plan on supporting it. I am a yes today, even if he does not amend it. I will be a yes on the floor.

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

I will assign the floor statement to Assemblyman Fumo. We will now move to Assembly Bill 291.

Assembly Bill 291: Revises provisions relating to public safety. (BDR 15-759)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit O](#)).]

Assembly Bill 291 was sponsored by Assemblywoman Jauregui and heard in this Committee on April 1, 2019. This bill prohibits a person from importing, selling, manufacturing, transferring, receiving, or possessing certain modified semiautomatic firearms. The provisions of this bill do not apply to employees of a law enforcement agency or members of the Armed Forces of the United States who are carrying out official duties. The bill reduces the allowable concentration of alcohol that may be present in the blood or breath of a person who is in possession of a firearm from 0.10 to 0.08. The bill repeals the state preemption of the authority of counties, cities, and towns to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration, and licensing of firearms, firearm accessories, and ammunition.

There is an amendment proposed by Assemblywoman Jauregui. The amendment clarifies the prohibitions on any manual, power-driven, or electronic device that can be attached to a semiautomatic firearm. Parallel language is added for "any part or combination of parts" and "any semiautomatic firearm that has been modified." Third, it adds a legislative declaration. Lastly, it maintains the state preemption over local government regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration, and licensing of firearms, firearm accessories, and ammunition in Nevada, except that the

amendment authorizes a board of county commissioners to enact ordinances on such subjects within the geographical boundaries of the county, including within an incorporated city, if such ordinances are more stringent than state law.

Chairman Yeager:

Are there any questions on A.B. 291 as detailed in the work session document? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN PETERS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 291.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Tolles:

I want to thank the sponsor of this bill. I am supportive of the language in section 1, and also the provisions regarding the blood alcohol level. We have had some really good discussions about concerns over the preemption piece of this bill. If that piece does change between now and the floor, then I will gladly support this. I am still opposed to the portion regarding preemption with counties. I reserve the right to change my vote, and would gladly do so if that changes by the floor.

Assemblywoman Backus:

I also want to echo and thank the sponsor of this bill for listening to concerns regarding the definitions that were set forth in section 2 and being willing to amend the same. I want to thank the constituents of Assembly District No. 37. I think that resonated most with me, reminding me that I do not live in a city that was a city of 20 years ago. Some of the policy behind this bill is important, being a resident of Las Vegas. I will be voting yes to vote this out of Committee.

Assemblyman Edwards:

I am glad to see the improvements that were made. I agree with the blood alcohol level aspect of the bill. However, the preemption is still a major problem—in my district it is running about 85 to 1 opposed to this; in respect to my constituents, I will have to be voting no today.

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

I will assign the floor statement to Assemblywoman Jauregui, with Assemblywoman Peters as a backup. We will now move to Assembly Bill 421.

Assembly Bill 421: Revises provisions relating to construction. (BDR 3-841)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit P](#)).]

Assembly Bill 421 revises provisions relating to construction. It was sponsored by this Committee and heard in Committee on April 9, 2019. This bill revises construction defect law, including:

- Revising the existing definition of "constructional defect";
- Revising the required written notification to the contractor concerning a constructional defect;
- Removing the requirements that after notice of the constructional defect is given by a claimant, the claimant must be present when the contractor, subcontractor, supplier, or design professional conducts an inspection of the alleged constructional defect;
- Revising the statute of limitations or repose by providing that they are tolled from the time notice of claim is given until 30 days after mediation is concluded or waived in writing;
- Removing the requirement that certain costs are limited to constructional defects proven by the claimant; and
- Increasing the time from 6 years to 10 years that an action may be commenced for the recovery of certain damages against the owner, occupier, or any person performing or furnishing the design, planning, supervision, or observation of construction, or the construction of an improvement to real property.

There are two proposed amendments to this bill. Assemblyman Yeager proposed an amendment.

- The amendment clarifies the definition of a "constructional defect";
- Restores language in the bill relating to a signed statement specifying the defect, damage, and injury;
- Requires that the claimant or his or her representative must be present during the inspection;
- Allows a units' owners association to bring an action for a constructional defect if the action pertains to common elements; and

- Deletes section 9, removing the insurance language.

Secondly, there is an amendment proposed to section 4 by the Division of Insurance of Nevada's Department of Business and Industry. The language of the proposed amendment clarifies the intent for a homeowner to seek recourse under a builder's warranty, rather than any insurance product or service contract.

Chairman Yeager:

I wanted to point out one other change in the mock-up that is visible, but not stated on the record. On page 5, line 15 [Page 7, ([Exhibit P](#))], it eliminates the ability to recover attorney's fees in a construction defect action, which obviously has been a source of discussion and frustration on various sides of this issue for many years. I just wanted to make sure for anyone watching on the Internet that the attorney's fees portion of the bill is being removed by the mock-up that I proposed. Are there any questions on A.B. 421?

Assemblywoman Backus:

I am confused with respect to the amendment from the Division of Insurance. I thought one of the key things to be removed was the mandate of doing the builder's warranty.

