MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Seventy-ninth Session
April 6, 2017

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 1:03 p.m. on Thursday, April 6, 2017, 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.

COMMITTEE MEMBERS PRESENT:

Senator Tick Segerblom, Chair
Senator Nicole J. Cannizzaro, Vice Chair
Senator Moises Denis
Senator Aaron D. Ford
Senator Don Gustavson
Senator Michael Roberson
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nick Anthony, Counsel
Eileen Church, Committee Secretary

OTHERS PRESENT:

Holly Welborn, American Civil Liberties Union of Nevada
Kenia Morales
Erika Washington, Nevada State Director, Make It Work Campaign
Brandon Summers
Sean B. Sullivan, Office of the Public Defender, Washoe County

John J. Piro, Deputy Public Defender, Office of the Public Defender, Clark County
Ender Austin
Kevin E. Hooks
Alexander Assefa
Wendy Stolyarov, Libertarian Party of Nevada
Chuck Callaway, Las Vegas Metropolitan Police Department
John T. Jones, Jr., Nevada District Attorneys Association
Marc DiGiacomo, Chief Deputy District Attorney, District Attorney's Office, Clark County
Eric Spratley, Sheriff's Office, Washoe County
Brett Kandt, Chief Deputy Attorney General, Office of the Attorney General
Stacy Shinn, Progressive Leadership Alliance of Nevada
Corey Solferino, Sheriff's Office, Washoe County
James Dzurenda, Director, Department of Corrections
David Tristan, Deputy Director, Department of Corrections
Jamie Rodriguez, Department of Juvenile Services, Washoe County
Cathy Erskine, Policy Analyst, Office of the Lieutenant Governor
Kevin Lyons, FlashVote
Ashley Clift-Jennings
Diana J. Foley, Chief of Enforcement, Securities Division, Office of the Secretary of State
Kate Groesbeck
Lisa Luzaich, Chief Deputy District Attorney, Clark County District Attorney's Office
Marlene Lockard, Nevada Women's Lobby
Kimberly Mull, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence
Leonardo Benavides, Legal Aid Centers of Nevada
Paul J. Moradkhan, Las Vegas Metro Chamber of Commerce
Les Lee Shell, Department of Finance, Clark County
Lea Tauchen, Retail Association of Nevada
Misty Grimmer, Nevada Resort Association
Craig Stevens, Clark County School District
Randi Thompson, National Federation of Independent Business
Jeffrey J. Frischmann, Deputy Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation
Benny Tso, Chairperson, Las Vegas Paiute Tribe
David Decker, Chairman, Elko Band Council

Tildon Smart, Treasurer, Fort McDermitt Paiute and Shoshone Tribe
Laurie A. Thom, Chairman, Yerington Paiute Tribe
Trent Griffith, Secretary/Treasurer, Ely Shoshone Tribe
Cassandra Dittus, President, Tribal Cannabis Consulting; Yerington Paiute Tribe
Joe Dice, Tribal Cannabis Alliance; Ely Shoshone Tribe
Neal Tomlinson, Nevada Dispensary Association
Mark H. Fiorentino, TGIG LLC

CHAIR SEGERBLOM:
I will open the hearing of the Senate Committee on Judiciary with Senate Bill (S.B.) 368.

SENATE BILL 368: Revises provisions relating to search and seizure. (BDR 14-113)

SENATOR AARON D. FORD (Senatorial District No. 11):
Senate Bill 368 seeks to restore the 25-year-old rule that has protected all citizens from unconstitutional searches and seizures by the police. This same rule has also helped curb racial profiling, which is defined as a use of race or ethnicity as grounds for suspecting someone of having committed an offense.

Senate Bill 368 clarifies and reiterates Nevada law as pronounced by the Nevada Supreme Court. I do so in response to a decision handed down by the United States Supreme Court in a case known as *Utah v. Strieff*, 2015 UT 2, 357 P.3d 532. That case addressed what is known as the attenuation doctrine, which applies to evidence seized during an unconstitutional stop.

I will be borrowing heavily from an article from *Slate.com* whose lead is "Read Sonia Sotomayor's Atomic Bomb of a Dissent Slamming Racial Profiling and Mass Imprisonment." As that article states, *Strieff* itself involves a simple question of constitutional law. Typically, when police illegally stop an individual on the street without reasonable suspicion, any fruits of that stop, such as the discovery of illegal drugs, must be suppressed in court because the stop was an unreasonable search under the Fourth Amendment.

As I said yesterday in discussing another bill in this Committee, albeit in the context of the Seventh Amendment's right to a jury trial, all constitutional rights are important including this one, which disallows government from subjecting you, me and all of us from unreasonable search and seizures.

Strieff gave the justices an opportunity to affirm the constitutional rule. However, instead the court added a huge loophole to that long-established doctrine. In an opinion by Justice Clarence Thomas, the court found that if an officer illegally stops an individual and then discovers an arrest warrant, even for an incredibly minor crime like a traffic violation, the stop is legitimized and any evidence seized can be used in court. The only restriction is when the officer engages in "flagrant police misconduct," which the court itself declined to define. Let me define it for you from the perspective of someone who again believes that all constitutional amendments are important and one who also believes that it is our job as State Senators to protect all people from government overreach.

Flagrant police misconduct includes, in my mind, at a minimum the violation of an individual's Fourth Amendment constitutional right to be legally stopped in the first place. As Justice Sotomayor stated, "This case allows the police to stop you on the street, demand your identification, and check it for outstanding traffic warrants, even if you are doing nothing wrong." Sotomayor continues by noting, "If the officer discovers a warrant for a fine you forgot to pay, courts will now excuse his illegal stop and will admit into evidence anything he happens to find by searching you after arresting you on the warrant." Some will argue that unlawful stops like this are isolated or they are not recurrent, and I hope that is true. However, the truth is I do not care if they are or not, because no one should ever be subjected to the humiliation of an unlawful stop.

Here in Nevada, police agencies have gone beyond the call of duty to build a positive relationship with the communities that they serve. Rather than rolling back constitutional protections and risking aggravating the trust that we have been able to build, this legislation seeks to help keep it in place as a long-standing 25-year-old rule and help reinforce the considerable hard work that our police officers have already done to promote openness, respect and productive working relationships.

In case anyone says that the discovery of a warrant after an unlawful stop should retroactively apply to make the stop constitutional, let me as Justice Sotomayor did, remind us all that "outstanding warrants are surprisingly common."

When the Department of Justice investigated after the upheaval in the town of Ferguson, Missouri, which has a population of 21,000, 16,000 people had

outstanding warrants against them. That means 76 percent of Ferguson residents have, under the court's decision, effectively surrendered their Fourth Amendment right against unreasonable searches. In Ferguson, it was also revealed that the police force and the municipal court worked together to exploit people in order to raise revenue. They did so by charging people with all sorts of minor offenses from driving with a broken headlight or letting the grass grow too long in their front yard. In addition, when poor people could not pay or did not pay the fines, which were usually hundreds of dollars, the money that they owed went up. If they still did not pay, a warrant was issued for their arrest. As Justice Sotomayor noticed in the St. Louis metropolitan area, officers routinely stopped people on the street, at bus stops or even in court for no reason other than an officer's desire to check whether the subject had a municipal arrest warrant pending.

Unless you chalk this up to an irrelevant analogy to practices of one city in an entirely different state, let me also remind you that we in Nevada have several of our courts funded by traffic tickets and fines for other minor offenses, just as items are funded in Ferguson. Warrants in this State will be issued when you do not pay them, even inadvertently, and under this law, the uncommon rogue cop will be allowed to act on them.

That brings me back to my earlier allusion to the humiliation associated with an unlawful stop. As Justice Sotomayor notes, unlawful stops have severe consequences that are much greater than the inconvenience suggested by the name. Her remarks include this:

> This Court has given officers an array of instruments to probe and examine you. When we condone officers' use of these devices without adequate cause, we give them reason to target pedestrians in an arbitrary manner. We also risk treating members of our communities as second-class citizens. Although many Americans have been stopped for speeding or jaywalking, few may realize how degrading a stop can be when the officers are looking for more.
>
> The indignity of the stop is not limited to an officer telling you that you look like a criminal. ... If the officer thinks you might be dangerous, he may then "frisk" you for weapons. This involves more than just a pat down. As onlookers pass by, the officer may

> "feel with sensitive fingers every portion of [your] body. A thorough search [may] be made of [your] arms and armpits, waistline and back, the groin and area about the testicles, and entire surface of the legs down to the feet.

That is the humiliation suffered in any stop. Imagine that much more humiliation associated with an unlawful stop in the first instance. Justice Sotomayor continues:

> The officer's control over you does not end with the stop. If the officer chooses, he may handcuff you and take you to jail for doing nothing more than speeding, jaywalking, or "driving [your] pickup truck ... with [your] 3-year-old son and 5-year-old daughter ... without [your] seatbelt fastened. At the jail, he can fingerprint you, swab DNA from the inside of your mouth, and force you to "shower with a delousing agent" while you "lift [your] tongue, hold out [your] arms, turn around, and lift [your] genitals."

This is Justice Sotomayor talking about the importance of this case.

> Even if you are innocent, you will now join the 65 million Americans with an arrest record and experience the "civil death" of discrimination by employers, landlords, and whoever else conducts a background check. In addition, of course, if you fail to pay bail or appear for court, a judge will issue a warrant to render you "arrestable on sight" in the future.

This brings me to the reason why this bill, S.B. 368, is a Black Caucus priority bill. That is because, as Justice Sotomayor has stated, "It is no secret that people of color are disproportionate victims of this type of scrutiny." "For generations," she notes, "black and brown parents have given their children 'the talk'—instructing them never to run down the street; always keep your hands where they can be seen; do not even think of talking back to a stranger—all out of fear of how an officer with a gun will react to them."

She says, "By legitimizing the conduct that produces this double consciousness, this case tells everyone, white and black, guilty and innocent, that an officer can verify your legal status at any time." This is at a time when some are demonizing immigrants, casting them all as criminals and of the worst character

and at a time when U.S. Immigrations and Customs Enforcement (ICE) has its eyes set on the Las Vegas Metropolitan Police Department (LVMPD) for purportedly being uncooperative. The last thing we need to do is paint a larger target on the backs of our members of our law-abiding immigrant communities. The last thing we want to do is bring up additional fear within those communities because we have condoned a rule that increases the possibility they will be racially profiled.

Subsection 4 of section 1 of the bill provides that if a peace officer makes an unlawful stop or seizure and subsequently discovers there is an outstanding warrant, which results in an arrest and the officer conducts a search pursuant to an arrest warrant and seizes property discovered during that search, the person whose property was seized may move the appropriate court for the return of the property based on the grounds that the stop was illegally conducted. The section goes on to require that the judge shall receive evidence on any fact necessary to make a decision on the motion and if the motion is granted, the property will be returned and will not be admissible as evidence.

Finally, we get back to the legal doctrine at hand, the attenuation doctrine, and in this regard, the bill provides that the discovery of an outstanding arrest warrant shall be deemed not to purge the taint of an unlawful stop or seizure and the seizure of property during a search incident to an arrest pursuant to the arrest warrant.

Subsection 5 of section 1 provides that a motion to suppress evidence pursuant to the provisions of this bill may be filed in the court where the trial will be held. Section 2 provides the bill is effective upon passage and approval.

Mr. Chair, if we do not reaffirm this law in Nevada, a law that has governed police interactions with the people and in which police officers and prosecutors have operated successfully for the last 25 years, our message to all communities is that as Justice Sotomayor says, "your body is subject to invasion while the courts excuse the violation of your rights. It implies that you are not a citizen of a democracy but the subject of a carceral state, just waiting to be cataloged."

Relative to our minority communities as Justice Sotomayor aptly observes,

> We must not pretend that the countless people who are routinely targeted by police are "isolated." They are the canaries in the coal mine whose deaths, civil and literal, warn us that no one can breathe in this atmosphere. They are the ones who recognize that unlawful police stops [—unlawful police stops—] corrode all our civil liberties and threaten all our lives. Until their voices matter too, our justice system will continue to be anything but.

HOLLY WELBORN (American Civil Liberties Union of Nevada):
The ACLU of Nevada views the *Utah v. Strieff* case as a major stand Fourth Amendment juris prudence in the United States. In the words of U.S. Supreme Court Justice Sonia Sotomayor, "This case allows the police to stop you on the street, demand your identification, and check it for an outstanding warrant—even if you are doing nothing wrong."

