

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
March 16, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:00 p.m. on Thursday, March 16, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Pat Devereux, Committee Secretary

OTHERS PRESENT:

Janette Fennell, President, Kids and Car Safety
Leann McAllister, Executive Director, Nevada Chapter of the American Academy
of Pediatrics
Erin Shaffer
Nick Vander Poel, Nevada Humane Society
Cadence Matijevich, Washoe County
DaShun Jackson, Director, Safety and Welfare Policy, Children's Advocacy
Alliance
Jason Walker, Washoe County Sheriff's Office
Chris Ries, Las Vegas Metropolitan Police Department

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John Jones, Jr., Nevada District Attorneys Association
Greg Hall, CEO, Nevada Humane Society
Lynn Goya, Clerk, Clark County
Kimberly Surratt, Nevada Justice Association
Jeff Rogan, Clark County
LC Rapert, Deputy Director, Silver State Equality
Wynn Tashman
Shawnyne Garren, Recorder, Douglas County; Recorder's Association of Nevada

CHAIR SCHEIBLE:
We have two bills to present today.

VICE CHAIR HARRIS:
We will open the hearing on Senate Bill (S.B.) 190.

SENATE BILL 190: Revises provisions relating to the liability of certain persons for protecting or removing a child or pet from a motor vehicle. (BDR 15-802)

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):
Senate Bill 190 extends civil and criminal protections for people who remove children or pets from a vehicle under specific circumstances. We have statutory protections against civil liability for law enforcement officers and other emergency responders who render aid to a child who is in danger in a vehicle. However, these protections do not include civilians.

On average every year between 1998 and 2020, 37 children died from heatstroke in hot vehicles in the United States. The years 2018 and 2019 were the worst, when 53 children died in each of those years. Sadly, we suffered our first loss of 2023 in February, when a 2-year-old boy died from heatstroke in Florida.

How many pets die from heat in hot vehicles is unknown because these incidents are not reported or tracked in the same way. However, according to the American Veterinary Medical Association, hundreds of pets die from heat exhaustion every year after being left in hot vehicles.

I was surprised to learn how quickly vehicles heat up even in relatively temperate areas. When the temperature is 80 degrees outside, it takes only

10 minutes for the internal temperature of a vehicle to reach more than 100 degrees. When it is 90 or 95 degrees outside, it takes only 5 minutes for a vehicle interior to reach more than 100 degrees. Even when it is only 70 or 75 degrees outside, in 15 or 20 minutes the inside of a vehicle can reach more than 100 degrees.

A child begins to experience symptoms of heat stroke when his or her internal body temperature reaches about 104 degrees. Children can die at 107 degrees of internal body temperature.

Senate Bill 190 covers any person in the State who encounters a child or pet in a locked vehicle who is worried about the safety of the child or pet therein. If people call 911 and are ready to rescue the child or animal, they can rest assured they will be protected from civil or criminal liability.

In preparation for this hearing and talking to Committee members and other colleagues, the resounding consensus was any of us would do anything it takes to rescue a child or pet in a vehicle. No law enforcement agency in the State would prosecute somebody for that and probably no court would find somebody liable for breaking a window or forcing open the door to rescue a pet or a child.

I have had conversations with numerous clients, friends and colleagues about the dangers of leaving an animal or child in a vehicle. Of course, with children, it is generally accidental; with pets, it is more often intentional. People just do not realize how quickly vehicles heat up.

The conversation I have had numerous times was, “What would you do in that situation?” People express some hesitancy to me—probably because I am an attorney in criminal law—believing they would be at fault or responsible for damages if they were to break someone’s vehicle window or pry open a door to rescue a child or pet.

The purpose of S.B. 190 is to put in statute anybody who encounters an animal or child stuck in a hot car does not have to worry about being held criminally or civilly liable for doing the right thing and rescuing that child or animal.

Section 1, subsection 4, paragraphs (a) through (d) of S.B. 190 expand protections to any person, whereas subsection 3 protects law enforcement or other first responders, who uses reasonable means to protect a child in danger.

