

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Ninth Session
March 1, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:01 a.m. on Wednesday, March 1, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins

COMMITTEE MEMBERS ABSENT:

Assemblyman Jim Wheeler (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Erin McHam, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Gloria Allred, Attorney, Allred, Maroko & Goldberg Law Offices, Los Angeles, California
William O'Donohue, Ph.D., Director, Victims of Crime Treatment Center, University of Nevada, Reno
Robert T. Eglet, representing Nevada Justice Association
Paul Jackson, Private Citizen, Reno, Nevada
William Tarbell, Ph.D., Private Citizen, Sparks, Nevada
Denise Tanata, J.D., Executive Director, Children's Advocacy Alliance
Daniele Dreitzer, MSW, Executive Director, The Rape Crisis Center, Las Vegas, Nevada
Camille Naaktgeboren, Ph.D., Private Citizen, Las Vegas, Nevada
Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence
Jennifer Noble, representing Nevada District Attorneys Association
Sherry Powell, Founder, Ladies of Liberty, Reno, Nevada
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Linda Kirkpatrick, Private Citizen, Costa Mesa, California
Benjamin Lublin, Private Citizen, Las Vegas, Nevada
Marlene Lockard, representing Nevada Women's Lobby and Human Services Network
Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's Office
Pete Todoroff, Private Citizen, Incline Village, Nevada
Jo Ann Chadwick, Private Citizen, Reno, Nevada
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Valeria Gurr, Training Manager and Coordinator, Prevent Child Abuse Nevada, Nevada Institute for Children's Research and Policy, School of Community Health Sciences, University of Nevada, Las Vegas

Chairman Yeager:

[Roll was called and Committee protocol was explained.] We have one bill and a work session today. We will start with the work session, and I will turn it over to our policy analyst, Diane C. Thornton.

Assembly Bill 4: Repeals provisions relating to reciprocal enforcement of support orders with foreign countries or political subdivisions. (BDR 11-175)

Diane C. Thornton, Committee Policy Analyst:

Our first bill on the work session today is Assembly Bill 4, heard in Committee on February 10, 2017 ([Exhibit C](#)). This measure amends the Uniform Interstate Family Support Act of 1997 by repealing the provisions governing the declaration of a foreign country or political subdivision as a state. There were no amendments for this bill.

Chairman Yeager:

I will entertain a motion to do pass A.B. 4. Is there any discussion on the motion?

Assemblyman Pickard:

I met with Nova Murray. It was made clear at the hearing that the letter provided by the federal government was in anticipation of this in the 2015 Session. In fact, everything else on that letter had been changed except for this provision. It truly is a cleanup bill.

Chairman Yeager:

Is there any other discussion? Seeing none, I will entertain a motion to do pass.

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS
ASSEMBLY BILL 4.

ASSEMBLYMAN WATKINS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

The floor statement will be assigned to Assemblywoman Cohen.

Assembly Bill 14: Requires the submission of a complete set of fingerprints to the Central Repository for Nevada Records of Criminal History for court orders relating to a legal name change and citations for domestic violence. (BDR 3-172)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 14 was heard in Committee on February 10, 2017 ([Exhibit D](#)). This bill requires a complete set of a person's fingerprints transmitted to the Central Repository for Nevada Records of Criminal History for the inclusion in that person's record of criminal history when a court grants a change of name to a person who has a criminal record or rescinds its order granting a change of name of a person who falsely denied having been convicted. Additionally, the measure requires that a complete set of the person's fingerprints be sent to the Central Repository when a peace officer detains and cites a person for a violation of an ordinance or state law that is punishable as a misdemeanor and

constitutes domestic violence. There is one proposed amendment for this measure ([Exhibit E](#)). Andres Moses from the Eighth Judicial District Court proposed an amendment to clarify that an applicant with a criminal record bears the responsibility of providing a complete set of fingerprints to the court.

Chairman Yeager:

I want to let the body know the amendment ([Exhibit E](#)) was a result of some concerns that were raised about making sure the fingerprints made their way to the Central Repository. After the hearing, I worked with the Eighth Judicial District Court as well as the Central Repository to come up with acceptable language. The amendment you see in front of you is agreed to by all interested parties.

Is there any further discussion on the motion? Seeing none, I am looking for a motion to amend and do pass Assembly Bill 14.

ASSEMBLYMAN OHRENSCHALL MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 14.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

Assemblyman Hansen will do the floor statement.

**Assembly Bill 28: Revises provisions relating to the Commission on Judicial Discipline.
(BDR 1-395)**

Diane C. Thornton, Committee Policy Analyst:

The next bill, Assembly Bill 28, was heard in Committee on February 16, 2017 ([Exhibit F](#)). This bill authorizes the Commission on Judicial Discipline to discipline a justice of the peace or municipal judge by ordering the justice of the peace or municipal judge to forfeit his or her office if he or she fails to attend the required instruction. This measure requires the Commission to give a justice of the peace or a municipal judge seven days' notice and an opportunity to respond and hold a public hearing before the Commission orders the justice of the peace or municipal judge to forfeit his or her office.

There are two proposed amendments for this measure. The first is from Paul C. Deyhle, Executive Director of the Nevada Commission on Judicial Discipline, and John McCormick and Ben Graham from the Administrative Office of the Courts ([Exhibit G](#)). This amendment proposes to extend the amount of notice that the Commission must give a justice of the peace or municipal court judge from 7 to 30 days. The second amendment is proposed by Chairman Yeager ([Exhibit H](#)). This amendment adds the language "without a reasonable excuse" to the procedures the Commission is required to perform if a justice of the peace or

municipal court judge has failed to attend the instruction as required by law. In addition, the language "unless the Commission finds that there was a reasonable excuse for failure to attend the instruction" is added, thereby not allowing the Commission to order a justice of the peace or a municipal judge to forfeit his or her office if a reasonable excuse is found.

Chairman Yeager:

I want to let the Committee members know that in the second amendment about adding a reasonable excuse, you may remember there was some discussion about the concern that there was no standard of review. I want to thank Assemblyman Elliot T. Anderson who worked on that particular amendment. That amendment is agreed to by all interested parties.

Is there any further discussion on Assembly Bill 28? I am looking for a motion to amend with both amendments and do pass on Assembly Bill 28.

ASSEMBLYMAN WATKINS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 28.

ASSEMBLYWOMAN JAUREGUI SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

Assemblyman Watkins will do that floor statement.

**Assembly Bill 37: Revises provisions relating to justice courts and municipal courts.
(BDR 1-397)**

Diane C. Thornton, Committee Policy Analyst:

The next bill is Assembly Bill 37. This bill was heard in Committee on February 16, 2017 (Exhibit I). This bill establishes a procedure for a motion to disqualify a justice of the peace and municipal court judge for actual or implied bias or prejudice. This measure also creates the position of chief justice of the peace and chief municipal judge. There were no amendments for this measure.

Chairman Yeager:

I am looking for a motion to do pass Assembly Bill 37.

ASSEMBLYMAN PICKARD MADE A MOTION TO DO PASS
ASSEMBLY BILL 37.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

Assemblywoman Miller will do the floor statement on this one.

Assembly Bill 63: Revises provisions relating to court interpreters. (BDR 1-393)

Diane C. Thornton, Committee Policy Analyst:

Assembly Bill 63 was heard in Committee on February 16, 2017 ([Exhibit J](#)). This bill requires an applicant for a certificate as a court interpreter or appointment as an alternate court interpreter to submit to the Court Administrator with his or her application a complete set of his or her fingerprints and written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History. There were no amendments for this measure.

Chairman Yeager:

I am looking for a motion to do pass Assembly Bill 63.

ASSEMBLYMAN OHRENSCHALL MADE A MOTION TO DO PASS
ASSEMBLY BILL 63.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

Assemblywoman Jauregui will do the floor statement.

Assembly Bill 102: Revises certain provisions relating to the proper venue in civil actions. (BDR 2-591)

Diane C. Thornton, Committee Policy Analyst:

The next bill is Assembly Bill 102, heard in Committee on February 17, 2017 ([Exhibit K](#)). This bill authorizes a court to remove a civil proceeding to a court in another county. The bill also allows the respondent to request in writing before the filing time expires that the motion be heard in another county. The proceeding may be removed either by consent of both parties or by order of the court.

There is one proposed amendment by Kimberly Surratt and Melissa Exline, Surratt Family Law ([Exhibit L](#)). The amendment adds new language that allows certain actions to be transferred to the county of residence of either party or where the child resides.