The failure to apply the exclusionary rule to evidence seized under these circumstances will encourage the police to engage in random stops in the hope of finding an outstanding warrant that will then be used as justification to engage in a search that would otherwise be not permissible. This is a practice the Nevada Supreme Court specifically prohibited in *Torres v. The State of Nevada*, 131 Nev. Adv. Op. 2.

At the time of the *Strieff* decision, the entire State of Utah had approximately 180,000 outstanding warrants on the books. In 2015, the City of Las Vegas alone had 120,000 outstanding warrants on the books. Forty-four percent were for minor traffic offenses or failure to pay a fine. The City of North Las Vegas reports that officers serve about 1,000 warrants a month and that people of color have more warrants than other groups.

The purpose of the exclusionary rule is to deter unlawful police misconduct and restore the situation that would have prevailed if the government had itself obeyed the law not to shift the balance in favor of arrest, thereby undermining the deterrent value of the exclusionary rule.

An unlawful *Terry* stop, also known as "stop and frisk," involving a routine warrant check is certain to occur on a systemic basis absent suppression. The

decision also fails to meet the deterrents test that is required when assessing the Fourth Amendment.

I would like to talk about an example from the amicus brief that our national organization filed in favor of the respondents in the *Strieff* case. Consider the question from the perspective of the pair of officers patrolling a high crime area on foot. Imagine the officers have a hunch that a pedestrian is carrying contraband, but they lack the articulable suspicion necessary to conduct a lawful *Terry* stop or the probable cause to search his person without consent. The officers decide to stop the pedestrian nonetheless. If they run a warrants check and the individual has an open warrant, they will surely discover it. If they discover an open arrest warrant, any evidence they seize in the search incident to arrest will be admissible regardless of whether the initial stop violates the Fourth Amendment. If they do not discover a warrant, they can release the individual and the officers are no worse off. Therefore, the deterrent value under *Strieff* is eliminated. We think that this bill is necessary to make these statutory changes.

KENIA MORALES:
I support S.B. 368. The proposed legislation is on the right side of history and is a necessary step that will increase trust and communication between communities that are subjected to racial profiling and law enforcement.

Racial profiling is based on crass stereotypes and assumptions rather than facts, evidence and solid police work. In my community, we have seen proposed legislation and laws enacted that invite rampant racial profiling against people that look like me who are presumed to be foreign based on how we look or how we sound.

Arizona's Senate Bill 1070 sought to institutionalize racial profiling by requiring anyone who is not presumed to be from here to prove his or her status. This law compromised public safety and the health and well-being of my community. Similarly, the New York City stop-and-frisk program promotes hyperaggressive law enforcement of minor nonviolent infractions and targets Latino, Latina and black communities.

I am here because I am a Big Sister to a young brown man with whom, at the age of 15, I began discussing how to behave when in the presence of law enforcement. I have taught him to keep his hands in plain sight, to announce

whether he has anything on him that could be misconstrued as a weapon during a frisk. Despite my sharing of know-your-rights information with him and my continued vigilance, my brother has experienced criminalization. Once, he bought a laptop from a friend that turned out to be stolen and went to the police to return it. The police detained him and sought to prosecute him for theft when in fact he had done nothing wrong.

Similarly, one night I was driving to return a movie to a Redbox machine and did what the officer perceived as an illegal U-turn and that interaction concluded with having guns pointed at me on both sides of the car.

When we overpolice communities of color, we create a criminal population and create the societal conditions that make our bodies the subjects of invasion. The courts excused this violation of our rights.

We must recognize that unlawful police stops corrode our civil liberties and threaten all our lives. Until the voices of all our communities matter, then our justice system is anything but that.

I am supporting this bill because it is taking racial profiling seriously and seeks solutions to end the practice in our home State. Senate Bill 368 returns a previously removed barrier and seeks to uphold the Fourth Amendment right for all Nevadans.

ERIKA WASHINGTON (Nevada State Director, Make It Work Campaign):
Racism is not always in your face. Blatant name calling most of the time is passive-aggressive and subtle. That does not mean that it does not sting any less or that your dignity is not disregarded.

It is the responsibility of law enforcement to enforce laws crafted by our elected officials who are chosen by voters. Black women consistently turn out in the 90th percentile in elections. They, including myself, vote based on issues that directly affect my life and the life of my family. I vote for people who I hope will have my best interest in mind. That includes my right of security. It is in no way in my best interest, or for anyone else in the public, to allow unlawful stops and search and seizure of someone's property without cause.

BRANDON SUMMERS:
I am a professional musician, and I went to school on a full-ride math scholarship. None of that matters when I have encounters with police.

As early as 2011, I was coming back from school, driving cross-country to Las Vegas from Georgia. I was stopped in Memphis by police officers for something as trivial as a license plate frame, and I thought nothing of it until they started asking me if I was carrying large sums of money, was I transporting drugs, did I have any tattoos, things like this. It was very humiliating and even when they said I was okay and free to go, as I reached for a sweater, as it was chilly outside, they reached for their holsters. It was very clear to me that regardless of my demeanor, how I carried myself, that I had all the proper identification, I was still a threat. These kinds of situations have also continued in Las Vegas. As recently as last year, I was tailed by police officers downtown for no reason at all. They made a violent U-turn to follow me all the way to my destination. They got out of their cars, and I guess they wanted to see what I was going to do. I was just there to park as I was at my destination.

We have to be careful when we have any kind of legislation that can negatively affect black and brown communities because they are always disproportionately affected by these kinds of things. I am in favor of S.B. 368.

SEAN B. SULLIVAN (Office of the Public Defender, Washoe County):
We support S.B. 368. The views of the Washoe County Public Defender's Office have already been stated and they are put forth in the Nevada Attorneys for Criminal Justice letter that was submitted on April 5 (Exhibit C).

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):
We support S.B. 368. This bill is going to put us back to where the Nevada Supreme Court had us on January 29, 2015. In *Torres v. The State of Nevada* in front of an en banc panel, the Nevada Supreme Court ruled a stop like this was unconstitutional. This is an important piece of legislation to protect our communities and to protect our clients from unconstitutional searches and seizures.

ENDER AUSTIN:
My first time experiencing racial profiling was when I was about six years old. I was in a Toys"R"Us store two aisles away from my mom with some older

cousins. Someone saw us with an open toy, called the police, and said we were stealing.

Unfortunately, that is the same thing that my younger brother experienced when he was about six or seven years old. There were "shots fired" in the El Dorado community of North Las Vegas. Shortly thereafter, there were tons of cop cars and six-, eight- and ten-year-old boys were made to sit on the sidewalk for about an hour. After a while, we began to wonder why the younger siblings were not home. We went looking for them and found them with cops surrounding them because "shots were fired."

As a young man growing up in the Cities of Las Vegas and North Las Vegas, I would drive several times a week to church. I would be pulled over simply because I was in the 89106 zip code. The gang unit would come and ask me what I was doing. They never told me why they pulled me over, never told me what the charges were and when I became indignant one day and asked them why they pulled me over, I was threatened with arrest.

These types of incidents in my life have made me fearful about whether I wanted to raise my children in this city, this State, this Country or this society. I now have a two- and five-year-old, and I am beginning to tremble at the thought that my babies will one day be singled out simply because of their hue, their God blessed sun-kissed hue.

It is my understanding that S.B. 368 is going to help our society and our State really stand up and lead in this area. It will make our society better as the young woman spoke earlier about the warrants. We know there is a problem with overpolicing. When people are overpoliced, they begin to get more and more tickets and that is why the warrants are disproportionate with people of color: not because of poverty, not because of some sort of crazy criminality, but because of overpolicing. This bill will help to remedy that.

KEVIN E. HOOKS:
I support S.B. 368. The Fourth Amendment is clear and I quote,

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly

> describing the place to be searched, and the persons or things to be seized.

I am proudest when legislation not only reinforces the constitution but also protects the ideals of the Founding Fathers. Moreover, the commonsense components of this bill allow for persons to have the presumption of innocence and the recourse to not only receive the return of their property but to be treated as those who have the presumption of innocence.

Additionally, it is important to remember the responsibility is on people to develop and implement controls that govern those who we hire to protect and serve, and S.B. 368 does just that.

ALEXANDER ASSEFA:
I am here representing Ethiopian Americans. I am also the chair of the Clark County Democratic Party Transportation and Tourism Workers Caucus. On behalf of these groups, we support this bill in its entirety. The protection from illegal search and seizures is one of the many, yet very important, foundational rights that we enjoy about the American democracy.

It is incumbent upon all of us to protect and preserve our rights under the Fourth Amendment to the United States Constitution and pass it along to the next generation unaltered. We in the Ethiopian communities of Las Vegas, and the Clark County Democratic Party Transportation and Tourism Workers Caucus fully support S.B. 368.

WENDY STOLYAROV (Libertarian Party of Nevada):
The Libertarian Party of Nevada believes that all people have the Fourth Amendment right to be secure in their property and person from unreasonable searches and seizures.

As Americans, the right to privacy is one of our most essential and treasured principals. *Utah v. Strieff* fundamentally altered police officers' incentives. They now have no reason not to search anyone in dehumanizing and frequently racially motivated fishing expeditions. The State has no right to strip its citizens of dignity and bodily autonomy without probable cause, and implicit bias and racial profiling do not qualify.

We would strongly advise the State of Nevada to refrain from tasting the fruit of the poisonous tree. It may no longer be legally tainted, but it remains ethically and morally tainted. The Libertarian Party of Nevada supports S.B. 368.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):
I agree 100 percent with everything that was said by the proponents of this bill regarding racial profiling, biased policing and unlawful search and seizure. Those are things that my agency does not condone in any way. In fact, we take aggressive action against officers who are found to have been involved in that type of misconduct.

We work very hard at LVMPD to build relationships with the community. As you know, we have an Office of Community Engagement that is actively involved in working with the community. We have the Sheriff's Multi-Cultural Advisory Council, which routinely meets with the Sheriff. We are actively engaged in building strong relationships with the community, and anything that distracts from those relationships is not good.

I do not believe this particular bill addresses the concerns that were raised by the proponents. There are a million things out there that a police officer can stop you for. Everything from fuzzy dice hanging from your review mirror that obstructs your view to the fact that you step off the curb into the roadway and you are a pedestrian in the roadway. You may do a U-turn or a light on your license plate is not on, or maybe you do not have a front plate when your vehicle is equipped for one. There is a whole laundry list of offenses out there that an officer can stop you for. If that officer has bad intentions and that officer is a bad apple, and their intent is to racially profile you or to violate your rights, they can do that already. All they have to do is follow you for a few minutes and they can find a reason to stop you.

From the time that I was hired as a police officer, we were always trained about the exclusionary rule. We were trained that if you conduct an unlawful stop, the fruits of the poisonous tree and whatever comes from that stop is not valid and will not be admissible in court. Officers are trained and go through additional training to respect that rule. We know a case will be thrown out if an officer violates someone's rights. We do not want the bad guy to get away. We do not want the criminal to get off on a technicality because we violated their rights.

This particular Supreme Court case dealt with a warrant that was involved in this incident. There is a huge difference between stopping someone maliciously to violate his or her rights and mistaken identity. I am not familiar with all the details of this particular case that the Supreme Court ruled on, but my understanding is that an officer witnessed somebody who they believed was intoxicated and looked to be under age, under 21. The officer stopped that person thinking that they had a juvenile who was intoxicated under the age of 21. That individual produced ID or identified himself, and the officer was able to verify that he was in fact an adult. At that point, they had not broken a particular law. The officer ran the person's name through the computer and found out he had a warrant for his arrest. Incidentally to the arrest they found some kind of contraband. The court looked at it, as the person had a warrant, and he was arrested on the warrant. The contraband would have been found anyway. That is my understanding of the case. I do not know all the details.

It was a case of mistaken identity. It was not the officer saying, "There is a person that I am going to maliciously go after and violate his rights" and whatever came of that was admissible. In this particular case, to give you another example of why I think that if we were to enact this law, we would be going against what the Supreme Court says is the national rule: when officers go to training in other states and they talk about this type of thing, our State would be at odds with what is common practice across the Country. Again, I am not saying that officers should go out and do illegal stops to obtain evidence. For another example, let us say that an officer was driving down the road and ran the license plate of the car in front and accidently got two of the numbers mixed around. Instead of 321, the officer put 312. The car comes back having suspended license plates. The officer pulls that person over, gets the license, runs it and finds a warrant for the license holder's arrest for shooting someone. As a result of the arrest, the officer found a pound of heroin in the trunk. Now all of that is thrown out because the officer ran the plate wrong, and especially if the driver told the officer up front, "Hey, that is not my license plate. My license plate is 312, not 321."

