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ASSEMBLY COMMITTEE ON JUDICIARY

STAFF PRESENTATION OF COMMITTEE BRIEF

BY

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RESEARCH DIVISION, LEGISLATIVE COUNSEL BUREAU**

FEBRUARY 4, 2003

I. INTRODUCTION

GOOD MORNING, CHAIRMAN ANDERSON AND MEMBERS OF THE COMMITTEE. FOR THE RECORD, I AM ALLISON COMBS, PRINCIPAL RESEARCH ANALYST WITH THE RESEARCH DIVISION OF THE LEGISLATIVE COUNSEL BUREAU AND POLICY ANALYST FOR THE ASSEMBLY COMMITTEE ON JUDICIARY. AS THE COMMITTEE'S POLICY ANALYST, I AM AVAILABLE TO ASSIST WITH ANY RESEARCH NEEDS OR REQUESTS YOU MAY HAVE. PLEASE DO NOT HESITATE TO CONTACT ME OR THE RESEARCH DIVISION IF YOU HAVE ANY REQUESTS FOR ASSISTANCE THROUGHOUT THE SESSION.

ASSEMBLY JUDICIARY

DATE: 2/4/03 ROOM 3138 EXHIBIT E-10F8

SUBMITTED BY: ALLISON COMBS

II. OVERVIEW OF COMMITTEE BRIEF

A COPY OF THE COMMITTEE BRIEF FOR THE ASSEMBLY COMMITTEE ON JUDICIARY HAS BEEN DISTRIBUTED TO EACH OF YOU. COPIES ARE ALSO AVAILABLE FOR THE PUBLIC. I WOULD LIKE TO BRIEFLY GO OVER THE CONTENTS OF THE BRIEF, WHICH YOU MAY WISH TO REVIEW IN MORE DETAIL AFTER THE MEETING. IN THE INTEREST OF TIME THIS MORNING AND THE FULL AGENDA, I WOULD LIKE TO SUGGEST THAT IF YOU HAVE ANY QUESTIONS ON A PARTICULAR ISSUE OR PIECE OF LEGISLATION, PLEASE LET ME KNOW AFTER THE MEETING, AND I WILL BE HAPPY TO PROVIDE YOU WITH THE INFORMATION.

A. JURISDICTION OF THE COMMITTEE

AS CHAIRMAN ANDERSON NOTED IN HIS OPENING REMARKS, THE COMMITTEE HAS JURISDICTION OVER A LARGE NUMBER OF ISSUES AND CHAPTERS WITHIN THE *NEVADA REVISED STATUTES*. A COMPLETE LIST OF ALL OF THE TITLES AND CHAPTERS OVER WHICH THE COMMITTEE HAS JURISDICTION IS PROVIDED ON PAGES ONE THROUGH THREE OF THE BRIEF.

B. THE 2001 LEGISLATIVE SESSION

STARTING ON PAGE FOUR, THE BRIEF PROVIDES AN OVERVIEW OF THE MAJOR ISSUES IN THIS COMMITTEE LAST SESSION. AS NOTED BY CHAIRMAN ANDERSON, IN 2001, THE ASSEMBLY COMMITTEE ON JUDICIARY HAD ONE OF THE LARGEST COMMITTEE WORKLOADS, RECEIVING OVER 180 BILLS AND RESOLUTIONS. ONE OF THE PRIMARY TOPICS FOR WHICH THE COMMITTEE IS RESPONSIBLE IS THE OPERATION OF THE CRIMINAL JUSTICE SYSTEM. BILLS PASSED LAST SESSION REVISED THE PENALTIES FOR MANY CRIMES, INCLUDING INCREASING THE PENALTIES FOR DOMESTIC VIOLENCE, STALKING, ASSAULT AND BATTERY ON AN OFFICER, AND THE ABUSE AND NEGLECT OF CHILDREN. THE COMMITTEE ALSO PASSED NEW LEGISLATION TO ADDRESS CRIMES COMMITTED THROUGH THE COMPUTERS AND THE INTERNET.

