

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 5, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:45 p.m. on Tuesday, May 5, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Michael Roberson
Senator Scott Hammond
Senator Tick Segerblom
Senator Aaron D. Ford

COMMITTEE MEMBERS ABSENT:

Senator Ruben J. Kihuen (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Olivia Diaz, Assembly District No. 11

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Jason Frierson, Chair, Legislative Committee on Child Welfare and Juvenile Justice

Senate Committee on Judiciary
May 5, 2015
Page 2

Brigid Duffy, Chief, Juvenile Division, Office of the District Attorney,
Clark County
Susan Roske, Chief Deputy Public Defender, Office of the Public Defender,
Clark County
Vanessa Spinazola, American Civil Liberties Union of Nevada
Regan Comis, M + R Strategic Services
John T. Jones, Jr., Nevada District Attorneys Association
Sean B. Sullivan, Office of the Public Defender, Washoe County
Brett Kandt, Special Assistant Attorney General, Office of the Attorney General
Matt Jensen, Senior Deputy Attorney General, Office of the Attorney General
Mona Lisa Samuelson
Laurel Stadler, Rural Coordinator, Northern Nevada DUI Task Force; Alliance for
Victims' Rights
Steve Fisher, Administrator, Division of Welfare and Supportive Services,
Department of Health and Human Services
Diana Foley, Nevada Securities Administrator, Securities Division, Office of the
Secretary of State

Chair Brower:

I will open the hearing on Assembly Bill (A.B.) 124.

ASSEMBLY BILL 124 (1st Reprint): Revises provisions governing punishment
for crimes. (BDR 4-182)

Assemblywoman Olivia Diaz (Assembly District No. 11):

I have written testimony describing the history of A.B. 124 and explaining the
urgent need for this bill (Exhibit C). The heart of the teacher in me thinks we
need to do our best to educate and divert children with behavior problems early
so we do not have to incarcerate them down the line.

**Jason Frierson (Chair, Legislative Committee on Child Welfare and Juvenile
Justice):**

This bill came before the Legislative Committee on Child Welfare and Juvenile
Justice in the interim. Its intent is to recognize the reality that 8- or 9-year-olds
are just that: 8 or 9 years old. We believe we are doing harm by requiring that
these children be treated criminally and mixed with older, more serious
offenders rather than using the system to meet their needs and the needs of
their families. If 8-year-olds do something that brings them into our care, we
need to do something with the families to make sure the needs of those children

are met. We do not want to create a situation in which those children will be worse members of the community because we did not provide those services.

Brigid Duffy (Chief, Juvenile Division, Office of the District Attorney, Clark County):

We support A.B. 124. Over the interim, we had many conversations with Mr. Frierson regarding 8-, 9- and 10-year-old children being arrested and held in the detention center in Clark County. I expressed concern about seeing 8-year-olds arrested on a regular basis for misdemeanor charges. Most children who commit misdemeanor offenses are cited and not arrested. Our biggest charge category for 8- and 9-year-olds is battery, and most of the time that is battery domestic violence. It is difficult to see a 65-pound 8-year-old boy arrested for throwing a remote control at his 200-pound mother. When the police arrive on the scene, they feel it is necessary to take those children to the detention center for a 12-hour hold. I set up a policy with juvenile detention to notify me when 8- and 9-year-olds are brought into the detention center for misdemeanor battery domestic violence. I then can make a determination of whether to take those children to Child Haven or leave them in the detention center for 12 hours.

During the interim, we talked about society issues versus parenting issues. When does a society become concerned about what 8- and 9-year-olds are doing, and when do we decide their behavior is something parents need to deal with? Offenses started falling off. A lot of those children were in foster homes; a lot of them were just having temper tantrums. When there is an incident and parents call the police, the parents sometimes say, "We just wanted to teach them a lesson."

