

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 28, 2009

Senate called to order at 11:34 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

To You, O God, who by the spoken word was able to bring the universe into being, help us today to cultivate proper speech.

Surrounded as we are in this building by those who can craft in eloquent language bills and resolutions, may we say what we mean and mean what we say. And, may it be worth saying.

Teach us economy in speech that neither wounds nor offends, that affords light without generating heat. Bridle our tongues lest they stampede us into utterances of which, later, we shall be ashamed.

Thank You for Your willingness to listen to the words of this prayer.

AMEN.

Pledge of Allegiance to the Flag.

Senator Horsford moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

Senator Horsford moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:43 a.m.

SENATE IN SESSION

At 11:45

President Krolicki presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Energy, Infrastructure and Transportation, to which was referred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL A. SCHNEIDER, *Chair*

Mr. President:

Your Committee on Finance, to which was referred Senate Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, your Committee on Finance, to which was rereferred Senate Bill No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNICE MATHEWS, *Cochair*

Mr. President:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 74, 226, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was rereferred Assembly Bill No. 180, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN J. LEE, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 61, 105, 274, 280, 332, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TERRY CARE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 24, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 15, 28, 65, 67, 90; Assembly Bills Nos. 139, 510.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, April 27, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 166, 392; Senate Joint Resolution No. 9 of the 74th Session; Assembly Bill No. 542.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Horsford:

Senate Concurrent Resolution No. 26—Providing for an interim study on employee misclassifications.

Senator Horsford moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Finance:

Senate Bill No. 416—AN ACT relating to education; eliminating the requirement for the administration of norm-referenced examinations in public schools; and providing other matters properly relating thereto.

Senator Mathews moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 139.

Senator Care moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 510.

Senator Care moved that the bill be referred to the Committee on Energy, Infrastructure & Transportation.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:49 a.m.

SENATE IN SESSION

At 11:53 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Bill No. 542.

Senator Care moved that all necessary rules be suspended, reading so far had considered first reading, rules further suspended, and that Assembly Bill No. 542 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Senator Care moved that Assembly Bill No. 322 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

Senator Care moved that Assembly Bill No. 533 be taken from its position on the General File and placed on the top of the General File.

Remarks by Senator Care.

Motion carried.

Senator Care moved that the General File be considered at this time.

Remarks by Senator Care.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 542.

Bill read third time.

Remarks by Senator Horsford.

Senator Horsford requested that his remarks be entered in the Journal.

Assembly Bill No. 542 suspends, for a period of two weeks, the upcoming May 1 deadline for school districts to notify their licensed employees of the status of reemployment for the next school year. This measure is temporary and will cover only this year.

The bill is important because of the critical stage we are at this Session of being uncertain of the final status of the State Distributive School Account (DSA) and the funds that will be available for the school districts. Because the school districts were required to submit their budgets earlier this year based upon the Governor's recommendations, we need to give the school districts two extra weeks before they make determinations on any reductions-in-force that may be necessary for the next school year.

In the larger counties, the reduction-in-force notices are cumbersome and can be a lengthy process. It is estimated that 800 workers in Clark County could be affected. In the rural counties, we would risk losing valuable schoolteachers if reduction-in-force notices were issued unnecessarily just to meet the statutory May 1 deadline.

I urge your support of this emergency measure so that we can assure the school districts and give them a little extra time as we continue to work through this difficult financial time and make final decisions on the status of the DSA.

Roll call on Assembly Bill No. 542:

YEAS—21.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Mr. President declared it passed.

Senator Care moved that all necessary rules be suspended and that Assembly Bill No. 542 be immediately transmitted to the Assembly.

Motion carried unanimously.

Assembly Bill No. 533.

Bill read third time.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

Thank you, Mr. President. Assembly Bill No. 533 as amended makes a supplemental appropriation in the amount of \$323,802,183 for FY 2008-2009 to the Distributive School Account (DSA) for unanticipated shortfalls in revenues, primarily the Local School Support Taxes (LSST). The supplemental appropriation is included in the Executive Budget. However, the amount failed to incorporate two DSA funding sources that were revised by the 25th Special Session. Mineral Land Lease revenue and the collection allowance on the Local School Support Tax. Had these revenues been included in the supplemental appropriation recommended in the Executive Budget rather than being shown as General Fund sources of revenue, the amount would have been approximately \$316.1 million. Based on the most recent projections for the DSA for the current fiscal year, the required supplemental appropriation has been increased by approximately \$7.7 million to \$323,802,183. The bill becomes effective upon passage and approval.

