

**TESTIMONY IN OPPOSITION
TO AB 302**

GOOD MORNING, CHAIR AND MEMBERS OF THE JUDICIARY COMMITTEE. MY NAME IS KEITH LEE AND I REPRESENT THE NEVADA JUDGES OF LIMITED JURISDICTION—THE JUSTICES OF THE PEACE AND MUNICIPAL COURT JUDGES IN OUR STATE.

WE ARE IN OPPOSITION TO SECTION 1, SUBSECTIONS 1 AND 2 OF AB 302 AS THEY VIOLATE THE SEPARATION OF POWERS DOCTRINE IN OUR CONSTITUTION—SPECIFICALLY ARTICLE 3, SECTION 1 WHICH STATES:

“The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive,—and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution.”

THE PURPOSE OF THIS CLAUSE IS TO PREVENT ONE BRANCH OF GOVERNMENT FROM ENCROACHING ON THE POWERS OF ANOTHER.

IT IS LONG-RECOGNIZED IN NEVADA THAT, CONSTITUTIONALLY, THIS LEGISLATURE MAY ESTABLISH THE SUBSTANTIVE RIGHTS OF INDIVIDUALS—FOR EXAMPLE YOUR ADOPTION OF THE CRIMINAL LAWS, PENALTIES AND RELATED MATTERS IN NRS CHAPTERS 193 TO 217.

BUT PROCEDURAL MATTERS OF THE COURTS—CONDUCT IN THE COURT ROOM (INCLUDING THE MANNER AND METHOD OF TESTIFYING), CONTROL OF ITS EMPLOYEES, MANAGING COURT DOCKETS, PROCESSING PAPER WORK AND PROVIDING ADMINISTRATIVE ASSISTANCE ARE WITHIN THE SOLE PROVINCE OF THE COURT—THE LEGISLATURE MAY NOT INTERFERE WITH OR DIRECT THE COURT IN ITS EXERCISE OF ITS PROCEDURAL PREROGATIVES.

SECTION 1, SUBSECTIONS 1 AND 2 OF AB 302 INTERFERE WITH THE JUDGE’S CONDUCT IN THE COURT ROOM BY MANDATING THAT THE JUDGE **SHALL** ALLOW A WITNESS THE USE OF A FACILITY DOG AND THEREFORE VIOLATE THE SEPARATION OF POWERS CLAUSE OF OUR CONSTITUTION AND CONSEQUENTLY WE OPPOSE SECTION 1, SUBSECTIONS 1, 2 & 3.