

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Seventh Session
April 1, 2013**

The Senate Committee on Health and Human Services was called to order by Chair Justin C. Jones at 3:30 p.m. on Monday, April 1, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Justin C. Jones, Chair
Senator Debbie Smith, Vice Chair
Senator Tick Segerblom
Senator Ben Kieckhefer

COMMITTEE MEMBERS ABSENT:

Senator Joseph P. Hardy (Excused)

GUEST LEGISLATORS PRESENT:

Senator Greg Brower, Senatorial District No. 15

STAFF MEMBERS PRESENT:

Michael J. Stewart, Research Analyst
Risa Lang, Counsel
Joyce Hinton, Committee Secretary

OTHERS PRESENT:

Erin Merryn
Brett Kandt, Special Deputy Attorney General, Office of the Attorney General;
Executive Director, Advisory Council for Prosecuting Attorneys'
John T. Jones Jr., Nevada District Attorneys' Association
D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office

Senate Committee on Health and Human Services
April 1, 2013
Page 2

Denise Tanata Ashby, J.D., Executive Director, Children's Advocacy Alliance
Amber Howell, Administrator, Division of Child and Family Services, Department
of Health and Human Services

Lindsay Anderson, Director, Government Affairs Department, Washoe County
School District

Arthur (A.J.) Dunlap, Las Vegas Metropolitan Police Department

Chair Jones:

We will be hearing Senate Bill (S.B.) 258.

SENATE BILL 258: Creates the Task Force on the Prevention of Sexual Abuse of
Children. (BDR 38-192)

Senator Greg Brower (Senatorial District No. 15):

Thank you for your support of this bill, Senator Jones. You are one of many cosponsors. It is a privilege to present S.B. 258, known as Erin's Law. Erin's Law is named for Erin Merryn, the young woman I will formally introduce in a few minutes.

Various versions of Erin's Law have been enacted in five states, with several more states considering such legislation. The point of the law is simple: to help combat the problem of childhood sexual abuse in our Country. The Nevada version of Erin's Law would create a 15-member multidisciplinary task force. The Task Force on the Prevention of Sexual Abuse of Children would be charged with studying the problem and making recommendations to the Legislature at the next Session. These recommendations would likely focus on how our schools, our social services and our law enforcement agencies can work together more efficiently and effectively to prevent, investigate and prosecute these horrible crimes.

To those who doubt that this problem exists or that it is prevalent enough to warrant this type of attention, let me share a couple of numbers with you. Studies reveal that 1 in 4 girls and 1 in 6 boys are exposed to sexual abuse by the age of 18. This is a problem most people do not want to acknowledge and do not want to talk about. That is understandable, but until we talk about it, we are not going to succeed in solving this problem.

I recall when I first joined the United States Department of Justice (DOJ) in Washington, D.C., I was exposed to the DOJ's efforts to investigate and

prosecute child pornography crimes. I was both shocked and impressed by what I saw. I was shocked because of the volume of investigations and cases that the DOJ was pursuing, involving literally thousands of images of children. I was also impressed by the DOJ's unprecedented efforts through initiatives such as Project Safe Childhood to bring these predators to justice. A few years later, as a United States Attorney for the District of Nevada, I supervised dozens of prosecutions of child predators. This furthered my understanding, for better or worse, of how big this problem is. It has strengthened my resolve to do something about it.

I want to share with you two quotes. One is from Nelson Mandela, and the other one is from a Federal District Court Judge in Ohio quoting a statement commonly attributed to Mr. Mandela. Together I think they sum up the nature of this problem: "There can be no keener revelation of a society's soul than the way it treats its children," and "Given the current statistics surrounding child pornography, we are living in a country that is losing its soul."

