

ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS

Minutes of the December 12, 2014, meeting of the
State of Nevada Advisory Council for Prosecuting Attorneys -

held at the Office of the Attorney General – Mock Courtroom
100 N. Carson Street, Carson City, Nevada 89701-4717

with Videoconference access to the Office of the Attorney General
Grant Sawyer Building, 555 East Washington Avenue, Suite 3315
Las Vegas, Nevada 89101

I. Call to Order and Roll Call. Council Chair Masto called the December 12, 2014, meeting of the Advisory Council to order at 10:05 AM.

Members Present:

- Catherine Cortez Masto, Chair
- Arthur Mallory, Vice Chairman
- Richard Gammick
- Josh Reid ((represented by George Ward pursuant to NRS 241A.050(2))
- Brett Kandt, Executive Director (recording secretary)

Members Absent:

- Jim Dixon
- Neil Rombardo

Other Attendees: See attached sign-in sheet

II. Public Comment. None.

III. Discussion and possible action on approval of June 27, 2014, meeting minutes. Upon a motion by Richard Gammick, seconded by Arthur Mallory, and carried unanimously, the Council approved the June 27, 2014, meeting minutes.

IV. Chairperson's Report. Chair Masto introduced Nicholas Trutanich as the new Chief of Staff for Attorney General-elect Adam Paul Laxalt and indicated she would save her comments for the end of the meeting.

V. Executive Director's Report. Executive Director Brett Kandt reported as follows:

A. Budget status and expenditures – B/A 1041. Kandt provided a status report on the current budget and an overview of the budget recommended by the Governor for the 2015-17 biennium. The primary enhancement was an increase in the Executive Director's salary to account for consolidation of the Council and the Technological Crime Advisory Board (NRS 205A.040) under a single Executive Director, and Kandt noted that court assessments continued to fall short of projections.

B. NVPAC events calendar. Kandt reported that the Attorney General will be hosting a Law Enforcement Summit in Carson City on February 5 for all district attorneys, sheriffs' and police chiefs to discuss issues of mutual concern and formulate responses.

C. Grant funding for training and technical assistance. Kandt reported the Council utilized the following grant funding for the 2014 Nevada Prosecutors Conference: \$5,000 under VAWA STOP Subgrant No. 2013-VAWA-47 for sex trafficking prosecution training and \$5,000 under Nevada Office of Traffic Safety Project No. LFD-2014-Ad Council-PA-00029 for DUI prosecution training.

D. Executive Director's service on state boards and task forces. Kandt referred to the list of existing boards and reported on the status of each.

E. Composition of Council. Kandt reported that the Nevada District Attorneys Association would be appointing three representatives to the Council pursuant to NRS 241A.040(1)(b) and that a law enforcement representative would be appointed by the Governor pursuant to NRS 241A.040(1)(d).

VI. Report from Solicitor General on cases pending before Nevada Supreme Court of possible interest and discussion of recent federal and state court rulings. No discussion.

VII. Discussion and possible action on the Council's positions on any bill or bill draft request listed on the Nevada Legislature website for the 78th (2015) Nevada Legislative Session. (<http://www.leg.state.nv.us/Session/78th2015/>). Kandt reported that the Attorney General submitted 2 BDR's on behalf of prosecutors: BDR 151 amends NRS Chapters 484C and 488 to conform to *Missouri v. McNeely*, 133 S.Ct. 1552 (2013), and related case law, and BDR 159 authorizes the application for and issuance of search warrants by electronic transmission. BDR 911 is a Judiciary Committee BDR to permit hearsay evidence in preliminary hearings and grand jury proceedings. BDR 913 is a Judiciary Committee BDR to amend NRS 179.410-.530 to authorize the interception of electronic communications and create a statutory exception for barricade or hostage situations. BDR 558 is a BDR requested by Senator Manendo to enhance penalties for impaired drivers that leave the scene of an accident.

VIII. Discussion and possible action on the Council's position on the State of Nevada Performance Audit on the Fiscal Costs of the Death Penalty 2014. (<http://www.leg.state.nv.us/Division/Audit/Full/BE2014/Costs%20of%20Death%20Penalty,%20LA14-25,%20Full.pdf>). The Council expressed concerns over the analysis and discussed the benefits and the shortcoming of the audit.

IX. Discussion of the following commissions:

A. Nevada Supreme Court Indigent Defense Commission (ADKT No. 411). Richard Gammick, Chris Lalli and Sean Rowe reported that flat-fee contracts for indigent defense counsel are expected to be abolished.

B. Nevada Advisory Commission on the Administration of Justice (NRS 176.0123). Mark Jackson referenced the final report and recommendations of the Commission and cautioned that this reflected the desires of the Chair Segerblom rather than the consensus of the Commission. Recommendation No. 9 proposes a study on the use of sentence credits to reduce the minimum term of imprisonment imposed for offenders convicted of certain Category B felonies and the use of judicial discretion at sentencing on the use of credits. The Council also discussed possible proposals regarding medical marijuana and revision in the drug trafficking levels.

C. Nevada Crime Commission (Executive Order 2011-24). Richard Gammick reported that the Commission last met October 29th but made no recommendations.

X. Report from the Attorney General on the following boards:

A. Nevada Technological Crime Advisory Board (NRS 205A.040). Kandt reported that the Board had established a technical privacy subcommittee that was reviewing various

legislative proposals, including BDR 756 (revises provisions governing personal information); BDR 34-147 (enacts provisions regarding Nevada student data privacy and protection); and BDR 44-8 (enacts requirements and revises provisions for unmanned aerial systems).

B. Nevada Substance Abuse Working Group (NRS 228.820). Chairman Masto reported her office had submitted a BDR to extend the statutory sunset on the Working Group to June 30, 2019.

C. Nevada Domestic Violence Prevention Council (NRS 228.490). Chairman Masto reported that Prevention Council had submitted its biennial report to the Legislature on December 8th and the report was available on the Attorney General's website.

XI. Council comments. The Chair thanked the Council and the Executive Director for their service and the Council complimented Chair Masto on her leadership and wished her well.

XII. Discussion and possible action on time and Location of Next Meeting. The Council instructed the Executive Director to coordinate a meeting date in conjunction with the next meeting of the Nevada District Attorneys Association.

XIII. Public Comment. None.

XIV. Discussion and possible action on adjournment. The Council adjourned at 11:35 AM.

CERTIFICATION OF SECRETARY

I, Brett Kandt, the duly appointed secretary of the State of Nevada Advisory Council for Prosecuting Attorneys, do hereby certify that the foregoing is a true and correct copy of the minutes of the December 12, 2014, meeting of the Advisory Council, as approved by the Advisory Council on _____, 2015.

Brett Kandt
Secretary
State of Nevada
Advisory Council for Prosecuting Attorneys