Chairman Yeager:

I will take a motion to amend and do pass Assembly Bill 102.

ASSEMBLYWOMAN JAUREGUI MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 102.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Pickard.

**Assembly Bill 184: Revises provisions concerning the withdrawal of certain pleas.
(BDR 3-286)**

Diane C. Thornton, Committee Policy Analyst:

The next bill is Assembly Bill 184. This bill was heard in Committee on February 20, 2017 ([Exhibit M](#)). This bill provides that a motion to withdraw a plea of guilty, guilty but mentally ill, or nolo contendere that is made after sentence is imposed or imposition of sentence is suspended, is a remedy which is incident to the proceedings in the trial court. The bill applies to such pleas pending on or after June 12, 2014. There were no amendments for this measure.

Chairman Yeager:

I will take a motion to do pass Assembly Bill 184.

ASSEMBLYMAN THOMPSON MADE A MOTION TO DO PASS
ASSEMBLY BILL 184.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

Assemblyman Ohrenschall will do the floor statement.

**Assembly Bill 219: Revises provisions relating to gaming enterprise districts.
(BDR 41-193)**

Diane C. Thornton, Committee Policy Analyst:

Our final bill on work session today is Assembly Bill 219. This bill was heard in Committee on February 20, 2017 ([Exhibit N](#)). This bill revises the boundaries of a gaming enterprise

district known as the Las Vegas Boulevard gaming corridor to remove the Beverly Green residential neighborhood. The designation as a gaming enterprise district for this area expires on October 1, 2017. There were no amendments for this measure.

Chairman Yeager:

I will take a motion to do pass Assembly Bill 219.

ASSEMBLYMAN WATKINS MADE A MOTION TO DO PASS
ASSEMBLY BILL 219.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WHEELER WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Fumo.

At this time, we will open the hearing on Assembly Bill 145. I would invite the presenters to the table.

Assembly Bill 145: Extends the statute of limitations for certain civil actions for damages for injuries incurred as a child as a result of sexual abuse or pornography. (BDR 2-584)

Chairman Yeager:

Before we get started on this presentation, I would like a show of hands of those here or in Las Vegas who wish to testify in support of this measure. Is there anyone who thinks they will be testifying in opposition to the bill today? Is there anyone intending to testify neutral on the bill? I see one in Las Vegas. To give everyone a moment to get settled, we will recess [at 8:17 a.m.].

We will reconvene [at 8:20 a.m.]. Thank you all for your patience. We are opening the hearing on Assembly Bill 145. I want to make one ground rule known to everyone. To the folks presenting and to anyone testifying in support, to the extent your testimony would identify an alleged wrongdoer, we ask you not to put any names on the record today. That is a long-standing tradition in this Committee. Please just refer to people by pronouns such as "he" or "she" or some kind of alias. When you are ready, please proceed with your testimony.

Assemblywoman Lisa Krasner, Assembly District No. 26:

Child sexual abuse is a worldwide problem, yet we do not know how many victims of child sexual abuse there are because so many victims do not disclose or report their abuse. Many children do not disclose the abuse for years, if they disclose at all. Many adult survivors of child sexual abuse have never disclosed their abuse to anyone. According to reports, 20 percent of children who are sexually abused are abused before the age of eight years old.

Children from low socioeconomic households are three times more likely to be victims of child sexual abuse. Children do not tell for a variety of reasons. These include shame, threats to the child, fear of the perpetrator, a lack of understanding of child sexual abuse, a relationship with the perpetrator, or fear of upsetting their parents. Males are more reluctant to disclose than females because they fear being labeled as homosexual or as a victim. Sexually abused boys and African-American youth are the least likely to report their sexual abuse. Perpetrators frequently seek out children who are particularly trusting and actively establish a relationship with the child before sexually abusing them. This is called "grooming." A few months ago, you may have seen the case of the USA Gymnastics girls who had been sexually assaulted by coaches over a period of 20 years ([Exhibit O](#)). There were 368 gymnasts who came forward. Just last week, on *60 Minutes* we saw another case of sexual abuse where the USA Gymnastics girls had been sexually abused by the gymnasts' doctor ([Exhibit P](#)). Sixty women came forward to report they had been sexually abused when they were children. They are all grown women, now in their 30s, reporting 20 years after the abuse occurred.

Child sexual abuse is a crime that is perpetuated in silence and secrecy. Children may not feel that they have anyone to tell because the very people that are supposed to protect them are the ones who may be abusing them. Sexual abuse of our children must stop. Victims deserve to have justice and closure. This bill, [Assembly Bill 145](#), extends the current statute of limitations in a civil case from 10 years to 20 years, from the time a victim reaches the age of 18. It also allows for a civil action to recover damages for someone who appeared as a child in pornographic film, extending the statute of limitations from 3 years to 20 years after the person reaches 18 years of age. In the 2015 Legislative Session, Assemblywoman Bustamante Adams brought a bill that changed the criminal statute of limitations to 20 years from 4 years. [Assembly Bill 145](#) would put the civil statute in line with the current criminal statute. Beside me, I have my colleague Assemblywoman Bustamante Adams from Assembly District No. 42, and Ms. Gloria Allred, who will both testify in support of this bill. This is a bipartisan issue. This concludes my testimony and I urge your support on [A.B. 145](#).

Chairman Yeager:

Members, we will hold questions until we have heard from all of our presenters.

Assemblywoman Irene Bustamante Adams, Assembly District No. 42:

Last session I was honored to carry [Assembly Bill 212 of the 78th Session](#) for my constituent, increasing the statute of limitations for the crime of sexual assault. She had come to me and said she had a situation where she wanted to bring charges against her assailant, but she was disappointed and discouraged when she found out that Nevada law required her to file a written report of the incident within four years of the crime. She was out of luck. I agreed to partner with her to change the law. This body recognized that the victims deserve better, and they voted to increase the number of years where a victim could seek justice. My constituent again asked me this session to support [A.B. 145](#) to bring equality for kids under the age of 18. That is why I am here and cosponsoring the bill with Assemblywoman Krasner. One of the questions I received on [A.B. 212 of the 78th Session](#) was, Does the proof of evidence still fall on the person bringing the charges? Yes, it is still

their responsibility to prove that. The other relevant questions were, Is it not difficult after so many years have passed? Can you find the person to collaborate with you to prove that had happened because your memories fade? That is not the point. Yes, it will be challenging for that individual, but the point is whether the victim deserves a wider window of opportunity than the limited one we have. That was the question then, and it is the question now for A.B. 145. It is a very short window. Should we allow for the victim to have a longer period of time? That is why I urge your support for A.B. 145. I thank Assemblywoman Krasner for bringing this forth and Ms. Allred for being here again to show how important this is across the state and the country.

Gloria Allred, Attorney, Allred, Maroko & Goldberg Law Offices, Los Angeles, California:

This is a very important bill. I am president of the Women's Equal Rights Legal Defense and Education Fund.

[Gloria Allred read from prepared testimony ([Exhibit Q](#)).] I am here today in support of A.B. 145. For more than 40 years as an attorney, I have been representing adult victims of child sexual abuse and victims of sexual abuse who are still minors.

You may wonder why, when you look around the Assembly Committee on Judiciary hearing room today, you do not see many child sexual abuse victims in front of you. Where is the seven-year-old little girl who has been groomed and then sexually molested for years by her stepfather or her uncle or her mother's boyfriend? Where is the ten-year-old little boy who has been sexually victimized by his teacher, his coach, or other trusted individual? Where are the children who have kept a secret of their victimization from their mothers, their siblings, their fathers, their friends, their health care providers, their school counselors, and from all those who love and care for them because they have been threatened or feel ashamed, because they have been taught to blame themselves, or because they think that nobody will believe them?

The answer is simple. Many of these children who have been victimized are, in fact, sitting in this hearing room today as adult survivors of child sexual abuse or, if they are not here, they are members of your family or they are your neighbors, friends, or coworkers. Some may be elected officials, some may be parents, some may be members of law enforcement, some may be psychologists, and some have entered other professions or occupations.

Many have never told anyone. Some have only told one trusted person. Some have only shared their secret decades after they were abused, when they were in counseling for their alcoholism or drug addiction which became part of their lives and which they thought would help them to escape from the pain of the emotional injuries they suffered as a result of the sexual abuse.

