MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eightieth Session
May 1, 2019

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:07 a.m. on Wednesday, May 1, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Nicole J. Cannizzaro, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Melanie Scheible
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Assemblywoman Rochelle T. Nguyen, Assembly District No. 10

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Nicolas Anthony, Committee Counsel
Andrea Franko, Committee Secretary

OTHERS PRESENT:

Xavier Planta, Children's Attorneys Project, Legal Aid Center of Southern Nevada
Jennifer Jeans, Washoe Legal Services

Kendra G. Bertschy, Deputy Public Defender, Office of the Public Defender, Washoe County
Fraidy Reiss, Executive Director, Unchained At Last
Sara Tasneem
Elizabeth S. Taylor
Tammy Monteiro
Izzy Youngs, Nevada Women's Lobby
Sarah M. Adler, Nevada Coalition To End Domestic and Sexual Violence
Liz Ortenburger, SafeNest
Jeana Taylor, Everyday People Taking Action
Robert W. Lueck
Lynn Marie Goya, Clerk, Clark County
Lauren Pena, Legal Aid Center of Southern Nevada
Ashley Cummins, Nevada Legal Services
Susan L. Fisher, Nevada State Apartment Association

CHAIR CANNIZZARO:
We will open up the hearing with Assembly Bill (A.B.) 126.

ASSEMBLY BILL 126 (1st Reprint): Enacts provisions governing the procedures for changing the name of an unemancipated minor who is in the legal custody of a child welfare agency. (BDR 3-402)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No. 34):
Assembly Bill 126 enacts procedures for changing the name of an unemancipated child in foster care. Assembly Bill No. 232 of the 79th Session was passed unanimously. The bill did not include procedures for changing names of children in foster care. This bill corrects that omission.

XAVIER PLANTA (Children's Attorneys Project, Legal Aid Center of Southern Nevada):
Assembly Bill No. 232 of the 79th Session established procedures for parents to petition the court to change a child's name. Prior to the bill's passage, there was little guidance about the name change process for a minor.

For children in foster care, there are a number of reasons why they would desire to change their names—they wish not to be reminded of their traumatic past or the abusive or neglectful circumstances leading to their removal; they are named after parents whom they have never met or have no relationship with;

their parents committed fraud using their names; their names were misspelled on their birth certificates or they were named after a drug or alcoholic beverages or given other unusual names; or they are transgendered children who desire names that reflect their true gender. Despite the valid reasons, the reality is there are often no parents to file a petition or consent to a name change on behalf of the children in care.

Assembly Bill 126 authorizes an attorney representing an unemanicipated minor in the legal custody of an agency to file a petition to change the child's name. The bill also outlines the required disclosures in the minor name change petition, including the reason for the name change, the verified consent of the parent who consents to the name change and whether the minor has been convicted of a felony.

The bill provides guidelines for notifying parents who have not consented to the name change through personal service or publication for three successive weeks if the parents' location is unknown.

In situations where there are no parents to consent or the parents of the alleged abused or neglected child refuse to consent to the name change, A.B. 126 authorizes the court to waive the consent requirement for one or both parents. In making its determination to waive the consent requirement, the Court must find it is in the minor's best interest. There is an opportunity for a hearing for parents who do not agree with the petition. The court will weigh the reasons for the name change as indicated on the petition and approve in the unemancipated minor's best interest.

It is rare for a child in foster care to desire to change his or her name; however, it is a significant, carefully considered and well-thought-out decision when a child chooses to change his or her name.

ASSEMBLYWOMAN BILBRAY-AXELROD:
Mr. Planta spelled out the intent of the bill. Assembly Bill No. 232 of the 79th Session passed unanimously. I recall a child named Angel whose name on her birth certificate was misspelled as "Angle." Assembly Bill 126 is a cleanup bill.

SENATOR PICKARD:
May any minors over the age of 14 in foster care request and get a hearing, or are there preliminary procedures they have to follow? What is the process?

