

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 29, 2009

Senate called to order at 11:40 a.m.

President Krolicki presiding.

Roll called.

All present except Senator Washington, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Today, with heads bowed, we pray for the members of this body, its officers and all those who share in its labors. We remember that You never were in a hurry and never lost Your inner peace when under pressure greater than we shall ever know.

But, we are only human. We grow tired. We feel the strain of meeting deadlines, and we chafe under frustration. We need poise and peace of mind, and only You can supply the deepest needs of tired bodies, jaded spirits and frayed nerves.

Give to us Your peace, and refresh us in our weariness that this may be a good day with much done and done well. That we may say with Your servant, Paul, "I can do all things through Christ, who gives me strength."

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.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 59, 237, 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TERRY CARE, *Chair*

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 passed Senate Bill No. 235.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 19.

DIANE M. KEETCH

Assistant Chief Clerk of the Assembly

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

Senate in recess at 11:45 a.m.

SENATE IN SESSION

At 11:49 a.m.

President Krolicki presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 19.

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

Motion carried.

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

Motion carried.

Senator Care moved that Assembly Bill No. 120 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Schneider moved that Assembly Bill No. 109 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 403.

Bill read second time and ordered to third reading.

Assembly Bill No. 61.

Bill read second time and ordered to third reading.

Assembly Bill No. 74.

Bill read second time and ordered to third reading.

Assembly Bill No. 105.

Bill read second time and ordered to third reading.

Assembly Bill No. 164.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 562.

"SUMMARY—Revises certain provisions concerning the crime of battery. (BDR 15-251)"

"AN ACT relating to crimes; providing certain penalties for a battery that is committed by strangulation; increasing the penalty for a battery which constitutes domestic violence if the battery is committed by strangulation; increasing the penalty for a battery under other circumstances if the battery is committed by strangulation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 3 of this bill revises provisions governing the crime of battery to provide the same penalties for a battery which is committed by strangulation as are imposed for a battery which results in substantial bodily harm.

(NRS 200.481) Section 3 also defines the term "strangulation" similarly to the manner in which the term is defined in a similar Minnesota law. (Minn. Stat. § 609.2247(1)(c))

Sections 4 and 5 of this bill revise provisions governing the crime of battery which constitutes domestic violence to impose a category C felony with a maximum fine of \$15,000 upon any person who is convicted of a battery which constitutes domestic violence if the battery is committed by strangulation. (NRS 200.485)

Sections 1, 2, 6 and 7 of this bill amend certain provisions regarding additional penalties, battery with the intent to commit sexual assault, the reporting of certain crimes committed against a child and bail so that those provisions will apply in the same manner to a battery which resulted in substantial bodily harm and a battery which was committed by strangulation. (NRS 193.166, 200.400, 202.876, 178.484)

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

Section 1. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS; or

(e) A temporary or extended order issued pursuant to NRS 200.591, shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, ~~or~~ battery which results in substantial bodily harm *or battery which is committed by strangulation as described in NRS 200.481 or 200.485* if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 2. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section ~~["battery"]~~:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Strangulation" has the meaning ascribed to it in NRS 200.481.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim ~~or~~ *or is committed by strangulation*, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served,

↪ as determined by the verdict of the jury, or the judgment of the court if there is no jury.

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole.

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of life with the possibility of parole.

➔ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 3. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(d) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "*Strangulation*" means *intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person ~~with the intent to cause~~ in a manner that creates a risk of death or substantial bodily harm.*

(i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~{(j)}~~ (j) "Taxicab driver" means a person who operates a taxicab.

~~{(k)}~~ (k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances

where a greater penalty is provided in ~~paragraph (d)~~ *this section* or ~~in~~ NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and *either* substantial bodily harm to the victim results ~~+~~ *or the battery is committed by strangulation*, for a category C felony as provided in NRS 193.130.

