

**MINUTES OF THE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session
May 4, 2015**

The Subcommittee of the Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:06 p.m. on Monday, May 4, 2015, in Room 2134 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.

SUBCOMMITTEE MEMBERS PRESENT:

Senator Greg Brower, Chair
Senator Becky Harris, Vice Chair
Senator Scott Hammond
Senator Aaron D. Ford

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Assemblyman Edgar Flores, Assembly District No. 28
Assemblywoman Victoria Seaman, Assembly District No. 34

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Cassandra Grieve, Committee Secretary

OTHERS PRESENT:

Malcolm Napier, Las Vegas Metropolitan Police Department
Melissa Saragosa, Las Vegas Township Justice Court, Department 4,
Clark County
John Fudenberg, Clark County
Jim Hastings, Hastings Brokerage, Ltd.
John T. Jones, Jr., Nevada District Attorneys Association
Jenny Reese, Nevada Association of Realtors

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Jon Sasser, Washoe Legal Services; Legal Aid Center of Southern Nevada
Marcus Conklin, Nevada Mortgage Lenders Association
Harry Dietz
Pamela Scott, The Howard Hughes Corporation
Stephen Starks, Starks Homes LLC
Mendy Elliot, Nevada State Apartment Association
Sean B. Sullivan, Office of the Public Defender, Washoe County
Chuck Callaway, Las Vegas Metropolitan Police Department
Eric Spratley, Sheriff's Office, Washoe County

Chair Brower:

I will open the meeting with Assembly Bill (A.B.) 132.

ASSEMBLY BILL 132 (1st Reprint): Revises provisions relating to displaced homemakers. (BDR 2-546)

Assemblywoman Irene Bustamante Adams (Assembly District No. 42):

I am part of the Sunset Subcommittee of the Legislative Commission, established by the Legislature to review the boards and commissions it creates. The Sunset Subcommittee has the authority to recommend if boards should be continued, modified, terminated or consolidated. The Sunset Subcommittee reviewed the Board for the Education and Counseling of Displaced Homemakers.

The Board was created in 1989 to assist women who have lost their source of income and support due to divorce, death or the disability of a spouse or an ineligibility to receive public assistance. Women identified in need of service are individuals who lack marketable skills, have not completed high school or may have been out of the job market for a number of years.

The Board consists of five members appointed by the Governor. One board member must be a displaced homemaker as defined by the *Nevada Revised Statutes* (NRS). At least one board member must represent a business in Nevada. The Board is under the umbrella of the Department of Employment, Training and Rehabilitation (DETR).

There are two items to consider with A.B. 132. The first item modifies the membership of the Board. A displaced homemaker is defined in NRS 388.605, which states a member of the Board must be a displaced homemaker. The Board seeks to change this statute to "current or former" displaced homemaker.

If a displaced homemaker gains employment while on the Board, he or she must resign from the Board. The Board wishes its members to complete their terms.

The second item to consider with A.B. 132 revolves around funding. To provide a revenue source for the displaced homemaker programs, a fee of \$20 is charged at the commencement of divorce proceedings at the district court level. The fee is collected by the counties, remitted to the State and placed in a fund administered by the Director of DETR.

The Board has requested the fee be applied to the termination of domestic partnerships. Through February 20, there were 6,678 domestic partnerships filed in Nevada. Of those, 664 were terminated.

The Assembly Committee on Judiciary amended A.B. 132 to increase the fee. In 1985, the fee was \$5; in 1989, it was \$15; in 1995, it was \$20. The Assembly Committee on Judiciary voted to raise the fee to \$30, primarily because it had not been raised in 20 years.

The Sunset Subcommittee made the recommendation to continue this entity with those two caveats for your consideration.

Chair Brower:

We will close the hearing on A.B. 132 and open the hearing on A.B. 386.

ASSEMBLY BILL 386 (2nd Reprint): Revises provisions relating to real property (BDR 3-921)

Assemblywoman Victoria Seaman (Assembly District No. 34):

At the beginning of Session, a group of Legislators determined squatting was a major issue for which Nevada law provides no remedy. Squatters could occupy your home while you were on vacation, and your only remedy was evicting them through civil court. With the high number of foreclosures and vacant homes in Nevada, squatters have easy targets. In some cases, squatters live without running water, electricity or toilets.