MR. PLANTA:
Correct, the bill is not limited to cases where parents' rights have been terminated for physical abuse. The bill is for all children in the custody of the State wanting to have their names changed. A youth who desires to change his or her name does so after the age of 14. We file the petition on his or her behalf. The petition states the reason and includes his or her consent. We are client-directed, so the name change would be at the wishes of the child. The court decides whether it is in the best interest of the child to change his or her name.

SENATOR PICKARD:
Washoe County's proposed amendment (Exhibit C) is weighing the constitutional rights when we do not have termination of parental rights. Consideration has already been made given the fundamental nature of those rights, and I am trying to get the broader picture with respect to the proposed amendment.

JENNIFER JEANS (Washoe Legal Services):
We are not opposed to the concept behind the amendment. In all cases, constitutional rights of the parents will be considered. It was the opinion of the Assembly Committee on Judiciary the amendment was unnecessary to include the specific reference with regard to this provision because it is germane to every issue under *Nevada Revised Statutes* (NRS) 432B.030.

SENATOR OHRENSCHALL:
Will A.B. 126 apply to children in custody of a juvenile detention center?

MR. PLANTA:
Yes, the bill applies to all children in care, including children in the juvenile justice system.

KENDRA G. BERTSCHY (Deputy Public Defender, Office of the Public Defender, Washoe County):
We are opposed to this bill. We support the concept of A.B. 126 and agree that it is necessary to provide children an avenue to change their names. However,

we are concerned about the rights of the parents. The bill has a minor name change placed into NRS 41 which is outside the purview of the dependency case. It is likely in Washoe County it would not be the dependency court that decides to provide notice if the petitioner is requesting to not provide notice to the parents. The intent of our amendment, Exhibit C, is to ensure rights of parents are considered but still provide protection to children who may be victims. In Washoe County, children in dependency cases are provided with an attorney starting at the probable cause hearing, and that is a low standard for whether a child should be removed from parents. That is the first opportunity children have to speak with an attorney on whether they would like their name changed.

SENATOR HAMMOND:
What is the standard for a child's "best interest"? The goal for all children in foster care is reunification as much as is practical. If there is a name change, it makes it harder to do afterwards. What is the court looking at, and is it a high standard for the court to give consent without parental approval?

MS. BERTSCHY:
That is our concern, and since it is in NRS 41, we want to ensure the best interest standard would be applied. That is why we are proposing the amendment to ensure the parental rights are considered. We do not know at this point from our review of the statute what the court would be considering in order to determine the best interest of the child standard. It is developed through caselaw in divorce and custody cases and in dependency cases as to how to interpret what should be considered.

SENATOR HAMMOND:
Is it written down? Would we have to extrapolate from caselaw?

MS. BERTSCHY:
It is derived through caselaw. In divorce and custody statutes, there are factors set forth in those statutes in order to determine the best interest standard.

SENATOR PICKARD:
The U.S. Supreme Court has laid out fundamental rights of parents in *Troxel v. Granville*, 530 U.S. 57 (2000) and the line of cases that follow. It is in the context of best interest, correct? As it was a divorce and custody issue, the Nevada Supreme Court in many cases has defined best interest and the

fundamental rights of parents. Would it be a reversible error if in a NRS 41 hearing, the court did not expressly consider those fundamental rights without putting it in statute?

MS. BERTSCHY:
It could be a reversible error. How would it get to the Supreme Court in order to make the determination? The parent would need to file an appeal and know about it in that instance. What is the standard to reverse it? We are trying to ensure this is a sound and solid statute from the beginning.

SENATOR PICKARD:
I am a champion for parental rights. The argument that a parent would have to know these rights exist would be true in any context, whether it is in NRS 41, NRS 125 or NRS 126. The judges are sensitive, as this is a well-developed area of law, where best interests are subject to scrutiny, particularly when opposing a parent's position.

SENATOR HANSEN:
What is the definition of an unemancipated minor?

CHAIR CANNIZZARO:
A minor under the age of 18.

SENATOR HANSEN:
We have heard repeatedly that children's brains are not fully developed until the age of 25. Why are we allowing a child under the age of 18 to make a potentially critical decision? I like to err on the side of caution.