There are some concerns here, and I am 100 percent behind what Senator Ford is trying to do. My agency does not condone or tolerate any type of misconduct among officers. There are laws in place to protect people against racial profiling, and I do not believe this bill gets at what the proponents are trying to accomplish.

JOHN T. JONES, JR. (Nevada District Attorneys Association):
We have had numerous conversations with Senator Ford on this bill and we will continue to have discussions.

The basis of our concern is that the suppression of evidence has always been a last resort, not a first resort. The first impulse of S.B. 368 is to suppress. Therein lays the basis of our opposition.

Search and seizure has always been a case-specific analysis based on the question of reasonableness. There is numerous caselaw out there that we as district attorneys rely on when we instruct officers on how to conduct searches. It is a case-by-case analysis. There is a provision that allows a judge to hear evidence, but right at the end of section 1, subsection 4, paragraph (e) says, "the discovery of an outstanding warrant of arrest shall be deemed not to purge the taint of an unlawful stop or seizure ..." It does make it the first impulse to suppress.

MARC DIGIACOMO (Chief Deputy District Attorney, District Attorney's Office, Clark County):
I want to echo what LVMPD started with, which is the concept that police officers should never consider race or any other classification for profiling. It is something that is antithetical to our criminal justice system and is something that should never be condoned.

Why I oppose this bill is the concept of what the true effect is of the bill itself. The idea behind attenuation is as the U.S. Supreme Court said in the *Strieff* case, attenuation is a concept that allows the harm to society from exclusion applied to how much we are really going to stop a police officer from engaging in unlawful conduct. If it is so attenuated that by suppressing the evidence we are not going to stop the police officer from doing something wrong, then society is harmed by excluding the evidence.

We can talk about traffic warrants or we can talk about the number of traffic warrants that are out there, but the truth of the matter is that this rule is only going to be used in very narrow cases in which a police officer has been found to engage in unlawful conduct. There is going to be evidence that it was unlawful conduct, and there is going to be some evidence of criminal conduct of the suspect after he already has a warrant in the system.

If the evidence establishes that the police office engaged in racial profiling, even under *Strieff*, the flagrancy of the official misconduct would require exclusion. The attenuation rule would not apply in that situation. So to create this bright line rule, the question is, whom are you really benefiting? Are you benefiting the innocent people who may or may not be profiled? The answer is no. The truth of the matter is, the only people you are going to benefit are criminals because this is not going to stop a police officer from engaging in the conduct. That is what the majority of the Supreme Court said in *Strieff*. In addition, *Torres* was referenced, which is the Nevada Supreme Court case, and I heard also 25 years of law. *Torres* was in 2015 and was the Nevada Supreme Court attempting to interpret federal law, and the U.S. Supreme Court said Nevada is wrong. The Court wound up vacating the *Torres* ruling at the same time that it issued the *Strieff* ruling in *Utah v. Strieff*.

These are difficult questions, in the sense from a public policy situation, what rules we are going to have on the books. Passing this law does not protect a single innocent individual. Passing the law merely protects criminals. The people whose evidence is necessary to prosecute the murderers, the rapists, the robbers, the thieves, the drug dealers, these are the only people who are ultimately going to be protected by passing the bill.

I recognize the ideology behind it, and I support the ideology behind this bill, but this bill will make it harder to hold people accountable and harder to get justice for victims in Nevada. As such, I oppose this bill.

ERIC SPRATLEY (Sheriff's Office, Washoe County):
I am here in opposition of the bill for section 1, subsection 4, paragraph (a). I am not in opposition to the topic of race or racial profiling by police, which are illegal under *Nevada Revised Statutes* (NRS) 289.820 and by Washoe County Sheriff's Office Policy 402, and are not tolerated by our agency.

Section 1, subsection 4, paragraph (a) reaches too far in that an otherwise lawful stop by the intent of the officer may be proven in court to not be lawful on a technicality like speedometer calibration when pacing a vehicle, or as Mr. Callaway said, inadvertently punching in a number on a computer and then everything from that is inadmissible. That is our basis for opposition.

BRETT KANDT (Chief Deputy Attorney General, Office of the Attorney General):
On behalf of the Office of the Attorney General (AG) for the reasons so stated by the others that spoke in opposition, our office also has the same concerns and opposes the bill.

SENATOR FORD:
Let me repeat a paragraph from my opening testimony. Here in Nevada police agencies have gone beyond the call of duty to build a positive relationship with the communities that they serve. Rather than rolling back constitutional protections and risk aggravating the trust that we have built, this legislation seeks to keep in place a long standing, and I said a 25-year-old, but I am wrong, it is a 54-year-old rule from *Wong Sun v. United States,* 371 U.S. 471 (1963), case. A 54-year-old rule helps reinforce the considerable hard work of our police officers who have already done work to promote openness, respect and productive working relationships. This is not an attack on police officers. As I have discussed here, you may have one rogue officer who will take advantage of the ability to now stop someone for no reason and have no repercussion.

I am sorry to hear that people believe that this bill will not stop a person from racial profiling. While that may not stop him or every single one, I think that enough people will consider, as they have over the 54-year period of the *Wong Sun* case, its existence and whether they are going to engage in something that they know is going to result in the exclusion of evidence.

Let me remind everybody, for 54 years, law enforcement and the prosecutors who have testified against this bill have been operating under the rule that if you stop someone unlawfully, then the evidence you get from the unlawful stop cannot be included. That is a 54-year rule that just got changed last year and to stand before us today and act as though we are going to undermine their ability to protect our communities fully, and then to unfortunately confirm something that my 16-year-old son said to me when I was talking about this case and told him I was going testify. He said, "Dad, all they are going to say is you are helping the criminals." That is what my 16-year-old predicted someone would say during testimony that the only people you are helping are the criminals. I am helping the man, the women who have testified today against racial profiling that will be increased and more frequent in the absence of a prohibition that the *Wong Sun* case has laid before us.

This is not a Black Caucus priority for no reason; it is an important issue. All citizens should be concerned about the violation of their Fourth Amendment right for unreasonable searches and seizures. Police officers should not stop you if they have no reason to do so. This bill restores the rule that was changed last year.

VICE CHAIR CANNIZZARO:
Seeing no more people wanting to testify, I will close the hearing on S.B. 368 and open the hearing on S.B. 402.

SENATE BILL 402: Restricts the use of solitary confinement on persons in confinement. (BDR 16-1087)

SENATOR PAT SPEARMAN (Senatorial District No. 1):
Senate Bill 402 addresses the often discussed, heavily studied and unsavory practice of solitary confinement of prisoners. This bill restricts the use of solitary confinement in state, local and regional detention facilities for all incarcerated persons.

It is important for you to know the context of the issue of solitary confinement. Solitary confinement is a form of imprisonment in which an inmate is isolated from other human contact, with the exception of members of prison staff, for up to 22 to 24 hours a day. Such confinement can range from a day or two to several decades.

It was my very unfortunate experience as I chaired the Health and Human Services Committee to hear the Deputy Director of the Department of Corrections say that when he and the Director assumed responsibility for the Department, they actually saw prisoners who had been in solitary confinement up to, and in some cases, more than five years. Many of those prisoners had been medically adjudicated as severely mentally ill.

There are those who say that solitary confinement is one form of punishment that actually yields positive results. I pulled a couple of studies. In the most recent study, from January 2017, the authors argue,

> Solitary confinement is overused and [they] recommend a multilevel approach available to correctional systems worldwide including: immediately limiting solitary confinement to only those

> cases in which a violent behavior infraction has been committed for which safety cannot otherwise be achieved, ensuring the briefest terms of isolation needed to achieve legitimate and immediate correctional goals ...

They also suggested that the use of solitary confinement should be reviewed and, as soon as possible, those who are in solitary confinement must be returned to the general population. This was taken from "Reducing the Use and Impact of Solitary Confinement in Corrections," *International Journal of Prisoner Health*, Vol. 13, Issue No. 1, pp. 41-48.

Another study in 2017 stated history of solitary confinement is associated with posttraumatic stress disorder symptoms among individuals recently released from prison. Among 119 participants, 43 percent had a history of solitary confinement and 28 percent screened positive for PTSD symptoms. Those who reported a history of solitary confinement were more likely to report PTSD symptoms than those without solitary confinement. Those with solitary confinement reported 43 percent and those who had not experienced solitary confinement had less than 0.1 percent PTSD symptoms.

Many experts have studied the psychological and physiological effects of solitary confinement, and some of these studies date back to the early 1800s. What is consistently found is that solitary confinement can cause any number of mental disorders, enhance existing disorders, negatively impact rehabilitative efforts and increase suicidal tendencies. The practice can also have profound physical effects resulting in an increase in headaches, heart palpitations, weight loss, dizziness, muscle pain, and hypertension, and the list goes on and on.

The Nevada Legislature has addressed this issue many times over the most recent years. Chairman Segerblom sought to prohibit the practice of solitary confinement in S.B. No. 107 of the 77th Session. As introduced, the bill would have prohibited the use of solitary confinement except under certain circumstances, including if the person presented a serious and immediate threat of harm to themselves, to others or to the security of the facility, and if all other less restrictive options had been exhausted. The measure would have provided that when a person is held in solitary confinement, it must be for a minimum time required to address the threat of harm and only if the mental and physical health of the person is not compromised.

Senate Bill No. 107 of the 77th Session was amended two other times during the 77th Session with a final bill ultimately authorizing a state, local or regional facility for the detention of children to subject a child to a corrective room restriction only if the less restrictive options had been exhausted and only for specific purposes. The measure specified that a facility must conduct a safety check on a child subjected to corrective room restriction at least once every 10 minutes and may not place a child on corrective room restriction for more than 72 consecutive hours. Under that bill, each facility was required to submit a monthly report concerning children subjected to the corrective room restriction to the Juvenile Justice Programs Office of the Division of Child and Family Services.

The other result of S.B. No. 107 of the 77th Session was the requirement for the Advisory Committee on the Administration of Justice (ACAJ) to study solitary confinement. The ACAJ did review two rather informative reports on the issue during the 2013-2014 Legislative Interim, but unfortunately no formal recommendations were made.

Here we are today over three years later, and nothing further has been done to address the detrimental effect of solitary confinement in all of Nevada's detention facilities. While S.B. No. 107 of the 77th Session did put limits on the use of solitary confinement for children, it did not go far enough.

Saying that solitary confinement could lead to devastating and lasting psychological consequences, President Barack Obama in January 2016 banned the practice of holding juveniles in solitary confinement in federal prisons. In August 2015, the Association of State Correctional Administrators released a study sharply critical of solitary confinement practices and called on its members to limit or even end the use of solitary confinement for extended periods.

If our Nation's correctional administrators and if our most recent President of the United States say no to solitary confinement, why do we still employ this practice in Nevada?

Senate Bill 402 repeals the provisions of the use of a corrective room and instead severely limits and restricts the use of solitary confinement on anyone who is detained in a state, local or regional facility. This practice is prohibited in such facilities unless the detainee does not have a serious mental illness or

significant mental impairment, he or she presents a serious and immediate risk to himself or herself or others, and all other restrictive options have been exhausted. The bill clarifies that a person held in solitary confinement may be held in such confinement for only the minimum amount of time required to address the threat of harm to the detainee, the facility staff or others and only if the mental and physical health of the person is not compromised.

To provide additional clarity, the bill sets forth a number of mental health conditions that would constitute a serious mental illness or other significant impairment, including schizophrenia, bipolar disorder, a brief psychotic disorder and major depression.

The Department of Corrections has proposed an amendment to clarify the language that is in the bill (Exhibit D).

Decades of research has confirmed that solitary confinement negatively affects all incarcerated persons. That is why the bill extends these prohibitions and limitations on the use of solitary confinement for those detainees held in all facilities operated by the Department of Corrections as well as in local and regional detention facilities.

In the years working in the military and the time I spent working as part of the staff at Fort Leavenworth, this is what I know about our corrections system. There have been times when we have used rather antiquated and draconian practices in an effort to "rehabilitate" a person. We know, because of evidence-based research, that some of those practices have the opposite effect. Solitary confinement in its configuration right now is one of those practices that we must as people, specifically as Nevadans, look at and say we will not continue down the road we are traveling right now.

MS. WELBORN:
As you have heard, Deputy Director David Tristan testified before the Health and Human Services Committee that by his estimation the manner in which seriously mentally ill individuals were confined in the Nevada Department of Corrections (DOC) was unconstitutional. I described this as a relief to the *Nevada Independent* because we have been working with the DOC for several years to bring about reforms and to move DOC to a position where they understood and recognized that the practice was actually occurring in the Nevada prison system. The time has arrived and we can make some serious

changes in DOC now that we have leadership that is willing to work with us on those issues.

