MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eighty-second Session
June 2, 2023

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:09 p.m. on Friday, June 2, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Jeff Stone

COMMITTEE MEMBERS ABSENT:

Senator Lisa Krasner (Excused)

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Karly O'Krent, Counsel
Kelsey DeLozier, Deputy Counsel
Pat Devereux, Committee Secretary

OTHERS PRESENT:

Matthew L. Sharp, Nevada Justice Association
Regan Comis, Your Nevada Doctors
Jeff Rogan, Clark County; University Medical Center of Southern Nevada
Dylan Shaver, Empower Nevadans Now
Paul Moradkhan, Vegas Chamber

Tessyn Opferman, Nevada Women's Lobby
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Susan Fisher, Nevada State Society of Anesthesiologists
Laura Martinez, Nevada Disability Prevention Coalition
Jerry A. Wiese II, District Judge, Department 30, Eighth Judicial District
Michael Hillerby, Nevada District Judges Association
John McCormick, Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court
Kathleen M. Drakulich, District Judge, Department 1, Second Judicial District
Buffy Okuma, Court Improvement Program, Nevada Supreme Court
Gwynneth Smith, Chief Deputy District Attorney, Clark County District Attorney's Office
Sean McCoy
Liz Ortenburger, SafeNest
William Horne, SafeNest
Melanie Young, Deputy Administrator, Division of Child and Family Services, Nevada Department of Health and Human Services
Cadence Matijevich, Washoe County
Nick Shepack, Fines and Fees Justice Center

CHAIR SCHEIBLE:
I want to express my appreciation of those who participate in the work of the Senate Committee on Judiciary; Legislators, advocates, representatives of Nevada law enforcement and legal communities, and our staff. Everyone's proactive efforts contribute to productive and valuable outcomes for our Committee. I am especially appreciative of efforts to expound on details of complex measures and provide perspectives. We all depend on you.

I will open up the hearing on Assembly Bill (A.B.) 404.

ASSEMBLY BILL 404 (2nd Reprint): Revises provisions governing civil actions against a provider of health care for professional negligence. (BDR 3-709)

MATTHEW L. SHARP (Nevada Justice Association):
I am here to present an agreed-upon Proposed Amendment 3766 (Exhibit C) to A.B. 404. The issues dealing with medical malpractice are hard-fought and emotional on both sides. We appreciate hospital representatives and doctors for their willingness to negotiate. Sometimes, I tell a client the best deal is the one nobody is happy about. I want to thank this Body for its patience.

The amendment is comprised of three parts. The first concerns increases in caps for pain and suffering damages. The second deals with statute of limitations, and the third deals with attorneys' fees.

Section 2, page 5 of the proposed amendment confirms a limitation of $750,000 on pain and suffering or noneconomic damages. Also, beginning on January 1, 2029, the maximum amount of noneconomic damages must be increased on January 1 of each year by 2.1 percent. The purpose of the provision was to avoid the need for ongoing legislation.

Section 3, subsection 2 addresses the statute of limitations which will, effective October 1, 2023, increase to two years after plaintiffs discover or through the use of reasonable diligence should have discovered the medical malpractice. This represents an increase from one to two years. Another statute of limitation will not change.

Section 3.5 addresses attorneys' fees and is amended to state that no fee shall exceed 35 percent of the amount recovered, defined by statute as "the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim." The Nevada Supreme Court will monitor fee increases and issue reports online.

SENATOR STONE:
I want to applaud doctors, hospitals and the legal community for coming to consensus and making our job easier. The Chair and I have had robust discussions about this bill and where we needed to go. You made the decision and we did not need to. The original bill's provisions for lawsuit filing and prior claims retroactivity has been deleted. Is that correct?

MR. SHARP:
The statute of limitation increase takes effect October 1, 2023.

SENATOR STONE:
Thank you. Some language regarding immediate trauma services awards has not been altered from $50,000 as opposed to the $250,000 contemplated in the original version of A.B. 404. Is that correct?

MR. SHARP:
Correct, the trauma cap remains. There is no retroactivity within the statute of limitations.

REGAN COMIS (Your Nevada Doctors):
We are an advocacy coalition comprised of physicians and hospitals, which ensures that Nevadans have access to quality health care following robust discussions with all parties. We are here in support of the amendment to A.B. 404. The bill as amended provides a reasonable compromise, adjusting the cap on noneconomic damages over time thus ensuring no spikes in health insurance premiums. The amendment also establishes new limits on attorneys' fees and modifies the statute of limitations without causing instability in the healthcare market. These measures provide years of stability and predictability.