Yes, they are all with us today. Some were abused in Nevada and have since moved out of the state. Some still reside here. Wherever they are, they are in the lives of all of us and in our hearts. The question for all of us is how can we help those innocent children who are now adults to achieve some measure of justice for the wrongs that they were forced to suffer as children?

One answer can be found in A.B. 145, which would extend the statute of limitations for certain civil actions for damages for injuries incurred as a child as a result of sexual abuse or pornography. This bill is important because by extending the statute of limitations for civil actions on behalf of victims, it will provide access to the civil justice system to those who would otherwise be denied it. This means that instead of having the courthouse door slammed in their face because it is too late to file a case, the door to justice will remain open for more victims to seek compensation from those who are legally responsible for the harm inflicted on them when they were children. In short, it will help to empower victims and will assist victims to become survivors. It will also teach the wrongdoers that they must bear the cost of the wrong and be accountable for what they have forced the victims to suffer.

I would also like to emphasize that a vote for A.B. 145 does not necessarily mean that there will be more civil lawsuits. Opening the door to justice may mean instead that because adult child sexual abuse victims are afforded more rights, they will be able to have the ability to seek confidential settlements without filing a lawsuit. This settlement with the wrongdoers will assist the victims in paying for their therapy, medical bills, and other damages which they have suffered.

In short, the victims will know that they now have the power in the civil justice system to help right the wrong and be active in the pursuit of justice. A neutral person who is a mediator or a judge can decide what measure of justice should be needed, but whatever it is, it will be more than either the victim or wrongdoer has ever had in the past. As a lawyer for many victims for many years, I have seen the empowerment that such justice can bring to victims and their families and how seeking justice can transform their lives. Tears from pain have become tears of joy as the child who still lives within the adult stands up for himself or herself and as a result, wins a measure of justice and a positive outcome that they have been seeking for many years.

I want to thank Assemblywoman Lisa Krasner and Assemblywoman Bustamante Adams for sponsoring this important bill.

I urge you to support it for all of the brave children, now adults, who are counting on your vote to help them win the justice and the healing that they will otherwise be denied.

William O'Donohue, Ph.D., Director, Victims of Crime Treatment Center, University of Nevada, Reno:

The Victims of Crime Treatment Center is supported by the Victims of Crime Act grant administered by the Office of the Attorney General. I have run the clinic for 20 years where we provide free therapy for children and women who have been sexually abused or assaulted. I have treated over 2,000 victims of sexual assault in the clinic. I have also published over 80 books, including several on child sexual abuse, the treatment, and the aftermath.

I support this bill. It is more in line with settled science. Scientific studies of the disclosure process in child sexual abuse show that only a minority of abuse victims report within the first five years. Often that figure is about a third, with the majority of abuse victims taking more than five years. A 2004 study in the journal *Child Maltreatment* reported that less than a third of victims reported during childhood. Most of the survivors took an average of 21 years to report their abuse. There was a large study of over 3,220 women who had been sexually abused. This study was done at the Medical University of South Carolina and reported in *Child Abuse & Neglect: The International Journal*. They found that 28 percent of the women they interviewed never reported the abuse and only reported the abuse when they were interviewed in this study. The average length of their last abuse was 17 years. This is an indication that most victims do not disclose their abuse.

You may wonder why it is that victims of child sexual abuse do not more immediately disclose their abuse. Certainly, with many crimes people immediately disclose their abuse. If you are robbed, you immediately call the police. You have to remember a couple of important factors. One is that these are children, and these are abused children. The abuse of these children has a certain dynamic that delays their disclosure. One dynamic that is the most common diagnosis for sexually abused children is post-traumatic stress disorder (PTSD). A cardinal symptom in the Diagnostic and Statistical Manual of Mental Disorders of PTSD is avoidance. Child sexual abuse victims would like to avoid memories of this, would like to avoid dealing with this, and would like to avoid talking about this. This avoidance then causes them not to disclose to authorities. There are also other factors. In clinical psychology, we have dichotomized these into intrapersonal and interpersonal factors. The intrapersonal factors that result in the delayed disclosure are fear—PTSD is an anxiety disorder characterized by horror, fear, shock, shame, and depression. Depression causes low self-esteem, low energy, and feelings of hopelessness and helplessness. Often the perpetrator will tell them that this is their fault, they are responsible, and that they have seduced the perpetrator. That is a common message perpetrators give to child sexual abuse victims so that they are afraid of disclosing this because they feel partly guilty and ashamed. These contrive to make the individual less likely to disclose immediately.

The interpersonal factors most associated with child sexual abuse victims and their delay of disclosure are the fear of others' reactions and of people judging them. There has been prior testimony that this is particularly true for boys who are afraid of being thought of as gay; they have fears about the homophobic reactions of others. The most common form of child sexual abuse is familial or acquaintance abuse. They also have a fear of harming other people. They even have a fear of harming their perpetrator. They have a fear of harming

other family members should the perpetrator be punished. This causes a reluctance to disclose. They have a fear of disrupting their family and disrupting their present life. Finally, they have the fear of not being believed; often it takes them getting older and more mature. It is hard to judge which of these factors is most important in any individual case. Leo Tolstoy famously said that happy families are all alike; every unhappy family is unhappy in its own way. That is also true about child sexual abuse survivors. There can be unique constellations of these symptoms that impact them and cause their delay of disclosure. The final point I would like to make is that the civil actions contained in A.B. 145 can be very therapeutic. I am often dealing with individuals struggling with these diverse psychological consequences of their abuse. The idea that a statute of limitations has elapsed and they cannot take any action is very harmful to them. An important psychological variable is to feel that there is a just world. This is called the "just-world hypothesis." Those individuals who believe the world is just are less likely to be depressed, are less likely to have anxiety disorders, and are more likely to be productive. When you have had a terrible thing like child sexual abuse happen to you, yet you cannot take any action and the legal system cannot help you get damages, this can further contribute to the harm, instead of helping these individuals heal. By extending the statute of limitations so that damages can be sought, this is therapeutic for victims, and the damages they might seek could have a real impact on their ability to obtain therapy and obtain the resources they need to better heal from this terrible crime.

Chairman Yeager:

I want to get some things about this bill on the record in order to get the right intent. In looking at the bill, it appears to extend the existing statute of limitations for two separate kinds of civil actions. One, in section 1, subsection 1 of the bill is sexual abuse; and two, in section 1, subsection 2 is being in pornographic films. I want to confirm that both of those indicate that the statute of limitations starts to run when the individual reaches 18 years of age. That would be the earliest it would start to run. Just so the record is correct, for both of these civil actions, the earliest time period the statute of limitations would expire would be when the individual turns 38 years of age. Am I reading that correctly?

Assemblywoman Krasner:

Yes, that is correct.

Chairman Yeager:

There are other triggering provisions in both sections of the bill so that the statute of limitations could be substantially longer than 38 years of age. In the first part of the bill, it depends on when the abuse was discovered or should have been discovered, and in the second part of the bill, when a verdict was entered in a criminal case. Do I have that correct, that there could be situations where it could be substantially later than 38 years of age?

Assemblywoman Krasner:

That would be hypothetical for me to speak on, but I know that it does begin at the age of 18 and this would extend the statute of limitations 20 years from that age.

Gloria Allred:

As to the second part of the bill, the wording is such that the second part begins to run after the individual discovers, or should have discovered, that an injury was caused by the sexual abuse, whichever is later—not from the discovery of the abuse, but from the discovery that the injury was caused by the abuse. It may be that a child knows at 12 years old that he or she is being abused but does not recognize until many years later that their trauma, alcoholism, drug addiction, or whatever other injury they are suffering is connected to the abuse that occurred. It will begin to run from the date of the discovery that the injury was connected to the abuse.

Chairman Yeager:

Thank you, that is incredibly helpful for the record to the extent that the legislative history would need to be looked into. I know that this is existing statutory language, but I notice in section 1, subsection 2 of the bill, the second triggering is when someone discovers the injury is a result of sexual abuse. When we go to section 1, subsection 2 of the bill, it talks about another time frame running when the verdict was entered in a criminal case. I wondered if anyone had any thoughts on why that particular provision, the verdict entered in the criminal case, would not necessarily be part of section 1, subsection 1 of the bill as well. It seems a little odd to me that we do not have that provision in the sexual assault part of the bill. I know that you are not seeking to change existing law, but does anyone have any thoughts or comments on that?