Roll call on Assembly Bill No. 533:

YEAS—21.

NAYS—None.

Assembly Bill No. 533 having received a constitutional majority, Mr. President declared it passed.

Senator Care moved that all necessary rules be suspended and that Assembly Bill No. 533 be immediately transmitted to the Assembly.

Motion carried unanimously.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 28, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 28.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 28—Designating April 28, 2009, as Homeless Youth Awareness Day in Nevada.

WHEREAS, Thousands of children in this State are reported as runaways each year and often join the homeless population on the streets, eating out of dumpsters, sleeping in alleys and feeling cold, unloved and alone; and

WHEREAS, Many of these runaway children prefer to chance the dangers of life on the street to remaining in their homes, where they often experience abuse, violence and other dysfunction; and

WHEREAS, Although the "Right to Shelter Law," which provided for separate shelters for certain runaway children, was passed by the Nevada Legislature in 2001, there are no long-term residential facilities which allow children to seek assistance on a voluntary basis in this State; and

WHEREAS, There is a lack of available statistics concerning the number of homeless children that reside in this State and their need for such long-term residential facilities and other services; and

WHEREAS, Children who are homeless are unable to support themselves financially, causing them to become desperate, hungry and vulnerable; and

WHEREAS, Homeless children often become sexually active, are at risk of becoming pregnant and engaging in prostitution, suffer from poor nutrition and dehydration, become suicidal and suffer various other harms which affect their overall health, well-being and ability to become productive members of society; and

WHEREAS, To properly address the needs of this often-forgotten population, it is important to raise public awareness of the serious issues concerning homeless children in this State and to encourage public support for programs designed to assist those children; and

WHEREAS, The members of the Nevada Legislature recognize the outstanding efforts of the state and local governmental agencies and nonprofit entities dedicated to fighting the problem of homeless children in the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 28, 2009, is hereby designated as Homeless Youth Awareness Day in Nevada; and be it further

RESOLVED, That the members of the 75th Session of the Nevada Legislature hereby express their commitment to creating a greater public awareness of the problem of homeless children in Nevada and continuing to work cooperatively to solve this problem; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Joshua Hicks, Chief of Staff to Governor Jim Gibbons, and to the Board of Directors of the Nevada Partnership for Homeless Youth.

Senator Horsford moved the adoption of the resolution.

Remarks by Senators Horsford and Parks.

Senator Horsford requested that the following remarks be entered in the Journal.

SENATOR HORSFORD:

Today is designated as Homeless Youth Day in Nevada to draw attention to the plight of homelessness particularly among youth in our State.

According to a recent report produced by the National Center on Family Homelessness, Nevada ranks 45th in the Nation on child homelessness. Each year more than 10,434 of Nevada's children experience homelessness according to data collected by the McKinney-Vento Education Programs. Of the 109,000 children living in poverty in Nevada, one out of every ten is homeless. The consequences of youth homelessness are great to the individual, the family and our society as a whole.

According to the National Network for Youth, the consequences of youth homelessness bring despair to youth in the form of mental health problems, substance abuse, victimization and criminal activity, unsafe sexual practices and barriers to education and employment. Approximately one-half of all homeless youth report mental health problems, which is a predictor of chronic homelessness. Additionally, between 30-40 percent of unaccompanied youth report alcohol problems in their lifetime and 40-50 percent report drug problems. Each of the consequences of youth homelessness has a major impact on the youth who is without a safe and secure home. Furthermore, these challenges when left unaddressed impact our society as a whole with the cost of finding ways to care for these youth. Without help, many homeless youth become members of the population of chronic homeless adults we see all across Nevada, in both rural and urban areas.

Many factors influence the number of youth and children who are homeless. Abuse, neglect, exploitation, drug addiction, mental illness and a lack of resources in a family often play a role. Through a host of interventions including education, networking, training and public advocacy, these challenges can be addressed in Nevada. The National Network for Youth focuses on two major priorities addressing youth homelessness. They are affordable housing and special programs and treatment. Housing is a basic right and is essential for the healthy growth and development of children and youth. However, in every state, including Nevada, housing costs outpaced wages and public assistance for the low-income citizens. According to the National Center on Family Homelessness, even with two full-time minimum-wage earners, affordable housing is not attainable in most places in our State. This problem is even more of a challenge for young children and young adults.

Expanding access to affordable housing for families for unaccompanied youth and young adults is critical in addressing the problem of homeless children and youth.

Expanding access to educational programs and treatment programs for homeless youth is also critical. Youth who benefit from more substance abuse programs and treatment for mental-health programs can lead successful lives.

