

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

**Eightieth Session
May 10, 2019**

The Committee on Judiciary was called to order by Vice Chairwoman Lesley E. Cohen at 9:04 a.m. on Friday, May 10, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Vice Chairwoman
Assemblywoman Shea Backus
Assemblyman Skip Daly
Assemblyman Chris Edwards
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Rochelle T. Nguyen
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Jill Tolles
Assemblywoman Selena Torres
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

Assemblyman Steve Yeager (excused)

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senate District No. 1



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Cheryl Williams, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Kimberly Mull, Private Citizen, Las Vegas, Nevada
Ross E. Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County
District Attorney's Office; and representing Nevada District Attorneys
Association
Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual
Violence
Daniele Staple, Executive Director, Rape Crisis Center, Las Vegas, Nevada
Sara Cholhagian, representing Dignity Health-St. Rose Dominican
Amy Coffee, Attorney, Office of the Special Public Defender, Clark County; and
representing Nevada Attorneys for Criminal Justice
Kate Hickman, Chief Deputy Public Defender, Washoe County Public Defender's
Office
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Caity Gwin, Member, Las Vegas Sex Worker Collective

Vice Chairwoman Cohen:

[Meeting called to order. Committee housekeeping rules explained.] Chairman Yeager is presenting in the Senate. I will open the hearing on Senate Bill 368 (1st Reprint).

Senate Bill 368 (1st Reprint): Revises provisions relating to protections for victims of crime. (BDR 2-166)

Senator Pat Spearman, Senate District No. 1:

I come before you today to present Senate Bill 368 (1st Reprint). This bill makes significant and sweeping improvements to protections for victims of sexual assault and sex trafficking, both in criminal and civil law. The bill covers a lot of ground and there should be several people coming who would like to testify in support of the various elements. First, I would like to give the Committee a general overview by describing the various subject areas addressed in S.B. 368 (R1).

Section 1 removes the statute of limitations on civil actions arising out of sexual assault for a person who is less than 18 years of age at the time the assault occurred.

Section 2 creates a rebuttable presumption in any civil action that sexual conduct was unwelcomed and nonconsensual if it occurred between the victim and a person in a position of authority over the victim. A person of authority is defined in section 11, subsection 5, paragraph (a), which would include people who are teachers, supervisors, or anyone who has someone's life in their hands.

Section 3 specifies the communications between a victim of domestic violence, sexual assault, or trafficking and a victim's advocate are not subject to discovery proceedings in a court.

Section 20 similarly provides that a law enforcement officer who voluntarily engages in sexual conduct with a person in his or her custody is guilty of a category D felony, and that it is not a defense that the victim consented to the act or the conduct.

Sections 6 through 10 remove the statute of limitations for sexual assault and other sexual offenses. In essence, what we are doing here in sections 6 through 10 is removing the statute of limitations for victims who have been sex trafficked. Those are the changes in the first reprint.

Section 17 extends from one year to five years the length of time that an extended order of protection can remain in effect.

Section 4 allows a child who is adjudicated delinquent for various acts that are commonly associated with prostitution, solicitation, or involuntary servitude to petition the court to have the adjudication vacated and all related records sealed if the court finds the petitioner was a victim of sex trafficking or involuntary servitude. This section also sets forth the elements that a court must take into consideration when making its decision.

Section 19 provides that a prostitute who is detained, cited, or arrested for prostitution or solicitation must be given, by a peace officer, information on how to connect with appropriate social service agencies that can provide them assistance. If the prostitute is later found by a prosecuting attorney to be a victim of sex trafficking, all charges must be dismissed.

Section 11 provides for increased penalties for a person who commits a sexual offense that is classified as a misdemeanor, gross misdemeanor, or felony against another person if he or she is in a position of authority. This section also sets forth elements that a court must take into consideration in deciding on the length of the additional penalty to be imposed.

Section 18 increases the penalties for any person who knowingly and willfully has in his or her possession any visual presentation depicting a person under 16 years of age engaging in, simulating, or assisting others to engage in sexual conduct.

Sections 14 and 15 establish the Sexual Assault Victims' DNA Bill of Rights, which acknowledges that victims of sexual assault have a strong interest in knowing the progress related to testing the sexual assault forensic examination kit associated with their assault. As such, the Bill of Rights sets forth a list of victims' rights regarding notification about the testing to which a victim is entitled, but only if the victim requests such information. I also want to note that these provisions are dependent on the availability of resources for law enforcement to respond to these requests. Importantly, the Bill of Rights also allows a victim to designate an advocate or other support person to receive this information, understanding that it is sometimes just too difficult for a victim to revisit such a traumatizing event.

Section 27 of the bill revises upward, from 48 hours to 96 hours, the time period during which a person who is arrested on suspicion of sexual assault involving penetration of the victim's body must be tested for HIV [human immunodeficiency virus] or other sexually transmitted diseases. If the arrestee is a juvenile, this time period begins after a petition alleging delinquency is filed with the juvenile court, but in all cases, the tests must be conducted prior to the arrestee's release.

Section 26 requires the Aging and Disability Services Division of the Department of Health and Human Services to ensure that staff at any facility who cares for a person with intellectual or developmental disabilities is trained in the proper protocol should they become aware of any person that is admitted to that facility experiencing sexual abuse. Conversely, each person who is admitted to such a facility is to receive appropriate education about what constitutes sexual abuse and how they can report it.

Finally, section 27.3 requires the Advisory Commission on the Administration of Justice to study our laws around prostitution and solicitation and report back to the Legislature with their findings and recommendations prior to the 81st Session in 2021.

That sums up my walk-through of the bill, and I just want to say that the genesis of this bill is the direct result of some people coming to me—some were constituents, some were not—and then listening to a number of things that were being discussed during the interim in the Interim Finance Committee, Legislative Committee on Education, and various other places about those people who have been sexually assaulted. The trauma lasts a lifetime. A judge and a jury do not adjudicate that sentence but the victim is sentenced to a lifetime of trauma, and I believe it is very important for us to stand by victims who are engaged in that type of trauma. And, it is important for us to send a message to those people who would engage in criminal activity with children. There is absolutely no excuse for that, and anyone who does that willfully should be punished to the fullest extent of the law.

With regards to sex trafficking—this is one of the things that has been pervasive and it is hidden under the presumption that it is legal prostitution, and we know that in many cases it is not. These are children who have been brought into the state to satisfy the desires of other people who should be prosecuted.

What this bill does is, it takes into consideration comprehensively all of those things that are happening to children and to women predominately. Sometimes it is men, but these are the things that we do not talk about in society. These are the things that we usually never address, and S.B. 368 (R1) is designed to address those factors. It is a bill that dovetails very nicely with the bill that Assemblywoman Krasner and I cosponsored with respect to DNA. With that, I will stand for questions or, if it is permissible, I would like for Ms. Kimberly Mull to do her portion of the presentation, and then we can answer any questions.

Kimberly Mull, Private Citizen, Las Vegas, Nevada:

I hold a master's degree in victim services management, and I am an expert on sexual violence and victims' rights. I am also a survivor of child pornography, sex trafficking, domestic violence, and sexual assault—all areas covered in this bill—but I am going to focus on sections today addressing areas specific to my rape a little over a year ago in south Reno.

An Ivy League-educated man held me down by the throat and raped me in my home after I refused to have sex with him without a condom. When he finished, I got my gun, ran him out of my home, and called 911. The police caught him blocks from my house on foot. They took me to the police station to question me, then to get a sexual assault exam and a rape kit taken.

During this time I also posted on social media that I had been raped—wanting to make sure to immediately establish a public record that this was not a he said/she said situation. Beginning the next day, I was contacted by several people in this building checking to make sure that I was okay. From Senator Farley, who tried to mama-bear me and forced to pay to fly my parents up from Texas, to Senator Brooks and his wife checking on me and offering me refuge in Las Vegas, to Senator Spearman who called me on day one, day two, three, four, five, week two, three, four, six and so on. Every time Senator Spearman would ask me—and she still asks me every time she sees me—"Are you okay?" "What do you need?" "How can I support you?" She started taking notes, and that is what led to S. B. 368 (R1), from section 3, ensuring victims' confidence in advocates—that is a sacred religion to many of us; those records and details should be protected in the highest confidence—to sections 14 through 16, which is also known as the Sexual Assault Victims, DNA Bill of Rights, which we have discussed in other proceedings here.

As I have shared in this Committee during my previous testimony before you, when a man not only uses strangulation to control you, but also calmly asks you questions while he is raping you like, "Are you scared of me?" "Yes, I am scared of you, you are raping me." "Have you been raped before?" "As an adult this is the second time I have been raped." These are not the things a man calmly says the first time he rapes a woman. Even though I made the conscious effort to try to run my nails across his back to get DNA under them, and even though he left his DNA in my body, currently I am not entitled to know if there is a hit in the Combined DNA Index System. Because he has raped before—as an expert, I am sure of this—and he is going to rape again because he has been released from jail. Hell, he has told me he is going to rape me again and this time bring a friend. We need to fix the fact that, as a victim, I am entitled to less information than he is.