People must meet these criteria: determine the vehicle is locked and there is no other reasonable way to remove the child from the vehicle; report the situation to law enforcement or another first responder via 911 or other means, such as flagging them down if they are nearby; remain with the child in a safe place near the vehicle until informed by law enforcement or a first responder their presence is no longer necessary; and cooperate with law enforcement or first responders who render aid.

Section 2 of S.B. 190 essentially repeats the section 1 provisions in regard to a person who rescues a pet in danger in a vehicle. Section 2, subsection 2 notes an animal control officer or other governmental employee whose primary responsibility is to ensure public safety may be involved in rendering aid to the pet. In other words, it might be a different agency responding to a pet than a child in the vehicle.

Section 3 of S.B. 190 provides its provisions are applicable on or after July 1, 2023.

JANETTE FENNELL (President, Kids and Car Safety):

You have my written testimony ([Exhibit C](#)) in support of S.B. 190. Kids and Car Safety is a national nonprofit organization dedicated to keeping children and pets safe in and around motor vehicles.

We are a passionate proponent of S.B. 190, which we refer to as a Good Samaritan bill. Its significance is not just about protecting citizens from liability but, more important, to ensure nobody is afraid to take action when a child's life is at stake. The bill would empower citizens to become involved when it matters most.

Kids and Car Safety is the only organization that maintains a national database on incidents of children and pets left alone in vehicles. You have my fact sheet about children and hot vehicles ([Exhibit D](#)). Children are at risk every day across the entire State. Tragically, more than 1,000 children in the United States have died in hot vehicles since 1990; 17 deaths took place in Nevada. There are at least 76 documented cases of other U.S. children left alone in hot vehicles who did not die.

It is not just heat that presents a danger to children. We have documented incidents in Nevada in which children activated vehicle gearshifts, found

matches and died by fire in the vehicle, were strangled by power windows and shot themselves when they found a gun in the vehicle. What keeps me up at night is wondering how many children would still be alive today if someone had intervened.

A dear friend of mine lost her infant daughter in a hot vehicle. Years later in 2010, she learned not one but two people walked by her van, saw the baby in the backseat but did nothing. What is even more tragic is this is not an isolated incident. Kids and Car Safety knows of many fatal incidents in which a passerby saw a child inside a vehicle yet did nothing.

Everyone knows the inside of a vehicle acts like a greenhouse. Most of the heat starts rising within ten minutes. On an 85-degree day, in 10 minutes the inside of a vehicle is 104 degrees, which is in most cases not survivable. Add the fact that a child's body temperature rises three to five times faster than that of an adult. Put these things together and it is a recipe for disaster.

Some people say, "We will just wait for the first responders to come in and help." The few minutes it takes first responders to arrive could mean the difference between life and death, between severe brain damage and lifelong disability.

I have been working to keep children safe in and around motor vehicles for more than 28 years. Every day I work with parents who have buried a child. There is nothing worse in the whole wide world that could ever happen. It is important for Nevada to pass this Good Samaritan law to help save our precious little children.

SENATOR OHRENSCHALL:

Assuming S.B. 190 becomes law, will an effort be made to educate Nevadans the law has changed? Anyone who is fearful of breaking the law or of civil liability could be informed otherwise by a public information campaign. I know that is not part of this bill, but maybe it would happen tangentially?

SENATOR SCHEIBLE:

That is part of the impetus for the bill: to spread broader awareness about the dangers of hot vehicles and to ensure we have that stopgap on the back side of the law. A billboard simply stating kids need to be rescued from hot vehicles that reach 100 degrees on an 85-degree day does not explicitly say you can

legally break the window. We want to make sure the answer to the question, "Will I be in trouble if I break the window?" is no.

SENATOR STONE:

My wife and I have encountered situations like this with a child. I cannot understand how this can happen. A gentleman going to work was supposed to drop his kid off at preschool. He forgot the girl was in the car, so she either died from heat exhaustion or oxygen deprivation.

While I am 100 percent in favor of the bill, sometimes we have to play the devil's advocate. With a child, it is a no-brainer: you bust the window and grab the child to save his or her life. However, you could encounter a vehicle that has not one but maybe two large canines that are already stressed because it is hot. They cannot breathe and are snapping. You open the door and they either snap at, bite or otherwise hurt you. Maybe they jump out of the car then get hit by another car or get lost. What are the immunities for the person who tries to save these canines' lives?

