

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session
March 22, 2019**

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:06 a.m. on Friday, March 22, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Jenny Harbor, Committee Secretary

OTHERS PRESENT:

Heather D. Procter, Chief Deputy Attorney General, Office of the
Attorney General
Kyle George, Special Assistant Attorney General, Office of the Attorney General
Alissa Engler, Senior Deputy Attorney General, Office of the Attorney General

CHAIR CANNIZZARO:

I will open the meeting with a discussion about Bill Draft Request (BDR) 7-306, which requires a Committee introduction.

Senate Committee on Judiciary
March 22, 2019
Page 2

BILL DRAFT REQUEST 7-306: Revises provisions relating to business entities.
(Later introduced as [Senate Bill 427](#).)

A vote to introduce this BDR does not constitute support of the policy, it is simply a vote for us to move forward with processing and hearing it. The Committee has a copy of the BDR.

SENATOR DONDERO LOOP MOVED TO INTRODUCE BDR 7-306.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

I will open the work session on Senate Bill (S.B.) 151.

SENATE BILL 151: Revises provisions related to certain proceedings concerning property. (BDR 3-516)

PATRICK GUINAN (Committee Policy Analyst):

Senate Bill 151, referenced in the work session document ([Exhibit C](#)), was sponsored by Senator Julia Ratti. It relates to property proceedings, namely eviction issues, and was heard in this Committee on March 12. Since the Committee is familiar with the bill and the amendments, I will just read through the amendments, name them for the members and address any questions.

The first amendment is from Washoe Legal Services, Legal Aid Center of Southern Nevada, Volunteer Attorneys of Rural Nevada, Southern Nevada Law Program. It revises eviction notices, service of notices and removal timelines. It defines low-income housing projects and clarifies these are exempt from summary eviction. It makes one technical fix and conforming changes to match the first two substantive portions of the amendment.

The second amendment is from the Nevada Association of Realtors. It retains a three-day time frame for an eviction after a home sale but clarifies the lease remains in effect. It also changes the time frame for summary evictions to seven full judicial days as opposed to calendar days.

Senate Committee on Judiciary
March 22, 2019
Page 3

The third amendment is from the Nevada State Apartment Association. It is a conceptual amendment that allows attorneys to certify service of eviction notices.

The fourth amendment is from NAIOP. It is a conceptual amendment that requests to amend as needed in order to clarify nothing in this bill applies to or alters the eviction process for commercial properties, especially as it relates to *Nevada Revised Statutes* (NRS) 40.253.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 151.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED (SENATORS HAMMOND, HANSEN AND
PICKARD VOTED NO.)

* * * * *

CHAIR CANNIZZARO:

I will open the work session on S.B. 2.

SENATE BILL 2: Revises provisions relating to the Advisory Commission on the Administration of Justice. (BDR 14-407)

MR. GUINAN:

The next several bills are from the Office of the Attorney General and are sponsored by this Committee on behalf of the Attorney General.

Senate Bill 2 was heard by this Committee on March 18 and is referenced in the work session document ([Exhibit D](#)). This bill creates the Subcommittee on Specialty Courts within the Advisory Commission on the Administration of Justice. It removes various judges from the Commission and revises voting requirements for the Commission. It also designates the Attorney General as chair of the Commission's Subcommittee on Victims of Crime and prescribes the chair's duties in that role.

During the hearing on S.B. 2, the Attorney General proposed an amendment that retains judges on the Commission who were stricken in the original bill and

Senate Committee on Judiciary
March 22, 2019
Page 4

otherwise revises the membership of the Commission to include one member who has been the victim of a crime or who represents a victim's rights organization.

CHAIR CANNIZZARO:

The amendment is similar to what was discussed in the Committee hearing as well.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 2.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANNIZZARO:

I will open the work session on S.B. 3.

SENATE BILL 3: Revises provisions governing postconviction petitions for a writ of habeas corpus that challenge the computation of time served in incarceration by an offender. (BDR 3-411)

MR. GUINAN:

Senate Bill 3 is from the Office of the Attorney General and noted in the work session document (Exhibit E). It was heard in Committee on February 11.

This bill requires an offender to exhaust all administrative remedies available before filing a habeas corpus petition and requires the court to dismiss such a petition if the offender has failed to do so. The Department of Corrections is to establish procedures for resolving such a challenge within 180 days of the offender's release. Persons incarcerated outside Nevada are to file a petition in Carson City. Finally, the provisions of this bill do not apply to a petition filed on or before January 1, 2020.

An amendment was submitted by the Office of the Attorney General on March 21, so this may be new to some. We have representatives from the Office of the Attorney General in Las Vegas available for discussions if needed.

The amendment specifies that a Nevada inmate who is incarcerated in another state must file his or her habeas petition in the First Judicial District Court in Carson City. It clarifies that a petition dismissed for failure to exhaust all administrative remedies is dismissed without prejudice, and it clarifies the term "release" as used in the bill reflects the inmate's expiration date rather than a parole eligibility or parole release date.