Section 17 addresses extended protection orders for victims of sexual assault. At the end of session, I am moving to Las Vegas. Now I have to spin it as a happy-go-lucky reason, as I am expanding my business and blah, blah, blah, but the reality is my protection order against my rapist expired on January 16, 2019, the day of the Governor's State of the State Address. I began the process of seeking a new order but was told by the court itself that it was useless. Although he had told me he was going to rape me again and this time bring a friend, because it had not happened in the last 365 days and because the protection order that I had had been granted worked for the last 365 days, I do not qualify for a new order under the current law.

So I came to the State of the State Address to say goodbye to the people in this building and to the state I have loved so much. Although the state of Nevada already deemed me to be in an unsafe situation and paid to relocate me with the Department of Administration, Victims of Crime Program, I cannot live somewhere that does not offer me the most basic of protections. Needless to say, Senator Spearman and others did not take too well to my leaving Nevada and helped find me an opportunity in Las Vegas. Although I will not be completely safe, I will be safer.

But, one year, half of your term as an Assembly member, for the crime—directly less than murder—is not enough protection for victims. That is all we are being deemed worthy of right now in this state—one year. I live less than 300 feet from the Legislature, but I drive to this building every day because he knows I work here, and all I can think about is if he is waiting for me every day. The first thing I do when I walk into this hearing room is scan the room for his face. The second is, I plan my different escape routes if he comes into the room behind me. I had a 5 percent chance of getting pregnant from my rapist, but only a 1 percent chance of his ever seeing the inside of a prison. Yet, the maximum protection you equip judges in this state for survivors is one year with a piece of paper that allows us to breathe a little bit easier knowing that if I turn my chair around after testifying that I can go to the Capitol Police and have him removed from my work location because I have a protection order. We deserve more protection, at a minimum, in this state. In five years, barely over one State Senator's term—not even as long as a United States Senator's term—is not too much to ask from someone who has violated us in the most intimate and horrendous way possible.

Although when someone is arrested and in custody for rape, they are supposed to be required to be tested for AIDS and other blood-borne, sexually transmitted diseases, some departments are not requiring them to meet the required law if they refuse because of confusion around the DUI law. For example, in 2017 Washoe County had 168 arrests for sexual assaults; three suspects refused and were not made to submit for the required blood testing. My rapist, of course, was one of the three. So I spent one year, 52 weeks, heeding weekly and sometimes, when my anxiety and panic set in, daily testing for HIV. Because why else would an Ivy League-educated man refuse to submit to an HIV test after raping someone without a condom? So I spent one year tortured, sometimes waking up at 3 a.m. and driving to CVS to get a home testing kit at \$40 a pop, just waiting for a ticking clock in my head to explode and a test to come back positive.

For one year I could not sleep. I could not breathe because I was just waiting for the death sentence to come. The doctors told me I had six months and then I was past the danger zone, but that does not help when you are a victim. Right up until session started, I continued until I hit that one year mark to keep getting tested. We need to make sure that the laws are clear so that the departments know that no one can refuse to be tested just for the sake of doing so. After all, they have already raped us once; they should not be able to continue tormenting us with a possible death sentence every day for a year.

I have been through a lot of sexual assaults, starting at the age of five, but this one has been the hardest physically, emotionally, and spiritually. At first, I thought it was the strangulation because that was something new, something I had never experienced before. Then I thought maybe it was because I had pulled a gun on him, because that had a lot of flashbacks that are a part of my post-traumatic stress disorder (PTSD). The night before I was admitted into treatment for severe PTSD, I was crying in my mom's lap and I asked her, Why was this time so different, so much worse than all other times? And she said something that is really reflecting on me. She said, Because this time, Kimberly, you felt safe enough to ask for help, and it never came.

I received counseling through Awaken in Reno once a week as a survivor of sex trafficking. I am one of the victims they serve, and the first thing you have to learn to pass phase one of their programming and their housing is to create a presentation on defining safety. Define "safe." Seems simple, right? But for girls like me who have grown up in this world, we have a different sense of what safety is than normal people. Awaken teaches us that safe and safety is not an emotion. It is a state of being. You either are safe or you are not safe. So I falsely thought I was safe in Nevada to report my rape, partially because I am part of the system, partially because I am an expert on the subject, and partially because I know the people in this room and in this building. So I thought I was safe. I felt safe to report for the first time in my life out of hundreds of rapes, I felt safe for the first time in my life to report. But safety is not an emotion, it is a state of being.

The reality is, I was not safe to report in the state of Nevada because rape victims are not safe in Nevada. How can rape victims be safe in a state that fails to put a single dollar into sexual assault programs or sexual assault prevention in the state? How can rape victims be safe in a state if we continue to fail to prosecute offenders, yet we only offer minimal amounts of protections to them once they are out? How can rape victims be safe if we live in a state that fails to acknowledge the science, the medicine, and the psychology that the average victim takes decades before acknowledging and coming forward to ask for help and beginning to seek justice—decades, 24 years before the average victim comes forward? How can we be safe in a state that fails to acknowledge science?

I have said it in this Committee before, beginning one week after my rape from the moment I walked into the Washoe County District Attorney's Office and I was told they were letting my rapist go because I am not the perfect victim. I keep experiencing things that are absolutely horrific, and I can honestly say that as much as I was victimized by my rapist,

I have felt victimized by my experience with the State of Nevada as a reporting rape victim ten times over. If I am ever raped again in this state, I will not report. Thank you.

Vice Chairwoman Cohen:

We appreciate your sharing, Ms. Mull, what we know is a very difficult—I do not want to use the word story, because that minimizes it—but sharing with us what has happened to you and what you are doing to get better and to help other women in the state.

Assemblywoman Krasner:

Thank you for sharing your story. Thank you, Senator Spearman, for bringing this comprehensive bill for victims' rights. This is one of my favorite bills this session. I am so happy that you and I are working together on this bill and Assembly Bill 142. Both bills protect victims' rights, because as you said, Ms. Mull, how sad that victims, when they actually try to take action and do the right thing, feel like they do not have any rights. I wanted to thank you both very much for your advocacy for victims' rights.

Senator Spearman:

There was something that Ms. Mull left out of her testimony that she shared in 2017 when we attacked the whole issue of sex trafficking and human trafficking. I want to read section 18 from the bill and I want Ms. Mull to tell you how old she was when it happened to her. Section 18 increases the penalties for any person who knowingly and willfully has in his or her possession any visual presentation depicting a person under the age of 16 years engaging in, or simulating, or assisting others to engage in sexual conduct. I would like Ms. Mull to tell you how old she was when the trafficking first started.

Kimberly Mull:

My commercial exploitation began at the age of 11. It started as child pornography with one individual, and then they introduced me to a child pornography ring which had dozens if not more individuals, and then it expanded into trafficking from there.

Assemblywoman Nguyen:

I do appreciate your coming forward, and I know it is not easy to tell your experience and your story. I do have some concerns about this. I think everyone knows that I come from a background of protecting those that are accused and so I do have a background in that. I know that some of the foundations of our criminal justice system, even going back to Roman times, deal with statutes of limitations. I do have concerns about the statutes of limitations and eliminating them completely.

I imagine the situation where, obviously, we have a situation where memories can fade, evidence can be destroyed. I think of it in terms of this: if you are an innocent person and you are accused of a crime and you do have the presumption of innocence in this country, and someone comes to you and they arrest you and they say, You have been accused of this horrible crime and you know you are innocent, if it happens within a certain time period, it is easier to, for the lack of a better term, prove your innocence. If you have an alibi, you can have receipts, you can get documentation, you could go to the casino that you were at and get

video surveillance. You could go everywhere. I know that in my own practice I have often subpoenaed that information that later turned out to exonerate my clients under false accusations.

On the flip side, when things are done more contemporaneously, if my client is guilty, then that same evidence is going to be out there to ensure that they are found guilty also. I know that we have with sexual assault—I think it is currently 20 years—and this would eliminate that. I just happened to be hearing another one, I believe it is Assemblywoman Krasner's bill that was in the Senate, Assembly Bill 142. This might be a question for the district attorney's office, because I know there was a senior member, a chief deputy district attorney, who did come in opposition of that bill, for different reasons, saying that the statute of limitations was sufficient. I was wondering if you knew or have any contact with the district attorney's office to see if that is their position on S.B. 368 (R1) on that section.

Assemblywoman Krasner:

In regards to your question, when I testified in the Senate on A.B. 142, which has already been heard, had a work session, and passed unanimously here in the Assembly, one of the assistant district attorneys, who is newer in Clark County, inadvertently went without permission from the Nevada District Attorneys Association and spoke out. Jennifer Noble and John Jones both apologized to me. They told me he had done that without permission and that the entire Nevada District Attorneys Association supports A.B. 142 as it is written and that includes all 17 counties. Furthermore, she noted that they have worked with me since the beginning, from day one of A.B. 142, and that assistant district attorney spoke without authority and was reprimanded for doing so. Yes, I do have the support of the Nevada District Attorneys Association as does my copresenter, Senator Spearman, on A.B. 142 as written.

Assemblywoman Nguyen:

I obviously voted for A.B. 142 and I know that is slightly different than what we are looking at here today. I think there are significant differences between A.B. 142 and this bill. I just remember hearing his testimony—I know he has worked in the district attorney's office for quite some time, and I know that he works with these types of cases. I did not see the district attorneys in here today so I was wondering if they have a different position on this bill. I understand, with A.B. 142, I was just trying to make some correlations because I just happened to be watching your presentation on that bill.