I experienced the problem myself when I traveled home 4 weeks ago. I am a real estate agent, and one of my properties has been vacant for some time. When I went to check on the property, I was shocked to see my lockbox gone and people occupying the property. I called the police, but they said nothing

could be done. The police officials said they find squatters in empty homes every day. I was told the way the law is written, the police have no authority to conduct any type of investigation or eviction. The police would not even take a report on my stolen lockbox.

The status quo is not acceptable. Assembly Bill 386 will help solve this significant problem. With A.B. 386, no longer can savvy squatters exploit the law or lawbreakers avoid investigation or prosecution. Homeowners will no longer be powerless when their homes are stolen.

Assemblyman Edgar Flores (Assembly District No. 28):

It is difficult to evict squatters because the criminal definitions for similar crimes, such as home invasion, burglary, etc., are not applicable.

On the civil side, statute is based on a landlord-tenant relationship. The definition of a tenant is specific. Squatters who move into vacant homes are not tenants. Because we cannot trigger the statutes to resolve this squatter issue, people are taking advantage of that loophole. Las Vegas Metropolitan Police Department (LVMPD), courts, families and communities cannot do anything about this problem.

We approached this issue through several angles. One angle is to put criminal statutes in place so law enforcement can do what it needs to do. Another angle is to clean up the civil law side to ensure judges and the courts can address the civil questions.

Sometimes, there may be more than one victim. There might be a situation where the owner of the property is Person A and somebody pretending to be the owner is Person B. Person B rents the property to Person C. Person B has no right to the property but rents it out through Craigslist. The property owner and the person renting the property are both victims. We need the civil world and criminal world to intertwine.

Chair Brower:

Why is the typical squatter situation not a criminal trespass?

Assemblyman Flores:

In some circumstances, we do use criminal trespass as a remedy to cite squatters. Officer Malcolm Napier can better highlight the reasons why a criminal trespass citation does not always work in this situation.

Malcolm Napier (Las Vegas Metropolitan Police Department):

Persons with criminal records are abusing the law and taking over people's homes. One only needs to do minimal research on the county's assessor site to figure out which homes are vacant or in foreclosure and to identify the homeowners. Next, a fictitious lease is easily created to present to police and real estate agents, bluffing them into thinking the persons inside the home are innocent victims of a crime.

Because of the lack of clarity in statute and the conflict of civil law with criminal law, the LVMPD errs on the side of caution, choosing to treat the problem as a civil issue. This course of action has allowed the squatter problem to reach the gross proportions shown in my presentation ([Exhibit C](#)).

Slide 1 of [Exhibit C](#) shows the house that started my involvement in this issue. During a 6-month period in 2013, this foreclosed house had 15 calls for service, reporting various aspects of criminality inside the home. Four of those calls were from neighbors reporting squatters living inside the house and asking LVMPD for assistance in removing them. The LVMPD responded to the calls and were shown false leases by the occupants; LVMPD erred on the side of caution and did not respond to the issue.

Chair Brower:

Is it correct that had LVMPD tried to contact the owner, it would not have been successful because the owner had abandoned the property?

Mr. Napier:

Yes.

Chair Brower:

If an officer is shown a fake lease, the landlord or the property owner is listed on the lease somewhere. If LVMPD attempts to confirm with the property owner listed on the lease that the purported lessee is the legal occupant and LVMPD cannot obtain confirmation, is the situation treated as criminal trespass under Nevada law?

Mr. Napier:

We can cite for criminal trespass when there are clear-cut circumstances. Part of any law is proving intent. We have to prove the person is knowingly trespassing and he or she knowingly made a fictitious lease.

Chair Brower:

When you cannot confirm with the owner of the property that the purported lessee is there legally, does that not show intent?

Mr. Napier:

We need a statement from the property owner of proof versus making a judgment call. Without a crime victim, it is hard to make that assessment.

