

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

**Eighty-First Session  
March 24, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:02 a.m. on Wednesday, March 24, 2021, Online. 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](http://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:**

Assemblywoman Sandra Jauregui, Assembly District No. 41  
Senator Pat Spearman, Senate District No. 1



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Ashlee Kalina, Assistant Committee Policy Analyst  
Bradley A. Wilkinson, Committee Counsel  
Bonnie Borda Hoffecker, Committee Manager  
Karyn Werner, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Christopher P. DeRicco, Chairman, Board of Parole Commissioners  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County  
Public Defender's Office  
Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison,  
Washoe County District Attorney's Office  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's  
Office  
Tonja Brown, Private Citizen, Carson City, Nevada  
Annemarie Grant, Private Citizen, Quincy, Massachusetts  
Taylor Thompson, Private Citizen, Las Vegas, Nevada

**Chairman Yeager:**

[Roll was taken. Committee rules and protocol were explained.] Assemblyman O'Neill is presenting a bill in another committee and will join us when he can. We have a lot on our agenda today. We are going to try to breeze through the work session as quickly as possible, and then we will take the bill on the agenda.

I am going to open the work session on the agenda and take the bills in the order they are listed on the agenda. We will start with Assembly Bill 32.

**Assembly Bill 32: Revises provisions relating to the filing of a civil action regarding a motor vehicle. (BDR 43-387)**

**Diane C. Thornton, Committee Policy Analyst:**

Our first bill on the work session is Assembly Bill 32 [[Exhibit C](#)]. This bill was sponsored by this Committee on behalf of the Nevada Supreme Court and was heard on March 9. There is one amendment to this measure that was sponsored by Assemblyman Miller and the Honorable Chief Judge Melissa Saragosa. First, the amendment clarifies that it is "calendar" days in section 1, subsection 2(a) of the bill. Secondly, it provides written notice that is sent by the operator to the registered owner of the vehicle.

**Chairman Yeager:**

Before I open this up, I want to thank Assemblyman Miller, who worked with Judge Saragosa on the second part of the amendment. You may recall there was discussion during

the hearing about providing adequate notice. I confirmed with the sponsor of the bill that both of those amendments are considered friendly. Are there any questions about the bill? [There were none.] I am looking for a motion to amend and do pass Assembly Bill 32.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 32.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

I will give the floor statement to Assemblyman Miller.

**Assembly Bill 58: Makes changes relating to the authority and duties of the Attorney General. (BDR 3-417)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 58 was sponsored by this Committee on behalf of the Attorney General and was heard in Committee on March 16 [[Exhibit D](#)]. There is one amendment proposed to this bill by Attorney General Aaron Ford. The amendment provides that a State of Nevada governmental authority, or agent thereof, shall not engage in a pattern or practice that deprives people of their rights, privileges, or immunities secured or protected by the *Constitution* or laws of the United States or this state. Secondly, it provides that a governmental authority be given up to 30 days to respond to the notification by Nevada's Office of the Attorney General of a claim that an agency has a pattern or practice of violating people's rights. Third, it requires that the Office of the Attorney General participate in any federal pattern or practice investigations of the Office of the Attorney General. Fourth, it authorizes the attorney general to file a civil action in a district court of competent jurisdiction where the governmental authority maintains its headquarters to enforce the terms of any agreement between the parties. Fifth, it deletes subsection 4 of section 1 of the bill. Next, it affords protections against reprisal or retaliation for persons who disclose prohibited patterns or practices of conduct. Seventh, it provides that, at the conclusion of an investigation pursuant to this section, the Office of the Attorney General must issue a report. Lastly, it deletes sections 2 and 3 of the bill.

**Chairman Yeager:**

Are there any questions as detailed on the work session document? I do not see any questions, so at this time, I will take a motion to amend and do pass.

ASSEMBLYMAN MILLER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 58.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Summers-Armstrong.

**Assembly Bill 104: Revises provisions relating to wrongful convictions. (BDR 3-586)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 104 was sponsored by Assemblyman Yeager and was heard in Committee on February 19 [[Exhibit E](#)]. There is one amendment to this measure. First, it clarifies in section 3 the costs for which a claimant can be reimbursed. Secondly, it provides in section 4 that the claimant must inform the state within four months of any other award of damages or settlement, so the state can enact the offset provision and recover the appropriate funds. Third, it clarifies that the calculation of an award or settlement must not include attorney's fees and costs awarded in previous or subsequent civil action. Lastly, it adds a new section requiring the approval of the State Board of Examiners before payment becomes effective.

