

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session  
May 22, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:10 a.m. on Wednesday, May 22, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Tick Segerblom, Chair  
Senator Ruben J. Kihuen, Vice Chair  
Senator Aaron D. Ford  
Senator Justin C. Jones  
Senator Greg Brower  
Senator Scott Hammond  
Senator Mark Hutchison

**GUEST LEGISLATORS PRESENT:**

Assemblyman William C. Horne, Assembly District No. 34

**STAFF MEMBERS PRESENT:**

Mindy Martini, Policy Analyst  
Nick Anthony, Counsel  
Ilena Madraso, Committee Secretary

**OTHERS PRESENT:**

James L. Dold, Senior Policy Counsel, Global Hotlines Program, Polaris Project  
Chuck Callaway, Las Vegas Metropolitan Police Department  
Kristin Erickson, Nevada District Attorneys Association  
Allan Smith, Religious Alliance in Nevada  
Steve Yeager, Clark County Public Defender's Office

**Chair Segerblom:**

I will open the hearing on Assembly Bill (A.B.) 146.

**ASSEMBLY BILL 146 (1st Reprint)**: Revises provisions governing servitude of a minor. (BDR 15-752)

**Assemblyman William C. Horne (Assembly District No. 34):**

I appreciate the opportunity to present A.B. 146 for your consideration. Brittney Shipp, who is the Policy Assistant for the Assembly Majority Leader, is here. She is the brains behind many of my bills.

Assembly Bill 146 establishes the crime of involuntary servitude of a minor to protect child victims of labor trafficking. I have a presentation ([Exhibit C](#)). Child labor trafficking is a brutal form of human trafficking where a child suffers sexual, physical and emotional abuse or neglect; sometimes all of the above. The victims are hidden in situations where they are forced to work long hours in workplaces or in homes and are often deprived of proper educations. These are mostly young and vulnerable children who are manipulated into these situations because either they seek the love and affection of their captors or they fear for their lives. The National Human Trafficking Resource Center hotline identified 124 unique cases of potential labor trafficking involving minor victims between December 2007 and June 2012.

In these cases, about 20 percent involved trafficking in restaurants and 16 percent involved domestic servitude situations. The cases referenced abuse that included neglect and physical, sexual and emotional abuse. The controllers of these children included employers, parents or extended family, and in a few situations, the child resided with the employer.

I will give an overview of the sections of the bill. Section 2 establishes the crime of involuntary servitude of a minor to protect child victims of labor trafficking. A person found guilty of this crime will be found guilty of a Category A felony and shall be punished by imprisonment in the Nevada State Prison for life with parole after a minimum of 15 years is served.

Sections 3, 4, 8 and 14 provide that if a person is found guilty of holding a minor in involuntary servitude, he or she is subject to the greater penalty for that crime if the crime could be subject to a lesser punishment in another statute.

Sections 1, 6, 7 and 9 through 11 add references to the crime in other relevant statutes, for example, the habitual felon and civil forfeiture statutes.

Section 13 of the bill adds the crime of holding a minor in involuntary servitude to the list of offenses that constitute a crime against a child, requiring a person convicted to register with law enforcement as an offender convicted of a crime against a child.

In conclusion, while there are laws and standards that exist to aid minor victims of sex trafficking, they often do not apply to child labor trafficking. This bill attempts to capture situations where a caretaker creates a coercive environment that victimizes a child into providing labor services that are extreme and unlawful. With the passage of this legislation, a child who is performing labor or services for a caretaker figure who is victimizing him or her with a pattern of violent and nonviolent abuse will be treated as a victim of human trafficking.

My motivation behind this legislation occurred when I met James Dold in Washington, D.C. Mr. Dold is a human rights lawyer and grew up in Las Vegas. He was a victim of this crime in Nevada. He was the first to bring the issue to my attention and has worked diligently with me to bring this bill forward.

**Chair Segerblom:**

How does this work with Assembly Bill 67?

[ASSEMBLY BILL 67 \(Second Reprint\)](#): Revises provisions relating to crimes.  
(BDR 3-403)

**Assemblyman Horne:**

This is a supplemental to A.B. 67 and A.B. 113, which are tied together.

