

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

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

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:53 p.m. on Friday, April 9, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator James Ohrenschall
Senator Dallas Harris
Senator James A. Settlemeyer
Senator Ira Hansen

COMMITTEE MEMBERS ABSENT:

Senator Keith F. Pickard (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nicolas Anthony, Counsel
Gina LaCascia, Committee Secretary

OTHERS PRESENT:

Tracey Eglet, Eglet Law

CHAIR SCHEIBLE:

Today's work session is now open, and we will start off with Senate Bill (S.B.) 6.

SENATE BILL 6: Revises provisions governing orders for protection against high-risk behavior. (BDR 3-394)

PATRICK GUINAN (Policy Analyst):

This is a Committee bill brought on behalf of the Nevada Supreme Court, and the Committee first heard it on April 8 as referenced in the work session document ([Exhibit B](#)).

Senate Bill 6 removes the ability of a family or household member to file an application for an extended protective order, and custody of a firearm is removed from the list of factors a court may consider when determining if a person poses an imminent risk to themselves or others. Courts may consider additional information to that contained in an application for an order and are not required to hold a hearing on an application. The bill also provides that a firearm must be surrendered to the law enforcement agency of the officer who filed the application for the order, and the adverse party must supply a receipt for the surrender to the court within one business day. Upon the dissolution of or expiration of an order, the court must issue an order for the return of any surrendered firearm, and a law enforcement agency must return the firearm within 30 days. A court is required to dissolve an order if all parties stipulate, rather than agree, to the dissolution on a finding of good cause.

Provisions governing hearings held by telephone are revised and, if certain conditions are met, a court is authorized to issue an extended order in lieu of determining whether to issue a temporary order. The term "ex parte order" is replaced with "temporary order," and the new term must be interpreted in the same manner as the previous one for judicial interpretations entered before this bill becomes effective. Finally, provisions requiring a court to supply certain information to the adverse party or family or household members who file an application and to assist in other ways regarding an application are removed.

An amendment attached to [Exhibit B](#) was discussed with various stakeholders and presented by Senator Scheible. This amendment changes "temporary" to "emergency" and replaces "ex parte" in statute for the purposes of this bill.

The amendment retains the ability of a family or household member to file an application for a protective order but requires a showing of imminent risk to the person or others. It also removes the distinction between an ex parte order and an extended order and instead requires a single application for an order for high-risk protection.

This bill adds a requirement to include any supplemental documents or information to existing requirements for an application. Lastly, the bill establishes procedures for a hearing on an application, including: a hearing must be held within one judicial day of the application filing; a court may issue an emergency or extended order, schedule a future hearing or dismiss the application; a court may hold a telephonic hearing on an application filed by a law enforcement officer; and a court is prohibited from issuing an extended order at a telephonic hearing.

The amendment states that if an emergency order is issued: it expires no longer than seven days after filing of an application; a court must hold a hearing during this time period to determine whether to issue an extended order, unless the emergency order dissolved prior to the deadline; and a court may extend an emergency period for seven days to effectuate service of an order or for good cause shown.

The amendment further states that if a court schedules a future hearing, it must be held within seven days of an application filing, and a court may issue an extended order under certain circumstances.

Lastly, the amendment states that if an extended order is issued at a hearing, it expires not later than one year after issuance.

CHAIR SCHEIBLE:

For clarification, this is the same amendment we reviewed yesterday as a Committee.

SENATOR SETTELMAYER:

I know the National Rifle Association is in opposition even if things were changed, but the concern of my constituents is something District Judge Linda Bell stated on the record she was okay with—the concept of leaving it at 14 days. I do not have a problem with the bill, I want to support it. I do have a question about the concept of waiting an additional 15 days to return someone's property to them. If you would allow, as far as the amendment, what District Judge Bell indicated is okay, which is leaving it at 14 days, you should have a unanimous vote from this Committee for this bill. I do not want to be partisan. I want to support it but would like it to have the amendment be 14 days and left at that.

CHAIR SCHEIBLE:

District Judge Bell also mentioned the original reason for switching that number to 30 days instead of 14 days was at the request of law enforcement. They were having trouble with the process of turning property over in less time and needed the 30 days to do so. I will not entertain a conceptual amendment today on that number without consulting law enforcement, but I will remain open to it. I understand that this is not what you are asking for, but with that information you can make a decision. I am open to discussing it further but not open to making that change today.