Assemblywoman Krasner:

The original *Nevada Revised Statutes* (NRS) 217.007 discusses the "Right of victim to receive proceeds from material based upon or related to crime" This bill was prepared for me by the Legislative Counsel Bureau (LCB). The only thing I requested to change from the original *Nevada Revised Statutes* was the period of 10 years to 20 years, and the period of 3 years to 20 years.

Chairman Yeager:

Perhaps we could look into the legislative history of the existing statute. It just seemed odd to me that they were worded differently. I understand that your bill does not seek to make changes to that. It was meant as more of a comment than a question.

Assemblyman Elliot T. Anderson:

I support the bill, but I want to ask some clarifying questions for the record. This is something there will be litigation over, so it is important to make sure we have clear legislative history for the court to interpret the first time these changes are being litigated. I want to clarify the comment that this is bringing equity from legislation passed last session. Last session's bill applied to people of all ages and it was a criminal bill.

Gloria Allred:

As I recollect, it applied to criminal statute only to allow for an extension of the statute of limitations for ten years for the criminal prosecution of sexual assault.

Assemblyman Elliot T. Anderson:

That is what I remembered, but I wanted to make sure for the record.

Gloria Allred:

It was not civil.

Assemblyman Elliot T. Anderson:

I want to ask about equitable defenses as I read it. There is no intent to alter any equitable defenses based on timing, but only to change the statute of limitations as a matter of law, is that correct?

Gloria Allred:

As I read it, it only applies to the statute of limitations and not to any defenses that currently exist under Nevada law.

Assemblyman Pickard:

Thank you for bringing this important bill. When the bill references NRS 41.1396, that statute only applies to perpetrators over the age of 18. I am wondering if the intent was to make this apply to everyone with whom the criminal statute similarly applies. As I understand it, the criminal statute applies to all perpetrators, but NRS 41.1396 only applies to those over the age of 18. Do we have an opportunity to close a loophole for those who are underage when they were filmed but the person filming knew they were working with a minor? We could capture them as well?

Assemblywoman Krasner:

Assembly Bill 145 will be in line with the criminal statute, which extended the statute of limitations for rape to 20 years from 4 years. My bill proposes to extend the civil statute to 20 years from 10 years. While it will be in line, the intent was not to change anything out of the prior NRS statute except for the 10 years to 20 years and the 3 years to 20 years. The Legislative Counsel Bureau prepared the rest of the documentation.

Assemblyman Watkins:

If I am reading section 1, subsection 2 right, we would have 20 years from the date of a verdict in a criminal case, a conviction, or otherwise. Based on last session, there are now 20 years to bring the criminal action. Is it truly the intent to bring this out to, theoretically, 40 or more years in a civil action?

Assemblywoman Krasner:

The intent is to extend the statute of limitations for child victims of sexual abuse in a civil action to 20 years after they turn 18. Studies show that most victims wait until adulthood to disclose for many reasons: fear, shame, not knowing it is wrong, or not having the strength or courage to come forward until they are adults. I illustrated those two examples that occurred recently. It took the 368 gymnasts 20 years to come forward ([Exhibit O](#)). Just last week, *60 Minutes* had a story about the USA Gymnastics team doctor who had been abusing the girls training for the Olympics ([Exhibit P](#))—sixty women, all in their 30s. It took them

20 years to come forward as well. It seems that 20 years is about the time it takes children to either understand that what happened to them is what caused their drug addiction, alcoholism, or depression, or to get the courage to come forward and get the justice and closure they need.

Gloria Allred:

Looking at the Legislative Counsel's Digest of A.B. 145, it says, "10 years to 20 years after the person reaches 18 years of age or discovers or should have discovered that an injury was caused by the sexual abuse, whichever is later." Is your question whether or not that applies to section 1, subsection 2 as well as to section 1, subsection 1?

Assemblyman Watkins:

I appreciate the answers given. I am not sure I conveyed my questions correctly. In section 1, subsection 2 of the bill, it allows for the later of 20 years after becoming 18 or a verdict in a criminal case. Right now, the criminal statute of limitations is 20 years. They could bring an action in that 20th year, they go to trial and receive a verdict in the 21st year, and whatever the resolution may be, we now have 20 years from the 21st year. This could get out to 40 or more years. I am not saying that is wrong, I am asking if that is the intent.

Gloria Allred:

I do not know what the intent is, but I think that is a fair reading of the statute as presently worded.

William O'Donohue:

There are certainly cases where there are women and other survivors in their 50s and 60s coming in for the first time and disclosing. If we consider somebody who was abused at the age of 16, 20 years later when they are 36, their perpetrator is criminally prosecuted, and when they are 56, they bring a criminal action. That is also reasonable, in terms of understanding the full extent of the damages to this lifelong course that has been changed due to child sexual abuse. I do not see any practical difficulties with that.

Chairman Yeager:

Some of the confusion may be when we are talking about the related criminal case. It is going to depend on what theory is underlying the criminal case, in terms of what that statute of limitations is—whether it is a sexual assault prosecution or otherwise. I think you are right, Assemblyman Watkins. To the extent the underlying criminal case was for sexual assault, there could be a statute of limitations of up to 20 years. This civil statute of limitations would run after that verdict, which could be another 20 years. It would depend on what the theory of prosecution is in the criminal case.

Assemblywoman Cohen:

Dr. O'Donohue, you mentioned two or three studies. Could you provide those to us, or at least the abstracts for those studies?

William O'Donohue:

Yes, I can.

Assemblywoman Cohen:

There has been discussion this morning about the emotional injury to children from sexual abuse, but I assume there is also physical injury that manifests later in life. Maybe something like young women becoming adults and finding out there were internal injuries having to do with reproduction, or something along those lines. When they are adults and unable to have children because of their injuries sustained as a child, is that ever an issue? Can you discuss physical injuries to children that they do not find out about until later in life?

Gloria Allred:

Yes, you are correct. There are sometimes physical injuries from manipulation of and entry to the genital area. That is going to be a matter of proof in the same way that the emotional injuries are a matter of proof. But yes, those would be injuries, if proven, that could be recoverable as damages. Thank you for pointing that out. I am trying not to be too specific, but there are some perpetrators who do use soda bottles and other foreign objects to accomplish their act of criminal child sexual abuse. It can be very physically damaging to the child. There is also the possibility of the child receiving sexually transmitted diseases (STDs), which are physically harmful and which can manifest themselves later or sometimes in childhood. Sometimes law enforcement can use the STD that the child has contracted from the criminal sexual abuse as proof that the criminal sexual abuse did occur. Yes, that would be recoverable as civil damages as well.

Assemblyman Fumo:

Is your intent to apply the law from the time the law passes looking forward, or will there be child victims going back 20 years from the time the law is passed?

Assemblywoman Krasner:

I believe the bill states it will take place in the future. That is a good question and I will have to check with LCB about that. It does not take effect until October 2017, but because of the nature of what the bill proposes, it would take into account something that happened in the last 20 years.

Chairman Yeager:

We will let Brad Wilkinson, Committee legal counsel, address that as well.

Brad Wilkinson, Committee Counsel:

The bill does not explicitly state this, but the way I read it is that this would not revive a statute of limitations that had expired; but if the statute of limitations had not yet expired, it would be extended.

Gloria Allred:

I would concur with legal counsel's opinion, although I am not licensed to practice in Nevada. In the criminal realm, it would be a violation of due process to make a bill

retroactive. Whether it would be a violation in the civil realm is another question. I think legal counsel has pointed out what seems to be a fair reading of this particular statute. Out of an abundance of caution, that would certainly be an analysis that could be applied.

Assemblyman Thompson:

Would the plaintiff also be able to sue the organization in which a trusted adult worked, or does this only provide for suing that person?

Gloria Allred:

It would not change existing law in Nevada in reference to whether an agency, organization, corporation, or any other entity could or could not be sued. It would simply extend the time period for the adult victim of child sexual abuse to be able to sue. They would still have to comply with existing law in reference to whether they could prove negligence or any other theory by which they could or could not sue the organization; for example, negligence through provision or whatever other theory they might have.

Assemblyman Thompson:

Dr. O'Donohue, when we were talking about males and how difficult dealing with the stigma and shame can be, should the bill pass, what are some outreach methods that would allow this now-adult male to want to come forth and file suit?