(c) If ~~the~~ :

(1) *The* battery is committed ~~+~~

~~(1) Upon~~ upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his duty or upon a sports official based on the performance of his duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm ~~+~~ *or the battery is committed by strangulation*; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

↪ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results ~~+~~ *or the battery is committed by strangulation*, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results ~~+~~ *and whether or not the battery is committed by strangulation*, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results ~~or~~ *or the battery is committed by strangulation*, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 4. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to *subsection 2* or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. *Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.*

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) Except as otherwise provided in this subsection, for the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons

who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) Except as otherwise provided in this subsection, for the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

↪ If the person resides more than 70 miles from the nearest location at which counseling services are available, the court may allow the person to participate in counseling sessions in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470 every other week for the number of months required pursuant to paragraph (a) or (b) so long as the number of hours of counseling is not less than 6 hours per month. If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~{3-}~~ 4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~{4-}~~ 5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~{5-}~~ 6. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

~~{6-}~~ 7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

~~{7}~~ 8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~{8}~~ 9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 5. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to *subsection 2 or* NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. *Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in*

NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than \$15,000.

3. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

(b) For the second offense within 7 years, require him to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

↪ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

~~{3-}~~ 4. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~{4-}~~ 5. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~{5-}~~ 6. In addition to any other penalty, the court may require such a person to participate, at his expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Health Division of the Department of Health and Human Services.

~~{6-}~~ 7. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of his ability to pay.

~~{7-}~~ 8. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. A court shall not grant probation to and, except as otherwise provided in NRS 4.373 and 5.055, a court shall not suspend the sentence of such a person.

~~{8-}~~ 9. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 6. NRS 202.876 is hereby amended to read as follows:

202.876 "Violent or sexual offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 ~~{-}~~ if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm ~~{pursuant to}~~ *as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 ~~{-}~~ or 200.485.*
12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.
13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.

15. Open or gross lewdness pursuant to NRS 201.210.
16. Lewdness with a child pursuant to NRS 201.230.
17. An offense involving pandering or prostitution in violation of NRS 201.300, 201.320 or 201.340.
18. Coercion pursuant to NRS 207.190, if the coercion involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
19. An attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive.

Sec. 7. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The State Board of Parole Commissioners directs the detention facility to admit the person to bail; or
- (c) The Division of Parole and Probation of the Department of Public Safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail; or
- (b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 484.379778, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on his own recognizance unless he has a concentration of alcohol of less than 0.04 in his breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484.379, 484.3795, 484.37955, 484.379778, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of

safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on his own recognizance sooner than 12 hours after his arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, without appearing personally before a magistrate ~~or~~ or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ *or was committed by strangulation*;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ *or was committed by strangulation*; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ *or was committed by strangulation*; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm ~~or~~ *or was committed by strangulation*; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

➔ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against

stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 must not be admitted to bail sooner than 12 hours after his arrest if:

(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

(b) The person has previously violated a temporary or extended order for protection of the type for which he has been arrested; or

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

9. If a person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 8, without appearing personally before a magistrate ~~or~~ or without the amount of bail having been otherwise set by a magistrate or a court, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591;

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591; or

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.

↪ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court ~~or~~ or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic

violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

10. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

11. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

↪ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

12. If a person fails to comply with a condition imposed pursuant to subsection 11, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

13. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

14. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

↪ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.100, inclusive.

17. *As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.*

Sec. 8. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~6~~ 7 of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.

2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 9. 1. This section and sections 1 to 4, inclusive, 6, 7 and 8 of this act become effective upon passage and approval.

2. Section 4 of this act expires by limitation on June 30, 2009.

3. Section 5 of 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.

The amendment revises the definition of "strangulation" so that the action must take place in a manner that creates a risk of death or substantial bodily harm.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 180.

Bill read second time and ordered to third reading.

Assembly Bill No. 226.

Bill read second time and ordered to third reading.

Assembly Bill No. 247.

Bill read second time and ordered to third reading.

Assembly Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 280.

Bill read second time and ordered to third reading.

Assembly Bill No. 332.

Bill read second time and ordered to third reading.

Assembly Bill No. 338.

Bill read second time and ordered to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 577.

"SUMMARY—Makes various changes concerning conduct related to racketeering. (BDR 15-1000)"

"AN ACT relating to crimes; providing that it is unlawful for a person to engage in certain fraudulent acts in the course of an enterprise or occupation; revising provisions relating to the crime of racketeering; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes various crimes relating to fraud. (Chapter 205 of NRS) Section 1 of this bill, which is patterned in part after existing securities laws, provides that a person commits a category B felony if the person knowingly or intentionally engages in at least two similar transactions within 4 years after the completion of the first transaction by engaging in an act, practice or course of business or employing a device, scheme or artifice to defraud another person by making an untrue statement of fact or not stating a material fact necessary in light of the circumstances which: (1) the person knows to be false or omitted; (2) the person intends another to rely on; and (3) which causes a loss to any person who relied on the false statement or omission of material fact. (NRS 90.570)