**Chairman Yeager:**

Are there any questions regarding Assembly Bill 104 as detailed on the work session document? I do not see any questions, so I will take a motion to amend and do pass.

ASSEMBLYWOMAN KASAMA MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 104.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

I will take the floor statement on Assembly Bill 104.

**Assembly Bill 149: Enacts provisions relating to cannabis independent testing laboratories. (BDR 56-693)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 149 was sponsored by Assemblywoman Peters and was heard in this Committee on March 3 [[Exhibit F](#)]. There is one proposed amendment to this measure. First, it strikes section 2 and subsection 2 of section 3 of the bill. Second, it provides that the Cannabis Compliance Board maintain an electronic database using the seed-to-sale tracking software relating to the testing conducted on cannabis and cannabis products by the cannabis independent testing laboratories. Third, it requires the Cannabis Compliance Board to submit a report to the Legislature annually. Lastly, it requires that the Board adopt certain regulations regarding the data collected.

**Chairman Yeager:**

Are there any questions on Assembly Bill 149 as detailed on the work session document? [There were none.] At this time, I will take a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 149.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

We have Assemblywoman Peters with us, who is the sponsor of the bill, so I will give the floor statement to Assemblywoman Peters, and in case we need a backup, Assemblywoman Marzola will be her backup.

**Assembly Bill 158: Revises the penalties for certain offenses involving alcohol or cannabis. (BDR 15-360)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 158 was sponsored by Assemblywoman Monroe-Moreno and was heard in this Committee on March 3 [[Exhibit G](#)]. Assembly Bill 158 has two proposed amendments to this measure. First, Assemblywoman Danielle Monroe-Moreno proposed the amendment that revises the penalties in the bill to include not more than 24 hours of community service, attendance of a meeting of a panel of victims, and/or an evaluation to determine whether the person under 21 years of age has an alcohol or other substance use disorder. It provides that the court must automatically seal all documents and send a copy of the order to each agency or officer named in the order. It amends *Nevada Revised Statutes* (NRS) 62B.320 to provide that the juvenile court has exclusive original jurisdiction in proceedings concerning any child who commits an offense related to consuming or possessing alcohol and possessing

one ounce or less of marijuana. It adds a new section in NRS Chapter 62C for citations for offenses related to alcohol or marijuana. It adds a new section to NRS Chapter 62E for penalties for offenses related to alcohol or marijuana.

The second proposed amendment is from Assemblyman Yeager. This amendment provides that, if the person under 21 years of age who is charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer, receipt shall be deemed as personal service. A copy of the citation signed by the peace officer suffices as proof of service. Lastly, the peace officer shall not take the person into physical custody for the violation.

**Chairman Yeager:**

Thank you to everyone who continued to work on this bill after the hearing. I think we got it to a good place where I believe everyone is on board. I am willing to entertain any questions on Assembly Bill 158 as detailed in the work session document. I do not see questions, so I will look for a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 158.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any discussion on the motion?

**Assemblywoman Hansen:**

Thank you for the amendment. I am happy to support this bill.

**Chairman Yeager:**

I just received notification that Assemblyman Orentlicher wants to be a cosponsor on this bill, so, Assemblywoman Nguyen, would you be willing to amend your motion to amend and do pass to include that provision?

**Assemblywoman Nguyen:**

Of course, I would amend it to amend and do pass with that provision as well to amend him onto it.

**Chairman Yeager:**

Thank you. Assemblywoman González, are you still willing to second that motion?

**Assemblywoman González:**

Yes, I still second it.

**Chairman Yeager:**

Now we have a clear record. Is there any further discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT FOR THE VOTE.)

Congratulations, Assemblywoman Monroe-Moreno. I will give you the floor statement on the bill, and we will list Assemblywoman Bilbray-Axelrod as a backup in case we need one.

**Assembly Bill 182: Revises the elements of the crime of advancing prostitution. (BDR 15-744)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 182 was sponsored by Assemblywoman Tolles and was heard in Committee on March 5 [[Exhibit H](#)]. This bill revises the elements of the crime of advancing prostitution. There is one amendment sponsored by Assemblywoman Tolles, which adds a cosponsor to the bill.