In our opinion, it was critically important to keep juvenile sex offenses as an arrestable offense for 8- and 9-year-olds. We call those offenders sexually reactive, recognizing that most of the time 8- and 9-year-olds who are offending against other children have been offended against themselves. We need to treat those children in our system so we can prevent today's victims from becoming the next generation of offenders. With the sexual abuse of children, most of the time, families want to keep it a secret; often it is interfamilial. This means the victims will never get the treatment they need, therefore perpetuating more abuse down the line and creating more untreated sex offenders.

We also agree that murder should be kept as an arrestable offense for all. We recently had an incident in which a child brought a handgun to school in Clark County, and the gun went off. Children do those things; but when a child actually commits murder, we need to be able to deal with it as a society and not as a parenting issue.

Susan Roske (Chief Deputy Public Defender, Office of the Public Defender, Clark County):

We strongly support A.B. 124. I have been representing children in juvenile court for over 27 years. It is hard to explain to a child what the juvenile process is all about and what his or her constitutional rights are in order to prepare a child to be canvassed by the judge at a plea hearing. Children who are 8 or 9 years old are not competent to understand the nature of the charges and assist counsel in their own defense.

This bill is a good step forward for Nevada to recognize that children as young as 8 and 9 years old should not be involved in the delinquency system.

Vanessa Spinazola (American Civil Liberties Union of Nevada):

We support A.B. 124. It is better to serve these children through the child welfare system than the delinquency system.

Regan Comis (M + R Strategic Services):

We support A.B. 124. I have written testimony explaining the need for this bill ([Exhibit D](#)).

John T. Jones, Jr. (Nevada District Attorneys Association):

We support A.B. 124. We thank Mr. Frierson for bringing this bill forward.

Sean B. Sullivan (Office of the Public Defender, Washoe County):

We support A.B. 124.

Chair Brower:

I will close the hearing on A.B. 124 and open the hearing on A.B. 48.

[ASSEMBLY BILL 48 \(1st Reprint\)](#): Makes various changes relating to fraudulent acts committed against the State or a political subdivision. (BDR 14-154)

Brett Kandt (Special Assistant Attorney General, Office of the Attorney General):

This bill strengthens the ability of our Medicaid Fraud Control Unit, which has primary jurisdiction for the investigation and prosecution of Medicaid fraud, to investigate and prosecute Medicaid fraud in our State system. I have written testimony regarding the function of A.B. 48 ([Exhibit E](#)).

This bill does two things. First, it ensures that people who have been convicted of Medicaid fraud are limited in their ability to have their records sealed and then perpetrate Medicaid fraud again. Second, it makes amendments to the Nevada False Claims Act, which is *Nevada Revised Statutes* (NRS) 357, to ensure that it complies with federal laws.

Matt Jensen (Senior Deputy Attorney General, Office of the Attorney General):

Section 2 of A.B. 48 has to do with the sealing of records. Medicaid and other agencies require the ability to review criminal histories in their regulation of contractors and licensees, including Medicaid providers and residential care facility operators. In many instances, any Medicaid fraud conviction within 7 years disqualifies a person from becoming a contractor or licensee. However, a misdemeanor or gross misdemeanor Medicaid fraud conviction can be sealed in as little as 2 years. This bill prevents such premature sealing.

In addition, the Office of the Attorney General may not be notified of sealing petitions even though the Attorney General was the prosecuting attorney. The lack of notification works to deny the ability of the Office of the Attorney General or an agency it represents to present evidence relevant to a sealing petition. This bill provides appropriate notification of sealing petitions to the Attorney General.

Sections 3 through 10 of A.B. 48 make necessary technical amendments to NRS 357, the Nevada False Claims Act, to achieve compliance under the federal Deficit Reduction Act of 2005 (DRA). With these minor wording changes, Nevada's compliance would result in us receiving a 10 percent larger allocation of the federal share of settlements that involve Nevada and the federal government. This is a financial incentive called the "DRA bump" and could mean approximately \$250,000 per year.

Statutory references to whistleblowers in the Nevada False Claims Act use the phrase "private plaintiff." Nevada pays whistleblowers a portion of False Claims

Act recoveries based on a percentage range. Nevada's percentage range is higher than the federal government and any other state except California. Nevada makes it possible for a whistleblower to obtain a percentage of the recovery between 15 and 33 percent for initiation of an action and 25 to 50 percent if Nevada declines to intervene in the action. Most states and the federal government cap these percentage awards at 15 to 25 percent and 25 to 30 percent respectively. A reduction in the high end of the percentage ranges would bring Nevada in line with most other states and the federal government, resulting in more proficient negotiations of global settlements and whistleblower shares. These revisions will also afford Nevada consistency with other states, which in turn allows us to pool resources, rely on common caselaws and act on a united front in matters involving multiple states.

Assembly Bill 48 will promote safer living environments for our citizens by addressing the time period in which a conviction for Medicaid fraud can be sealed and recoup more funds for State taxpayers.

Mona Lisa Samuelson:

I am a 25-year resident of Nevada, and I came here to give a voice to the medical marijuana community. Although you are not talking about medical marijuana this afternoon, you are talking about Medicaid. When you are talking about Medicaid, you are talking about medical marijuana patients.

We have had legislation this Session that means only the most sick and desperate will try medical marijuana. It is such a sticky situation for us that we put ourselves in danger. This is going to affect a lot of us. When I look at S.B. 114 and S.B. 288 in combination with A.B. 48, what I see is information being gathered outside the constraints of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

SENATE BILL 114 (1st Reprint): Makes changes relating to prescriptions for certain controlled substances. (BDR 40-239)

SENATE BILL 288 (1st Reprint): Revises provisions relating to prescribing controlled substances. (BDR 40-889)

A lot of people are going to be in trouble for being on Medicaid and medical marijuana. Nevada instituted the medical marijuana laws and allowed people to grow medical marijuana for their own use as long as they did not sell marijuana

and were well screened for their ailments. My reading of A.B. 48 makes it clear that you intend to make a database of Medicaid users, people who were on Medicaid legitimately. It is hard to get on Medicaid, and you are trying to create a situation where Medicaid status can be investigated without going through HIPAA. Of course, you say you are trying to stop Medicaid fraud.

Chair Brower:

What part of the bill do you not like? Can you point us toward the specific section?

Ms. Samuelson:

Section 6, subsection 3 states that the Division can use a news story against a Medicaid patient.

Chair Brower:

That is existing law. That is not something A.B. 48 is changing.

Ms. Samuelson:

I will retract my objection to that section. I was told by the head of Medicaid in Las Vegas that the agency is cross-checking the databases of people who are on Medicaid and SSI against the list of medical marijuana patients. Medicaid and SSI are for the indigents, the poorest people in society. What scares me about this is knowing that now there are databases being made to cross-reference this information without any HIPAA oversight. That is what I am worried about.

Chair Brower:

I will close the hearing on A.B. 48 and open the hearing on A.B. 114.

ASSEMBLY BILL 114 (2nd Reprint): Revises provisions governing restitution.
(BDR 14-560)

Mr. Kandt:

This bill came out of the Advisory Commission on the Administration of Justice. The Commission identified a problem when a defendant is ordered to pay restitution to a victim. The way the law works is the court loses jurisdiction over offenders when they complete their sentences, including jurisdiction over the payment of restitution. In order to address this shortcoming, A.B. 114 was proposed to provide that a judgment for restitution would not expire when the defendant finishes the sentence; rather, the court's jurisdiction would extend for

some period of time. The original form of the bill had no expiration date on the judgment of restitution, but it was amended in the Assembly to put a 10-year limit on that judgment. Assembly Bill 114 would allow a victim to seek to enforce that judgment without initiating a separate action.

Chair Brower:

Did you say the bill was amended in the Assembly to add that 10-year cap?

Mr. Kandt:

Correct. As originally proposed, the bill had no expiration date.

Chair Brower:

Would it be your office's preference that the law have no expiration?

Mr. Kandt:

Yes. That was the recommendation of the Commission. I do not know the policy reasons why the Assembly chose to place a limitation period on the bill.

Chair Brower:

Does your office support the 10-year limit, or do you prefer to have no limitation period?

Mr. Kandt:

We supported the original proposal that a judgment for restitution would not expire.