My concern is protecting and maintaining public safety and the rights of those who are accused. I think that our judicial system is such a crucial aspect of our form of government. That is my comment on that, and maybe if the district attorneys do show up to testify in support, I can ask them then.

Senator Spearman:

We worked with a lot of stakeholders—including district attorneys and the American Civil Liberties Union—and the reprint is a compromise from eliminating the statute of limitations to a point where the experts have said many times those who have been traumatized,

especially under the age of 18, may take years and decades before they feel safe enough or confident enough to be able to come forward.

Yesterday in the Assembly Committee on Education, one of the things that I talked about in terms of adverse childhood experiences is the fact that that a traumatizing event just goes on a loop, and plays over and over in a child's mind and it continues to traumatize. When sexual assault is the event that has traumatized the child, it will take years in most cases because we also know many of the people who commit sexual assault on children are family members or friends of the family. The victim feels like if they say something it will tear the family apart.

As a pastor, I cannot tell you how many people in their fifties, sixties—and one, about a week before she passed—relay to me what had happened to them when they were under the age of 12: father, brother, uncle, and, in one case, all three sexually assaulted this young lady. When she tried to come forward telling her mother what happened, the mother dismissed it. She then told someone else in the family what happened, and they dismissed it. The perpetrator said to other family members when they mentioned it, She is tearing up the family—she is destroying our family. So they simply just shove it down and try to live with it until they get to the place where they cannot any longer. Unfortunately, we also have statistics that show children who were under the age of 18 and have experienced sexual assault, some of them turn to drugs, some of them become more promiscuous because they feel like they are worthless. I had one of my former members tell me that when her stepfather raped her, he kept telling her, You deserve this, you deserve this. She thought, Okay, something is wrong with me and maybe I do deserve this. She was 13 when he started and did not stop until she was 17, when she ran away from home.

We also know that victims of sexual assault sometimes, when they are trying to deal with this and the depression sets in, have completed suicide to get away from the pain. The purpose of eliminating the statute of limitations for them is because it does take time for them to come forward. I mentioned in my remarks that this dovetails very nicely with a bill that Assemblywoman Krasner and I have regarding DNA. We have ways now with respect to DNA to exonerate the innocent and prosecute the guilty. Some of you are probably familiar with the Boston Strangler [murders] that happened in 1964. A young lady was raped and brutally murdered. The person who was convicted of the crime and sentenced to prison died in prison in the late 1970s, I believe. In 2013 they were able to prove conclusively using DNA that he was indeed the Boston Strangler.

Kimberly Mull:

We still have to go through the indictment process. One of the people who has been very helpful in this journey with me on this issue here in the state of Nevada is a Bill Cosby survivor. Many people are not familiar, we actually have five Cosby survivors here in Nevada who all were able to testify at his trial in Texas [Pennsylvania] and were all a part of being able to convict him there. They were actually the supporting testimony; however, they are not able to receive justice for their own rapes here in Nevada. They have all been part of this process trying to get the statute of limitations removed so they can receive justice

because of, like you said, evidence and everything like that. As someone who himself has admitted to drugging women and things to that extent, there is evidence.

There are other ways other than just DNA, even 20, 30, or 40 years later. There is this misnomer of after 20 years there is no way to corroborate the story, there is no way to do that: actually, that is not true. In many cases, we have detectives in either South Carolina or North Carolina where their statutes of limitations have been removed, where they have said, No, actually we can still find evidence that does support the testimony of our victims and we are still able to make these cases, and it is not a lack of evidence at that point if the detectives are trained and able to do that. You still have to meet the burden of proof; this does not turn into a he said/she said and we point our finger and just accuse someone.

This is still based on the fact that then you still have to believe that women—even though men can still be victims as well—are lying and making these stories up. The fact is the rate of false accusations is very low. The rate of someone ending up in a trial setting for being falsely accused is very, very low because if they are falsely accused, it usually gets weeded out before that time. And [the chance of] someone getting convicted is less than that of someone being falsely convicted of murder. It is to the point where, if you look at the numbers, someone getting falsely convicted of sexual assault is just a litter bit higher than someone getting struck by lightning. We have such a low conviction rate, just as a whole, for sexual assault. I believe it is 1 percent or less for real sexual assault. Not to say that we never want anyone to get falsely convicted of any crime, period; there are protections in there because we do have the bill with DNA. This does not say if we remove the statute of limitations then you do not have to have DNA. If the jury or the judge wants DNA, you still have to go through the trial process, and so you still have to go through the conviction process and you still have to convince a jury of their peers that this person is guilty or not, and this does not say it gets removed.

All this is saying is one in four women in this state will be sexually assaulted in their lifetime. It is going to take the majority of us more than 20 years to get to a place where we are even able to acknowledge it ourselves, let alone come ask for help, let alone ask for justice. All we are asking for is the opportunity to be able to seek that, and what S.B. 368 (R1) does is acknowledge science, acknowledge fact, acknowledge psychology and medicine, and that it may take longer than 20 years for victims of sexual assault to get to a place where they can acknowledge they have been a victim and to feel like they are able to be strong enough and safe enough to seek justice, and then to go through the process of trying to seek their justice. This does not mean that we will get a conviction; it does not mean that we are going to have evidence to win a case; it does not mean a jury is going to believe our story. All it will do is give us the opportunity to ask for it.

I asked for help seven minutes after I was raped. The police showed up at my door eight minutes after I made the 911 call. They caught him two blocks from my house on foot. It has been 16 months, and I have not heard from the Washoe County District Attorney's Office in 13 months. It is not a guarantee that we will get a trial. It is not a guarantee that we will get a conviction. I have given up on hearing from the Washoe County District Attorney's

Office ever again regarding my case. I am never going to get justice. All we are asking is that victims have an opportunity to seek it like I did; just give them a chance. Thank you.

Vice Chairwoman Cohen:

Section 4 has to do with a child being adjudicated delinquent. I thought the delinquency records were already automatically sealed. Do I have that wrong?

Senator Spearman:

This is referring back to someone who has been arrested for prostitution or solicitation, and is just stating again that once it has been proven that they were a victim, all of those records will be expunged.

Vice Chairwoman Cohen:

I thought we already did that for minors in general with any delinquency. Do I have that wrong?

Senator Spearman:

I am not an attorney, so I am going to toss to somebody who is.

Vice Chairman Cohen:

I can ask our legal counsel.

Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services:

Juvenile records are confidential, and there is currently a process to have them sealed. This provision in section 4 vacates the adjudication, which is not something that occurs in all juvenile matters.

Vice Chairwoman Cohen:

Thank you, Mr. Armstrong. In section 17, dealing with the temporary protection order (TPO), this is strictly a TPO when there has been a sexual abuse allegation, correct?

Senator Spearman:

Yes.

Vice Chairwoman Cohen:

The standard of proof for a TPO is relatively low. When we are dealing with five years in this situation, are we changing the standard of proof or are we keeping the same standard of proof?

Senator Spearman:

We are keeping the same standard of proof that exists right now. What we are simply trying to do is, a year is not enough time for someone to reorganize their life, so we are trying to move to five years. That allows the victim to feel safer.

Kimberly Mull:

It is actually an extended protection order (EPO), and it is up to five years. It is at the judge's discretion. Right now, it is up to one year. Sometimes judges issue these for three months, six months, and sometimes up to one year. This bill would allow it to be up to five years. It is still at the judge's discretion, but it would allow the judge to take into account the circumstances of the case, and allow the judge to issue for one year, two years, three years, up to five years depending on the facts of the case.

Vice Chairman Cohen:

Thank you, but we are still talking about the lower standard of proof?

Kimberly Mull:

Correct. It is a higher standard of proof than a TPO.

Assemblywoman Krasner:

It is my understanding that for an EPO, there must be a hearing.

Assemblywoman Backus:

With regards to the analogy to the Cosby victims, if someone is subjected to a sexual assault and they are over the age of 18, does anyone know what that statute of limitations is in the civil realm?

Assemblywoman Krasner:

If you are over the age of 18, the statute of limitations is 20 years, and that came into fruition during the 2015 Session by former Assemblywoman Irene Bustamante Adams.

Assemblyman Fumo:

My first question is in regards to the bolded language in section 3. What was the rationale for keeping the communications between the accuser and the counselor private?

Senator Spearman:

The rationale was sometimes, if it is not kept private, they will try to use that against the victim. All this is trying to make sure that the victim has the right, not just to privacy, but the right to justice in a way that does not further victimize them. Two weeks ago here in the Legislature it was Denim Day. Denim Day came about because of an event in Italy, where someone was convicted of rape. The conviction was overturned because the victim was wearing tight jeans. The victim is sometimes asked, Are you a virgin? What were you wearing? How short was your skirt? Were you flirting? Everything in S.B. 368 (R1) is designed to give the type of protections to the victim that he or she needs while they are seeking justice.