SENATOR SCHEIBLE:

That is an excellent hypothetical that certainly could be played out in a lawsuit or court of law or even with an insurance company. Generally, I would say S.B. 190 does not affect the liabilities in what happens after an animal is rescued whether that person has a duty to protect them from other cars or protect themselves from a dog bite. Things like that would be governed by existing laws for those particular instances.

Those kinds of events occur already. Before I presented the bill, I talked to law enforcement officers who have been called out to incidents involving not only vehicles but people who have grabbed an animal from the side of a road. We do not see massive amounts of litigation surrounding people who are saving other people's animals.

SENATOR DONDERO LOOP:

What happens if I am a parent or grandparent with a baby in my car and I lock my keys inside? I do not want to break my windows. Somebody comes up and says, "You have to break your windows," and I argue with him or her. What happens if the person who locked a child in a vehicle is still standing there?

SENATOR SCHEIBLE:

Senate Bill 190 does not require anybody to take a particular action; it simply protects them from liability if they do.

Going back to Senator Ohrenschall's question about a public awareness campaign, it is reasonable to expect and ask people to first take other measures. First, you should look around to assess if the person responsible is standing right next to you. I would suggest the person who wants to rescue the baby from the car call 911 and let law enforcement officers deal with that situation because a child's safety is at risk.

I am a bold person. If I were in that situation and the fight with the vehicle owner went on long enough, I would bust somebody's window in front of them to save the child and then answer to law enforcement for my action. Other people might choose not to do so, and they would not be held responsible for that choice.

The bill gives Good Samaritans—be they overzealous or not—reasonable protections under the law if they made sure the vehicle was locked and took reasonable measures after calling 911.

SENATOR DONDERO LOOP:

There was a similar case in Clark County and none of the windows were broken by anyone, not even law enforcement or emergency medical technicians. I cannot imagine that all unfolding without somebody saying, "I am going to save this kid instead of the car." When is it that somebody must take responsibility? Does the bill say somebody has to save that child's life who is strapped into a car seat?

SENATOR SCHEIBLE:

The bill does not place an affirmative obligation on anybody to act. It protects the people who do.

LEANN MCALLISTER (Executive Director, Nevada Chapter of the American Academy of Pediatrics):

You have my written testimony ([Exhibit E](#)). It is not safe to leave a child in a vehicle for any length of time. If they see an unattended child in a vehicle, we encourage people who are concerned to immediately call 911 for guidance.

A child left in a hot vehicle can quickly die of heatstroke. Heatstroke is the leading cause of noncrash vehicle-related deaths in U.S. children under the age of 15.

ERIN SHAFFER:

I am a student at the University of Nevada, Reno. I am testifying in support of S.B. 190 as one who is originally from hot southern California. I understand how fast vehicles can heat up and how unsafe it is for a child or pet to be left in a turned-off vehicle for more than a few minutes.

Creating immunity to protect those who care deeply about saving lives, whether it is an animal or child, is the correct action to take. As a student who carries a passion for giving back to the community, animals and children deserve to be saved if seen in a hot vehicle. Whether it be a child or a small pet, such as a cat, dog, goat or any other animal found in Nevada, it deserves the chance to be saved safely.

NICK VANDER POEL (Nevada Humane Society):
Nevada Humane Society supports S.B. 190.

CADENCE MATIJEVICH (Washoe County):
Washoe County supports S.B. 190. In regard to Senator Ohrenschall's question about public information campaigns, Washoe County does annual campaigns about the dangers of leaving kids and animals in hot vehicles. The campaigns are conducted through our human services agency for children and our regional animal services agency for pets.

Based on the bill's effective date, we would likely update that information in midsummer 2023. We would absolutely ensure community members know new legislation exists to remove any hesitation someone might have about taking action in a situation in which minutes do matter.

DASHUN JACKSON (Director, Safety and Welfare Policy, Children's Advocacy Alliance):

The Children's Advocacy Alliance supports S.B. 190. It is important to have statutory measures to ensure those who are protecting children and animals are exempt from liability.

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JASON WALKER (Washoe County Sheriff's Office):
The Washoe County Sheriff's Office support S.B. 190.