SENATOR SETTELMAYER:

District Judge Bell indicated if they were talking to 2 or 3 people, there was no evidence that they had any problems getting it back in that timeframe—everybody would like more time. I was hoping we could find a compromise, but I understand.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 6.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HANSEN AND SETTELMAYER
VOTED NO.)

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CHAIR SCHEIBLE:

I reiterate my willingness to continue to discuss the bill. We will now move to the work session on S.B. 22.

SENATE BILL 22: Revises provisions governing deductions from the individual account and wages of an offender. (BDR 16-262)

MR. GUINAN:

This Committee bill was brought on behalf of the Department of Corrections (DOC), first heard by this Committee on March 4 and referenced in the work session document ([Exhibit C](#)).

Senate Bill 22 revises provisions governing deductions from the individual account and wages of an offender. It revises the order of priority of deductions the Director of DOC may make from an offender's personal account within the Prisoner's Personal Property Fund or from an offender's wages to comply with the Nevada Constitution such that deductions for victim restitution are prioritized over deductions for the Fund for the Compensation of Victims of Crime.

The bill also reorders the priority of several other deductions in slightly different ways depending upon whether the deduction is taken from an offender whose hourly wage is equal to or greater than the federal minimum wage or is less than the federal minimum wage. In each instance where the priority of deductions is reordered, the bill retains the Director's discretion to determine a reasonable amount for the deduction, in some cases requiring the approval of the Board of State Prison Commissioners prior to implementation.

An amendment proposed by Senator Scheible on behalf of the Committee is attached to [Exhibit C](#). The amendment retains the new order of priority for deductions contained in the original bill that the Director may take from an offender's personal account or from an offender's wages. However, it provides that the Director may deduct no more than 25 percent of any single deposit to an offender's individual account and no more than 50 percent of any single deposit from the wages earned by an offender.

Additionally, the amendment requires the Director to provide an account statement broken down by month to each offender detailing the total amount in the account, the amount and date of each deduction, reason for the deduction and the amount of any debts owed by the offender, including any outstanding restitution. These statements are to be provided to the offender at no charge twice a year. Finally, the Director is to maintain a package program for each offender that is exempt from deductions and may only be restricted under certain circumstances and at the Director's discretion in relation to disciplinary segregation, administrative segregation or medical reasons.

CHAIR SCHEIBLE:

This amendment does represent a consensus between DOC, Return Strong and the American Civil Liberties Union that are all somewhere between neutral and supportive of this amendment. It does reflect the best compromise of the parties.

SENATOR SETTELMAYER:

Much of this is to make sure we are in compliance with Marsy's Law in that the victims are entitled to a full and timely restitution, and I appreciate your amendment in trying to find a balance to this. Would the concept of the 50 percent potentially place DOC in jeopardy?

NICOLAS ANTHONY (Counsel):

In reviewing the bill, it would comport with the intent and the provisions of Marsy's Law and under the Nevada Constitution.

SENATOR SETTELMAYER:

I am not too comfortable with it, but I do support the bill.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 22.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:

We will now move on to the work session on S.B. 94.

SENATE BILL 94: Revises provisions relating to public highways, roads and ways. (BDR 15-440)

MR. GUINAN:

This bill is sponsored by Senator Settlemeyer, and the Committee first heard it March 2 as referenced in the work session document ([Exhibit D](#)).

Senate Bill 94 revises provisions relating to public highways, roads and ways. It adds the term "public way" to statute and defines the term in relation to access to such public ways in this State. The bill also provides it is not a nuisance for an owner of private property upon which certain highways, roads or ways are located to post a sign indicating that the property is private so long as the owner also posts a sign indicating that the public may access the road or way.

A property owner who suffers damage or injury due to the public's use of such a road or way may bring a civil action for actual damages and attorney's fees.

A private property owner may erect a gate or fence across such a road or way after applying for and getting approval from the governmental agency that has jurisdiction over the road or way. The governmental entity must determine that such a gate or fence would not greatly inconvenience the traveling public prior to approval. The bill also sets forth the requirements concerning such fences and gates and provides that it does not constitute a public nuisance or violate existing law against obstructing a road, street or alley.