**Chairman Yeager:**

Are there any questions as detailed on the work session document?

**Assemblyman Orentlicher:**

I have a comment. I am glad we are moving this bill. I hope we can continue to work on it because it is still not quite there in terms of aligning the language with its goals. I want to keep this moving, so we can pass it eventually, but hopefully, we will get the language right before it is final.

**Chairman Yeager:**

Are there any other questions on Assembly Bill 182? I do not see questions, so at this time I will take a motion to amend and do pass.

ASSEMBLYWOMAN KASAMA MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 182.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

We have the prior comment from Assemblyman Orentlicher. Is there any other discussion before we take the vote? I do not see any further discussion.

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT FOR THE VOTE.)

I see we have the sponsor, Assemblywoman Tolles, with us. Congratulations, and I will give you the floor statement on Assembly Bill 182 and list Assemblywoman Hansen as the backup in case we need one.

**Assembly Bill 212: Makes various changes relating to court interpreters. (BDR 1-758)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 212 is sponsored by Assemblywoman Anderson and was heard in this Committee on March 12 [[Exhibit I](#)]. There is one amendment proposed by Assemblywoman Anderson that requires the committee to advise the court administrator regarding regulations for court interpreters to submit an annual report to the Nevada Legislature and also stipulates what the contents of the annual report should be.

**Chairman Yeager:**

Are there any questions on Assembly Bill 212 as detailed on the work session document?

**Assemblywoman Cohen:**

I am concerned about the new language in the final subsection of the final paragraph [section 1, subsection 4(b)], including information on the use of certified and registered interpreters if available. I thought that all interpreters in the courts had to be certified, so I am confused about what that report is.

**Chairman Yeager:**

If I can jump in here, my recollection is that there is certification for certain languages—the more common languages. There are not necessarily certification programs for some of the more uncommon languages. Those individuals would still be registered with the court but do not have a certification since there is no test or certification process for some languages.

**Assemblywoman Cohen:**

I was not thinking of those languages. I was thinking of the more common ones.

**Chairman Yeager:**

That was a great question. Are there any other questions from Committee members? [There were none.] I will take a motion to amend and do pass.

ASSEMBLYMAN MILLER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 212.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE  
MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

I will give the floor statement to Assemblywoman Anderson, and Assemblyman Orentlicher will be the backup if needed.



**Assembly Bill 214: Revises provisions governing sexual assault. (BDR 15-103)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 214 was sponsored by Assemblywoman Considine. It was heard in Committee on March 12 [[Exhibit J](#)]. There are two proposed amendments to the bill which do the following: first, it deletes the language "that person" and replaces it with "themselves," and secondly, it adds a cosponsor to the bill.

**Chairman Yeager:**

Are there any questions as detailed on the work session document? Seeing no questions, I will take a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 214.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

Congratulations, Assemblywoman Considine. I see you have joined us. I will assign you the floor statement and assign Assemblywoman Krasner as the backup.

**Assembly Bill 237: Revises various provisions relating to real property. (BDR 10-22)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 237 was sponsored by Assemblywoman Jauregui. It was heard in this Committee on March 19 [[Exhibit K](#)]. There is one amendment proposed by Assemblywoman Jauregui. The amendment deletes section 1 of the bill. Secondly, it deletes the requirement in *Nevada Revised Statutes* (NRS) 116.4109 that the Commission for Common-Interest Communities and Condominium Hotels must adopt regulations establishing the fee for preparing the certificate included in a resale package. Instead, it specifies that the cost for the certificate must not exceed \$185, and the cost to expedite the preparation of the certificate must not exceed \$100. Third, it amends NRS 116.4109 by prohibiting an association or related entity from requiring any additional fees not specifically authorized or required by statute. Fourth, it provides that the fee in NRS 116.3102 may increase, on an annual basis, in accordance with the Consumer Price Index but no more than 3 percent each year. Fifth, it amends NRS Chapter 116 by authorizing the Commission for Common-Interest Communities and Condominium Hotels to impose a fine of not more than \$250 on any association for any fee violations by the association.

**Chairman Yeager:**

Are there any questions on Assembly Bill 237 as detailed on the work session document?

**Assemblywoman Summers-Armstrong:**

When we are talking about the Consumer Price Index, we do have a specific one for the western states. If Assemblywoman Jauregui is on the call, I would make a suggestion that we attach it to this area and not the United States in general, so it can be more in keeping with our region.