In addition, unaccompanied youth who benefit from assistance in enrolling in education programs can also become productive. In Nevada, we recognize that we must and can do a better job of addressing these needs. At the same time, we applaud the many organizations and individuals who act as advocates and provide an array of services to homeless youth in our State. We especially want to thank the Nevada Partnership for Homeless Youth for all of their efforts to bring attention to this important issue. We applaud your efforts and commit to join with you to address the needs of Nevada's homeless-youth problem.

Last session, we set up tents on the Legislative Mall. There were several of us who spent the night in those tents to bring awareness to the problem of homelessness. On a personal note, it was cold. That ground was hard, and I cannot imagine how that is the life so many of our young people have to live. Whether it is "couch surfing" among friends or family members' homes or living in cars or living on the streets, we have youth who are struggling. This is an important day to reflect on that. This resolution brings into focus why we are here and helps us focus on the important work that has to be done.

I have had the opportunity to visit the Nevada Partnership for Homeless Youth and their safe place facilities in southern Nevada. I can attest to the work that they do and to the programs they offer. It is important that young people can find a safe place and comfort when they are alone. I urge the adoption of this resolution.

SENATOR PARKS:

Thank you, Mr. President. I rise in support of Assembly Concurrent Resolution No. 28. More than a decade ago, I was approached by several young people as I came out of a grocery store

late at night on Maryland Parkway in Las Vegas. I was asked for donations. I asked the polite young gentleman why he was approaching me for funds. He stated he was homeless.

In the years since, I have been interested in developments within my district. The homeless corridor includes Maryland Parkway, the Boulevard Mall and the University of Nevada Las Vegas area. They are areas that attract a large number of homeless youth. The programs and services that Nevada Partnership has taken on have been significant over the years, and I applaud them for their efforts.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 28, 2009

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 29.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 29—Recognizing Tuesday, April 28, 2009, as Equal Pay Day.

WHEREAS, Equal Pay Day was originated by the National Committee on Pay Equity in 1996 as a public awareness event to illustrate the gap between men's and women's wages; and

WHEREAS, Because women earn less, on average, than men, they must work longer for the same amount of pay, and therefore Equal Pay Day is observed during the last week in April to symbolize how far into the year a woman must work, on average, to earn as much as a man earned during the previous year and on a Tuesday because it is the day of the week on which women's wages catch up to men's wages from the previous week; and

WHEREAS, Pay equity is not just a women's issue because equal pay for women raises family income and the whole family benefits; and

WHEREAS, In 1963, when the Equal Pay Act was signed into law, women earned an average of 59 cents for every dollar earned by a man, and in 2007, women earned an average of 78 cents for every dollar earned by a man; and

WHEREAS, The wage gap is even greater for most women of color, as statistics show that Latina women earn 59 cents, African American women earn 69 cents and Asian American women earn 89 cents for every dollar men earn; and

WHEREAS, Over a working lifetime, this wage disparity costs the average American woman and her family an estimated \$700,000 to \$2 million, impacting social security benefits and pensions; and

WHEREAS, Nevada ranks eighth for the ratio of women's earnings to men's (wage gap), and it is estimated that women will catch up to men by 2020; and

WHEREAS, Nevada ranks 17th for the percentage of women-owned businesses, 47th for the number of women in professional and managerial positions and 47th for the percentage of women with 4 or more years of college; and

WHEREAS, On January 29, 2009, the Lilly Ledbetter Fair Pay Act, which restores the ability of victims of wage discrimination to hold their employers accountable for injustice and challenge the practice in court, was signed into law; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby designates Tuesday, April 28, 2009, as Equal Pay Day in Nevada to recognize the contributions of women to the paid labor force and the ongoing work of both women and men to reach the goal of equal pay for equal work; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Nevada Women's Lobby, League of Women Voters of Nevada, American

Association of University Women of Nevada and Nevada NOW for their advocacy work on behalf of all Nevada women.

Senator Carlton moved the adoption of the resolution.

Remarks by Senators Carlton and Horsford.

Senator Carlton requested that the following remarks be entered in the Journal.

SENATOR CARLTON:

I rise in support of Assembly Concurrent Resolution No. 29. I have had the honor and privilege of being able to speak for this resolution every year since I have been participating in this body.