If S.B. 402 is passed, it will be the final chapter in the terrifying storm of use of extreme isolation in the Nevada prison system. We made huge strides with S.B. No. 107 of the 77th Session in juvenile facilities. It opened up a line of communication between the ACLU, juvenile justice agencies and their administrations in tracking when isolation was used in juvenile facilities and understanding the children are actually not being confined anymore in practice. There are in a place where they are being checked on every 10 minutes. Those children have access to out-of-cell time and activities, and they are engaged while they are going through this process, and they are engaged in therapeutic programming through S.B. No. 107 of the 77th Session. This is the goal that we have with S.B. 402 for adult facilities.

On February 13, the ACLU of Nevada released a report entitled, *Unlocking Solitary Confinement: Ending Extreme Isolation in Nevada State Prisons* (Exhibit E). The report is a culmination of a year-long effort to shine a light on the overuse of segregation in Nevada correctional facilities.

Senate Bill No. 107 of the 77th Session not only limited the use of isolation in juvenile facilities, but it required a study by the ACAJ on the use of isolation in adult facilities. The study component, unlike the juvenile component, was not as successful.

The ACLU tried for several years prior to S.B. No. 107 of the 77th Session to get the DOC to acknowledge that the practice was occurring in its facilities, but the study was insufficient to prompt DOC to acknowledge the extent of the use of extreme isolation. When presenting the results of the S.B. No. 107 of the 77th Session analysis before the ACAJ on March 5, 2015, DOC began testimony by once again stating that it does not have solitary confinement in the DOC. This testimony revealed that little information was tracked concerning those in segregated housing and failed to answer the questions in their entirety. The ACAJ concluded that the information provided was sufficient for meeting the requirements of S.B. No. 107 of the 77th Session and no further steps were taken to propose legislative solutions for the use of solitary confinement in adult facilities.

Public records request after public records request yielded the same result. We knew it was time to take bold action, so we went directly to those affected—the men and women living the horrors of extreme isolation in Nevada prisons. We mailed surveys to 749 people incarcerated in Nevada prisons and received 281 responses. Fifty-five respondents indicated that they were currently in segregation. Almost all of the remaining respondents indicated that they had been in segregation at least once.

Respondents spent an average of 2.6 years in segregation, and 47.7 percent had reported they had been in segregation 3 or more times during their current prison stay. Three of the respondents indicated that they had been in isolation for 20 years or more. Many reported that they received no due process hearings for the extended stints in solitary. Forty percent said they received no hearing at all. Twenty-six percent of those who did receive a hearing indicated that the hearing came more than 30 days after placement. Finally, 27 percent indicated they had some type of disability. Twenty-one percent specified they had a mental health disability and 11 percent indicated they had developmental disabilities.

I would like to read an excerpt from Chip, one of the respondents, and I have changed his name to protect his privacy. Chip said, solitary

> … had a very negative affect on my mental health. Every time I hear a door open or the sound of keys, I immediately jump up and run to my cell door in defense mode because I don't trust the prison guards or inmates. I always feel like they might attack me or kill me … so I keep my shoes on at all times and I am up very early so that I am not attacked in my sleep. I don't trust anyone anymore … not even my own family members. I am always feeling sad, depressed, lonely and in danger and I am very irritable … I can't function well. I can't sit … I don't laugh and socialize with others that well no more and I don't have a good sense of humor anymore. I am a very good person. I don't want to harm anyone … But after spending all those years at Ely Maximum Security Prison, I've become mentally, spiritually, and emotionally damaged/scarred!

There are many more statistics in our report, and I encourage you to look at them. Again, this is a survey, and as far as the actual numbers coming out of DOC, we would love to have comparative data to see what the actual stay in

solitary actually looks like. I am confident that we can work with DOC on amendments that will bring about needed reforms in the Nevada prison system.

I want to point out a story about a young woman who had diabetes, had been in isolation for three days and who died in a local facility in Clark County to show that extreme isolation of individuals also occurs in our local facilities. This is why it is important to bring changes there too.

SENATOR SPEARMAN:
The statistics that Ms. Welborn quoted are consistent with the research that has been done nationally and with the research that I looked at for the last two years. I believe even though the study was limited in terms of the respondents, I believe we have a clear indication that what we thought was working is actually working against those whom we are trying to rehabilitate.

MR. AUSTIN:
I support S.B. 402 as a pastor. As a pastor, especially as a youth pastor, I am privileged to not only sit with people when they bring their children into the world, but unfortunately, when their children leave the world and they bury them. I am also there many times when children get in trouble, go to court, and sit in courtrooms repeatedly. Unfortunately, some of that aftermath is dealing with kids as they reintegrate. I notice that when people reintegrate there is a lot of emotional baggage that comes.

I am challenged when I think about the life of Kalief Browder. When you look at the life of Kalief Browder you look at the emotional scar and emotional baggage that solitary confinement put on him. I think it gives us pause for why we are using this particular method. I believe that we have to make sure that we are setting people up to reintegrate into society. We do not want recidivism. We do not want people to continually stay in prison incarcerated. We do want to figure out ways that we can have a safe society outside of imprisonment but also make sure that while people are in correctional facilities that they can actually be rehabilitated to a point where they can integrate into society successfully.

There was a chief in the state of Colorado who went into solitary confinement so that he could better understand what the inmates he served actually went through, and he had to cut his stay in solitary confinement short. I would advise anybody who likes solitary confinement to take some uninvited time by yourself at the hand of someone else.

STACY SHINN (Progressive Leadership Alliance of Nevada):
I am here wearing my social work hat. The primary work of the social work profession is to enhance human well-being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed and living in poverty.

This is the beginning of a 12-page policy brief put out by the National Association of Social Workers against solitary confinement:

> As a nation we seem to be moving toward comprehensive reform of our criminal justice systems. Many of us are cautiously optimistic that the nation has begun to pay attention to the inequalities in terms of race, culture and socioeconomic status of our criminal justice system. Of the many areas of the criminal justice system in need of reform, changes in the way we use solitary confinement stands out as a priority.

It goes on for 12 more pages discussing how social workers in the frontline and, as mental health providers in the criminal justice system, see day to day the tragedies that happen as a result of solitary confinement.

MR. SULLIVAN:
We support S.B. 402. I represent both adult and juvenile clients. I can think of nothing worse than for my juvenile clients to experience solitary confinement that goes unchecked and unfettered. You have heard from the proponents about the studies and the lasting psychological and physiological effects that it has on a person placed in solitary confinement.

MR. PIRO:
We support S.B. 402.

MS. STOLYAROV:
All research does indicate that solitary confinement is inhumane, cruel and unusual. The State has no right to punitively isolate inmates, and we are proud to support this bill.

COREY SOLFERINO (Sheriff's Office, Washoe County):
We support S.B. 402. Washoe County jail is a mirror organization of a lot of the legislation that is outlined in this bill as far as what we are doing.

MR. CALLOWAY:
We support S.B. 402. We believe that our current practices are in compliance with what is in this legislation.

JAMES DZURENDA (Director, Department of Corrections):
I applaud Senator Spearman for her compassion for humanity and her commitment to reducing victimization in our community upon the release of offenders after the completion of their sentences.

I have provided my written testimony (Exhibit F). I am a strong supporter of not placing inmates with serious mental illness in solitary confinement and for treating all mentally ill inmates with an individualized treatment plan monitored and supported by mental health professionals.

The issues with solitary confinement are not how we use it and that it should not be long term. In my administrative regulations, I have changed our entire policies that address segregation. It is for immediate removal of an offender that is dangerous to others, staff or himself. The terms in segregation cannot be extended or long term. That is what I ended up doing in our discipline policies and made it a maximum for the most serious charges of up to 60 days in segregation as a sanction. It does not mean to do 60 days. If we do successful programming or compliance with that offender, he or she is released prior to the term based on behavior and wanting to be back in population.

These changes will also be effective for those who are in for lesser charges and not being placed in segregation at all. I think it is important to show that we have steps being taken now to not only be in compliance with the Department of Justice but actually to bring us ahead of other agencies across the Country as a model. I know we are going to get there. There are steps that I have to do to change the cultures of this agency so that staff buys into and supports what we are doing. When we are forced to do something that may have to be changed again based upon a recommendation by the Department of Justice, it shows confusion to the staff that maybe we do not know what we are doing. I think we need to show what I am doing, prove that it works and give the data reports and the proof to show that it works better for the inmate, better for rehabilitation, better for reentry into the community, and it will ultimately be safer in our facilities. I need to be able to sell it to the staff members to make sure that they are 100 percent in line with what we are doing so that we have the most success in what we are trying to accomplish.

DAVID TRISTAN (Deputy Director, Department of Corrections):
I appreciate Senator Spearman and her efforts to work with me and my staff regarding the amendments we are submitting. The amendments we are submitting provide for the protection of the individual that is being considered for segregation in terms of providing the individual with some due process rights. It tries to protect the mentally ill so that at any point in the process, if the hearing officer either suspects or knows that the inmate is mentally ill, he or she will be referred to a clinician for an evaluation. If the behavior is part of the misconduct, then inmates will not be placed in segregation. Instead, they will be referred to a mental health clinician for treatment. We are taking these steps in an effort to try to do exactly what Senator Spearman is concerned about.

The Director did not mention this, but I will mention that when I arrived here after accepting this position, he asked me to go Ely and look at what was going on there. As I walked through the segregation unit, I am not a clinician but instinctively after 45 years of working in corrections, I knew that some of these men were seriously mentally ill. It was confirmed when I went back and did a little bit more research.

The Director then instructed me to move every single seriously mentally ill inmate out of Ely State Prison to the Northern Nevada Correctional Center (NNCC). It was a Herculean effort in terms of staff, clinicians, psychiatrists, psychologists, social workers and officers, all working very hard. We eventually moved every single seriously mentally ill inmate out of Ely State Prison. A lot of them are now functioning much better at NNCC.

The amendments we are proposing will take us in the right direction. They will help us to get to where we need to be as a state and as a correctional system and will provide protections for the mentally ill.

JAMIE RODRIGUEZ (Department of Juvenile Services, Washoe County):
We are neutral on S.B. 402. Senate Bill No. 107 of the 77th Session changed NRS 62B.215 to provide transparency and developmentally appropriate policies and procedures for administrating the limited use of corrective use restrictions in juvenile detention facilities. This is only employed when all other less restrictive options have been exhausted within the detention center. It is not used as a form of punishment against the juvenile but rather as a means to ensure safety for themselves and others within the facility.

We have spoken with Senator Spearman and Holly Welborn. There is a proposed amendment, but it sounds like we may have some more work to do to try to get it in a place of support for the bill.

MS. WELBORN:
We are working on these amendments with DOC, and I am confident that we will come to an agreement on something that works for all parties involved. We at the ACLU also are encouraging Senator Spearman to adopt the amendment because S.B. No. 107 of the 77th Session has effectively ended solitary confinement in juvenile facilities, but we do have some work to do on that.

VICE CHAIR CANNIZZARO:
Seeing no more people wanting to testify, I will close the hearing on S.B. 402 and open the hearing on S.B. 32.

SENATE BILL 32: Makes various changes to provisions governing investment advisers and securities. (BDR 7-417)

CATHY ERSKINE (Policy Analyst, Office of the Lieutenant Governor):
This bill was developed under the guidance of the Lieutenant Governor's Entrepreneurship Task Force. The Task Force is comprised of two regional groups charged with addressing the needs of the entrepreneurial and startup communities throughout the State. One of our goals is to identify legislative priorities that will help sustain, strengthen and grow an environment where Nevada's entrepreneurs and startups can thrive.

Our Office has proposed an amendment (Exhibit G) and essentially, it strikes sections 1 through 4 of the bill, which relate to investment advisors. Thus, we leave the focus of the bill solely on the provisions related to exempt securities and exempt transactions outlined in section 5.

In the bill, section 5, page 6, line 2 clarifies existing language to make clear that if securities exempt from registration under Nevada law are sold, the sale is also exempt from registration. It sounds a little redundant, but the point here is to make a clarification within the law. Additionally, section 5 of the bill raises the number of purchasers who may be exempt to buy securities in any consecutive 12-month period from 25 to 35. This change brings Nevada into line with federal standards outlined in the Securities and Exchange Commission Rule 505

of Regulation D and other states such as California, Arizona, New Mexico, Washington and Texas.