SENATOR PICKARD:

Are we to presume, since this will be filed in the First Judicial District Court, the Office of the Attorney General will defend cases involving inmates from outside this area?

HEATHER D. PROCTER (Chief Deputy Attorney General, Office of the Attorney General):

Yes, these would only be individuals who are physically incarcerated outside the State of Nevada. The First Judicial District Court is prepared for the receipt of these additional individuals.

SENATOR PICKARD:

My question has to do with the defense of these cases. The Nevada District Attorneys Association believes if we have cases from other districts that are filed in this district instead, the Office of the Attorney General should be responsible to defend these individuals.

Ms. PROCTOR:

Under statute, responses to challenges to a computation of time are under the authority of the Office of the Attorney General—which would continue to respond to these cases—not the office of the district attorney. In addition, these cases are filed in the county of incarceration; the physical files are also located there in order to respond to these issues. That is why we recommend individuals incarcerated outside the State file their petitions in the First Judicial District Court.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 3.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR DONDERO LOOP WAS EXCUSED FOR THE VOTE.)

* * * * *

CHAIR CANNIZZARO:

I will open the work session on S.B. 7.

SENATE BILL 7: Revises provisions relating to the prohibition against soliciting a child for prostitution. (BDR 15-406)

MR. GUINAN:

Senate Bill 7, referenced in the work session document ([Exhibit F](#)), was brought on behalf of the Attorney General and was heard by this Committee on March 18. This bill provides that a person who knowingly solicits a child under 14 years of age for prostitution commits sex trafficking and is guilty of a Category A felony. The bill also creates several collateral consequences related to sex trafficking.

At the initial hearing on the bill, Attorney General Aaron Ford proposed an amendment that replaces the content of S.B. 7 with several provisions that were discussed in Committee when the bill was heard.

The amendment clarifies that elements of pandering and sex trafficking apply to victims of all ages. It defines soliciting a child as an act that facilitates sex trafficking unless the customer engages in what he or she believes is a lawful act within a licensed brothel. It makes conforming changes to allow for additional fines for facilitating the sex trafficking of a child. It makes a conforming change regarding soliciting a child for prostitution. It grants the Attorney General jurisdiction to prosecute the crime of facilitating sex trafficking, and it adds facilitating sex trafficking to the criminal racketeering statute.

SENATOR SCHEIBLE:

I posed a question during the hearing, and I do not see it addressed in the amendment. There is a section of the bill that touches on the threat made or the coercion of a child engaged in sex trafficking activities, and I wanted to make sure that an instance where the sex trafficker was not threatening the child but

Senate Committee on Judiciary
March 22, 2019
Page 7

threatening the child's parent, sibling or somebody else would still be covered under this statute or existing statutes.

KYLE GEORGE (Special Assistant Attorney General, Office of the Attorney General):

This might be covered under other parts of statute. If it is not, we would accept this as a friendly amendment to S.B. 7.

ALISSA ENGLER (Senior Deputy Attorney General, Office of the Attorney General):
When addressing NRS 201.300, which is the sex trafficking statute, subsection 2, paragraph (a), subparagraph (3) discusses "by threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme." An argument could be made, in the situation you brought forth, that any type of coercion of a minor to engage in trafficking or prostitution by another individual would be covered under that subsection.

CHAIR CANNIZZARO:

As I am reading where Ms. Engler just noted, section 1 does specifically mention coercion.

We will hold S.B. 7 from the work session and try to answer some of those questions.

I will open the work session on S.B. 9.

SENATE BILL 9: Revises provisions governing the time for commencing a criminal prosecution for crimes associated with murder, sexual assault and sex trafficking. (BDR 14-422)

MR. GUINAN:

Senate Bill 9, noted in the work session document ([Exhibit G](#)), is from the Office of the Attorney General and is sponsored by this Committee on behalf of the Attorney General. It was heard in Committee on March 18.

This bill provides that there is no time limit to commence a prosecution on any crime committed during or in furtherance of a murder. It requires that an indictment for sex trafficking or any crime committed during or in furtherance of a sexual assault or sex trafficking must be filed within 20 years from the date the crime occurred, but there is no limitation on the time within which such a

prosecution may commence if a written report was filed with law enforcement within 5 years of the commission of the crime.

During the hearing on S.B. 9, Attorney General Ford proposed an amendment that removes the statute of limitations only in the circumstance of sexual assault committed in the course of a first-degree murder.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 9.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR DONDERO LOOP WAS EXCUSED FOR THE VOTE.)

* * * * *

CHAIR CANNIZZARO:

I will open the work session on S.B. 20.

SENATE BILL 20: Revises provisions relating to guardianships. (BDR 13-493)

MR. GUINAN:

Senate Bill 20 is a guardianship bill that was brought to this Committee on behalf of the Nevada Supreme Court on March 4.