Section 2 of this bill revises the definition of a crime related to racketeering to include the new crime established by section 1 of this bill. (NRS 207.360)

Existing law establishes various crimes relating to racketeering activity. (NRS 207.400) Section 3 of this bill prohibits a person from transporting property, attempting to transport property or providing property to another person knowing that the other person intends to use the property to further racketeering activity. In addition, section 3 prohibits a person who knows that property represents proceeds of any unlawful activity from conducting or attempting to conduct any transaction involving the property with the intent

to further racketeering activity or with the knowledge that the transaction conceals the location, source, ownership or control of the property. (NRS 207.400)

Section 4 of this bill generally provides that a prosecution of the new crime established by section 1 of this bill must be commenced within 4 years after the crime is committed. (NRS 171.085)

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

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:*

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

↪ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than \$250.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 2. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in NRS 484.3775;

3. Mayhem;

4. Battery which is punished as a felony;

5. Kidnapping;

6. Sexual assault;

7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery;
14. Any violation of NRS 199.280 which is punished as a felony;
15. Burglary;
16. Grand larceny;
17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
18. Battery with intent to commit a crime in violation of NRS 200.400;
19. Assault with a deadly weapon;
20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;
21. Receiving or transferring a stolen vehicle;
22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
24. Receiving, possessing or withholding stolen goods valued at \$250 or more;
25. Embezzlement of money or property valued at \$250 or more;
26. Obtaining possession of money or property valued at \$250 or more, or obtaining a signature by means of false pretenses;
27. Perjury or subornation of perjury;
28. Offering false evidence;
29. Any violation of NRS 201.300 or 201.360;
30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
31. Any violation of NRS 205.506, 205.920 or 205.930; ~~{or}~~
32. Any violation of NRS 202.445 or 202.446 ~~{-}~~; *or*
33. *Any violation of section 1 of this act.*

Sec. 3. NRS 207.400 is hereby amended to read as follows:

207.400 1. It is unlawful for a person:

(a) Who has with criminal intent received any proceeds derived, directly or indirectly, from racketeering activity to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of:

- (1) Any title to or any right, interest or equity in real property; or
- (2) Any interest in or the establishment or operation of any enterprise.

(b) Through racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.

(c) Who is employed by or associated with any enterprise to conduct or participate, directly or indirectly, in:

- (1) The affairs of the enterprise through racketeering activity; or
- (2) Racketeering activity through the affairs of the enterprise.

(d) Intentionally to organize, manage, direct, supervise or finance a criminal syndicate.

(e) Knowingly to incite or induce others to engage in violence or intimidation to promote or further the criminal objectives of the criminal syndicate.

(f) To furnish advice, assistance or direction in the conduct, financing or management of the affairs of the criminal syndicate with the intent to promote or further the criminal objectives of the syndicate.

(g) Intentionally to promote or further the criminal objectives of a criminal syndicate by inducing the commission of an act or the omission of an act by a public officer or employee which violates his official duty.

(h) *To transport property, to attempt to transport property or to provide property to another person knowing that the other person intends to use the property to further racketeering activity.*

(i) *Who knows that property represents proceeds of, or is directly or indirectly derived from, any unlawful activity to conduct or attempt to conduct any transaction involving the property:*

- (1) *With the intent to further racketeering activity; or*
- (2) *With the knowledge that the transaction conceals the location, source, ownership or control of the property.*

(j) To conspire to violate any of the provisions of this section.

2. A person who violates this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$25,000.

3. *As used in this section, "unlawful activity" has the meaning ascribed to it in NRS 207.195.*

Sec. 4. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 ~~for~~ a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 *or a violation of section 1 of this act* must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Any felony other than ~~murder, theft, robbery, burglary, forgery, arson, sexual assault, a violation of NRS 90.570 or a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999~~ *the felonies listed in subsection 1* must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Senator Care moved the adoption of the amendment.

Remarks by Senator Care.

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

This is a technical amendment, and we now have it. It was at the insistence of the Judiciary Committee's staff.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 4.

Bill read third time.

Roll call on Senate Bill No. 4:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Senate Bill No. 4 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 17.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 571.