This is such a well written resolution. It deals with the pay-equity issue. It is so nice that we are not talking about job discrimination. I heard stories from my mother while I was growing up about how she had to take off her wedding ring when she went to work because married women were not allowed to work in that position. That no longer happens, and that is not in this resolution. We solved that problem. I remember the story that my grandmother told me of not being able to finish grade school because girls did not need to finish grade school because it was not necessary. She had to go to work. That issue is not in this resolution because we do not have to deal with that any longer. It is refreshing to have those issues gone and not be discussed, but I still take the time to make certain that my daughters and their friends remember that those issues did once exist in this Country. We have to remind them of their history so that we do not ever go backwards.

One thing not mentioned in the resolution is about the "Red Purse Society." The Business and Professional Women's Organization of the United States started a Red Purse Society in 1988. I received my first Red Purse in 1999 when I did this resolution for the Senate, and I have been carrying a Red Purse ever since. A Red Purse symbolizes to all the other women and the men who may be paying attention around them that pay equity is still an issue in this Country. This is one problem we have not yet solved. I hope after I leave this body and someone else takes on this charge, that one day we will not have to have this resolution any longer because we will have resolved the problem in this Country.

Senator Reid issued a letter in honor of this event.

SENATOR HORSFORD:

I rise in support of this resolution, but on the more humorous side of the issue, I want to join with the Chair of Commerce and Labor to let her know that as we strive for pay equity, we have it since none of us in the Legislature are getting paid anymore. We are finally even, and hopefully, we can create equality for all people getting paid. I rise in support of this resolution.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

GENERAL FILE AND THIRD READING

Senate Bill No. 60.

Bill read third time.

Roll call on Senate Bill No. 60:

YEAS—21.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 78.

Bill read third time.

Roll call on Senate Bill No. 78:

YEAS—21.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Care moved that Assembly Bills Nos. 109, 133, 163, 264, 407, 412, 417, 509 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Care.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 534.

"SUMMARY—Makes an appropriation to the Nevada System of Higher Education for stale claims owed to the Public Employees' Benefits Program. (BDR S-1252)"

"AN ACT making an appropriation to the Nevada System of Higher Education for stale claims owed to the Public Employees' Benefits Program; and providing other matters properly relating thereto."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of \$110,800 for stale claims owed to the Public Employees' Benefits Program.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 2. This act becomes effective upon passage and approval.

Senator Horsford moved the adoption of the amendment.

Remarks by Senator Mathews.

Senator Mathews requested that her remarks be entered in the Journal.

Thank you, Mr. President. The bill makes an appropriation to the Nevada System of Higher Education for stale claims owed to the Public Employees' Benefits Program.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 564.

"SUMMARY—Makes an appropriation to the State Fire Marshal Division of the Department of Public Safety for refunds of certain fees. (BDR S-1262)"

"AN ACT making an appropriation to the State Fire Marshal Division of the Department of Public Safety for refunds of certain fees; and providing other matters properly relating thereto."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. *1.* There is hereby appropriated from the State General Fund to the State Fire Marshal Division of the Department of Public Safety the sum of ~~10,890~~ 6,898 for refunds of hazardous material fees and plan review *and licensing* fees.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 2. This act becomes effective upon passage and approval.

Senator Mathews moved the adoption of the amendment.

Remarks by Senator Mathews.

Senator Mathews requested that her remarks be entered in the Journal.

Thank you, Mr. President. This amendment deals with making an appropriation to the State Fire Marshall Division of the Department of Public Safety for the refunds of certain fees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 23.

Bill read second time and ordered to third reading.

Assembly Bill No. 28.

Bill read second time and ordered to third reading.

Assembly Bill No. 37.

Bill read second time and ordered to third reading.

Assembly Bill No. 93.

Bill read second time and ordered to third reading.

Assembly Bill No. 96.

Bill read second time and ordered to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 561.

"SUMMARY—Makes ~~various~~ changes concerning compensation to victims of crime. (BDR 16-624)"

"AN ACT relating to victims of crime; extending the time to appeal the denial of a claim for compensation to a victim of crime; ~~providing for balances to remain within the Fund for the Compensation of Victims of Crime;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Section 1 of this] This~~ bill extends the time to appeal a compensation officer's denial of a claim seeking compensation from the Fund for the Compensation of Victims of Crime from 15 to 60 days. ~~[Section 2 of this bill provides that any remaining money in the Fund for the Compensation of Victims of Crime at the end of the fiscal year must remain within the Fund and must not be reverted to the State General Fund.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 217.110 is hereby amended to read as follows:

217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within ~~15~~ 60 days after the decision. If the hearing officer determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2. If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.