We made a mistake in the work session document ([Exhibit H](#)). There were some technical corrections the Court was making to the amendment while we were waiting for the work session, and we accidentally uploaded an earlier version of the amendment that has a couple of minor technical errors. I made the corrections, and we will reload it on the work session today. It was primarily some internal references, but the amendment does the same thing the Committee has understood it to do from the beginning.

The amendment ensures S.B. 20 comports with recommendations made by the Nevada Supreme Court's Guardianship Commission after the bill was requested. It retains definitions in sections 6 and 12 consistent with another piece of legislation currently under consideration. It deletes sections 13 to 23 of the bill to alleviate fiscal concerns raised by county governments. It adds a new

subsection 4 to section 23.1 that addresses concerns related to the expedited transfer of proposed protected persons out of acute care facilities during the pendency of guardianship. Finally, it increases the recording fee supporting representation of protected persons and expands the use of an existing fee-funded account held by the court to support additional representation and self-help in minor guardianship proceedings.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 20.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR DONDERO LOOP WAS EXCUSED FOR THE VOTE.)

* * * * *

CHAIR CANNIZZARO:

I will open the work session on S.B. 45.

SENATE BILL 45: Revises provisions governing business. (BDR 7-471)

MR. GUINAN:

Senate Bill 45, referenced in the work session document ([Exhibit I](#)), is a business bill. It was brought on behalf of the Secretary of State and was heard by this Committee on February 14. It revises provisions regarding who can be exempted from the requirement to obtain a State business license and revises requirements on where certain types of businesses must maintain their records.

During her testimony on S.B. 45, Kimberley Perondi, Deputy of Commercial Recordings, Office of the Secretary of State, proposed to strike overly broad language in section 1, subsection 7, paragraph (b), subparagraph (2) to clarify applicability regarding a person who is not required to hold a business license and to strike erroneous statutory reference in section 9, subsection 2 regarding a person who does not need a business license.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 45.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR DONDERO LOOP WAS EXCUSED FOR THE VOTE.)

* * * * *

CHAIR CANNIZZARO:
I will open the work session on S.B. 72.

SENATE BILL 72: Makes various changes related to gaming. (BDR 41-344)

MR. GUINAN:
Senate Bill 72 is a Committee bill brought on behalf of the Nevada Gaming Control Board and is referenced in the work session document ([Exhibit J](#)). It is an omnibus measure that revises many definitions. It provides for the suspension of a registered gaming employee under certain circumstances and extends indefinitely exemptions to the Open Meeting Law that were due to sunset among other things.

At the initial hearing, the Nevada Gaming Control Board proposed an amendment that deletes sections 2, 4, 6 and 9 from the bill, adds the term "theft" to the list of crimes in section 11 and revises language in the legislative findings in section 14.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 72.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR DONDERO LOOP WAS EXCUSED FOR THE VOTE.)

* * * * *

CHAIR CANNIZZARO:
I will open the work session on S.B. 274.

SENATE BILL 274: Revises provisions relating to crimes. (BDR 15-1076)

MR. GUINAN:

Senate Bill 274 was heard by this Committee on March 21 and is noted in the work session document ([Exhibit K](#)). It is sponsored by Senators Scheible and Cannizzaro, and it revises terms of punishment for the Category B felony of discharging a firearm in certain circumstances. It also raises the maximum term of imprisonment for willfully and maliciously shooting into an occupied building, vessel, aircraft, train, et cetera from outside the structure from six to ten years. The term of imprisonment for shooting from inside a structure is revised downward from 2 to 15 years to 1 to 10 years.

There are no amendments.

SENATOR SCHEIBLE MOVED TO DO PASS S.B. 274.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR DONDERO LOOP WAS EXCUSED FOR THE VOTE.)

* * * * *

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Judiciary
March 22, 2019
Page 12

CHAIR CANNIZZARO:
I will close the meeting at 8:34 a.m.

RESPECTFULLY SUBMITTED:

Jenny Harbor,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|------------------------|---------------------------------|----|-------------------------|-----------------------|
| Bill | Exhibit / # of pages | | Witness / Entity | Description |
| | A | 2 | | Agenda |
| | B | 7 | | Attendance Roster |
| S.B. 151 | C | 26 | Patrick Guinan | Work Session Document |
| S.B. 2 | D | 8 | Patrick Guinan | Work Session Document |
| S.B. 3 | E | 6 | Patrick Guinan | Work Session Document |
| S.B. 7 | F | 10 | Patrick Guinan | Work Session Document |
| S.B. 9 | G | 5 | Patrick Guinan | Work Session Document |
| S.B. 20 | H | 20 | Patrick Guinan | Work Session Document |
| S.B. 45 | I | 3 | Patrick Guinan | Work Session Document |
| S.B. 72 | J | 3 | Patrick Guinan | Work Session Document |
| S.B. 274 | K | 1 | Patrick Guinan | Work Session Document |