

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

**Eighty-First Session
April 9, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:03 a.m. on Friday, April 9, 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.

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



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
Traci Dory, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

George Hartline, Private Citizen, Section, Alabama
Tonja Brown, Private Citizen, Carson City, Nevada
Annemarie Grant, Private Citizen, Quincy, Massachusetts
Ayesha Molino, Senior Vice President, Government Affairs, MGM Resorts International

Chairman Yeager:

[Roll was called. Committee protocol and rules were explained.] We have a work session with 18 bills. I will not go in order because we have some guests on Zoom, and I would like to take some of those bills so they can move on with their day accordingly. As a reminder to Committee members and members of the public, the work session document is on Nevada Electronic Legislative Information System under the exhibits tab. Each bill has its own work session document. We will begin with Assembly Bill 201.

Assembly Bill 201: Revises provisions relating to informants. (BDR 14-777)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 201 was sponsored by Assemblywoman González and was heard in Committee on March 11, 2021 [[Exhibit C](#)]. This bill establishes procedures regarding the use of an informant who provides testimony or information on behalf of the state based on any statement made by a defendant in jail or prison. Each office of a prosecuting attorney is to maintain complete and systematic records of cases prosecuted by the office in which testimony or information was provided by an informant. Additionally, if a prosecuting attorney intends to use testimony or information provided by an informant in a hearing or trial, the prosecuting attorney must disclose the certain information or materials to the defense.

There is one amendment to this bill sponsored by Assemblywoman González, which does the following:

1. Adds in section 4 the definition of "cooperation agreement";
2. Clarifies in section 5 the use of the cooperation agreement and that the prosecuting attorney must maintain certain records including the cooperation agreement;

3. Deletes in section 6 the word "information" thereby referring only to certain testimony provided by an informant that a prosecuting attorney intends to use. Additionally, the prosecuting attorney must disclose certain information or material to the defense as soon as possible, but not later than 30 days before the hearing or trial;
4. Revises in section 6, subsection 1, paragraphs (a) through (g), the material and information that must be disclosed to the defense;
5. Revises in section 6, subsection 4, the jury instruction when the prosecuting attorney uses testimony provided by an informant; and
6. Deletes sections 7 and 8 of the bill.

Chairman Yeager:

There has been a lot of work on this bill since we first heard it in Committee. I think there are still a couple of sticking points, but I also think it is in a much better place than it was when we heard it.

Are there any questions from Committee members on Assembly Bill 201 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 201.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 201.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Hansen:

I appreciate all the work Assemblywoman González has been doing to try to work with the stakeholders, and I certainly understand the genesis of this bill. It relates back to the DeMarlo Berry case, which is near and dear to all of our hearts. I am not quite there yet, so I am going to be a no now, but looking forward to seeing this move and get tighter so more of us can have some comfort with it.

Chairman Yeager:

Is there further discussion on the motion?

Assemblyman O'Neill:

Ditto.

Chairman Yeager:

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

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

I will assign the floor statement to Assemblywoman González. We will take Assembly Bill 341 next.

Assembly Bill 341: Provides for the licensure and regulation of cannabis consumption lounges. (BDR 56-583)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 341 was sponsored by Assemblyman Yeager and was heard in Committee on April 2, 2021 [[Exhibit D](#)]. This bill provides for the licensure and regulation by the Cannabis Compliance Board of cannabis consumption lounges. Two types of cannabis consumption lounges are designated: (1) a "retail cannabis consumption lounge"; and (2) an "independent cannabis consumption lounge." The bill sets forth requirements for the licensure and operation of cannabis consumption lounges. The Board is required to adopt regulations establishing requirements for the preparation and sale of "ready-to-consume cannabis products." This bill applies the excise tax to retail sales of cannabis and cannabis products by a cannabis consumption lounge. Lastly, provisions are amended to allow for the consumption of cannabis and cannabis products in a public place or in a cannabis establishment for the purpose of authorizing a person to engage in such activities in a cannabis consumption lounge.

Assemblyman Yeager proposed an amendment, which does the following:

1. Revises provisions in section 9 defining a "social equity applicant";
2. Prohibits in section 10 the Board from issuing an adult-use cannabis establishment license for a retail cannabis consumption lounge unless the location of the proposed cannabis consumption lounge is in compliance and deletes the exemption from certain restrictions relating to the location for an attached retail store and consumption lounge;
3. Requires in section 11 the Board to establish regulations for the qualifications to be considered a social-equity applicant, including the minimum percentage of ownership by an individual or ownership group applying as a social-equity applicant;
4. Revises provisions in section 12, subsection 3, paragraph (b) establishing criteria of merit and scoring guidelines to be used in evaluating applications for such licenses;

5. Prohibits in section 12, subsection 4 the issuance of more than one cannabis consumption lounge license in the same county to an ownership group, individual, or an individual with an ownership stake in a group under certain circumstances;
6. Prohibits in section 14 a cannabis establishment located at an airport;
7. Revises in section 15 the issuance of adult-use cannabis establishment licenses for independent cannabis consumption lounges;
8. Establishes in section 17 fees for adult-use cannabis establishment licenses for retail cannabis consumption lounges and independent cannabis consumption lounges and further allows for a reduction in fees for social-equity applicants;
9. Revises in section 20 certain rules set forth pertaining to the safe and healthful operation of cannabis consumption lounges, including the procedures and requirements for employee training on the sale and safe consumption of cannabis and cannabis products;
10. Replaces in section 22 the term "cannabis or cannabis product" with "single-use cannabis product";
11. Provides in section 24 that a cannabis consumption lounge must not allow the removal of cannabis products purchased at a cannabis consumption lounge intended to be consumed at the location where the purchase was made;
12. Revises in section 25 the authorization for a retail cannabis consumption lounge to prepare and sell ready-to-consume cannabis products;
13. Revises terminology in section 26 concerning the delivery of single-use cannabis products to a customer in the lounge;
14. Requires in section 27 an independent cannabis consumption lounge to submit a request to the Board to sell ready-to-consume and single-use cannabis products to customers of the lounge;
15. Revises in section 28 provisions regarding the regulation of the preparation and sale of ready-to-consume cannabis products by a cannabis consumption lounge;
16. Adds a new section 37 amending *Nevada Revised Statutes* 678D.310 (Violations and penalties) providing that there is no liability if the person served is 21 years of age or older and liability in certain circumstances if the person served is under 21 years of age;

17. Requires in new section 38 that the Board adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age, and gender, concerning each owner and manager of an independent cannabis lounge; and
18. Requires that the report to the Legislative Counsel Bureau include recommendations of any statutory changes necessary to ensure that certain violations do not inhibit the growth of independent cannabis consumption lounges.

Chairman Yeager:

I would like to mention a couple of things before I take questions. One issue that has come up is the issue of odor, odor that might be emanating from these locations. I want to make clear for the record that cannabis consumption lounges—if they are approved—would have to comply with any local air quality regulations, such as nuisance order. Local authorities could take action on those businesses if they are not in compliance with it. It is going to be important for those licensees to recognize that when they construct the lounge and think about how it is going to work, they are going to have to take that into consideration or they are going to make the county very unhappy.

Other than that, we want to make clear that these facilities cannot be in airports. We want to give the Cannabis Compliance Board in section 27 some ability to go after anticompetitive behavior in terms of where these lounges might procure product from. We are still working through the section 27 language. I think this will be a work in progress, but we are close to getting there.