William O'Donohue:

One outreach method is to let therapists know about this extension. As indicated by Assemblywoman Krasner, a large portion of individuals who are sexually abused come from lower socioeconomic status. They often do not have the resources to seek psychotherapy. If they were to present at a clinic and indicate that they had been sexually abused, this would certainly be a method through which they could then take legal action and be able to treat the medical and psychological problems they are experiencing from abuse. We have a community of helpers in Nevada and if they were to learn about this abuse, they could assist victims in pursuing these kinds of ends to get the services they need.

Gloria Allred:

Since most plaintiff's attorneys for these types of cases accept these cases on a contingency, it would assist the lower-income individual who has been sexually abused as a child to be able to obtain representation even though they have no funds for fees or costs or both.

Assemblywoman Tolles:

To both Assemblywomen Krasner and Bustamante Adams, thank you for bringing this bill forward. There are a lot of survivors that will benefit from this and there is no statute of limitations on the impact this has had on their lives. This can help to mitigate that.

Chairman Yeager:

Thank you all for your presentation. I would invite anyone testifying in support of A.B. 145 to come up to the table here in Carson City and in Las Vegas. I want to remind everyone that we are not identifying any alleged wrongdoers by name.

Robert T. Eglet, representing Nevada Justice Association:

We would like to thank Assemblywomen Krasner and Bustamante Adams for bringing this very important bill. I have been practicing law here in Nevada for roughly 30 years. I have represented both children and adults who have been victims of sexual abuse. I have had a number of cases referred to me by other counsel where these victims of sexual assault did not realize they had been injured until it was well past the current statute of limitations. Unfortunately, I was not able to represent them for their damages claims. On a personal note, I will tell you that I had a very close family member who was a victim of sexual abuse as a child. It was not until she was in her late 30s that the ramifications of this came forward. She had what they called in those days a nervous breakdown and ended up having to be hospitalized in a psychological ward for roughly two months. She continued suffering with these psychological injuries until the end of her life. Because of the statute of limitations, she was not able to seek any civil justice for her harms.

I currently represent approximately 12 children who were sexually abused by a Clark County schoolteacher. You may recognize the case. He was incarcerated about a year and a half ago for a sentence that essentially amounts to life. These are seven-, eight-, and nine-year-old children. We hired professionals to assist us in trying to get these children to express what happened and what harm was done to them. What these professionals have indicated to my colleagues and me is that we will never really know what the complete damages are that these children have suffered for at least 10, 20, or even 30 years—the damage it has caused them with respect to their ability to achieve the education they would have achieved because of their fear of simply going to school.

Paul Jackson, Private Citizen, Reno, Nevada:

I am not a professional. I have been a court appointed special advocate (CASA) in Washoe County since 2007. Prior to that, I was a guardian ad litem for almost ten years in Florida and I had worked as a reserve police officer in child protective services for three years in California. My testimony is based only on experience. These horrific crimes, and they are horrific crimes on children, do have lasting effects and sometimes we just do not know. I have a case that I am working on with a child who was caught watching pornography. While under investigation and finding out why, we discovered that this child was molested while in their original home and did not know what had happened to them. Something had triggered it, they heard a word or something, and they went looking. This child was not very old, about 11. Sometimes there is no indication at all of what happened.

To share a personal story about memory, I started life in an orphanage. I left the orphanage when I was about five years old. I had no real memory of it, never really thought about it, and never understood it. When I was in my 40s, I walked into an institution that was basically an orphanage. The smell hit me. I felt like I had been hit with a brick. Over the next couple of years, I started remembering the things that happened while I was very young and in an orphanage. Those memories were coming back 40 years later. Luckily, there was no trauma to my memories. In fact, the most traumatic thing I remember was being told by the older children that Christmas had been cancelled and my being left in the hallway to cry. These memories are regressive. I am not a professional psychologist but have done

continuing education as a CASA. The one thing I have learned is that the mind suppresses bad memories. With horrific things that have happened to us, the mind builds a wall and protects us from those memories. Those memories can take a long time to come back. I commend this Committee and the authors of this bill. It is important. As our friends in jurisprudence will verify, sometimes evidence is not that easy to come by in a criminal case, and the standards of evidence in a civil case are lower. Sometimes those evidences can then be used in a criminal case. There is a need for this bill.

Chairman Yeager:

Thank you for your testimony and for being a CASA, doing work for children here in Washoe County.

William Tarbell, Ph.D., Private Citizen, Sparks, Nevada:

I am a retired Presbyterian minister who has served for approximately 45 years all over the United States. I have known Assemblywoman Krasner for some time now, and after talking with her the other day about this bill, I decided to come and make a statement. My experience over the last 45 years has been that abuse of children, sexual and otherwise, is an equal opportunity activity for virtually everyone—women, men, people of all classes, and people of all ages. One of the things I discovered in one small town I was in was that much of the abuse of younger children was being committed by older teens under the age of 18. You may want to keep that information in mind. What I have also discovered over the years is that the effects of early child abuse linger for the individual's entire life. I have had persons as old as 85 come to me and disclose what happened to them when they were children. I have had countless opportunities to help people with the effects of physical and sexual abuse. I could go on all day listing each case and what I have run into.

The reason I am supporting this particular legislation is not that I am against due process. In fact, I think due process for the accused must be held as inviolate. However, these effects linger. People do not understand how they have been injured until long after they recognize that they have been abused. This legislation will not solve all of our problems. I guarantee that the problem of abuse in our society is widespread and will continue. However, it does offer the opportunity for those who recognize the pain and suffering they have endured to find a way back through all that terrible pain. If they have that opportunity, they have a better opportunity to recover.

Chairman Yeager:

While we are changing seats here in Carson City, we will hear testimony from Las Vegas.

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

The Children's Advocacy Alliance is a private nonprofit organization whose mission is to serve as an independent voice for children and families in the state of Nevada. Since most of what I have included in my testimony has already been stated today, I will make the simple statement that we at the Children's Advocacy Alliance are in strong support of A.B. 145. We want to show our appreciation for Assemblywomen Krasner and Bustamante Adams for bringing this bill forward and we encourage your support as well.

Daniele Dreitzer, MSW, Executive Director, The Rape Crisis Center, Las Vegas, Nevada:

I also want to speak in support of this bill. Much of what I had planned to cover has already been mentioned by other well-qualified individuals, so I am not going to belabor that. The one thing I did want to comment on was related to the Chairman's earlier questions regarding the criminal conviction piece with pornography. Based on experiences that we have had, it may be that individuals may not know they had photographs or videos taken of them perhaps until a criminal case is brought by another victim. In the investigation of that case, new evidence may be brought and other victims identified in that process. That may become the first time that someone is aware that photos or videos of them were taken. I am conjecturing that may be where that piece comes from.

Chairman Yeager:

Thank you for making that point. I think that does make a lot of sense. Individuals may not know until there is a different prosecution.

Camille Naaktgeboren, Ph.D., Private Citizen, Las Vegas, Nevada:

As someone who was sexually abused by my family members throughout my childhood and adolescence, I think extending the statute of limitations is wonderful for many reasons. Some of the main ones are that it gives victims more time to get their lives started and settled before they need to decide whether to pursue some legal action, and it potentially allows them to receive compensation for their medical and psychological needs related to the abuse. I understand it is slightly more complex than this, but if we look at a situation where someone needs to pursue action 10 years after they turn 18, that puts them in their late 20s. This is often the time in someone's life where they are finishing their education, establishing their career, starting a family, and for many people this would be a less-than-ideal time to be involved in a legal battle. However, if the statute is extended so the person is in their late 30s before needing to be involved in the legal process, their life may have settled down a little, their career and relationships may have been established, and for many people they are in a better place to engage with the legal system, both financially and emotionally. From my personal experience, having that extra time would have been extremely beneficial. I could not even start talking about what had happened until I was in my early 30s.

While I was in my late 20s, I was in the middle of my Ph.D. program, I had a young daughter, and my husband was finishing graduate school. This definitely would not have been the time for me to have disrupted my life and tried to go to court. Now that I am in my mid-thirties, my career is established, my family is more settled, and I have had enough time to start to deal with what happened. I am in a much better place to be able to work with the legal system. Admittedly, it would also be helpful to be able to recoup some of the approximately \$25,000 I have spent on therapy throughout the last decade or so. It takes a long time and a lot of effort to be ready to talk about sexual abuse. I hope to see you pass this bill so victims have the time they need to establish their lives and get to a place where they can handle the ramifications of the legal process. This bill will help build healthier survivors, healthier families, and a healthier Nevada.

Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence:

The Nevada Coalition to End Domestic and Sexual Violence represents domestic and sexual violence programs and service providers across the state who wish to be recorded in strong support of A.B. 145, which extends the statute of limitations for victims of child sexual abuse and child pornography to seek civil remedies. In 2015, I was living in Washington, D.C., when I had the opportunity to visit the National Center for Missing and Exploited Children (NCMEC) headquarters and learn about what they do to help victims of domestic minor sex trafficking. Once I arrived at the NCMEC Child Victim Identification Program, which serves as the central repository in the United States for information relating to the child victims depicted in sexually exploitive images and videos, our guide explained how the unit has reviewed more than 132 million images and videos since it began in 2002. Their focus is to assist federal and state law enforcement agencies and prosecutors with child pornography investigations, plus help these agencies identify child victims so law enforcement can locate and rescue them from their exploitive situations.

I listened intently, but nodded uncomfortably as the guide spoke. Then she said something that had never crossed my mind before, something that was so unimaginable to me that the world instantly stopped moving the moment she said it. She told us, "We are constantly cataloguing series of pictures. We get photos from the 80s and 90s on a regular basis." I instantly gripped the wall behind me as I felt the ground beneath me start to fall away. You see, I am a survivor of child pornography and domestic minor sex trafficking. I have worked tirelessly for years to help others, including many whom I call friends, who are still trapped in the lifestyle. But in all that time, it never crossed my mind that the images of my 11-, 12-, and 13-year-old self being sexually abused by multiple men were still floating around in cyberspace, let alone that these pictures are still being traded today. I was fortunate that after breaking into a panic attack in the middle of the office, the National Center for Missing and Exploited Children connected me with, and paid for counseling with, one of the most prominent sex trafficking therapists in the country.

However, like most victims, the costs associated with my victimization go far beyond counseling bills. Medication, missed workdays, damaged teeth from excessive grinding during nightmares, PTSD, depression, anxiety, addictions, broken relationships, and so much more can be associated with childhood sexual trauma. As a survivor, there comes a point as an adult where criminal charges are unlikely against the abuser. The standards of evidence are high, and time and memories have eroded most of that evidence. Justice seems elusive. You just try to make it through the day without the world imploding.

For some, civil remedies are a way to take that power back. The victim decides to seek justice, not the prosecutors. Unlike celebrity cases we hear about on TV or in movie plots, most abusers are not going to be in a position to make a large sum restitution or even settlements, but it is an avenue for a victim to make their case in court and to get justice for themselves and to protect others. Some survivors make it in life, and some of us do not. Some of us prosper, and others wither. Some of us are chipped, and some of us are shattered.

No matter what our state of being is, no statute of limitations on trauma for these crimes should be placed on us because we were children. There is no statute of limitations on when trauma can come to the surface and be triggered. For me, at the National Center for Missing and Exploited Children, it was 17 years. Seventeen years to acknowledge that my pictures were still out there. Seventeen years for these nightmares to start. It seems cruel that there is a time limit for me and anyone like me to seek justice. While A.B. 145 does not address minor sex trafficking, it does address child pornography and child sexual abuse. Twenty years is a start for Nevada to acknowledge that there is no statute of limitations on child sexual trauma, nor should there be in seeking justice.

Jennifer Noble, representing Nevada District Attorneys Association:

We support this bill and want to thank Assemblywomen Krasner and Bustamante Adams for their efforts on behalf of victims.

Sherry Powell, Founder, Ladies of Liberty, Reno, Nevada:

I will go to the statistics. First, prosecutions in the state of Nevada are, I believe, 1 percent. I can also bring forth my daughter's case, which happened in 2005. In 2005, my daughter was kidnapped and sexually assaulted. She did not tell me for a year, even though her mother is an activist for victims of crime and has been for 30 years. It took me two years just to see the prosecution of the individual. My daughter was subject to three polygraph tests. When victims tell, it is not necessarily an easy route. They are not embraced by district attorneys and prosecutors. The assailant was arrested in 2007 after several protests in front of the sheriff's department and the courthouse. In 2008, they entered into a plea bargain. He initially started with 11 counts, ranging from 1985 to 2005. With the plea bargain, my daughter's case was dismissed. My daughter is five feet tall, 107 pounds, and it was her sixteenth birthday. She was the only victim old enough to actually sit in a courtroom and testify. The other girls—my daughter was victim number three—were in the age proximity of ten. My assumption is that he picked my daughter because of her small stature, not realizing her age. The ten-year-old girls, when they were put on the stand to testify or be cross-examined, they did not talk, they cried. They did not get to explain the horrors of what happened to them, they just sobbed as their parents had to watch. The statute of limitations was extended to four years, which my daughter fell right into. Right now, the statute of limitations for criminal cases is 20 years and she still falls into that. My daughter is now 27 years old, so she is within the 10-year statute of limitations. The individual who assaulted my daughter did not and has not complied with DNA testing for his arrest under Brianna's Law. Not only that, but this year will be the end of my daughter's statute of limitations. I encourage you to extend it to 20 years so that eventually, somewhere, someplace, my daughter will be able to seek justice.

Assemblywoman Cohen:

I never thought about the added trauma of videos and photographs floating around until today. We know that trading child pornography is a crime. What are we seeing as far as trends in prosecutions through the federal and state agencies? Are we seeing a lot of prosecutions with that now?

Kimberly Mull:

I am new to Nevada. I have only been here five months. In Texas and Oklahoma I have done a lot of work in that particular area. It is definitely something I am hoping to do more of in this state as well. On a national level, it is starting to pick up more steam as people realize that the viewers of child pornography are starting to be held more accountable, and people are realizing more that the demand leads to the need for supply and multiple counts of viewing. In Texas, there was a bill I helped with: People were getting charged for downloading child pornography or being caught with it, but there were no increased penalties for multiple counts. That is something we worked on in that state. After the second or third time they are caught, you start getting into higher felony levels because they are feeding more into it. One aspect of child pornography to think about is yes, they are looking at imagery, but statistically they are not just looking at imagery. That is a fantasy. It leads to a more tangible aspect of more criminal behavior.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We support this bill.

Linda Kirkpatrick, Private Citizen, Costa Mesa, California:

Thank you for your exhaustive efforts on behalf of Nevada residents. I currently live in California; however, I did live in Las Vegas for 26 years. I still have much extended family living in Las Vegas, many of whom are minors, including a great nephew who was born just yesterday morning. I made a choice: I could either come here and address you or go to my friend's funeral. She was 15 when our high school swim coach began having sexual relations with her. She never married. The relationship went on for two years. She drank herself to death. Therefore, I made a choice to either come here or go to the funeral. I am here on her behalf.

When Gloria said, "Where are the children?" my hand goes up. Six—I was six years old the first time I was sexually abused by a grown man who was my brother. I was from a very affluent family, the baby of eight, and I was easy pickings. I have no memories of my childhood until the age of 14. You can draw your own conclusions from that. It took 17 years before I could even form the words of what had happened to me. My vocabulary at six was butterflies, apples, running, jumping. Intercourse, cunnilingus, fellatio—none of those words were in my vocabulary. Ask me why I did not come forward.

I was 15 the second time I was sexually assaulted. It happened in Las Vegas and the perpetrator was a neighbor, a 75-year-old man. It was 45 years before I told anyone, and you are the first people I am telling. It took 45 years to have the strength to sit before you and tell you that because of the shame.

When I was 24, I was drugged and assaulted in Las Vegas by a well-known, infamous, celebrity entertainer at the Hilton Hotel. That was how I came to know Ms. Gloria Allred. I am fortunate enough to have been part of a very small group that got the statute of

limitations in the state of California abolished last year. There were only about eight or nine of us, and of course Gloria and the lawmakers. It took me 35 years to speak publicly of that. What does time matter? Is it 20 years? Is it 40 years? Let it be 100 years.

To your question asking for casework from the doctor, I am your case. I have had four failed marriages. My mother told me I was bad at picking men, but it was not until this year that I got it. From the age of six, my idea of love and relationships is so messed up because that is what I thought love was. How sick is that? Because that is what I was taught by my brother, who is a practicing minister.

