



STATE OF NEVADA

**ADVISORY COUNCIL FOR PROSECUTING ATTORNEYS**

CATHERINE CORTEZ MASTO  
*Council Chair*

5420 Kietzke Lane, Suite 202  
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BRETT KANDT  
*Executive Director*

**COUNCIL MEMBERS**

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**MINUTES**  
**ADVISORY COUNCIL for PROSECUTING ATTORNEYS**

Minutes of the December 14, 2012, 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 Chairman Masto called the December 14, 2012, meeting of the Advisory Council to order at 10:00 AM.

Members Present:

- Catherine Cortez Masto
- Arthur Mallory, Vice Chairman
- Jim Dixon (represented by Charlotte Bible pursuant to NRS 241A.050(2))
- Richard Gammick
- Josh Reid ((represented by Janette Reyes-Speer pursuant to NRS 241A.050(2))
- Neil Rombaro – ARRIVED 10:30AM
- Brett Kandt, Executive Director (recording secretary)

Other Attendees: See attached sign-in sheet

**II. Public Comment.** None.

**III. Approval of Minutes.** Upon a motion by Dick Gammick, seconded by Art Mallory, and carried unanimously, the Council approved the April 12, 2012, and September 27, 2012, meeting minutes.

**IV. Chairperson's Report.** None.

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

**A. Budget status and expenditures – B/A 1041.** Kandt referred to the budget for the current biennium.

**B. NVPAC events calendar.** Kandt reported that events currently scheduled include:

- 2013 Nevada Government Civil Attorneys Conference – May 1-3, Harveys Resort, South Lake Tahoe
- Mortgage Fraud Investigation and Prosecution Seminar – May 22-23, Las Vegas Marriot, Las Vegas, NV
- 2013 Nevada Prosecutors Conference – September [date TBD], Harrah's Laughlin - Laughlin, NV
- Effectively Investigating and Prosecuting Domestic Violence Multidisciplinary Seminar – October [date TBD], Reno, NV

**C. Grant funding for training and technical assistance.** Kandt reported the Council received \$10,000 in VAWA STOP subgrant funding (subgrant no. 2011-STOP-47), pending applications for Byrne JAG funding and NHTSA funding, and in excess of \$10,000 in residual funding from Capital Litigation Improvement Initiative Technical Assistance Award No. 2005-DD-BX-K182.

**D. Executive Director's service on state boards and task forces.** Kandt was directed to forward a list of all current boards and task forces to the Council.

**VI. Discussion and possible action on the Council's positions on any bill or bill draft request listed on the Nevada Legislature website for the 77<sup>th</sup> (2013) Nevada Legislative Session.** (<https://www.leg.state.nv.us/Session/77th2013/>) Kandt referenced the list of Attorney General BDR's and the BDR watch list in the supporting materials. Dick Gammick reported that he had asked Senator Brower to sponsor BDR #4 [Revises the number of legislative measures that may be requested by certain persons and entities] since Richard McArthur would not be returning to the Legislature. Kandt reported that BDR #137 [Revises provisions relating to DNA testing of persons arrested for and convicted of certain felonies.] might be affected by the case pending before SCOTUS challenging the constitutionality of such laws. A.J. Delap reported that law enforcement had BDR's to amend the trafficking statutes to include pill quantities and to authorize a scrap metal tracking system. Kandt was directed to forward a list of the Assembly and Senate Judiciary committee members to the Council.

**VII. Report from Solicitor General on cases pending before Nevada Supreme Court of possible interest and discussion of recent federal and state court rulings.** Solicitor General Wayne Howle reported on Attorney General Opinions and matters pending before the Nevada Supreme Court. The Council discussed 125 Nev. Adv. Op. Nos. 55, 58 and 62. The Council also discussed Artiga-Morales v. State, case no. 60172, in which the State had taken the position that the defense cannot have access to the criminal histories of jury venire members.

**VIII. Discussion of the following commissions:**

**A. Nevada Supreme Court Indigent Defense Commission (ADKT No. 411).** Dick Gammick reported that a writ petition regarding the Early Case Resolution program was pending in the Nevada Supreme Court.

**B. Nevada Advisory Commission on the Administration of Justice (NRS 176.0123).** The Council discussed the Commission's work session held October 10, which included the following proposed legislation: 1) revise provisions relating to the eligibility of certain convicted persons to complete a program of regimental discipline (NRS 176A.780) (BDR 740); 2) reinstate a 90 day diagnostic "Safe Keeper Evaluation" prison term (See former NRS 176.158) (BDR 742); 3) amend chapter 176 of NRS to

require certain time periods for submittal of presentence investigation reports (BDR 741); 4) expand (by 50 persons) and extend the sunset date (by two years) of the pilot diversionary program for alcohol/drug abuse and mental illness established by Assembly Bill No. 93 (2011) (BDR 744); 5) authorize the Fund for Compensation of Victims of Crime to reimburse counties for the fees associated with sexual assault forensic exams (BDR 743); and 6) reintroduce Senate Bill No. 265 (2011) relating to the aggregation of consecutive sentences (BDR 447).

**C. Nevada Crime Commission (Executive Order 2011-24).** Kandt reported that the Crime Commission met October 10 and would consider the following BDR's at the next meeting scheduled for January 9: 1) BDR #336 to amend NRS 453.334 to provide for a 1<sup>st</sup> offense penalty for selling drugs to minors; and 2) BDR #337 to add attempt and conspiracy to the elder enhancement statute, NRS 193.167.

**IX. Discussion and possible action on Technological Crime Advisory Board created pursuant to NRS Chapter 205A.** Chairman Masto reported that Belinda Suwe had been appointed Executive Director of the Board and referred to proposed language for BDR #220 [creates a unit for investigating and prosecuting technological crime in the Office of the Attorney General] for review and comment.

**X. Report on Attorney General's Substance Abuse Working Group (NRS 228.820).** Chairman Masto reported that the Working Group was drafting its interim report for submission to the Legislature and that the National Association of Attorneys General was drafting model legislation on synthetic drugs.

**XI. Report on Nevada Domestic Violence Prevention Council (NRS 228.490).** Kandt reported that the Council's Criminal Justice Committee was drafting victim advocate model protocols.

**XII. Report on Attorney General's Domestic Violence Fatality Review Statewide Team (NRS 228.495).** Kandt reported that next fatality review will involve a case from Elko County.

**XIII. Council comments.** Kandt reported that Bruce Nelson, Chief Deputy for the Clark County District Attorney's Vehicular Crimes Unit, had been designated the Nevada Traffic Safety Resource Prosecutor and was drafting a DUI Prosecution Manual. Kandt also reported that listserves for Nevada prosecutors and Nevada government civil attorneys had been established. Dick Gammick reported that local media coverage of an "ATF Rift" over firearms prosecutions was inaccurate and that the local Project Safe Neighborhood consortium continued to facilitate firearms prosecutions.

**XIV. Discussion and possible action on time and Location of Next Meeting.** Upon a motion by Dick Gammick, seconded by Neil Rombardo, and carried unanimously, the Council instructed the Executive Director to coordinate a meeting date in conjunction with the next meeting of the Nevada District Attorneys Association.

**XV. Public Comment.** None.

**XVI. Discussion and possible action on adjournment.** The Council adjourned without motion at 12:05 PM.

**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 14, 2012, meeting of the Advisory Council, as approved by the Advisory Council on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Brett Kandt  
Secretary  
State of Nevada  
Advisory Council for Prosecuting Attorneys