OTHER CRIMINAL JUSTICE ISSUES THE COMMITTEE ADDRESSED IN 2001 INCLUDE REGISTRATION AND COMMUNITY NOTIFICATION OF SEXUAL OFFENDERS, JUVENILE JUSTICE, SEALING OF CRIMINAL RECORDS, THE OPERATION OF THE DEPARTMENT OF CORRECTIONS, AND PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

EACH OF THESE TOPICS IS DISCUSSED IN MORE DETAIL ON PAGES FOUR THROUGH EIGHT OF THE COMMITTEE BRIEF.

IN THE AREA OF CIVIL LAWS AND LIABILITY, THE COMMITTEE UPDATED NEVADA'S CORPORATE LAWS WITH MODIFICATIONS PROPOSED BY THE BUSINESS LAW SECTION OF THE STATE BAR OF NEVADA AND THE OFFICE OF THE SECRETARY OF STATE. IN ADDITION, IT APPEARS TWO ISSUES OF GREAT CONCERN TO HOMEOWNERS WILL BE RETURNING TO THE 2003 SESSION FOR FURTHER CONSIDERATION: COMMON-INTERESTS COMMUNITIES AND CONSTRUCTION DEFECTS. THESE ISSUES ARE COVERED IN MORE DETAIL ON PAGES EIGHT AND NINE OF THE BRIEF.

ALSO IN THE AREA OF CIVIL LIABILITY—AS YOU ARE ALL AWARE—THE LEGISLATURE MET IN A SPECIAL SESSION IN 2002 TO ADDRESS THE ISSUE OF MEDICAL MALPRACTICE. A COMPREHENSIVE BILL—ASSEMBLY BILL 1—WAS PASSED AND SIGNED BY THE GOVERNOR TO ADDRESS THE CRISIS. WITH THE FILING OF AN INITIATIVE PETITION ON THE ISSUE AND NUMEROUS REQUESTS FOR BILL DRAFTS, IT APPEARS THIS ISSUE WILL BE REVISITED THIS SESSION.

THE BILLS AFFECTING THE COURT SYSTEM THAT WERE REVIEWED BY THE COMMITTEE IN 2001 ARE SUMMARIZED ON PAGE TEN OF THE BRIEF AND INCLUDE THE AUTHORIZATION FOR A COURT TREATMENT PROGRAM FOR MENTALLY ILL OFFENDERS AND AN INCREASE IN THE NUMBER OF JUDGES. THE LEGISLATURE ALSO PASSED A RESOLUTION AMENDING THE CONSTITUTION TO CREATE AN INTERMEDIATE COURT

OF APPEALS, WHICH AS BEEN REFERRED TO THE JUDICIARY COMMITTEE THIS SESSION.

THE COMMITTEE ALSO CONSIDERS QUITE A FEW BILLS AFFECTING DOMESTIC RELATIONS IN NEVADA. LAST SESSION, MEASURES WERE PASSED TO END THE BIFURCATION OF THE CHILD WELFARE SYSTEMS IN CLARK AND WASHOE COUNTIES, CLARIFY NEVADA'S LAW ON THE RIGHT OF A GRANDPARENT TO SEEK VISITATION WITH A GRANDCHILD, STREAMLINE ENFORCEMENT OF PROTECTION ORDERS, AND REVISE NEVADA'S CHILD SUPPORT FORMULA. EACH OF THESE TOPICS IS COVERED IN MORE DETAIL ON PAGES ELEVEN THROUGH TWELVE OF THE BRIEF.

THE COMMITTEE ALSO CONSIDERED A NUMBER OF IMPORTANT MEASURES AFFECTING GAMING IN NEVADA LAST SESSION, SOME OF WHICH ARE COVERED ON PAGES THIRTEEN AND FOURTEEN OF THE BRIEF. THE ISSUES INCLUDED:

- o LIMITED AUTHORIZATION FOR INTERNET GAMING CONTINGENT ON A REVIEW BY THE NEVADA GAMING COMMISSION OF THE LEGALITY AND FEASIBILITY OF SUCH ACTIVITY;

- o ESTABLISHING PROCEDURES FOR THE ISSUANCE OF A UNIFORM STATEWIDE WORK PERMIT FOR GAMING EMPLOYEES; AND

- o STRENGTHENING NEVADA'S PROHIBITIONS ON ILLEGAL ACTIVITY ASSOCIATED WITH FIXED SPORTING EVENTS BY SPECIFYING THAT IT IS UNLAWFUL TO PROMISE ANYTHING OF VALUE TO SOMEONE IN ORDER TO INFLUENCE THE OUTCOME OF AN EVENT.