Another topic that was very important to this Committee was social equity and ownership of interest. I think that some of the language we put in assures that we are doing it in a more fair and equitable manner. There is a fiscal note on this bill, so if we pass it out of here, I expect it is going to be in Ways and Means for a little while, so we will have a chance to work out some of those issues. I know it is a huge amendment, and you just got it a couple of hours ago.

Are there any questions from Committee members on Assembly Bill 341 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 341.

Assemblyman Miller:

Thank you very much for working so closely with the Cannabis Equity and Inclusion Community on allowing the language throughout the amendment and particularly pertaining to social equity. It is a really good thing for me and the community.

ASSEMBLYMAN MILLER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 341.

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

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

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

I will assign the floor statement to myself. We will move next to Assembly Bill 440.

Assembly Bill 440: Revises provisions relating to the issuance of certain citations. (BDR 14-376)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 440 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on April 6, 2021 [[Exhibit E](#)]. This bill provides that a peace officer must issue a person a misdemeanor citation instead of executing a warrant by arresting the person unless the warrant is issued for an offense that constitutes an aggregate offense or a crime of violence. If the offense is an aggregate offense or a crime of violence, the peace officer may issue a misdemeanor citation under certain circumstances. Conforming changes are made related to the requirement to issue a traffic citation for traffic offenses punishable as misdemeanors that do not constitute aggregate offenses or crimes of violence.

There was one amendment proposed to this bill by Senator Dallas Harris, which does the following:

1. Removes all references to "aggregate offense" and replaces it with "subsequent offense";
2. Adds a definition of subsequent offense as follows: "subsequent offense" means an offense for which the person has previously been arrested, convicted, or cited;
3. Deletes section 5;
4. Amends section 6 to clarify the circumstances when a person must be taken before a magistrate; and
5. Amends section 7 to clarify the circumstances when a citation may be issued.

Chairman Yeager:

Committee members, as you may recall, there were a number of concerns that were raised at the hearing. Senator Harris is here with us this morning, and as you can see from the amendment she provided, I think it addresses many of those concerns.

Are there any questions from Committee members on Assembly Bill 440 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 440.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 440.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any 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 Nguyen. Senator Harris, thank you for working on the amendment and for being available this morning. We will go next to Assembly Bill 405.

Assembly Bill 405: Revises provisions relating to gaming. (BDR 41-643)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 405 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on April 8, 2021 [[Exhibit F](#)]. This bill creates a legislative declaration concerning the intent of the Legislature regarding the use of digital and electronic signatures in the gaming industry. The regulations of the Nevada Gaming Commission authorize an affiliated company, which is a publicly traded corporation, to apply for approval of a continuous or delayed public offering of the securities of the company under certain circumstances and for a period of not more than five years. The chair of the Nevada Gaming Control Board has the discretion to require a licensee to submit a new application for licensure or to hold hearings on such an application, or both. The bill revises the provisions governing licensees who participate in foreign gaming. This bill makes it unlawful for a person to engage in any of the statutorily prescribed offenses relating to gaming: (1) through an agreement with certain persons; and (2) with the intent that such an agreement is made to use less than the best efforts of the person to win, judge, referee, manage or officiate, to limit a margin of victory or to adversely affect the outcome of a sporting event.

There are three proposed amendments to this measure:

1. Tanner Britton, Student, William S. Boyd School of Law, University of Nevada, Las Vegas (UNLV), proposed adding the language "coach" in section 5, subsection 10 of the bill.

2. George Hartline, Student, William S. Boyd School of Law, UNLV, proposed deleting section 2 of the bill.
3. Assemblyman Steve Yeager proposed deleting sections 1, 3, and 4 of the bill.

Chairman Yeager:

To give the Committee members some background, I had some further discussions about the bill, and I think this is not—in my belief—the best way to move the bill forward. Now realizing that many of the sections are coming out of the bill, I have committed to talk with my Senate Committee on Judiciary chair to see if the students can still be accommodated and present in the Senate Committee on Judiciary if this bill is to get there. I did not want to give anyone the impression that those students would be locked out of further participation in the process. We will try and accommodate that in the Senate Committee on Judiciary.

Are there any questions from Committee members on Assembly Bill 405 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 405.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 405.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.] I would like to thank Mr. Hartline for being here this morning and participating in the hearing yesterday.

George Hartline, Private Citizen, Section, Alabama:

I am glad to be here. Anything you need from me; I am here for you.

Chairman Yeager:

Thank you, sir.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Wheeler. I think we can now take the bills from the top as listed on the agenda, so we will move next to Assembly Bill 116.

Assembly Bill 116: Revises provisions relating to traffic offenses. (BDR 43-491)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 116 was sponsored by Assemblywoman Nguyen and was heard in Committee on March 18, 2021 [[Exhibit G](#)]. This bill establishes civil penalties for certain traffic and related violations. A violation of any provision of existing law relating to driver's licenses,

any traffic law or ordinance, any provision of existing law governing motorcycles, or any provision of existing law relating to off-highway vehicles would be a civil infraction and not a misdemeanor, unless a criminal penalty is prescribed for the violation by a specific statute.

Assemblywoman Nguyen proposed an amendment. There is a detailed conceptual amendment on the following pages [pages 2 through 14, [Exhibit G](#)].

Chairman Yeager:

This is a traffic citation bill, and there are quite a few amendments. I would like to turn it over to Assemblywoman Nguyen to do a high-level explanation of what the amendment seeks to accomplish based on the feedback that was given at the hearing on A.B. 116.

Assemblywoman Nguyen:

It is obviously a large document of a conceptual amendment, and I want to thank all of the stakeholders. They worked really hard to be able to get this. It also taught me to go with my instincts, but I will remind everyone that it is important to include those people at the localities who are actually doing the work. I was shocked when I met with court administrators and other municipal and county staff across the state. They said, This is the first time any legislator has ever reached out to me—usually we are just told what we have to do and then we have to find ways to fix it. I really appreciate their impact and involvement in making this bill what it is today.

John Jones said in his support testimony during the hearing on A.B. 116 that no bill is going to be perfect, and I guarantee that we are going to continue to work. I know we still have an ongoing working group. While people feel very comfortable with the language we have come up in these proposed amendments, I am sure as we distribute this language and people are given a better chance to look at it, we will be coming back with some additional amendments to further clarify this.

Some of the big things that we worked on that we are able to incorporate into this bill are carving out the traffic matters that we never intended to be traffic, such as vehicular manslaughter, DUI, reckless driving, hit-and-run, et cetera. In fact, there is quite an extensive list of charges that are carved out of civil infractions. Even within civil infractions, some of the amendments also incorporate the fact that if you were charged with something, you could go there. Then there is the monetary piece where we wanted to ensure that we have a structure in place where that money stays with the court so they are not taking the financial hit that other previous legislation had contemplated. We are still working on it. If you have any questions, let me know. I see your white flag, Assemblyman Wheeler.

Chairman Yeager:

I feel like we were in the same position last session with this bill having a lot of work to be done, but I think it is way further along than we ever got last session.

Are there any questions for Assemblywoman Nguyen? [There were none.] I am looking for a motion to amend and do pass A.B. 116.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 116.

ASSEMBLYWOMAN HARDY SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Hansen:

I am so on the policy, yes. I am going to be a yes here on policy. We are always lectured that these are not money committees. There are large fiscal impacts as it stands, but I am so glad you are working with those in the trenches. I know some of my communities have large fiscal notes, so I am yes on the policy and hoping the fiscal issues might be able to be resolved and have more input as you work this bill further. Thank you for all the hard work you are doing and talking to the local communities this will impact in our cities and counties.