Kimberly Mull:

To further expand on that, regarding communications between a victim and a victim advocate—for me my victim advocates are through Awaken, and they are like my priest. I tell them everything. They know everything about me. They know my inner, darkest

secrets. When I went to meet with the Washoe County District Attorney's Office about my sexual assault a week later, they questioned me about my prior sexual assaults. They wanted to know why I had not reported my abuse when I was a small child, and then, why did I not tell once I was aged 11, 12, or 13. They also asked if I had been sexually assaulted as an adult before, and I said, Yes, one other time in Washington, D.C., and they asked why I had not reported that sexual assault, and I said, Because of who he was. They asked me to tell them who he was. I told them I was not going to tell who that person was. The district attorney said, Well, I am going to need you to tell who this person is, and I said, I am not going to divulge that. Mind you, this was a week after I had been raped. The district attorney's office essentially told me, What if the judge ordered you to divulge who your rapist was in Washington, D.C.? I told him, I do not believe that is legal, I do not think you can do that, and he said, essentially, If it comes down to losing this case or you divulging that information to the court, what is going to happen?

At that point I am getting upset, and because that assault was during the presidential primaries, and it was a very politically connected person, I did not want to end up in front of hearings and on the news. So I told Senator Spearman that it made me very uncomfortable that I had a district attorney trying to question me, and that someone was trying to get that information from me. I do know that I have a victim advocate who knows that information, and I need to make sure that information cannot get out because I do not want to be the next Dr. Christine Blasey Ford. We wanted to make sure that information cannot be used against the victim even by "the good guys."

Assemblyman Fumo:

Understood. The question was, What was the rationale behind it? The answer I took from all of that is, you do not want the victim/accuser to be victimized all over again. But with all due respect, the defendant also has the right to discovery. My follow-up question to that would be, Do you think that the clause in there that would restrict the ability to gain discovery would run afoul of the Sixth Amendment to the *United States Constitution*, the right to confront and cross-examine witnesses?

Senator Spearman:

I am not an attorney. I would leave that to your counsel to answer the technical question. But this is what I would say: in many cases, as an ordained minister and as a pastor, communication between myself and a congregant is protected information. I do not know if that is the case in Nevada, but it is considered protected information if someone is talking about a previous assault that happened. And keep in mind, part of what I said in my testimony is that sometimes the event is so traumatizing it is painful to revisit. Unfortunately in this country, someone who is raped has to prove that they should have not been raped because of their character or their reputation. It is not just asking about sexual assault, it is also people asking: Well, how many people have you had sex with? Did you and your accused rapist ever date? It was only recently that a man could be prosecuted for raping his wife. I do not think this bill conflicts with the Sixth Amendment; your legal counsel could probably answer that question better than I. What this bill is designed to do is to make sure that the events in the person's life are not used to show that either the person deserved to be

raped or the person was not raped. And until we get to that place where rape victims are treated as victims and not as coconspirators, I think that it is important for us to have that clause in the bill.

Assemblywoman Krasner:

If you look closely at the provision in section 3, the confidential communication that is not subject to discovery proceedings merely relates to a victim's advocate. This is when a victim speaks to a victim's advocate, not when the victim speaks to the police, not when the victim speaks to the district attorney, merely when the victim speaks to a victim's advocate.

Assemblyman Fumo:

Understood. I was wondering if you would consider an amendment to maybe even have a judge look at it in camera. The reason I think it should be discoverable is because we have situations—I have represented people in Las Vegas who were falsely accused and the rape shield laws prevent us from going into further discovery. I cannot say that she was with so many other guys. I had a client—I will not mention his name—who spent six years in the Clark County Detention Center before we went to trial. When we had the panties of the accuser tested, she had six different male DNA in there, none of which matched my client, but because of the rape shield law I could not even bring it up. What I want to avoid is a situation like that happening. If an accuser talks to the counselor and says something to the effect of, I just wanted to get him.

We have the story of Brian Banks, which was made into a movie recently. This young football player spent five years in prison for a rape he did not commit. It happens every day. It happens a lot in divorce cases where a mother will concoct a story with the child to say that the stepfather touched the girl inappropriately, and this man is looking at years in prison. Sometimes it is the victim child who says something to the advocate that mommy made me do this, and that will become undiscoverable for me. My question is, Would you consider an amendment that would allow even a judge to look at it in camera because if that statement is made that is something the accused should be aware of?

Assemblywoman Krasner:

I understand what you are saying. In fact, this body recently brought legislation to give money to people who have been falsely convicted of a crime and jailed. I am sure we all remember Mr. DeMarlo Berry, I did sign on to that bill as a cosponsor. But that is not what S.B. 368 (R1) deals with.

Assemblyman Fumo:

With all due respect, no amount of money is going to replace the removal of a man's liberty. Years in custody for something he did not do, no amount of money is going to compensate a person for that, and we can prevent a person from spending years in prison for something he or she may not have done simply by allowing a judge to look at this in camera. It does not mean the defense attorney is going to get it, but perhaps by allowing the judge to look at it in camera and make a decision that yes, this is discoverable for a defendant or no, it is not, it is private information that is not going to be out. I was just wondering if you would consider

that as a friendly amendment to this bill so that we can avoid a DeMarlo Berry or we can avoid a Brian Banks.

Vice Chairwoman Cohen:

Just to be clear for the non-lawyers in the room, in camera is when a judge inspects the material, not in a hearing but in the privacy of his or her office, and determines whether or not the material should be made evidence in the case so that if it is something that should not be revealed to the parties in the case, then it would not be revealed to everyone—just so we are all clear about what we are talking about.

Assemblywoman Krasner:

Again, section 3 only applies to a narrow provision, and that is when a victim speaks to a victim's advocate. It does not have anything to do with when a victim speaks to the police; it does not have anything to do with when a victim makes a report; it does not have anything to do with when a victim speaks to the district attorney. All of those instances will be discoverable. However, in one small unique situation, when a victim of a crime speaks to a victim's advocate, the bill merely requests that the person can have that confidential communication remain confidential and not subject to discovery proceedings. Furthermore, it will chill the free speech of the victim. The victim will be very loath to even speak to a victim's advocate if they know that might be discoverable. However, in the bill they do not include speaking to police, filing a report, speaking to the district attorney. All those things are still discoverable; all those things will still be subject to discovery proceedings.

Assemblyman Fumo:

The question is, in that very, very, narrow situation that you nailed it down to and where the accuser tells that victim's advocate, Mommy made me do this; that is someone who could be spending their life in prison for something they did not do. So my question is, Would you consider an amendment, Senator Spearman, that would allow an in camera review where the judge looks at it and says, Yes, this is something that should be made available to the defendant in those narrow situations.

Senator Spearman:

I am not trying to be evasive, but again, I am not an attorney. I am looking at page 5, line 32, on ending *Nevada Revised Statutes* (NRS) 49.2547, and it says, "Except as otherwise provided in NRS 49.2549." I am trying to look that up, I do not know what that says. I am not opposed to looking at wording that might accomplish both, but what I do not want to do is make that information that a victim discloses to someone who is trying to help them. And again I will say, one of the things I think is important to consider is that this session there are a suite of bills that are designed to improve protections for victims and one of those bills is A.B. 142 with DNA.

We have become a little more sophisticated in terms of being able to get that tested. There is a case here in Reno I heard on the news. It was 36 years old. They were able to use DNA to find out who actually assaulted and murdered the victim. I am happy to consider it, but I need to consider it in light of what the protocol here is in NRS Chapter 49. I would really

need to look at that and make sure that whatever we do is not diminishing the rights of the victim.

Assemblyman Fumo:

Outstanding. I am happy to work with you offline on that. My next question is, In section 11 the bill speaks to a person who is in a position of authority. We have bills saying that law enforcement cannot have sex with someone who has been detained. Would that include a law enforcement officer who abuses someone in their custody? I see the penalties are doubled if it is a misdemeanor, and for a gross misdemeanor penalties would be doubled, and if it is a felony it would be an additional 1 to 20 years. Is your intention to include law enforcement as someone who has authority over the person when they do that?

Senator Spearman:

Yes, that is on purpose. I am a retired military police officer and I know that 99.999 percent of us would do the right thing, but in every profession you always have someone who is going to be a renegade. The language in there specifically states that if you are in a position of authority—law enforcement, correctional officer, whatever—you cannot come and say, Well, she asked me, because they are in custody. They cannot communicate like that with you. That is what that is made for.

Assemblywoman Miller:

Under section 15, which seems to be the section that really talks about victims' rights, I am specifically looking at section 15, subsection 7. It is a two-part question and I just need a brief response. The first part is, Are there areas in this bill that may overlap or be covered by Marsy's Law? Are there similar components to this bill that are presently covered through Marsy's Law?

Senator Spearman:

Again, please do not take this as me being evasive. When I laid out what I really wanted to accomplish in this bill and gave it to the Legal Division of the Legislative Counsel Bureau, there may be some areas that do overlap in the bill, but again I would leave it to your legal counsel to interpret that so that I do not tell you the wrong thing. I am not an attorney and I refuse to play one on TV.

Assemblywoman Miller:

Going back to section 15, subsection 7, it says, "A defendant or person convicted or accused of a crime against a victim of sexual assault has no standing to object to any failure to comply with this section." My concern again is "accused of a crime." With all sensitivity to all victims, this is not at all saying that we do not realize there are challenges in our criminal justice system, and sometimes the true perpetrator is not caught, let alone prosecuted or convicted. We do know that there are times when people are accused of crimes they did not commit. Can you please speak to that? There are many constitutional rights. We are presumed innocent until proven guilty without a shadow of a doubt. To place the same type of sanctions or the same type of accountability on someone who has not yet been convicted,

and may indeed later be totally acquitted of something, can you just respond to why that is in there?