CHAIR SCHEIBLE:
I want to clarify: We have received letters in opposition from your members prior to presentation of the proposed amendment, Exhibit C. Has this position been reversed?

MS. COMIS:
That is correct.

JEFF ROGAN (Clark County; University Medical Center of Southern Nevada):
We are subject to sovereign immunity caps of $200,000. The noneconomic damages were not an important issue, but the trauma cap is. We are appreciative of all the parties involved who arrived at a resolution.

DYLAN SHAVER (Empower Nevadans Now):
For the entirety of this Session, my client has tried to maintain the focus of A.B. 404 on the victims of medical malpractice. Some members of the Committee have been gracious enough to meet with victims leading up to this hearing. We support A.B. 404 as amended and express our thanks to all who have worked to support victims of medical malpractice.

PAUL MORADKHAN (Vegas Chamber):
We support the compromise and A.B. 404 as amended.

TESSYN OPFERMAN (Nevada Women's Lobby):
We support A.B. 404 and appreciate efforts to support victims. Women and minorities are particularly affected by noneconomic damage caps.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):
We have been working with a group of individuals over the Interim who have been violated and assaulted by a prominent obstetric and gynecology physician in northern Nevada. We are here on behalf of those victims-survivors.

SUSAN FISHER (Nevada State Society of Anesthesiologists):
We appreciate all the work with stakeholder groups and both sides of A.B. 404; however, we oppose the bill. Nevada anesthesiologists practice under 1991 Medicaid reimbursement rates, and this would result in increased costs.

LAURA MARTINEZ (Nevada Disability Prevention Coalition):
We support A.B. 404.

CHAIR SCHEIBLE:
I will close the hearing on A.B. 404. I would accept a motion to amend and do pass A.B. 404.

SENATOR STONE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 404 WITH PROPOSED AMENDMENT 3766.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
I will open up the hearing on A.B. 15.

ASSEMBLY BILL 15: Prescribes the manner for increasing the base salaries of district judges. (BDR 1-430)

JERRY A. WIESE II (District Judge, Department 30, Eighth Judicial District):
Section 1, subsection 1 of A.B. 15 clarifies the salary of a district court judge is a base pay of $160,000 as provided by S.B. No. 248 of the 74th Session.

Judges have not had a base salary increase or cost-of-living adjustment (COLA) since 2009. Section 1, subsection 2 creates a method by which district court judges would receive COLAs and mirrors increases provided to other elected officials.

The Nevada Legislature passed A.B. No. 462 of the 73rd Session which tied the COLA increases of the Governor, Constitutional Officers and Legislators to the cumulative percentage increase of classified State employees. The language of subsection 2 seeks to apply the same process to district court judges. After four years of service, *Nevada Revised Statutes* (NRS) 3.030 contains a longevity provision for district judges which allows an additional salary of 2 percent for each year of service not to exceed 22 percent of base salary. Court of Appeals judges also receive longevity pay. Nevada Supreme Court justices receive equal benefit for their work on the State Board of Pardons Commissioners.

Since the Nevada Constitution arguably does not permit increases or decreases to judicial compensation during judges' terms, no district court judges would be eligible for the COLA increase unless they are elected or reelected in 2026. Finally, as reflected in the fiscal note submitted by the Administrative Office of the Courts, the bill has no immediate fiscal impact as the first COLAs would not take effect until fiscal year (FY) 2026-2027.

The National Center for State Courts compares the salary of judges across the Country. As of January 2023, the salary of district court judges in Nevada adjusted for cost-of-living ranks the State at forty-fifth. We are the only jurisdiction in the Country not receiving a pay increase in the last three to five years. Assembly Bill 15 would provide parity with the methodology in which State-elected officials receive COLA increases. The Legislature would not need to address judicial compensation in the future. Cost-of-living increases would improve recruitment and retention of quality judges. In comparison with other limited jurisdiction judges in the State, some justice court judges, justices of the peace and municipal court judges earn $20,000 to $30,000 more than district court judges yearly as a starting salary. We request the Committee's support of A.B. 15.

MICHAEL HILLERBY (Nevada District Judges Association):
On behalf of Thomas W. Gregory, District Judge, Department 2, Ninth Judicial District and members of the Association, we support A.B. 15.

JOHN MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court):
We support A.B. 15.

CHAIR SCHEIBLE:
I will close the hearing on A.B. 15 and open the hearing on A.B. 16.