Chairman Yeager:

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Nguyen. We will move next to Assembly Bill 132.

Assembly Bill 132: Revises provisions governing juvenile justice. (BDR 5-783)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 132 was sponsored by Assemblyman Flores and was heard in Committee on March 9, 2021 [[Exhibit H](#)]. This bill requires a peace officer or probation officer to make an electronic recording of any custodial interrogation of a child under 15 years of age who is suspected of committing certain acts. The bill provides exceptions for when a peace officer or probation officer is not required to make an electronic recording. The juvenile court is required to presume a child is indigent for the purpose of appointing an attorney in juvenile proceedings. Lastly, the Juvenile Justice Oversight Commission is required to meet to review the provisions of this bill during the 2025–2026 Interim.

Assemblyman Edgar Flores proposed an amendment, which deletes the language in the bill, and replaces it with a new Miranda warning for children.

Chairman Yeager:

Are there any questions from Committee members on Assembly Bill 132 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 132.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND DO PASS ASSEMBLY BILL 132.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN O'NEILL AND WHEELER VOTED NO.)

I will assign the floor statement to Assemblyman Flores. In case he is not able to handle that for some reason, I will have Assemblywoman Bilbray-Axelrod as a backup. We will move next to Assembly Bill 141.

Assembly Bill 141: Revises provisions relating to evictions. (BDR 3-569)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 141 was sponsored by Assemblyman Watts and was heard in Committee on March 4, 2021 [[Exhibit I](#)]. This bill increases the length of notice required before certain tenants may be evicted without cause, including week-to-week tenancies and other periodic tenancies. In addition, upon the motion of the tenant and a decision of the court that finds that the default in the payment of rent occurred during the COVID-19 emergency, the court is required to order the automatic sealing of any records relating to an action for eviction.

Assemblyman Watts has proposed an amendment revising the existing law that automatically seals eviction records under certain circumstances. This amendment would extend sealing of records to evictions for nonpayment of rent that occurred during the COVID-19 emergency, beginning on March 20, 2020, and ending when the Governor terminates the state of emergency.

Chairman Yeager:

Are there any questions from Committee members on Assembly Bill 141 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 141.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS ASSEMBLY BILL 141.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

Is there any 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 Assemblyman Watts. In the event he needs it, I will list Assemblywoman Summers-Armstrong as a backup. We will move to Assembly Bill 243 next.

Assembly Bill 243: Revises provisions relating to the administration of justice. (BDR 14-785)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 243 was sponsored by Assemblyman Orentlicher and was heard in Committee on March 19, 2021 [[Exhibit J](#)]. This bill creates and establishes the duties of the Nevada Police Reform Advisory Task Force as a task force under the auspices of the Advisory Commission on the Administration of Justice. The bill also requires a court to consider the differences between youthful and mature adult offenders in determining the appropriate sentence for a person convicted as an adult of a crime committed when he or she was less than 21 years of age. Lastly, each prosecutorial office is required to establish a system of race-blind charging to be used when determining whether criminal charges should be filed against a person and to use this system when determining whether a petition alleging delinquency of a child should be filed.

Assemblyman Orentlicher proposed an amendment, which does the following:

1. Deletes sections 1 through 6 of the bill to remove the task force from the bill;
2. Allows each prosecutorial office to establish a system of race-blind charging to be used when determining whether criminal charges should be filed against a person;
3. Allows each district attorney to establish a system of race-blind charging to be used when determining whether to file or not file a petition alleging that a child is delinquent; and
4. Amends the effective date of the bill.

Chairman Yeager:

Are there any questions from Committee members on Assembly Bill 243 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 243.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 243.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

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

Before we vote, I would like to thank Assemblyman Orentlicher for his work on this bill. I appreciate it. I know it took a while to get to where we are, but I wanted to thank you for that hard work.

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

I will assign the floor statement to Assemblyman Orentlicher. We will move next to Assembly Bill 251.

Assembly Bill 251: Makes various changes relating to juvenile justice. (BDR 5-986)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 251 was sponsored by Assemblywoman Krasner and was heard in Committee on March 16, 2021 [[Exhibit K](#)]. This bill requires a peace officer or probation officer to ensure that a child in custody consults with a parent or guardian or an attorney before the commencement of a custodial interrogation of the child. The bill establishes provisions relating to the destruction of expungable records relating to children and repeals and revises provisions relating to the sealing of records relating to children.

There are two proposed amendments to this bill.

1. Assemblywoman Lisa Krasner proposed adding Assemblymen Bilbray-Axelrod, McArthur, O'Neill, Orentlicher, Roberts, and Thomas as cosponsors of the bill.
2. Brigid Duffy, Nevada District Attorneys Association, proposed an amendment that does the following:
 - a. Deletes sections 1, 2, 3, 7, 8, and 9 from the bill;
 - b. Adds provisions in section 4, subsection 1, to provide that at the age of 18 a person may petition the court for the expungement of their juvenile record for misdemeanors or acts of a child in need of supervision;

- c. Provides a definition of "expungement" in section 4, subsection 2;
- d. Requires in section 4, subsection 3, the juvenile court to notify the district attorney, the chief probation officer, or the chief of the youth parole bureau if a petition is filed;
- e. Provides in section 4, subsection 4, that certain persons who have evidence relevant to the consideration of the petition may testify at the hearing on the petition;
- f. Provides in section 4, subsection 5, that if the juvenile court enters an order to expunge a child's records, it must be done within 60 days, if feasible;
- g. Adds a new section 10 to the bill that provides for the automatic sealing of records when a child reaches 18 years of age under certain circumstances. Such records must be sealed within 60 days of when the child reaches 18 years of age, if feasible. If the supervision closes at the conclusion of the parole or probationary period for a child who is between the ages of 18 and 21, the juvenile records must be sealed; and
- h. Provides in a new section 11 that the effective date for sections 4 and 10 is December 31, 2021.

Chairman Yeager, could you confirm the time period in section 4, subsection 5, on the amendment?

Assemblywoman Nguyen:

It is 60 days.

Chairman Yeager:

Thank you, Assemblywoman Nguyen. Before I open it up for questions, I want to make a statement for the record. Mr. Ortiz from Clark County weighed in on the bill at the time of the hearing. He has provided an email to me and Assemblywoman Krasner letting us know that if the Committee does pass the bill with the amendment as described, Clark County would be withdrawing its fiscal note on the bill.

Are there any questions from Committee members on Assembly Bill 251 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 251.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 251.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any discussion on the bill?

Assemblywoman Krasner:

This bill has had multiple meetings. Whoever was here last session and participated in The Woodshed meetings knows what I am talking about—we had so many meetings with so many stakeholders. We have finally come to a position where all are in support. The fiscal note has been removed. I would like to thank Kendra Bertschy, Washoe County Public Defender's Office; John Piro, Clark County Public Defender's Office; Brigid Duffy, Assistant District Attorney, Clark County; Jennifer Noble; Elizabeth Flores, Washoe County Department of Juvenile Services; Alex Ortiz; Mike Whelihan, Department of Juvenile Justice Services, Clark County; and so many more people. The Nevada District Attorneys Association with Brigid Duffy's help was so kind to create the actual amendment that you see on the Nevada Electronic Legislative Information System. Thank you for your support. Thank you, Chairman Yeager, for your patience on this bill. I appreciate it.

