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ASSEMBLY COMMITTEE ON JUDICIARY



WORK SESSION DOCUMENT

APRIL 28, 2003

Original on file in the Research Library

ASSEMBLY JUDICIARY

DATE: 4/28/03 ROOM 3138 EXHIBIT D

SUBMITTED BY: Allison Combs

D-1089

WORK SESSION

ASSEMBLY COMMITTEE ON JUDICIARY

April 28, 2003

(Please note the list of speakers and summary of the discussion on each measure contained within this document do not represent an official record of the referenced meetings. For an official record, please see the minutes from the meetings of the Assembly Committee on Judiciary, which are available through the Legislative Counsel Bureau.)

The following measures may be considered during the Committee's work session:

- SENATE BILL 397** (BDR 14-441 was requested by the Senate Committee on Judiciary on behalf of the Attorney General). The bill was heard in Committee on April 24, 2003, and no action was taken.

Senate Bill 397 revises various provisions governing sex offenders and offenders convicted of a crime against a child.

Proponents/those testifying in support of the bill: Joe Ward, Office of the Attorney General; Jodi Tyson, Nevada Coalition Against Domestic Violence; Ms. Johnson, Girl Scouts of America.

Opponents/those testifying in opposition of the bill: None.

Discussion: Testimony indicated the measure requires a person convicted of a sexual offense or a crime against a child to notify local law enforcement agencies if he expects to be or becomes a student or a worker at an institution of higher education. In addition, testimony indicated that for Nevada to maintain eligibility for federal Byrne Grant money, the state must comply with the federal Campus Sex Crimes Prevention Act. This measure seeks to bring Nevada into compliance with federal law.

Proposed Amendments: None.

- SENATE BILL 17, FIRST REPRINT** (BDR 15-586 was requested by Senator Valerie Wiener). The bill was heard in Committee on March 14, 2003, and no action was taken.

Senate Bill 17 provides a penalty for a person who leaves a child 7 years of age or younger unsupervised in a motor vehicle under certain circumstances.

Proponents/those testifying in support of the bill: Senator Wiener; Jodi Esposito, Kids 'n Kars; Ben Graham, Nevada District Attorneys' Association; May Shelton, Washoe County Social Services; Lucille Lusk, Nevada Concerned Citizens; Helen Foley, Clark County Health District; Lisa Foster, AAA Nevada.

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Opponents/those testifying in opposition of the bill: None.

Discussion: Testimony indicated the measure was requested not to punish parents but to educate the public on the dangers of leaving children unsupervised around cars. Concerns were raised regarding situations in which a person may inappropriately be prosecuted either for leaving a child in a car or for removing the child from the vehicle.

Proposed Amendments: Senator Wiener, Ms. Lusk, and the Nevada District Attorneys' Association proposed the following amendment to **Section 1, subsection 1**, to address concerns raised during the hearing:

1. A parent, legal guardian or other person responsible for a child who is 7 years of age or younger shall not leave that child in a motor vehicle unless the child is being supervised in the motor vehicle by a person who is at least 14 years of age, if they knew or should have known that:

~~(a) The conditions present a danger to the health and safety of the child; or~~

~~(b) The engine of the motor vehicle is running or the keys to the motor vehicle are anywhere in the passenger compartment of the motor vehicle.~~

(A copy of the proposal is attached on blue paper.)

SENATE BILL 43 (BDR 4-378 was requested by Senator Terry Care). The bill was heard in Committee on April 15, 2003, and no action was taken.

Senate Bill 43 adopts the Uniform Child Witness Testimony by Alternative Methods Act.

Proponents/those testifying in support of the bill: Senator Care; Ben Graham, Nevada District Attorneys' Association.

Opponents/those testifying in opposition of the bill: Lisa Rasmussen, attorney.