MS. BERTSCHY:
Yes, 25 is the age the brain is fully developed. We believe the bill is necessary and it is important for children to have those opportunities. We are not opposing the bill in its entirety; our issue is with parental rights. If there is no notice, the parents do not know this is occurring.

SENATOR HANSEN:
You would support the bill with your amendment, and the amendment is to ensure parental rights are protected.

MS. BERTSCHY:
Correct, and if the bill sponsors had accepted our amendment, then I would be in support of the bill.

ASSEMBLYWOMAN BILBRAY-AXELROD:
The intent of A.B. No. 232 of the 79th Session was to simplify the process. There was no determination between an adult and a child. We were looking for a less rigorous solution when a child is correcting a misspelled name.

We did not accept the amendment from Washoe County as it was determined unnecessary by the Assembly Judiciary Committee. The intent of the bill is to consider parental rights.

SENATOR PICKARD:
If the language of the amendment does no harm, would you be opposed? I do not believe it is necessary but would like to get as much support as possible.

ASSEMBLYWOMAN BILBRAY-AXELROD:
I will continue to have conversations with the Washoe County Public Defender.

CHAIR CANNIZZARO:
We will close the hearing on A.B. 126 and open the hearing on A.B. 139.

ASSEMBLY BILL 139 (1st Reprint): Requires a person to be at least 18 years of age to marry. (BDR 11-1)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No. 34):
Assembly Bill 139 requires a person to be 18 years old to marry. In Nevada, a person must be 18 years old to marry without consent. If a person is less than 18 years old but is 16 years old and wants to marry, he or she must have consent of a parent or legal guardian.

In May 2017, I read articles on changing laws around the United States and the world. There is a movement in the United States and around the world to require two people to be at least 18 years old to marry. Yesterday, Pakistan passed a ruling you must be 18 to marry. In 2004, Morocco changed the legal age to marry to 18. We are leaders in the world for many things but behind the times when it comes to children marrying.

FRAIDY REISS (Executive Director, Unchained At Last):
I am a survivor of a forced marriage. Many girls from across the United States reached out to Unchained, asking for the same assistance we offer to adults. If you leave home before the age of 18, you can be considered a child in need of supervision. The police can bring you home or to court. If Unchained assists a child to escape a forced marriage, we could be charged with a misdemeanor. The minimum marriage age in Nevada is 18, but the law includes two loopholes: Children at the age of 16 and 17 may marry with consent from a parent or legal guardian, and children of any age under 16 may marry with parental consent and authorization from a district court according to NRS 122.020 and NRS 122.025. These loopholes endanger children. When a child is forced to marry, the perpetrators are almost always the parents. There is no way to ensure parental consent is not parental coercion.

Senator Hansen, it is not whether a child is mature enough to decide to marry, it is about legal capacity. Before the age of 18 in Nevada, you do not have the basic rights you need to navigate a contract as serious as marriage. Attorneys do not take divorce cases because contracts with children including retainer agreements are voidable. Children are not allowed to bring a legal action in Nevada, so it is unclear whether a child is allowed to file for divorce. In Nevada, there is a discrepancy between statute and caselaw. It is unclear whether a child is emancipated upon marriage.

Most of the marriages are young girls married to adult men. Courts have wide discretion to approve marriages with a spousal age difference that constitutes statutory rape or a child marrying a registered sex offender. The limited guidance for courts requires they find the marriage will serve the best interests of the child. However, the U.S. Department of State has called marriage before 18 a human rights abuse. How can a human rights abuse be in the best interest of a child?

The parental consent and judicial review processes disempower children, allowing them to be entered into a marriage by adults with little or no recourse for children who do not want to marry.

The loopholes undermine sexual assault laws. The loopholes legalize child rape and turn marriage licenses into get-out-of-jail-free cards for child rapists. An adult can marry a child at the age 14 or 15, but every time the couple has sex, the adult spouse commits a felony. Marriage is not a defense for someone

charged with statutory sexual seduction or lewd or lascivious acts. Child marriage has devastating lifelong consequences, especially for girls.