C. SELECTED ISSUES FOR THE 2003 LEGISLATIVE SESSION

WITH REGARD TO ISSUES THAT WILL COME BEFORE THE COMMITTEE THIS SESSION, THE 2001 LEGISLATURE AUTHORIZED TWO INTERIM STUDIES THAT HAVE RECOMMENDED CHANGES IN NEVADA'S LAWS, WHICH WILL BE REFERRED TO THIS COMMITTEE. THE FIRST STUDY IS OF THE DEATH PENALTY AND RELATED DNA TESTING. MEASURES RECOMMENDED BY THIS STUDY ADDRESS MANY TOPICS, INCLUDING:

- o AGGRAVATING AND MITIGATING CIRCUMSTANCES;
- o COMPETENCY OF COUNSEL;
- o THREE-JUDGE PANELS; AND
- o DEFENDANTS DIAGNOSED WITH MENTAL RETARDATION.

AN OVERVIEW OF THE WORK OF THE INTERIM SUBCOMMITTEE AND ITS RECOMMENDATIONS WILL BE PRESENTED TO THIS COMMITTEE BY ITS CHAIRWOMAN—ASSEMBLYWOMAN SHEILA LESLIE—ON MONDAY.

THE SECOND INTERIM STUDY WITH RECOMMENDATIONS TO COME BEFORE THE COMMITTEE CONCERNS MISDEMEANORS. MAJOR TOPICS INCLUDE CRIMES COMMITTED IN PRISON, DOMESTIC VIOLENCE, OUTDATED LAWS, AND GRAFFITI.

ADDITIONAL INFORMATION IS AVAILABLE ON EACH OF THESE STUDIES ON PAGES FIFTEEN AND SEVENTEEN OF THE BRIEF.

FINALLY, AS MANY OF YOU ARE AWARE, CONGRESS HAS PASSED LEGISLATION MAKING .08 BLOOD ALCOHOL CONCENTRATION THE NATIONAL STANDARD FOR IMPAIRED DRIVING. STATES THAT DO NOT ADOPT THE .08 STANDARD BY 2004 WOULD HAVE CERTAIN HIGHWAY CONSTRUCTION FUNDS WITHHELD. A MEASURE WAS PREFILED AND REFERRED TO THIS COMMITTEE TO ADOPT SUCH A STANDARD. ADDITIONAL INFORMATION ON THIS ISSUE IS AVAILABLE ON PAGES FOURTEEN AND SEVENTEEN OF THE BRIEF.

D. 120-DAY SESSION DEADLINES

PAGE EIGHTEEN OF THE BRIEF SUMMARIZES THE MAJOR DEADLINES FOR THE 120-DAY SESSION, AND INCLUDES THE DEADLINES FOR

LEGISLATORS AND COMMITTEES TO REQUEST AND INTRODUCE BILL DRAFTS AUTHORIZED DURING THE SESSION, AS WELL AS THE DEADLINES FOR PASSING BILLS OUT OF COMMITTEES AND THE FIRST AND SECOND HOUSE.

E. LIST OF KEY JUDICIARY CONTACTS

FINALLY, PAGES NINETEEN AND TWENTY OF THE BRIEF PROVIDE A LIST OF KEY JUDICIARY CONTACTS WHICH MAY BE HELPFUL TO YOU AS LEGISLATION IS INTRODUCED AND CONSIDERED IN COMMITTEE.

III. CONCLUDING REMARKS

THIS CONCLUDES MY REMARKS.

THANK YOU.