These squatter houses are a spider's nest of criminal actions, occurring repeatedly. Squatters occupying empty homes are poisoning ordinary neighborhoods. The man pictured on Slide 1 of [Exhibit C](#) committed burglary at a residence near the house in which he was a squatter, shooting and killing a 75-year-old woman who was on oxygen. If this law had been in place, we would have had a clear-cut solution and may have prevented that crime.

Chair Brower:

What part of [A.B. 386](#) helps when you have a purported lessee and cannot find the property owner in order to file criminal trespass charges?

Mr. Napier:

I work in community policing. When we receive a complaint of potential squatting activity, we interpret statute. If we had a clear-cut crime being committed, we could launch an investigation, track down the property owner—even with a house in foreclosure—and determine if people should be inside the house.

The house on Slide 4 of [Exhibit C](#) is what we see in a typical squatter house. This is a house someone is attempting to sell. Herein lays the problem with trespass laws. There is no overlap under trespassing or lodge-without-consent laws indicating what the police or homeowners do with personal property left inside the house by a squatter. Even if police were to make an arrest for trespassing, the issue of personal property remains unresolved.

Slide 5 of [Exhibit C](#) has a link to a short news clip demonstrating the severity of the problem. We see this type of problem daily in Las Vegas. In the particular case cited in the news clip, we used trespass laws after gathering statements from the owner verifying he was the legitimate owner. All it took was a fake lease saying the squatters had paid cash to an individual who had no connection to the owner.

Chair Brower:

It seems like all it took was a fake lease to confuse things, at least for a time. Were criminal charges eventually filed in the case shown in the news clip? Did the Las Vegas District Attorney's Office prosecute the squatters?

Mr. Napier:

In this case, the squatters were removed under trespassing statutes. Upon being notified of their trespass, the squatters were given a warning and then removed upon receipt of that warning.

I work for the Northwest Area Command of the LVMPD. In Slides 6 through 13 of [Exhibit C](#), graphs and other statistics show how this problem has grown in the area.

I have already spoken about how brazen the squatters are. In the case of Harry Dietz, the homeowner in the earlier news clip, the squatters had a history of this behavior—up to five incidents. In addition to invading Mr. Dietz's house, the squatters filed paperwork against Mr. Dietz asking for compensation of around \$700 for their removal from his house.

Chair Brower:

Did the court order Mr. Dietz to pay that sum?

Mr. Napier:

I do not know, sir.

Squatters do not only affect lower-income neighborhoods. Slide 17 of [Exhibit C](#) shows a property worth almost \$1 million as posted on the Internet. Slide 18 of [Exhibit C](#) shows what we see now: lock changes, windows smashed out and the broken backdoor. When we go to the property after neighbors have complained, we find a foreclosed home, but then we are presented with a

fictitious lease like the one shown on Slide 19 of [Exhibit C](#). After some further investigation, we see a different fake lease, as shown on Slide 20 of [Exhibit C](#).

Slides 21 and 22 of [Exhibit C](#) display the criminal history of the people who have been identified as squatters. The vast majority of squatters involved, both male and female, have lengthy criminal records.

I have submitted a fact sheet regarding the problem of residential trespassing in Las Vegas ([Exhibit D](#)).

Chair Brower:

We support the idea behind A.B. 386, but we want to make sure the language is right; this is a long and complicated bill.

Melissa Saragosa (Las Vegas Township Justice Court, Department 4, Clark County):

Assembly Bill 386 was vetted through the Clark County District Attorney's Office, the Nevada Association of Realtors, the Nevada State Apartment Association, Legal Aid Center of Southern Nevada, Washoe Legal Services and Nevada Legal Services. I have submitted my summary of A.B. 386 ([Exhibit E](#)).

To answer Chair Brower's question of why squatting is not a trespass, squatting can be a trespass, but as Mr. Napier explained, then the squatter's personal property is left behind. With regard to public safety, the last thing communities want is a squatter.