"SUMMARY—Revises provisions governing health care records. (BDR 54-607)"

"AN ACT relating to health care; revising provisions governing the retention and destruction of health care records; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill requires that certain boards post a statement on their Internet websites that the health care records of patients who are less than ~~28~~ 25 years of age may not be destroyed and that the health care records of other patients may be destroyed after 7 years.

Section 2 of this bill increases from 5 years to 7 years the period of time that a provider of health care must retain the health care records of patients who are ~~28~~ 25 years of age or older and requires the provider to notify a patient before destroying his health care records upon expiration of the period. (NRS 629.051) Section 2 also: (1) requires that certain disclosures regarding destruction of records be provided to patients; (2) prohibits the destruction of health care records for a person who is less than ~~28~~ 25 years of age; and (3) requires the State Board of Health to adopt regulations relating to the required disclosures.

Section 3 of this bill requires that individuals licensed by the Board of Medical Examiners who close an office in this State keep the Board apprised in writing of the location of medical records kept by that office for at least 7 years thereafter. (NRS 630.254)

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C shall post on its website on the Internet, if any, a statement which discloses that:*

(a) *Pursuant to the provisions of subsection 7 of NRS 629.051, the health care records of a person who is less than ~~18~~ 25 years of age may not be destroyed; and*

(b) *Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient may be destroyed after 7 years pursuant to subsection 1 of NRS 629.051.*

2. *The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.*

Sec. 2. NRS 629.051 is hereby amended to read as follows:

629.051 1. Except as otherwise provided in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory ~~and~~ *and unless a longer period is provided by federal law, each provider of health care shall retain the health care records of his patients as part of his regularly maintained records for ~~5~~ 7 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which limits access to those records.*

2. *A provider of health care shall post, in a conspicuous place in each location at which the provider performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.*

3. *When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.*

4. *If a provider fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider next performs health care services for the patient.*

5. *In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.*

6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.

7. A provider of health care shall not destroy the health care records of a person who is less than ~~18~~ 25 years of age on the date of the proposed destruction of the records.

8. The State Board of Health shall adopt:

(a) Regulations prescribing the form, size, contents and placement of the signs and written statements required pursuant to this section; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board in writing of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board in writing of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed \$250; and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board in writing of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board in writing of this occurrence within 14 days after the closure; and

(b) For a period of ~~5~~ 7 years thereafter, *unless a longer period of retention is provided by federal law*, keep the Board apprised in writing of the location of the medical records of his patients.

Senator Wiener moved the adoption of the amendment.

Remarks by Senator Wiener.

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

This changes the requirement that was for keeping records until a person is 28 years old. This changes the age to 25 years old.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 400.

Bill read third time.

Roll call on Senate Bill No. 400:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Senate Bill No. 400 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Senate Bill No. 401 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23.

Bill read third time.

Roll call on Assembly Bill No. 23:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 23 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28.

Bill read third time.

Roll call on Assembly Bill No. 28:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 28 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37.

Bill read third time.

Roll call on Assembly Bill No. 37:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 37 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 93 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96.

Bill read third time.

Remarks by Senators Carlton and Wiener.

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

SENATOR CARLTON:

I would like to know what this bill actually does. In reading the bill, it was confusing. I would like a practical example of what this bill accomplishes.

SENATOR WIENER:

Assembly Bill No. 96 clarifies that a qualified student may receive the Governor Guinn Millennium Scholarship if the student is enrolled in more than one eligible institution in the same academic term for a total of at least 12 semester credit hours. The student may be taking a course in another institution while attending full time at another one. The Scholarship must be administered by the institution in which the student is enrolled in a program leading to a degree or certificate. The Board of Regents of the University of Nevada shall establish procedures and guidelines for the administration of the Scholarship, including per-credit-hour amounts to which the student is entitled.

Roll call on Assembly Bill No. 96:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 96 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 114.

Bill read third time.

Roll call on Assembly Bill No. 114:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 114 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 133.

Bill read third time.

Roll call on Assembly Bill No. 133:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 133 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 163.

Bill read third time.

Roll call on Assembly Bill No. 163:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 163 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 187.

Bill read third time.

Roll call on Assembly Bill No. 187:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 187 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 188.

Bill read third time.

Roll call on Assembly Bill No. 188:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 188 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 253.

Bill read third time.

Remarks by Senators Carlton and Care.