People who are abused as children are more likely to be abused again. I do not know if we have a target on our back. I do not know why. No one has told me. Many researchers have concluded that early childhood traumatic experiences are hard-wired into a child's developing brain, what I call the brain's highway, damaging their sense of identity, self-worth, perpetuating guilt, endless shame, self-loathing, and confusion of what love is, causing difficulty in forming loving attachments in a healthy adult relationship—similar to symptoms of PTSD. I have just described myself to you and it was not until two weeks ago that I was diagnosed with PTSD. I am high functioning. I have a business, I have children, but I have four failed marriages. I am probably going to be alone. I probably have 30 years of giving left, but I am broken inside. I beg you to support this bill and let there be no statute of limitations. Give us a fighting chance because we victims have a life sentence of the crime perpetrated against us. Where are our rights?

Benjamin Lublin, Private Citizen, Las Vegas, Nevada:

Good morning, Chairman and the Judiciary Committee. I am Benjamin Lublin, and I will be submitting a statement in support of A.B. 145 for my wife Lise-Lotte Lublin. She was unable to attend today's hearing due to her educational obligations. [Mrs. Lublin's written testimony follows at the request of Chairman Yeager ([Exhibit R](#)).]

Thank you for the opportunity to express my deepest concerns for the children of our community. My struggle began in November of 2014 when I discovered I had been a victim of sexual assault. I was unaware of the assault for 24 years because the assailant used drugs to incapacitate me, and one of the side effects of those drugs is the inability to recall all of the events of the assault. I am confident that there was an assault because there are over 50 women who have accused the assailant of committing similar crimes against them.

As a survivor of sexual assault I've experienced a great loss, a feeling of not having control over the events in my life, random thoughts about what happened to me and the haunting nightmares that make me sick to my stomach. I can't imagine how I would feel or how I would cope with the real images of what happened and how those images could break my spirit or

corrupt my self-worth. I struggle often with the idea that I might remember bits or pieces of the assault, and if I do remember, what type of impact would it have on me. I won't know the extent of my injuries for years to come. It has only just begun for me.

My brother was assaulted in middle school by his teacher. He and several students were abused verbally, mentally, physically, and then sexually. He could not recover from the damage that was done to him. I watched my brother struggle with going to school, dealing with everyday issues, trying to have relationships, and a dire need to be self-destructive. He sabotaged his life every day and I watched him deteriorate into a broken man. He gave up on the only life he could understand, a life filled with chaos and pain. No one deserves that kind of life. He should have had help.

I do believe that each survivor must find a purpose that is meaningful to them, a purpose that helps them to understand and cope with their feelings. For me and my husband, we found that purpose after experiencing the archaic laws that limit the reporting time for sexual assault. As I continued to experience each level of defeat, from reporting the crime to the police with no recourse to telling my story and being blamed for the assault, I somehow missed out on the chance to fight back. That's when I realized I had to find my own way of fighting back—which is fighting for victim's rights.

Victims of sexual assault have a prodigious amount of emotions and feelings to contend with, and they must have the time to process their feelings. Being of such a young age, these children aren't expected to process normal developmental feelings and emotions by the age of 18. So how can we expect them to address the damage from their experience in such a short time span? They may not even be aware of the affects for several years. They need time. Please consider the great service you would afford these children, by empowering them to fight for themselves. Give them the opportunity to heal at their own pace and to seek damages when they feel they are ready to address the situation. Help them to change from being a victim to a survivor of sexual assault.

I am a native Nevadan, and I am here to support A.B. 145. The Supreme Court regards rape as the ultimate violation of personal autonomy. Other than homicide, no act is more plainly torturous. In the 2015 Legislative Session, my wife, Lise-Lotte Lublin, and I helped pass Assembly Bill 212 of the 78th Session, extending the statute of limitations for criminal sexual assault to 20 years from 4 years.

Today I am here to talk to you about an issue that is just as important. I am here to speak to you about the rights of children who have been raped and sexually assaulted. Right now, within our law, according to NRS 11.215 ([Exhibit S](#)), if a child is sexually assaulted or raped they have 10 years from the age of 18 to pursue civil damages. When I spoke in front of the

Assembly Committee on Judiciary in 2015, I emphasized the importance of giving survivors time to build the strength to talk about their horrific experiences. Limiting them is not acceptable. The most common misconception is that a victim is ready to talk about their sexual assault right away. We are talking about a child who is in their adolescent years, their most vulnerable years, being introduced to a violent, demeaning, and horrific act—an act that changes them mentally and psychologically forever. Assembly Bill 145 will also extend the statute of limitations for child pornography in civil court. Right now, a child who is sexually abused only has three years from the age of 18 to come forward and seek damages against anyone who promoted, possessed, or distributed their film, photo, or any other presentation such as live online sexual acts. Three years is an unconscionable time limit to process the amount of damage that is unimaginable in my mind. We must understand that some victims are in disbelief, ashamed, scared, paranoid, and at times suicidal.

At the age of 13, I was sexually assaulted. It took me 25 years to come forward. My perpetrator told me never to speak about the sexual assault, and if I did, I would never see my mother or father again. I felt ashamed, threatened, frightened, and my only recourse was silence. At the age of 38, I mustered the strength to speak about my pain for the first time and spoke openly about my sexual assault.

The effects of child sexual abuse have long-lasting consequences on the victim's emotional health. Victims are four times more likely to develop symptoms of drug abuse and four times more likely to experience PTSD as adults. This is the same diagnosis a soldier would have after witnessing or experiencing a traumatic situation during war. Child victims are also three times more likely to experience depression as adults. Not all victims of sexual assault are willing to relive their traumatic experiences within a three- or ten-year time limit. Extending the statute of limitations is crucial in the steps to recovery. It helps by allowing the much-needed time for a survivor to come forward with his or her truth.

According to the United States Department of Health and Human Services, from 2009-2013, child protective service agencies substantiated or found strong evidence that indicated 63,000 children per year were victimized or were victims of sexual abuse. Out of the sexual abuse cases reported in 2013 to child protective services, 47,000 men and 5,000 women are alleged perpetrators. According to the United States Department of Justice, only 344 out of every 1,000 sexual assaults are reported to police. That means statistically, two out of three sexual assaults go unreported, or 1 in 9 girls and 1 in 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult. Children who are sexually assaulted or raped are relying on the state of Nevada and our government to ensure their rights are available when he or she is ready for justice. I thank every Committee member for giving me the opportunity to speak up for children whose voices have been silenced.

Marlene Lockard, representing Nevada Women's Lobby and Human Services Network: You can readily see from this powerful and devastating testimony just how important this legislation is. Thank you.

Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's Office:
We support this bill.

Pete Todoroff, Private Citizen, Incline Village, Nevada:

I support this bill. I want to thank Lisa Krasner, the Assemblywoman from the district in which I have lived for 37 years. I, too, was a victim of child abuse. I was about 11 or 12 years old. I have had one failed marriage and it is because of the same thing the woman before spoke about. I was ashamed. I have never told my family, ever, and I am 73 now. I never told my family or anyone else. I did mention it to Assemblywoman Krasner and I am glad that she brought this forward. I really do appreciate it.

Jo Ann Chadwick, Private Citizen, Reno, Nevada:

This is the first time I have spoken out about my abuse as an 11-year-old child by a family member. I think 20 years is not enough. I am past the age where it would do any good to prosecute, but for the children that are coming up and being abused, there is not enough that can be done to penalize the people who abuse them.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We would also like to express our strong support for this bill.

Chairman Yeager:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position?

Valeria Gurr, Training Manager and Coordinator, Prevent Child Abuse Nevada, Nevada Institute for Children's Research and Policy, School of Community Health Sciences, University of Nevada, Las Vegas:

I am the training manager and coordinator for Prevent Child Abuse Nevada, which is housed under the Nevada Institute for Children's Research and Policy. Part of my duties include teaching classes to professionals and parents about child sexual abuse prevention.

I am here today to share some of the facts about the research and about child sexual abuse. According to the latest report provided by the Nevada Task Force on Prevention of Sexual Abuse of Children, in 2013 there were 540 substantiated cases of child sexual maltreatment in Nevada. However, this number is a significant underrepresentation of the problem. The estimates of child sexual abuse incidents are primarily based on reports received and validated by child protective services; however, these numbers do not reflect the number of unreported cases or the number of cases reported by other types of agencies, such as sheriff's offices. It is estimated that 1 in 10 children will be victims of sexual abuse before the age of 18. Over a third of sexual abuses are committed by family members and 60 percent by other known and trusted adults.