The issue we present today is not exactly the problem of child pornography, but they are related. This is a big problem in our Country. Erin contacted me almost 1 year ago and asked me to consider introducing Erin's Law in Nevada. It was an easy decision for two reasons: First, I understand that we have a problem. For me, as for all of you, public service is about solving problems. This particular problem is difficult to acknowledge and difficult to talk about. The depth and the breadth of the problem are such that we must acknowledge it. We have to talk about it and study it. We need to work collectively to solve it. Second, Erin Merryn is an amazing young woman whose eloquence, poise, charm and steadfast determination would make anyone who meets her want to join her quest to bring this problem to light.

Erin has transformed her experience as a victim into a commitment to help others. She has made it her mission to convince all 50 states to enact some version of Erin's Law. Along the way, she has become a media sensation. She has been interviewed by Oprah Winfrey, Katie Couric, Montel Williams and many others. *Glamour* magazine named her one of the 2012 women of the year. I will let you hear from Erin why this issue is so important.

I have provided a copy of the "National Strategy for Child Exploitation Prevention and Interdiction, A Report to Congress, August 2010" ([Exhibit C](#)).

Erin Merryn:

I am from Chicago. I come here today to talk to you about an important bill that is near and dear to my heart. You just heard some statistics, and I am going to give you more. There are 42 million survivors of sexual abuse in America. Three million of the survivors are children. Those 3 million children could fill 46 National Football League stadiums. These are children living in our own backyards. I guarantee every single one of you knows somebody who has been sexually abused. I was one of those children.

I was a little kindergartener going off to spend the night at one of my best friend's home for the very first time. I woke up to her uncle, who lived in the home, coming in and sexually abusing me. Did I run home and tell my parents the next day? No, I did not say a word. No one had been educating me about safe touch, unsafe touch, safe secrets and unsafe secrets. Do not keep these secrets. Tell somebody. I stayed silent and began to avoid sleepovers. Eventually, my best friend convinced me to stay the night once again.

I do not need to explain to you what sexual predators do, because we hear enough about them in the news. They often do not have just one victim, and they often do not stop after the first time. They will abuse a child as long as they possibly can get away with it. That is what this man did. He pushed his luck to see how far and how long he could get away with this. He proceeded to abuse me sexually again while he abused my best friend right next to me. I avoided sleepovers altogether. I continued to play at her house during the daytime. Nothing ever happened during the day. Suddenly at age 7, I was playing with a dollhouse in my best friend's back bedroom. My friend ran off to use the bathroom. When she came back in, I could not see the door. I asked her a question, and she did not respond. I looked over, and standing against the locked door was her uncle, the caretaker. I would describe him as a very neglectful caretaker. He would sleep any time I was at my friend's house except at night. This day was different. He was not sleeping in some back bedroom when he was supposed to be watching us. Instead, he proceeded to lift me onto my best friend's bed and rape me for the first time in my life.

I can remember that day as if it happened yesterday. This was 21 years ago. I could not tell you what I ate for breakfast yesterday; but I can describe to you as clear as day the open closet doors, the toys on the floor, the colored shirt this man was wearing and the evil look in his eyes. I want no other child on earth to see that look ever.

Again, I did not run home and tell my parents what happened. This man had threatened me. "I'll come get you Erin. I know where you live. I will hurt you. No one will believe you." I kept it secret and did not tell anyone. The behavior problems were all there. I even ended up putting my hand through a window a week after this event.

My saving grace came when I was 8 1/2 years old. We moved, and I was getting away from this perpetrator. Little did I know moving was getting me that much closer to the next perpetrator in my life. This time it was a family member. When I was 11 years old, I woke up to my older teenage cousin sexually abusing me. Once again, he was going to try to push his luck. From the ages of 11 through 13, on Christmases, birthday parties, Thanksgivings and any time I watched my little cousins, who were his siblings, he abused me, and threatened me every single time. "This is our little secret Erin. No one will believe you. I will hurt you if you tell anyone. You will destroy our tight knit family."