Senator Settlemeyer has proposed a conceptual amendment which is attached to [Exhibit D](#). The amendment replaces the bill drafted and instead adds new language to section 1 providing that an unlocked gate does not, in and of itself, constitute a nuisance.

SENATOR HANSEN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 94.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:

We will now move to the work session on S.B. 143.

SENATE BILL 143: Revises provisions relating to the care of children.
(BDR 15-721)

MR. GUINAN:

This bill relates to the care of children and is sponsored by Senator Harris and Assemblywoman Alexis Hansen. The bill was first heard by this Committee on March 8 and is referenced in the work session document ([Exhibit E](#)).

Senate Bill 143 revises provisions relating to the abuse, neglect and endangerment of a child, the negligent treatment or maltreatment of a child and

the circumstances under which these terms may apply to a person who is responsible for the safety or welfare of a child. The bill prohibits a person who is responsible for a child from permitting the child to be placed in a situation where the child is "likely to"—rather than may—suffer physical pain or mental suffering due to abuse or neglect.

Similarly, the bill revises the circumstances under which negligent treatment or maltreatment of a child occurs by adding and defining the term "neglectful supervision" to mean the neglect or refusal to provide necessary care or control when able to do so. The term does not include—and a person does not commit abuse, neglect or endangerment by—allowing a child who is of sufficient maturity, physical condition and mental ability to avoid substantial risk of harm to engage in certain "independent activities" alone or with other children. These activities include travelling to or from school or other nearby commercial or recreational facilities on foot or bicycle, playing outside and remaining home unattended.

In consultation with stakeholders, Senator Harris and Assemblywoman Hansen have proposed a conceptual amendment that is attached to [Exhibit E](#). The amendment replaces the content of the original bill entirely and makes the following changes: it expresses legislative intent; it removes all references to "neglectful supervision" in section 1; it creates a new section 2 and adds a new subsection 2, paragraph (c) defining "independent activities" to *Nevada Revised Statutes* (NRS) 432B.020.

It also amends section 2, creating a section 3, and makes the following changes to section 2 of the bill: restores "because of the faults and habits of" in subsection 1, paragraph (c); deletes definitions of "blatant disregard," "negligent supervision" and "independent activities" from subsection 2; and removes all references to "neglectful supervision."

SENATOR SETTELMAYER:

Can someone let the Committee know if the district attorneys' concerns have been addressed with the amendment language?

SENATOR HARRIS:

I do not feel comfortable representing the position of the district attorneys on the record. I do understand that they had some concerns with some of the changes we were making in the criminal provision, and most of those changes,

as you can see in the amendment, have been stripped out. This leaves that portion mostly intact, but I cannot represent their position on the record today.

CHAIR SCHEIBLE:

I will add that John Jones from the Nevada District Attorneys Association shared these words with me, "we are happy."

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 143.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:

We will now move to the work session on S.B. 164.

SENATE BILL 164: Revises provisions relating to victims of human trafficking.
(BDR 15-57)

MR. GUINAN:

This bill is sponsored by Senators Scheible, Harris and Ohrenschall and was first heard by this Committee on March 30 as referenced in the work session document ([Exhibit F](#)).

Senate Bill 164 revises provisions relating to human trafficking. It provides that any person who is a victim of human trafficking as defined in the bill is immune from civil or criminal liability for several prostitution-related crimes the person may have committed as a victim of human trafficking. A law enforcement officer is prohibited from arresting or issuing a citation to a person who reasonably appears to be a victim. If a person is arrested and later determined to be a victim, the charges must be dropped and the person released unless the person has been charged with other offenses that were not committed in the person's capacity as a victim.

Law enforcement officers, prosecutors and courts are to refer victims to available local resources, programs or services and notify the appropriate division of the Department of Health and Human Services concerning the victim, depending on the victim's age and whether the victim is a vulnerable person. The bill also exempts an arrested person who is subsequently determined to be a victim of human trafficking from the requirement to be tested for exposure to the human immunodeficiency virus.

