

**NEVADA COUNCIL FOR THE PREVENTION OF DOMESTIC VIOLENCE
LEGISLATIVE COMMITTEE**

Minutes of Meeting

Thursday, April 7, 2011, at 9:00 a.m.

Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

Committee Members Present

None

Committee Members Present Via Teleconference

Valerie Cooney
Dr. Michael Freda
Elynn Greene
Brett Kandt
Mike Sprinkle
Andrea Sundberg
Robin Sweet

Committee Members Absent

Christine Jones Brady
Sue Meuschke
Ron Titus

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Lorraine Webber, Assistant to the NCPDV

1. *Call to order and roll call of members.

The meeting was called to order by Committee Chair Mike Sprinkle at 9:03 a.m. Roll call was taken and quorum was established.

2. *Review and approval of minutes from March 21, 2011 meeting.

Mr. Sprinkle asked that the minutes be corrected to include Robin Sweet as being present. Andrea Sundberg made a motion to approve the minutes as amended. Valerie Cooney seconded the motion. A vote was taken and the motion carried.

3. *Review, discussion and possible action regarding SB66 which revises provisions relating to multidisciplinary teams to review the deaths of victims of crimes that constitute domestic violence.

<http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB66.pdf>

Mr. Sprinkle stated that as of April 6th, the bill had made it through the work session and got a do pass with amendments but had not moved any further. He asked Mr. Kandt if he had any other information. Mr. Kandt thought that was probably correct and that the bill is on track so far. Bills have to be out of the first house by April 26th.

Mr. Sprinkle asked if anyone had attended the work session and if anything of interest happened there.

Mr. Kandt stated that in regard to suggested amendment regarding animals, other ways to address the issue had been recommended.

He reported that the Attorney Generals Office was neutral on the amendment from Clark County regarding penalties for violations of confidentiality. The other amendment considered was proposed on behalf of DCFS which clarified the authority of child death review teams to share information with the domestic violence fatality review team. These two amendments will be incorporated into the bill and then it will go to the floor session.

4. *Review, discussion and possible action regarding SB163 which revises provisions governing the procedure upon arrest of a person alleged to have committed a battery constituting domestic violence.

<http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB163.pdf>

Mr. Kandt reported that the bill did not get a hearing by the deadline. If the bill does not make it out of Committee by April 15th, it will die.

5. *Review, discussion and possible action regarding SB57 which expands the circumstances pursuant to which a court is authorized to issue certain warrants. (<http://www.leg.state.nv.us/Session/76th2011/Bills/SB/SB57.pdf>)

Ms. Cooney stated she had sent a memo prepared by the working group to Ms. Webber which will be distributed to the Committee. The memo was prepared by a working group consisting of Ms. Cooney, representatives from NNADV including Sue Meuschke, Nancy Hart, attorneys from the Legal Aid Center of Southern Nevada and Washoe Legal Services. The National Council of Juvenile and Family Court Judges also provided input.

Ms. Cooney summarized the working group's major concerns. The bill proposes to delete a section Nevada's divorce statute, NRS 125. The section in question concerns pick-up orders or warrants for children at risk of being abducted. The bill

also changes procedures found in UCCJEA under NRS 125(a). This is a uniform Act adopted by all 50 states. The Act ensures that the same standards are applied and that cases are handled similarly across state lines. SB57 would change the procedural aspect of getting pick-up orders spelled out by the Act. It also expands the category of people who can go in and petition a court for a pick-up order. Any person with knowledge of the relevant facts could go in file a petition in a proceeding to seek a pick-up order. This could be relatives or even friends of a parent. Generally, only parties to an action have standing to come into court and seek those types of remedies. Ms. Cooney stated that this could potentially be a big problem for domestic violence victims who may leave a jurisdiction in order to return to their support systems in other areas.

Another problem with the bill is that it lowers the evidentiary standard in court. The current evidentiary standard considers the best interest of the child. Under SB57 that standard would be lowered to a probable cause standard. This would allow for the issuance of pick-up orders and warrants which may, at times, benefit a victim, but it could also benefit abusers.

Ms. Cooney stated that there are a number of other problems with the bill which are fleshed out in the memo she provided. The working group that wrote the memo is currently trying to set up a meeting with Keith Munro to discuss these issues. Ms. Cooney stated that Mr. Munro would not meet with them unless they had a fix to propose.