KEVIN LYONS (FlashVote):
I served on the Lieutenant Governor's Entrepreneurship Task Force. I have done a bunch of startups and even a hedge fund. I asked the best startup lawyer I know in the region about what the blue sky laws in Nevada are, and he said he did not know. As we dove into it, there was some confusion within the bill. This is a very good clarification that came from working with the Secretary of State's Office. This is the simplest way to make it clear, and now out-of-state people will know what is going on.

ASHLEY CLIFT-JENNINGS:
I was also a member of the Lieutenant Governor's Entrepreneurship Task Force, and we looked at what are the simplest changes that we can make to upgrade the ecosystem and make it more friendly for investors, particularly relating to this bill. This is a little friction point for investors, when they look at this they feel a little uncertainty in the law. The Task Force is unanimously in favor of this change in language in section 5 and striking sections 1 through 4.

DIANA J. FOLEY (Chief of Enforcement, Securities Division, Office of the Secretary of State):
The Securities Division has the responsibility for enforcing NRS 90, which this bill seeks to amend. The Securities Division is neutral on the provisions of this bill as amended.

It is the position of the Securities Division that the amendment represented in line 2 of page 6 will not change the scope or application of this particular securities offering registration exemption. We do not oppose the change if it makes individuals feel more comfortable in relying on the exemption.

We are also neutral on the requested change in line 5 of page 6, changing the number of purchasers of this type of offering from 25 to 35 maximum during any 12-month period.

I would like to point out that this exemption, as all securities registration exemptions, does not exempt the offering from the fraud components of our law.

The fiscal note that the Secretary of State previously submitted applied to the sections 1 through 4, so that fiscal note will no longer apply to this bill if it is passed as amended.

VICE CHAIR CANNIZZARO:
Seeing no more people wanting to testify, I will close the hearing on S.B. 32. At this time, I am going to turn the gavel over to Senator Denis for the presentation of S.B. 361.

SENATOR DENIS:
We are going to open the hearing on S.B. 361.

SENATE BILL 361: Revises provisions related to domestic violence. (BDR 53-775)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):
What Senate Bill 361 is designed to get at is to talk about a number of issues that we see day-to-day in cases involving domestic violence. For anyone who has ever known somebody who has been a victim of domestic violence or for anybody who has prosecuted or defended a case of domestic violence, these are often complicated situations. They involve intimate relationships and generally, there are not many easy answers.

One of the things that prompted me to take this on is not only my work as a prosecutor but also some of the conversations that I was having with a number of individuals who are concerned about this topic. One of the things we see all too often in our individual experience is that domestic violence cases are especially difficult because more often than not they involve a cycle of violence. That cycle of violence is continuing and hard to stop. One of the biggest barriers to ending the cycle of violence and getting victims to a point where they can leave their abuser are the prohibitions surrounding their employment.

One of the big pieces of S.B. 361 is what is commonly referred to as the SAFE Act. What this is striving to do is to invite a mechanism so that victims of domestic violence have the ability to take the time to leave the situation without fear of losing their jobs. One of the biggest things that can affect someone's ability to leave an abusive relationship is a financial burden. Part of that is victims thinking they may lose their jobs if they have to take time to go to court

to prosecute the offenders or if they have to take time off to attend medical appointments or move out of their houses.

One of the other backstops that we see is that individuals who do have a place of employment are often fearful to go back to their employment if they do in fact leave the situation because oftentimes that offender knows exactly where that victim is at every point in the day. They know where the victims work and they know how to get to them, and that can be a very terrifying situation.

One of the hallmarks of abusive domestic violence relationships is this idea of power and control. When the person who is abusing you in your home typically knows where you work and when you work, it becomes exceedingly difficult to be able to remove yourself from that situation. It becomes exceedingly difficult to empower these victims to come to court and face their accusers. It becomes exceedingly difficult to prosecute what is a dangerous and violent crime.

These are not only the most dangerous crimes often for the victims, but they are also the most dangerous crimes that our law enforcement officers typically have to respond to. For a number of reasons this issue is close to my heart.

I would like talk about S.B. 361 and start with some of the employment provisions. I will preface this explanation with a note to the Committee that in the course of developing this piece of legislation I have had a number of meetings with individuals from our business communities who are concerned about how this can work within the employment system.

I have a working group where we have discussed a number of things in this bill. We feel there are some amendments that can make this something that will work for victims to empower them but will also work for employers to ensure that not only are they helping their employees, but it is not an undue burden. I expect the bill in its current form will be amended so that it is something that is workable for all parties involved.

How does S.B. 361 compare to other states? At least 18 states have passed laws requiring employers to provide domestic violence leave. These laws vary significantly in the details concerning how much time off, reasons for leave, notice and paperwork requirements, and use of paid leave. For example, in Colorado, if an employer has 50 or more employees, up to 3 days of leave is authorized. In Massachusetts, employers with 50 or more employees must

provide up to 15 days for medical attention, securing new housing, court proceedings and other needs related to domestic violence. In Kansas, the law provides that employers cannot discriminate against domestic violence victims who need time off.

What does S.B. 361 specifically do? Section 1 requires an employer to provide certain days of leave to an employee who is a victim of domestic violence or an employee whose family or household member is victim of domestic violence. The requirements are as follows: Such an employee is entitled to 30 days of leave during a 12-month period and 7 of those days are to be paid days of leave earned at a rate of 1 hour per 30 hours worked. The measure authorizes the employee to use the leave beginning on the 60th calendar day of employment. The employer is required to maintain a record of the use of the days of leave for each employee for a three-year period and to make those records available for inspection by the Labor Commissioner.

I have had many conversations about how this leave would be utilized and whether this is something that would be paid leave or simply leave that would be unpaid from work but would not jeopardize the employee's position. We are still working on those details, as we speak, in the working group.

Additionally, there were some concerns about the recordkeeping measures detailed in this bill. I am also working on those aspects so that this is not something where an employer would have to maintain exceedingly excessive records of leave and certainly something that would allow them to use this piece of legislation within the confines of their current systems.

The Labor Commission is also required to prepare a bulletin setting forth the benefits and requires employers to post the bulletin in the workplace. I find that one of the most important pieces of this particular section of the bill is the idea that we are providing this information to victims so that they know that if they are ever in this unfortunate circumstance where it would require them to take time off of work in order to leave the situation or to attend a court proceeding or to seek medical treatment, they would be aware something is available to them.

Section 4 of the measure authorizes the Administrator of the Employment Security Division of the Department of Employment Training and Rehabilitation (DETR) to request evidence from the person to support a claim for benefits. I

have had some extensive conversations along these lines as well regarding what types of evidence would be sufficient for an employer to ensure this system is not being abused. The one thing about something like this that I recognize and that I have had many discussions about is if it is abused by people in the workplace, it is never going to serve the victim. One of the things that I am focused on is ensuring that this is something that is not ripe for abuse by other employees who are simply looking for a way to get time off work. Rather, it is something that can be utilized by a victim.

This section also prohibits the Administrator of DETR from disqualifying a person from receiving unemployment compensation benefits if the person left employment to protect himself or herself or his or her family or household member from an act of domestic violence and the person actively engaged in an effort to preserve employment.

Section 6 of this bill requires an employer to provide reasonable accommodations for an employee who is the victim of domestic violence or whose family or household member is a victim of domestic violence. Some of the reasonable accommodations that are also detailed in the bill include things like potentially allowing for a different position. For example, if you were the receptionist at the front desk at a place of employment, you could have a temporary reassignment to a different desk in the employer's building so that the offender who comes to find you at work is not going to walk in the front door and see you immediately.

Section 7 of the bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because the employee or the employee's family or household member is a victim of domestic violence.

This is focused on ways to allow victims to be able to remove themselves from those situations or to participate in the proceedings so that we can effectively prosecute these cases. These individuals can remove themselves from dangerous situations.

In addition to what I have referred to now and talked about extensively as the State-backed portion of this bill, there are also a number of penalty increases that we have been talking about in terms of how we prosecute these cases and what are appropriate sentencing ranges.

Existing law provides that a person who intentionally violates a temporary or extended order for protection against domestic violence is guilty of a misdemeanor unless a more severe penalty is prescribed for the act. Section 8 of this measure makes an intentional violation a Category C felony for an extended protective order, which provides up to 1 to 5 years in prison and a potential fine of up to $10,000. One of the things that I would note is that when there is an extended protective order against someone for the purpose of domestic violence, these are dangerous situations that a judge has heard some of the facts of and has elected to extend a protective order. When we are talking about an intentional violation of that protective order being merely a misdemeanor, it is an ineffective tool for us to ensure that offenders who have demonstrated they are a danger to a particular protected individual are held accountable for their actions.

Under existing law, a person who is convicted of a third or subsequent offense of battery that constitutes domestic violence within seven years is guilty of a Category C felony. If a person has been convicted within seven years of a first and a second offense of misdemeanor domestic violence, a third offense conviction is a felony under the law.

If a person is convicted of battery that constitutes domestic violence that is committed by strangulation, the person is guilty of a Category C felony. Section 9 of this measure makes it a Category B felony to commit a battery which constitutes domestic violence if the person has previously been convicted of a felony in this State for committing battery which constitutes domestic violence or a violation of the law of any other jurisdiction that prohibits conduct that is the same or similar to that felony. What this simply means is that if a person is convicted of a third offense battery domestic violence felony, and he or she picks up a subsequent offense that is battery constituting domestic violence, that offense is prosecuted as a Category B felony.

I know we have had a lot conversations in this Committee about Category B felonies and appropriate sentencing structures and whether we should be imposing significant time on individuals, but I would stress to this Committee that domestic violence is a very dangerous situation. These are the types of offenders who have three convictions and are continuing to engage in this type of behavior. They are putting someone's life at risk, not only the victim's life but law enforcement's life and anyone else who comes involved in that situation. I

would stress to this Committee that a Category B felony is absolutely the appropriate charge and the appropriate penalty.

Similarly, if a person was convicted of battery constituting domestic violence strangulation and he or she thereafter engaged in battery constituting domestic violence, that similarly is exceedingly dangerous behavior and absolutely should be treated very seriously in our court system.

Sections 2, 3, 5 and 10 make conforming changes.

KATE GROESBECK:
Domestic violence is an undeniable problem in Nevada. According to the National Coalition Against Domestic Violence (NCADV), Nevada consistently ranks first in the Nation for domestic fatalities. For the years 2000 to 2009, Nevada ranked in the top 5 worst states for domestic violence 9 times. That is nine times in ten years that we ranked in the top five, and we were ranked first for four of those ten years.

Domestic violence in this State is an ongoing problem that is not getting better. This bill seeks to offer employees days of leave if they are victims of domestic violence. These days can be used to treat a health condition, go to counseling, go to court or establish a safety plan. Any one of these actions could be lifesaving.

According to the National Domestic Violence hotline, victims are the most unsafe while they are exiting or attempting to exit their relationship. The same organization says that on average, it takes a victim seven times to leave before leaving a situation for good. According to the NCADV, between 21 percent and 60 percent of victims lose their jobs due to reasons stemming from the abuse. I think it is commonsense that employers help these victims while they are living through one of the most dangerous times of their lives.

I understand that there are some concerns about the fiscal note, but domestic violence is already having a huge fiscal impact. In a publication by the University of Nevada, it was reported that for 1995 the cost for intimate partner violence (IPV) exceeded $5.8 billion, $4.5 billion was used for direct medical and mental health services with almost $1.8 billion in direct costs of lost productivity in the United States. When updated into today's dollars the cost of IPV, rape, physical assault and stalking is more than $8.3 billion. That is a huge amount of money.

It does not make sense to vote no on this bill because of the fiscal note when these financial impacts already exist.

As a domestic violence survivor and Nevadan, I am asking you to support this bill.

LISA LUZAICH (Chief Deputy District Attorney, Clark County District Attorney's Office):
I am the Chief of the Domestic Violence Unit and have been prosecuting for 28 years. What I have noticed is that domestic violence is not a problem, it is an epidemic. We cannot prevent domestic violence; therefore, we have to punish it. There are so many repeat domestic violence offenders. I see more repeat domestic violence offenders than any other crime we prosecute in our office.

As much as I respect the safe part of the act, I have to talk about the punishment part of the act as well. We have to punish these offenders. What you do not realize is that when a domestic violence offender commits his first offense it is a misdemeanor, his second offense is a misdemeanor, his third offense within seven years currently is a felony, but if he goes to prison and gets out and that first offense is outside the seven years, his next offense is a misdemeanor again. If the second offense drops out of the seven years, his offense after that is a misdemeanor as well. These offenders just keep on repeating, and the fact that it drops down to a misdemeanor again after he gets out of prison just demonstrates to him that nobody cares about what he does. Raising it to a Category B felony, once a felony, always a felony, is the only way we can get any consequence out of what is going on.

I have a defendant right now that I am going to a preliminary hearing on next week that I have charged in his criminal complaint five prior convictions. He goes to jail; he gets out and does it again. These are the kind of people we are dealing with. These are the offenders. There is no deterrent effect if we do not go to the once a felony, always a felony.

In the DUI statutes, once a person commits a felony, it is always a felony after that. Domestic violence is no less important. Domestic violence victims are no less important. They deserve the once a felony, always a felony consequence.

Nonlethal strangulation has long-term consequences to the victims. Studies show that an offender who strangles, who chokes, who puts his hand around the neck of an individual is 800 times more likely to kill after that. Studies also show that of the offenders who have killed police officers over the years, most of them have domestic violence convictions in their prior history. That is what we are dealing with on a daily basis with these offenders.

Murder is skyrocketing in Clark County and I assume it is as well in Washoe County. In Clark County, most of those recent murders have been domestic violence in nature. We need to do what we can do to protect the victims of domestic violence, and this bill will do that. The provision that makes a violation of the temporary protective order a gross misdemeanor and the violation of an extended protective order a felony is absolutely necessary. We see the offenders every day who are served with protective orders. They violate them and are served, while they are in jail, an emergency protective order. They get out of jail and they violate it immediately. They know there is no consequence. The fact that it is a misdemeanor, whether it is a temporary or extended protective order, the individuals do not care. They need to know there is consequence to what they do and the only way we can do that is by making the violation of the extended protective order a felony.

I want to comment on the SAFE Act as well. I have so many victims of domestic violence who do not want to come to court because they are afraid they are going to lose their jobs. Their employers do not want to give them time off. They are afraid that if they do not go to work they are not going to have a job the next day. I have called employers for them and I have explained to them that importance of domestic violence victims coming to court. I explain to these employers that a subpoena is an order from the court, not an invitation. Still the victims are terrified that they are going to lose their jobs. Giving them the ability to take the time off is so important.

SENATOR ROBERSON:
I really like the increased penalties under sections 8 and 9. I would encourage you to consider making them even stronger than what you have. Senator Cannizzaro, I heard that you said you were working with the business community. I think we need to be sensitive to their concerns, but I also hope those concerns can be addressed so we can move this bill forward.

SENATOR CANNIZZARO:
I agree. I think one of the things that I do not want this bill to be is an impediment to employers or for employers to be hesitant to hire someone or feel hesitant about what this bill does. As I said before, if we cannot make it work for these victims so that it is a unique remedy that is used hopefully in rare cases, then it is never going to be something that is going to benefit those victims whatsoever. I am diligently working and I would stress that to the members of the Committee. I know there is going to be some opposition certainly. I understand those concerns, and we are trying to work through those.

MARLENE LOCKARD (Nevada Women's Lobby):
In 2015, we were following H.R. 3841 on the federal level, which is called the SAFE Act in Congress. It stands for the Security and Financial Empowerment Act. The Women's Lobby thought it was important at the federal level and although it has not passed, we thought it prudent to bring it forward to the State for consideration.

Currently, individuals can use the Family and Medical Leave Act to care for a sick or injured spouse but cannot use it to seek protection from an abuser. Senate Bill 361 would allow survivors to take time off without penalty to make court appearances, seek legal assistance and get help with safety planning.

While 36 states and the District of Columbia have provided explicitly for unemployment insurance to cover survivors of domestic violence, Nevada does not provide this coverage. Some victims of violence, sexual assault and stalking need to leave their jobs because of the violence in their lives. Others have been discharged from their jobs because of the violence. In most states, individuals are ineligible for unemployment benefits if they leave work voluntarily.

When we talk about victims of intimate partner violence, sexual assault, stalking and revenge pornography, we often ignore that this abuse can have a severe economic impact on victims. It can cost victims their jobs, their homes, their health and their insurance and, in cases of domestic violence, reinforce their dependency on their abusers as a result. This is chilling and it must stop.

Although we have come a long way since the days when domestic violence was just a family issue and a preexisting condition, there is no question there is much more to do to combat the ongoing public health epidemic. One in

four women and one in seven men have suffered physical violence by an intimate partner, which has a devastating impact on a survivor's physical and emotional health, as well as his or her financial security.

Congresswoman Dina Titus has submitted a letter of support (Exhibit H).

KIMBERLY MULL (Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence):
I have submitted testimony in support of S.B. 361 (Exhibit I). One in four women will experience domestic violence in their lifetimes. According to a 2010 survey conducted by the Centers for Disease Control and Prevention, more than 48 percent of women living in Nevada will experience physical violence, rape or stalking by an intimate partner. Nevada is always high on the list for domestic violence incidents, specifically women being killed by men.

One of the main things needed is to allow victims time off from work to take care of things such as going to court and getting medical assistance. Not only does that help the victim, but it provides them a safe time when their abuser is not watching their every moment. During that time, the abusers are at work, and that gives the victims time to take care of things without putting themselves further in jeopardy.

This really is a workplace issue. There are instances around the State, including Las Vegas and Elko, where the abuser ends up actually coming to the workplace and in one case, killing his former wife.

MR. JONES:
We support S.B. 361.

MR. KANDT:
On behalf of the Office of the Attorney General, I am here to speak in support specifically of sections 8 and 9 regarding increased penalties.

Domestic violence increases in severity and frequency, so if the criminal justice system does not effectively respond, somebody is going to end up dead. It is also important to note that children who grow up with domestic violence in their homes tend to replicate that violence in their adult relationships and thus perpetuate a violent generational cycle.

My office is very pleased to see that section 8, which would provide for the increased penalties for intentional violations of protection orders, reflects the same proposal that we made this session in Assembly Bill 58. In section 9 of S.B. 361, which involves the once a felon, always a felon for domestic violence offenders, incorporates the same proposal that we made this Session in S.B. 62. We believe both these sections with the increased penalties promote victim safety and offender accountability, so we applaud Senator Cannizzaro and the other sponsors for joining our office in supporting increased penalties for repeat offenders so that we can save lives.

ASSEMBLY BILL 58: Revises provisions governing the penalty for repeat violations of certain orders for protection against domestic violence. (BDR 3-383)

SENATE BILL 62: Revises provisions governing the penalty for battery which constitutes domestic violence. (BDR 15-406)

LEONARDO BENAVIDES (Legal Aid Centers of Nevada):
We support S.B. 361, particularly in section 4 which we believe codifies good caselaw showing that people are not automatically disqualified from receiving unemployment benefits if they had to leave their jobs because of domestic violence incidents.

PAUL J. MORADKHAN (Las Vegas Metro Chamber of Commerce):
I am also representing the The Chamber in Reno and Sparks today as Tray Abney is detained in Reno.

Las Vegas Metro Chamber of Commerce and The Chamber in no way condone domestic violence. We feel it is extremely important to reflect that in the record.

We realize that acts of domestic violence impact more than just the perpetrator and the victim and can cause vibrations across households, families and the community. As Nevada employers, we constantly strive to ensure that our employees are respected, safe and happy, especially in the workplace. We do not disagree with the policy that is being addressed in S.B. 361. Our concerns are associated with the impact and implementation of some of the technical parts of the bill in its current form and that is why we are opposed.

We, along with other business groups, have met with the bill's sponsor and we appreciate Senator Cannizzaro's willingness to hear our concerns. As we have discussed with the bill's sponsor, those concerns relate to time off, the calculations, the documentation types and those components mostly found in section 1.

The Chamber of Commerce is not opposed to section 9. Our concerns pertain to section 1 of this bill.

In section 1, the Chamber has concerns regarding the forms of calculation. We believe there should be some level of flexibility maintained between employer and employee in these situations as each case is different. We also have concerns about the relation of the leave periods. They should begin at the 90-day mark and not the 60-day mark, since most probationary periods end in 90 days.

Also in section 1, the recordkeeping requirement of three years is a concern. The Chamber would prefer to see that changed to two years as is typical in the workplace.

The Chamber does not condone domestic violence, and we will follow up with the bill's sponsor after this meeting to express our concerns and hope to mitigate these concerns as soon as possible.

LES LEE SHELL (Department of Finance, Clark County):
We also have concerns with section 1. I am confident that we can continue to work with Senator Cannizzaro to resolve our concerns.

LEA TAUCHEN (Retail Association of Nevada):
We are opposed to S.B. 361 as written, specifically to the employment provisions. Our members support the concept of allowing employees appropriate time to deal with issues related to domestic violence and we do want to foster workplaces that are intolerant of domestic violence.

We are concerned that this bill creates conditions that would make it more costly and difficult for businesses to plan and manage their operations. We were also participants in the bill's sponsors working group, and we are open to continued discussions to amend the provisions of the bill that we have concerns with. We will reconsider our position once we see some language amended.

SENATOR ROBERSON:
I am sensitive to the concerns of the business community, especially given the onslaught you have had to take this Session in antibusiness legislation. Having said that, domestic violence is a serious problem in our community and our State. I would encourage all of you to work with Senator Cannizzaro on this. I am available to talk with you about your concerns too. I would like to see some resolution on this legislation so we can move it forward. I think it is important legislation.

MISTY GRIMMER (Nevada Resort Association):
We have the same concerns as The Chamber does, and I am hopeful that we can come to a bill everyone can support because this is an important issue.

MR. PIRO:
We have issues with sections 8 and 9 of the bill. In section 9, the sponsors are mirroring this legislation after DUIs, once a felon, always a felon. There are a couple of issues we do have with this form of legislation.

Domestic violence is a uniquely different crime, whereas DUIs are witnessed by police officers and have some measure of scientific approach when using the convictions either through breathalyzer or blood tests.

Additionally, there are a few problems with the definition of victim in the State of Nevada. It encompasses not just intimate partner violence, but can also include two brothers fighting, two sisters fighting or two roommates fighting. So if we are going to increase penalties, we would ask that we allow jury trials on the misdemeanor level because we do not have those. We currently have one magistrate making judgments that lead up to the events of a felony conviction eventually. We would ask that we do jury trials on this uniquely different crime that is problematic in our community. It is a crime that affords enhanced penalties leading up to felonies and then mandatory prison sentences. You can get into a fight with your brother, be convicted of battery domestic violence strangulation when you are 18 and 40 years later you could push a roommate and now you will always be once a felon, always a felon in the scenario proposed by this bill.

What we are asking is that you take a look at the scope of the definition of a victim and also take a look at adding jury trials for this type of misdemeanor. In

this way, we put the issue in front of the community on a regular basis, and people are judged by a jury of their peers.

MR. SULLIVAN:
I echo the comments of my colleague Mr. Piro. I have two more points to make regarding sections 8 and 9 and the increases in the penalties. I heard the prosecutor from down south say that domestic battery is no less important than a DUI. They were using the analogy once a felon, always a felon. We agree with that statement insofar as there should be more treatment as there is more treatment on the DUI side. So the person who gets a third DUI felony, and there is no substantial bodily harm or death committed, has the option of going into DUI court. Again, there is no substantial bodily harm and there is no death. Under NRS 484C they can go into a DUI court which is an extensive treatment program of three to five years.

Why do we not have a treatment option built within this piece of legislation for someone who collects that first felony domestic battery and allow that person the same extensive treatment program? At the end of the day, that is what we all really want. We want these offenders to have extensive treatment. This is borne out when they are convicted of the first misdemeanor; they face up to six months of treatment. If it is a second, they can face a year of treatment, even for misdemeanors. Therefore, treatment at its core at the justice or municipal court level is a function of trying to rehabilitate and reform the offenders that may be in the cycle of committing domestic battery. We would submit that to the Committee to consider intense treatment for the first-time felony domestic battery just like the DUI statutory scheme does.

My second point leads me to constitutional challenges that may be brought up if this legislation were to go through with the increased penalties. I do want to submit to this Committee that when people get their first misdemeanors or second misdemeanors in justice or municipal court, they are canvassed by the judge, they execute constitutional waivers of rights form, and they are informed as to the graduated penalties scheme. On page 6, under section 9, the first offense domestic battery within seven years, a person would be guilty of a misdemeanor. For the second offense within seven years, a person still faces a misdemeanor but the punishment goes up. Offenders would be informed that if they commit a third offense within that seven-year period, they would be guilty of a Category C felony, which is one to five years in prison with no probation.