Sometimes a trespass citation does not resolve the problem. The citation is a misdemeanor, and given the overcrowding in our jails, squatters could be released 12 hours later and go directly back to the property because that is where their personal belongings remain. Having the squatter go directly back to the property creates a dangerous situation.

Assembly Bill 386 gives squatters a civil process to get their personal property back. Nevada law has definitions for forcible entry and forcible detainer; the problem is there is no summary procedure. Consequently, everyone is attempting to fit the squatter scenario into the landlord-tenant summary procedure eviction laws, and that is where things go awry. Assembly Bill 386 redefines the language for forcible entry and forcible detainer.

By stopping the treatment of squatters as tenants and giving squatters their own section of laws allowing for summary procedure, the law is clean and clear for everyone involved on the civil side. The entire process works similarly to a summary eviction process.

On the criminal side, where the laws overlap, a squatter is not necessarily guilty of a home invasion or a burglary. There can be a criminal arrest based on one of the new offenses created by the bill. Sections 46, 47 and 48 of A.B. 386 add house-breaking, unlawful occupancy and unlawful reentry. If one of these three criminal statutes is violated, the owner has the right to immediately secure the property and lock the doors without a court order.

With A.B. 386, the squatter, or unlawful occupant, has a civil remedy to come back and say the removal was wrongful, but that remedy has to be done through the courts not via self-help.

When the owner cannot be located or the house has been foreclosed upon and the bank is the new owner but not taking control of the situation, A.B. 386 allows for a homeowner's representative. The homeowner is instructed to give authority to someone else, which opens the door for a homeowners' association to be given the authority to act as the homeowner's representative to get rid of a squatter. This possibility did not exist before.

I am concerned about the fee schedule in section 30 of A.B. 386. It is not the intent of any parties involved that a \$225 filing fee be required. The Legislative Counsel Bureau (LCB) informs us this language is necessary. We want the same filing fee as a standard landlord-tenant eviction action, which is \$50.

Chair Brower:

In this squatting scenario, are the fees a homeowner has to pay the same as the \$300-plus fee a landlord pays for an unlawful detainer order?

Judge Saragosa:

The fee should be the same \$50 fee that is required of a landlord. Section 30 has a special provision for foreclosed-upon houses where the filing fee is \$225 if a bank or an investor who has purchased the property is using the formal, full civil complaint process.

We did not intend for the summary procedure to be the higher \$225 filing fee.

Chair Brower:

Do we need to amend the bill to reflect that fact?

Assemblyman Flores:

We interpret the language of section 30 to mean \$225, and we want to make sure that is not the bill's intent; the intent is \$50. The LCB assures us that the filing fee is \$50, not \$225, and that the bill draft language is necessary for LCB's purposes.

Chair Brower:

We will make sure that is the case when we read the bill. The victim in these scenarios should not be paying the same fee as a true landlord. We will make sure we read it the same way.

John Fudenberg (Clark County):

We support A.B. 386.

Jim Hastings (Hastings Brokerage, Ltd.):

I support A.B. 386 and have submitted my testimony ([Exhibit F](#)).

John T. Jones, Jr. (Nevada District Attorneys Association):

We support A.B. 386.

Jenny Reese (Nevada Association of Realtors):

We support A.B. 386.

Jon Sasser (Washoe Legal Services; Legal Aid Center of Southern Nevada):

We support A.B. 386.

Marcus Conklin (Nevada Mortgage Lenders Association):

We support A.B. 386.

Harry Dietz:

I did not have to pay the \$700 fee referenced earlier, but the squatters were allowed to remain in the house. The squatters burglarized everything stored in the house. When the squatters were given the order to come back to the home, I was never served with an order—those people broke into my home. Had I been home, a violent or even deadly situation could have resulted. I support A.B. 386.

Pamela Scott (The Howard Hughes Corporation):

We support A.B. 386. I heard testimony earlier regarding homeowners' associations. I do not think homeowners' associations are looking to be delegates of homeowners who have gone into foreclosure. In these cases, the homeowners are gone, and we do not know their whereabouts. We do know their assessments are not being paid.