CHRIS RIES (Las Vegas Metropolitan Police Department):
Las Vegas Metropolitan Police Department supports S.B. 190.

JOHN JONES, JR. (Nevada District Attorneys Association):
The Nevada District Attorneys Association supports S.B. 190.

GREG HALL (CEO, Nevada Humane Society):
The Nevada Humane Society supports S.B. 190. We operate two no-kill shelters in northern Nevada and assist pets and their owners throughout the State. Senate Bill 190 enhances the protection for children and pets left in motor vehicles during periods of extreme heat or cold created in S.B. No. 409 of the Seventy-ninth Session.

Studies show the temperatures dangerous to children and pets conform within minutes in vehicles. Time is of the essence when taking action to safeguard the health and welfare of trapped pets. We believe S.B. 190 is an important additional step in protecting these vulnerable children and animals.

SENATOR SCHEIBLE:
This is Children's Week at the Legislature and today is Children's Safety Day. Senate Bill 190 is both timely and smart.

VICE CHAIR HARRIS:
We will close the hearing on S.B. 190.

CHAIR SCHEIBLE:
We will open the hearing on S.B. 211.

SENATE BILL 211: Revises provisions relating to marriage. (BDR 11-656)

SENATOR DALLAS HARRIS (Senatorial District No. 11):
Senate Bill 211 is a simple bill. Section 1 establishes a process for someone whose name is changed through a court order to obtain a marriage certificate reflecting the new name. Section 2 repeals some actions the Legislature took in the Seventy-ninth Session.

Initially, we thought it might best for people who have taken a new name to have that put on the marriage certificate. However, that has no legal effect. You still must show the Nevada Department of Motor Vehicles (DMV) your marriage certificate before it changes your name. The process remains the same under the bill.

This caused consternation for people at the DMV window who suddenly realize they have this option and maybe have not decided to change their names or have not had that conversation with their spouses. The law is holding up the ability of county clerks' offices, specifically the high-volume Clark County Clerk's Office, to process the transactions in the time allotted.

If people change their minds, they want to amend the marriage certificate to the name they chose after marriage. The bill proposes to remove that process from the piece of paper itself—the marriage certificate—to make it easier for county clerks' offices to conduct the volume of business they need to.

LYNN GOYA (Clerk, Clark County):

Senate Bill 211 repeals subsection 6 of *Nevada Revised Statutes* (NRS) 12.040, which allows couples to put their new married name on the marriage certificate. The problem is DMV is required to use the original name on the marriage certificate; however, sometimes the couple no longer wants to do that after they leave the Clark County Clerk's Office. I have a statement with more details ([Exhibit F](#)). It would save my Office time, money and consternation if we deleted subsection 6.

SENATOR HARRIS:

In section 1, subsection 1, the proposed amendment ([Exhibit G](#)) to S.B. 211 clarifies a court order can be issued in any state the way it was originally drafted. The subsection may have been misconstrued to require you to get a court order for your name change. People come to Las Vegas to get married then go home another state. People are transient in this State so maybe they move away and get a name change in another state. Now, they need to come back to Nevada in order to get that amendment.

The proposed amendment, [Exhibit G](#), also changes the name-corrected certificate to an amended certificate. We already have a process for correcting marriage certificates when they contain an error. Clerks or recorders produce a corrected certificate, which can sometimes replace the original. We are

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proposing instead an amended certificate that would be in the file with the original one.

I wanted to make sure this works for the entire State. In Clark County, the clerk issues marriage certificates. In other counties, the recorder records and maintains the documents. In section 1, subsection 2, I needed to add “or county recorder.” I also added Oxford commas throughout the bill where clearly appropriate.

SENATOR HANSEN:

What is the difference between a recorder and a clerk?

Ms. GOYA:

The clerk has a lot of duties that differ from county to county. I maintain public records for the Clark County Commission and boards. We also run the marriage license bureau and issue licenses only in Clark County.

SENATOR HANSEN:

Does the clerk accept marriage certificates?

Ms. GOYA:

In other counties, the recorder records certificates and issues land deeds and those kinds of things. The recorder’s duty is much more defined. The clerk can take over anything that nobody else wants to do.