2. If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection 4, render a decision within 60 days after his receipt of the application or order. If in conducting his investigation the compensation officer believes that:

- (a) Reports on the previous medical history of the victim;
- (b) An examination of the victim and a report of that examination;
- (c) A report on the cause of death of the victim by an impartial medical expert; or

(d) Investigative or police reports,
 ↪ would aid him in making his decision, the compensation officer may order the reports.

3. Upon the request of a compensation officer pursuant to subsection 2 for investigative or police reports which concern a minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports. Any reports obtained by a compensation officer pursuant to this subsection are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.

4. When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation, if compensation is due, within 15 days after receipt of the reports.

Sec. 2. ~~NRS 217.260 is hereby amended to read as follows:~~

~~217.260 1. Money for payment of compensation as ordered by the Board and for payment of salaries and other expenses incurred by the Department of Administration pursuant to NRS 217.010 to 217.270, inclusive, must be paid from the Fund for the Compensation of Victims of Crime, which is hereby created. Money in the Fund must be disbursed on the order of the Board in the same manner as other claims against the State are paid. The Board shall estimate quarterly:~~

~~(a) The revenue in the Fund which is available for the payment of compensation; and~~

~~(b) The anticipated expenses for the next quarter.~~

~~↪ If the estimated expenses for the quarter exceed the available revenue, all claims paid in that quarter must be reduced in the same proportion as the expenses exceeded the revenue.~~

~~2. Money deposited in the Fund which is recovered from a forfeiture of assets pursuant to NRS 200.760 and the interest and income earned on that money must be used for the counseling and medical treatment of victims of crimes committed in violation of NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.~~

~~3. The interest and income earned on the money in the Fund for the Compensation of Victims of Crime, after deducting any applicable charges, must be credited to the Fund.~~

~~4. Any money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund and must be carried over into the next fiscal year. (Deleted by amendment.)~~

Sec. 3. This act becomes effective upon passage and approval.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Thank you, Mr. President. The amendment deletes section 2 of the measure which would have reinforced that money in the Fund for the Compensation of Victims of Crime does not revert to the General Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time and ordered to third reading.

Assembly Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 563.

"SUMMARY—Authorizes the establishment by district courts of a program for the treatment of certain offenders who are veterans or members of the military. (BDR 14-955)"

"AN ACT relating to criminal procedure; requiring courts to ask a defendant whether he is a veteran or a member of the military; authorizing the establishment by district courts of a program for the treatment of certain offenders who are veterans or members of the military; authorizing justice courts and municipal courts to transfer original jurisdiction of certain cases to the district court for the purpose of assigning offenders to the program of treatment; enacting various provisions pertaining to the program of treatment; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a district court to establish a program for the treatment of offenders with mental illness. (NRS 176A.250-176A.265) Sections 2-15 of this bill, using that existing law as a model, authorize a district court to establish a program for the treatment of certain eligible defendants who are veterans or members of the military. Section 8 of this bill authorizes a court to suspend further proceedings, without entering a judgment of conviction and with the consent of an eligible defendant, and to place the defendant on probation with terms conditions that include successful completion of the program of treatment. Section 8 also generally prohibits a court from assigning a defendant to a program of treatment if the defendant: (1) committed an offense for which the suspension of sentence or the granting of probation is prohibited by existing law; (2) committed an offense that involved the use of force or violence; or (3) was previously convicted of a felony that involved the use or threatened use of force or violence. Section 9 of this bill requires a court, under certain circumstances, to seal documents relating to a case involving a defendant who was assigned to the program of treatment ~~(2 years)~~ after the defendant is discharged from probation. Sections 17 and 19 of this bill authorize justice courts and municipal courts to transfer original jurisdiction of certain cases involving misdemeanors to the district court for the purpose of assigning offenders to

the program of treatment. (NRS 4.370, 5.050) Sections 1, 16 and 18 of this bill also require a district court, justice court and municipal court to ask a defendant if he is a veteran or a member of the military. (NRS 176.015)

WHEREAS, Historically, the State of Nevada has honored the noble sacrifices that members of the military have made to protect our freedoms by providing veterans and members of the military certain benefits and rehabilitative services; and

WHEREAS, In the State of Nevada, veterans and members of the military constitute 11.9 percent of the population, a percentage which far exceeds the national average of 7.9 percent; and

WHEREAS, Studies have shown that combat service may exact a tremendous psychological toll on members of the military who are faced with the constant threat of death or injury over an extended period of time; and

WHEREAS, Researchers have shown that 30 to 40 percent of the 1.6 million members of the military who have served in Iraq and Afghanistan will suffer grave mental health injuries from their military service, such as post-traumatic stress disorder, traumatic brain injury, depression, anxiety and acute stress; and