Laurel Stadler (Rural Coordinator, Northern Nevada DUI Task Force; Alliance for Victims' Rights):

We support A.B. 114, and we supported it with the original language with no termination of the judgment for restitution.

This bill started out as a simple change to the protocol for restitution. Even though it is a simple bill, it goes a long way to put some victim justice in the criminal justice system. This is my twenty-fifth year volunteering in working for victims of DUI crashes, working to prevent the crime of DUI and being a victim advocate. I have seen a lot of victims in those 25 years. Unfortunately, a lot of people and offenders think restitution is some sort of revenge for the victim. There is no truth to that. Restitution will never make a victim whole again. Victims who die are gone forever; victims who are injured are injured for life.

This is a good bill. The statute provides a 6-year window for the payment of restitution, and many offenders spend more than 6 years in prison. A restitution order can evaporate while the offender is incarcerated. It puts a heavy onus on victims to have to go to court to reestablish the court's order for restitution.

Let me share a story to put faces on these victims. The one that is foremost in my mind is the little boy who was a week away from his fourth birthday. His mother had his presents wrapped; everything was ready for the birthday party. The week before the party, his 22-year-old mom was headed home from Carson City to Dayton when a DUI offender came out on Highway 50, crossed all four lanes of traffic, ran into that mom's car head on and killed her instantly. Now we have a 4-year-old boy with no mom forever. Think about that with respect to your own children. The 21-year-old offender was sentenced to 8 to 20 years for a DUI causing death, which is the maximum sentence, and was ordered to pay restitution in the amount of \$13,000. That \$13,000 will never make that little boy whole or bring back his mother, but it could possibly help him in college or help him get established after he leaves home. This particular little boy has had a lot of problems because his mom was taken from him at such an early age. To make that family keep going back to court to reestablish that restitution is owed and the offender should pay it seems ludicrous.

I am sure this story could be repeated for other victims over and over again. We would like to see that 10-year window removed and replaced with a permanent lien against the offender. As far as I know, if you have a lien on a property, that never expires. Is this 4-year-old less important than a piece of property?

If we cannot go back to the bill's original language, at least there should be something in the court order to advise victims that there is a termination date on the restitution order. Victims do not realize that they have to go back to court to do this. Victims of crime are drafted into the criminal justice system through no fault of their own, and they are not privy to all this bulk of information. Somewhere along the line, there should be some mandatory language to let victims know the time limit they have.

Chair Brower:

Thank you. We are going to amend the bill back to its original form.

I will close the hearing on A.B. 114 and open the hearing on A.B. 13.

ASSEMBLY BILL 13 (1st Reprint): Revises provisions governing support enforcement to ensure compliance with federal law. (BDR 11-373)

Steve Fisher (Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

In 2009, Nevada enacted the 2008 amendments to the Uniform Interstate Family Support Act (UIFSA) of 2008 as adopted by the National Conference of Commissioners on Uniform State Laws regarding international child support enforcement. Based on federal guidance at that time, the effective date of these amendments is the date on which the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance is ratified by the President, and the United States deposits the instruments of ratification. However, recent federal legislation now requires the effective date to be July 1.

This bill amends provision of NRS 130, Nevada's Interstate Family Support Act, to change the effective date of the previously adopted UIFSA 2008 amendments to comply with the new federal requirements. Assembly Bill 13 also makes certain language changes to existing law in NRS 130 to match the language of the model act as required by the federal Office of Child Support Enforcement.

The UIFSA 2008 amendments integrate the appropriate provisions of the Hague Convention. This treaty greatly expands the number of countries that recognize and enforce U.S. child support orders. This means more Nevada children will be able to obtain financial support regardless of where their parents live. All states use UIFSA to process interstate cases. The 2008 amendments to UIFSA add provisions that meet treaty requirements concerning the recognition of child support orders issued by treaty countries. Currently, 34 countries, including all 27 European member countries, have ratified the treaty. Because child support in the U.S. is handled at the state level rather than federally, the treaty must be implemented by state law. Once all states have enacted UIFSA 2008, the ratification process can be completed, allowing the U.S. to become party to the treaty.