Senator Spearman:

This is really a part of the DNA Bill of Rights. What we are trying to get at here is sexually transmitted diseases; some of them are lethal. The victim has a right to know, and I am going to get in trouble for saying this, but if DNA can convict, then DNA can also acquit. That is what that is designed to do.

Assemblywoman Miller:

I understand that point, thank you.

Assemblywoman Nguyen:

This is more of a technical question and it may be something you want to consider. I know that in this body, Attorney General Aaron Ford brought a series of bills that passed out of here, including Assembly Bill 60 and Assembly Bill 19. Assembly Bill 60 dealt with sweeping reform with respect to domestic violence and increasing penalties and protecting vulnerable people, like pregnant women, and addressing that issue. In those bills there were a lot of Wood Shed meetings and work sessioning about working on language with many stakeholders with respect to EPOs and I see some inconsistencies here. I know that both the Assembly and the Senate had corresponding bills that Assemblyman Fumo referred to about consent when you have someone in a position of authority. You had mentioned that police officers were considered in there. I just wanted you to be aware that there were a lot of inconsistent things. We were talking about EPOs here being for five years, and I think in that bill it was up to three years and there was a review process that was specifically laid out with the police officers and the consent issue that was a felony—it was a 1 to 4 and in this bill it is a 1 to 20—these are some pretty significant things that I know that the stakeholders had input. Just something to be aware of, there are lots of bills that have gone through both houses that are inconsistent at this point.

Senator Spearman:

One of the things that we did in the Senate before the bill left and I agreed to it, if there are things that have already passed that are inconsistent here, then the conforming language would align with that. As you know, people have bills, and the Legislative Counsel Bureau cannot talk about what is in one bill to another bill, and depending upon the order in which those bills are heard, some bills may have already passed that make the penalties more, some may have passed that make the penalties less. My agreement was, if it does not conform to the language that has already been passed by both bodies, then this will revert to that language.

Kimberly Mull:

As far as the EPO with the Attorney General's bill, the sexual assault protection order was actually not in his bill until the very last. It was added because it was left out, and it was given the two-year mark as well as with everybody else. Our position would be that sexual assault protection orders are different than domestic violence protection orders and that the

relationship and the crime is different, although, domestic violence is also a horrendous crime. With sexual assault you are talking about a very intimate, personal, and heinous crime, and something that you do not have the relationship with someone that you have with the domestic violence relationship. It is a different quality of crime and I would argue, with the domestic violence, that it needs to be longer.

With sexual assault, it is one that is, as far as psychological and everything, right below murder on the trauma scale. So victims need a longer period of protection in order to get our lives somewhat to a state where we can get to a place where we feel somewhat, relatively safe. Two years is not enough time. Two years is not enough to where we can even begin to get to a state of normal, let alone, be able to feel as though we have enough protection to come to work every day if our rapist knows where we are. To think that they can be just lumped together and they can be put the same, I think they need to be looked at separately and I think they need to be looked at individually as to what is best for the victims and what is needed for victims in the state.

Bradley A. Wilkinson, Committee Counsel:

There is actually not too much overlap between S.B. 368 (R1) and some of the other bills that are out there. Senate Bill 383 was Senators Scheible's and Ratti's bill. The first section of that bill has to do with civil actions concerning any unwelcome or non-consensual sexual conduct and that one only applies to law enforcement officers. The provision in S.B. 368 (R1), section 2 is a little bit broader because it extends it to persons in a position of authority also. Likewise S.B. 383 has an identical provision in section 2 that is in section 20 of S.B. 368 (R1). Right now those are identical, but S.B. 383 was amended by this Committee to match Assembly Bill 349. With respect to those provisions, they have to be reconciled, and that would easily be done either by simply deleting from this bill or duplicating it. Also, section 1 of S.B. 383 and section 2 of S.B. 368 (R1) would need to be reconciled too, I think, because S.B. 368 (R1) is a little broader. Other than that, as Ms. Mull was saying, that is a different kind of order. One was a domestic violence extended protection order, and this one in this bill is a sexual assault protection order. They are slightly different. I think that is about it. Obviously, there are a lot of things going on in this bill. I do not believe there is an overlap other than that.

Vice Chairwoman Cohen:

Do we have any other questions from Committee members? [There were none.] We will now take those in support of S.B. 368 (R1).

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

First of all, I would like to thank Senator Spearman for working with us to work it out so that we could support the bill.

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:

We are in support of S.B. 368 (R1). I have heard numerous questions and, to the extent that there are any working groups on this bill, we are more than happy to participate in those. I do understand that there were a few questions involving district attorneys that occurred when I was not in the room, so I am willing to answer those questions now to the extent that you are willing to fill me in on what happened. I apologize, I was down in the Senate Committee on Judiciary.

Before I do that, I do want to bring up one other point and it deals with Assemblywoman Miller's question regarding section 15, subsection 7. It says, "A defendant or person convicted or accused of a crime against a victim has no standing to object." There is similar language to that in Marsy's Law. Basically what that is saying is that if law enforcement fails to notify a victim or do something in which a victim is guaranteed a right, if we make that mistake with respect to the victim, the defendant cannot use that and claim that there is a defect in the case. If we fail to notify a victim or inform the victim that there is a match in the DNA profile of their case, the defendant cannot then say, The proceedings against me are invalid because you did not notify the victim. Simply, that is what that paragraph says.

Assemblyman Daly:

When someone gets arrested and taken in, they are still just accused. How long can you hold them? I understand that it may vary on different crimes, but they have a right to bail. How long do you normally hold them?

John Jones:

It depends, Assemblyman Daly. In instances when they bail out, then some people may never see the inside of a jail except for the booking part. They could go from booking to trial and maybe even get probation. But to the extent that somebody is in custody and a judge finds that they are a risk or that their bail was set high, they could spend up until trial in jail and eventually in prison. So they could spend the whole time in either jail or prison. It all depends on the facts of the particular case.

Assemblyman Daly:

I was asking in relation to section 27, where the old language says you can hold them for 48 hours in order to do some testing. Now you can hold them up to four days. Why would it take four days? And then it says, in any case until you do the test, so you can hold them forever, regardless of bail, regardless of anything else, and regardless of all the other stuff, the way I read it. In my view being a layman, I would say you are violating somebody's rights somewhere, holding a person that long because of some procedure you have not been able to accomplish. I am just curious.

John Jones:

That is a great question. I do not know how long it takes the health authority to conduct those tests. You will have to speak to the bill's sponsor about that. I am assuming there is

some reason why the 48 hours is not enough time. I just do not have that information, but I do think the policy is behind making sure that testing for diseases gets done. It is an important public policy that we make sure that gets done before we release the individual.

Assemblyman Daly:

I understand that is important, but on the other side, I also understand that people have rights, and to keep them because you did not get something done is wrong. I will just say it; it is wrong. You should get the test, but to have an indefinite period of time that you might be able to keep somebody because you could not get the test—do your job, get it done. I think four days is excessive, and I think if you could not get it done in four days, to keep them there until you did is also excessive.

Vice Chairwoman Cohen:

Just to clarify, Mr. Jones, you said you could go from booking to trial. Would you like to restate that?

John Jones:

You mean, in custody? You would go from booking, but spend the entire time from booking through trial in custody if a judge determines that your bail is high or you are a risk to reoffend or something along those lines.

Assemblywoman Backus:

Not to put you on the spot, Mr. Jones, so please feel free to defer this question. Before you came into the room there was a lot of dispute about representations with respect to another bill, A.B. 142, where another district attorney had testified before the Senate Committee on Judiciary, that and another similar bill, that the 20-year statute of limitations was adequate for sexual assault crimes. The concerns were regarding discovery on both sides, for the victim as well as the potential defendant. I guess we wanted to get it clear—I am not sure who the district attorney was—whether that was something you were not standing against or where the Nevada District Attorneys Association was with respect to that.

John Jones:

I was present in the room when that occurred, and I can say that that individual does not speak for either the Clark County District Attorney's Office or the Nevada District Attorneys Association. We are in support of removing the statute of limitations for sexual assault. Now, saying that, that does not mean we are going to file every allegation of sexual assault that comes in to our office. We will make in every case an individualized determination about whether or not we can prove that case ultimately beyond a reasonable doubt, and there are many factors that go into that. All this does is give us the ability, if in 22 years a victim finally feels comfortable to come forward and disclose that this happened to them, we could get the case from law enforcement, review the facts, and make an individualized determination that, yes, this case can be proven beyond a reasonable doubt, or no, we do not feel like we have enough with respect to this case.

Assemblywoman Backus:

As a civil attorney, I am a little different than you, so I have a kind of a weird question for you. In a civil case—and I realize this also opens up the statute of limitations—if anyone was to get rid of a computer, for example, there could be a rebuttable presumption, depending if they willfully do it or not. There are severe penalties in cases wherein evidence could be destroyed intentionally or negligently. Do you have the same kind of standard with respect to criminal cases?

John Jones:

That is actually a great question. Off the cuff, and I could be wrong, but once law enforcement gets the case, there are obligations that apply with respect to preservation of evidence. But before a victim discloses, I cannot think of anything off the top of my head that would create any type of presumption or anything like that applying. I could be wrong, but that is off the top of my head. I will look into that, Assemblywoman Backus, and get back with you.

Vice Chairwoman Cohen:

Are there any other questions for Mr. Jones? [There were none.]

Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence:

We are in strong support of S.B. 368 (R1). I wanted to briefly touch on section 3 and the questions that Assemblyman Fumo raised. Another hat that I wear is I am a volunteer, a sexual assault victim advocate for a local program in Reno. My sole purpose as a victim advocate is to believe survivors and to provide them with the support and be there for their needs. I do not have any other purpose. Those communications must remain confidential. People disclose to me various things—from past traumas to things of their personal life—and I as a volunteer would never want to be subpoenaed to court to say those things before a judge.

The program that I volunteer for in Reno is majority volunteer-based and I can guarantee that if you were to say that communications were not confidential, the number of volunteer victim advocates would drop significantly, and we already have a severe lack of victim advocates to help these survivors. In those very, very few cases where individuals make false claims, they are not the ones seeking my services as a victim advocate. They are not the ones needing the emotional support, needing the access to resources that I provide them. Making my communications able to be brought forward to a judge, you are severely hurting the individuals who actually need my services. I know that if you were to make those communications not confidential, survivors would not feel comfortable seeking the help of an advocate either. I urge you to consider that as we move forward with this bill. I am happy to answer any questions you may have on that.

I would also like to bring forward that the coalition is in strong support of abolishing the statute of limitations. We know that it is the most underreported crime, as previously mentioned by Ms. Kimberly Mull and Senator Spearman, and that it takes longer than

20 years to come to terms with what happened to you and the emotional trauma; allowing victims that time frame would be very beneficial. Survivors deserve to have access to the results of that test. This may assist in their healing process and reduce the trauma they feel if they choose that they want that information, and extending the protection order up to five years is just common sense. Individuals seeking protection orders are doing so because they genuinely fear for their safety.

Senate Bill 368 (1st Reprint) will make the necessary steps and measures to ensure that vulnerable individuals have the protections they deserve and the appropriate access to state resources. With that, I am happy to answer any questions you may have.

Vice Chairwoman Cohen:

For instance, with attorneys there is attorney-client privilege; it is very well established. Our clients rely on it, attorneys rely on it, but if a client says, I am going to commit this crime, I am going to hurt someone, we are able to tell the police that this crime is going to happen, that our client told us this. I feel like, even though understanding that false allegations are rare, if a client says that something is false, that something did not happen that they are claiming happened, I do not see why that is different. Can you address that, especially regarding when you are talking about children who are sometimes used as pawns by their parents? So if a child reveals something, I am saying this because daddy told me to, or a client says, You know, I have this plan, I am going to get this guy, I did not like what he did. Why is that different, especially when we are talking about the possibility of that information being revealed in camera solely to the judge and not to the defendant?

Serena Evans:

I am just going to speak from personal experience. My personal experience is, I am a sexual assault victim advocate. I get a call that someone has reported to law enforcement or is wanting to seek and get a sexual assault medical forensic exam. The majority of the time I meet them at the exam location: they are there, we do the interview process with the nurse and myself, they undergo the exam. If for some reason—I have never personally had this happen—in that interview process someone were to disclose that the sexual assault did not happen, and they are there because someone told them to or made the claim, I do not believe that the sexual assault forensic exam would go through. I have never personally experienced this so I cannot speak from experience. I understand where you are coming from. If a false claim was made and a young child said, My mom told me to say this and that is why we are here, I believe that then, as an advocate, my instinct would be to go to the law enforcement agency with which the report was made and perhaps have a conversation around that. But never in my experience as an advocate have I ever had that happen so I cannot speak from direct experience.

Vice Chairwoman Cohen:

Do you receive any training on what to do in that situation?

Serena Evans:

Each location has different training. The training that I underwent did not cover that situation in particular. I am a volunteer so if I were to experience that, I would probably contact the staff person who is paid through the organization and consult with them on how to move forward.

Vice Chairwoman Cohen:

I do have a comment from Assemblywoman Backus.

Assemblywoman Backus:

Actually, under NRS 49.2549, there are exceptions to the privilege. Basically the purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud. The analogy the Vice Chairwoman had given with respect to us as lawyers, it reads quite similar to that. They do have that exception from their privilege.

Serena Evans:

I would like to add, in situations with a young child where the child may have been coached to say something, they are probably coached what to say throughout the interview with an advocate too. I am probably not going to be the person that they disclose this information to. I am not trained on how to recognize if someone is lying. My job is, I am trained to believe everyone no matter what, and I am there to provide services no matter what. I would like you to think in that situation that my sole purpose is only to believe survivors, and I am probably not going to be the person that they disclose that mom or dad told me and coached me to do this. I feel like that would come up, if it ever did, further on down the road and I do not believe that I would be that person whom that would come up with.

Vice Chairwoman Cohen:

We will now go down to Las Vegas.

Daniele Staple, Executive Director, Rape Crisis Center, Las Vegas, Nevada:

I did want to start my remarks by expressing my condolences to the body. Tyrone Thompson was a personal friend and mentor of mine and I am sure his absence is felt strongly by all of you. My condolences to all of those of you who worked with him. I would like to thank Senator Spearman, Assemblywoman Krasner, and Ms. Mull, who I think demonstrated unbelievable strength, passion, and eloquence this morning. I really wish I was seeing as much concern expressed by this Committee for her rights and her experiences as we are for those of the accused.

Vice Chairwoman Cohen:

I am sorry, I am going to have to cut you off there. It is not fair. We are doing our job and our job is to protect the *Constitution* and protect Nevadans, and that includes the victims and the accused. It is also our job to ask questions. Please keep that in mind as you testify.

Daniele Staple:

Understood. My apologies, it is a bit frustrating on this end when we are not hearing as much questioning about the impact on the victims as much as those accused. With that being said, I think one of the things in reference to the statute of limitations that perhaps we want to take into consideration is that with technology and looking more forward with the statute of limitations than backwards, there is so much more wealth of information, and evidence, and things that are able to be tracked and maintained over years and decades now and moving forward into the future—we are now using electronic data records, video as was mentioned, and surveillance video of things—a lot of things that may make the ability to maintain and preserve evidence far into the future a much greater possibility for victims. Abolishing the statute of limitations and giving them that opportunity to come forward when they are ready, even if it is decades later, again, it does not change the standard of proof. It does not change the standard of evidence, and thinking about the volumes of evidence, social media postings, electronic time records from employees, surveillance video from different situations, may make the ability for victims to seek justice far into the future a much greater possibility and reality for them than what we have seen in the past. I would encourage you to think about some of those possibilities. There are countless clients that I have talked to decades after the fact who did not bring their issues forward because of an existing family member who they felt bringing those charges forward would literally kill that individual, and they wait until that person has passed away, or they do not even know that other family members experienced similar types of abuse until somebody in the family dies, and at that person's funeral they come to find out they were all abused by the same person.

There are so many stories and particularly for children. We know that many children do come forward, if they are not believed, as Senator Spearman so eloquently put it, they shove that down and they may not talk about it again for many decades. We are just asking for the opportunity for them to bring that forward when and if they are ever ready and have the opportunity to seek that justice within the existing justice system and all its parameters.

Sara Chalhagian, representing Health-St. Rose St. Rose Dominican:

We are here to formally support S.B. 368 (R1) and would like to briefly highlight why Dignity Health-St. Rose Dominican has decided to support this measure. Their frontline providers bear witness to the suffering of trafficking victims who enter their emergency department and birth centers looking to Dignity for compassionate care and a way forward. By leadership and example, Dignity hopes to encourage others in health care and government to take bold actions to integrate an effective response to human trafficking. We thank Senator Spearman for bringing this measure forward, and as she mentioned in her testimony, believe this will help reduce human trafficking and we encourage you to support this measure as well.

Vice Chairwoman Cohen:

Is there any other support testimony on S.B. 368 (R1)? [There was none.] I will open it up for testimony in opposition to S.B. 368 (R1).

Amy Coffee, Attorney, Office of the Special Public Defender, Clark County; and representing Nevada Attorneys for Criminal Justice:

I am speaking today in opposition to this bill. I have a few concerns, and I will go in order of the bill. My first concern is in section 4, subsection 7. I do not have a concern overall with the idea of the juvenile sealing of the records; however, subsection 7 does something unique. It seems to imply that not only would you seal the records, but you would seal the records surrounding the sealing of the records. I know that sounds very technical, but I do think that could become an issue where someone needs to find out what happened in a case and this seems to take it an extra step. I am not even really sure exactly what this technical language was meant to encompass, and perhaps I am not understanding it, but it seemed to be very broad and my concern is that it could prevent someone who is trying to find out what happened—say the person is a witness in a case, a victim in a case—and those are things that someone would certainly want to find out is what happened and sort of a trail of proceedings. Again, maybe I am not reading that correctly.

Moving on, page 8 is the elimination of the statute of limitations for a whole host of sex crimes. I am going to address this first by saying there is another bill that eliminates the statute of limitations for a sexual assault that is committed in the same circumstances as a murder. While eliminating the statute of limitations has certain concerns for due process, I think in that case you have to balance, and obviously, a sexual assault committed during a murder or something where I think the balance definitely favors the victims, and I do not have an issue with that. This is something entirely different. There is a whole list of offenses that include sexual assault, lewdness, luring a child, a bunch of child pornography offenses, possession, creating it, and also all the offenses that involve unlawful contact between various school or volunteer employees and students, keeping in mind that is often consensual but improper contact. Eliminating the statute of limitations for that whole host of crimes, if someone 20 or 25 years later says this person was a volunteer at my school and had unlawful contact with me, it would be very hard, if not impossible, to defend that allegation. It would be very difficult, which is why we carved out in another bill a narrow exception on DNA because those are cases where you have a DNA hit, so there is at least some physical evidence present.