In a foreclosure situation, if A.B. 386 allows an absent homeowner to be represented by someone, it should be the bank that filed the notice of default.

Stephen Starks (Starks Homes LLC):

I want A.B. 386 to order the police to file a report when called to a property. The police do not file a report because the call is considered an incident. When squatters break into a property and then break the gas meter, etc., to use the utilities, no report is made; this makes the owner responsible.

Mendy Elliot (Nevada State Apartment Association):

We are neutral on A.B. 386.

Chair Brower:

We will close the hearing on A.B. 386 and open the hearing on A.B. 287.

ASSEMBLY BILL 287 (1st Reprint): Prohibits a person from making or causing to be made certain nonemergency telephone calls under certain circumstances. (BDR 15-922)

Assemblyman Edgar Flores (Assembly District No. 28):

Under NRS 207.245, it is a gross misdemeanor to misuse an emergency telephone number. The issue is NRS 207.245 has specific language describing the misuse of any "telephonic access to a system." An emergency system has a narrow definition, which only includes 911. The problem is with people who go through a nonemergency number to declare false emergencies. This is a loophole.

For example, I am in Las Vegas. I call 311, a nonemergency number that falls outside the NRS definition, and I declare a false emergency. For example, I tell the 311 operator I am Senator Brower, I am in my home and I have hostages. I tell the operator I am going to kill one hostage every minute. I tell the operator

that if police come to the door, I will kill the police. Naturally, this kind of call triggers all kinds of responses.

The 311 operator will immediately call 911 and declare the emergency. The 911 operator will trigger a SWAT situation and call in all available units. The SWAT team comes to Senator Brower's property in Reno, and he has no idea what is happening while the team kicks down his door and arrests him.

In this example, further assume that law enforcement identifies me, Assemblyman Flores, as the perpetrator of the phone call. Because I dialed 311, a nonemergency number, I cannot be charged.

In section 1, subsection 1, paragraph (b) of A.B. 287, the definition is expanded so the nonemergency loophole is no longer available. If a perpetrator uses either an emergency number or a nonemergency number to declare a false emergency, it is a gross misdemeanor.

In section 1, subsections 2 and 3 give more detail touching on a trend in many states to address the issue known as "swatting." I provided a link to a video, which further demonstrates what swatting is all about ([Exhibit G](#)).

In the example I used before, I know SWAT will show up at Senator Brower's property. Why do people do this? One reason for this behavior is people acting out of spite. For example, I dislike you and I am trying to get back at you or get back at an ex-husband, ex-wife, ex-boyfriend or other enemies.

A second reason for this behavior is an increase in cybercrime, primarily from gamers. I spoof your virtual private network (VPN). Spoofing is when you gain unauthorized access to a computer, indicating that the message is coming from a trusted source. Spoofing your VPN will allow me to call a nonemergency number pretending to be someone else. For the operator, the phone call appears to come from your house.

A third reason for this behavior is someone with a mental disorder. I want to focus on the first and second instances, not the third one. We will address the third instance separately because we are purposely creating an exception; we are not going after people with mental illness. It is not the intent of A.B. 287 to go after children or those with mental disorders.

Section 1, subsection 3 of the bill outlines the punishment for this crime: a Category E felony with 1 to 4 years in prison, no more than a \$5,000 penalty and mandatory probation.

For the Category E felony to be triggered, two tests exist. The first test determines if the person intended to initiate an emergency response by law enforcement when no actual emergency existed. The second test determines if the emergency response initiated resulted in the death or serious injury of another person.

In order for the charge to go from gross misdemeanor to the Category E felony, there must be a specific intent; that is, the perpetrator knew what was going to happen—and someone is injured or dies.

Section 1, subsection 4, includes language of restitution. Law enforcement has very limited resources and these nonemergency calls are wasting those resources. We want the perpetrator of the crime to pay.

I have proposed an amendment to section 1, subsection 5 ([Exhibit H](#)). The proposed amendment was developed by the offices of the public defender in Washoe and Clark Counties, along with the offices of the district attorney in Washoe and Clark Counties.