Children in Nevada who leave home to escape impending forced marriages could be considered children in need of supervision and brought to juvenile court. If an advocate helps a child leave home, the advocate could be charged with a misdemeanor.

Child marriage destroys girls' lives: statistics show women married before the age of 18 face a 23 percent higher risk of heart attack, diabetes, cancer and stroke and also a higher risk of various psychiatric disorders; girls who marry before the age of 19 are 50 percent more likely than their unmarried peers to drop out of high school and four times less likely to graduate from college; women who married as teens are three times as likely as women who married as adults to have at least five children; and a girl in the U.S. who marries young is 31 percent more likely to live in poverty.

Assembly Bill 139 eliminates the loopholes in the marriage age law and eliminates all marriage before 18, without exceptions. Last year, New Jersey and Delaware passed legislation ending marriage before 18, and states across the U.S. are considering the same legislation.

I have provided the Committee members with my written testimony (Exhibit D contains copyrighted material. Original is available upon request of the Research Library).

ASSEMBLYWOMAN BILBRAY-AXELROD:
Eighty percent of the child marriages happening in Nevada are from out of state or country. A 16-year-old girl was married to a 52-year-old man. There is no age limit on petitioning a foreign spouse. The State is trafficking young girls.

SARA TASNEEM:
I am testifying in support of A.B. 139 (Exhibit E).

ELIZABETH S. TAYLOR:
I am in support of A.B. 139 (Exhibit F).

TAMMY MONTEIRO:
I am testifying in support of A.B. 139 (Exhibit G).

SENATOR PICKARD:
Children are emancipated when they marry in Nevada; therefore, they can seek a divorce. I contest the idea single moms fair better than married moms at any age because I have represented both. There is not a significant difference between the two; if anything, the married moms do better.

When we met, you pointed, out the case of *Kirkpatrick v. Eighth Judicial District Court,* 119 Nev. 66, 649 P.3d 1056 (2003). How do we overcome the constitutional question? The Nevada Supreme Court referenced the seminal case on marriage, *Thomas E. Zablocki, Milwaukee County Clerk v. Roger G. Redhail*:

> It's [sic] not surprising that the decision to marry is [sic] placed on the same level of importance as decisions relating to procreation, childbirth, child rearing, and family relationships. As the facts of this case illustrate, it would make little sense to recognize the [sic] right of privacy with respect to other matters of family and [sic] life and not with respect to the decision to enter the relationship that is the foundation of the family in our society. Surely, a decision to marry and to [sic] raise the child in a traditional family setting must receive equivalent protection.

The Nevada Supreme Court goes on to say the U.S. Supreme Court has made it clear that constitutional rights apply to children as well as adults. In the case of *In re Gault,* 387 U.S. 1 (1967), another seminal Supreme Court decision, the Court stated that "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."

And then they go on to say there is no one set of criteria that can be set forth as a litmus test to determine if a marriage will be successful. Neither is there a litmus test to determine whether a person is mature enough to enter a marriage. Age alone is an arbitrary factor.

With these Supreme Court decisions and the testimony in the prior hearing of A.B. 126 where we talk about a child's ability to make decisions, how do we reconcile this law with existing law of Nevada when it comes to a child's right to choose?

MS. REISS:
A child in Nevada does not have the right to marry. Either a parent or a parent and a judge enter the child into a marriage. We are not taking away a right a child has, we are delaying it the way we delay many rights in the United States. *Nevada Revised Statutes* 129.080 establishes married children of 16 or 17 have the option to petition for emancipation because they are married. You mentioned children of any age when married are emancipated. The difference in the statute and caselaw causes the confusion. Do we look at the statute or the caselaw?

You are contesting that single moms do better. Those who marry before 18 have a 70 percent to 80 percent chance of getting divorced. It is especially problematic for pregnant girls. Teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single. These statistics are from "The Age of Marital Capacity" by Vivian Hamilton, *Boston University Law Review*, 2012. The article also states that age of marriage is the most accurate predictor of marital failure.