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

SENATOR CARLTON:

Could we please have an explanation of this bill?

SENATOR CARE:

Thank you, Mr. President. We had repeated testimony from law enforcement that there is no statute that addresses this issue. A number of officers testified about how they, personally, or colleagues of theirs had run into situations where someone had attempted to take a weapon from an officer while the officer was attempting to undertake his duties. There are other statutes that might cover this, but that was the basic testimony. This legislation fills a gap so that if a person does this, that action may be added to the number of crimes a person may be charged with and could lead to plea bargaining.

Roll call on Assembly Bill No. 253:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 253 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 264.

Bill read third time.

Roll call on Assembly Bill No. 264:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 264 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 286.

Bill read third time.

Roll call on Assembly Bill No. 286:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 286 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 384.

Bill read third time.

Roll call on Assembly Bill No. 384:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 384 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 407.

Bill read third time.

Roll call on Assembly Bill No. 407:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 407 having received a two-thirds majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 412.

Bill read third time.

Roll call on Assembly Bill No. 412:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 412 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 417.

Bill read third time.

Roll call on Assembly Bill No. 417:

YEAS—18.

NAYS—Care, Carlton—2.

EXCUSED—Washington.

Assembly Bill No. 417 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509.

Bill read third time.

Roll call on Assembly Bill No. 509:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 509 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 517.

Bill read third time.

Roll call on Assembly Bill No. 517:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 517 having received a constitutional majority,
Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Assembly Bill No. 518 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 15, 28, 65, 67, 90, 166, 392; Senate Joint Resolution No. 9 of the 74th Session.

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 members of the Carson City Democratic Women's Club: Cathy Madsen, Vivian Pickett, Sandy Osheroff, Donna Curtis, Jean Bondieth, Sally Layer, Nora McGinley, Karen Priest, Anita Eftimoff, Jean Estrada, Raynell Heaton, Joan Wong, Yolanda Garcia Banuelos, Margaret Mello, Janet Riggs and the following students and chaperones from the Bethlehem Lutheran School: Henry Bingham, Shayla Clyde, Daxea DeWeese, Kidrick Fore, Erin Henry, Sarah Housel-Koche, Taylor Negrete, Carie Olson, Vishvaas Ravikumar, Karl Ricks, Michaela Roth, Christopher Soderstrom, Nicholas Walker, Rachel Andersen, Richard Brookes, Annhya Clarkson, Stephanie Gansberg, Carson Iverson, Sashank Kandhadai, Caleb Keith, Nathan King, Jacob Medlock, Matthew Premo, Visesh Ravikumar, Andy Shao, Magan Smith McKinze Tynes, Abby Williams; chaperones: Clay Soderstrom, Jamie McCormick and Vanessa Bernhard.

On request of Senator Mathews, the privilege of the floor of the Senate Chamber for this day was extended to the following students and teachers from the Roger Corbett Elementary School: Sandra Aguilar, Luis Aguirre-Alba, Jonathan Cano, Drandon Carrasco, Jose Castillo, Omar Cruz, Alondra Diaz, Michelle Espinoza, Yadira Garcia, Mayra Gonzalez, Hector Lopez, Neida Lopez, Krystal Manzano, Lexus Montoya, Ruby Mora, Ulises Munoz, Jackie Nunez, Destiny Ochoa, Carlos Paguntalan, Diego Puertos, Arturo Rios, Vanessa Rodriguez, Alex Ruvalcaba, Marisol Torres, Raul Vanegas, Randy Alvarez, Crystal Arellano Rios, Kaleen David, Lucero DeLaRiva, Sergio Diaz Funes, Dana Engen, Alondra Espinoza, Juliet Fakava, Yonathan Gonzalez, Andrew Hernandez Reyes, Jonathan Huerta, Miguel Lacano, Yessenia Martinez Aguilar, Edwin Martinez, Jonathan Negreros, Malinalitzin Oliva, Liliana Pacheco, Daisy Partida, Maricruz

Perez, Julie Ann Ramirez, Barbara Rodriguez, Diana Rodriguez, Abner Ruiz, Brayan Silva; teachers: Miss Pomajzl, Mrs. Shaw and Dr. Myna Campbell.

Senator Horsford moved that the Senate adjourn until Thursday, April 30, 2009, at 11 a.m.

Motion carried.

Senate adjourned at 12:18 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate