

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
May 17, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 2:18 p.m. on Wednesday, May 17, 2017, 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 Tick Segerblom, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Assemblyman Justin Watkins, Assembly District No. 35

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Connie Westadt, Committee Secretary

OTHERS PRESENT:

Kristin Erickson, Nevada District Attorneys Association
Tonja Brown, Advocate for the Innocent

CHAIRMAN SEGERBLOM:
I will open the work session.

PATRICK GUINAN (POLICY ANALYST):

There are several Do Pass bills with no proposed amendments. The work session document ([Exhibit C](#)) summarizes Assembly Bill (A.B.) 235, which enacts the Uniform Commercial Real Estate Receivership Act.

ASSEMBLY BILL 235 (1st Reprint): Enacts the Uniform Commercial Real Estate Receivership Act. (BDR 3-714)

MR. GUINAN:

The work session document ([Exhibit D](#)) summarizes A.B. 411, which allows a department of juvenile justice services to terminate an employee who has been convicted of certain crimes or against whom certain crimes are pending.

ASSEMBLY BILL 411 (1st Reprint): Revises provisions governing employment with a department of juvenile justice services. (BDR 5-1029)

MR. GUINAN:

The work session document ([Exhibit E](#)) summarizes A.B. 412, which requires that certain misdemeanors that would otherwise be under the jurisdiction of municipal courts must be joined with related felonies and gross misdemeanors in the district courts.

ASSEMBLY BILL 412 (1st Reprint): Revises provisions relating to the jurisdiction of courts over certain criminal charges. (BDR 14-601)

MR. GUINAN:

The work session document ([Exhibit F](#)) summarizes A.B. 444, which allows a magistrate to issue a search warrant for the property of an attorney under certain circumstances.

ASSEMBLY BILL 444: Sets forth certain requirements relating to the search and seizure of the property of an attorney. (BDR 14-1072)

MR. GUINAN:

The work session document ([Exhibit G](#)) summarizes A.B. 453, which provides that upon an unconditional waiver of a preliminary hearing, a defendant and the district attorney may enter into a written conditional plea agreement. Such an agreement is subject to the court accepting the recommended sentence pursuant to the agreement.

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ASSEMBLY BILL 453 (1st Reprint): Establishes conditional plea agreements in criminal cases. (BDR 14-1065)

SENATOR HARRIS MOVED TO DO PASS A.B. 235, A.B. 411, A.B. 412, A.B. 444 AND A.B. 453.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:
I will open the work session on A.B. 76.

ASSEMBLY BILL 76 (1st Reprint): Revises provisions relating to the Central Repository for Nevada Records of Criminal History. (BDR 14-260)

MR. GUINAN:
The work session document ([Exhibit H](#)) summarizes A.B. 76 and a proposed amendment.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 76.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR SEGERBLOM:
I will open the work session on A.B. 243.

MR. GUINAN:
The work session document ([Exhibit I](#)) summarizes A.B. 243 and a proposed amendment.

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ASSEMBLY BILL 243 (1st Reprint): Revises provisions relating to criminal convictions of victims of sex trafficking and involuntary servitude. (BDR 14-444)

KRISTIN ERICKSON (Nevada District Attorneys Association):
The amendment should read "order," not "conditional order" and not "interim order" in section 1.2, subsection 8.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 243.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:
I will open the work session on A.B. 25.

ASSEMBLY BILL 25: Revises provisions relating to certain allowable deductions from the period of probation or sentence of a person. (BDR 14-171)

MR. GUINAN:
The work session document ([Exhibit J](#)) summarizes A.B. 25 and the proposed amendment.

CHAIR SEGERBLOM:
There will be no vote today on A.B. 25, but I want to explain my proposed conceptual amendment. The prison system is overcrowded. There have been discussions about sending people out of state. I am proposing to change the good time credits from 20 days to 25 days, retroactive for 7 years. There is a history of doing this. It was done in 2007 when a change was made from 10 days to 20 days. This proposed change can result in a 1-year sentence reduction for some prisoners. At a cost of \$21,000 per year per bed, it could be a huge savings. It is a way to address the current overcrowding situation without looking at categories of felony charges. It affects Categories C and D differently than it does Categories A and B.