**Chairman Yeager:**

We do have Assemblywoman Jauregui with us. Assemblywoman Jauregui, would you like to address that?

**Assemblywoman Sandra Jauregui, Assembly District No. 41:**

Thank you for the suggestion. What we did was to model what was already in the *Nevada Revised Statutes*.

**Chairman Yeager:**

What I will do to be clear is to take a motion on the bill as presented. If the two of you want to have further discussions, the bill will have to go through the Assembly floor and the Senate as well. I would encourage you to keep working on that issue as we move things along. Are there any other questions on Assembly Bill 237 as detailed on the work session document? [There were none.] I will take a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 237.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE  
MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

Congratulations, Assemblywoman Jauregui. I will assign you the floor statement and list Assemblywoman Cohen as the backup in case we need it. One last bill to get through.

**Assembly Bill 241: Establishes provisions governing credits on terms of imprisonment during certain declarations of emergency. (BDR 16-982)**

**Diane C. Thornton, Committee Policy Analyst:**

Assembly Bill 241 was sponsored by Assemblywoman González and was heard in Committee on March 15 [[Exhibit L](#)]. There is an addendum to this work session document that was posted and sent out to the Committee members [[Exhibit M](#)]. There is one amendment to this measure. The amendment is sponsored by Victoria Gonzalez, Executive Director, Department of Sentencing Policy. The amendment amends subsection 2 of

section 3 of the bill by adding the Department of Sentencing Policy as one of the entities to receive the report prepared by the director of the Department of Corrections.

**Chairman Yeager:**

Are there any questions as detailed on the work session document?

**Assemblywoman Bilbray-Axelrod:**

I did not see the amendment. I want to make sure with the sponsor that it is a friendly amendment.

**Assemblywoman González:**

Yes, it is a friendly amendment, and I agreed to it. Thank you for checking.

**Chairman Yeager:**

I should have mentioned that before we opened for questions. Are there any other questions on Assembly Bill 241?

**Assemblyman Wheeler:**

Our caucus is still talking to the Department of Corrections' director on this. We have some questions on it. We will vote "yes" to get it out of Committee, but if there is a change, we will let you and the bill's sponsor know.

**Chairman Yeager:**

Thank you. I appreciate the heads-up. Are there any other questions? I do not see any questions, so I will take a motion to amend and do pass.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 241.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any discussion from the members of the Committee on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

I will give the floor statement to Assemblywoman González.

Before we move on to the bill hearing, we have one other order of business, and that is committee bill introductions. I have four Assembly Committee on Judiciary bill draft requests in front of me, and I will list them. If everyone is going to be a "yes," we could take one motion to pass them all at the same time. If that is not the case, we can take them separately. I will list them, so everyone knows what we are dealing with.

**BDR 14-484**—Makes various changes relating to criminal law and criminal justice. (Later introduced as [Assembly Bill 393](#).)

**BDR 15-1042**—Makes various changes relating to the use of deadly force. (Later introduced as [Assembly Bill 396](#).)

**BDR S-1036**—Requires the Legislative Counsel Bureau to enter into an agreement with a qualified consultant to analyze data submitted to the Legislative Counsel Bureau concerning traffic stops and other stops. (Later introduced as [Assembly Bill 392](#).)

**BDR 15-580**—Abolishes capital punishment. (Later introduced as [Assembly Bill 395](#).)

Those are the four we have in front of us. Before I take a motion, I will ask if there is anyone who intends to vote "no." Again, this is a committee bill introduction, so a "yes" vote does not commit you to supporting the measure. It simply allows it to be drafted and come back to Committee. Of course, they should have a hearing like other bills where you can ask questions and register your support or opposition. Does anyone want me to take them individually versus one motion? I do not see anyone, so at this time, I will take a motion to introduce the four bill draft requests that I just listed.

ASSEMBLYWOMAN NGUYEN MOVED TO INTRODUCE BILL DRAFT  
REQUESTS 15-580, 15-1042, S-1036, AND 14-484.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL WAS ABSENT  
FOR THE VOTE.)

Thank you for letting us do that in one motion. It saved us some time this morning. With that, we are ready to hear the one bill on our agenda. At this time, I will open the hearing on [Assembly Bill 342](#). We have Senator Pat Spearman here to present the bill with her backup, including Chairman Christopher P. DeRicco from the Nevada Board of Parole Commissioners.