Nevada's Child Support Enforcement program receives 66 percent of its funding from the federal government. This funding is contingent on compliance with the federal Office of Child Support Enforcement requirements. Failure to implement UIFSA 2008 by July 1 will jeopardize child support enforcement funding. Failure to comply with the federal Office of Child Support enforcement requirements

exposes the State to financial penalties assessed against the State's Temporary Assistance for Needy Families block grant.

Chair Brower:

I will close the hearing on A.B. 13 and open the hearing on A.B. 51.

ASSEMBLY BILL 51 (2nd Reprint): Revises provisions relating to securities.
(BDR 7-449)

Diana Foley (Nevada Securities Administrator, Securities Division, Office of the Secretary of State):

I will start by giving a brief overview of what the Securities Division does. The Securities Division is responsible for administering and enforcing the laws of the Uniform Securities Act. In addition to investor education, we are responsible for licensing investment professionals who sell investment products. We register securities offerings, investigate criminal matters and investigate civil complaints from investors. As part of that process, our administrative section issues civil penalties when there is a violation of the Uniform Securities Act. We also suspend, revoke and limit licenses. The Securities Division can go to the district court to seek other remedies, such as temporary restraining orders, receivers, orders for restitution for investors and the recoupment of investigation costs. Finally, in light of the fact that we investigate criminal matters, we present those cases to the Office of the Attorney General (AG). The AG determines whether to prosecute those cases, and in that process, the Attorney General may ask for restitution and investigation cost recoupment.

Often, our job intertwines with federal regulation. The Dodd-Frank Wall Street Reform and Consumer Protection Act, which was enacted in 2010, expanded our responsibilities as they relate to investment advisors. Similarly, the Jumpstart Our Business Startups (JOBS) Act enacted by Congress in 2012 created a federal exemption from registration, which will allow for crowdfunding at the federal level.

That brings me to A.B. 51. In its current version, the bill only has sections 10 through 13. Sections 2 through 9 were deleted by an amendment on the Floor of the Assembly just before the bill was passed by the Assembly. We are requesting that the bill be amended to put sections 2 through 9 back in their original form with a slight addition to section 8, subsection 2 (Exhibit F).

I will review the bill as it exists. Section 10 gives a new definition of “funding portal,” which is a term of art. The JOBS Act created a crowdfunding exemption. In Title III of that act, the Securities Act of 1933 was amended to allow for a new registration exemption that offerings are allowed to be crowdfunded at the federal level. The federal crowdfunding exemption allows issuers to sell securities of up to \$1 million a year under certain conditions. One condition of this federal exemption is that the issuer must use either a registered broker or a funding portal. A funding portal is a crowdfunding intermediary that is acting in a transaction involving a federal crowdfunding exemption. The funding portal does not offer investment advice or recommend sales on its Website or portal. It does not compensate based on sales. However, the funding portal will be required to, among other things, provide disclosures regarding the risks of the transactions, ensure that investors review certain material and perform background checks on the principals of the issuer.

We would like the ability to inspect funding portals and require them to file notice in Nevada. Crowdfunding at the federal level is not yet legal. The Securities and Exchange Commission (SEC) has not promulgated the rules for crowdfunding. Once the SEC issues final rules, that will be legal. Also in section 10, we are asking for the specific authority to adopt regulations that are consistent with the JOBS Act.

In section 11 of A.B. 51, we seek to amend NRS 90.630, which delineates the administrator’s authority. Section 11 provides for the ability of the administrator to double the allowable civil penalty if a violation of NRS 90 occurs that is committed against an older person or vulnerable person.

Similarly, in section 12 of A.B. 51, we are seeking to amend NRS 90.640, which delineates the district court’s authority to issue orders. Section 12 amends NRS 90.640 to enhance the remedies available to the district court when a violation is committed against an older or vulnerable person, including the ability to double the civil penalty, double restitution if ordered and double investigation costs.