**Senator Hutchison:**

Thank you for presenting this important bill. You gave us some figures for child labor trafficking. Were the figures you gave us statewide or nationwide?

**Assemblyman Horne:**

They are nationwide. They seem small when you put them in context with the Nation. This is the type of crime that stays hidden for a long time. Sometimes these victims grow to adulthood and move on without the crime being reported, or when it is reported, either it is tried as a different type of crime or there are

not enough elements to press charges. That reflects on Mr. Dold's situation in Nevada.

**Senator Hutchison:**

It seems to me that these would go unreported. As you said, it involves families and extended families. Although we have existing laws like kidnapping or false imprisonment, this is a law that specifically addresses the human trafficking side of labor. That is the necessity and need for this.

**James L. Dold (Senior Policy Counsel, Global Hotlines Program, Polaris Project):**

I am a human rights lawyer in Washington, D.C., and I have been working on this issue for some time.

**Chair Segerblom:**

I understand you are originally from Las Vegas. Did you go to Bonanza High School?

**Mr. Dold:**

I went to the Advanced Technologies Academy. I played football and I wrestled for Valley High School. We played against Bonanza a few times.

Please see my written testimony ([Exhibit D](#)). I want to thank Assemblyman Horne and Ms. Shipp for their leadership and their work on this issue. I would like to thank Senator Ford for cosponsoring this legislation. I grew up in Las Vegas and attended John S. Park Elementary School and John C. Fremont Middle School, and then I went to Advanced Technologies Academy. I graduated from the University of Nevada, Las Vegas (UNLV). I still have family and friends in Las Vegas, and I come back at least once a year to visit. It is still a place I call home.

I am currently on the East Coast working on this issue nationally. It is a personal issue for me. Much of what A.B. 67 and the other bills address focus on sex trafficking. However, A.B. 146 focuses on an issue that we do not hear enough about, which is labor trafficking and labor exploitation of children. We define human trafficking as using force, fraud or coercion to compel someone to engage in labor, services or commercial sex acts with the exception of children who have been induced to engage in the commercial sex trade. Part of the reason we have the relaxed standard for child victims of sex trafficking is because of the recognition that children are often easily manipulated. Pimps and

pedophiles prey upon children and engage in a grooming process. They look for 13- or 14-year-old girls and boys and those who are vulnerable and come from disadvantaged backgrounds and communities. They prey upon these kids and look for instances in their backgrounds that might make them more susceptible to being victimized, such as kids who have been previously physically or sexually abused or come from broken homes.

The grooming process begins where the pimp or pedophile comes across as caring and loving with a stake in the child. The child is looking for someone to care for him or her and buys into that. Before the child knows it, there is a pattern of activity that takes place, such as being raped, or physical, emotional or psychological abuse. This is what clinicians and psychologists have termed "traumatic bonding." The idea of traumatic bonding is similar to what happens in domestic violence situations. It happens in exploitative cultures and hostage situations, and we used to refer to it as "Stockholm Syndrome." The victims no longer see themselves as victims but believe they are at fault, and they have this misplaced sense of loyalty toward the abusers and see the abusers as some kind of victims.

The traumatic bonds are difficult to break, especially in children whose young minds have not developed to where they are able to make informed decisions. This is why so many kids stay in exploited situations, specifically for commercial sex, for so long. We have not talked about that sort of dynamic as it affects children who have been exploited for labor. There is an overlap between labor and sex trafficking of children.

In 1997, I was 13 years old and was a Boy Scout with Boy Scouts of America. That is where I met the person who would become my trafficker. I was rebellious and going through some difficult things. I was looking for someone who would care about me and give me the love and affection I was not getting. I came from a disadvantaged background where we ate macaroni and cheese and hot dogs four or five nights a week. I was so excited when somebody cared about me and bought me gifts, took me to the movies and to Disneyland with the person's children. I thought these things showed that this person cared about me. I was wrong. After that stopped, there was child molestation and on occasion physical, emotional and psychological abuse. I became bonded to the person who I thought cared about me. This person began to isolate me from my family and friends. I ended up running away and leaving my parent's home and moving in with this family.