NICK ANTHONY (COUNSEL):

The intent of the amendment is to provide statutory credits of five days to inmates currently incarcerated in the Department of Corrections and to those currently on parole. For incarcerated inmates, the additional five days would come off both the front end and the back end. The back-end days apply to every offender. The front-end days affect the parole eligibility date. The additional five days for parole eligibility would only apply to Category C, D and E felonies, as did credits from A.B. No. 510 of the 74th Session in 2007. This does not apply to Categories A, B, sex offenses, violent offenses, etc.

CHAIR SEGERBLOM:

We have asked the Department of Corrections to provide an estimate of the impact of this proposed amendment on inmate population. We have not yet received a response. I will close the work session on A.B. 25 and open the work session on A.B. 268.

ASSEMBLY BILL 268 (1st Reprint): Authorizes certain persons to file a postconviction petition to pay the cost of a genetic marker analysis. (BDR 14-638)

MR. GUINAN:

The work session document ([Exhibit K](#)) summarizes A.B. 268.

SENATOR FORD MOVED TO DO PASS A.B. 268.

SENATOR DENIS SECONDED THE MOTION.

SENATOR CANNIZZARO:

I spoke with Assemblyman Justin Watkins, Assembly District No. 35. I have concerns about A.B. 268. I will vote yes today, but I reserve the right to change my vote.

ASSEMBLYMAN JUSTIN WATKINS (Assembly District No. 35):

I am open to continuing the conversation on A.B. 268 and look forward to working with Senator Cannizzaro.

SENATOR HARRIS:

I would like to participate in working on this bill. I will be voting no today because of the breadth and scope of the bill.

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THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:
I will open the work session on A.B. 259.

ASSEMBLY BILL 259 (1st Reprint): Revises provisions relating to certain criminal convictions and sentences. (BDR 14-657)

MR. GUINAN:
The work session document ([Exhibit L](#)) summarizes A.B. 259 and the proposed amendments. The bill would change the term "interim order" to "order."

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED A.B. 259.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND ROBERSON VOTED NO.)

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CHAIR SEGERBLOM:
I will open the work session on A.B. 470.

ASSEMBLY BILL 470 (1st Reprint): Creates a preprosecution diversion program for defendants charged with certain misdemeanor offenses. (BDR 14-1062)

Mr. Guinan:
The work session document ([Exhibit M](#)) summarizes A.B. 470 and the proposed amendments.

SENATOR CANNIZZARO MOVED TO AMEND AND DO PASS AS AMENDED A.B. 470.

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SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON, HARRIS AND
ROBERSON VOTED NO.)

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TONJA BROWN (Advocate for the Innocent):
We would like to thank you for passing these bills and hearing our concerns.

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CHAIR SEGERBLOM:
The hearing is adjourned at 2:51 p.m.

RESPECTFULLY SUBMITTED:

Connie Westadt,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	6		Attendance Roster
A.B. 235	C	1	Patrick Guinan	Work Session Document
A.B. 411	D	1	Patrick Guinan	Work Session Document
A.B. 412	E	1	Patrick Guinan	Work Session Document
A.B. 444	F	1	Patrick Guinan	Work Session Document
A.B. 453	G	1	Patrick Guinan	Work Session Document
A.B. 76	H	23	Patrick Guinan	Work Session Document
A.B. 243	I	10	Patrick Guinan	Work Session Document
A.B. 25	J	7	Patrick Guinan	Work Session Document
A.B. 268	K	1	Patrick Guinan	Work Session Document
A.B. 259	L	11	Patrick Guinan	Work Session Document
A.B. 470	M	1	Patrick Guinan	Work Session Document