Ms. Cooney said that she would like to know more about what the goal of the proponents of the bill might be so that there can be discussion about the problems. She said that the working group had not decided yet if it would attempt to oppose the bill if there were not satisfactory changes. Another option the working group was considering was talking to the Attorney General about withdrawing the bill.

Mr. Sprinkle asked Ms. Cooney if the working group was attempting to develop the productive changes Mr. Munro asked for as a condition of meeting with him.

Ms. Cooney answered that she would really like to meet with the people who were involved in originally requesting the bill so that she can better understand the issues surrounding it. She speculated that perhaps there are problems in Las Vegas of which she is not aware.

Mr. Sprinkle asked Mr. Kandt who originated the bill. Mr. Kandt stated that the bill was requested by Vic Schulze in consultation with a working group. Ms. Cooney added that the Director of the Clark County Family Law Self-Help Center and members of the Clark County Family Court bench were included but she did not know who, specifically, formed the committee. Ms. Cooney stated that she had tried to contact Mr. Schulze and got only an email response from him which did not propose further discussions about the issues other than civil liability of law enforcement officers who assist with pick-up orders.

Mr. Sprinkle asked if there was any direction that the Legislative Committee needs to take at this time.

Ms. Cooney stated that she didn't think so and that the Committee just needed to be aware of the issues. She added that her working group would be willing to talk to anyone who would be willing to talk to them about working out some resolutions. The working group doesn't want to go out and openly oppose an Attorney General bill but if no one will work with them, then that is what they will have to do. They are attempting to involve the people who need to be involved.

Mr. Sprinkle asked Mr. Kandt if he would be able to help facilitate some meetings. Mr. Kandt stated that he answers to the General Masto and Keith Munro and that his job is to help their bills move forward.

Ms. Cooney stated that if anyone has questions on the memo to please let her know.

6. *Review, discussion and possible action regarding AB314 which revises provisions governing a course of instruction on sexual education. (<http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB314.pdf>)

Andrea Sundberg stated that AB314 is scheduled for a hearing on April 8th at 1:00 p.m. The bill will create a statewide curriculum for sex education. The curriculum will be medically accurate, comprehensive, and age appropriate. It will also include education on domestic violence and sexual assault prevention.

Mr. Sprinkle asked if she were aware of any problems or opposition to the bill. Ms. Sundberg said that she was not aware of any but anticipated that there would be some based on the nature of the bill. She said there were some potential changes which would put the definitions of sexual assault and domestic violence in line with what is already in the NRS.

Mr. Sprinkle asked if any one wanted to take action on this bill or if there were further discussion. Ms. Cooney said she thought it was a very important measure and that the Committee should support it.

Ms. Sundberg stated that the Nevada Coalition against Sexual Violence has already sent a letter of support and that it was her understanding that the Nevada Network Against Domestic Violence would also be supporting the bill. She encouraged the Legislative Committee to support it.

Dr. Freda noted that the Washoe County School District is already teaching dating violence and domestic violence in its curriculum. Ms. Sundberg stated that although Washoe County has taken it further than most school districts, they have not yet fully incorporated the sexual assault message.

Dr. Freda made a motion that the Legislative Committee support AB314. Elynne Green seconded the motion. Mr. Sprinkle asked what kind of support the committee was providing—would it be a letter or formal testimony at the hearing? Dr. Freda suggested a letter of support since the hearing was scheduled for the following day. Testimony from the Committee could be offered in the future if necessary.

Ms. Cooney asked who was testifying at the April 8th hearing. Ms. Sundberg stated that she would be testifying and knew of two health education teachers, and several parents that would also be testifying. Ms. Cooney stated that she could attend the hearing and sign in support of the bill. Ms. Sundberg said they were hoping to have as many people as possible present at the hearing in order to show that the bill has support. There is a concern that parents in opposition to subject matter may take it out on the legislators.

A vote was taken on the motion. The motion carried with Brett Kandt opposing it and Robin Sweet abstaining. Mr. Sprinkle stated that he would draft a letter of support to send to the legislators.

7. *Review, discussion and possible action regarding AB181 which provides for the involuntary civil commitment of sexually dangerous persons. (<http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB181.pdf>)

Brett Kandt stated that this bill had a multi-million dollar fiscal note and is dead.

8. *Schedule future meetings & agenda items.

The next meeting was scheduled for April 25, 2011 at 1:00 p.m.

Andrea Sundberg asked that AB269 be added to the next agenda.

9. Public Comment.

There was no public comment.

10. *Adjournment

The meeting was adjourned at 9:40 a.m.