ASSEMBLY BILL 16 (1st Reprint): Prescribes the manner for increasing the base salaries of justices of the Nevada Supreme Court and judges of the Nevada Court of Appeals. (BDR 1-434)

MR. MCCORMICK:
Assembly Bill 16 implements cost-of-living increases for the Justices of the Nevada Supreme Court and the judges of the Nevada Court of Appeals. The bill itself is a little more complicated than A.B. 15 because the elections of Supreme Court justices are staggered. It mirrors the cumulative COLA percentage methodology suggested in A.B. 15. The bill contains an appropriation because three Supreme Court justice seats are slated for the next general election and will realize six months of the increase in FY 2024-2025.

One thing to note is that the adjustment will apply to Supreme Court Justices for two terms and then every six years thereafter. Because the positions have existed since 2015, Court of Appeals judges will be one term and then every six years thereafter. All three Court of Appeals justices were recently elected, so adjustments will not take place until 2029.

DISTRICT JUDGE WIESE:
We support A.B. 16.

KATHLEEN M. DRAKULICH (District Judge, Department 1, Second Judicial District):
I support A.B. 16.

MR. MCCORMICK:
I neglected to express Nevada Supreme Court Chief Justice Lidia S. Stiglich's regrets for not being able to attend today.

CHAIR SCHEIBLE:
I will close the hearing on A.B. 16. I will accept a motion to do pass A.B. 15 and A.B. 16.

SENATOR HARRIS MOVED TO DO PASS A.B. 15 AND A.B. 16.

SENATOR HANSEN SECONDED THE MOTION.

SENATOR HANSEN:
I recall an extensive discussion with former Chief Justice James W. Hardesty concerning problems of retaining quality judges who could earn more money as private sector attorneys. I appreciate and support these measures.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
I will open the hearing on A.B. 148.

ASSEMBLY BILL 148 (1st Reprint): Revises provisions relating to child welfare. (BDR 11-671)

BUFFY OKUMA (Court Improvement Program, Nevada Supreme Court):
The Court Improvement Program (CIP) of the Nevada Supreme Court proposed A.B. 148. Assemblywoman Elaine Marzola, Assembly District No. 21, could not attend today but agreed to sponsor the bill.

The CIP is made up of members and stakeholders of every judicial district in the State which includes judges, child welfare agency representatives, parent and child attorneys, Court Appointed Special Advocates for children, tribal representatives and members of the Legislature. Its focus is on child welfare and improving the court process for families who are in the child welfare system.

Prior to the Eighty-first Session, we formed a CIP Legislative Subcommittee to identify changes that would promote our goals of achieving safety, permanency and well-being for children and families in the child welfare system in a fair and timely manner. The Subcommittee met again this year and invited all with an interest in child welfare. Notably, we only moved forward with unanimously agreed-upon proposed issues and language.

Assembly Bill 148 is the product of eight months of work of this broad group of stakeholders. We had robust discussions and made some compromises but

came to unanimous agreement. With me in Las Vegas is Gwynneth Smith, Chief Deputy District Attorney, Clark County District Attorney's Office. Our stakeholders were engaged and active, and we have submitted Proposed Amendment 3771 (Exhibit D). Initially, we contemplated changing the term hearing master to magistrate. Some judicial officers were concerned about conflicts regarding the term magistrate as it is used in other contexts. Rather than trying to hash it out during this Session, the proposed amendment deletes all sections that would change master to magistrate. We will address the issue during future sessions.

Assembly Bill 148 considers three main topics. The first is the appointment of guardians ad litem for parents. The second is qualified residential treatment programs. The third is placement of children in locked psychiatric facilities.

Regarding qualified residential treatment programs, much of Nevada funding comes from the Children's Bureau, U.S. Department of Health and Human Services, and the federal government.

Several years ago, Congress passed the Family First Prevention Services Act which required the elimination of most congregate care facilities for children in the child welfare system. The only type of congregate care facilities the federal government allows and supports financially are Qualified Residential Treatment Programs (QRTP). Those programs are required to use evidence-based practices and include additional district court hearings in their processes.

Nevada does not have QRTPs, though Clark County is formulating plans for several facilities. Federal funding requires that the language in state law mirror federal law.

Sections 32 through 34 address the appointment of guardians ad litem for parents. Under NRS 432B, if a minor or incapacitated and/or incompetent adult is a party of an action, the appointment of a guardian ad litem is required to help make decisions within that litigation. Notably, we lack a process in statute or in *Nevada Rules of Civil Procedure* for how that appointment is made. We found that appointment procedures in judicial districts vary across the State. In some cases, the differences are significant.