In school, we teach children tornado drills, bus drills and fire drills. They are required every year. Some states do earthquake drills or lockdown drills because of gun violence. We also teach Drug Abuse Resistance Education (D.A.R.E.). I have my D.A.R.E. card here from when I was in the sixth grade. On the back of this D.A.R.E. card is a list of the eight ways to say no to drugs. I can stand here today and tell you clearly, when I was approached in junior high school, high school and college with drugs, I always knew how to say no. I can clearly say I have never so much as put a cigarette in my mouth. However, when perpetrators were silencing me behind closed doors and telling me "this is our little secret," I did not know how to get away and how to tell someone. I proceeded to be sexually abused over and over and over again. I do not want another child to live in silence the way I did.

I was looking back at my little childhood diary, which I eventually published into my first book when I was a senior in high school. In this diary I saw some words that stuck out. These words convinced me to pursue this law.

In school, a man called Officer Friendly taught us about strangers and never to answer the door when parents are gone. I thought people like my cousin Brian jumped out of the bushes and attacked at night. I was never warned about my own family. They do not teach you that at school. These are the words that popped out at me. They do not teach us that at school.

We teach children every year about "Stranger-Danger"; we tell them not to go look for the lost puppy, and not to take candy from a stranger. Yet, 93 percent of the time, children are sexually abused by somebody they love and trust. You do not need to worry about the person at the bus stop snatching and hurting your child. It is the people in your own families—the people you love and trust: the pastors, the coaches and the babysitters. I could go on and on. It is the people you trust with your children.

I want the 7-year-old who is being abused tonight to be empowered and educated on how to use his or her voice and tell. I want to take the power away from these predators. I want to put these sex offenders out of business. That is my goal. My goal is to empower children through their voices. I hope you see the importance of creating this task force.

This is how we did it in my state. A task force was created when I testified. I was on the 19-member task force for 10 months. The task force then made recommendations. We told the governor we needed to require this to be part of our school curriculum, to teach children all the things I just went over. Five states have passed this law, and I hope we can get this law passed in Nevada. I hope you will help me put sex offenders out of business.

Chair Jones:

Thank you, Erin, I appreciate your bravery and being here today. I know this was probably very difficult the first time you shared your story, and it probably does not get much easier.

I have had a chance to represent child victims of abuse and neglect over the last couple of years through the legal aid center. I have seen the physical and emotional scars these children have suffered. Unfortunately, I am a person who knows more than one of my friends and family members who have been victims. I do not want any of them ever to be victims again.

Thank you again for testimony today. I think this is a key bill, and I appreciate Senator Brower bringing it forward. I am proud to cosponsor it with him.

Senator Kieckhefer:

What are some of the different versions of the bill that have been implemented in other states. Which one do you like the best?

Ms. Merryn:

I have been going from state to state. Five states have passed this law. Twelve states are introducing it right now. Most of the states start off the way Illinois did with the task force. Nineteen people were on the Illinois task force. We met for 10 months. We worked on what the law would look like and on our recommendations. We also worked on how we could implement and require this in the schools. We did not want it to be a suggestion. We wanted it to be a requirement.

Some of the states created task forces like we are proposing for Nevada. Some states are looking at the 26-page "Erin's Law Task Force final report to Governor Quinn," submitted by the Illinois task force. They recommended introducing the law as a requirement. It varies with each state. Yes, I would like it to be required to be in all schools next week, but there is a whole process. There is the process of every state looking at funding. Are there nonprofit agencies that can come in? How will we train teachers? There are different levels of how it fits for every state.

Senator Brower:

Erin and I spent a lot of time talking about this and looking at the bills introduced in other states. We think that creating a task force is the best approach. Study it first and try to get a good handle on the problem. Decide who needs to be part of the solution and then provide recommendations to the Legislature at the next Session. That is what this bill proposes, and we feel strongly that is the best model.

Chair Jones:

We are missing one of our Committee members, so we will place this bill on a work session in the near future. Thank you again, Erin, for coming all this way. I appreciate what you are doing across the country to bring this issue to light. We will move forward.

Senator Brower:

This is a difficult issue to acknowledge and to talk about. Like others in this room, I know too much about this problem. I may be too aware of how widespread it is. Unless we are willing to face up to it and work on solutions, it is not going to get any better. It is not going to go away. We are doing the right thing by confronting the problem. We appreciate the Committee's help in that regard.