KIMBERLY SURRETT (Nevada Justice Association):

The Nevada Justice Association supports S.B. 211. From my law practice, I have many examples of when I needed this bill, how despite having a court order, I still could not get an amended marriage certificate. There is also a need for the second part of the amendment, [Exhibit G](#), to not force people to designate their name at the time of licensing.

JEFF ROGAN (Clark County):

Clark County supports S.B. 211.

LC RAPERT (Deputy Director, Silver State Equality):

Silver State Equality is a LGBTQ+ civil rights organization. We support S.B. 211.

WYNN TASHMAN:

You have my written testimony ([Exhibit H](#)) in support of S.B. 211. It will help all people who want their marriage certificates to accurately reflect their names. Once someone has obtained a court-approved name change, he or she can amend nearly every State and federal document without issues. The bill addresses one of the final holdouts remaining in Nevada—the marriage certificate—that can be changed after a court-approved name change. I have witnessed community members concerned about wanting to do this who need this type of legislative advocacy when encountering systemic barriers.

SHAWNYNE GARREN (Recorder, Douglas County; Recorder's Association of Nevada):

The Recorder's Association of Nevada opposes S.B. 211. Senator Harris worked with us to address our procedural concerns. Despite the proposed amendment, [Exhibit G](#), we have outstanding procedural concerns regarding the bill in its current form.

The role of the county recorder is fiduciary first and foremost as set forth throughout NRS 247. We preserve and protect documents put on record in our offices and make them available for public inspection upon request. Our role is to protect the integrity of those records. Senate Bill 211 creates an instance for historic and permanent records to be altered in a way that does a disservice to this vital role.

The intent of a marriage certificate has not historically been to prove or determine identity; rather, it is a record documenting an event that occurred between specific parties on a given date at a stated location. To the extent a record contains an error, procedures already exist to correct it.

Senate Bill 211 would inherently and substantively change or amend a record as it was clarified, not corrected. The bill allows an applicant—without consent from their current or former spouse—to substantively alter the marriage record of the couple. Additionally, S.B. 211 allows an applicant to substantively amend another person's certification.

Per statute, a marriage certificate is the efficient certification of an event that the undersigned officiant did join or rejoin. As the case may be in lawful wedlock, the individuals are identified per NRS 122.120. Senate Bill 211 allows a person to substantively alter the certification without consent of the

undersigned officiant. I am unaware of any other example in which the law authorizes a person, without notice or authorization, to alter the certification of another.

We look forward to working with the bill sponsors and various stakeholders to address these concerns while maintaining the role and expectations of marriage and county recorders across the State.

SENATOR HARRIS:

Senate Bill 211 requires the original marriage certificate to be retained. We do not want to change the historical record; that is not the goal of the bill. There is plenty of precedent for getting a court order for a name change and changing records we all consider final, including birth certificates. It should not be easier to change your name on your marriage certificate than on your birth certificate.

The marriage certificate is not used for identification, which is another reason why the bill is less of a big deal. This is about people making a choice: they have changed their name and want the marriage certificate to reflect who they are.

I understand Ms. Garren's hesitancy about the bill. Clerks and recorders do a great job of recording and preserving records. This would allow an amended certificate to be filed and tied to the original record without changing any of the history. I am trying to offer an avenue modeled after other ways we change vital records in the State.

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CHAIR SCHEIBLE:

The Committee has received three letters of support for S.B. 190 ([Exhibit I](#)). We will close the hearing on S.B. 211. Seeing no more business before the Senate Committee on Judiciary, this meeting is adjourned at 1:46 p.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 190	C	4	Janette Fennell / Kids and Car Safety	Support Testimony
S.B. 190	D	4	Janette Fennell	Fact Sheet "Child Hot Car Dangers"
S.B. 190	E	7	Leann McAllister / Nevada Chapter of the American Academy of Pediatrics	Support Testimony
S.B. 211	F	10	Lynn Goya / Clark County Clerk	Clark County Marriage License Bureau Fees
S.B. 211	G	10	Senator Dallas Harris	Proposed Amendment
S.B. 211	H	12	Wynn Tashman	Support Testimony
S.B. 190	I	14	Senator Melanie Scheible	Letters of Support