**[Assembly Bill 342](#): Makes various changes relating to offenders. (BDR 16-511)**

**Senator Pat Spearman, Senate District No. 1:**

[Assembly Bill 342](#) was requested by the Sunset Subcommittee of the Legislative Commission. It was my pleasure to serve as the chair of that Subcommittee during the 2019-2020 Interim. With me today is Christopher DeRicco, Chairman of the Nevada Board of Parole Commissioners, and he will be providing the bulk of the presentation since he requested the measure on behalf of the Board.

I would like to provide a brief background. On January 10, 2020, at the first meeting of the Subcommittee, the committee chose 15 entities to be reviewed during the interim. One of those was the Board of Parole Commissioners. The Subcommittee chose to review the Board largely because it had never been reviewed by the Subcommittee in previous interims.

The Subcommittee reviewed the Board on February 21, 2020. During that review, Mr. DeRicco presented the proposed legislative changes, ultimately included in A.B. 342. On August 31, 2020, the Subcommittee voted unanimously to recommend to the Legislative Commission a bill draft request with the provisions recommended by the Board. There is no fiscal impact attached to A.B. 342, and I am not aware of any amendments.

I would like to turn this over to Mr. DeRicco. I have the Senate Committee on Commerce and Labor going on, and I would like to get back to chairing my committee.

**Christopher P. DeRicco, Chairman, Board of Parole Commissioners:**

Before I start, I would like to thank Senator Spearman and all the members of the Sunset Subcommittee for assisting us with this proposed legislation.

I will give you an overview of Assembly Bill 342. In its present form, section 1 of this bill, specifically subsection 6 of *Nevada Revised Statutes* (NRS) 213.10885, requires the Board to comprehensively review the standards adopted by the Board on or before January 1 of each odd-numbered year. The Board has used a validated risk instrument since 2003. The parole risk instrument was created based on the recidivism measure of a new felony conviction within three years of release from incarceration. In order to properly assess the adopted standards that are in place, at least three years of data review is necessary. The Board contracts with an outside consultant, JFA Consulting, to perform the revalidation of these standards. This process requires the consultant to review at least three years of data, perform the assessment, analyze the results, and prepare a report with recommendations to the Board. The Board then needs time to review the consultant's recommendations, either adopt and/or modify the standards, and approve this at a Board meeting. Once approved, the Board must then work with the Department of Corrections to make appropriate changes to the approved, revalidated instrument in the Nevada Offender Tracking Information System, which is called "NOTIS," before it is implemented. This process can take between four and five years. The cost to perform this revalidation ranges anywhere between \$20,000 to \$25,000 for each revalidation.

The requested amended language is to change subsection 6 of NRS 213.10885 to remove "On or before January 1 of each odd-numbered year" and replace it with "at least once every five years." If this is approved, the required three years of data required by the consultant to properly assess the adopted standards will be made available, and the \$25,000 for the consultant review will only be requested when necessary. If this amended language fails to pass, the Board will continue to request \$25,000 in the first fiscal year of the biennium. If three years of data has not been obtained, the review will not be completed and the \$25,000 will be reverted to the General Fund.

As part of the bill, this section and sections 2 and 3 are distinctly different. It might be best to ask any questions regarding this section at this time so they do not get convoluted.

**Chairman Yeager:**

We will take questions on that particular section, on the "at least once every five years" review. Are there any questions on that section as explained by Chairman DeRicco? I do not see any questions at this time, so let us go on with the rest of the presentation, and there may be questions then.

**Christopher DeRicco:**

I want to start discussing section 2 of this bill, which refers to NRS 213.1243, which is presently in effect. According to statute, the Board shall establish a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. Under current law, the Board sets the conditions for lifetime supervision for a convicted sex offender. This generally occurs 90 days or so before individuals are about to complete their sentences for the qualifying sex offense, which means these conditions of lifetime supervision may not be imposed for one, two, five, or even ten or more years after an individual is sentenced. After the Parole Board sets these conditions, this is generally the last interaction the Board has with these particular cases unless there is a request to modify a condition of lifetime supervision for a sex offender as any violations of lifetime supervision are considered a new crime and are decided by a district court judge.