Chairman Yeager:

Thank you, Assemblywoman Krasner. I appreciate your hard work on this bill. I am glad that we were able to get it to a place where it seems to work for everybody. Is there any other discussion?

Assemblyman Wheeler:

I was a very hard no on this bill as presented, but with all the amendments and Assemblywoman Krasner working with the interested parties, I am going to swing over and be a yes.

Chairman Yeager:

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Krasner. We will move to Assembly Bill 296 next.

Assembly Bill 296: Revises provisions relating to crimes. (BDR 15-121)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 296 was sponsored by Assemblywoman Nguyen and was heard in Committee on April 8, 2021 [[Exhibit L](#)]. This bill establishes and sets forth the elements of the crime of doxxing. A person who commits the crime of doxxing is guilty of: (1) a category D felony if death, bodily injury, harassment, stalking, or a financial loss of \$3,000 or more results; (2) a gross misdemeanor if a financial loss of less than \$3,000 or a substantial life disruption results; and (3) a misdemeanor in all other circumstances. A victim of doxxing may bring a civil action to recover damages, reasonable attorney's fees, and costs. A court may issue a temporary restraining order or a permanent or temporary injunction to prevent the dissemination of any personal identifying information or sensitive information of a person.

Assemblywoman Nguyen proposed an amendment, which does the following:

1. Deletes sections 1, 9, and 10 of the bill;
2. Changes the spelling of "doxxing" to "doxing";
3. Revises the definition of the unlawful doxing of a person in section 6;
4. Deletes the criminal punishments in section 6, subsection 2;
5. Clarifies in section 6, subsection 3 that these provisions do not apply to certain dissemination of information;
6. Deletes the criminal penalties in section 6, subsection 4;
7. Clarifies in a new subsection 4 of section 6, that these provisions will not be construed to conflict with certain federal law; and
8. Deletes certain definitions in section 6, new subsection 4, including "harassment" and "substantial life disruption" and adds the definition of "mental anguish."

Chairman Yeager:

We heard this bill yesterday. I think the amendment reflects some of the further work that was going to be done on the bill after the hearing. Are there any questions for Assemblywoman Nguyen on A.B. 296 in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 296.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 296.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any discussion of the motion?

Assemblywoman Hansen:

This is really difficult. The changing of the spelling has caused me to question my support of the bill, but I will support the bill.

Chairman Yeager:

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Nguyen. We will move next to Assembly Bill 339.

Assembly Bill 339: Makes various changes relating to domestic violence. (BDR 14-120)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 339 was sponsored by Assemblywoman Nguyen and was heard in Committee on March 23, 2021 [[Exhibit M](#)]. This bill authorizes a justice court or municipal court to establish a program for the treatment of defendants convicted of misdemeanor battery which constitutes domestic violence. The assignment of a defendant to a program must include terms and conditions for successful completion of the program and progress reports. The court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings dependent upon the attendance and successful completion of the program. If a defendant violates a term or condition, the court may impose sanctions against the defendant or enter a judgment of conviction. The discharge and dismissal restore the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment, or information. After a case is dismissed, the court must order a defendant's records sealed and send a copy of the order to each agency or officer named in the order.

Assemblywoman Nguyen proposed an amendment, which does the following:

1. Allows the victim to be heard prior to assigning the defendant to the program of treatment;
2. Provides limitations on a defendant's eligibility to the program of treatment;
3. Provides that upon fulfillment of the terms and conditions, the court may conditionally dismiss the proceedings;
4. Deletes language in section 4 concerning discharge and dismissal and replaces it with language concerning the provisions of the conditional dismissal, including:
 - a. The conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case; and
 - b. The conditional dismissal restores the defendant in the contemplation of the law; and
5. The amendment provides that the records are confidential and will not be sealed until seven years have passed since the defendant was discharged.

Chairman Yeager:

Are there any questions from Committee members on Assembly Bill 339 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 339.

ASSEMBLYMAN O'NEILL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 339.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Cohen:

I raised some issues during the hearing regarding the effect of this on domestic cases. I appreciate that Assemblywoman Nguyen has continued to work on that issue. I know it might not quite be where I think it needs to be, but I know she is still working on it and I appreciate it. I am confident it will get there.

Chairman Yeager:

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Nguyen. We will move next to Assembly Bill 342.

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

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 342 was sponsored by the Assembly Committee on Judiciary on behalf of the Sunset Subcommittee of the Legislative Commission and was heard in Committee on March 24, 2021 [[Exhibit N](#)]. This bill revises the frequency of the review of standards adopted by the State Board of Parole Commissioners of the Department of Public Safety (DPS) by providing that the standards must be reviewed at least once every five years. This bill transfers from the Board to the sentencing court all current duties and responsibilities relating to lifetime supervision of sex offenders for sex offenders sentenced on or after July 1, 2021.

Christopher P. DeRicco, Chair, State Board of Parole Commissioners, DPS, proposed an amendment, which does the following:

1. Revises in section 1 how often the Board must comprehensively review its adopted standards;

2. Deletes in section 2, subsection 14 and section 3, subsection 14, the notification requirement to the Central Repository for Nevada Records of Criminal History if a court issues a warrant for arrest for a violation. This is deleted because a violation of a condition of lifetime supervision is a new crime and not a violation for which a warrant may be issued;
3. Requires in section 3 that the court, at the time of sentencing, shall impose the conditions of lifetime supervision;
4. Provides in section 3, subsection 15, paragraph (c) that the evaluator must be a licensed, clinical professional who has received training in the treatment of sex offenders; and
5. Deletes in section 3, subsection 17, the definition of "Person professionally qualified to conduct psychosexual evaluations" from the lifetime supervision statutes.

Chairman Yeager:

Before I take questions, I want to let the Committee members know that I have been privy to a number of discussions on this bill between Chair DeRicco, our prosecutors, and our public defenders. They are working hard on the bill. I do not think everyone is yet at a place where they are enthusiastic about the bill, but everyone is in agreement that the bill should continue to move forward and they can continue to work on some of the language changes. Chair DeRicco has committed to doing that, as have the other interested parties.

Are there any questions from Committee members on Assembly Bill 342 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 342.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 342.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Is there any 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 myself. We will move next to Assembly Bill 395.

Assembly Bill 395: Abolishes capital punishment. (BDR 15-580)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 395 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on March 31, 2021 [[Exhibit O](#)]. This bill abolishes the imposition of a sentence of death on a person convicted of first-degree murder. Further, this measure reduces the sentence of any person sentenced to death to a sentence of imprisonment for life without the possibility of parole. There are no proposed amendments to this measure.

Chairman Yeager:

Are there any questions from Committee members on A.B. 395 as detailed in the work session document? [There were none.] I am looking for a motion to do pass A.B. 395.

ASSEMBLYWOMAN NGUYEN MOVED TO DO PASS ASSEMBLY BILL 395.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any 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 myself. We will move next to Assembly Bill 400.

Assembly Bill 400: Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. (BDR 43-485)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 400 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on March 29, 2021 [[Exhibit P](#)]. This bill removes the prohibition against a person having specified amounts of marijuana or marijuana metabolite in his or her blood, thereby providing that a person who uses marijuana is subject to the general prohibition against driving or being in actual physical control of a vehicle or commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this state if the person is under the influence of a controlled substance.