WHEREAS, Such combat-related injuries, including the use of drugs and alcohol to cope with such injuries, can lead to encounters with the criminal justice system which would not have otherwise occurred without the combat-related injury; and

WHEREAS, While the vast majority of returning members of the military do not have contact with the criminal justice system, and most veterans and members of the military are well-adjusted, contributing members of society, psychiatrists and law enforcement officials agree that combat-related injuries have led to instances of criminality; and

WHEREAS, As a grateful state, we must honor the military service of our men and women by providing them with an alternative to incarceration and permitting them to access proper treatment for mental health and substance abuse problems resulting from military service; and

WHEREAS, The establishment of specialty treatment courts for veterans and members of the military who are nonviolent offenders will enable the criminal justice system to address the unique challenges veterans and members of the military face as a result of their honorable service and permit such veterans and members of the military to heal and reenter society; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask him if ~~he~~ :

(1) *He* wishes to make a statement in his own behalf and to present any information in mitigation of punishment ~~[-]~~ ; and

(2) *He is a veteran or a member of the military. If the defendant is a veteran or a member of the military and meets the qualifications of paragraphs (b) and (c) of subsection 2 of section 7 of this act, the court may, if appropriate, assign the defendant to:*

(I) *A program of treatment established pursuant to section 6 of this act; or*

(II) *If a program of treatment established pursuant to section 6 of this act is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.*

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

↪ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) *"Member of the military" has the meaning ascribed to it in section 4 of this act.*

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

~~(b)~~ (c) *"Veteran" has the meaning ascribed to it in section 5 of this act.*

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 2. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; and

(d) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580 ~~or~~ *or section 6 of this act.*

Sec. 3. Chapter 176A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 9, inclusive, of this act.

Sec. 4. *"Member of the military" means a person who is presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard.*

Sec. 5. *"Veteran" means a person who has served in the Armed Forces of the United States, a reserve component thereof or the National Guard and has been discharged or released therefrom.*

Sec. 6. *A court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to section 8 of this act. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.*

Sec. 7. 1. *A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.*

2. *As used in this section, "eligible defendant" means a veteran or a member of the military who:*

(a) Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Appears to suffer from mental illness, alcohol or drug abuse or posttraumatic stress disorder, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; and

(c) Would benefit from assignment to a program established pursuant to section 6 of this act.

Sec. 8. 1. *Except as otherwise provided in subsection 2, if a defendant who is a veteran or a member of the military and who suffers from mental illness, alcohol or drug abuse or posttraumatic stress disorder as described in section 7 of this act tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to section 6 of this act.*

2. *If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment.*

3. *Upon violation of a term or condition:*

(a) *The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.*

(b) *Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.*

4. *Upon fulfillment of the terms and conditions, the court shall discharge the defendant and dismiss the proceedings against him. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose.*

Sec. 9. 1. ~~Three years after~~ After a defendant is discharged from probation pursuant to section 8 of this act, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. *If the court orders sealed the record of a defendant discharged pursuant to section 8 of this act, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.*

Sec. 10. NRS 176A.010 is hereby amended to read as follows:

176A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176A.020 to 176A.080, inclusive, and sections 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 11. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260 or 453.3363 ~~or~~ *or section 8 of this act*; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer ~~or~~ or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

5. An offender who is sentenced to serve a period of probation for a felony who has no serious infraction of the regulations of the Division, the terms and conditions of his probation or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed for the period of his probation a deduction of 20 days from that period for each month he serves.

Sec. 12. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 179.259 and 453.3365, *and section 9 of this act*, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 or 484.379778 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

↪ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information,

sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 13. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365, *or section 9 of this act*, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and
2. Each public or private company, agency or official named in the order, and that person shall seal the records in his custody which relate to the matters contained in the order, shall advise the court of his compliance ~~to~~ and shall then seal the order.

Sec. 14. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365 ~~to~~ *or section 9 of this act*:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

- (1) The right to vote;
- (2) The right to hold office; and
- (3) The right to serve on a jury.

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this State or any other state and whose official documentation of the restoration of his civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this State or any other state may present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 15. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365 *or section 9 of this act* may petition the court that ordered the records sealed to

permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that he will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365 or *section 9 of this act* in determining whether to grant a petition pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365 or *section 9 of this act* for a conviction of another offense.

