

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

**Eighty-First Session
May 29, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 10:32 a.m. on Saturday, May 29, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Rochelle T. Nguyen, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Cecelia González
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman C.H. Miller
Assemblyman P.K. O'Neill
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Ashlee Kalina, Assistant Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel

Minutes ID: 1365



Bonnie Borda Hoffecker, Committee Manager
Traci Dory, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

None

Chairman Yeager:

[Roll was called. Committee protocol was explained.] We have two bills on work session this morning. Things are fluid in the building today, and I apologize for the late start this morning. I appreciate your patience. We will start the work session with Senate Bill 147 (2nd Reprint).

Senate Bill 147 (2nd Reprint): Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 147 (2nd Reprint) was sponsored by the Senate Committee on Judiciary on behalf of the Committee to Conduct an Interim Study of Issues Relating to Pretrial Release of Defendants in Criminal Cases and heard in Committee on May 27, 2021 [[Exhibit C](#)].

Senate Bill 147 (2nd Reprint) authorizes a victim to request that a court issue an order imposing a condition of release prohibiting contact or attempted contact of certain persons prior to a court making a determination of bail. In addition, a copy of such an order must be transmitted to the Central Repository for Nevada Records of Criminal History of the Department of Public Safety. The bill also provides that a person who knowingly violates any such order may be punished for unlawful trespass and dealt with as for contempt of court.

Finally, the bill makes a one-time appropriation of \$44,522 in State General Funds to the Central Repository to fund the cost of computer programming to carry out the provisions of this act.

There is one amendment to the bill proposed by Senator Harris, which does the following:

1. Revises section 1, subsection 5, of the bill to provide that the court must transmit a copy of the order to the Central Repository for Information Concerning Orders for Protection.
2. Replaces the penalties in section 1, subsection 6, to provide that in addition to any other remedy available by law, a person who knowingly violates an order imposing a condition of release prohibiting contact is guilty of a misdemeanor.

3. Revises section 1, subsection 8, paragraph (a), subparagraph (1), to include new language regarding when the prosecutor decides not to prosecute.
4. Revises section 1 to include a new section requiring the court to provide certain warnings to a person if a violation of the order occurs; and
5. Deletes section 3.

Chairman Yeager:

First, I want to thank Senator Harris for working with us. The amendment accomplishes the intent of the bill; it just does it in a little bit of a different way. Instead of defining a violation of a stay away order as a trespass, it is now its own misdemeanor offense. The other provisions really are to ensure that the defendant receives at least a notice of some sort that if they violate a stay away order that could result in a new misdemeanor charge and could result in the revocation of bail or other conditions. Now, truthfully, those things already exist in law. If a judge tells you to do something as a condition of your release and you do not do it, your bail can be revoked. Other conditions can be imposed, but we want to make sure the court informs the defendant that it could also be another misdemeanor crime. I think with that we got everybody to a pretty good place on this bill and again, I thank the sponsor for her work on it. Are there any questions from the Committee on S.B. 147 (R2) as detailed in the work session document?

Assemblyman O'Neill:

On the fourth part of the amendment to provide certain warnings, does it state whether it is written or oral? What is the delivery method?

Chairman Yeager:

It does not say in this bill. It just says they have to be provided with notice essentially. I think our bill leaves that open-ended for the court, but there is another bill, Senate Bill 369, which is on the Senate floor right now for a concur/not concur. That bill requires that all conditions of release be provided to a defendant in writing and the defendant has to sign the document. The tricky part of answering your question is neither bill has passed yet. If they both pass, then the warning would be in writing. If for some reason Senate Bill 369 does not pass, then this bill essentially would leave it to the court's discretion, but they at least have to tell them in court about the consequences of violating a stay away order.

Are there any other questions from the Committee? [There were none.] I will take a motion to amend and do pass S.B. 147 (R2).

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
SENATE BILL 147 (2ND REPRINT).

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Summers-Armstrong:

Thank you to all parties involved and to the community who worked together to get us here. I am always happy when we can find middle ground. I am grateful.

Chairman Yeager:

I will echo that as well. We are on day 118 today, and the fact that we were able to get this up and down so quickly—I appreciate the hard work. The light is at the end of the tunnel, but we are still working. Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN BILBRAY-AXELROD
WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman O'Neill. We will go to our final bill on the work session, Senate Bill 236 (2nd Reprint).

**Senate Bill 236 (2nd Reprint): Makes various changes relating to public safety.
(BDR 23-217)**

Diane C. Thornton, Committee Policy Analyst:

Senate Bill 236 (2nd Reprint) was sponsored by Senator Harris and heard in Committee on May 27, 2021 [[Exhibit D](#)].

Senate Bill 236 (2nd Reprint) requires every law enforcement agency to establish an early warning system to identify officers who display bias indicators or other problematic behavior. If a peace officer's behavior is identified by the system, the agency is required to increase supervision and provide training and counseling as appropriate. If an officer is repeatedly identified by the system, the agency is to consider imposing consequences such as duty transfer or discipline.

The bill also establishes provisions relating to traffic stops conducted by officers, including the recording, collection, and review of information concerning those stops and the establishment of standardized methods to be used by officers when making stops, including the gathering of certain demographic information and the annual reporting of such information to the Department of Public Safety. As funds are available, the Department is authorized to use the data collected under these provisions for statistical analysis and reporting to identify and address patterns or practices of profiling. Any identifying information of an officer or of a person who was stopped is confidential, and only data that is not deemed confidential may be made publicly available.

Finally, this bill requires the Legislative Commission to appoint a committee to conduct an interim study related to the establishment of crisis call centers. There are no amendments to this measure.

Chairman Yeager:

Are there any questions from the Committee on S.B. 236 (R2) as detailed in the work session document?

Assemblyman Wheeler:

I am still going to have to be opposed to this bill. I think that the police departments are doing their best right now to make sure that everyone is weeded out. They have been doing this for years and years. This is going to make some of the cops on the street a little more hesitant to do things, and that could create very dangerous situations. I am going to have to be a definite no.

Chairman Yeager:

Thank you, Assemblyman Wheeler. Are there any other questions from the Committee? [There were none.] I will take a motion to do pass S.B. 236 (R2).

ASSEMBLYWOMAN GONZÁLEZ MOVED TO DO PASS SENATE BILL 236 (2ND REPRINT).

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

We heard the prior comment from Assemblywoman Wheeler. Is there additional discussion on the motion?

Assemblywoman Hansen:

I certainly appreciate the study and to be watching out for these things so we can always do better. I do appreciate what law enforcement does. I know it is not perfect. There is just some language that is a little bit subjective still in my mind. At this point, I will have to be a no, but I appreciate the work that has been done. I appreciate our attention being brought to what we can do in these agencies to be on the lookout for problematic behavior. I do support that, but just a little too broad.

Chairman Yeager:

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

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, HARDY, KASAMA, KRASNER, O'NEILL, AND WHEELER VOTED NO.)

I will assign the floor statement to Assemblywoman Bilbray-Axelrod since she was a little bit late this morning. The truth is we probably will not be reading the floor statements anyway, so it is not much of a punishment. Committee, that takes us through our work session document.

I will open it for public comment. [There was none.] Are there any questions or comments from Committee members?

Assemblywoman González:

As we know, this is probably one of our last Assembly Committee on Judiciary meetings of the 81st Session. I wanted to thank Chairman Yeager for all your hard work on this Committee. Honestly, all of your kindness. You are one of the kindest people in this building along with Senator Ohrenschall. I wanted to thank you and Vice Chairwoman Nguyen as well for your leadership on this Committee and in this building to a lot of us freshmen. I also want to thank all the staff for all the hours and long work. We think we have it bad, but you are often here later than us getting ready for us. I just wanted to extend a thank you and to just note that your kindness is not forgiven . . . not forgotten, thank you. Sorry, I do not know what day it is, please forgive me.

Chairman Yeager:

Time is kind of irrelevant. I do not know what day of the week it is or where we are. But I appreciate your words.

Assemblywoman Bilbray-Axelrod:

It is day 118. I want to say mostly ditto, except that forget not forgive. Thank you.

Assemblywoman Summers-Armstrong:

Ditto as well. As a freshman this has been a heck of an experience, and I promise I will not sing your theme song in front of the public.

Chairman Yeager:

Anybody else? It is not required to say that you all love me, just so you know. I do not control your bills anymore.

Assemblyman O'Neill:

Coming from the other side, it really does show the commonality that we have coming together, both Republicans and Democrats, on looking at the bills and your leadership has helped that tremendously. I think, speaking with Assemblywoman González, what she had in her speech was actually she said, what I heard, was she hopes that staff forgives us for all that we put them through and that we shall never forget all that they have done for us to keep us on track and actually make us look good when we really are not at times. Thank you, Chairman Yeager, and thank you, staff, so very much.

Chairman Yeager:

Thank you.

Assemblyman Miller:

Ditto to everything everyone else said. I would like to say that it would be so amazing if we could always, even on opposite sides of the aisle, provide the cover that you just provided in acknowledging and trying to reshape and say, This is, because that is how we work together as a body. We have learned that no better in this house than where our Chairman and Vice Chairwoman are always willing to give consideration and kindness to everyone to participate and to have their voice and to be protected as we make hard decisions, to give us

wisdom and guidance in how we do that. I love what you just said and how you worked that out, Assemblyman O'Neill. I do not know, I am kind of like, you know, all this kindness—off with his head.

Chairman Yeager:

Assemblyman, I was going to recommend you for the floor prayer this afternoon, but I do not know if we can do that now with that final comment. Committee, we do have two days left in session. There is always a chance that we could have another meeting, but in the event that this could be our last meeting, I want to say a couple of things.

It is an honor to chair this Committee. I just want to thank all of you for your hard work. Vice Chairwoman Nguyen has been fantastic. As you all said, I think we get criticized a lot in this building for being partisan, and I think the public does not always see that we have hard conversations with each other and we are trying to do the best work we can do for the state, and certainly all of you played a huge part in that. This is a very difficult committee to sit on; we put in long hours and hear a lot of bills, but I just want to say what an honor it is to have all of you here on this journey.

Our staff is amazing. Whatever you see them doing, that is the tip of the iceberg in terms of what they are doing behind the scenes. That is not just our staff you see in the Committee room, but we also have our Committee Manager and Broadcast and Production Services. Remember we were on Zoom at the beginning of this session. It seems like a year ago now, but they made that happen and made this process more accessible than it has ever been to the public. To our bill drafters, police officers, custodial staff, there are a lot of people who work really hard in this building and they do not always get the recognition. I would like to ask for a round of applause for all of those who do the real work in this building [Applause].

Finally, members of the public, lobbyists, and activists, it is nice to have some people in the room today. We know that this was an incredibly difficult session at the beginning having to call on the phone, on Zoom, not being able to meet with legislators, and we just thank you for your patience as we tried to work through this pandemic and do it in a safe and effective way. We appreciate you and your input and expertise into this process. To our freshmen, I will say this, those of you with your first time in the building, what a session to have as your first session. I think we probably could have provided a little bit better guidance along the way, but the way the building opened up and operated was very unique, so thank you for always being flexible. Hopefully all of you will decide to come back next session. We will hit the ground running in the committee room with a full room of people.

We do have agendas for the next two days. Stay tuned, and I will let you know if we are going to meet or not. Feel free to contact me if you have questions about that. In the event this is our last meeting, thank you all so very much. We will see you sometime very soon.

This meeting is adjourned [at 10:51 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document to Senate Bill 147 (2nd Reprint), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document to Senate Bill 236 (2nd Reprint), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.