

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-ninth Session
May 5, 2017**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:36 p.m. on Friday, May 5, 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:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Assemblywoman Lesley E. Cohen, Assembly District No. 29
Assemblyman Jim Marchant, Assembly District No. 37
Assemblyman Keith Pickard, Assembly District No. 22
Assemblywoman Ellen B. Spiegel, Assembly District No. 20

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Eileen Church, Committee Secretary

OTHERS PRESENT:

Lynn Marie Goya, Clerk, Clark County
Kathleen Marino, Arch of Reno Wedding Chapel

Senate Committee on Judiciary
May 5, 2017
Page 2

Ann Price McCarthy, Nevada Justice Association
Kimberly M. Surratt, Nevada Justice Association
Wendy Stolyarov, Libertarian Party of Nevada
Janine Hansen, Nevada Families for Freedom
Lynn Chapman, Nevada Eagle Forum
Dr. William P. Tarbell
Kristy Oriol, Nevada Coalition to End Domestic and Sexual Violence
Jon Sasser, Legal Aid Center of Southern Nevada
Stephanie McDonald, Legal Aid Center of Southern Nevada
Brian R. Hardy, Marquis Aurbach Coffing
Samuel P. McMullen, Nevada Bankers Association
Jennifer Noble, Nevada District Attorneys Association

CHAIR SEGERBLOM:

I will open the hearing of the Senate Committee on Judiciary with Assembly Bill (A.B.) 365.

ASSEMBLY BILL 365 (1st Reprint): Revises provisions relating to marriage.
(BDR 11-1020)

ASSEMBLYWOMAN LESLEY E. COHEN (Assembly District No. 29):

The tourist and wedding industry brings in \$2 billion per year in economic activity in Clark County alone. In other counties, even in Washoe County, it does not bring in anywhere near as much economic activity.

Assembly Bill 365 has three main goals. First, ensuring marriage officiants are licensed and trained and that the counties officiant lists are up to date. Second, allowing for wedding vow renewals and third, ensuring transparency and accountability of wedding tourism funds.

SENATOR HARRIS:

You are going to charge a \$14 fee to fund an account to help with marriage tourism on a marriage certificate.

CHAIR SEGERBLOM:

That is already in the law.

Senate Committee on Judiciary
May 5, 2017
Page 3

SENATOR HARRIS:

Why with the renewal of the vow certificate is there not the same fee associated with it to go to the account?

LYNN MARIE GOYA (Clerk, Clark County):

How we set it up is that the vow renewal would have the same set of fees. Some of it would go to that fund and the domestic violence prevention program and some to the State in the same way it is laid out for a marriage license.

KATHLEEN MARINO (Arch of Reno Wedding Chapel):

My family has owned the Arch of Reno Wedding Chapel since 2002.

CHAIR SEGERBLOM:

Does this deal with the issue of allowing ordinary people to become wedding officiants?

Ms. MARINO:

Yes.

CHAIR SEGERBLOM:

My understanding is if you are a notary public, you can take a training class and do a wedding. I could not do it on my own, even though this bill requires that training.

Ms. MARINO:

Correct.

CHAIR SEGERBLOM:

Why is that bad?

Ms. MARINO:

Allowing anybody to do a wedding is not going to solve the problem that they have down there. The problem is that people are not filing licenses, and it is not a difficult process. It is on the marriage license where to mail the license, or you can walk it down to the county recorder's office. I think you have addressed the issue by putting fines in there. We all have bonds and licenses. We have a lot on the line as wedding chapels. However, all we are allowing these people to do is just go pay a \$100 fee.

Senate Committee on Judiciary
May 5, 2017
Page 4

CHAIR SEGERBLOM:
Do you think it is going to hurt the industry?

Ms. MARINO:
I do.

CHAIR SEGERBLOM:
Have notary publics hurt the industry?

Ms. MARINO:
I do not believe they have. The problems they are having have to do with people not filing licenses. Adding more people with the ability to do this is not going to fix the problem.

ASSEMBLYWOMAN COHEN:
The point about people doing marriages and if it will harm the industry, keep in mind that right now it is easy enough to go online to one of those online churches and for a few bucks you can make yourself a minister to marry your friends. The concern is not to hurt anyone's business, it is to help our industry. That is why we put in the portion about the vow renewals, which tourists in Clark County have requested. Therefore, it is something that will help the industry. The most important piece of the bill is the part with the officiants and making sure the training is there. Also, it is important that the certificates get filed so that people who go and get married get their certificates.

CHAIR SEGERBLOM:
Seeing no more people wanting to testify, I will close the hearing on A.B. 365 and open the hearing on A.B. 229.

ASSEMBLY BILL 229 (1st Reprint): Revises provisions governing domestic relations. (BDR 11-701)

ASSEMBLYWOMAN ELLEN B. SPIEGEL (Assembly District No. 20):
Assembly Bill 229 takes the family law section, *Nevada Revised Statutes* (NRS) 122.020, and makes it gender-neutral. Right now because our law has genders in it, it creates issues for people who are legally married in Nevada in terms of their marriages, divorces or other issues within their family. This bill just changes words.

Senate Committee on Judiciary
May 5, 2017
Page 5

CHAIR SEGERBLOM:

It is probably unconstitutional as it currently is.

ASSEMBLYWOMAN SPIEGEL:

Probably, although I am not an attorney so I cannot comment.

CHAIR SEGERBLOM:

Senator Gustavson has a proposed amendment. Has he talked to you about it?

ASSEMBLYWOMAN SPIEGEL:

No.

SENATOR GUSTAVSON:

This just came up, and I have not had a chance to get to talk to you about this amendment. The amendment I am proposing is very similar to the language in Assembly Joint Resolution (A.J.R.) 2. It has to do with clergy and exemption. The amendment would say:

Religious organizations and members of the clergy have the right to refuse to solemnize a marriage, and no person has the right to make any claim against a religious organization or member of the clergy for such a refusal.

ASSEMBLY JOINT RESOLUTION 2 (2nd Reprint): Proposes to amend the Nevada Constitution to require the recognition of all marriages regardless of gender. (BDR C-690)

The reason I am proposing this is that A.J.R. 2 will put the same language into the Constitution, and I thought it would be only right to put the same language into the *Nevada Revised Statutes* too.

CHAIR SEGERBLOM:

We do not expect you to respond. We will try to hold back on the work session until you have a chance to issue a response.

ANN PRICE MCCARTHY (Nevada Justice Association):

We support A.B. 229. This is the law of the land.

Senate Committee on Judiciary
May 5, 2017
Page 6

KIMBERLY M. SURRATT (Nevada Justice Association):

That amendment is not proper in this bill because the only purpose of this bill is for gender-neutralizing for equal protection. It is proper in the other location where it is. If it gets carried over into this language, it is fine. This bill is very clean in its format for gender neutralization.

CHAIR SEGERBLOM:

We are going to ask you to look at it and during the work session if you have an opinion, you can express it. Because Senator Gustavson brought it forward, we are going to ask it to be considered.

WENDY STOLYAROV (Libertarian Party of Nevada):

We support A.B. 229.

JANINE HANSEN (Nevada Families for Freedom):

We support the amendment brought forth by Senator Gustavson. Section 3, subsection 1 does say "may" for religious organizations. Because Nevada does not have a religious freedom restoration act and there is nothing in statute that specifically protects religious organizations, we are concerned about that issue. We want to see those protections so there is not a violation of our constitutional right to freedom of religion.

LYNN CHAPMAN (Nevada Eagle Forum):

We support the amendment. We are also worried about religious liberties. There are churches in the Reno/Sparks area that are no longer performing marriages in their buildings because they know things will be changing, and they do not want to have to go to court.

DR. WILLIAM P. TARBELL:

I only want to ask a question that may be related to the amendment Senator Gustavson presented.

I have an acquaintance who refused to perform a wedding ceremony because the groom arrived at the ceremony totally inebriated. The groom was under the influence of drugs or alcohol. He refused to perform the ceremony on that basis, not on any other basis. Would there be protection for him or anyone who has the authority to solemnize a marriage? Would there be protection for individuals in that situation?

Senate Committee on Judiciary
May 5, 2017
Page 7

CHAIR SEGERBLOM:

Fortunately, we are not a Body that can respond to questions. We just ask them. I honestly do not know the answer.

DR. TARBELL:

I raise it up because it may interface with what you are trying to do.

CHAIR SEGERBLOM:

Seeing no more people wanting to testify, I will close the hearing on A.B. 229 and open the hearing on A.B. 228.

ASSEMBLY BILL 228 (1st Reprint): Revises provisions relating to the termination of parental rights. (BDR 11-590)

ASSEMBLYMAN KEITH PICKARD (Assembly District No. 22):

There are three principal goals of this bill: first, we seek to improve the service of notice on a parent who is subject to termination of their rights; second, to protect the interests of victims of sexual assault where a child is conceived; third, to protect the interests of the child. Ultimately, this is paramount to protecting the interests of the child in circumstances of assault and in cases of adoption.

This bill has achieved bipartisan support in both Houses. I will note, however, there was a bit of a surprise today in the opposition letter ([Exhibit C](#)) provided by one of the law clerks to a judge in the north. It is misplaced because the issue of venue or forum-shopping is not germane to this bill. If the courts are already sealing or closing hearings for adoptions which are usually happy things, certainly the termination of rights should also be closed hearings because those are much more likely to negatively affect children. I wish I had known about this opposition; this was not raised on the Assembly side. We are trying to protect the interests of children. If we are going to open this up to media, teachers and anyone else who simply want to go on the Internet and learn about why a parent may have even voluntarily terminated their rights, that could be amazingly detrimental to the interests of children. This opposition is misplaced, but I will let them speak to it if they choose.

Our goal here is simply to protect the interests of children first and then women who have been the victims of sexual assault. We are talking about a rebuttal presumption that a father who has committed a sexual assault and been

convicted of that sexual assault should have to step up and indicate why it is in the best interest of the child for that father to continue the relationship if the mother chooses to seek a termination.

In the other provision of the bill, it is important to note we are removing a six-month waiting period. Upon birth, the mother can seek termination of the rights and try to protect the child. There may be instances, particularly in cases where it may have been a close call, the individual may have been convicted of a sexual assault but remain a part of the child's life. That is why we make it a rebuttable presumption, so an individual can present evidence to show why it is not in the best interest of the child. It focuses everything on the best interest of the child, and that is what we are trying to achieve.

KRISTY ORIOL (Nevada Coalition to End Domestic and Sexual Violence):
We support this bill.

CHAIR SEGERBLOM:

Seeing no more people wanting to testify, I will close the hearing on A.B. 228 and open the hearing on A.B. 232.

ASSEMBLY BILL 232 (1st Reprint): Establishes provisions governing changing the name of a minor. (BDR 3-811)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No. 34):

Assembly Bill 232 passed out of the Assembly unanimously. The purpose of A.B. 232 is to create a statutory framework for name changes for minors. Currently, the law only addresses adult name changes. However, many situations that arise are cause for parents or guardians to seek a name change of their child. Assembly Bill 232 provides the courts throughout the State with a uniform process for a minor name change.

CHAIR SEGERBLOM:

Do you disagree with what Assemblywoman Bilbray-Axelrod said?

JON SASSER (Legal Aid Center of Southern Nevada):
No.

STEPHANIE McDONALD (Legal Aid Center of Southern Nevada):
No. I support both.

Senate Committee on Judiciary
May 5, 2017
Page 9

CHAIR SEGERBLOM:

Seeing no more people wanting to testify, I will close the hearing on A.B. 232 and open the hearing on A.B. 119.

ASSEMBLY BILL 119 (1st Reprint): Revises provisions governing garnishment as it relates to spousal and child support. (BDR 3-732)

ASSEMBLYMAN JIM MARCHANT (Assembly District No. 37):

I am here to present A.B. 119 for your consideration.

CHAIR SEGERBLOM:

This bill would allow a garnishment for a child to go to the top of the list.

ASSEMBLYMAN MARCHANT:

If children are already at the top of the list, it just moves the spouses with them ahead of everybody else.

BRIAN R. HARDY (Marquis Aurbach Coffing):

We support the bill.

SENATOR HARRIS:

In the case where you have spousal support to a spouse as well as child support to a child, what is the order of resolution of the conflict if there is not enough money to pay both?

ASSEMBLYMAN MARCHANT:

Child support comes first and spousal support comes second. All other general creditors fall after that.

CHAIR SEGERBLOM:

Can you explain the amendment as agreed upon?

ASSEMBLYMAN MARCHANT:

This amendment was added just before the bill was passed. It says the amendatory provisions of section 1 of the Act would apply to any judgment entered on or after July 1.

After speaking to Legislative Counsel Bureau and others we found that contextually, because this bill is all about garnishments as opposed to

judgments, it made more sense to say this would be related to any writ of garnishment served on or after January 1, and that would be appropriate.

SAMUEL P. MCMULLEN (Nevada Bankers Association):

I just saw the amendment—I cannot make that decision. I had to call the executive director of the Bankers Association, and she is looking at it.

CHAIR SEGERBLOM:

We are going to work session. You have a couple of days to think about it.

MR. MCMULLEN:

That is what I wanted to do. I will get an answer.

CHAIR SEGERBLOM:

Seeing no more people wanting to testify, I will close the hearing on A.B. 119 and open the work session on S.B. 368.

SENATE BILL 368: Revises provisions relating to search and seizure. (BDR 14-113)

PATRICK GUINAN (Policy Analyst):

The work session document ([Exhibit D](#)) summarizes S.B. 368 which provides that if a peace officer makes an unlawful stop or seizure and subsequently discovers an outstanding warrant that results in an arrest and the officer conducts a search pursuant to the arrest warrant that results in the officer seizing property discovered during the search, the person whose property was seized may move the court for the return of the property on the grounds that the stop was conducted illegally. An amendment proposed by Senators Ford and Cannizzaro seeks to clarify the process that must be followed regarding certain motions to suppress evidence in gross misdemeanor or felony cases.

SENATOR FORD:

No one under this bill is completely satisfied, but no one is completely unsatisfied either. We are working on finding a compromise solution.

SENATOR CANNIZZARO:

This amendment strikes a good balance in terms of litigating these issues. The court system will provide a process for us to properly vet those in district court for felony and gross misdemeanor offenses. That is what this amendment does.

It provides motions to suppress evidence must be filed at the district court level for any felony or gross misdemeanor offenses, and those would be subject to the rules of the courts in which those cases are held.

CHAIR SEGERBLOM:

They can apply for a motion to suppress this kind of evidence or is this new?

SENATOR CANNIZZARO:

This would apply to the types of motions that would be filed under this new language in this bill. It would also apply to any motion to suppress that is filed that may or may not relate to this particular bill but also relates to any motions to suppress. I think Senator Ford iterated it best as it is a balance. This is something that will help our court systems not only deal with the cases they have before them but will also allow for the proper resolution of cases.

SENATOR FORD:

The initial impetus for the bill was to ensure we could curtail racial profiling. We have been able to accomplish that with the first section which restores the Nevada Supreme Court case that was overruled by the U.S. Supreme Court on an interpretation related to suppressing evidence after an unconstitutional Fourth Amendment stop coupled with the process by which an attorney would be able to move to suppress that same evidence.

At the initial hearing, the district attorneys were opposed to this bill. They are now in favor of the bill. I would like them to come up and place that on the record.

JENNIFER NOBLE (Nevada District Attorneys Association):

Senator Ford is correct. We would like to thank him for working with us to reach a solution, as well as Senator Cannizzaro, to help address our concerns as prosecutors. With the amendment, we do support this bill.

SENATOR FORD:

We have gone through four or five iterations of this bill. We landed on this one, and I strongly urge my fellow Committee members to support this.

SENATOR ROBERSON:

I am reading the Proposed Amendment 4448 in [Exhibit D](#), and this does not look like a significant change to the previous version of the bill. I would just like

to hear why you think this is a material change that switches your Association's position from opposition to support.

Ms. NOBLE:

In terms of our ability to ensure that motions to suppress are heard in the trial court, that is an important thing to us as prosecutors. When we are talking about constitutional issues that are going to affect that trial, the ability to have those heard by the same judge is important. That is why with this amendment we do support the bill.

SENATOR ROBERSON:

As opposed to during the appeals process or at an appellate court level, is that what you are suggesting?

Ms. NOBLE:

No. What can happen is that suppression motions and constitutional issues on felony cases could be raised at the justice court level in front of a justice of the peace rather than a district court judge. This bill would make it so that in felony cases we have the district court judge hearing those constitutional suppression issues.

SENATOR ROBERSON:

I am hearing what you are saying, but this bill would still prevent law enforcement from using evidence received during a search based on the fact there is a warrant out for that person. That does not change, right?

Ms. NOBLE:

I think it is a bit more nuanced than that. The attenuation doctrine provides that when we have an unconstitutional search, such as a search based on racial profiling or other reasons not constitutionally supported, the subsequent discovery of a warrant for arrest does not act to purge the taint of the original unconstitutional stop or search.

SENATOR ROBERSON:

I understand this bill would effectively undermine what the U.S. Supreme Court has said about that. Am I correct?

Senate Committee on Judiciary
May 5, 2017
Page 13

Ms. NOBLE:

It would be inconsistent with the *Utah v. Strieff*, 2015 UT 2, 357 P.3d 532 decision, but it would be consistent with Nevada Supreme Court authority that was in place until just last year.

SENATOR ROBERSON:

However, I am talking about the U.S. Supreme Court decision on this.

Ms. NOBLE:

That is correct.

SENATOR ROBERSON:

Thank you. That is all I need to know.

SENATOR FORD:

Econ Law 101 says our State can always offer more protections for our citizens than the U.S. Supreme Court affords and under this circumstance, our Nevada Supreme Court has already indicated, prior to the Supreme Court case, that we were afforded more protections under the Fourth Amendment. What this bill does now is restores the right for us to be free from unconstitutional searches and seizures, unreasonable searches and seizures and thereafter have our evidence used against us. Therefore, we restore that. We protect more rights for our citizens, and we do so in a way that also provides a process by which evidence can be suppressed, albeit in the district court as opposed to the justice court.

SENATOR ROBERSON:

With the *Utah* case, what was the U.S. Supreme Court's vote on that? Do you happen to know?

Ms. NOBLE:

I do not know the vote, but I can certainly get the information to you in the next five minutes, if you need it.

SENATOR ROBERSON:

I do not know if we have five minutes. I was just curious. Certainly, it was at least five to four.

Senate Committee on Judiciary
May 5, 2017
Page 14

SENATOR FORD:

It was a split decision with Justice Clarence Thomas writing the decision.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 368.

SENATOR CANNIZZARO SECONDED THE MOTION.

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

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CHAIR SEGERBLOM:

We will open the work session on A.B. 14.

ASSEMBLY BILL 14 (1st Reprint): Requires the submission of a complete set of fingerprints with certain petitions and court orders relating to a legal name change and citations for domestic violence. (BDR 3-172)

MR. GUINAN:

The work session document ([Exhibit E](#)) summarizes A.B. 14 which provides that a person with a criminal record who applies for a name change must submit a complete set of fingerprints with his or her petition. There are no amendments proposed for this bill.

SENATOR HARRIS MOVED TO DO PASS A.B.14.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 28.

ASSEMBLY BILL 28 (1st Reprint): Revises provisions relating to the Commission on Judicial Discipline. (BDR 1-395)

MR. GUINAN:

The work session document ([Exhibit F](#)) summarizes A.B. 28 which authorizes the Commission on Judicial Discipline to discipline a justice of the peace or municipal judge by ordering the justice of the peace or municipal judge to forfeit his or her office if he or she fails to attend required instruction, unless the Commission finds that there was a reasonable excuse. There are no amendments proposed for this bill.

SENATOR HARRIS MOVED TO DO PASS A.B. 28.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 38.

ASSEMBLY BILL 38 (1st Reprint): Revises provisions relating to bail. (BDR 14-399)

MR. GUINAN:

The work session document ([Exhibit G](#)) summarizes A.B. 38 which with certain exceptions requires every bail agent and insurer authorized to write surety in this State and every subsidiary corporation of any such insurer to have the ability to send and receive electronic transmissions. There are no amendments proposed for this bill.

SENATOR CANNIZZARO MOVED TO DO PASS A.B. 38.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 74.

ASSEMBLY BILL 74 (1st Reprint): Revises provisions relating to the testing of offenders for exposure to human immunodeficiency virus. (BDR 16-257)

MR. GUINAN:

The work session document ([Exhibit H](#)) summarizes A.B. 74 which authorizes the Medical Director within the Department of Corrections to determine if a supplemental test is appropriate when an offender has tested positive for human immunodeficiency virus (HIV). There are no amendments proposed for this bill.

CHAIR SEGERBLOM:

I recall this bill makes our law comport with the ACLU lawsuit we lost.

SENATOR HARRIS MOVED TO DO PASS A.B. 74.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR SEGERBLOM:

We will open the work session on A.B. 102.

ASSEMBLY BILL 102 (1st Reprint): Revises certain provisions relating to the proper venue in civil actions. (BDR 2-591)

MR. GUINAN:

The work session document ([Exhibit I](#)) summarizes A.B. 102 which authorizes a court that has continuing jurisdiction to remove certain civil proceedings, such as a divorce, annulment, separate maintenance or parentage or child custody, to a court in another county after a final order, judgment or decree has been issued. There are no amendments proposed for this bill.

SENATOR HARRIS MOVED TO DO PASS A.B. 102.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 107.

ASSEMBLY BILL 107 (1st Reprint): Provides for the sealing of records relating to eviction under certain circumstances. (BDR 3-689)

MR. GUINAN:

The work session document ([Exhibit J](#)) summarizes A.B. 107 which provides that the eviction case court file in any action for summary eviction is automatically sealed if summary eviction is denied or dismissed or the landlord fails to file an affidavit of complaint as required. There are no amendments proposed for this bill.

SENATOR HARRIS:

I just barely started a conversation with the sponsor about the bill. I had some questions about the timing, and I understand there are some local court rules and other things. I need more time to have more conversations to be satisfied. I will vote no today but will reserve my right to change my vote after I have had an opportunity to have additional conversations.

SENATOR CANNIZZARO MOVED TO DO PASS A.B. 107.

SENATOR DENIS SECONDED THE MOTION.

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

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CHAIR SEGERBLOM:

We will open the work session on A.B. 118.

ASSEMBLY BILL 118 (1st Reprint): Revises provisions governing the issuance of permits to carry concealed firearms. (BDR 15-572)

Senate Committee on Judiciary
May 5, 2017
Page 18

MR. GUINAN:

The work session document ([Exhibit K](#)) summarizes A.B. 118 which authorizes a person between the ages of 18 and 21 who is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, or was discharged or released from service in the Armed Forces, a reserve component thereof or the National Guard under honorable conditions to carry a concealed weapon. There are no amendments proposed for this bill.

CHAIR SEGERBLOM:

I know this bill is strongly supported by our veterans associations.

SENATOR HARRIS MOVED TO DO PASS A.B. 118.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 132.

ASSEMBLY BILL 132 (1st Reprint): Provides for enhanced penalties for committing assault or battery against certain civilian employees and volunteers of certain governmental entities. (BDR 15-111)

MR. GUINAN:

The work session document ([Exhibit L](#)) summarizes A.B. 132 which revises the definition of "officer" to include certain civilian employees and volunteers of law enforcement agencies, fire-fighting agencies and political subdivisions of this State for the purpose of enhancing the penalties for the crimes of assault and battery against such a person. There are no amendments proposed for this bill.

SENATOR DENIS MOVED TO DO PASS A.B.132.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 133.

ASSEMBLY BILL 133 (1st Reprint): Revises provisions governing landlords and tenants. (BDR 10-339)

MR. GUINAN:

The work session document ([Exhibit M](#)) summarizes A.B. 133 which provides that a request for emergency assistance by a tenant does not constitute a nuisance. There are no amendments proposed for this bill.

CHAIR SEGERBLOM:

As I recall, the property owners associations had no problem with this bill.

SENATOR CANNIZZARO MOVED TO DO PASS A.B. 133.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 135.

ASSEMBLY BILL 135 (1st Reprint): Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. (BDR 43-598)

MR. GUINAN:

The work session document ([Exhibit N](#)) summarizes A.B. 135 which removes the use of a person's urine to test for specified amounts of marijuana and marijuana metabolite when a person is suspected of driving or being in actual physical control of a vehicle on a highway or public premises. There are no amendments proposed for this bill.

Senate Committee on Judiciary
May 5, 2017
Page 20

CHAIR SEGERBLOM:

This just changes what they are testing for, but it does not change the standards. There is still no proof that the standard means anything, but at least we are moving to something that is scientifically provable.

SENATOR GUSTAVSON MOVED TO DO PASS A.B. 135.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 147.

ASSEMBLY BILL 147 (1st Reprint): Revises provisions governing the disposal of property in the custody of certain governmental agencies. (BDR 14-577)

MR. GUINAN:

The work session document ([Exhibit O](#)) summarizes A.B. 147 which creates procedures governing the disposal of property in the custody of a law enforcement agency. There are no amendments proposed for this bill.

CHAIR SEGERBLOM:

This bill streamlines the way they get rid of property in their vault. It was brought forward as part of a good government study.

SENATOR HARRIS MOVED TO DO PASS A.B. 147.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 203.

Senate Committee on Judiciary
May 5, 2017
Page 21

ASSEMBLY BILL 203 (1st Reprint): Revises provisions governing cemeteries.
(BDR 40-723)

MR. GUINAN:

The work session document ([Exhibit P](#)) summarizes A.B. 203 which provides that a cemetery authority is not permitted to order the disinterment and removal of human remains from certain burial plots. There are no amendments proposed for this bill.

SENATOR ROBERSON MOVED TO DO PASS A.B. 203.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SEGERBLOM:

We will open the work session on A.B. 227.

ASSEMBLY BILL 227: Makes changes relating to domestic partnerships.
(BDR 11-784)

MR. GUINAN:

The work session document ([Exhibit O](#)) summarizes A.B. 227 which revises the definition of "domestic partnership" by including a legal union that is validly formed in another jurisdiction and substantially equivalent to a domestic partnership. During testimony in opposition to the bill, Gail Anderson, representing the Secretary of State's Office, offered a proposed amendment that the sponsor of the bill did not consider friendly. Otherwise, no amendments have been proposed.

SENATOR HARRIS MOVED TO DO PASS A.B. 227.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Senate Committee on Judiciary
May 5, 2017
Page 22

CHAIR SEGERBLOM:

We will open the work session on A.B. 391.

ASSEMBLY BILL 391 (1st Reprint): Creates the crime of bestiality. (BDR 15-29)

MR. GUINAN:

The work session document ([Exhibit R](#)) summarizes A.B. 391 which creates the crime of bestiality punishable as a gross misdemeanor or a Category D felony, depending upon the circumstances. No amendments were formally submitted, but there was discussion in Committee of increasing the penalty for a first-time offense under the provisions of the bill to a felony.

CHAIR SEGERBLOM:

In response to the discussion on increasing the penalty, I personally do not think it is appropriate. If we came back in two years and we found there were a lot of people doing this, we would need to raise the penalty. Given the fact we are trying to reduce putting felony records on people, I would oppose that issue.

SENATOR ROBERSON:

Based on the testimony we heard, this seems to be a more prevalent serious problem than many of us were aware. Based on the testimony that an individual who commits this act is more likely to commit similar acts against people, I see no reason to wait to make this a felony. This should have been a felony yesterday, it should be a felony today, and it should be a felony tomorrow. In addition, the bill's sponsor also supports making this a felony. He said that on the record.

CHAIR SEGERBLOM:

It came over to us as a misdemeanor.

SENATOR ROBERSON:

I would at least like to propose an amendment. Can I make a motion to amend to make a first-time offense a felony? Can we have a vote on that?

CHAIR SEGERBLOM:

You do not have to accept the motion. You have it on the record that is what you would like to do.

Senate Committee on Judiciary
May 5, 2017
Page 23

SENATOR ROBERSON:

I would like to hear anyone else on this Committee who does not think it is appropriate to make it a felony.

CHAIR SEGERBLOM:

Let us take a vote on the bill. There are no amendments, and I think you will hear your answer.

SENATOR DENIS MOVED TO DO PASS A.B. 391.

SENATOR CANNIZZARO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATOR GUSTAVSON:

I would like to reserve my right to change my vote on A.B. 227. I still have some questions on that.

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Senate Committee on Judiciary
May 5, 2017
Page 24

CHAIR SEGERBLOM:

Seeing no more business before the Senate Committee on Judiciary, we will adjourn the meeting at 2:30 p.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
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. 228 | C | 2 | Sean T. McCoy | Letter of Opposition |
| S.B. 368 | D | 3 | Patrick Guinan | Work Session Document |
| A.B. 14 | E | 1 | Patrick Guinan | Work Session Document |
| A.B. 28 | F | 1 | Patrick Guinan | Work Session Document |
| A.B. 38 | G | 1 | Patrick Guinan | Work Session Document |
| A.B. 74 | H | 1 | Patrick Guinan | Work Session Document |
| A.B. 102 | I | 1 | Patrick Guinan | Work Session Document |
| A.B. 107 | J | 1 | Patrick Guinan | Work Session Document |
| A.B. 118 | K | 1 | Patrick Guinan | Work Session Document |
| A.B. 132 | L | 1 | Patrick Guinan | Work Session Document |
| A.B. 133 | M | 1 | Patrick Guinan | Work Session Document |
| A.B. 135 | N | 1 | Patrick Guinan | Work Session Document |
| A.B. 147 | O | 1 | Patrick Guinan | Work Session Document |
| A.B. 203 | P | 1 | Patrick Guinan | Work Session Document |
| A.B. 227 | Q | 1 | Patrick Guinan | Work Session Document |
| A.B. 391 | R | 1 | Patrick Guinan | Work Session Document |