At the justice and municipal court level, and then when they get up to district court, offenders are canvassed multiple times by multiple judges indicating that "hey look, you keep doing this and the punishment is going to go up," but at no time are offenders ever informed that the punishment is going to go up on the fourth time to 2 to 15 years. So what we see is litigation on a constitutional level challenging procedural constitutional defects or subsequent defects with this law saying, nobody ever informed me, no judge, no attorney ever informed me that when I was pleading to these misdemeanors and then ultimately to my first felony, that I could be facing 2 to 15 years in prison for a fourth time domestic battery.

I think there is room in this legislation to work with all the stakeholders and to get it right. We would be happy to work with Senator Cannizzaro and see if we can construct some language that would satisfy all the stakeholders and get these people the treatment that they need.

CRAIG STEVENS (Clark County School District):
I am here to echo the comments of the Las Vegas Chamber of Commerce and I want to thank the sponsor of the bill for agreeing to work with us so we can help protect victims of domestic violence.

RANDI THOMPSON (National Federation of Independent Business):
I am reluctantly in support of S.B. 361. I have spent time talking to Senator Cannizzaro about this. If we can reduce the fear that victims are going to lose their jobs, that will help them come out. The biggest challenge of domestic violence is actually getting victims to admit that this is happening.

I shared my concerns with my colleagues in section 1 dealing with the paid overtime. As Senator Roberson said there are several bills here dealing with paid overtime this Session. We look forward to working with the Senator and trying to figure out how we can help protect people from not losing their jobs and help them be healed.

SENATOR DENIS:
Just so I am clear, are you for or against this bill?

MS. THOMPSON:
I am against this bill.

JEFFREY J. FRISCHMANN (Deputy Administrator, Employment Security Division, Department of Employment, Training and Rehabilitation):
I am here to testify neutral on S.B. 361. Our existing unemployment insurance (UI) policy regarding separation from employment based on domestic violence allows for payment of UI benefits. The amendment language in NRS 612 merely strengthens the existing policy and will not affect the way we are currently adjudicating these types of claims.

SENATOR CANNIZZARO:
One of the things I did want to echo to some of the individuals who have spoken in opposition is that, immediately, when we convened this working group everyone expressed domestic violence is something they want to see handled appropriately and they do have concerns for the victims. I commend our business community because that is an important piece to this conversation that can be legislated but is necessary in order to move something forward. I do want to thank them and commend them for their willingness to not only step up for victims, but also be willing to work on this piece of legislation. I am confident we are going to be able to come to something that will be a workable solution.

I recognize that just because we are talking about the issues surrounding domestic violence does not mean that businesses should have to change the way they fundamentally do everything to help us accommodate those issues. I think there is a place in the middle where we can be effective and responsible.

The other thing I wanted to address briefly, because there was some opposition additionally from the public defender's offices, I did have conversations with them about their concerns of the bill, and I frankly understand their concerns.

A couple of the things that were suggested as ways to make this more palatable were the misdemeanor jury trials. I want to give the members of the Committee a little a bit of perspective on that. When we are talking about misdemeanor jury trials we are talking about, at least in Clark County, two domestic violence courts with anywhere from 20-plus misdemeanor trials that would be scheduled every day. What that would mean for Clark County, just in Las Vegas Justice Court, would be that we would have to have enough qualified jurors to set up 20-plus separate jury trials. There would have to be enough jurors showing up every single day so that we could effectively exercise any peremptory challenges, any challenges for cause to get an empaneled jury

that would be able to hear that case. We would have to do that 20 times. The Justice Court would have to have an enormous court staff for that. We already have issues trying to get enough jurors to show up for our felony trials, and misdemeanor jury trials would be in addition to felony trials.

I did have that conversation, but from my perspective it is an impractical solution that would stop our court processes. There is just no way we could effectively manage 20-plus trials and so, while I understand where the testifiers are coming from in that regard, we have misdemeanor trials on misdemeanor offenses every single day. Capable jurists who hear those sit as triers of fact and do so on a regular basis. While I can appreciate the suggestion, it just was not something that I was willing to entertain because, from a pragmatic standpoint, there is no way that we could ever do that.

I also want to stress when we are talking about domestic violence felony offenders, we are talking about offenders engaging in repetitive conduct within seven years. This is not somebody who is here and there getting into a fight with someone. In the example that was offered, there was domestic violence strangulation. If you are convicted of domestic violence strangulation, that is one of the deadliest things that you can do. I cannot stress that enough. I have talked with a number of expert witnesses that I have used in my trials for these types of offenses. A number of the coroner medical examiners can tell you that strangling somebody is one of the deadliest things that you can do and can cause permanent damage. If we are talking about somebody who has been convicted of that offense and then engages in violent behavior, that is problematic and that is what this bill is trying to address.

If people are facing felony third domestic violence, they should have to attend mandatory domestic violence counseling. It would not be an 8-hour online class, it would be 26-plus sessions of domestic violence counseling.

The other thing that I would like to note is a difference with the DUI courts and the serious offenders program. If you have somebody who is addicted to alcohol, and that someone happens to drink again, there are ways for the court to facilitate recovery from those lapses and so the 3- to 5-year program makes sense. However, a lasting domestic violence situation is a dangerous and deadly situation. I am happy to continue to have those conversations, but those are just some of the things I do want to highlight for this Committee as to why they were not included in the original bill.

I think this is something where we can make a real difference, and we can effectuate change for people who desperately need a way out. As Ms. Groesbeck stated earlier, on average, a victim of domestic violence tries to leave seven times. Typically, that is seven times before we see them in courtroom. When I have had to have those conversations in my office with victims who are terrified to come to court because they are afraid that nothing is going to happen, no one is going to be held accountable and they are just going to have to go home to this person. I struggle with how we address this. This legislation is an important step forward. I am hopeful to bring forward a bill that this Committee can get behind and that will be an effective tool for us to mitigate the damage that domestic violence can cause in our community.

SENATOR GUSTAVSON:
This is a terrible crime, and I agree with Senator Roberson that we should increase the penalties for it. I do agree with sections 8 and 9 of the bill, and I know we need to work on the first part of the bill.

The Victims of Crime Fund might be a source of revenue. I do not know if there is a lot of money available, but it might be a resource to look into. I have another bill myself this Committee heard that could have some funds available and could possibly be diverted to support provisions of the bill. I would be happy to talk to you about that. I hope we can do something to get this working.

SENATOR CANNIZZARO:
I would like to have those conversations.

SENATOR ROBERSON:
As I mentioned, I am certainly very supportive at a minimum of sections 8 and 9 of this bill, increasing the penalties for perpetrators of domestic violence. I would note that the AG's Office introduced a bill with sections 8 and 9 of this bill that duplicate S.B. 62, which was prefiled on November 17, 2016. While imitation is the sincerest form of flattery, I do think it is disrespectful to not hear the Attorney General's bill and this Committee and this Legislature should be better than that and should be above partisan politics. I would hope the Chair would give the AG's Office a hearing on S.B. 62, as I think the AG's voice should be an important part of this discussion.

SENATOR DENIS:
Seeing no more people wanting to testify, I will close the hearing on S.B. 361.

VICE CHAIR CANNIZZARO:
I will open the hearing on S.B. 375.

SENATE BILL 375: Authorizes agreements between the Governor and Indian tribes in this State relating to the regulation of the use of marijuana. (BDR 40-321)

SENATOR SEGERBLOM:
We are going to have to hear S.B. 376 on another day.

SENATE BILL 376: Revises provisions relating to certain agreements between heir finders and apparent heirs. (BDR 12-480)

Senate Bill 375 is two things: it is economic development and it is marijuana. It allows the 27 tribes in the State of Nevada to participate in Nevada's medical and recreational marijuana programs. Twelve tribes have come together to form the Nevada Tribal Cannabis Alliance and are very interested in participating. Obviously, they have to deal with the federal government. There are all kinds of issues, but to the extent that they are willing to work with us I think it will be great economic development and great diversity. I have submitted Proposed Amendment 3439 (Exhibit J).

BENNY TSO (Chairman, Las Vegas Paiute Tribe):
This is going to be a great thing for the Nevada tribes. The coalition that we started is going to improve the solidarity among the tribes. It is going to be a true economic driver for tribes. For those tribes that are in rural areas, this is going to create capital, jobs and platforms for other things to come. For everybody that is going to want to come to visit the tribe, this is going to solidify and say that doing business with tribes is real.

If I can speak for the Nevada tribes, I think one of the hardest things for us to have is business with nonnatives because they see that sovereign boundary. However, this will blow that right out of the water. It is going to prove the point that business can be done with tribes.

For us in Las Vegas, we are not in the best part of town, but we have 56 tribal members. This economic development opportunity is going to provide for our tribe and for our membership. It is going to give us a chance to open up the enrollment process again. Everything we do is for our future generations. We always talk about seven generations out, and we do not have that possibility with the 56 members that we have now. This is going to create opportunities for our tribe to grow and for us to be successful.

Another thing, it is going to create is jobs. Again, we have 56 members, so if we get 13 percent of our tribal members to work, that is almost a quarter of our tribe. The facility that we have is going to call for 150 to 200 jobs to be created. It is going to help the surrounding community; it is going to help our tribal members and it is going to help better Las Vegas. Right now, we are taking a look at the passage of the recreational bill. I think with this bill passing right now and getting it on the Floor, we will help our local municipalities.

We are going to be helping the police departments, LVMPD and North Las Vegas because of the black market. We will be able to open up a safe place for medicinal patients and the recreational users who come to get their products from us. It is going to do that throughout the State. The Las Vegas Paiute Tribe and the coalition support this bill. We understand the language, and it is going to be good for our tribes and the communities.

The tribes were not in favor of the 2020 date. It does not put us on an equal playing field. All we ask is to be able to start from the ground up just like everybody else and to have a fair ballgame with the tribes and the local medical marijuana establishments.

This is going to be a huge economic development driver for us because we have a smoke shop. We have seen sales decline about 13 percent over the last few years. This bill will put us in position to diversify our income, diversify our flow for our tribe and for our government to exist seven generations and beyond.

SENATOR SEGERBLOM:
The year 2020 is gone in the amendment.

DAVID DECKER (Chairman, Elko Band Council):
Our diversification in the area of Elko is in need. We will make a point to speak with the Elko City Council and let them know that a lot of the revenue that is

going to be made will incorporate in ways that we can help the City of Elko. We lack a tribal court system, a police department, and good Indian health services. Passage of this bill will help provide a hospital and emergency services. We expend a lot of money going through dispatch. This is going to be able to provide all of those economic securities that our tribe is in desperate need of. We really do support S.B. 375.

It is going to be a benefit to the State as well. It is going to help out each respective county with a lot of the revenue. There are agreements to be made for the taxes that the tribes will make on this. That was one of my suggestions, to help the County of Elko. We will enter into Memorandums of Understanding or Memorandums of Agreement and figure out how we can help pay for roads or anything that the County might need.

TILDON SMART (Treasurer, Fort McDermitt Paiute and Shoshone Tribe):
I am not sure if any of you have ever been out to McDermitt or in that area. If you have not, I invite you out to see exactly what we deal with. The town of McDermitt is very small and has a casino. The casino has a bar and a restaurant. There is a grocery store with a gas station outside. The tribe has just recently opened up a little travel center with a couple of gas pumps, diesel pumps and a small mini-mart inside.

The rest of the employment comes from local ranching and farming. We have 1,128 tribal members. Ninety-eight percent of the tribal members do not have jobs. By allowing this bill to go through, it will give us 80 to 150, maybe even 200 additional jobs for our tribal members. About 99 percent of our tribal members live in poverty. By having this bill passed and allowing us to enter into this economic development opportunity would bring a lot of households out of poverty.

Education is an issue. The only way for our tribal members to get education is if their parents take them out of the community to other communities. I was lucky enough to leave the reservation for a while and attend school at Eureka County High School where I got to see a lot of opportunities.

Some of those individuals who actually got to leave and found other opportunities became successful members of society. A young man moved to Ontario, Oregon, did some military tests, scored the highest in the state of Oregon, and is now a nuclear engineer in the Navy. Athena Brown left, got an

education and now works for the United States government. The last time I saw Athena was at the 2016 Tribal Nations Conference held in Washington, D.C. I was standing in the lobby of the motel where the conference was being held and out of a black SUV with blue flashing lights comes a tribal member from my reservation. It is pretty neat to see what individuals can do with a little bit of education. Right now we get about $30,000 from the Bureau of Indian Affairs for education. We allocate a small portion of our scholarships to higher education, which is about $5,000 to help students go to college. We have roughly eight students go to college and they receive about $500 each. The rest of the funding is used for high school students who are trying to go to different places for sports or tour colleges.

We receive a small amount of funding for our senior citizen programs to feed them lunch every day. Other than that, they have nothing. They do not have money to travel to places and experience different things. There is nothing for them. With this bill passing, it would allow us to put money into those programs so that they can do those things. We would be able to provide a decent education for our tribal members and take better care of our senior citizens.

Recently, the tribe has compacted our health clinic from Indian Health Services and we now control that. When Indian Health Services was running it, we had very poor dental. About the only thing that the dentist would do is pull your teeth. We are in the process of finding another dentist.

We have to contract out for optometry services. We currently send our tribal members to optometrists in Winnemucca, and there is a three-month wait. If you break your glasses or anything else, you are about three months out. Most families cannot afford a nice pair of glasses. I was fortunate enough to get Lasik eye surgery and got rid of the glasses. It was the best thing I ever did. If I could pay for Lasik eye surgery for all the tribal members, I would.

We do not have enough money to fund domestic violence programs, Indian child welfare and childcare for youths who are removed from homes. Funding is very limited. We should not have to limit care or education for our youth. Those should be the highest things that we support, but we cannot do it.

By allowing us to enter into this economic development opportunity, the possibilities are unimaginable what we could do with the prospective income for

the tribal members and our programs. Not only would it help my tribe, but it will help the other tribes as well.

MR. TSO:
Successful passage of this bill could help alleviate issues that the tribes are experiencing due to lack of federal funding. This would be an opportunity for tribes to be self-sufficient, to grow with these programs and to have these things to better our governments. We are true sovereign governments. We are just like you guys. We support this bill.

LAURIE A. THOM (Chairman, Yerington Paiute Tribe):
We live in the Mason Valley area. This bill would be important to the tribes. We support this bill.

You have heard about the economic processes that we could improve on our reservations. Our reservations are economically challenged. We have our own law and order codes. At this point, the U.S. Department of the Interior budget is being cut by at least 15 percent, which is going to affect all tribes' health, social programs and law enforcement.

In Yerington, we are lucky to have a mutual agreement with the Lyon County Sheriff's Department. We have discussed this situation with the Department. At this time, they are positive with what we plan to look at doing.

I want to give you a little history of where I come from. I am ex-law enforcement. I served as a tribal police officer on the Walker River Reservation. I know the importance of policing activities on the reservation. I also serve as a tribal chairman. These members are not just community members, they are family. They are blood members, so we want to care for them.

At first when I was talking about this with the council, I probably was the one who had my heels in the dirt. I have since changed my position. When I was nine years old, I watched my younger cousin, Justin Remos, who was eight years old, die from cancer. I was there; they pulled me out of school so I could sit with him while he was having his hardest days. I watched him take medication and did not know what enabled him to be able to keep down food. They were marijuana pills.

The other reason I bring that up is that that was the first time I was touched by cancer. My father is a prostate cancer survivor and I was a massage therapist before I became chairman. I used to volunteer at the Carson Cancer Center at Carson Tahoe Hospital. I gave massages to cancer patients. I could see the true physical changes when the medications they were given were not helping and they were not able to sleep or they were not able to keep food down. I could see the physical changes in their bodies, their muscle tissues and their quality of life.

The problem I have is not being able to enter into these types of dispensaries on the reservation. We have medical card carriers on the reservation that have gotten their own State medical cards. We are not allowed to provide that medicine, that healing medicine, medicine that is going to help them through their lives and possibly in other areas, whether it be anxiety or PTSD. There are so many things that we know we can help our people with but unless we get this bill passed, we are not going to be able to do that. That hurts me because I have put my hands on these people and I can feel the pain. I do not want that pain for my tribal members. I want to be able to help them. I want to give them a quality of life that counts and matters until the very end.

I would like to know that the State is in cooperation with us as tribes. Going into compacts is not new for tribes. We have cigarette tax compacts. We have gas tax compacts. We have tax exemption for license plates. These negotiations are not new for tribes, and we would like to be able to work in cooperation and provide these services for our people.

TRENT GRIFFITH (Secretary/Treasurer, Ely Shoshone Tribe):
The Ely Shoshone Tribe is in full support of S.B. 375, as it will be a great economic development program for us. We currently have a medical marijuana program and we have reciprocity with the State. Our main issue is that our members, coming from the rural areas, have to drive three to four hours to Las Vegas to the closest dispensary to get their medicine. I know Elko would have the same issues as well as other communities. That is a disservice, to force those cardholders to drive all that way just to receive their medicine.

CASSANDRA DITTUS (President, Tribal Cannabis Consulting; Yerington Paiute Tribe):
I currently work with tribal nations all over the United States consulting on building their marijuana programs. We primarily help them develop their

government side of things. The tribes need to understand what these regulations mean. They need to understand the implications on down the line. Just adopting something that is made for NRS is something they need to understand and what those implications are. Therefore, we help work through these things with them on that end. I am here today to support S.B. 375.

Senate Bill 375 is a law that is not only beneficial for Nevada tribal nations but the State as well. It has also now become necessary for the State to implement and maintain a strong forefront as a regulated medical and recreational marijuana State.

As you have heard today, the tribal nations of Nevada have already reviewed, debated and voted to move forward in creating marijuana regulatory programs. The Ely Shoshone Tribe has already issued medical marijuana cards from their program. The medical marijuana cards are already accepted for reciprocity by the State of Nevada Health Department. This has been in place nearly a year.

After being submitted to the State, the program was reviewed thoroughly for months before receiving recognition of reciprocity. After vetting, it was found to be every bit as robust and compliant as every other State program the Department of Health has reviewed and granted reciprocity to at this point.

Senate Bill 375 represents the support of the State for tribal neighbors who are striving to be self-sustaining governments and provide benefits for their communities.

Encouraging the tribes to join the marijuana community of Nevada will do nothing but make the currently highly regulated Nevada regulations look even more robust and compliant to the federal government. When the State stands at the forefront with all the nations within its borders, the State looks strong and compliant.

I personally entered the legal marijuana industry nearly a decade ago after surviving cancer for about seven years. I have spoken at many city councils and state councils, in addition to dozens of tribal councils, regarding marijuana regulations. From that experience the most important thing that I would like to leave with you today is do not confuse the purpose of this bill. It is not to legalize marijuana for the tribes of Nevada — they have already done that. They are sovereign nations that have fully enacted codes and are allowed to do that

per the United States government. It is not whether marijuana itself is good or bad. Again they have already determined how they as a tribe view marijuana. They have capable elected officials of the tribal nations that have already made these decisions for their communities. This bill is purely to align those decisions with what the State has already built.

We look to make it a friendly, neighborly program. We want to work with the State so that everybody is under one good umbrella. Moving forward with the federal government is very important to keep that strong face in the marijuana industry. Being in the industry for almost a decade has taught me how many times a regulation can change, and if you do not have a strong forefront behind it, people lose millions of dollars and lose access to alternative medicines.

Medical marijuana is one of the highest rated options to alleviate opioid addiction, which is a huge issue in Nevada. The tribal nations should have that opportunity to pursue those same research opportunities that the State has presented. They want nothing more than to work with the State to make those programs compliant and robust, something that the State is proud to say that the State worked with the tribes of Nevada, just as Washington has, and has had a system in place for almost two years.

That is my support for the bill. I really hope that everyone considering this bill going forward can really consider that the tribes have already moved forward with their regulations. This is purely to align everyone in the situation.

JOE DICE (Tribal Cannabis Consultant; Ely Shoshone Tribe):
A buffer was placed which prevented cultivation within 25 miles around State dispensaries. So for all the communities that did opt out, that is where the illegal cultivation went. A lot of illegal cultivation is near the tribal reservation lands.

A compact that will allow the State to enter into these lands, identify these centers and enact that 25-mile buffer will further stymie the illegal drug cartels. We have talked to White Pine County sheriffs, and they thought it was an excellent idea. They walk into grows and do not know if they are legal or illegal. The Yerington Tribal Chairman said that she had the same conversation with the Lyon County Sheriff. They are all for it. This will enhance law enforcement's ability to understand which grows are legal and which are illegal. There is not

going to be a bunch of cultivation facilities in all of these small towns that did not want them there in the first place.

The other thing I really wanted to touch on because it came up with many of the bills that came forward today is equal protections. You should be able to obtain your medicine regardless of whether you are standing on this side of a sovereign nation land or you are standing on the Nevada State line.

NEAL TOMLINSON (Nevada Dispensary Association):
Our concern with the bill as written relates to the federal marijuana enforcement guidance we have from the U.S. Department of Justice.

The main gist of the federal guidance is that you must have a strong and effective state regulatory system. The issue we have is that nowhere in the bill does it require the following of our existing laws and rules and regulations surrounding medical marijuana and soon-to-be-retail marijuana.

We have to make sure our State has a strong and effective State regulatory system, otherwise the State itself does not comply with the federal guidance. We believe the bill needs to be altered to make sure there is a requirement that all the existing laws, rules and regulations we have in place for our strong and effective system now apply to this bill as well.

MARK H. FIORENTINO (TGIG LLC):
I represent TGIG LLC, which is a company that operates two existing dispensaries, one in Nye County and one in Clark County, and a cultivation and production facility in Clark County. We are also a member of the Nevada Dispensary Association.

Our opposition is not really opposition, it is very narrow and I want to focus your attention on it. We support the concept behind the bill. We want the tribes to be able to participate in this industry on a level playing field as they requested. We want them to have these economic development opportunities, but as the lawyer in the group for our industry reps, I want to draw your attention to page 2 of the amendment to the bill. In line 6 through 12, this is the portion of the bill that governs what these agreements must contain. There is no language that says these agreements must contain provisions to ensure compliance with the regulations of NRS and the regulations promulgated thereunder. That is all that we are looking for, a sentence that requires the

agreements to contain those provisions and then we would be fully supportive of the bill.

The regulations currently address things like pesticide use and packaging, avoidance of availability of these products to minors and all those kinds of things. We cannot have the potential of 27 different regulatory schemes. Each agreement with each tribe is different with the potential they might be different from what the State regulatory scheme is.

It is my understanding that was just an oversight and that the intent was not to allow the tribes to avoid the State scheme. We are hoping it is a relatively easy fix and one that everybody will accept.

SENATOR HARRIS:
As I understand the bill and the amendment, it would function much like the interstate compacts for gaming entities in tribes. It is maybe adopting that model.

MR. FIORENTINO:
I think that is right, but I am not an expert on how those compacts work in gaming.

SENATOR HARRIS:
You have to have a regulated industry in this State to enter into a compact with an Indian tribe with regard to gaming. I am not saying exactly the same, but in my mind, that is how I picture it. Marijuana is heavily regulated in this State, and the tribes and the Governor would get into some kind of compact arrangement where they would look at marijuana.

The first thing that jumped out at me was Senator Farley's bill with regard to packaging and making sure that marijuana edibles are safe from children. I am certainly supportive of the idea that those types of requirements would be imposed on anybody who deals in marijuana in this State because of consumer protection issues. I would look forward to seeing some kind of amendatory language that would require compliance with robust State laws and other regulations with regard to this type of regulation option for tribes. Like you, I do not see it here.

MR. FIORENTINO:
That is precisely our point. We do not want you to pass a bill with an oversight allowing people to negotiate around those regulatory requirements.

SENATOR SEGERBLOM:
They raised some valid points that I will be discussing with the Alliance and hopefully, we will reach a resolution by next Friday.

Remainder of page intentionally left blank; signature page to follow.

VICE CHAIR CANNIZZARO:
If there is no more testimony on this bill nor any public comment, I will close the hearing on S.B. 375 at 4:09 p.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
Committee Secretary

APPROVED BY:

Senator Tick Segerblom, Chair

DATE:

EXHIBIT SUMMARY				
Bill	**Exhibit / # of pages**		**Witness / Entity**	**Description**
	A	2		Agenda
	B	10		Attendance Roster
S.B. 368	C	29	Sean Sullivan / Office of the Public Defender, Washoe County	Nevada Attorneys for Criminal Justice letter
S.B. 402	D	1	Senator Pat Spearman	Proposed Amendment
S.B. 402	E	48	Holly Welborn / ACLU	*Unlocking Solitary Confinement: Ending Extreme Isolation In Nevada State Prisons*
S.B. 402	F	2	James Dzurenda	Written Testimony
S.B. 32	G	1	Cathy Erskine / Office of the Lieutenant Governor	Proposed Amendment, Attorney General
S.B. 361	H	1	Senator Nicole J. Cannizzaro	Letter of Support, Congresswoman Dina Titus
S.B. 361	I	2	Kimberly Mull / Nevada Coalition to END Domestic and Sexual Violence	Written testimony
S.B. 375	J	5	Senator Tick Segerblom	Proposed Amendment