These provisions apply to offenses committed on or after October 1, generally, and before October 1, in the case of a person who has not been convicted before that date.

Senator Scheible has proposed an amendment which is attached to [Exhibit F](#). This amendment would replace all sections of the bill with new language requiring an interim study be conducted concerning sex trafficking in this State.

CHAIR SCHEIBLE:

It is clear from my presentation of S.B. 164 and the testimony from all parties that many stakeholders are invested in fighting human trafficking in Nevada. Everyone realizes that we need to use a victim center but also use a data-driven approach. I want everyone to know that in the weeks since we heard the bill, I have worked long and diligently with law enforcement, the Las Vegas Metropolitan Police Department, the Nevada Sheriffs' and Chiefs' Association, the Sex Workers Alliance of Nevada, the Cupcake Girls and the Coalition to End Domestic and Sexual Violence. We learned that we are not at a place yet where we could implement or agree on policy. There are more conversations yet to be completed and more information that needs to be shared. This is why I am proposing to turn this bill into a study in which all the organizations and stakeholders are now in support of S.B. 164.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 164.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:

We will now move to the work session on S.B. 165.

[SENATE BILL 165](#): Establishes provisions relating to Esports. (BDR 41-562)

MR. GUINAN:

This bill is sponsored by Senator Ben Kieckhefer which the Committee first heard on March 17. The bill establishes provisions relating to Esports and is referenced in the work session document ([Exhibit G](#)).

Senate Bill 165 creates the Nevada Esports Commission within the Department of Business and Industry to regulate Esports, which is defined as "a contest of multiple players using video games." The bill sets forth the qualifications and duties of the Commission which is to consist of three members appointed by the Governor. Each member serves a four-year term, and the Governor designates a chair from among the commissioners who is to serve a two-year term. The Governor also appoints an executive director who serves at the Governor's pleasure. The Commission is to adopt regulations necessary to govern Esports in Nevada for both hosts and participants of Esports contests.

Senator Kieckhefer proposed a conceptual amendment at the initial hearing on the bill, which is attached to [Exhibit G](#). This amendment would revise the makeup of the Commission to expand the membership to five commissioners who would loosen the technical qualifications of commissioners and remove the prohibition on commissioner interest in Esports enterprises. It would require the commission to appoint a Technical Advisory Committee (TAC) consisting of Esports professionals from various areas within the industry including broadcasters, event organizers, judges, players, publishers, teams and anyone else deemed appropriate by the Commission. The TAC would also provide recommendations to the Commission on Esports standards and sanctioning thresholds for incorporation into regulations to be promulgated by the Commission. Members of the TAC serve without compensation.

The amendment will also remove the \$1,000 threshold for sanctioning of events by the Commission and leave sanctioning decisions up to the Commission. It will clarify that the Commission has approval authority when considering applications for registration. This would also extend the effective date of the legislation to July 1, 2022, to give the Commission a full year to complete its initial work.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 165.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HANSEN VOTED NO.)

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CHAIR SCHEIBLE:

The next bill on our work session is S.B. 166.

SENATE BILL 166: Revises provisions relating to crimes motivated by certain characteristics of the victim. (BDR 15-246)

MR. GUINAN:

This bill is sponsored by Senator Scheible and was first heard by this Committee on March 15. The bill revises provisions relating to crimes motivated by certain characteristics of the victim and is referenced in the work session document ([Exhibit H](#)).

Senate Bill 166 removes a provision from law which requires that, for certain penalty enhancements to apply to felonies committed because of characteristics of the victim including race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression, the perpetrator must not share those characteristics with the victim.

Instead, this bill provides that the perpetrator may be punished by an additional penalty if the crime was committed based on the characteristics of the victim, which makes the standard for these crimes the same as the standard that applies in misdemeanor cases.

Senator Scheible has offered an amendment that is attached to [Exhibit H](#). This amendment would add to the list of crimes to which the bill applies including those found in NRS 202.448, which are making threats or conveying false information regarding terroristic threats and so on. The amendment also applies to NRS 392.915 which includes threatening a pupil or school employee with bodily harm. It would add those crimes to the statutory cause of action for

damages resulting from certain criminal violations if the person was motivated by certain characteristics of the victim.