The proposed amendment holds that mentally ill people who make false emergency phone calls have a defense. We do not want mentally ill people to have a Category E felony. The bill has subsection 5 as an affirmative defense, but this language needs to be removed because we have learned from both district attorneys' offices that this is not a typical legal course taken. All parties to A.B. 287 agree upon the language in the proposed amendment, [Exhibit H](#).

The proposed amendment still provides a defense and makes clear to the court it may protect those who are mentally ill. Minors who commit this offense will continue to go through the juvenile system.

The goal of A.B. 287 is to allow law enforcement to pursue cyber criminals and individuals acting out of spite. My concern is one of these 311 calls will trigger a SWAT situation where law enforcement knocks on a door and the person inside the house—not expecting anyone—will reach for his or her gun. Somebody may get hurt. With A.B. 287, we intend to stop this from happening.

Senator Harris:

How will you define mental illness and all the term encompasses?

Assemblyman Flores:

Mental illness already has a legal definition; we are not giving it a specific definition in this bill. An example is someone taking medication for a mental disorder. Judges have discretion when determining mental illness. I want to make it abundantly clear we want to avoid charging someone who has a mental illness.

Senator Harris:

My concern is mental illness can be a broad definition, and a large range of afflictions fall into the catchall category of mental illness. I am looking for clarity in what we can anticipate and what is involved with the term mentally ill. This statute is a punishing statute, so the language needs to be clear with some thought to severity of mental illness. It seems to be broad and unclear.

Assemblyman Flores:

Most people who commit these crimes are not convicted. Swatting is done because it is difficult to identify the prankster. It is difficult to investigate who is making the call.

Many of these people are sophisticated and are cyber criminals. The pranksters are spoofing the VPN addresses of their victims and making phone calls, pretending to be their victims. It is difficult to identify those individuals.

We will not have a huge influx of people being convicted for Category E felonies. The Category E felony is triggered if somebody dies or gets severely hurt. This crime is specific to intent. It is difficult to convict a mentally ill person of a crime specific to intent because intent cannot be developed due to the mental illness.

I echo your concerns. I also did not want something so broad that we were throwing this huge blanket out and convicting numerous individuals.

Senator Ford:

If this mental illness statement is not an affirmative defense, I do not understand how it operates. A man with a mental illness comes to court with a public defender or a lawyer. How does he make his mental illness known other

than to say he did it, but he has a mental illness? That sounds like an affirmative defense.

Mr. Jones:

Every criminal case has to be a union between act and intent. Assembly Bill 287 specifically describes what intent you need to have in order to be found guilty beyond a reasonable doubt. What you need to have is to knowingly and willfully make or cause to be made. If mental illness affects somebody's ability to knowingly and willfully, engage in an act, that is where the mental issue comes into play.

Chair Brower:

Mr. Sullivan, if you have a client charged with this crime who you think is suffering from a mental illness, how do you defend the case?

Sean B. Sullivan (Office of the Public Defender, Washoe County):

For the gross misdemeanor offenses, we normally see what is contained in statute, which are persons who have mental illnesses or are intellectually disabled as defined in NRS 176A.045 and 176A.047 and further defined in NRS 433.164 and 433.099.

I have had cases where there is a charge of gross misdemeanor, and the defendant believes space aliens told him to call 911 multiple times. This situation is usually when the police are called to the defendant's house. We attempt to use this as a defense in court and in order to get these people into mental health court, which is covered in NRS 176A.250.

Chair Brower:

Does A.B. 287 change the relevant statute to include, or at least reference, another statute defining mental illness?

Mr. Sullivan:

We can discuss the language with Assemblyman Flores.

My office is neutral to A.B. 287 in light of the amendments. Steve Yeager of the Office of the Public Defender of Clark County is also neutral.

Senator Ford:

How does this operate practically? What happens if Mr. Jones does not believe his client has a mental illness? Will he pursue a charge? Is this statute inapplicable as an affirmative defense because ...