This bill makes other conforming changes including:

- A child who is taken into custody or a person who is arrested for violating a protection order and is under the influence of marijuana is no longer subject to the prohibition from being released from custody or admitted to bail; and

- An employee who is under the influence of marijuana is no longer prohibited from receiving compensation for an injury.

Assemblyman Steve Yeager proposed an amendment to this bill decoupling the driving under the influence statutes with the workers' compensation statutes by importing the table in *Nevada Revised Statutes* (NRS) 484C.110 subsection 3 and subsection 4 (a) into NRS 616C.230.

Chairman Yeager:

Before I take questions, I want to explain what this amendment does. You may remember when we heard this bill, there was some concern expressed by employers about the testing of employees if we changed the statute. At that time, I indicated that our workers' compensation statutes refer back to the DUI statute. They do not have a chart in the workers' compensation statute. In working with some of the larger employer groups and some of those who expressed concern, we decided to take the chart that exists and put it into the workers' compensation statutes so the two nanograms of THC would still apply in the workers' compensation context. That would mean that if someone was tested because of a work-related injury, if they were over the two nanograms of active THC, their claim would be presumptively denied.

The larger employer groups I talked to are on board with the amendment. The one sticking point we still have—and I raise this mostly for Assemblyman O'Neill's benefit—is the idea of federal funding and commercial driver's licenses. I am still working with the Department of Motor Vehicles and some of the construction companies to work through those issues. I do not believe there is a jeopardization to federal funding because nothing in the bill would prevent a blood test for this and people could still be held accountable for driving impaired. That being said, I have committed to continue working with the Department of Motor Vehicles and other interested parties to figure out whether we need to put some kind of additional language in the bill just to make that abundantly clear. I do not want to jeopardize anything we do on the federal level. We need every dollar we get in the state.

That is where we are with the bill. There could be some further clarifications on that regard moving forward, but I was able to at least satisfy the concerns raised by your more traditional non-highway, non-construction employers.

Are there any questions from Committee members on Assembly Bill 400 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 400.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 400.

ASSEMBLYWOMAN SUMMERS-ARMSTRONG SECONDED THE
MOTION.

Is there any discussion on the motion?

Assemblyman O'Neill:

I want to thank you very much for your attempts to work on the issue. I will be voting no for now, and hopefully we can get to a point where I can go yes.

Chairman Yeager:

I appreciate your approaching me with those concerns. I am confident we will get them worked out; we just did not get it worked out by today, but we will keep working on it.

Is there 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 myself. We will move next to Assembly Bill 406.

Assembly Bill 406: Revises provisions relating to the collection of child support. (BDR 3-138)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 406 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on March 30, 2021 [[Exhibit Q](#)]. This bill provides for the withholding by a licensed gaming establishment of money from the gambling winnings of an obligor to apply to arrears in child support owed by the obligor. The Division of Welfare and Supportive Services of the Department of Health and Human Services is required to establish and maintain a secure, electronically accessible registry for the purpose of withholding money from the gambling winnings of an obligor. After consultation with the Nevada Gaming Control Board, the Board must adopt regulations to provide for the withholding of gambling winnings. Lastly, the bill sets forth the specific duties and responsibilities of a licensed gaming establishment and the Division in carrying out such withholding of gambling winnings.

John T. Jones, Chief Deputy District Attorney, Clark County District Attorney's Office, proposed an amendment to clarify that gambling winnings due the obligor may be withheld for the support of a child pursuant to *Nevada Revised Statutes* 31A.025 through 31A.190.

The amendment does the following:

- Deletes section 1 of the bill and any references to section 1 in the bill; and
- Maintains the definition "gambling winnings" to mean winnings at a licensed gaming establishment that are required to be reported to the Internal Revenue Service on Form W-2G.

Chairman Yeager:

As a note of explanation, this was the bill that required certain gaming establishments to run people's names in the database and hold winnings. You may remember from the Committee hearing that the effective date of the bill was going to be a couple of years out; in fact, it would not have gone into effect until after the next legislative session. In speaking with the sponsor and other interested parties, we decided it was best not to implement that part at this time but let parties continue to work on it and make sure that the database that could be queried was going to be up and functional. All the parties agreed to keep section 2 of the bill, which makes a clarification that contest does in fact mean gambling winnings, but it would not impose any requirement on our gaming partners to withhold that money. It would still be up to the department to do it. That is what is happening to A.B. 406. I have not heard of any opposition to how it is detailed in the work session document.

Are there any questions from Committee members on A.B. 406 as detailed in the work session document?

Assemblyman Wheeler:

Did you say the Nevada Resort Association removed their objection to this bill?

Chairman Yeager:

Yes, Assemblyman Wheeler, they were in agreement with keeping section 2 of the bill. They were also committed to continue working on section 1 through the interim up to the next legislative session.

Are there any further questions from Committee members? [There were none.] I am looking for a motion to amend and do pass A.B. 406.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 406.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman O'Neill. We will take Assembly Bill 414 next.

Assembly Bill 414: Revises provisions governing the transfer of real property pursuant to a deed becoming effective upon the death of the grantor. (BDR 32-648)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 414 was sponsored by Assemblyman O'Neill and was heard in this Committee on April 5, 2021 [[Exhibit R](#)]. This bill revises the exemption from real property transfer

taxes for the conveyance of real property under a deed which becomes effective upon the death of the grantor. Upon the recording of the Death of Grantor Affidavit in the office of the county recorder upon the death of the grantor, the conveyance of real property is exempt from taxes imposed on the transfer of real property. This exemption applies to any Death of Grantor Affidavit recorded in the office of a county recorder on or after the passage and approval of this bill. The bill revises the process governing the enforcement of claims against real property transferred pursuant to a deed upon death. Lastly, the measure provides that the beneficiary or beneficiaries under a deed upon death provide notice to the Department of Health and Human Services (DHHS) if they know or have reason to know that the grantor of the deed upon death was a recipient of public assistance, and the bill further provides that the deed remains subject to any claim by DHHS to recover public assistance provided to the grantor.

Assemblyman O'Neill proposed an amendment, which makes the following changes to section 2 of the bill:

1. Provides in subsection 3 that after the death of the grantor, a copy of the notice must be mailed to the grantor's personal representative and the Department of Health and Human Services (DHHS);
2. Revises subsection 4 so that the notice to creditors includes the date of birth;
3. Adds in subsection 5 the word "entity" regarding a claim against a grantor or the probate estate and adds language regarding the waiver of claim subsequent to the written notice to DHHS;
4. Revises subsection 6 by allowing DHHS to secure future recovery of benefits;
5. Clarifies in subsection 7 that this section does not apply to claims originating with DHHS;
6. Changes in subsection 8 "must" to "may" concerning title companies recognizing the notices. Further, a title company is not liable for claims that they are not made aware of by the beneficiaries; and
7. Amends subsection 9 to provide that under certain circumstances a person dealing with a beneficiary of a deed upon death has the same rights and protections as the person would have if the beneficiary had been named as a distributee of the property in an order for distribution of the grantor's estate that had become final.

Chairman Yeager:

Are there any questions from Committee members on Assembly Bill 414 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 414.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 414.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Chairman Yeager:

Before I take discussion, I want to thank Assemblyman O'Neill. I know he has been hard at work with all those who offered opposition testimony, and I believe there is no longer any opposition to the bill. Thank you for doing that hard work this week.