The research also tells us that sexually abused children will remain silent about abuse, deny the abuse ever occurred, and might produce a series of disclosures followed by recantations of these disclosures. For many children, abuse disclosure is a process and not an event. Many factors can play a role in someone's disclosure. The age of the child, the level of development of the child, the relationship of the child with the perpetrator, the severity of the abuse, and the support system that someone has to allow the disclosure process to occur.

Roland Summit, a psychiatrist who published a formal description of why child victims of intrafamilial abuse might be reluctant to disclose, explained that children go through five different stages. The first is secrecy; the second is helplessness; the third is entrapment and accommodation; the fourth is delayed, conflicted and unconvincing disclosures; and the fifth is retraction of disclosures.

Summit also explains that the reasons for silence might be that sexually assaulted children feel self-blame and self-doubt. They might fear the perpetrator and the possible consequences of disclosure. In addition, a child might have attempted disclosure and was not believed, or the child was not protected after the disclosure.

In order to survive sexual abuse by a trusted family member or adult, children might make the accommodating efforts to accept abuse and to keep it a secret. Therefore, when children finally begin to reveal their abuse, disclosure will be incremental over time, a process that often includes outright denouncement and recantations of prior disclosures, and then reinstatements of the abuse. As we mentioned before, the statistics show that the majority of people who abuse children are in the trusted circle of the child or the family, and as shown here, the process of disclosure is not as simple as someone might think. Disclosure can be thought of as an ongoing process that might take many years.

Chairman Yeager:

Is there anyone else who would like to testify in the neutral position? [There was no one.] At this point, I will invite our presenters back up to make any concluding remarks. Before we do that, we have a comment from Assemblywoman Miller.

Assemblywoman Miller:

My comment is to those who came to testify in support of the bill and to those of you who spoke publically about your own experiences. I recognize the courage it takes to speak publically about that, the warriors that you are, the survivors that you are, and the advocates that you are for other people. I appreciate your courage.

Chairman Yeager:

Certainly, the rest of us on the Committee share that sentiment. It takes a lot of courage to come and do this in a public setting, so thank you to everyone who did join us this morning.

Assemblyman Elliot T. Anderson:

I do not see any reason for this to have the default effective date of October 1, 2017. If the intent is to save people from having the statute run, why is this not effective upon passage and approval?

Gloria Allred:

I would defer to the Committee's legal counsel on that point, if I may.

Chairman Yeager:

Maybe this is more for Assemblywoman Krasner, but I think he is asking whether you would be amenable to making this effective upon passage and approval.

Assemblywoman Krasner:

Yes, that would be great. Thank you for the suggestion.

Assemblyman Watkins:

One of the examples you gave us was dealing with physicians and abuse of their patients. In the state of Nevada, physicians have a one-year statute of limitations for claims of medical malpractice. I want to clarify the intent here to be that if a physician sexually abuses a patient, the 20-year statute of limitations would apply, rather than a 1-year medical malpractice statute of limitations. Are you in agreement with that?

Assemblywoman Krasner:

I had not thought about that. Does legal counsel have any input on that?

Brad Wilkinson:

I agree with that.

Gloria Allred:

I would ask legal counsel, would that then apply to the physicians only if they committed an act of child sexual abuse and not sexual abuse of an adult?

Brad Wilkinson:

The bill specifically relates to children, so that is correct.

Gloria Allred:

That would be my opinion as well, but given that this is for the legislative history, I wanted to make sure that point was clarified.

Assemblyman Watkins:

I have a follow-up for legal counsel. I do not believe that section 1, subsection 2, necessarily applies to someone under the age of 18.

Brad Wilkinson:

It was actually someone under the age of 16 at the time it was produced.

Assemblywoman Krasner:

I want to thank each and every one of you who sits on this Assembly Committee on Judiciary for listening to all the people who came forward today to testify. I would like to thank all the people in the audience who came forward to talk about the things that had happened to them. I know it takes a lot of courage to do so. I would also like to thank my cosponsor, Assemblywoman Irene Bustamante Adams, and Ms. Gloria Allred for taking the time to fly here from California to be here today for this very important bill.

Gloria Allred:

I would like to say, as one of the prior speakers pointed out, there is a very small percentage of cases involving child sexual abuse that are criminally prosecuted. This is because the burden of proof in a criminal case is so high that a prosecutor must prove a case beyond a reasonable doubt. This helps to empower victims because if, as, and when a case cannot or is not prosecuted, for whatever reasons are within the discretion of the prosecutor to prosecute or not, this still provides a remedy and recourse and an option and opportunity for the victim to proceed with a civil case because the burden of proof is so much lower, a preponderance of evidence. This is because only damages are sought and not the deprivation of liberty of the perpetrator or perpetrators. It is extremely important that this civil option be employed. I hope that if, as, and when the Legislature in its wisdom does pass this bill, law enforcement will provide knowledge of this option to victims so that they know that even if their case is not prosecuted, or even if it is, this option is still available, so that the victim will not feel hopeless, helpless, and voiceless. They will feel empowered and will have the opportunity to seek a form of justice.

[Additional exhibits include letters in support of A.B. 145 from the National Association to Protect Children ([Exhibit T](#)) and the Tahoe SAFE Alliance ([Exhibit U](#)).]

Chairman Yeager:

We will formally close the hearing on Assembly Bill 145. Is there anyone who would like to give public comment? [There was no one.] With no other business, we will adjourn.

This meeting is adjourned [at 9:55 a.m.].

RESPECTFULLY SUBMITTED:

Erin McHam
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 4](#), dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 14](#), dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is a proposed amendment to [Assembly Bill 14](#), submitted by Andres Moses, Eighth Judicial District Court.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 28](#), dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is a proposed amendment to [Assembly Bill 28](#), submitted by Paul C. Deyhle, Executive Director, Commission on Judicial Discipline; Ben Graham, Government Relations Advisor, Administrative Office of the Courts; and John McCormick, Assistant Court Administrator, Administrative Office of the Courts, Supreme Court of Nevada.

[Exhibit H](#) is Proposed Amendment 3044 to [Assembly Bill 28](#), dated February 21, 2017, submitted by Assemblyman Steve Yeager, Assembly District No. 9.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 37](#), dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 63](#), dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 102](#), dated February 27, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is a proposed amendment to [Assembly Bill 102](#), dated February 15, 2017, submitted by Kimberly Surratt and Melissa Exline, Surratt Family Law.

[Exhibit M](#) is the Work Session Document for Assembly Bill 184, dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for Assembly Bill 219, dated February 24, 2017, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is a redacted copy of an excerpt from an article from the *IndyStar* titled "A 20-year toll: 368 gymnasts allege sexual exploitation," by Tim Evans, Mark Alesia, and Marisa Kwiatkowski, available at <http://www.indystar.com/story/news/2016/12/15/20-year-toll-368-gymnasts-allege-sexual-exploitation/95198724/>. This copy was submitted by Assemblywoman Lisa Krasner, Assembly District No. 26 and Assemblywoman Irene Bustamante Adams, Assembly District No. 42, in support of Assembly Bill 145.

[Exhibit P](#) is a redacted copy of an excerpt from an article from *ABC News* titled "Former female gymnasts accuse doctor of molesting them during treatment," by Linzie Janis, Jackie Jesko, and Michelle Kessel, dated February 24, 2017. This copy was submitted by Assemblywoman Lisa Krasner, Assembly District No. 26 and Assemblywoman Irene Bustamante Adams, Assembly District No. 42, in support of Assembly Bill 145.

[Exhibit Q](#) is written testimony presented by Gloria Allred, Attorney, Allred, Maroko & Goldberg Law Offices, Los Angeles, California, in support of Assembly Bill 145.

[Exhibit R](#) is written testimony, presented by Benjamin Lublin, Private Citizen, Las Vegas, Nevada, including a statement by Lise-Lotte Lublin, Private Citizen, Las Vegas, Nevada, in support of Assembly Bill 145.

[Exhibit S](#) is a copy of the *Nevada Revised Statutes* 11.215, submitted by Assemblywoman Lisa Krasner, Assembly District No. 26.

[Exhibit T](#) is a letter dated February 28, 2017, in support of Assembly Bill 145 to the Assembly Committee on Judiciary, from J. Christian, Chief Executive Officer, National Association to Protect Children.

[Exhibit U](#) is a letter dated February 28, 2017, in support of Assembly Bill 145 from Paul Bancroft, Executive Director, Tahoe SAFE Alliance.