CHAIR SCHEIBLE:

I would like to clarify for the Committee that this is the same conceptual amendment presented at the time we heard the bill.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 166.

SENATOR CANNIZZARO SECONDED THE MOTION.

SENATOR HANSEN:

Since everyone is considered equal in the eyes of the law, all victims should be treated equally in the eyes of the law as well. I will vote no.

SENATOR OHRENSCHALL:

You have made some compelling arguments for the legislation, and I will be supporting it today out of Committee. I still have some concerns based on the opponents' testimony at the hearing and will reserve my rights.

THE MOTION PASSED. (SENATORS HANSEN AND SETTELMAYER
VOTED NO.)

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CHAIR SCHEIBLE:

We now go to the work session on S.B. 203.

SENATE BILL 203: Revises provisions relating to civil actions involving certain sexual offenses against minors. (BDR 2-577)

MR. GUINAN:

This bill revises provisions relating to civil actions involving certain sexual offenses against minors and was sponsored by Senator Marilyn Dondero Loop. The Committee first heard this bill on March 23 as referenced in the work session document ([Exhibit I](#)).

Senate Bill 203 eliminates the statute of limitations to commence a civil action to recover damages for sexual abuse or exploitation that occurred when the plaintiff was less than 18 years of age and for injuries suffered by a victim of pornography involving minors. It also provides that a person who employed, supervised or had responsibility for the person who was convicted of a crime of sexual abuse or exploitation of the plaintiff is liable in a civil action if certain conditions are met, and the person who gained a benefit from or covered up the sexual abuse or exploitation is liable for treble damages.

In consultation with stakeholders, Senator Dondero Loop has proposed an amendment that is attached to [Exhibit I](#). The amendment suggests the following: delete the definition of sexual contact from section 1, subsection 3; and replace subsection 2 in section 2, with federal statutory language—an individual who is a victim of sexual abuse or exploitation may bring a civil action against the perpetrator—or whoever knowingly benefits financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter—and recover damages and reasonable attorneys' fees. The mere rental of a hotel room shall not constitute proof of a benefit in any establishment having 200 or more rooms.

It will also amend section 2, subsection 3 to add that a person who is liable had to have "knowingly participated." A person liable to a plaintiff under subsection 2 and who knowingly participated, gained a benefit from or covered up the sexual abuse or exploitation of the plaintiff is liable to the plaintiff for treble damages. Further, the amendment adds a sentence to the end of this section: Provided that the mere rental of a hotel room shall not constitute proof of a benefit in any establishment having 200 or more rooms.

Lastly, the amendment adds a new section that limits the liability created in section 2 to a 30-year statute of limitations.

CHAIR SCHEIBLE:

This amendment does reflect a consensus of the parties, and we have two people with us today to answer any questions the Committee may have.

SENATOR SETTELMAYER:

With regard to the concept of the 200-room limitation in the amendment, if you are an owner of a smaller establishment, say 150 rooms, the concept of just renting the room makes the owner liable?

TRACEY EGLET (Eglet Law):

It has been determined that the type of hotels where these victims are being taken are the smaller hotels—not the ones that would fall into the category of the casino strip or the resorts, which all have more than 200 rooms. This is where we feel we will get the most benefit, and it is a good start.

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 203.

SENATOR CANNIZZARO SECONDED THE MOTION.

SENATOR HANSEN:

I am as aggressive as anyone in trying to eliminate this problem, but I am uncomfortable since this is a civil action. The burden of proof is minimal—just the preponderance of the evidence; to open this up to an unlimited timeframe seems excessive. A 20-year limit seems much more reasonable, so while I am anxious to see those types of people prosecuted, the civil action side of it makes me uncomfortable on the openendedness. I will vote no.

THE MOTION PASSED. (SENATORS HANSEN AND SETTELMAYER VOTED NO.)

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CHAIR SCHEIBLE:

This takes us to our next work session on S.B. 218.

SENATE BILL 218: Makes various changes relating to property. (BDR 10-74)

MR. GUINAN:

This bill makes various changes related to property which is sponsored by Senator Julia Ratti. The Committee first heard the bill on March 24 as referenced in the work session document ([Exhibit J](#)).