Assemblyman O'Neill:

This goes to prove once again that there is no such thing as a simple bill. I learned the hard way. Thank you for the compliments. It was exciting, plus I wanted to be in competition for the longest amendment.

Chairman Yeager:

Thank you, Assemblyman O'Neill. Is there further discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman O'Neill. We will take Assembly Bill 424 next.

Assembly Bill 424: Revises provisions relating to pretrial release. (BDR 14-374)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 424 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on April 6, 2021 [[Exhibit S](#)]. This bill expresses the intent of the Legislature to discourage courts from imposing bail or a condition of release, or both, on a person in a manner that would cause the person to remain detained because of his or her inability to pay the amount of bail or costs associated with the condition of release. If a court imposes bail or a condition of release, or both, on a person and the person remains in jail because of his or her inability to pay the amount of bail or any costs associated with the condition, or both, the person must be brought before a court within 24 hours after the imposition for the court to review. The imposition of specific amounts of bail for persons arrested for offenses involving domestic violence and violations of certain orders for protection are removed and instead requires courts to determine the custody status of such persons at a pretrial release hearing. This bill removes the provision of law that was found unconstitutional in *Valdez-Jimenez v. Eighth Judicial District Court*, 136 Nev. 155 (2020), where the Nevada

Supreme Court held that requiring an arrested person to show good cause before being released without bail violated his or her constitutional right to non-excessive bail. Existing procedures for releasing persons with bail and releasing persons without bail are consolidated into a standard procedure for courts to follow in making pretrial custody determinations. A court is required to hold a pretrial release hearing to determine the custody status of a person within a reasonable amount of time after the person has been taken into custody. A person has certain rights concerning his or her pretrial release hearing, including the right to counsel, the right to review certain documents in the custody of the prosecuting attorney or the court, the right to present evidence, and the right to cross-examine witnesses. The use of standardized bail schedules is prohibited, and a court is required to determine the amount of bail, if applicable, at a pretrial release hearing.

Assemblywoman Nguyen proposed an amendment revising several provisions relating to pretrial release. The conceptual amendment is on the following pages [pages 2 through 4, [Exhibit S](#)].

Chairman Yeager:

Assemblywoman Nguyen, would you like to hit a couple of the highlights that are in the amendment that appear on the work session document? I think it would be helpful for Committee members.

Assemblywoman Nguyen:

The big one that was contentious that people had concerns about was section 5 of the bill. I apologize for the untimeliness of it. I was working on it all last night, so it went out this morning. With the proposed amendment, it deletes that entire section. This proposed amendment deletes section 5.

Section 8 allows for telephonic review to determine custody status of a person. We are working with the Legal Division of the Legislative Counsel Bureau to figure out how to incorporate it. It allows our rural counties and our courts that do not have as many cases or the financial ability to be able to hold court to be able to do those telephonically. There are amendments that come in line with the language of the *Valdez-Jimenez* case from the Nevada Supreme Court, and it codifies it more specifically using the actual language from that decision.

The one change is the timeliness and promptness of going before a judge if you are arrested within 24 hours. It is something that we are continuing to work on to make sure it is in a better place. It is in a much better place than it was when it started, and I will continue to work with stakeholders as we move through the process.

Chairman Yeager:

Are there any questions from Committee members on A.B. 424 as detailed in the work session document?

Assemblyman Wheeler:

I like the idea of the bill, but these huge unfunded mandates have pushed me out of the way. I will have to go no.

Chairman Yeager:

Are there any further questions for Assemblywoman Nguyen? [There were none.] I am looking for a motion to amend and do pass A.B. 424.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 424.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

We had the prior comment from Assemblyman Wheeler. Is there further discussion on the motion?

Assemblywoman Hansen:

I support this policy. People are innocent until proven guilty and trying to navigate this bail issue has been something I have wrestled with since my first session in 2019. On the policy, I am going to be yes in Committee, and hoping to revisit some of these fiscal issues before the floor. I appreciate the work Assemblywoman Nguyen is doing. I am so impressed with her engagement with so many stakeholders. Maybe this will be the session to get there. Thank you again for the work.

Assemblyman O'Neill:

Ditto.

Chairman Yeager:

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

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

Assemblywoman Nguyen, another floor statement for you.

Assemblywoman Nguyen:

Feel free to share the wealth.

Chairman Yeager:

I will leave it up to you. If you want to designate anybody else to take your floor statements, I will allow you to make that assignment. That takes us to the last bill on the agenda, which is Assembly Bill 425.

Assembly Bill 425: Establishes provisions relating to the criminal forfeiture of property used in or derived from unlawful acts relating to the possession, distribution or use of controlled substances. (BDR 14-483)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 425 was sponsored by the Assembly Committee on Judiciary and was heard in Committee on April 5, 2021 [[Exhibit T](#)]. This bill establishes the Criminal Forfeiture Process Act. The Act governs the seizure, forfeiture, and disposition of contraband and property used in or derived from crimes relating to the possession, distribution, or use of controlled substances, notwithstanding any other provision of law relating to the seizure, forfeiture, and disposition of property attributable to certain crimes that apply to such property or contraband. The bill also repeals the provisions of law which authorize the civil forfeiture of property attributable to certain crimes relating to controlled substances. The Legislature finds and declares that the public policy of this state relating to this Act is to: (1) deter criminal activity by reducing the economic incentives; (2) confiscate property used in violation of the law; (3) disgorge the fruit of illegal conduct; and (4) protect against the wrongful forfeiture of property.

This bill requires: (1) the attorney general to establish guidelines concerning the participation of state or local law enforcement agencies in joint task forces; and (2) the guidelines to be published on the Internet website of the Department of Public Safety. The Peace Officers' Standards and Training Commission may require, as a condition of the certification of each peace officer, the completion of training concerning the procedures in this Act.

There are two proposed amendments to this measure.

1. Lisa Rasmussen, Law Offices of Kristina Wildeveld & Associates, proposed an amendment, which does the following:
 - a. Clarifies that the criminal forfeiture process under this chapter applies to any seizure that includes United States currency of \$5,000 or less; and
 - b. Revises the proposed amendment from Kendra G. Bertschy and John J. Piro by striking the language concerning the value that is subject to forfeiture.
2. Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office, and John J. Piro, Chief Deputy Public Defender, Clark County Public Defender's Office, proposed an amendment, which does the following:
 - a. Revises in section 8 certain provisions that the Criminal Forfeiture Process Act govern by adding "transportation, sale, or trafficking of a controlled substance," and deleting "possession, distribution or use of a controlled substance";

- b. Withdrawn: The proposed change for section 9 is modified by the proposed amendment by Ms. Rasmussen;
- c. Revises section 10 by making conforming changes and by providing that "contraband, real property, or personal property used in or derived from possession or purchasing illegal substances are not subject to forfeiture";
- d. Revises the standard of proof in section 16, subsection 5, paragraph (d), from "a preponderance of the" to "clear and convincing";
- e. Makes conforming changes in section 19, subsections 1 and 2; section 21, subsection 1; and section 35, subsection 1;
- f. Authorizes the court in section 12, subsection 2, to issue a preliminary order for the seizure of the property if the state proves by clear and convincing evidence that the property is subject to forfeiture;
- g. Revises the standard of proof in section 22; section 27, subsection 5; and section 28, subsection 6; and
- h. Provides in section 28, subsection 7, that the prosecuting attorney may not use the information in the petition filed by the innocent owner in the criminal proceeding against the defendant.