We thought it essential to make clear in a NRS 432B case involving termination of parental rights, guardians ad litem could not take steps to relinquish the

parents' parental rights or to consent to an adoption. If the case involves an incompetent or incapacitated parent, they should go through full guardianship proceedings.

GWYNNETH SMITH (Chief Deputy District Attorney, Clark County District Attorney's Office):
I have worked on cases involving child welfare for the last ten years, specifically cases involving the treatment of children with significant mental or behavioral health diagnoses. These are the most vulnerable children in Nevada, and we need to make sure the systems responsible for their care works as efficient and appropriate as possible.

Sections of A.B. 148 focus on updating laws in place since 2007 and covering children in foster care who are hospitalized for psychiatric treatment. Statutes govern requirements in juvenile dependency court in two situations. Either an acute emergency has occurred or a child poses an imminent risk of harm to himself or herself or someone else and has ongoing behavioral health diagnoses significant enough to require long-term treatment.

As Ms. Okuma stated, A.B. 148 was crafted through a collaborative process from a broad group of stakeholders across disciplines and across the State. I headed the group working on mental health statutes; we had robust participation from children's and parents' counsel, district attorneys, the judiciary officers and child welfare professionals. While we all are struggling to effectively meet the needs of children with serious mental health challenges, the situation can present differently in terms of resources in different jurisdictions.

The goal of our working group was to maintain the basic process provisions in place since 2007 and use the last 15 years' experience to clarify and modernize some terms and processes. We collectively agreed to a goal of protecting children's due process rights throughout the court process and providing timely access to the highest quality behavioral health care available.

This version of A.B. 148 with the proposed amendment, Exhibit D, maintains the majority of provisions in place across the State for the last 15 years. The bill preserves the requirement that child welfare agencies must petition a court for approval to hospitalize a child. The child has a right to an independent second opinion and a contested hearing with his or her counsel if he or she chooses. Courts make a final decision recognizing a clear and convincing

standard of proof that lower levels of care cannot safely meet the child's needs at that time. The bill maintains the requirement for ongoing court oversight.

One of the most significant modernizing changes is to make clear the different requirements between an admission that occurs because of an emergency versus a long-term admission. This is important because aspects of the process differ. For example, the second opinion process for a child focuses on criteria occurring on a time line which is different in an emergency admission versus a petition for long-term hospitalization. Assembly Bill 148 as amended would update standards for renewal of long-term admission and enable all participants to understand procedure and court process as defined in statute.

The bill modernizes terms with current clinical language and other sections of the NRS, for example, emergency and nonemergency admissions versus acute and residential. Importantly, the bill appropriately expands the categories of mental health professionals who can render an opinion and provide services to children under this process, including advanced practice registered nurses with psychiatric specialization. That is important in Nevada because we are experiencing a critical shortage of these professionals.

Assembly Bill 148 increases planning and discharge time lines required by statute. Children exiting hospitals will have a more robust discharge plan developed from the day they are admitted. Where appropriate, the bill makes reference to other updated sections of NRS including NRS 433A.

In conclusion, the bill represents a consensus document of all the professionals in the child welfare system dealing with these complicated issues. It maintains existing protections and due process protections for children while clarifying and refining the process. It enables courts across the State to assure and require that children in foster care are receiving the highest quality care available at the least restrictive level.

SEAN MCCOY:
I am an attorney in Reno and oppose A.B. 148. I have submitted a letter (Exhibit E) in opposition. *Nevada Revised Statutes* 433A applies to all children including those in foster care. This is important because the statute governs the initial placement of all children under an emergency admission, but there is no separate process for foster children in any statute. All emergency admissions

under NRS 433A must begin with a mental health crisis hold which expires after 72 hours.

Assembly Bill 148 fails to properly account for the 72-hour mental health crisis hold which is not extended by an emergency admission. In essence, A.B. 148 says the child must be released within 72 hours of the mental health crisis hold except as otherwise provided in section 54. However, the section does not otherwise provide or make mention of the mental health crisis hold or the mandatory 72-hour release. Instead, it creates a process for continuing an existing emergency admission if the child is not released within five days of emergency admission. The child should be released before section 54 is applicable.