SENATOR PICKARD:
I do not disagree. Studies show failure of marriages undertaken before the age of 23 are significantly higher. Caselaw interprets the statute. A person of any age can divorce. The article stated a 15- or 16-year-old does better when single because he or she has more access to public services. In marriages, the other spouse's income is taken into consideration. The article acknowledges the children themselves are no better off. We know from other studies that children of married parents tend to do better. I am trying to reconcile the constitutional question. How does A.B. 139 stand up to the decision by the U.S. Supreme Court?

MS. TASNEEM:
The majority of child marriages happen with girls marrying adult men. Many of the marriages are abusive. If married moms are better off than single moms, what about the children? It took me seven years to leave my ex-husband. After I did, I was grateful because my children no longer witnessed my abuse.

SENATOR PICKARD:
There is no relationship worth staying in if it is abusive. The testimony we have heard is about grooming and child abuse. I do not want to imply that anyone at any age should be subjected to abuse. I am trying to make the bill

constitutionally sound. I agree the children under the age of 25 lack the mental capacity to enter into the marriage contract, particularly when they are pregnant. We have a constitutional problem. The Nevada Supreme Court decided marriage is a fundamental right belonging to children.

MS. REISS:
In that case, the statute is in violation of the Nevada Supreme Court's decision. The statute does not allow children to marry.

SENATOR PICKARD:
Arguably, that is true.

SENATOR SCHEIBLE:
I do not see any written testimony submitted in opposition to A.B. 139 about child marriages turning out great and people glad they had the opportunity to get married under the age of 18. There was a hypothetical couple who were having a baby and wanted to be a family. When the parties turned 18, they would be able to marry. Is that correct?

MS. REISS:
Correct.

SENATOR SCHEIBLE:
To put that in perspective, are there adults in the United States who have babies first and get married later?

MS. REISS:
Yes.

SENATOR HANSEN:
The marriage is a small portion of the issue and is much like child and adult prostitution. Teenagers fall in love and end up with a pregnancy. In my religion, we suggest adoption, but in many cases, they choose to marry. It can work out, my dad was 18 and my mom was 15 when they married. In Nevada, the age of consent is 16. Would you accept an amendment to the bill that changes the age of consent from 16 to 18?

ASSEMBLYWOMAN BILBRAY-AXELROD:
One is a legal contract, and the other is a choice to have sexual intercourse.

SENATOR HANSEN:
If you cannot marry until you are 18 because you cannot make good decisions, why allow children to have the choice to have sexual relations at 16 with a 58-year-old male even with parental involvement?

MS. TASNEEM:
It took me seven years to leave my ex-husband and an additional three years to divorce. The difference is the ability to break a legal contract. I did not have the means to hire an attorney, so I had to represent myself in court. It was a significant legal barrier to end an abusive relationship. The attorneys will not take a minor's case.

SENATOR HANSEN:
You are legally emancipated when you marry. Yes, it is a legal question. You talk about a spiritual marriage. If we pass this bill, you would still have been spiritually married, and the cult you were in may get around the barriers.

MS. REISS:
Marriage is a small part of a bigger picture. In some ways, this is true. Getting out of a legal contract is different than making a decision to leave the abusive situation. In the bigger picture, the State would not be complicit in the situation of abuse. There are benefits that come with marriage, and Nevada is rewarding those situations where the person is forced into marriage.

SENATOR HANSEN:
Is the State being complicit when a child is allowed to decide to have a relationship with someone my age?

MS. REISS:
That is a separate discussion. Consenting to have sex at 16 is fairly common in the United States. Marriage is a legal contract; a sexual interaction is very different.

SENATOR HANSEN:
Did you testify that when an underage girl gets pregnant, it ruins her life?

MS. REISS:
I testified if an underage girl marries, it is more likely to ruin her life.

SENATOR HANSEN:
Is an unplanned pregnancy of a 16- or 17-year-old okay for her future?

MS. REISS:
It is a difficult situation. Statistically, if she marries, it is more likely to have a bad outcome.

SENATOR HANSEN:
Are you comfortable with an underage girl having sexual relations with an older man?