Section 13 seeks to amend NRS 90.650, which provides that certain violations of the Securities Act are Category B felonies. It also provides for enhanced restitution and investigation costs in criminal cases. In the original version of A.B. 51, section 13 also made it clear that sections 2 through 9 were not felonies.

I will now review sections 2 through 9 of the original bill, which were deleted by the Assembly. Sections 2 through 9 would have amended the Uniform Securities Act by the adoption of provisions that require broker-dealers and investment advisors to report the exploitation of older persons and vulnerable persons. These sections required training of certain broker-dealer and investment advisor employees who regularly come in contact with an older person or a vulnerable person. The training includes learning about the conduct that constitutes exploitation and how to report it.

Sections 8 and 9 required reporting when a designated person among the broker-dealer and investment advisor employees knew or had reasonable cause to believe that an older person or vulnerable person had been exploited. This section also provided for immunity as set forth in NRS 200.5096 and made it clear that financial records might be disclosed.

This portion of the bill is consistent with the stated policy found in NRS 200.5091. This policy was adopted by the Nevada Legislature in 1997 and states:

It is the policy of this State to provide for the cooperation of law enforcement officials, courts of competent jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation and isolation of older persons and vulnerable persons through the complete reporting of abuse, neglect, exploitation and isolation of older persons and vulnerable persons.

Consistent with that policy, in 2007, A.B. No. 87 of the 74th Session amended NRS 657, 673, 677 and 678 related to financial institutions, savings and loans, credit unions and thrift companies. In that amendment, Legislators essentially adopted the language in sections 2 through 9 of the original bill to apply to those institutions.

When the Securities Division was looking at some of the laws related to the elderly, we noticed a loophole related to investment advisors and broker-dealers. Investment advisors and broker-dealers are often in a unique position to identify potential exploitation of an older person in that they may be intimately aware of a client's financial situation and may have a longstanding relationship with the client. That gives them the ability to identify sudden changes, both in the clients

and in their spending habits. According to the conservative statistics collected by the North American Securities Administrators Association, a nonprofit member organization, 34 percent of enforcement actions taken by state securities regulators involve senior victims.

The National Elder Abuse Incidence Study, which was performed in 1998 by the National Center on Elder Abuse, suggests that elder abuse is significantly underidentified and underreported. Nearly four times as many cases of elder abuse or neglect are unreported than are reported to authorities. A more recent study of elder financial abuse was completed by MetLife in 2011 entitled "Crimes of Occasion, Desperation, and Predation Against America's Elders." This study reported that the annual financial loss of victims of elder financial abuse was estimated to be \$2.9 billion in 2011. That is a 12 percent increase from 2008. The MetLife study also set forth that elder financial abuse continues to decimate incomes, both great and small; it engenders health care inequities, fractures families, reduces available health care options and increases rates of mental health issues among elders. Elder financial abuse invariably results in loss of human rights and dignity, and despite growing public awareness from a parade of high profile individuals who have been subjected to financial abuse, it still continues.

We would like to see sections 2 through 9 returned to the bill. These sections deal with training and reporting of financial abuse.

Senator Ford:

Is the current iteration of the bill helpful to the Securities Division?

Ms. Foley:

Yes.

Senator Ford:

Do you know why sections 2 through 9 were deleted?

Ms. Foley:

Certain members of the Assembly reached out to us on the training requirement, specifically in section 8. We had agreed to support an amendment that made it clear the training requirements were not in addition to what was already required. There are yearly educational requirements for broker-dealers, and investment advisors also have training requirements. We agreed with that

amendment, which was proposed by Assemblywoman Michele Fiore. However, the amendment did not quite do what they sought, so we were advised there was going to be an additional amendment to the bill. The bill went to the Assembly Floor and the amendment was adopted, but we did not see it before the bill was passed. It was proposed by Assemblymen David Gardner and Brent Jones. There was no discussion about removing sections 2 through 9 in their entirety.

Chair Brower:

I will close the hearing on A.B. 51 and open the work session. At the request of Committee members, we will not be voting on A.B. 151, A.B. 153 or A.B. 435 at this time.