At that point, things got worse. I was molested, physically abused and emotionally and psychologically abused. I looked at the situation as my fault. I was willing to do anything for the person who I thought cared for me. This person eventually turned me into a domestic servant. I lived in domestic servitude for 2 years. I cooked and cleaned the house and took care of the children. I did everything that was asked of me. While other kids were out playing football or in the streets getting in trouble, I was at home cooking, cleaning and taking care of kids. This was because of my misplaced sense of loyalty that resulted from being sexually molested, physically abused and emotionally abused by this person.

This also included being degraded in the most inhumane ways. I was referred to as a "nigger." Terrible and horrible racist slurs were used against me to continue to break down any sense of self-esteem I had. I got to the point where I was so desperate and thought my life was not going to get better. There was a 9-millimeter handgun in a closet in the house. I remember sitting in the closet. I took out the gun and pointed it at my head. I thought about what it would be like to be free of pain. I thought about pulling the trigger and how it would free me from everything bad in my life.

Fortunately, that was not the route I took and I did not hurt myself. That was the point of desperation I got to. I was fortunate to have many loving and caring people in my life. I was able to escape that situation in my sophomore year of high school. I moved out and was able to separate the emotional and psychological bonds established with this person. It took many years to get away from that situation. I moved back in with my parents and finished high school. I graduated from UNLV and went on to law school. Unfortunately, many other children do not get that opportunity.

As Assemblyman Horne stated earlier, there are so many kids across the Country who are exploited, including U.S. citizens, but also foreign national children. Every year, foreign children come here with caretakers or relatives and are forced to live in these situations. Some kids go to school and some do not. They ultimately end up performing labor and services or end up in a situation of servitude where they are subject to rape, violence and emotional and psychological abuse. The importance of this legislation cannot be overstated. No state or federal laws recognized what happened to me. It was like modern day slavery. The Victims of Trafficking and Violence Protection Act was not passed

until the year 2000, which was a few years after what happened to me. There was no recourse I could pursue at the federal or state levels.

My hope is, by sharing my story with the Committee, even though justice is too late for me, that other children this is happening to are recognized as victims of human trafficking and to have the severity of the punishment for perpetrators meet the crime that has been perpetrated against victims.

Assembly Bill 146 is an important piece of legislation for the children who will be protected and benefit from this legislation. It shines a spotlight on the issue of child labor and child labor exploitation that happens and is not talked about in the United States.

**Senator Brower:**

Thank you for joining us and for telling us your story. I am curious about your situation. What happened to your abuser? Did you or your parents report this situation to law enforcement?

**Mr. Dold:**

After talking to many people in the antitrafficking movement, I gained the courage and decided to move forward a few years ago. I talked to a Detective Mason at the Las Vegas Metropolitan Police Department. The only crime available would have been child sexual abuse or statutory rape. Unfortunately, I was 27 years old when I reported it, and the statute of limitations had lapsed 6 years prior. That was a huge impediment for me to seek justice against this person. Another bill has passed out of the U.S. Senate that would extend the statute of limitations, which is important to the child victims. In my role as Senior Policy Counsel with the Polaris Project, I travel across the Country and I hear the stories. I was in Arkansas earlier this year, and there was a man in his mid-30s who told a similar story about his baseball coach who had sexually molested him. There was no recourse for him because the statute of limitations had run out. By the time you get old enough to recognize the severity of the situation and come to terms with it, you have to have the courage to report the abuse. It takes a lot of personal growing. It is a long personal journey. My journey has been ongoing since this happened over 15 years ago. I have just recently become comfortable talking publicly about what happened to me with a lot of support from family and friends.