I believe the way lifetime supervision conditions are imposed can be improved. For example, in a case where a district court judge imposes probation, and later there are alleged violations of probation, the probation violations are heard back before the district court judge who imposed that probation. For a parole case, the Parole Board sets the conditions of parole, and later, if there are alleged violations of parole, these violations are heard back by the Parole Board who set those conditions of parole. However, the way things stand now for lifetime supervision of sex offenders, the Parole Board imposes the conditions of release, but if they allegedly violate—which is a new criminal offense—this determination is made by the district court judge. Essentially, the Parole Board sets the conditions on cases where they will not determine any future violations. The court makes those determinations.

These changes that I have included in the bill were modeled after what occurs in the United States court system, or the federal system. They do just what I am proposing here. They will sentence an individual for an underlying sex offense and following this, at the same sentencing hearing, a judge will impose the conditions of lifetime supervision to follow upon completion of the underlying offense. In my opinion, this streamlines everything.

With that said, I believe it would be better at this sentencing for a qualifying sex offense that the district court judge impose the sentence right there and then after they impose the sentence for the underlying crime. After doing so, they would indicate something on record to the effect of, "Upon completion of your underlying term, you are also ordered to serve a period of lifetime supervision with the following conditions" as enumerated in what is

proposed in section 3 of this bill, which is NRS 176.0931. I want to note that the language proposed in section 3 of this bill, which I stated is NRS 176.0931, mirrors what is already in place in section 2 of this bill, which references NRS 213.1243, which are the conditions the Parole Board currently imposes. There is no change to language, and there is nothing added. Basically, it transfers duties moving forward with the same conditions.

By imposing these lifetime supervision conditions at sentencing, the court will have the most relevant data on the case, and the district attorney will be present, as well as the public defender or any retained counsel. Any questions regarding these imposed conditions can be discussed at the time of sentencing while the issue is fresh. This will only add a few minutes of time to each sentencing hearing for an underlying conviction for a sex offense, and no additional hearings will be necessary to impose these conditions. It is a shift moving forward of how these conditions will be imposed. In essence, it does not make a great deal of sense for the Parole Board to set conditions that it cannot enforce. This will result in greater efficiency and less cost to the state when setting these conditions.

An important aspect of how this bill is worded is that the Parole Board will continue to set conditions of release for anyone sentenced prior to July 1, 2021, which means we will still be doing this for many years to come. We did not want the district courts to have to add any other hearings in order to set these conditions, which will take additional time, district attorneys, public defenders, and the victims who may show up for the case. That is why it was combined to be ordered right there at sentencing. For cases that have already been sentenced, it is okay, and we understand that the only way to move forward would be for us to continue to handle these until they are eventually weeded out many years down the road. Section 3 of this bill shifts those duties moving forward.

**Chairman Yeager:**

I am going to ask for your patience for just a second because I received another Committee bill draft request (BDR) while you were giving your presentation. I will suspend this hearing [at 9:56 a.m.] to allow the Committee to take care of this item of business so we can get this bill to the floor.

**BDR 3-1046**—Provides that members of a mobile crisis response team are immune from civil liability under certain circumstances. (Later introduced as [Assembly Bill 394](#).)

The BDR I have in front of me is BDR 3-1046. Before I take a motion, I will note for the record that Assemblyman O'Neill joined us during the presentation. You are not agreeing to support the bill, it just allows it to be drafted. I will take a motion to introduce BDR 3-1046.

ASSEMBLYMAN WHEELER MOVED TO INTRODUCE BILL DRAFT  
REQUEST 3-1046.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

We will now go back to our hearing on Assembly Bill 342 [at 9:59 a.m.]. Before I open it up for questions, I would like to ask some clarifying questions based on the presentation. My recollection of the way it works under current law is that when one of these individuals is sentenced in district court, the judge normally imposes the sentence and then says something to the effect that they are also sentenced to a special condition of lifetime supervision, and then the actual conditions of lifetime supervision are left to be given by the Parole Board at the time of parole. I want to confirm with you that that is accurate in terms of how it works right now.