Senate Bill 218 revises several provisions relating to residential rental property and landlord and tenant responsibilities. It establishes independent definitions of "security deposit" and "cleaning deposit," revising how each of those deposits are to be handled upon the initiation and termination of tenancy. The bill creates a mechanism whereby a landlord and tenant may agree to an inspection of the premises prior to a tenant terminating a rental agreement so the tenant may remedy any deficiencies that may cause a deduction from a security deposit and sets forth provisions governing this process. It shortens the time period allowed for the return of a security deposit from 30 days to 21 days and authorizes a tenant to file a complaint for expedited relief for the return of a security deposit. The definition of "normal wear" is revised to include deterioration that occurs without any fault of the tenant. A grace period must be included in rental contracts for late rental payments, and a landlord is prohibited from charging a late fee until the grace period expires.

The agreed upon rental amount must be disclosed in writing and printed clearly on any rental agreement. Additionally, rental agreements may not impose any fee, fine or cost not expressly authorized in statute, and a landlord may not charge a fee for the submission of a rental application. An agent who serves eviction notices on behalf of an attorney retained by a landlord may not be the property manager of the premises in question. A rental agreement entered into before this bill becomes effective is binding and may be enforced regardless of the provisions of this bill.

Senator Ratti has proposed a conceptual amendment that is attached to [Exhibit J](#). Section 5 provides that a security deposit may be applied for cleaning if the unit is financed by a governmental agency.

Section 6 provides that a landlord may not charge a fee for more than one rental application at a time and only for the actual cost of a background check.

Section 7 removes the procedure by which a tenant can request an inspection of the premises prior to the termination of a tenancy.

Section 10 provides that fees, fines and costs must be disclosed prior to signing the rental agreement or the tenancy commencing, printed on the first page of any lease and cannot be increased without a written 45-day notice.

Section 12 provides that a rental agreement may not require payment of any fee, fine or cost unless actual costs are authorized by statute.

Section 13 provides that a security deposit may be applied for cleaning if the unit is financed by a governmental agency and no cleaning deposit was charged; that a landlord may claim the cleaning deposit but no other amounts for cleaning, that a landlord must provide an itemized accounting of a security deposit and return the remainder no later than 28 days after termination and that failure to do so results in liability for the entire deposit and waiver of claim to the deposit.

Section 13 removes the procedure by which a tenant can file a verified complaint for expedited relief for a security deposit. It also removes the "clear and convincing" standard of proof in actions relating to deposits and the requirement of three written estimates.

Section 14 provides that a change in property management necessitates notice to tenants that deposits have been transferred and no new deposits are required. Section 24 provides that an agent of an attorney may not be a property manager of any property in the State.

In addition, the more recent amendments relate to section 6, which revise that section as follows:

A landlord shall not charge a fee for the submission of a rental application other than for one tenant or group of prospective cotenants for one available unit at a time. The fee must not exceed the direct and actual costs of the landlord, excluding personnel time and administrative costs.

In section 10, subsection 5, paragraph (b), after "45 days," the amendment adds "in the case of any month to month tenancy, or 15 days, in the case of any week to week tenancy."

Section 14, subsection 4 strikes "immediately upon transfer" and replaces it with "within 7 business days."

Section 13, subsection 6 replaces the phrase "6 months" with the phrase "8 months."

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Section 28 is added to amend NRS 73.012 as follows: "Representation of nongovernmental legal or commercial entity by its director, officer or employee and agent of the landlord." Subsection 1 shall read as:

A corporation, partnership, business trust, estate trust, association or any other nongovernmental legal or commercial entity may be represented by its director, officer or employee in an action mentioned or covered by this chapter.

Subsection 2 shall read as, "A landlord may be represented by landlord's agent in an action mentioned or covered by this chapter."

SENATOR HANSEN:

There are some aspects of this bill that I like but some I am not sure of. I was a strong "no" on the original bill, but most of it has been cleaned up. However, I will be voting "no" reserving the right to change my vote as this bill goes a long way in a positive direction. Some abuses by landlords over the years are documented.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS AS AMENDED S.B. 218.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HANSEN AND SETTELMAYER VOTED NO.)

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CHAIR SCHEIBLE:

We are now on the work session for S.B. 219.