MS. REISS:
I am not saying I am comfortable with the situation. Age of consent is a separate discussion. Seven states allow pregnancy as an exception to the marriage age. Pregnancy is not enough reason for a judge to approve an underage marriage, and it is bad public policy. It is a way to cover up a rape and force a girl to marry her rapist, and pregnant teenage girls marrying cause economic deprivation. Parents are bringing their children to Nevada from other states in order for their children to marry.

SENATOR HANSEN:
If we pass a law prohibiting marriage until 18, why not change the age of consent to 18. The mental capacity to have sex at 16 is the same as consenting to marry.

MS. TAYLOR:
You cannot go to a tanning booth in Nevada until you are 18. Once I was married, I did not feel that I could get divorced and escape the abuse.

SENATOR HANSEN:
Ms. Taylor makes a very good point.

CHAIR CANNIZZARO:
The testimony today is in the context of children making life-changing decisions, especially entering into a contract which requires a legal process to dissolve the contract. My understanding from the testimony is it relates to the health and safety of a child making a decision to marry.

MS. REISS:
It is not whether a child is mature enough to make a decision because I do not know if there is that much of a difference between someone who is 17 and turning 18 tomorrow. The difference is that at 18 you are an adult and you can leave home without being considered a child, go to a domestic violence shelter or hire an attorney.

CHAIR Cannizzaro:
Is there a concern for the health, safety and welfare of a child when entering into a marriage contract?

MS. REISS:
It is a health and safety issue.

CHAIR CANNIZZARO:
The way the law is structured, it could be abused. Forced marriage contracts are not consensual marriages. This would be a compelling reason to pass this bill. Do you agree?

ASSEMBLYWOMAN BILBRAY-AXELROD:
Yes.

CHAIR CANNIZZARO:
The state has the authority to regulate fundamental rights if the state has a compelling interest in the health, safety and welfare of its residents. Then you can impose restrictions on constitutional rights if they are substantially related to that compelling state interest and when they are tailored to address the situation.

SENATOR HAMMOND:
I am shocked that 13- or 14-year-olds are marrying. I agree it is in the State's interest to try and change it. People sign a contract to go in the service and would not be allowed to marry. I am concerned about the 17-year-old issue.

MS. REISS:
The State establishes different ages for all different activities when the policymakers feel it is safe to engage in those activities. It is not safe for a 17-year-old girl to marry.

SENATOR HAMMOND:
It is not safe or ideal. If a 17-year-old is allowed to join the service and be sent out of the Country, how do you not allow him or her to make the decision to marry?

MS. REISS:
Sixty-one percent of the children who married were 17. Seventeen is the age a child is at the highest risk of a child marriage. Seventeen-year-olds do not have the legal right to say no to an impending forced marriage or to get out of a marriage.

SENATOR HAMMOND:
Seventeen-year-olds cannot get help from you, but they turn 18 the next day and they can get services. This issue sounds a lot like human trafficking. These children have been groomed, and that is still going to happen. Seventeen-year-olds go to college and enter the service but cannot get married.

MS. REISS:
We are not telling them they cannot make the decision. I do not know of any lifelong harm coming from going away to college or entering the service, if all goes as planned. I do know of many lifelong harms that come from children marrying.

CHAIR CANNIZZARO:
Going to college and entering the service are not a constitutional right. Our ability to regulate it is different. The touchstone is the abuse in this situation.

IZZY YOUNGS (Nevada Women's Lobby):
We are in support of A.B. 139.

SARAH M. ADLER (Nevada Coalition to End Domestic and Sexual Violence):
The Coalition is in favor of A.B. 139.

LIZ ORTENBURGER (SafeNest):
SafeNest supports A.B. 139.

JEANA TAYLOR (Everyday People Taking Action):
I am in support of A.B. 139.

ROBERT W. LUECK:
I am in support of A.B. 139, and I submitted my testimony (Exhibit H).

LYNN MARIE GOYA (Clerk, Clark County):
I am testifying in support of A.B. 139.

ASSEMBLYWOMAN BILBRAY-AXELROD:
Two states passed similar legislation in 2018, and legislation is pending in 11 states.