Senate Committee on Health and Human Services
April 1, 2013
Page 8

**Brett Kant (Special Deputy Attorney General, Office of the Attorney General;
Executive Director, Advisory Council for Prosecuting Attorneys):**

We support S.B. 258.

John T. Jones Jr. (Nevada District Attorneys' Association):

We support S.B. 258.

D. Eric Spratley, Lieutenant (Washoe County Sheriff's Office):

We support S.B. 258.

Denise Tanata Ashby, J.D. (Executive Director, Children's Advocacy Alliance):

We support S.B. 258. We will also offer our assistance in any way we can help.

**Amber Howell (Administrator, Division of Child and Family Services, Department
of Health and Human Services):**

We support S.B. 258. As child welfare agencies, we cannot do anything to help a child if we do not know. We are happy to be a part of this, and we are happy to be a facilitator of the Task Force. We hope we can come back to you with strong recommendations on how to move forward.

Senator Smith:

I am very supportive of this idea, and I appreciate the sponsor for bringing this forward. I have some technical questions about the management of the Task Force. We need clarification.

In section 3, subsection 2, regarding the Task Force meeting at the call of the chair. That seems wide open to me. We should have a specified number of meetings. We should have parameters. This is a big undertaking and a large Task Force. It will require many meetings and subcommittee meetings to manage this. I want to make sure we have the resources to be successful.

If we need money, we need to say that. Then we need to figure out a way to obtain the money. If you have a source of money for this project, I would like to be comfortable with that.

Ms. Howell:

When we analyzed the bill, we did not put a fiscal note on it because we knew it would affect the bill in a certain way. We are in support of S.B. 258. We are going to try to implement the Task Force with existing resources.

We are merging other committees through legislation. We are hoping to use those resources for this project. The cost will be within our current resources.

Senator Smith:

Let me go on record to say why I am frustrated with fiscal notes or lack thereof. Because a bill has a fiscal note does not mean it will be killed. We have to make sure we adequately fund what we need to do in this State. I want to make sure you have what you need.

I would suggest you put some parameters on how many meetings you are going to have. I would think that it will take some subcommittees or smaller groups working at the same time. This is a lot of work to accomplish in a condensed period of time.

Ms. Howell:

We have some similar groups. The Children's Justice Act Task Force, Division of Child and Family Services, Department of Health and Human Services, is centered around child abuse and neglect. They met a minimum of four times a year. That works well with subcommittees.

Senator Smith:

I will work with the sponsor. I do not want to slow down or hang up anything. This is a onetime task force, and it will not be ongoing. There is a long list of things they will need to accomplish. A little more definition might be helpful for a successful outcome.

Lindsay Anderson (Director, Government Affairs Department, Washoe County School District):

We have been on the front lines dealing with abused children every day. We appreciate having a seat at the table and look forward to working with the bill's sponsor to achieve the desired results.

Arthur (A.J.) Delap (Las Vegas Metropolitan Police Department):

We support S.B. 258.

Senator Brower:

I appreciate Senator Smith's comments. This is a powerful and compelling issue. We put S.B. 258 together with the help of the Legislative Counsel Bureau. You are right that the details have to be done correctly. It is one thing

Senate Committee on Health and Human Services
April 1, 2013
Page 10

to pass this bill. It is another thing to get the Task Force right. The Task Force will have to deliver a product that is useful for the Legislature at the next Session. Your points are well taken. I look forward to working with stakeholders and Committee members to make sure we can put this into a final form which will enable us to be successful.

Senate Committee on Health and Human Services
April 1, 2013
Page 11

Chair Jones:

We will close the hearing on S.B. 258. The meeting is adjourned at 4:02 p.m.

RESPECTFULLY SUBMITTED:

Joyce Hinton,
Committee Secretary

APPROVED BY:

Senator Justin C. Jones, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 258	C	280	Senator Brower	The National Strategy for Child Exploitation Prevention and Interdiction