Mr. Jones:

It would operate as it does in every other criminal statute in Nevada where the law does not specifically say mental health is an affirmative defense. You use it to attack the elements of the crime. A large percentage of our cases end up in negotiations. Defense attorneys come to the prosecutors and say, "Here is the mental illness. Here is why it attacks the elements of the crime. Here is why we should negotiate to some other lesser crime."

Senator Ford:

Now I understand your point in saying it is a specific intent type of crime. Ultimately, if you argue the defendant did not have a specific intent because he or she has a mental defect, then the defendant does not meet the element without needing to say, "I did it, but I have a mental defect."

Mr. Jones:

Yes. The mental health court in subsection 4 of NRS 176A.260 allows for dismissal if defendants successfully complete the program. If a judge finds that a mental health court will adequately treat the illness with which the defendant suffers, then mental health court is an appropriate place to send the defendant.

Chuck Callaway (Las Vegas Metropolitan Police Department):

We support A.B. 287. Swatting is a growing trend across the Country. Swatting rises to a higher level than the typical misuse of 911 or a prank call. Swatting is done out of revenge or to try to get a high level of response from law enforcement to a victim's house.

Perpetrators often watch the swatting unfold live on a webcam. Swatting happens in the gaming community where gamers are online playing a video game and one person in the cyber world game makes a call through a technique called spoofing whereby the call cannot be easily traced.

For example, a perpetrator will call 911 and say, "Chuck Callaway killed his wife. He is holding his kids hostage and is going to burn the house down." The perpetrators then watch me on screen, unwittingly playing the game as the

SWAT team busts into my house, throws me on to the ground and searches my house, thinking I have done something horrible to my family.

There is a potential of great violence and a potential someone could get hurt; for those reasons, it is appropriate this act be a Category E felony. In 2014, the LVMPD had 30 cases of swatting ([Exhibit I](#)). I will read a few examples from [Exhibit I](#). We had seven officers respond to one of the calls.

When we get one of these calls, a perimeter has to be set up to contain the situation, neighbors have to be evacuated from their homes and an attempt has to be made to contact the resident of the house.

If those methods are unsuccessful, both a SWAT and a hostage negotiation team are called out, which disrupts entire neighborhoods, threatens public safety and ties up police resources.

A typical LVMPD squad has 9 officers, so an incident like this could tie up almost every officer on a squad. This means that if you have a real emergency down the street and you call the police, you are stuck until we can get somebody free to respond to your situation. Your emergency may be a real emergency, but all the officers are tied up on the false emergency.

The aftermath of these cases involves an in-depth investigation, which usually requires administrative subpoenas and follow-up with providers to get IP addresses and track down other information in an effort to find the culprit. It is time-consuming.

Swatting also happens to celebrities, such as Justin Bieber and Little Wayne. The FBI recently put out a public service announcement talking about swatting and hacktivists ([Exhibit J](#)). The FBI estimates there are at least 400 events annually of swatting.

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

Swatting is a problem in Reno, Sparks and Washoe County. We support A.B. 287.

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Chair Brower:

I will close the hearing on A.B. 287 and adjourn the meeting at 2:10 p.m.

RESPECTFULLY SUBMITTED:

Cassandra Grieve,
Committee Secretary

APPROVED BY:

Senator Greg Brower, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	8		Attendance Roster
A.B. 386	C	42	Malcolm Napier / Las Vegas Metropolitan Police Department	Presentation
A.B. 386	D	1	Malcolm Napier / Las Vegas Metropolitan Police Department	Trespassing Fact Sheet
A.B. 386	E	6	Melissa Saragosa / Las Vegas Township Justice Court	Squatter Issues Fact Sheet
A.B. 386	F	2	Jim Hastings / Hastings Brokerage, Ltd.	Statement of Support
A.B. 287	G	1	Assemblyman Edgar Flores	Link to Video
A.B. 287	H	1	Assemblyman Edgar Flores	Proposed Amendment
A.B. 287	I	8	Chuck Callaway / Las Vegas Metropolitan Police Department	Swatting Calls Report
A.B. 287	J	3	Chuck Callaway / Las Vegas Metropolitan Police Department	FBI Public Service Announcement