Chairman Yeager:

In anticipation for potential questions, I want to address a couple of things. One of the concerns that was raised at the hearing was how to value property and how you would determine whether something would be subject to this procedure or the other asset forfeiture procedure. I think one of the amendments says that if a deal is with currency and it is \$5,000 or less, then you get this process. If it is not currency but some other piece of property, then it would go through the normal process and you would not have those concerns about how and who is going to put a value on an item that is sought after to be forfeited. I believe that with the absence of the public defenders—I cannot remember if they were in support, opposition, or neutral—but I believe they are satisfied with the amendment. I think law enforcement and prosecutors still maintain their opposition even with the amendment. Obviously, if the bill goes forward, they will continue to work on that in the Senate.

Are there any questions from Committee members on Assembly Bill 425 as detailed in the work session document? [There were none.] I am looking for a motion to amend and do pass A.B. 425.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 425.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMAN O'NEILL VOTED NO.)

I will assign the floor statement to Assemblywoman Bilbray-Axelrod. We will take public comment at this time.

Tonja Brown, Private Citizen, Carson City, Nevada:

On behalf of the Advocates for the Inmates and the Innocent, we are extremely thankful and appreciative to all the sponsors and members of Judiciary for bringing these bills forward. You have put a tremendous amount of time and energy into these bills, and for that we are forever grateful.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I am the sister of Thomas Purdy, who was killed by Reno police and the Washoe County Sheriff's Office during a mental health crisis. Some of the things my brother told the sheriffs when they had him hog-tied during the medical evaluation that he got by NaphCare—that has had umpteen amounts of lawsuits against them and the jail decided to renew their contract after 14-plus deaths and lawsuits—was he could not breathe. She asked him why he could not breathe. After being tied up like an animal for 40 minutes, no one could probably breathe, but my brother actually had had a collapsed lung and divulged to them that he had had major lung surgery. They tried to tell my family that my brother was out of control and that he died from excited delirium.

As you know, I have been following the trial of George Floyd's murderer, Derek Chauvin, and there are ten symptoms of excited delirium. To fit the criteria, you have to have at least six of them. My brother exhibited one. He was sweating profusely, but he had a sweatshirt on and had been hog-tied for 40 minutes. People think about officer-involved deaths and they think just shooting, but there have been over 6,000 people who have died because of police vehicle pursuit deaths. Those are not just the people they are chasing. On February 22, 2020, 30-year-old Jacob Randall Edwards died in a vehicle accident because Sparks police were chasing another individual. Jacob was born in Gainesville, Florida, to Mark and Judy Edwards. Jacob was a very gifted pianist who had graduated from Douglas Anderson School of the Arts. Music was Jacob's life, and many memories were made as a pianist.

I would also quickly like to mention David Lee Coon, who was killed seven years ago today during a traffic chase by Eureka County Sheriff's Office. I was recently in contact with one of one his family members, and to this day they have received zero documents from the Eureka County Sheriff's Office. Please support bills that promote transparency and accountability from law enforcement. There are many families counting on you.

Chairman Yeager:

Is there any other public comment? [There was none.] I will close public comment.

Committee members, thank you for helping us get through this work session. At this time, I will recess to the call of the Chair and would ask members not to leave the building or go too far, because there is a possibility that we might be coming back to consider other bills either this morning or this afternoon. I do not know if that is going to be the case yet. If you could please stay close and monitor your email. If we do end up coming back for additional bills today, I will let you know by email, text message, and other means. Thank you, Committee, for your hard work so far.

[Recess to the call of the Chair at 10:19 a.m.]

Chairman Yeager:

I will call the Assembly Committee on Judiciary back to order and out of recess [at 11:14 a.m.]. We have all members present. There is an item at the bottom of the agenda that says, "Possible work session on measures previously considered" can be added to the agenda, and that is what has happened here today. There was not a revised agenda put out because we were in recess; it is still the same agenda we were working on earlier.

Before we take the last bill today, there are a couple of members who wanted to raise matters.

Assemblyman O'Neill:

I am asking for a motion to be presented to you. I would like time. This bill was not on the agenda at all. I understand that it can come up in the future, but there are large, multipage amendments. We just got notified 15 or 20 minutes ago to get back here to start considering Assembly Bill 286. To me, this is no way we should be conducting business on such an important and serious bill. I appreciate parts of this bill. I truly do. But at the end of the day, it is a Second Amendment right that can be lost due to part of this bill. I would ask if we could at least continue until after floor to give us time to get together and read this in total.

Chairman Yeager:

I am not going to recognize that motion at this time. I will note that before we do anything on the bill, we will go through the work session document. We do have the sponsor of the bill and two others on the call to be able to take us through the amendment to answer any questions. Even though you do have a long document in front of you, I think it is only a few items that have been amended from the hearing. I appreciate the request. I am not going to recognize the motion at this time.

Assemblyman Wheeler:

I was going to ask you the exact thing that Assemblyman O'Neill did. We have an 18-page amendment. I understand on deadline day that things move quickly, but for a bill this important, I think the public should also be engaged, which, of course, is not happening here with this quickness going on. I would love to see us come back after floor and give us an hour or so to go over this.

Chairman Yeager:

Before I make any additional comments, let me go ahead and open up the work session on Assembly Bill 286. Before I hand it over to Ms. Thornton, I want to address your request and Assemblyman O'Neill's request and indicate that we are going to consider the bill now. Although the document in front of you is about 18 pages, the only new language being added is the language that you will find in green. We will have a chance to go through it and answer any questions you may have.

Assembly Bill 286: Prohibits certain acts relating to firearms. (BDR 15-21)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 286 was sponsored by Assemblywoman Jauregui and was heard in Committee on March 17, 2021 [[Exhibit U](#)]. This bill makes it unlawful for a person to possess a firearm on a covered premises without the written consent of the owner or operator of the covered premises or an agent thereof after being warned by the owner, operator, or agent that possessing the firearm on the covered premises is prohibited. This bill also prohibits a person from possessing, selling, offering to sell, transferring, purchasing, transporting, or receiving:

- An unfinished frame or receiver unless the person is a firearms importer or manufacturer or the unfinished frame or receiver is required to be, and has been, imprinted with a serial number; and
- A firearm that is not imprinted with a serial number issued by a firearms importer or manufacturer in accordance with federal law and any regulations adopted under certain circumstances.

Assemblywoman Sandra Jauregui proposed an amendment, which does the following:

1. Revises the requirement for posting a sign warning against possessing a firearm on a covered premises;
2. Amends the exceptions regarding persons allowed to enter a covered premises to include an officer of a law enforcement agency or a security officer who is required to carry a firearm as part of his or her official duties and who is acting in his or her official capacity, including the observance of meal or other authorized breaks;
3. Revises the definition of "covered premises" to mean any real property owned or operated by a person that holds a nonrestricted gaming license or affiliates; and
4. Amends the definition of a person who is a firearms importer or manufacturer.

Chairman Yeager:

Before I take questions, I want to give our sponsor of the bill, Assemblywoman Jauregui, and a couple of other representatives on Zoom with us a chance to state what the amendment effectively does in relation to the bill as we heard it in Committee.

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I had many meetings post-hearing with the members and took many of their concerns into consideration and many concerns that we are still working through.

Amendment 1 revises the requirements of the sign. In the original language, you notice there was just verbiage that was needed to be included in a conspicuous space, and it said it only had to be in one-inch block letters. After hearing concerns from the members, we went ahead and stated in the language that you had to post a sign that could not be smaller than 8.5 inches by 11 inches and we designed what the sign must look like and what verbiage must be included and specified that it must be posted at every single public entrance to a covered premise that opts in to this policy.