SENATE BILL 219: Revises provisions relating to offenses. (BDR 14-249)

MR. GUINAN:

This bill was sponsored by Senator Cannizzaro and revises provisions relating to offenses. The Committee first heard this bill on April 2 as referenced as work session document ([Exhibit K](#)).

Senate Bill 219 removes the court's authority to suspend a driver's license or prohibit a defendant from applying for a driver's license as the result of any delinquent fine, administrative assessment, fee or restitution the defendant owes.

In regard to suspensions or delays imposed for the reasons named above, as of October 1, the Department of Motor Vehicles (DMV) must reinstate the driver's license of a person who is subject to a suspended driver's license or the ability of a person to apply for a driver's license, who is subject to a delay in the issuance of a license, and it must notify the person of this change as soon as possible. The DMV may not charge a fee for reinstatement of a license or require a person to undergo any physical or mental examination to be eligible for reinstatement of a license.

There are no amendments to S.B. 219.

SENATOR HANSEN:

Does this bill in any way impact child support suspensions? Nevada law allows suspension of a driver's license if the person is delinquent in child support payments.

SENATOR CANNIZZARO:

This is a different statutory provision that deals with nonpayment for court cases, which is not the same as the child support mechanism.

MR. ANTHONY:

Senator Cannizzaro is correct. Child support provisions are separate and apart. This bill would apply to any fee, fine or administrative assessment relating to the underlying action.

SENATOR HANSEN:

I agree completely with Senator Cannizzaro, but I am uncomfortable with getting rid of the discretionary aspect where a judge can suspend it when the person willfully cannot pay, when they intentionally avoid it, eliminating the idea that a person can use community service for people who have an inability to financially pay for violations of the law. I will be voting "no" on this bill, but I do see some elements that make sense.

SENATOR CANNIZZARO:

I do not necessarily disagree with you Senator Hansen on some of your concerns. With respect to community service, the court has the ability to order community service in lieu of a fine if someone is not able to pay a fine. I would note for the members of the Committee that this bill is still a work in progress as we work with the DMV and the courts to make sure this can be a workable policy.

SENATOR OHRENSCHALL MOVED TO DO PASS S.B. 219.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS HANSEN AND SETTELMAYER VOTED NO.)

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CHAIR SCHEIBLE:

That takes us to the work session on S.B. 317.

[SENATE BILL 317](#): Revises provisions relating to juvenile justice. (BDR 5-1016)

MR. GUINAN:

The Committee first heard this bill on April 8, and it is sponsored by Senator Ohrenschall. It revises provisions relating to juvenile justice as referenced in the work session document ([Exhibit L](#)).

Senate Bill 317 allows an employee of Juvenile Justice Services who has been placed on leave pending the resolution of certain criminal charges to use any accrued sick leave, annual vacation or compensatory time and requires the department to award the employee back pay if the charges are dismissed, the employee is found not guilty or the employee is not subjected to punitive action in connection with the alleged misconduct. The bill specifies that an employee is allowed not more than 180 days to resolve charges against him or her, which begins after arraignment. The bill's provisions apply to an employee who has a charge pending on or after July 1 for an offense allegedly committed before, on or after July 1.

With Senator Ohrenschall's support and with the testimony on the bill from the Nevada Association of Public Safety Officers (NAPSO), a proposed amendment is attached to [Exhibit L](#). The amendment clarifies that the 180-day period to resolve the charges begins after arrest, rather than arraignment, and deletes language allowing an employee to use accrued sick leave, vacation and compensatory time while attempting to resolve charges against him or her.

SENATOR OHRENSCHALL:

The amendment in the work session document is the same one submitted yesterday during the hearing. I do not have a consensus among all parties. We have had productive discussions and have made progress. I am committed to continue working with all the stakeholders on this bill to reach a consensus. I hope the Committee will consider moving this bill forward and allow me to keep working with both sides.

SENATOR SETTELMAYER:

The other concern that came up in testimony was that people charged under NRS 62G cannot be around children. Does this bill correct that part?

