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Senate Bill 17--Unsupervised Children in Cars
Senator Valerie Wiener
February 6, 2003

Mr. Chairman and Members of the Committee, for the record, I am Senator Valerie Wiener, representing Clark County Senate District 3. Today I appear before you to urge your support for Senate Bill 17. This bill responsibly addresses situations when a person leaves a child, seven years of age or younger, unsupervised in a motor vehicle.

Before I address the bill itself, let me explain why I introduced it. Several months ago, I received a telephone call from Jodie Esposito. She asked me if I would consider sponsoring a bill on this subject, which was a very personal issue for her. You see, Jodie's 5-year-old son Michael—who had been a student at Louis Wiener Elementary School—died as the result of being accidentally locked in the trunk of her automobile. Jodie is here today, appearing from Las Vegas, and she will explain her tragic story in detail when she comes to the table.

As evidenced by SB 17, I told Jodie that I would be proud to sponsor this legislation. When I requested the bill, I learned that Senator Titus also had in a bill draft request for the same issue. She graciously allowed me to move forward with it, and that is why I asked Senator Titus to be the primary co-sponsor on the bill.

When it came to bill drafting, I knew it would be important to address the concerns that many people might have. This is why I assembled a "team" of interested parties to participate in the drafting process. Just a few of the key players on this team were: Jodie Esposito and other representatives from the Kids 'N Cars organization, Bob Teuton representing the Clark County District Attorney's Office, Stan Olsen representing Metro and the Sheriffs and Chiefs Association, Lucille Lusk representing Nevada Concerned Citizens, and Kathleen ~~athletic injuries. AND in addressing athletic injuries when I~~ Boutin representing the Clark County Health District.

We met at least three times as a team, and several of us had lengthy sessions on the telephone with Legislative Counsel Brenda Erdoes. With all this diverse input, we built the strong consensus bill you have before you today.

Going to the bill itself, in Section 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." The age "7 or younger" was used, because, in Nevada, this is the age when a child is legally presumed not to be able to distinguish right from wrong. The "at least 14 years of age" standard was used because, in Nevada, the legal presumption is that a person this age CAN distinguish between right and wrong.

The two key factors that apply to this situation are when, in sub-section 1-(a), “the conditions present a danger to the health and safety of the child;” or 1-(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.”

Penalties for this violation are explained in Section 1, subsection 2. A violator would be guilty of a misdemeanor, punishable with a fine of not more than \$300. However, the court has the discretion to waive or reduce the fine if the person can verify that he or she has successfully completed a court-approved educational program that includes information about the dangers of leaving a child unattended in a motor vehicle.

Sub-section 3 provides that a law enforcement officer or other person who “reasonably believes” that the child was in danger and entered the car to protect that child . . . will not incur civil liability for using any reasonable means necessary to protect the child and remove the child from the motor vehicle.

An important concern to law enforcement is sub-section 4, which states that anything stated in this entire section **MUST** not be construed to preclude the prosecution of a person under any other provision of law. This means that **IF** a person is responsible for abuse and neglect of the child, that such a criminal action can be prosecuted independently of SB 17.

Mr. Chairman and Members of the Committee, this bill responds to an extraordinary need in southern Nevada. Because current provisions related to abuse and neglect are the guidelines now, many concerned citizens and law enforcement professionals are reluctant to take steps. . . especially because their actions can lead to a felony conviction. With this legislation, we protect children before it reaches the stage of abuse and neglect. We also have the opportunity to encourage parents to learn about protecting their children while in automobiles. It is for these reasons, and more, that I urge your support of Senate Bill 17.