Chairman Yeager:

On the mock-up on page 4 [page 6, ([Exhibit P](#))], some of the language was changed with respect to what we have called by various names, a homeowner warranty, builder warranty. The mock-up still requires the claimant to diligently pursue a claim under the contract. That language still exists in a modified form. I think the reason we are including the proposed amendment from the Division of Insurance is just to get that into statute. The arrangements we are talking about are not insurance products, they are contracts that involve the homeowner and the builder and perhaps another party who will be performing the work. You will see that amendment from the Division of Insurance also in Assembly Bill 440. I am trying to get that language into statute, so we will try to get it in on one of these bills.

Assemblywoman Backus:

I know how homeowner warranties work—they deny everything. I thought it was taken out. Does this have an impact on the other sections? There is a provision in *Nevada Revised Statutes* Chapter 40 that provides that a Chapter 40 claim does trigger insurance, which is separate. My understanding is his amendment would not touch that.

Chairman Yeager:

I think you are correct on your understanding of how this would work and the fact that the amendment proposed by the Division of Insurance does not impact that.

ASSEMBLYWOMAN PETERS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 421.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Roberts:

I appreciate all the work that was done trying to move to some common ground, but I still do not think the bill is where it needs to be so that it would not impact the price of housing. I will be voting no.

Assemblyman Edwards:

I will mostly ditto my colleague's comments. I think there will be unintended consequences as a result of this if it passes. I will be voting no today.

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

I will assign the floor statement to Assemblyman Watts. Our final bill on the work session agenda is Assembly Bill 440.

Assembly Bill 440: Revises provisions relating to home warranties. (BDR 3-1108)

Diane C. Thornton, Committee Policy Analyst:

[Read from work session document ([Exhibit Q](#)).]

Assembly Bill 440 is sponsored by this Committee and was heard on April 10, 2019. This bill requires a contractor who builds a new residence to provide to the purchaser of a new residence a new home warranty that meets certain criteria.

There are two amendments proposed for this measure. The first is the same amendment as Assembly Bill 421 [pages 2 and 4 from ([Exhibit P](#))] from the Division of Insurance of the Department of Business and Industry. Second, Assemblyman Frierson proposed an amendment. The amendment includes language from the Nevada Home Builders and the Nevada Justice Association. The amendment:

- Requires a licensed contractor of a new residence to provide the purchaser with a disclosure of the purchaser's rights and a home warranty;
- Sets forth the requirements of the home warranty provided by the licensed contractor; including that a home warranty must not be a waiver or release of any other warranties from the contractor to the purchaser that may be provided by way of contract or otherwise available under Nevada law.
- Provides that violations are subject to citation from the State Contractors' Board;
- Sets forth the tolling of claims submitted to the contractor in writing within the warranty period; and

- Defines "reasonably repaired or resolved."

Chairman Yeager:

Are there any questions on Assembly Bill 440 as detailed in the work session document? Seeing none, I will entertain a motion to amend and do pass.

ASSEMBLYWOMAN TOLLES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 440.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Backus:

This was one of the bills that I was struggling with. I will vote it out of Committee, but I still want to ponder it a little more before floor.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Jauregui, and Assemblywoman Tolles as a backup.

Is there any public comment? [There was no one.] Does any Committee member have any comments or questions?

Assemblywoman Tolles:

Thank you, Committee. We have dealt with a large volume of complex, important, and emotional issues. I really appreciate our colleagues who sit on this Committee.

Assemblywoman Krasner:

I would like to say thank you to the Chairman for all of his hard work in listening to all the parties and stakeholders, trying to make all the legislation the best legislation possible, and really trying to go for a bipartisanship on all the bills.

Assemblyman Roberts:

I would just like to echo what everyone else has said. Thank you for your leadership and all your hard work.

Assemblywoman Tolles:

We would be incredibly remiss if we did not recognize our staff as well.

Chairman Yeager:

I want to thank the Committee. We have done a lot of work and tackled a lot of really big issues. I am proud of the Committee and the work we have done. I want to recognize the staff as well. If you believe this Committee runs smoothly and you are impressed by the

ability to get through 15 to 20 bills in a work session in 45 minutes, the credit should go to our staff. They do all the work behind the scenes to make this happen. My condolences to Mr. Wilkinson; I think he is going to be spending all weekend drafting those conceptual amendments. I am not going to adjourn the meeting; I am going to recess to the call of the Chair. I do not think we have anything else that we need to process today, but sometimes we realize we did something wrong and we have to come back.

[The meeting was recessed at 9:01 a.m.]

[The meeting was adjourned at 3:58 p.m.]

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

RESPECTFULLY SUBMITTED:

Karen Easton
Transcribing 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 and proposed amendment to [Assembly Bill 60](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document and proposed amendment to [Assembly Bill 81](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document and proposed amendment to [Assembly Bill 142](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document and proposed amendment to [Assembly Bill 148](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document and proposed amendment to [Assembly Bill 201](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document to [Assembly Bill 260](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document and proposed amendment to [Assembly Bill 301](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document and proposed amendment to [Assembly Bill 376](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document and proposed amendment to [Assembly Bill 411](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document and proposed amendment to [Assembly Bill 434](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document and proposed amendment to [Assembly Bill 439](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document and proposed amendment to [Assembly Bill 153](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document and proposed amendment to [Assembly Bill 291](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document and proposed amendment to [Assembly Bill 421](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document and proposed amendment to [Assembly Bill 440](#), dated April 12, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.