We also spoke with our law enforcement officers and took their recommendation that they wanted to include "in observance of meal or authorized breaks." The language already stated that if they were acting within the scope of their work, they were allowed to be on the premises. They wanted to make sure that their 15-minute breaks and lunch breaks were also covered. We were happy to accommodate that request.

We revised the definition of "covered premises" to include only those that have non-restricted gaming licenses and their affiliates. That would limit the people who could opt in to this policy. Also, in the ghost gun portion, we further defined who an importer or manufacturer was to clear up that it would be illegal not just for a manufacturer to sell a ghost gun to an individual, but to sell it to another manufacturer as well.

Those were the only four amendments we made to this bill post-hearing. Thank you for the opportunity.

Chairman Yeager:

Just to confirm, are those the items that appear in the green language in the amendment?

Assemblywoman Jauregui:

Yes, Chairman Yeager, they are.

Chairman Yeager:

Are there questions from the Committee members?

Assemblyman O'Neill:

I want to thank Assemblywoman Jauregui for working on this; I think she has come a long way. In dealing with the officers, are you still talking about only on-duty officers? How about off-duty officers who carry a firearm, particularly officers visiting from out of state who are tourists that have H.R. 218 [Law Enforcement Officers Safety Act of 2004] privileges? Is there any amendment that you would consider to allow them?

Assemblywoman Jauregui:

I recall your asking this question during the hearing and the answer is the same. We are not changing anything that is current policy. Right now, an off-duty officer cannot be on private premises that have a no-firearm policy, whether or not they are an officer who happens to be off-duty or have a concealed-carry weapon. We do not want to change what the current practices are; we are only strengthening it by adding teeth.

Assemblywoman González:

I am prepared to vote this bill out of Committee today; however, I want to get on the record the concerns my colleagues and I addressed to you relating to the enforcement of this bill. I want to confirm and get on the record that you commit to address these concerns.

Assemblywoman Jauregui:

Your concerns are critically important ones. I have worked with you and your colleagues and I am going to continue to work with you and your colleagues. You have my commitment that I will work with you and your colleagues and those in this Committee and the Assembly members outside of this Committee to address all of your concerns while still keeping with the intent of the bill that is to reduce gun violence on the Strip, which we can all agree is a priority. You have my commitment as your colleague.

If it is okay with you, Chairman Yeager, I would like to turn it over to Ms. Molino so she can weigh in on our commitment to work with this Committee as well.

Ayesha Molino, Senior Vice President, Government Affairs, MGM Resorts International:

You have our commitment that we will continue to work with Assemblywoman Jauregui as well as all the members of the Assembly and this Committee on finding a solution to the very important concerns that have been raised.

Chairman Yeager:

Are there additional questions at this time? [There were none.] I am looking for a motion to amend and do pass A.B. 286.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 286.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Hardy:

I appreciate the work that has gone into this and some of the amendments. There are still some questions I have, and I want to spend some time reading this in hopes that maybe there can be some more work done on this. I will be a no right now because I want to spend more time with it, but I do appreciate the work that has been done.

Chairman Yeager:

Again, I will remind Committee members, not just on this bill but on anything we hear in work session, I would expect that you all would review the amendments once they come out before it gets amended on the floor. Obviously, you reserve your right to change your vote and my only request would be that you let me know before we take the vote on the floor so there are no surprises. Is there any further discussion on the motion?

Assemblywoman Summers-Armstrong:

I appreciate your courage in bringing this bill forward. I have no issues, as we have discussed, with the ghost gun portion of the bill. My concerns lie with the lack of verbal notice to visitors who are open carrying or who are discovered to be concealed carrying as they are coming on the property—specifically, how this legislation could impact the Black community and other communities of color. I have had several opportunities to speak with you. You have assured me that this particular issue of verbal notice will have discussions beginning Monday of next week. I want to make it clear on the record that the issues I am concerned about have to do with verbal notice, so we can make sure those people who may not see a sign or may not understand the full import of the sign can at least have some conversation.

I think so many issues that have to do with how we interact with one another when we do not speak to one another, when we do not have conversation, when we omit that portion of our interactions as humans, lead to confusion. I do not want anyone to be at risk, but I think there are opportunities for those who are professionals at these large hotels and holders of full casino privileges. They have opportunities, and I would like to see that happen so we do not have people inadvertently end up in the criminal justice system, since the first trespass under this would be a misdemeanor.

Assemblyman Wheeler:

I think I have spoken until I am blue in the face on this bill. I think I will just hold my comments until floor.

Chairman Yeager:

Thank you, Assemblyman Wheeler. It sounds like there could be an additional amendment before we get to that point. Maybe that will satisfy additional concerns. I think the sponsor has indicated that she will keep working on it after today.

Is there additional discussion from Committee members 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 Jauregui and thank you for your willingness to keep working on this bill past today's deadline.

That will close our work session. Committee, a lot of hard work goes into this work session document and getting us ready. Members, you have a role to play in getting us through these agendas, but I wanted to recognize our staff who work a lot harder than all of us know. In particular, this week, our staff that we have here in Committee—Ms. Thornton; Mr. Wilkinson; our committee manager, Ms. Hoffecker; and assisting Ms. Thornton is Ms. Kalina and Ms. Coons as well. I can tell you they have been up at all hours of the night preparing this work session document so we can get through it in a timely manner. I know that because when I text or email them at 1 a.m., they respond immediately. I want to recognize their hard work. If you or members of the public appreciate the way that the Assembly Committee on Judiciary is run, that is a testament to the staff who works really hard, especially in this virtual environment.

I do not want to leave out our committee secretaries. They are behind the scenes, and since we are not in a room together, we do not see them. We have Karyn Werner, Jordan Carlson, and Traci Dory, who has been pulling double duty in covering a lot of these days. I want to thank them. Linda Whimple does our Committee minutes, and Melissa Loomis is our committee assistant. I do not know if we can really do it on Zoom, but maybe a virtual round of applause for all the work they do. I want to say thank you, because it makes my life extraordinarily easy and I think it helps us get through these meetings. I wanted to take that opportunity to say thank you. We do not say it enough, as well as our Broadcast and Production Services staff, who is here every day—it is the voice of God helping us through these meetings. We appreciate you as well.

We are not going to have a Committee meeting on Monday. We only have three Senate bills in our Committee right now that we could hear next week, so I think we will probably try to hear those at some point; I am not sure when. For now, do not plan on a Monday meeting because we will not be here.

I do not anticipate that we are going to take up any additional measures today, but just in an abundance of caution, I am going to recess to the call of the Chair and we will let you know as soon as we can when we adjourn so you are not waiting around for Judiciary. We will see you on the floor as soon as these morning committees are done.

[Recess to the call of the Chair at 11:32 a.m.]

The meeting is adjourned [at 5:22 p.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 for [Assembly Bill 201](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 341](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 440](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 405](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 116](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 132](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 141](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 243](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 251](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 296](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 339](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 342](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Assembly Bill 395](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Assembly Bill 400](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Assembly Bill 406](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Assembly Bill 414](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is the Work Session Document for [Assembly Bill 424](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit T](#) is the Work Session Document for [Assembly Bill 425](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit U](#) is the Work Session Document for [Assembly Bill 286](#), presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.