CHAIR CANNIZZARO:
We will close the hearing on A.B. 139 and open the hearing on A.B. 266.

ASSEMBLY BILL 266 (1st Reprint): Revises provisions governing the sealing of records relating to evictions. (BDR 3-809)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No 34):
Assembly Bill 266 revises provisions relating to notice to surrender evictions and sealing of records. An eviction is a landlord-initiated process happening to renters with the goal of expelling the renter from the landlord's property. Most evictions happen because renters do not pay their rent. It is found that most poor renting families spend at least half their income on housing costs. One in four of the families spend over 70 percent on rent and utilities. Low-income women, particularly those involved in domestic violence, as well as families with children are at high risk. The outcome of evictions can be detrimental and have lasting negative impacts on the entire family. In addition to losing a home or often their positions, a legal eviction comes with a court record. The record can prevent families from relocating to other housing because landlords screen for evictions.

In 2016, Nevada had a 3.41 percent eviction rate. It means 36.83 evictions per day totaling 13,478 evictions a year. This is 1 percent higher than the national rate. North Las Vegas ranks twenty-eighth in the Nation for evictions.

Assembly Bill 266 builds on A.B. No. 107 of the 79th Session. The bill provides eviction case court files are automatically sealed 10 judicial days after the entry of a court order denying the action for summary eviction or 31 days after a tenant files an affidavit to contest the matter, if the landlord fails to file an affidavit of complaint within 30 days after the tenant files the affidavit. The

measure also provides a notice to surrender must not be available for public inspection.

SENATOR HANSEN:
Does this bill seal all the eviction records?

LAUREN PENA (Legal Aid Center of Southern Nevada):
No, cases where the landlord prevailed and the eviction was granted are sealed.

ASHLEY CUMMINS (Nevada Legal Services):
I am supporting A.B. 266.

SUSAN L. FISHER (Nevada State Apartment Association):
We are happy with the bill. It corrects some technical issues with the bill from the last Session.

CHAIR CANNIZZARO:
We will close the hearing on A.B. 266 and open the hearing on A.B. 482.

ASSEMBLY BILL 482 (1st Reprint): Revises provisions relating to governmental administration. (BDR 11-1111)

ASSEMBLYWOMAN ROCHELLE T. NGUYEN (Assembly District No. 10):
Statute requires a person who is an applicant to become a marriage officiant and who is not otherwise qualified to solemnize a marriage to complete a course for marriage officiants established by a county clerk and pay a fee for completing the course. Additionally, law requires the county clerk to deposit the fee paid by an applicant for completing a course in the county treasury to be used for establishing and maintaining a course for marriage officiants.

MS. GOYA:
The enabling language was enacted in the Seventy-ninth Legislative Session. The way it was written was confusing. The ability to administer the fee was only for certain applicants. Section 2 expands the requirement to take a course, if the county clerk has established a course, and pay a fee to any applicant for a certificate of permission to perform marriages. Section 2 also requires the fees collected from applicants completing the course be deposited in an account to be used to acquire technology or to improve technology at the office of the county clerk.

Section 3 provides for the imposition of a civil penalty of not more than $500 for each violation.

VICE CHAIR HARRIS:
We will close the hearing on A.B. 482.

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VICE CHAIR Harris:
Having no further business, the Senate Committee on Judiciary is adjourned at 10:14 a.m.

RESPECTFULLY SUBMITTED:

Andrea Franko,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE:

EXHIBIT SUMMARY				
Bill	**Exhibit / # of pages**		**Witness / Entity**	**Description**
	A	1		Agenda
	B	4		Attendance Roster
A.B. 126	C	1	Washoe County Public Defender's Office	Proposed Amendment
A.B. 139	D	7	Fraidy Reiss /Unchained At Last	Testimony
A.B. 139	E	1	Sara Tasneem	Testimony
A.B. 139	F	1	Elizabeth S. Taylor	Testimony
A.B. 139	G	2	Tammy Monteiro	Testimony
A.B. 139	H	3	Robert W. Lueck	Testimony