ASSEMBLY BILL 151 (1st Reprint): Revises provisions relating to the adoption of children. (BDR 11-757)

ASSEMBLY BILL 153 (1st Reprint): Revises various provisions related to sexually exploited children. (BDR 5-622)

ASSEMBLY BILL 435 (1st Reprint): Provides for the realignment of certain judicial districts. (BDR 1-302)

Chair Brower:

I will open the work session on A.B. 16, A.B. 44, A.B. 46 and A.B. 68.

ASSEMBLY BILL 16 (1st Reprint): Revises provisions concerning sexual conduct between certain prisoners in lawful custody or confinement and other persons. (BDR 16-343)

ASSEMBLY BILL 44 (1st Reprint): Revises provisions governing judgments by confession. (BDR 6-491)

ASSEMBLY BILL 46 (1st Reprint): Revises provisions relating to the enforcement of certain civil judgments entered by a juvenile court for unpaid fines, administrative assessments, fees or restitution. (BDR 5-489)

ASSEMBLY BILL 68 (1st Reprint): Revises provisions relating to the Commission on Judicial Discipline. (BDR 1-494)

Senate Committee on Judiciary
May 5, 2015
Page 16

Patrick Guinan (Policy Analyst):

I have work session documents for A.B. 16 ([Exhibit G](#)), A.B. 44 ([Exhibit H](#)), A.B. 46 ([Exhibit I](#)) and A.B. 68 ([Exhibit J](#)) summarizing the bills. The hearings for these bills did not include any opposition, and none of the bills has an amendment.

SENATOR HARRIS MOVED TO DO PASS A.B. 16, A.B. 44, A.B. 46 AND A.B. 68.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SEGERBLOM WAS ABSENT FOR THE VOTE.)

* * * * *

Chair Brower:

I will open the work session on A.B. 8.

ASSEMBLY BILL 8 (2nd Reprint): Revises provisions relating to children.
(BDR 11-191)

Mr. Guinan:

I have a work session document for A.B. 8 giving a summary of the bill and including the amendment proposed by Regan Comis ([Exhibit K](#)).

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED A.B. 8.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SEGERBLOM WAS ABSENT FOR THE VOTE.)

* * * * *

Chair Brower:

I will open the work session on A.B. 138.

ASSEMBLY BILL 138 (2nd Reprint): Enacts a juvenile competency standard.
(BDR 5-188)

Mr. Guinan:

I have a work session document for A.B. 138 giving a summary of the bill and including the amendment proposed by Ben Graham ([Exhibit L](#)).

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 138.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SEGERBLOM WAS ABSENT FOR THE
VOTE.)

* * * * *

Chair Brower:

I will open the work session on A.B. 160.

ASSEMBLY BILL 160 (1st Reprint): Makes various changes relating to courts.
(BDR 1-453)

Mr. Guinan:

I have a work session document for A.B. 160 giving a summary of the bill and including the amendment proposed by Judge Mason Simons ([Exhibit M](#)).

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 160.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SEGERBLOM WAS ABSENT FOR THE
VOTE.)

* * * * *

Senate Committee on Judiciary
May 5, 2015
Page 18

Chair Brower:

We are adjourned at 2:48 p.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	5		Attendance Roster
A.B. 124	C	2	Assemblywoman Olivia Diaz	Written testimony
A.B. 124	D	2	Regan Comis / M + R Strategic Services	Written testimony
A.B. 48	E	2	Brett Kandt / Office of the Attorney General	Written testimony
A.B. 51	F	1	Diana Foley / Securities Division, Office of the Secretary of State	Proposed Changes to the Original Version of A.B. 51
A.B. 16	G	1	Patrick Guinan	Work session document
A.B. 44	H	1	Patrick Guinan	Work session document
A.B. 46	I	1	Patrick Guinan	Work session document
A.B. 68	J	1	Patrick Guinan	Work session document
A.B. 8	K	3	Patrick Guinan	Work session document
A.B. 138	L	2	Patrick Guinan	Work session document
A.B. 160	M	3	Patrick Guinan	Work session document