

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eightieth Session
May 22, 2019**

The Senate Committee on Health and Human Services was called to order by Chair Julia Ratti at 2:50 p.m. on Wednesday, May 22, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Julia Ratti, Chair
Senator Pat Spearman, Vice Chair
Senator Joyce Woodhouse
Senator Joseph P. Hardy
Senator Scott Hammond

STAFF MEMBERS PRESENT:

Megan Comlossy, Committee Policy Analyst
Eric Robbins, Committee Counsel
Michelle Hamilton, Committee Secretary

CHAIR RATTI:

I will open with the work session on Assembly Bill ([A.B. 151](#)).

ASSEMBLY BILL 151: Provides for the protection of children who are victims of commercial sexual exploitation. (BDR 38-457)

MEGAN COMLOSSY (Committee Policy Analyst):

I will read the summary of the bill and amendments from the work session document ([Exhibit C](#)).

ERIC ROBBINS (Committee Counsel):

The Nevada Rules of Professional Conduct prescribe the ethical responsibilities of lawyers in this State. Nevada Rule of Professional Conduct 1.6 generally prohibits a lawyer from revealing information relating to the representation of a

client unless the client consents to the disclosure or the disclosure is impliedly authorized in order to carry out the representation.

The policy reason behind this rule is that people have a right to counsel under the Constitution. In order for them to have effective representation, they might need to discuss incriminating information with their counsel without being deterred from doing so by risking the counsel would go to authorities with that information. This requirement could be read to be in conflict with the requirements of A.B. 151 that label attorneys as mandatory reporters of commercial child sexual exploitation.

However, Rule 1.6 requires a lawyer to reveal such information to the extent the lawyer reasonably believes necessary to prevent a criminal act which the lawyer believes is likely to result in reasonably certain death or substantial bodily harm.

Rule 1.6 additionally authorizes a lawyer to reveal information relating to the representation of a client when necessary to prevent reasonably certain death or substantial bodily harm not resulting from a criminal act, or to prevent, mitigate or rectify the consequences of a client's criminal act in the commission of which the lawyer's services have been or are being used.

The proposed amendment prohibits a lawyer from making a report of the commercial sexual exploitation of a child when the report constitutes a prohibited disclosure under Rule 1.6. This proposed amendment also clarifies that a lawyer is required to make such a report where such reporting is not prohibited by Rule 1.6.

In doing so, the proposed amendment specifically addresses reporting the commercial sexual exploitation of a child where necessary to prevent further sex trafficking or sexual abuse.

The comments a similar provision of the Restatement (Third) of the Law Governing Lawyers, a uniform statement of common law governing lawyers produced by the American Law Institute, provide that "Serious Bodily Harm within the meaning of the Section includes ... the consequences of events such as ... child sexual abuse."

Therefore, if Nevada Rule of Professional Conduct 1.6 is interpreted in accordance with the Restatement, an attorney has a duty to disclose information relating to the representation of a client to the extent necessary to prevent the sexual abuse of children.

The proposed amendment codifies this interpretation by requiring an attorney to report the commercial sexual exploitation of a child to the extent that the attorney reasonably believes necessary to prevent the further sex trafficking or sexual abuse of the child.

CHAIR RATTI:

I will entertain a motion on A.B. 151.

SENATOR HARDY MOTIONED TO AMEND AND DO PASS AS AMENDED
A.B. 151.

SENATOR SPEARMAN SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

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CHAIR RATTI:

Seeing no further business, we are adjourned at 2:57 p.m.

RESPECTFULLY SUBMITTED:

Vickie Polzien,
Committee Secretary

APPROVED BY:

Senator Julia Ratti, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 151	C	2	Megan Comlossy	Work Session Document