**Christopher DeRicco:**

You are correct. At the imposition of sentence, the court would order the sentence of lifetime supervision. However, what does not occur at that time is the imposition of those conditions of lifetime supervision for the convicted sex offender. What happens is that we know down the road a part of the judgment that an individual was sentenced to is a term of lifetime sex offender supervision. That is where it takes many years down the road until a person may satisfy their term of probation, complete an incarceration term, or complete a parole term. Once they get close to that, the Parole Board would then impose those conditions. As a result of what is being requested here, right when a judge imposes sentencing, he says, "You are placed on lifetime supervision following the underlying offense to, at that time, also include . . . and here are the conditions of lifetime supervision."

**Chairman Yeager:**

That makes sense. The other question is you mentioned in section 3 of the bill, in the bill itself, there is a lot of blue language, which normally means new language. In this particular case, you indicated that this is language that already exists and is just being moved into a different part of the NRS. The blue language in section 3 basically details what is already permissible under statute as a condition of lifetime supervision.

**Christopher DeRicco:**

Yes, you are absolutely correct. Last night I had a very busy evening of emails and phone calls regarding this, and that language mirrors what is already in place. It is new language under NRS Chapter 176, so that is why there is so much blue language. It is not new. If you go back in and look at NRS 213.1243, you will see the language mirrors what is in place already. It is just a shifting of duties to streamline it for efficiency in this matter.

**Chairman Yeager:**

Are there any questions on Assembly Bill 342? [There were none.] I will ask you to sit tight while we take testimony on the bill. At this time, I will open it up for additional testimony in support of the bill. [There was no one.] I will close testimony in support and open opposition testimony. Is there anyone who would like to testify in opposition of the bill?



**John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:**

I would like to thank Chairman DeRicco for spending time talking to me late at night about the bill. We are not opposing the intent of the bill. We are just opposing some of the ways the bill is worded, and how it would get to accomplishing that intent. We hope we can sit down with Chairman DeRicco in the future and work out some of the language in the bill to actually accomplish the intent he is seeking. We do not necessarily object to having the court enumerate the conditions for lifetime supervision at sentencing. I do like his faith in the courts to get these changes done efficiently. I do not know that, in practice, it will be what happens, but we still do not have any objection to that going forward.

**Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office:**

Pursuant to Committee rules, we are testifying in opposition to Assembly Bill 342 this morning, but I want to thank Chairman DeRicco for speaking with me last night regarding some of our concerns on the bill's language. We certainly do not have an issue with the bill's intent as explained this morning. We are worried that the language does not clearly reflect that intent. Specifically, we want to make sure section 3 clearly reads that imposition of lifetime supervision conditions will apply once the offender is paroled and will occur simultaneously with the imposition of sentence, so that no separate hearing is needed. Otherwise, the bill would implicate additional hearings that could adversely affect our offices in terms of staffing, et cetera.

We are also concerned about the implications of NRS 213.1243, subsection 9, which is existing law provisions regarding exemption from supervision conditions in extraordinary circumstances. As written, the bill would move that analysis from the parole board hearing to the more adversarial venue of the district court hearing, which could have unintended consequences.

We are looking forward to working with Senator Spearman, Chairman DeRicco, and all the stakeholders on language that addresses the concerns that have been expressed today.

**Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:**

Like those in opposition before me, our office supports the intention of this bill, but we are concerned with, as written, the additional motion practice, the litigation, and hearings that it would necessitate in district court, which would also come with the possible appellate rights. Due to the additional workload, there would be a fiscal impact on my office. I will save that information for later if we are unable to change the wording of this bill to accurately reflect the intention.

We appreciate Chairman DeRicco for his hard work meeting with stakeholders, especially at night, to address some of our questions. We hope to continue working to ensure we are crafting language that reflects the intention of this bill.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

I am an advocate for the inmates and the innocents. I oppose this bill and echo the comments made by the previous callers.

**Chairman Yeager:**

Is there anyone else who wishes to testify in opposition? [There was no one.] I will close opposition testimony and open neutral testimony. [There was no one.] I will close neutral testimony. We will now go back to Chairman DeRicco for any concluding remarks on A.B. 342.

**Christopher P. DeRicco**

A lot of the concerns in my closing remarks have to do with the language and ensuring the intent of the bill occurs. I look forward to working with the individuals I have spoken with to streamline this process.

If this does not ultimately move forward—which I hope it does—section 1 of this bill is still particularly important to the Parole Board. It will save the state money instead of your giving us money and us giving it back.

**Chairman Yeager:**

Thank you to those who called in. Bills are coming out fast and furious and we are having hearings more quickly than any of us would like, so I appreciate folks reaching out to the sponsors and being willing to talk about these things, even late into the night. Please understand that going forward we are going to have bills that still need some work, but it is important that we get through the hearings and keep moving forward.