Although A.B. 148 originally included a direct reference to the emergency admission in NRS 433A, its omission by amendment changes nothing as there is no other authority for placing children under an emergency admission. The problem with acknowledging that is it means foster children across Nevada are being placed in facilities without a mental health crisis hold—no hold, no emergency admission. Those children are being placed in direct violation of NRS 432B.6077 which explicitly prohibits such placements without a court order. Perhaps this is the reason sponsors of A.B. 148 seek to repeal that section. Ultimately, A.B. 148 fails technically because it deprives foster children in a mental health crisis of their due process rights such as the fundamental right to a hearing for no other reason than that they have been removed from their homes.

MS. OKUMA:
We urge the Committee to pass A.B. 148. It is our last opportunity to have the QRTP language placed in statute, which is federally mandated in order to qualify for federal funding to support important child welfare matters. We met with Mr. McCoy regarding his concerns, and we have a fundamentally different point of view. Those of us who work in the child welfare area and deal with the locked facility provisions have a different interpretation of an emergency admission versus what is outlined in NRS 433A.

Of child mental health and all proceedings not a part of NRS 432B, the vast majority of children receive mental health treatment because their parents admit them to a facility for that treatment. In 2005 and 2007, the Legislature decided when the custodian is a child welfare agency, a child should not be admitted for

long-term treatment without court hearings and oversight. In our view, an admission for a child who is undergoing an acute mental health crisis while in the care of a child welfare agency constitutes an emergency. The requirements for admission following court hearings should not apply.

In the majority of other cases, the parent would drive the child to the facility, and the child would be admitted to the facility without court action. No mental health crisis hold is required when a parent admits his or her child. In the child welfare setting, the agency or the foster parent drives the child to the facility. The child goes in to the facility and if he or she is deemed to be in need of emergency care, we are required to petition the court for a hearing following admission. We see this as two distinct situations. We have had these conversations with Mr. McCoy and have agreed to disagree.

SENATOR OHRENSCHALL:
Mr. McCoy mentioned a repeal of NRS 432B.6077, meaning there would not be a need for a mental health hold hearing for a child in foster care. Could you comment on his argument in terms of how A.B. 148 would work if enacted?

MS. OKUMA:
The bill does not change mental health crisis processes. Children's mental health crisis holds were addressed and legislation passed in the Eighty-first Session and in earlier sessions. Before A.B. 148 and after A.B. 148, the process for holds and emergency admission remains the same. If a child is in the custody of a child welfare agency, there is no mental health crisis hold because the child goes to the facility and is admitted. The agency signs authority for the child to be evaluated and then if the child stays, a petition must be filed with the court. It is a process distinct from a mental health crisis hold for a child who is not in a child welfare agency and whose parents are not willing to admit them to a facility. We did not amend anything or take away any rights. In the child welfare system, we have never used a mental health crisis hold for a child in custody of an agency.

CHAIR SCHEIBLE:
Is the amendment proposed by the Supreme Court a friendly amendment?

MS. OKUMA:
The amendment proposed by the Supreme Court removes all of the provisions that would change the term "master" to "magistrate." It was a friendly

amendment, but we were not able to include it in the Assembly hearing on A.B. 148.

CHAIR SCHEIBLE:
I will close the hearing on A.B. 148 and accept a motion to amend and do pass as amended A.B. 148.

SENATOR STONE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 148 WITH PROPOSED AMENDMENT 3771.

SENATOR NGUYEN SECONDED THE MOTION.

SENATOR OHRENSCHALL:
I will vote to move A.B. 148 out of Committee. I reserve my right to go over some of the concerns brought by the opposition.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
I will open the hearing on A.B. 257.

ASSEMBLY BILL 257 (1st Reprint): Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)

LIZ ORTENBURGER (SafeNest):
Since 2011, strangulation has been studied and determined to be the most lethal indicator for domestic violence homicides. A survivor when strangled once has a 750 percent higher likelihood of becoming a victim of homicide. Most women call 911 after five episodes of strangulation. Strangulation is also a lethal indicator for mass shootings and in an area of growing research, an indicator for potential cop killers. Most frightening, however, in households where children are present, 10 percent of the time when an adult female is being strangled, the children are strangled as well.

The health effects of strangulation are both short- and long-term and can include loss of vision, loss of hearing, ringing in the ears, drooping eyelids and stroke-like symptoms. We have eliminated police chokeholds for this reason.

Strangulation whether lethal or not does not leave visible signs in 50 percent of cases. Assembly Bill 257 is needed to provide medical exams for survivors and their children who experience strangulation and possible prosecution avenues against their attackers. Nevada is the seventh most lethal place in the Country for women murdered by men.

WILLIAM HORNE (SafeNest):
As a member of the Nevada Assembly, I worked to make strangulation a felony crime because of its severity in domestic violence situations. Subsection 1 of A.B. 257 requires the county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.