My parents did not fully understand what happened to me. I ran away and left their home. I think they suspected that something was going on, but there was no tangible proof. My parents had many concerns. There were many kids in the house. At one point there were 13 or 14 people living with us, including my brothers and sisters, my cousins and my nephew and niece. It was a difficult situation for them. Recently, I disclosed to them what had happened to me; they have been very supportive and upset. For a lot of victims, there is a big shame factor. They are concerned about the way people will perceive them. I did not want my parents to blame themselves. It took me a long time to come forward because I had a lot of concern for many people, and I did not want to hurt people unintentionally. It is a difficult transition for victims to go through and come forward and share their stories.

**Senator Brower:**

Thank you for being here this morning.

**Senator Hutchison:**

Thank you so much, Mr. Dold, for your testimony. Many of us are residents of Las Vegas and know where you went to school. We appreciate hearing what happened. In your current position as a human rights lawyer, are you familiar with the laws and issues?

**Mr. Dold:**

Yes, sir.

**Senator Hutchison:**

As I read the law, I have one technical question for you. In section 2, subsection 1, paragraph (b) talks about a person who has physical custody or has a position of authority or control over a minor. In paragraph (b), it says if the minor benefits financially or by receiving anything of value other than sexual gratification from the labor or services obtained, you are guilty of involuntary servitude. Why is sexual gratification excluded?

**Mr. Dold:**

That was an amendment made on the Assembly side. With human trafficking legislation, we try to distinguish between labor and services and commercial sex acts. It mirrors what the federal government and many states have done to make the distinction between labor and services and commercial sex acts. Assembly Bill 67 addresses sex trafficking for adults and minors. The Assembly



wants it to be a clear delineation between the two. This is the general concept in the way we draft laws to mirror what the federal government and the other states have done.

**Assemblyman Horne:**

We did this change as an amendment while working with the American Civil Liberties Union. There was concern that the term "sexual gratification" could be misconstrued as something of value. We decided to take that out.

**Senator Hutchison:**

Thank you for your testimony.

**Chuck Callaway (Las Vegas Metropolitan Police Department):**

I am here today to support A.B. 146. This crime often goes unreported and falls between the cracks of child abuse and human sex trafficking. This bill takes a step in the right direction to define this crime and the punishment.

**Kristin Erickson (Nevada District Attorneys Association):**

This bill fills a loophole in existing *Nevada Revised Statutes* (NRS), and we are in full support.

**Allan Smith (Religious Alliance in Nevada):**

We support this bill for the reasons already expressed.

**Steve Yeager (Clark County Public Defender's Office):**

We are neutral on this bill. I want to thank Assemblyman Horne for working with us on some of our concerns. I would like to add more clarity to Senator Hutchison's question about section 2, subsection 1, paragraph (b). The reason we used that language is if you look at section 2, subsection 1, paragraph (a), the liability is for obtaining labor or services. We were concerned a sexual assault situation could be construed as services. We want to make sure this law does not preempt all the sexual assault laws on the books for minors. We want to clarify that labor and services have to be something other than gratification, that there is something else of value to distinguish this from more traditional sex crimes involving minors.

**Senator Hutchison:**

That makes sense. Thank you for the explanation.

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**Assemblyman Horne:**

I will leave this in the capable hands of your Committee. I appreciate the opportunity to present this to you. I urge your support.

**Senator Hutchison:**

Do you know what the statute of limitations is on this crime?

**Assemblyman Horne:**

I do not.

**Senator Hutchison:**

I did not see one in this law.

**Chair Segerblom:**

Mr. Anthony will find out.

**Nick Anthony (Counsel):**

It is 3 years under NRS 171.085.

**Chair Segerblom:**

Can it toll until the victims turn 18?

**Mr. Anthony:**

Not that I am aware. Usually sexual assault and sexual abuse crimes are tolled, but this is a different crime, so that would not be the case. I can look into it further.

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**Chair Segerblom:**

I will close the hearing on A.B. 146. The meeting is adjourned at 9:43 a.m.

RESPECTFULLY SUBMITTED:

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Ilena Madraso,  
Committee Secretary

APPROVED BY:

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Senator Tick Segerblom, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
A.B. 146	C	5	Assemblyman William C. Horne	Presentation
A.B. 146	D	4	James L. Dold	Written Testimony