SENATOR OHRENSCHALL:

I cannot speak on behalf of NAPSO. My goal with the bill is to make sure an officer is made whole again if that officer is charged and those charges do not result with a conviction because everyone is innocent until proven guilty. As I understand it, while any charges are pending, there certainly is the power for the officer to be removed from work duties. But, I cannot speak for Jack Martin who testified in opposition yesterday. As far as I know, he is opposed to this amendment. I will continue to work with him, get all parties together and move forward.

SENATOR SETTELMAYER:

I have concerns about a bill that may potentially allow an individual to continue working around children with charges pending. I will support the bill out of Committee and then reach out to Mr. Martin to follow up on this particular section as it is my main concern—children's safety.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 317.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HANSEN VOTED NO.)

* * * * *

CHAIR SCHEIBLE:

This brings us to the work session on S.B. 359.

SENATE BILL 359: Provides that certain prohibited acts are also punishable as arson under certain circumstances. (BDR 40-1006)

MR. GUINAN:

This Committee bill was first heard on April 7. It provides that certain prohibited acts are also punishable as arson under certain circumstances as referenced in the work session document ([Exhibit M](#)).

Senate Bill 359 provides that if a fire or explosion occurs as the result of the unauthorized manufacturing or compounding of a controlled substance other than marijuana, the person who has engaged in such unlawful activity is also guilty of arson. Similarly, if a person unlawfully manufactures, grows, plants, cultivates, harvests, dries, propagates or processes marijuana or extracts concentrated cannabis and that activity results in a fire or explosion, the person is also guilty of arson.

In consultation with several stakeholders, Senator Cannizzaro has proposed an amendment today attached to [Exhibit M](#).

The first part of the amendment in section 1, subsection 3 indicates that in addition to any other punishment imposed pursuant to this section, if a person violates any provision of subsection 1 by engaging in the manufacturing or compounding of a controlled substance other than marijuana, or by attempting to do so, and a fire or explosion occurs as the result of such manufacturing or compounding of a controlled substance other than marijuana, or an attempt to do so, the person is guilty of a Category C felony and shall be punished as provided in NRS 193.130.

Section 2, subsection 4 states that in addition to any other punishment that may be imposed pursuant to this section, if a person manufactures, grows, plants, cultivates, harvests, dries, propagates or processes marijuana in violation

of subsection 1 or extracts concentrated cannabis in violation of subsection 3 and a fire or explosion occurs as the result of the violation, the person is guilty of a Category C felony and shall be punished as provided in NRS 193.130.

SENATOR CANNIZZARO:

This amendment clarifies some of the pieces we heard about during the hearing regarding arson and being guilty of a Category C felony.

SENATOR SETTELMAYER:

What is the difference between a Category C felony versus the discussion during the testimony regarding gross negligence?

SENATOR CANNIZZARO:

Gross negligence would be a legal standard to show the type of intent someone had, and the Category C felony is just a punishment category. In NRS 193.130, there are various categories of felonies and gross misdemeanors, and it provides for those punishments. A Category C felony, unless otherwise prescribed in that statute for that particular offense, is a one-to-five-year penalty with the corresponding fine of \$10,000. Ultimately, if someone were manufacturing or attempting to manufacture, there is a separate penalty provided in statute for that particular crime. But if it resulted in a fire or explosion, that would be a Category C felony punishable between one and five years and is at the discretion of the judge.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 359.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:

The work session for today is now closed, and we are adjourned at 3:11 p.m.

RESPECTFULLY SUBMITTED:

Gina LaCascia,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 6	B	1	Patrick Guinan	Work Session Document
S.B. 22	C	1	Patrick Guinan	Work Session Document
S.B. 94	D	1	Patrick Guinan	Work Session Document
S.B. 143	E	1	Patrick Guinan	Work Session Document
S.B. 164	F	1	Patrick Guinan	Work Session Document
S.B. 165	G	1	Patrick Guinan	Work Session Document
S.B. 166	H	1	Patrick Guinan	Work Session Document
S.B. 203	I	1	Patrick Guinan	Work Session Document
S.B. 218	J	1	Patrick Guinan	Work Session Document
S.B. 219	K	1	Patrick Guinan	Work Session Document
S.B. 317	L	1	Patrick Guinan	Work Session Document
S.B. 359	M	1	Patrick Guinan	Work Session Document