Discussion: Testimony indicated the National Conference of Commissioners on Uniform State Laws drafted and recommends the measure to provide procedures for taking the testimony of children in criminal or civil proceedings and permitting a child, for good cause, to testify outside the courtroom and in the immediate presence of a defendant. Concerns were raised regarding the circumstances in which a child's testimony would be provided and protecting the integrity of those proceedings.

Proposed Amendments: No formal amendments were raised during the hearing, although Senator Care noted that the age of the "child witness" under the bill (defined under Section 5) may be an issue considered for possible amendment.

SENATE BILL 48 (BDR 11-382 was requested by Senator Terry Care). The bill was heard in Committee on April 15, 2003, and no action was taken.

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Senate Bill 48 adopts the revision of the Uniform Child Custody Jurisdiction and Enforcement Act.

Proponents/those testifying in support of the bill: Senator Care; Frank W. Daykin, Commissioner, National Conference of Commissioners on Uniform State Laws.

Opponents/those testifying in opposition of the bill: None.

Discussion: Testimony indicated the National Conference of Commissioners on Uniform State Laws drafted and recommends the measure to revise the 1968 Uniform Child Custody Jurisdiction Act, which was adopted by every state. The revision brings the original act into compliance with the federal Parental Kidnapping Prevention Act.

Proposed Amendments: The following amendments were proposed:

1. **Clarify the intent of Section 22 Regarding Findings for Courts of Foreign Countries**—Amend Section 22, subsection 3 (page 4, lines 3 through 5) to clarify the intent that Nevada’s courts are not required to defer to the findings of a court of a foreign country if the child custody law of a foreign country violates fundamental principals of human rights. Proposed by Assemblyman John C. Carpenter.
2. **Clarification of Meaning of “Include” or “Including,”** proposed by Mr. Daykin. A copy of Mr. Daykin’s proposal is attached on green paper.
 - a. Delete phrase “without limitation” on page 2, line 41; and
 - b. Add a new section to the bill to address the meaning of “include” or “including” throughout *Nevada Revised Statutes*. The following language is suggested:

The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

“Include” or “Including” extends the meaning of the subject of the verb, or the word modified by the participle, to include or emphasize the words following the verb or participle.

3. **Application to Orders for Protection Against Domestic Violence**—Amend Section 46 of the bill, which authorizes registration of child custody orders from another state, to specify that an order for protection against domestic violence issued by a court in another state or jurisdiction that is registered under Nevada law (NRS 33.090) is not subject to the provisions of Section 46. Proposed by Assemblywoman Barbara E. Buckley subsequent to the hearing.

- SENATE BILL 105, SECOND REPRINT** (BDR 15-375 was introduced by the Senate Committee on Judiciary on behalf of the City of Reno). The bill was heard in Committee on April 22, 2003, and no action was taken.

Senate Bill 105 makes various changes to the provisions pertaining to the crime of placing graffiti on or otherwise defacing property.

Proponents/those testifying in support of the bill: Nicole Lamboley, City of Reno; Richard Bjelke, Sergeant, Reno Police Department; Gabrielle Carr, Reno City Attorney's Office; James T. Endres, National Council to Prevent Delinquency; Fred L. Hillerby, Washoe County Regional Transportation Commission; Jim Nadeau, Washoe County Sheriff's Office and Nevada Sheriffs' & Chiefs' Association.

Opponents/those testifying in opposition of the bill: None

Discussion: Testimony discussed the financial impact of graffiti on public and private businesses and discussed the changes proposed under the bill.

Proposed Amendments: The following amendment was proposed:

- **Clarify language allowing aggregation of value of property damaged "if one or more persons commit the offenses pursuant to a scheme or continuing course of conduct,"** proposed by Assemblyman William Horne. Clarify the language (on page 2, lines 6 and 7) concerning aggregation of value of property damage to specify that only the crimes of the individual offender can be aggregated. The purpose is to prevent an offender from being held responsible for another person's graffiti or tagging.