Sec. 16. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall address the defendant personally and ask him if he is a veteran or a member of the military.*

2. *If the defendant is a veteran or a member of the military and meets the qualifications of section 7 of this act, the justice court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:*

(a) A program of treatment established pursuant to section 6 of this act;

or

(b) If a program of treatment established pursuant to section 6 of this act is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. *As used in this section:*

(a) "Member of the military" has the meaning ascribed to it in section 4 of this act.

(b) "Veteran" has the meaning ascribed to it in section 5 of this act.

Sec. 17. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$10,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is

raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$10,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$10,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$10,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$10,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$10,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$10,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$10,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$10,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is more than 100,000 and less than 400,000;

(2) In any township whose population is 100,000 or more located within a county whose population is more than 400,000; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In actions transferred from the district court pursuant to NRS 3.221.

(s) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 ~~or~~ *or section 6 of this act.*

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 18. Chapter 5 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall address the defendant personally and ask him if he is a veteran or a member of the military.*

2. *If the defendant is a veteran or a member of the military and meets the qualifications of section 7 of this act, the municipal court may, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:*

(a) A program of treatment established pursuant to section 6 of this act;
or

(b) If a program of treatment established pursuant to section 6 of this act is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or 453.580.

3. *As used in this section:*

(a) "Member of the military" has the meaning ascribed to it in section 4 of this act.

(b) "Veteran" has the meaning ascribed to it in section 5 of this act.

Sec. 19. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 ~~+~~ or section 6 of this act.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 20. The amendatory provisions of this act do not apply to offenses committed before July 1, 2009.

Sec. 21. This act becomes effective on July 1, 2009.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

Senator Wiener requested that her remarks be entered in the Journal.

Thank you, Mr. President. The amendment deletes the provision that records would be sealed three years after the defendant completes a program of treatment so that records can be sealed immediately.

Also, the amendment adds a preamble stating that most veterans do not have contact with the criminal justice system, but those who do warrant an alternative to incarceration that allows them to access the proper treatment programs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

Assembly Bill No. 253.

Bill read second time and ordered to third reading.

Assembly Bill No. 286.

Bill read second time and ordered to third reading.

Assembly Bill No. 384.

Bill read second time and ordered to third reading.

Assembly Bill No. 517.

Bill read second time and ordered to third reading.

Assembly Bill No. 518.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Concurrent Resolutions Nos. 24, 25; Assembly Bills Nos. 533, 542.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Amodei, the privilege of the floor of the Senate Chamber for this day was extended to the following students from the Fremont Elementary School: Nathaniel Apodaca, Lesly Bracamontes-Canas, Courtney Campbell, Noah Cano, Noemi De La Cruz, Dawson Feticc, Yasmine Gallegos, Manlio Gamez, Brian Garringer, Mayzene Gonsalves, Isaias Gonzalez, Diana Guzman, Cody Hadd, Karina Huizar-Salas, Tyler Huling, Dylan Lafollette, Adrian Lampe, Paola Mariscal, Jailene Mendoza-Macias, Mychaela Mone, Lorena Montes, Hailey Palotas, Jordi Ramirez Lopez, Riley Riedl, Juan Sanchez, Jordan Smith, Kooper Van Worth, Raymond Verde Cabrera, Gregory Wallace III, Raymond Verde Cabrera, Jose Aguilar, Logan Bevins, Mia Brozovich, Micah Camp, Megan Cantley, Edith Cervantes-Mejia, Makenna Couste, Tiffany De Rosa, Dustin Floyd, William Furlong, Daniel Gutierrez-Lopez, Edward Hart, Katlyn Hornbeck, Bethany Ignacio, Kristopher Illig, Katelyn Jones, Ryan Kattenhorn, Michelle McQueary, Elena Montes, Alexander Morgan, Hilda Munoz Marquez, Deni Ortiz Fernandez, Gabriel Pope, Marco Quevedo,

Jesus Rangel, Ernesto Rojas Jr, Aaron Serrano, Wesley Thompson, Juan Camilo Trujillo and Jason Vargas Avalos.