Section 1, subsection 2, outlines that a survivor cannot be charged for costs in the event he or she presents for examination for strangulation. Subsection 3 provides language regarding a county which pays these costs may seek reimbursement from legislative appropriation to the extent money is available. Subsection 4 provides the filing of a report with law enforcement is not required to receive a strangulation forensic medical examination.

Section 1, subsection 5 permits law enforcement to use evidence collected in these examinations for possible prosecution; however, the purpose of the bill is to provide this examination for survivors of strangulation and domestic violence. Subsection 6 provides definitions of domestic violence by strangulation and strangulation forensic medical examination.

SENATOR STONE:
I appreciate your presentation and support A.B. 257. Is the forensic examination mandatory or voluntary? What is the approval process?

MS. ORTENBURGER:
We will not mandate examinations, though in working through the barriers to examination, we realize that we need to present an ecosystem of support. Victims are asked whether they have been strangled and provided access to the examination, transportation and childcare. SafeNest in Las Vegas is prepared to step in and provide these services so we can start collecting data. We work to eliminate the length of time from the strangulation to the time forensic nurses are available.

SENATOR STONE:
Victim advocacy and intervention are important. It must be difficult to file a criminal complaint against someone who might be the family's breadwinner, but the rightful place for a strangler is jail.

MR. HORNE:
When heard in the Assembly, the bill included a fiscal note that was removed based on the amendment. We have heard from the Nevada Department of Health and Human Services that some cost may be considered by the Interim Finance Committee because the amount is not yet determined.

SENATOR STONE:
You discussed potentially reimbursed funds. What would be the source, State funds, restitution or compensation from the Victims of Crime Program?

MS. ORTENBURGER:
The most likely place is the Fund for the Compensation of Victims of Crime, but the expense would be extensive.

MS. EVANS:
Our State systems are not victim-centered. The burden is on the victim. Survivors need to seek medical care and do research. Assembly Bill 257 represents changes in procedures and provides a victim-centered approach. The Nevada Coalition to End Domestic and Sexual Violence supports A.B. 257.

MELANIE YOUNG (Deputy Administrator, Division of Child and Family Services, Nevada Department of Health and Human Services):
We are neutral on A.B. 257. We removed the fiscal note when section 2 was deleted from the bill. The section specified the requirement for the Fund for the Compensation of Victims of Crime to reimburse counties for examination costs. Section 1, subsection 3 of the bill provides that a county which pays costs related to a strangulation forensic medical examination may, to the extent that money is available, receive reimbursement from the State. This new service is not included in our budget and could deplete our funds before the end of the budget period. We estimated the fiscal impact of 120 examinations per month at a cost of between $500 and $1,500 would potentially amount to $1.26 million per year and $4.32 million over the biennium depending on the procedures' costs.

CADENCE MATIJEVICH (Washoe County):
Understanding this is not a fiscal committee, we recognize that if sufficient funding is not available, A.B. 257 may result in an unfunded liability to the County.

CHAIR SCHEIBLE:
The policy question is whether we want the government instead of victims of domestic violence funds to pay for these examinations? That is a discussion worth having in this Committee and a decision worth making. The issue of the actual funding mechanism needs to be addressed in another committee. I will close the hearing on A.B. 257 and accept a motion to do pass A.B. 257.

SENATOR HANSEN MOVED TO DO PASS A.B. 257.

SENATOR STONE SECONDED THE MOTION.

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

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NICK SHEPACK (Fines and Fees Justice Center):
I wanted to take this opportunity to thank the Committee for all your work this Session. It has been a pleasure working with each and every one of you. You have given us ample time to present our ideas and thoughts. You have asked thoughtful questions, and we have made some good moves. I especially want to thank Committee Counsel Karly O'Krent for her diligent work and for putting up with me on all of the amendments.

CHAIR SCHEIBLE:
I appreciate our Committee members, staff and members of the public who contributed to the efforts of the Senate Committee on Judiciary. I will adjourn the meeting at 2:31 p.m.

RESPECTFULLY SUBMITTED:

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Jan Brase,
Committee Secretary

APPROVED BY:

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Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster
A.B. 404	C	2	Senate Committee on Judiciary	Proposed Amendment 3766
A.B. 148	D	9	Buffy Okuma / Court Improvement Program, Nevada Supreme Court	Proposed Amendment 3771
A.B. 148	E	11	Sean T. McCoy	Letter in Opposition