- SENATE BILL 197, FIRST REPRINT** (BDR 5-633 was introduced Senator Valerie Wiener). The bill was heard in Committee on April 22, 2003, and no action was taken.

Senate Bill 197 repeals, reenacts, reorganizes and revises certain provisions relating to juvenile justice.

Proponents/those testifying in support of the bill: Senator Wiener; Judge Dianne Steel; Leonard Pugh, Director, Department of Juvenile Services, Washoe County; Kirby L. Burgess, Director, Department of Juvenile Justice Services, Clark County; Willie Smith, Deputy Administrator, Youth Correctional Services, Division of Child and Family Services, Department of Human Resources; Lucille Lusk, Nevada Concerned Citizens; Katherine Kruse, Associate Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas.

Opponents/those testifying in opposition of the bill: None

Those testifying with a neutral position on the bill: Bradley A. Wilkinson, Principal Deputy Legislative Counsel, Legal Division, Nevada Legislative Counsel Bureau.

Discussion: Testimony discussed the statutory revisions under the measure designed to facilitate navigation of laws relating to juvenile offenders.

Proposed Amendments: None.

AJWS-04-28-03

MARCH 19, 2003

SUGGESTED AMENDMENT TO : SB 17

IN A MEETING WITH SENATOR WIENER, LUCILLE LUSK AND OTHERS, THE FOLLOWING SUGGESTION IS MADE TO AMEND SB 17.

THERE WAS CONCERN THAT THE PROHIBITIONS IN THIS BILL MAY HAVE BEEN TO FAR REACHING

THE INTENT IS PRIMARILY AN EFFORT TO BRING HOME AWARENESS OF WHAT FOLKS WOULD NORMALLY WANT TO DO

IT IS PROPOSED THAT LINES 9 THRU 11 ON PAGE ONE BE DELETED

AN AMENDMENT, PLACE WHERE APPROPRIATE, ON OR NEAR LINE 6 OF PAGE 1 AFTER THE WORK IF: ADD THE FOLLOWING; *THEY KNEW OR SHOULD HAVE KNOWN THAT*

Ben Graham

SENATE BILL NO. 17—SENATORS WIENER, TITUS, AMODEI,
CARE, MCGINNESS AND NOLAN

PREFILED JANUARY 24, 2003

Referred to Committee on Judiciary

SUMMARY—Provides penalty for person who leaves child 7 years of age or younger unsupervised in motor vehicle under certain circumstances. (BDR 15-586)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.



EXPLANATION - Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to crimes; providing a penalty for a person who leaves a child 7 years of age or younger unsupervised in a motor vehicle under certain circumstances; and providing other matters properly relating thereto.

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

- 1 Section 1. Chapter 202 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *A parent, legal guardian or other person responsible for a*
4 *child who is 7 years of age or younger shall not leave that child in*
5 *a motor vehicle unless the child is being supervised in the motor*
6 *vehicle by a person who is at least 14 years of age, if:*
7 (a) *The conditions present a danger to the health and safety of*
8 *the child; or*
9 (b) *The engine of the motor vehicle is running or the keys to*
10 *the motor vehicle are anywhere in the passenger compartment of*
11 *the motor vehicle.*
12 2. *Except as otherwise provided in this subsection, a person*
13 *who violates the provisions of subsection 1 is guilty of a*
14 *misdemeanor and shall be punished by a fine of not more than*
15 *\$300. The court may waive or reduce the fine if the person*
16 *presents proof to the court, within the time specified by the court,*

* they knew or should
have known that



D-8089

Draft Amendment to S. B. 48

Amend Section 14 page 2, line 41, by deleting "including, without limitation," and inserting "including".

Amend the bill as a whole by adding a new Section 62, following Section 61, to read as follows:

Sec. 62. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows: "Include" or "Including" extends the meaning of the subject of the verb, or the word modified by the participle, to include or emphasize the words following the verb or participle.

Amend the bill as a whole by renumbering Sections 62 and 63 as Sections 63 and 64 respectively.