We are talking now allegations that are simply nothing more than words. It would be very tough for anyone put in that position to defend themselves in any way that would be remotely fair on this whole host of crimes by eliminating the statute of limitations. Keeping the statute of limitations at 20 years for sexual assault is enough time for people who obviously might have suffered trauma or have a long time to remember it or take time to come to authorities. We already have provisions for children. They have an extended time after they become adults, because we understand that as children people are often not going to tell. So there are already provisions in our existing law for that.

I think what people have to know is that these cases can get prosecuted without any physical evidence, on testimony alone. As to whether there are false claims, I would tell you that we do not know how many false claims there are because the people who have been exonerated are that very, very small subset of cases where there was physical evidence, such as DNA, so

someone could prove their innocence. But most cases do not have that, so there could very well be, and I would suspect there are, people doing time right now on false claims of sexual assault and these types of related charges.

I feel for the victims, and I think we have in our law a lot of protection for the victims and a lot of accountability for the fact that people do suffer trauma and often do not come out right away, and I think those things are important and I think we have a lot of great protections. I think the district attorneys right now have a lot of tools with which to prosecute these cases, and, again, in another bill, they have the tools on those cold hit cases where they have DNA to go after these people.

I think this would cause a lot of injustice. I do not think we can just say, Well, you know, we will just have to rely that a prosecutor will not prosecute, because in my experience, if a prosecutor has the hammer, they are going to use it. Some prosecutors might not, but we really cannot rely on a prosecutor's judgment to assume the right thing will happen.

With that, I will move on to page 10 [section 11]. This is the enhancement for the person in position of authority. I would note that this is the same language that is used in the first part of the bill regarding civil actions. My problem with this section is it creates an enhancement, another six months or one year if it is a gross misdemeanor and another 1 to 20 years for a felony. First I would like to point out that we have some incredibly high penalties existing for sexual crimes. We certainly do not need another 1 to 20 years, based on the penalties that we have. That being said, and looking at the definition for what a person in authority is, I have been doing this kind of work for over 20 years and I will tell you that definition which is in section 11, subsection 5, paragraph (a), covers about every single case I have ever had. That covers almost every single defendant I have ever represented with the exception perhaps of a total stranger. This is basically a penalty that would be added on to the already long penalties—life sentences—and other things that we currently have for sex crimes. I just think it is overbroad and, quite frankly, unnecessary in our statutory scheme. I do not think we need it.

I will leave it to my colleagues to address any other parts of the bill, and I do feel for victims. I do not want anyone to think that I do not care about victims, but I think we have a lot of great protections in place. I think we have to be mindful of the fact that these cases, the state really only needs some testimony as evidence. These are not cases where they come in with a lot of evidence and it is a very serious thing to allow 20, 25, or 30 years for someone to make an allegation and get to sue someone or get a prosecutor somewhere to institute criminal charges. This really puts people in a position where there is no longer due process, there is no longer any fairness, and the person making the accusation essentially can win.

There is one more thing I would like to mention. I have done a few of these cold cases, and I have had quite a few cases where evidence was destroyed, actually police evidence was destroyed, records are not kept, and evidence and documents are destroyed. And that really hurts the person accused because the person making the accusation just needs their accusation, but the person who is accused, who might want to go back and find records,

defend themselves, explain what they were doing or find records to back up their defense, is going to be at a disadvantage. That is the problem here. It is all about a balance, and I think that in this situation we have the 20 years that was added last session. We have a lot of protections in place for children who might not even be aware that something happened or was wrong. We have other situations for DNA. We have another exception for the sexual assaults committed with a murder. We have a lot of great protections that do address a lot of the concerns that we have heard here. Thank you.

Vice Chairwoman Cohen:

Thank you. I am going to have to ask the other people who are going to testify just to hold on for a second. We have a bill introduction that we need to get to the floor. I am going to introduce Bill Draft Request (BDR) 16-1220, which revises provisions regarding response to emergency. This only allows the BDR to become a bill and to be referred to our Committee. I will ask for a motion to introduce BDR 16-1220.

BDR 16-1220—Requires the addition of victim services in emergency response plans.
(Later introduced as [Assembly Bill 534](#).)

ASSEMBLYWOMAN MILLER MOVED TO INTRODUCE BILL DRAFT REQUEST 16-1220.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

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

We will now resume opposition testimony on S.B. 368 (R1) in Carson City.

Kate Hickman, Chief Deputy Public Defender, Washoe County Public Defender's Office:

I supervise a team of attorneys that handles category A felonies, which are felonies that carry a life sentence—sex assault, murders, sex assault on children. I want to piggyback on the testimony from Las Vegas that was just heard, particularly about the statute of limitations and eliminating that in cases of sexual assault.

One of the biggest things to keep in mind when you are talking about sexual assault or sexual assault on a child is that Nevada law carries extreme punishments that match the gravity of those crimes. If you are convicted of sexual assault on a child, it is a mandatory 35 years to life in prison. If you are convicted of lewdness on a child under the age of 14, it is a mandatory 10 years to life in prison. Sexual assault is 10 years to life.

The statute of limitations, 20 years, is still a very long time, but if you think about it from the perspective of someone who is accused of these crimes, the only thing worse than being

sexually assaulted is being falsely accused of being sexually assaulted and not having the resources to then defend yourself.

I have had a number of alleged crimes against which I have defended people. One of them is a murder that was committed in 2005, and obviously it is different than sexual assault because there is no statute of limitations. The murder was committed in 2005, the defendant was arrested in 2006, and the case was dismissed by the district attorney's office because at the time they did not believe there was enough evidence to proceed to trial. The defendant was rearrested in 2013 and the case proceeded to trial. Our defense at trial was that it was not he who committed the murder. This man spent an additional nine months in jail facing trial, and he was acquitted of the charges. Our defense was that it was not he who committed the murder.

I want to talk a little bit about the effect that something like this has on somebody's life. He spent nine months in custody. He was already somebody who was marginalized, living on the edges of society. He lost his home, he lost his job, his wife left the state and left his children in the custody of Child Protective Services. I have lost touch with him since, but in the months after I talked to him, he was still fighting to regain custody of his children, one of whom was a special needs child.

I had another case where the defendant spent ten years in prison on a different case. He was charged with sexual assault on a child in Washoe County. He was then brought to answer those charges on the day he was released from prison. We had a number of defenses to that charge, but we were very limited in being able to investigate it. None of the neighbors still lived there. We were unable to get school records. We were unable to find friends, relatives, people who could help us date when certain things happened. That man was granted parole, he had arranged for a place to live, a release plan. All that was thrown into turmoil by his arrest in Washoe County. He spent months in jail; his case was ultimately dismissed.

When you are looking at extending the statute of limitations and you are looking at the severity of the punishment of somebody being accused of these crimes, and you think about the amount of evidence that is lost over years, the memories of people that are lost and the extreme effect that it has on somebody to be able to defend themselves against these crimes; that is very significant. Thank you.

John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

A lot has been said about the statute of limitations, and that is our number one concern. Statutes of limitations are vital to the welfare of society. They give security and stability to human affairs. The important policy behind the statute of limitations is to stimulate activity in prosecuting a case before evidence is lost. Justice Robert Jackson for the United States Supreme Court stated it best, that limitation periods "are designed to promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared." They seek to

protect courts, juries, and defendants from problems inherent in the prosecution of old claims.

We do not have a conviction integrity unit in Nevada. We had a grant that was at the Clark County Public Defenders' Office for a while, and that grant money has run out and that district attorney is actually doing regular district attorney work. It was through grace alone that he took up Mr. Berry's case and looked into it and helped Mr. Berry out.

I would like to bring up some facts and figures because exonerations are not as rare as we think they are. The problem is that they are only really investigated in some of the most serious cases, like rape and murder. But in 2018 alone, 23 exonerations were based in whole or in part on DNA evidence; 70 exonerations were of convictions in which no crime was actually committed; 49 were a result of a guilty plea, where people actually signed a document saying they did something they did not do; 31 were based on mistaken eyewitness identifications; 19 on false confessions, where people confessed to the police that they did something that they did not do; and 111 were for perjury or false accusations, meaning that case actually made it to court and people lied on the stand and the person was exonerated afterwards.

These are things that are concerning when we talk about raising the statute of limitations. When we talk about surveillance and, as somebody who practices criminal defense every day, people do not save surveillance for long periods of time. If I do not get that case, and I do not figure out that there is a video somewhere within seven days, that evidence may be erased.

I want to talk to you about a situation that happened at the Clark County Public Defender's Office. One of the best lawyers in the state, Gary Guymon, had represented a young man who was convicted of raping and torturing a woman. It was a group of men that did this, but the one in the red shirt was the number one worst guy in that scenario. The detective pulled this young man out of his house that he was staying in with other people and put him in a lineup in a red shirt. He was the only one in the lineup with a red shirt on. The lineup was bad, but she pointed him out and it had to go to trial on that.

Mr. Guymon and the other attorney who were defending that case had to look up those records and make sure that he was at work. They were able to get the surveillance footage that showed that he was at work at the time that this offense occurred, that he could not have done these things that these people were saying that he did. But had that been an old claim where that surveillance would not have existed and that testimony, that he in the red shirt did this crime, it would have put that young man in jail for the rest of his life.

I have another fraternity brother. The *Los Angeles Times* did a story on this. His ex-wife had accused him of raping and torturing her, a horrible allegation. Luckily he had receipts for where he was during the time these crimes were alleged. Had he not had those receipts, had an investigator not gotten on the evidence quickly, he probably would have been convicted, because he did sit in jail for months at a time. This is in the *Los Angeles Times*; they did a

full front-page story on that, and just being in this hearing reminded me of the ordeal that he went through during that time.

Nobody is saying that we want victims to suffer, and when I first started in law school, I did think that statutes of limitation were these arbitrary things that could go and force an injustice. But practicing in the system after a while, I see that they are meant to keep balance. In 2015 we raised the statute of limitations to 20 years. Twenty years is a very long time to even try to collect evidence, let alone moving that time period back even further. Those are the concerns that we have with this bill.

I want to make it clear to the Committee that all a victim needs to do is report the crime to the police and that statute of limitations is on hold forever. Just a report needs to happen. Maybe efforts would be better spent working on helping our government agencies and nonprofits provide support to victims of crime so that they are more supported when coming to report these things and that they do it sooner. I think that is a better policy than obliterating the statute of limitations and making it nearly impossible to defend cases. We certainly want bad actors to be punished, but we do not want to prevent a defense for somebody who is innocent. I think that is what this bill will do.

We do not oppose A.B. 142, because A.B. 142 is good policy—it ties DNA to it. We do not oppose the Attorney General's bill that tied sexual assault to murder because nobody should get the benefit of killing the witness and getting away with the crime, and that is why there is no statute of limitations on murder. But here there are witnesses. So there has to be a little bit of support in coming forward sooner within that 20-year time period.

I agree that a victim will live with this forever; it is a life sentence, but so is a life sentence to a person who is falsely accused. Their reputation is damaged from the accusation alone, and if they wind up going to prison before being exonerated, their life is ruined.

I urge this Committee to not approve this bill with some of the provisions in there, especially relating to the statute of limitations. I agree with the discussions we had earlier about allowing communications to be discoverable in certain circumstances, especially if somebody has said, Well, this did not happen the way I said it originally happened, because that would be evidence of what is called "Brady evidence," exculpatory evidence, and I believe we would be entitled to that.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

I do want to touch on one issue. I will adopt the testimony of my colleagues from the Clark and Washoe County Public Defender's Offices, but I want to focus my testimony on the issue of prostitution as a human rights issue.

Section 27.3 of this bill proposes an interim study. While we think this is the correct approach, we are talking about the very difficult issue of prostitution in the state of Nevada, in the country, and across the world, and issues of sex trafficking. Taking a step back in looking at these models is certainly the approach that we want the state to take. However, what this bill proposes to do is to direct the state to do a study on one particular model, known as the Nordic model, and make recommendations to the Legislature to essentially adopt the Nordic model.

We as an organization reject that model. Amnesty International, the World Health Organization, and the United Nations also reject the Nordic model, and believe in a system that completely decriminalizes prostitution. These are conversations that we have to have. It is reasonable policy debate that we can have about the correct approach to prostitution laws in the state. We have to make sure that when we are looking at the issue of prostitution laws, that we are hearing from all of the stakeholders. Sex workers are not mentioned in the bill, either those in the legal trade or those in the criminalized industry. Those are important voices that we have to hear from and we have to be willing to bring those individuals to the table.

Finally, I think it would be beneficial to hear from union organizations and trade organizations that are experts in issues of human trafficking because they offer a lot of assistance in the correct approach to the way that the industry operates. That way we can push back on sex trafficking and differentiate between people who are being exploited and people who are not. For these reasons, we oppose this bill. We oppose it for the same reasons cited earlier and we are happy to continue working with Senator Spearman on this bill.

Caity Gwin, Member, Las Vegas Sex Worker Collective:

We are in support of this bill in general, but are supportive of the amendments proposed by Ms. Welborn from the American Civil Liberties Union. It is important to look at victims of sex trafficking and consensual and circumstantial sex workers as separate issues with separate needs, and we are supportive of this amendment not looking at sex workers as victims. We have used the Nordic model in many countries, and it has failed to protect anyone.

Vice Chairwoman Cohen:

Do we have anyone else in opposition in Carson City or Las Vegas? [There was no one.] Do we have anyone in neutral in Carson City or Las Vegas?

Ross Armstrong:

The Department of Health and Human Services is passionately neutral on this bill. We appreciate the inclusion of the Department of Health and Human Services and juvenile justice agencies in the study in section 27.3 in terms of really tackling these issues, not only as a criminal justice issue, but as a health issue for the victims who are left in the wake of these crimes. In section 26 it talks about facilities operated by the Aging and Disability Services Division in the Department of Health and Human Services. The Division of Child

Family Services has received a lot of technical expertise in our implementation of the Prison Rape Elimination Act that would be helpful in that piece of it. We appreciate that the exception that Assemblywoman Backus brought up about the advocates and confidentiality also includes a requiring report of child abuse and neglect if that is discovered in that relationship, which is important to us. We thank Senator Spearman for her fierce advocacy for victims and for working with the partners as this bill as moved along.

Assemblywoman Tolles:

I just need a clarification from you or from the Committee, I am looking at the bill and I see that section 27.3 that is being referenced is not new language, it is existing language. Am I reading that incorrectly? This bill is not proposing that.

Vice Chairwoman Cohen:

My understanding from the Legal Division is that that is new language.

Assemblywoman Tolles:

Did it transfer over?

Vice Chairwoman Cohen:

The transitory language? Yes. Can you speak to our legal counsel after the meeting?

Assemblywoman Tolles:

I did not see an amendment on the Nevada Electronic Legislative Information System that was referenced by a prior testimony.

Vice Chairwoman Cohen:

I caught that. I think that was just a reference to changing our law in general and not an actual amendment. I will ask the presenters to come back up for final statements. Please make it brief. We are available if you would like to provide us with any documentation or speak to us offline.

Kimberly Mull:

I just want to speak to the fact that Mr. Piro made a comment about how the reason we have no statute of limitations on murder is because the victim's life ends. Sexual assault does end lives. Aside from the fact that 13 percent of victims will attempt to end their own life, our lives end a little bit every time it happens to us, but with this last one for me, not only did I have to go to residential treatment for PTSD for 60 days because I was to the point of attempting to take my own life, but I also had to leave my position with the coalition. I went without pay for five months. The only reason I had food for the first three months here at the Legislature and was able to pay my bills is because of not only the food pantry here in Carson City, but because Assemblywoman Krasner actually bought me groceries. Our lives do end with sexual assault; there should not be any statute of limitations with that.

Senator Spearman:

Let me just say on the onset, I had several stakeholder meetings and just said to Mr. Piro, as he left the witness table, that he should have talked to me. He is correct we did have some meetings scheduled that had to be postponed, but that has happened to me numerous times during this session and what people will usually do is, they will walk with me to a committee or they will call and they will say, Can I meet with you afterwards? I am usually here until 7:30 p.m. to 8 p.m. at night. I have no problem whatsoever meeting with people. So I will extend the invitation to everyone who came up in opposition—come talk to me because there is a reason for all of these things being in there. As far as sex workers and having other voices at the table, that is the whole purpose for section 27.3—getting other people at the table.

When I present a bill and I have stakeholder meetings, if you have that much concern, you should really talk to me. I do not know who the lady was who spoke from Las Vegas, I never heard of her. I have no idea who she was. She elucidated for about 10 minutes about things she had objections to in the bill. I am sure that you have all had the same thing happen to you and it is not fair. So if you have a problem with a bill that I sponsor, you know where my office is, room 2132. If we cannot meet between 8 a.m. and 4 p.m., I will come in at 7 a.m. I will stay late, and that is because I want to make sure that the policies that I am presenting have all voices at the table.

The statute of limitations for children under the age of 18, I do not think it is too much to eliminate that, I do not. We had a blanket statute of limitations exempting all the statutes of limitation for everything and we narrowed it down after we met with many of the stakeholders. I had four or five meetings. Talk to me. Do not just come up here and say you are in opposition.

[([Exhibit C](#)) was not discussed but it will become part of the record.]

Vice Chairwoman Cohen:

I do not know what happened. I know you work hard. I know the lobbyists in this building work hard. I do not know where the inability to communicate came from, but we certainly know that they do work hard, again, as do you, and hopefully you will be able to speak now and maybe come to some resolution. Assemblywoman Krasner, can you please speak to people offline? We would appreciate that. With that, we will close the hearing on S.B. 368 (R1). Again, I remind everyone that you are welcome to speak to Senator Spearman or any of the parties involved to try to come to some sort of resolution.

Do we have any public comment? [There was none.] As a reminder, we will not have a hearing on Monday. We will have a hearing Tuesday at 9 a.m. At this time, we have one bill and a work session. The meeting is adjourned [at 11:15 a.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is supporting documentation submitted by Senator Pat Spearman, Senate District No. 1, in support of Senate Bill 368 (1st Reprint).