I will close the hearing on Assembly Bill 342. That takes us to the next item on the agenda, which is public comment. As a reminder, comments will be kept to two minutes, and this is the time to raise matters of a general nature within the jurisdiction of the Assembly Committee on Judiciary.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

Thank you for passing the bills on the work session.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

My brother was 38 years old when he was killed by Reno police and the Washoe County Sheriff's Office during a mental health crisis.

Today, I would like to read a little bit of a letter from Carol Luke, who is the mother of Thomas McEniry, who was killed by Las Vegas Metropolitan Police Department (LVMPD) officers on November 20, 2015:

My son was more than an officer-involved shooting victim of the LVMPD. He was a father, a brother, an uncle, and a friend to many. He would do anything for his family. He would pick up his sister from work whenever she

needed any help. He helped his other sister raise her daughter and gave her a place to stay when she needed it. He was my biggest support system through some of the most difficult times in my life.

My son was diagnosed with bipolar as a child and schizophrenia around 2010. However, he was able to overcome almost all adversaries. He did not let his mental diagnosis dictate who he was. He successfully opened and operated various businesses. He was able to father his beautiful children. We were more than a mother and son. His three children remind me so much of my son Thomas. I do not know if that is a blessing or a curse because it affects me.

On the night of November 24, 2015, my son was driving a car, but the license plate was registered to another car he owned. Therefore, it was classified as cold-plated. Within one minute of arrival on scene, Thomas was shot eight times by three officers and was assassinated.

I would like to point out the issues with my son's case, which is grounds for reopening and reinvestigating the LVMPD to include Officer Kyle Prior, Officer Robert Nord, and Officer Donald Sutton and the Las Vegas district attorney's office as well. Although video and the autopsy report show the tasing was successful, Officer Prior claimed in his report it was unsuccessful. The LVMPD stated to various news sources the same lie. Officer Prior was involved in another officer-involved shooting in June 2016. In that case, he claimed his Taser failed to work as well. In the security guard's statement, he said my son never had a gun in his hand; however, he did see something lit up, and it looked like a phone or tablet.

Thomas's mother has the bullet-ridden iPad that Thomas had that night.

After the officers shot my son, they still handcuffed and moved his body and failed to serve immediate medical attention and failed to call for medical professionals.

I would like to briefly read something from Thomas's sister, LJ Radney:

As my mother previously mentioned, my brother Thomas had been diagnosed with a mental health disorder as a child. Those two facts alone can show how Thomas was neglected by the state of Nevada at an early age in life because of the lack of care Nevada has for those who are not neurotypical.

Thomas is missed by his family and his loved ones just as my brother is missed by so many. Please support bills that promote transparency and accountability.

**Chairman Yeager:**

Is there anyone else who would like to give public comment?

**Taylor Thompson, Private Citizen, Las Vegas, Nevada:**

I am calling today to ask the Committee to hear Assembly Bill 161. By the end of the month, 500,000 Nevadans will be at risk of eviction when the Centers for Disease Control and Prevention's memorandum expires. The least this Committee can do is hear the bill and at least give families due process before they are evicted from their homes. Ending summary evictions is not a bold concept. It is something that is standard across 49 states. We seem to be the only one with these very strange evictions. Please hear A.B. 161.

**Chairman Yeager:**

Is there anyone else who would like to make public comment? [There was no one.] I will close public comment. I do not see any more Committee bill draft requests in front of us. Is there anything else from our Committee members? I do not see anything else.

We have agendas out for Thursday and Friday. Tomorrow we will start at 9 o'clock, and we have four bills on the agenda. We will hear three of them at the same time because they are very similar, if not the same. We have an agenda out for Friday, and to mix things up, we will start at 8:30 a.m. We will be hearing two bills. I anticipate we will have meetings every day next week. We are just putting those together as we speak. I will see you tomorrow morning at 9 o'clock. This meeting is adjourned [at 10:20 a.m.].

RESPECTFULLY SUBMITTED:

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Karyn Werner  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 32](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 58](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 104](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 149](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 158](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 182](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 212](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 214](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 237](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 241](#), dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is an addendum to the Work Session Document for Assembly Bill 241, dated March 24, 2021, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.