On request of Senator Care, the privilege of the floor of the Senate Chamber for this day was extended to Ashton McKissack, Judy Hendricks and the following students and teachers from the Jacks Valley Elementary School: Sterling Atlan, John Bingham, Maureen Brennan, Emily Conover, Ian Dixon, Andrew Elsworth, Sydney Espinoza, Anthony Gayner, Grace Green, April Hall, Caroline Hall, Elyssia Iguado-Jones, Trevor Luttrell, Christian Miranda, Patrick Olvera, Destiny Paetz, Jesse Pimental, Ian Remington, Christopher Rowe, Shawn Ryan, Josiah Velasquez, Noah Velasquez, Angelie Woolfe, Madison Zajac, Conor Agnason, Kristina Benbrooks, Tyler Crisp, Brandon Dacayanan, Savannah Garcia, Collin Gates, Keileigh Gonzales, Dubi Justice, Patrick Larsen, Cody Lopez, Amelia McKay, Kendal Moore, Mairelys Ortega, Noah Primak, Geoffrey Reich, Tess Sando, Devi Schwartz, Cahlie Shattuck, Haiden Sneed, Justin Stevens, Austin Travers, Jordan Wang, Wolfie Weiss; teachers: Heather McCain, Kristin Carrion and Barb Jacobsen.

On request of Senator Carlton, the privilege of the floor of the Senate Chamber for this day was extended to Byllie Andrews, Alicia Wright and Nancy Lee Downey.

On request of Senator Cegavske, the privilege of the floor of the Senate Chamber for this day was extended to Donna Clontz and Dinah Jordan.

On request of Senator Coffin, the privilege of the floor of the Senate Chamber for this day was extended to Kyle Casci.

On request of Senator Horsford, the privilege of the floor of the Senate Chamber for this day was extended to Japan Consul General Nagamine, Consul Agaoka, Kathleen Blakely and Gayle Anderson.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teacher from the Reno Christian Academy: Madison Alexander, Na'la Bailey, Lauren Brown, Kayla Freeman, Nicholas Labahn, Natalie Parker, Jessica Pearson, Josie Peck, Brandon Stehlik, Corinne Undercoffer and Johah Wacker and teacher: Echo Callahan.

On request of Senator Parks, the privilege of the floor of the Senate Chamber for this day was extended to Jose Alcaraz.

On request of Senator Wiener, the privilege of the floor of the Senate Chamber for this day was extended to the following students from the Nevada Homeschool Network: Kim Hendricks, Jenna Hendricks, Clay Hendricks, Petra Sever, Sarah Sever, Zachary Sever, Karen McRae, Olyvia Grace McRae, Isabelle Hope McRae, Pam Lehan, Caitlin Lehan, Lydia

Lehan, Terry Schendel, Maddie Bush, Renee Breen, Ethan Breen, Noah Breen, Alex Breen, Devon Breen, Katherine Bain, Jennifer Lanee Bain, Angelina Joy Bain, Elisa Schulman, Nathan Schulman, Alexandira Schulman, Amelia Schulman, Shannon Simpkins, Zachary Simpkins, Sierra Simpkins, Erica Iwamura, Brandon Iwamura, Trevor Iwamura, Tricia Wilson, Mike Wilson, Mikey Wilson, Sean Wilson, Amy Lucas, Julianna Elizabeth Lucas, Justin Gregory Lucas, Alison Crook, Levi Crook, Rianna Crook, Marissa Crook, Sherrie Boman, Joshua Boman, Kerry Roberts-Manson, Grant Manson, Ava Manson, Anna Goodwin, Sierra Goodwin, Ashley Goodwin, Raven Bourdain, Jake Burdoin, Mary Ann Coleman, Ryan Coleman, Haley Coleman, Maureen Ford, Tegan Ford, Carson Ford, Kelley Radow, Gabriel Radow, Adam Radow, Petrina French, Courtney French, Elyssa Galvez, James Collins, Claire Collins, Jay Collins, Marissa Collins, Ellie Collins, Trish Gray, Donald Gray, Ericah Cross, Marla Tomchuk, Moriah Tomchuk, Doris Dick, Merlyn Dick, Carri Ellis, James Ellis, Tyler Ellis, Madison Ellis, Rachel Jackson, Jessica Englehart, Michelle Wise Bellard, Jackson Bellard, Pam Wise, Phillip Wise, Jennifer Saake, Joshua Allen Saake, Ruth Marie Saake, Jeremiah Ray Saake, Betty Camp, Ralph Camp, Missy Pique, Dakota Pique, Caleb Pique, Holly Tollefson, Matt Tollefson, Gina Pistone-Hawley, Jacob Pistone-Hawley, Alyssa Pistone-Hawley, Danette Gaetke, Timothy Gaetke, Michelle Gaetke, Tyler Lera, Kaitlyn Lera, Erika Lera, Venus Lord, Uma Lord, Zoe Wood, Riley Wood, Grace Anderson, AnnaLise Anderson and Rose Darney.

Senator Horsford moved that the Senate adjourn until Wednesday, April 29, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:37 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate