

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

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

The Committee on Judiciary was called to order by Chair Brittney Miller at 9 a.m. on Thursday, March 16, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblyman Ken Gray
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman P.K. O'Neill, Assembly District No. 40



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Garrett Tamagni, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

James E. Dzurenda, Director, Department of Corrections
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County
District Attorney's Office; and representing Nevada District Attorneys
Association
Andrew LePeilbet, Chairman, United Veterans Legislative Council
Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State
Tom Spencer, President, Carson Area Chapter 388, Vietnam Veterans of America

Chair Miller:

[Roll was called. Committee protocol was explained.] There have been a few adjustments to today's agenda. We are hearing one bill and have two bills on work session for today. We will begin with the work session. This is not an opportunity to rehear the bill, only if there are any specific questions. I believe the bill sponsors and presenters are here in the audience as they are awaiting the status of their bills on work session. With that, I will ask Ms. Diane Thornton to walk us through the first bill. We will begin with Assembly Bill 35.

Assembly Bill 35: Revises provisions governing the access of offenders to telecommunications devices. (BDR 16-261)

Diane C. Thornton, Committee Policy Analyst:

[Read from [Exhibit C](#).] Assembly Bill 35 revises provisions governing the access of offenders to telecommunications devices and was heard in Committee on February 23, 2023. This bill removes statutory provisions authorizing offenders to have access to a telecommunications device and instead requires the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control, and use a telecommunications device for certain purposes, including communicating with his or her child, appearing in court, receiving medical care, applying for a governmental program, performing legal research, and obtaining educational training.

There is one amendment proposed by the Director of the Department of Corrections, James Dzurenda. He proposed the following: First, to clarify in section 1 of the bill that an offender shall not have access to an unauthorized telecommunications device. Second, clarify in section 1 of the bill that a telecommunications device may be used in obtaining

a high school equivalency certificate rather than a general equivalency diploma or equivalent document. And lastly, revise section 1 of the bill to provide that a telecommunications device may be used in obtaining a degree.

Chair Miller:

Are there any questions from Committee members?

Assemblywoman Bilbray-Axelrod:

I am looking at the amended language. I was under the assumption, and possibly the incorrect assumption, that we were putting in language about the company being nonprofit. Did that not come up?

James E. Dzurenda, Director, Department of Corrections:

No, that has never come up about being nonprofit. The vendor went through a request for proposal selection process, and it has been announced publicly at the beginning of this week, I believe. It is ViaPath Technologies, and they are a for-profit organization.

Assemblywoman Cohen:

Can you please tell us about the purpose behind the amendment having to do with the educational section?

James Dzurenda:

I saw a typo in the bill that said that offenders shall not have access to an "authorized" wireless device. That is not what the bill is about. I wanted to make sure it was clear that they are not to have access to "unauthorized." It was a typo in the bill. The other part on the education was brought up during the last hearing from one of the state education systems that it is actually called a "certificate." I did not know the difference between the actual general education diploma (GED) or educational certificate. It is just to clarify for the high school piece, it is a certificate, a high school equivalency certificate. It was something that the education department brought up on the language.

Assemblywoman Cohen:

We are not limiting what they can receive; we are just making sure the terminology is correct.

James Dzurenda:

That is correct.

Chair Miller:

I will say that Director Dzurenda and I had spoken about that even before the bill presentation. He explained that it is not limiting whether someone gets a high school diploma, GED, or a college degree; that it is not limiting any of the academic attainments that are possible.

Assemblywoman Hansen:

To clarify on the vendor that you have the RFP out on, how long is the contract? Those do come up for whatever the service will be provided. How often do those contracts—I do not know if the state has a requirement that it be visited every so often.

James Dzurenda:

We are going through contract discussions right now. But the contract is anywhere between three and five years. We are doing the contract negotiations now with the system because it does not just involve the wireless devices, it is also video visiting capabilities and telephone capabilities.

Chair Miller:

I would like to remind members that our questions should be based on the amendments and new information. It is not a rehearing of the bill and topics that were discussed during the hearing.

Assemblyman Gray:

My question does pertain to the amendments. The last amendment in section 1 of the bill provided the telecommunications device may be used in obtaining a degree. What about vocational certificates and things, would that still be authorized?

James Dzurenda:

That is correct, because one of our biggest pushes is going to be vocational education for services through this. Yes, it is.

Assemblywoman La Rue Hatch:

I know we just had some discussion about making sure the fees were reasonable. We had some discussion of maybe putting that in the language in case at some point in time you are not with us and then someone would still have to follow those guidelines. Was there any discussion about that?

James Dzurenda:

That is part of the contract negotiations. We will determine based upon the contract how much revenue it needs to pay for services. That will determine the fees. Since the offenders will be utilizing these devices a lot more than they can today with regular telephones, the revenue coming in will be a lot more. The services will actually cost less.

Chair Miller:

Not seeing any other questions, I would just ask since members are still interested, when that contract is finalized, if you could send a copy to the Committee?

James Dzurenda:

Absolutely.

Chair Miller:

With that, I will entertain a motion on Assembly Bill 35.

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 35.

ASSEMBLYWOMAN NEWBY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Mosca. Next on our agenda is the work session for Assembly Bill 51.

Assembly Bill 51: Makes various changes relating to public safety. (BDR 14-426)

Diane C. Thornton, Committee Policy Analyst:

[Read from Exhibit D.] Assembly Bill 51 makes various changes relating to public safety, was sponsored by this Committee and heard in Committee on February 22, 2023. This bill extends the period during which a peace officer is required to arrest a person suspected of committing battery which constitutes domestic violence from within 24 hours after the alleged battery to within 14 days after the alleged battery. The bill also expands the list of acts that constitute domestic violence, and the bill prohibits the granting of probation to or suspension of sentence of a person who is charged with committing battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony.

There is one amendment proposed to this measure by John Jones and Jennifer Noble, representing the Nevada District Attorneys Association. The amendment does the following: it amends sections 1 through 3 of the bill to provide that a peace officer is required to arrest a person suspected of committing a battery which constitutes domestic violence within 24 hours if there is contact with the person or within 7 days after the alleged battery if the person is not on the scene. It deletes sections 4 through 13, 15, and 17 through 20 of the bill, thereby removing the language "attempts to commit" from the bill. Finally, it amends section 16, subsection 11 to clarify that only felony battery domestic violence cases are nonprobationable.

Chair Miller:

Are there any questions from Committee members? Again, remember that we are asking questions about the amendment, not rehearing the bill.

Assemblywoman Summers-Armstrong:

I did have a question about the removal of sections 4 through 13. Could we get clarification of how that actually affects the bill in more details.

Chair Miller:

Yes, I will ask Mr. Jones to come up.

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:

The sections that are proposed to be deleted, sections 4 through 13, 15, and 17 through 20, all added the word "attempt to commit" to the definition of active domestic violence. Currently, an attempt is not an act of domestic violence. We were proposing to add "attempt" to that definition. However, we have, through negotiations with the public defenders and others, agreed to remove that from the bill.

Chair Miller:

That is what was discussed during the bill presentation as well, that those would be coming forth, correct?

John Jones:

That is correct.

Chair Miller:

Are there any additional questions from Committee members? [There were none.] I will entertain a motion for Assembly Bill 51.

ASSEMBLYWOMAN MARZOLA MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 51.

ASSEMBLYMAN GRAY SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Hardy. That closes out our work session for today, and we will move to our bill hearing. Assembly Bill 260 will be presented by Assemblyman O'Neill. I will open the hearing on Assembly Bill 260, and please proceed when you are ready.

Assembly Bill 260: Exempts veterans service organizations from various fees imposed on persons conducting business in this State. (BDR 7-73)

Assemblyman P.K. O'Neill, Assembly District No. 40:

I would like to present to you Assembly Bill 260 for your consideration. Assembly Bill 260 exempts officers and agents of veterans service organizations from their annual registration fees imposed by the Office of the Secretary of State. I want to clarify that Assembly Bill 260 only exempts federally recognized veterans service organizations and their officers and

agents of these organizations when making business entity filings related to the veterans service organizations. This bill does not exempt businesses which are owned by veterans from their annual business licensing fee or other business filing fees under Title 7 of *Nevada Revised Statutes*.

I would like to go into this very long, detailed, and intricate description of this very voluminous bill that I am presenting to you today. As stated, section 1 of the bill exempts veterans service organizations and any agent or officer of a veterans service organization from certain business fees including the issuance and renewal of a state business license; filings required in connection with the registration of a registered agent; and various filings to satisfy requirements imposed on a business entity. Section 2 of the bill defines a veterans service organization as any organization recognized by the United States Secretary of Veterans Affairs for the representation of veterans pursuant to 38 U.S. Code § 5902.

With me today, I have Tony LePeilbet, Chairman of the United Veterans Legislative Council, for some background information and the importance of this pending legislation before you. I am sorry, Andy; I was thinking of Anthony "Tony" Yarbrough.

Andrew LePeilbet, Chairman, United Veterans Legislative Council:

For those of you who do not know, we had a remembrance for Tony Yarbrough yesterday for Veterans and Military Day at the Legislature. He was a great asset to our state and to all our veterans. I am the chair since 2019 of the United Veterans Legislative Council (UVLC), representing the 279,000 veterans in our state, not counting their families, which brings it to over half a million Nevadans. We directly represent the various federally recognized veterans service organizations: the Disabled American Veterans, the American Legion, the Vietnam Veterans of America, the Veterans of Foreign Wars (VFW), and the Military Order of the Purple Heart. All of these are federally recognized, and this bill deals with those people; not the little person who wants to set up a nonprofit as a veterans group to do something good for our people. These are strictly those that are chartered and recognized by the federal government.

The entire body of the UVLC in the state supports this bill entirely. It is another burden being removed from our veterans. It is just another one of those burdens taken off their shoulders, and they are here to help their fellow veterans. Most of what you see in the news is actually our veterans groups, the ones mentioned in this bill, who are out there on their own dime helping our other veterans. One of their biggest jobs today is helping our desert warriors who are home now. This last 20 years has been a tough time for our young vets, and a bunch of us old guys and gals are the ones here to help them and that is our job every day. We are entirely in support of this bill. Thank you.

Assemblyman O'Neill:

Chair, I would like to add that one of the other issues is that several of these veterans organizations are having trouble meeting their dues. The membership is not there. They want to continue their work but they are financially strapped, and this would be a big asset to them. With that, I am here for any questions along with Mr. LePeilbet.

Chair Miller:

Thank you so much. Mr. LePeilbet, as I am personally a member of the Nevada Department of Veterans Services Commission, which is having a meeting right now, I did send an email, but am I excused from that meeting right now?

Andy LePeilbet:

No, we want you to take care of this, then run over there. Chairman Musgrove and everybody else is here so you are okay.

Chair Miller:

As soon as this meeting concludes, I will run over there. He says I can be tardy, but you are not excused. Are there any questions from Committee members?

Assemblywoman La Rue Hatch:

I wondered if you could speak to the amount that these fees typically run for these organizations.

Assemblyman O'Neill:

I had a conversation with the Secretary of State himself about this, and he said that he would research it and if it had any negative impact to their budget, he would come and speak and present a fiscal note on it. If you notice, there are no fiscal notes. He said, though, that he felt it would be a miniscule impact to his office. It is an assumption on my part, without the fiscal note and without the presence of the Secretary of State's Office, that it is a small amount. Mr. LePeilbet can speak to some of the pricing.

Chair Miller:

We can have the representative from the Secretary of State's Office come speak to that if you like.

Gabriel Di Chiara, Chief Deputy Secretary of State, Office of the Secretary of State:

That is correct. There would be no real fiscal impact to this. There would be some changes that we have to make on our forms and in our online filing system, but there are plenty of changes that we have to make to our forms and online filing system regardless. We do not believe this would have any fiscal impact.

Chair Miller:

This is not a fiscal committee, but we still appreciate the willingness of the Secretary of State's Office to work and support this mission.

Andrew LePeilbet:

The fees basically include officer reports every year, which is typically a \$50 fee, and the resident agent is \$125. When they make changes to some of these in the middle of a year for veterans service organizations, those will be repeated every time they change the resident agent. A lot of our veterans service organizations do not have a funding source, so they will

actually keep the same person as a resident agent as long as that person stays alive so they do not have to pay the other fee. Those are the common ones. There are other small ones like that, and it is just another burden removed from our veterans groups.

Assemblywoman Mosca:

As an active duty military spouse, I appreciate it. Do other states do this, or is this something that we will be taking the lead on?

Assemblyman O'Neill:

That is an excellent question, may I say. So excellent, you got me. Even in consultation with Mr. LePeilbet, we do not know that. I would like to say Nevada is always taking the lead in veterans' issues. We are a very veteran state, but in all honesty, I cannot answer that directly for you. I am not even sure we could do the research on it.

Andrew LePeilbet:

The stats that we have, we are the seventh-most populous veteran state in the nation. You, our governors, and everyone before us have been very dedicated to making us a veteran-friendly state. We do not know what other states are doing this, but is there a way of researching that?

Chair Miller:

We could figure out some stuff with Google, but if not, I would just like to echo your sentiments. As someone who has been heavily involved in the veterans community, I think the last stat I heard is that we are almost 13 percent veterans and military families in the state of Nevada. For me, that is the same amount as a racial minority group. You are absolutely right, Nevada has always and continues to strive to be a veteran family, veteran supportive, veteran friendly, and I believe we can still achieve the goal of becoming the premier state for all veterans and military families. If we lead as the first one in the nation to do it, then so be it.

Andrew LePeilbet:

We are over 16 percent when you count the families, and our actual veteran number is around 8.9 percent of the population, so half a million Nevadans are either a veteran or an immediate family member of a veteran.

Chair Miller:

Thank you for that. We have actually increased, and we also see in the other committees that we sit on that veterans' issues come into other committees, as well as education—heavily in education and touch multiple committees in here. Again, I echo that, that we continue to strive to be the premier state for veterans.

Assemblywoman Gallant:

To clarify, because I know I have to file my business with the state and then I also have to file it with the municipalities as well, would this also zero out the fees at the local level as well, or is this just at the state level?

Andrew LePeilbet:

There are no fees on the local level for our veterans groups unless they are doing some kind of local fundraiser where food is involved, and they have to get permits or something like that. The registrations for all of our veterans service organizations in our state are with the state, not with any of the cities or counties. It is only if there is a function that we are involved with, like the Disabled American Veterans; they are going to do a fundraiser and there may be a fee because we have to get a food permit or something like that. There are no fees with the individual cities and counties.

Assemblyman Gray:

I just want to tell you thank you for everything you do for veterans, and I think this will be one more step in helping veterans. So often you step in, and you are their advocate, filing for their disability and things like that, whereas they get mired down in the system and tend to walk away from it if they do it themselves. I think this is absolutely an excellent way to help them move forward in their mission. Thank you.

Assemblywoman Cohen:

I looked up 38 U.S.C. § 5902, and you mentioned the groups that this covers and those are established groups. We are not talking about, unfortunately, those fly-by-night groups that sometimes use veterans to scam people and say they are going to benefit veterans. Are these groups where the executives are making a lot of money or are these groups where it is all volunteer-based?

Andrew LePeilbet:

Entirely unpaid, all volunteer, all elected within the body of each organization, and each of these bodies that we discussed earlier that you are talking about have charters from the federal government. They were established all the way back. The oldest one is really the Medal of Honor Society, which is now the Legion of Valor, which started in 1890. Then, it goes to the VFW, then the American Legion—I will not go through all of them. But just to give you an example, those are all 100-year-plus organizations, all originally chartered by Congress and all unpaid all the way up to their national commanders. We do have staff in these major groups that deal with membership and health issues that are paid, but they are staff supporting all of our veterans. Does that answer your question?

Assemblywoman Cohen:

Yes, thank you.

Chair Miller:

Just to clarify, these are all federally recognized nonprofit organizations, and I appreciate the clarification because even when the bill first came out, I know there were some questions on whether or not it included a veteran going to open another business and this is not to open the car wash business; this is only relating to the filing responsibilities of that veterans organization. That clarity you addressed at the beginning of the hearing is very appreciated. I do not see any additional questions. Is there anyone who would like to testify in support?

Tom Spencer, President, Carson Area Chapter 388, Vietnam Veterans of America:

I am the chapter president of the Vietnam Veterans here in Carson City. I have been for many years. One of the questions that was asked about spending money—a lot of it comes out of my own personal pocket. I am for this bill. We have not had, since COVID-19, a lot of income and because of that, this would save us a few dollars. We would appreciate your supporting this bill with us.

Chair Miller:

Is there anyone else here in Carson City or on the phone line who would like to testify in support? [There was no one.] Is there anyone here in Carson City or on the phone line who would like to testify in opposition? [There was no one.] Is there anyone here in Carson City or on the phone line who would like to testify in the neutral position? [There was no one.] I would invite the presenter back to the table for any concluding remarks.

Assemblyman O'Neill:

On the Nevada Electronic Legislative Information System, the Henderson Chamber of Commerce has submitted a letter in support [\[Exhibit E\]](#). I just want to make sure you are aware of that. Otherwise, I would just thank you for the time and appreciate your consideration as you have heard a very important bill to keep our veterans service organizations active and viable.

Chair Miller:

We will close the hearing on Assembly Bill 260. I will open it for public comment here in Carson City and on the phone line. [There was none.] Just one announcement before we adjourn for today, we will be starting at 9 a.m. tomorrow. This meeting is adjourned [at 9:34 a.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

Garrett Tamagni
Recording Secretary

Traci Dory
Transcribing Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 35](#), submitted and presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 51](#), submitted and presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a letter dated March 15, 2023, written and submitted by Aviva Gordon, Chair, Legislative Committee, Henderson Chamber of Commerce; and Emily Osterberg, Director, Government Affairs, Henderson Chamber of Commerce, in support of [Assembly Bill 260](#).