

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

**Eightieth Session
May 29, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 10:08 a.m. on Wednesday, May 29, 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:

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

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Edwards (excused)
Assemblywoman Jill Tolles (excused)

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Services Providers
Ross E. Armstrong, Administrator, Division of Child and Family Services, Department of Health and Human Services
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office; and representing Clark County Department of Family Services
Jared Busker, Associate Director/Government Affairs Manager, Children's Advocacy Alliance
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Sarah M. Adler, representing Nevada Coalition to END Domestic and Sexual Violence
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Deni French, Private Citizen, Carson City, Nevada

Chairman Yeager:

[Roll was taken. Committee protocol was explained.] I will open the hearing on Senate Bill 293 (2nd Reprint). This is Senator Ratti's bill. She had some other obligations this morning, so we have a couple of individuals at the table who will be presenting on her behalf. [Senator Ratti provided written testimony ([Exhibit C](#)).]

Senate Bill 293 (2nd Reprint): Makes various changes relating to children who are victims of commercial sexual exploitation. (BDR 38-517)

Bailey Bortolin, Statewide Advocacy, Outreach and Policy Director, Nevada Coalition of Legal Services Providers:

I will quickly walk through what Senate Bill 293 (2nd Reprint) is, what it does, and where it has come from in the last 100-plus days. At Legal Aid Center of Southern Nevada, we work with many victims of child sex trafficking. We have attorneys who practice exclusively for children who are victims of sexual abuse. There is a lot of crossover as far as providing services and advocacy for those victims and seeing what they need in our community. We are one member of a greater stakeholder community that has worked really hard on this. We have spent the legislative session working with all the child welfare agencies, juvenile

justice agencies, and Mr. Armstrong with the state to ensure we have a path forward and a plan for child victims of sex trafficking that works for the whole stakeholder community.

Essentially, what this bill seeks to do is reduce our reliance on the juvenile justice system when a child is a victim of sex trafficking. We have had a long understanding in the stakeholder community that it is not ideal to place a victim of sex trafficking in the juvenile justice system for housing, but we have not had other housing options. I think the juvenile justice system has done a really great job with what they have been handed and what they have been tasked with, but it does make some of the victims feel further victimized. I think it does strengthen what a pimp is saying to these children. They say if you get caught, you will get in trouble and the system will punish you. Then you get placed in a juvenile justice system and it feels as though we are reinforcing that idea they are being told, the idea that if you tell, if you get caught, if you get found out, the system is also going to punish you for that.

The goal is to come up with a plan whereby we can move toward housing that is not part of that system. That has been very difficult throughout the years. For many years, Judge William O. Voy, Family Division, Eighth Judicial District Court has been a big advocate for trying to find a housing solution in Las Vegas, but he has never been able to find the funding for that solution. We all sat down and asked what it is going to take to find a solution. The first draft of S.B. 293 (R2) did say that when this bill passes, we will stop housing victims in the juvenile justice system and place them elsewhere—child welfare, foster homes, wherever we can—to make these children feel they are not being further victimized. We do realize that was too aggressive of an approach. We do not have the infrastructure right now. So what you have before you is a plan whereby the state and the stakeholders can come together to ensure we have a path forward that is done incrementally and responsibly so that in the future, we can eliminate the need to place children in the juvenile justice system.

Senate Bill 293 (2nd Reprint) requires the development of a research- and treatment-based plan throughout the next biennium so we may articulate exactly what is needed to fix the gaps in services that lead us to rely on a detention-based model for victimized children. The state will first add a position in the Division of Child and Family Services in the Department of Health and Human Services to oversee services for commercially sexually exploited children—that will be under Mr. Ross Armstrong—including implementation of the components of this bill. This person will provide a key role in stakeholder coordination and proactive planning, filling a gap that currently exists. I think one thing you have all seen is that there are a lot of people, nonprofits, and advocacy groups who care about this issue and want to work on this issue, but it can be really hard to coordinate who is going to provide which services and how you can offer your services to the state when there is not somebody specifically overseeing this area for our children. This will fix that communication gap. We will have somebody in the state who will be in charge of what these services look like, what an appropriate model is, and how to coordinate the stakeholders.

The second step for this new position will be to create a plan for treatment-based infrastructure to serve this population. That will require answers to a lot of difficult questions: What are the gaps in services? How do we recruit and maintain placement options? What do the different placement options look like and how can we increase the likelihood of success of those placements? I think there are some philosophical differences among the stakeholders as to when a child should be behind a locked door and when a child should not be behind a locked door. We need to do some evidence-based research with a consensus as a community and move forward with what the most appropriate model is for our children. I want to thank all the stakeholders because I think we have reached a good compromise. Everybody has been willing to put aside their corner in order to say, We do need to develop this plan, so let us pick a path forward.

Next, the plan is to be presented to the interim Legislative Committee on Child Welfare and Juvenile Justice by October 1, 2020, so we can consider investing in this needed infrastructure. All of this is with the ultimate goal in mind that by the time we have completed this work, we will have removed any reliance on the juvenile detention system to treat our most vulnerable and victimized youth. Section 16 of S.B. 293 (R2) reflects that intent, but I want to note that it has a July 1, 2022, effective date. That would require that we are able to build this into the Governor's next biennium budget to ensure we can build the infrastructure for other housing options for this population. When that is complete, we would then change some of our laws to ensure we are not placing victims in the juvenile justice system.

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

I would like to note that in section 18, you will see the appropriation. In working through the Senate, we have determined to contract the person who is going to oversee the child sex trafficking development. We are not going to solve child sex trafficking in the next interim, but we will have a plan to attack it next session. In this Committee, you previously heard Assembly Bill 151, which establishes a legal foundation for how our child welfare agencies approach these types of cases. This bill really helps supplement that bill by having us plan for the actual infrastructure to serve those youth when we find them.

We know this is a unique population. They do not completely fit in the juvenile justice system. They should not just be tossed into the child welfare system, a system that is designed to reunite you with the person you were taken away from, which in this case is the pimp. We do not want to be doing that. We want to harness all of our child-serving systems, including children's mental health and victim services, to come to an actual plan for when we identify and are able to bring these youth out and try to hook them up with services so they can start to heal and stay away from victimization.

Bailey Bortolin:

This is for the purpose of legislative intent, but we do hope Assembly Bill 151 passes, and it will create a new chapter in the *Nevada Revised Statutes* (NRS) for laws on minor sex trafficking. If that chapter is created, it would be our intent that these laws as passed would get moved into that chapter.

Chairman Yeager:

I was looking at Assembly Bill 151, and it went to the Assembly Committee on Health and Human Services. It looks as though it passed out of both the Assembly and the Senate unanimously, so that should be headed over to the Governor's Office within the next day or two for signature, hopefully.

Assemblywoman Cohen:

I have a question about section 1, subsection 3(e)(2)(I) of S.B. 293 (R2) [page 3, lines 36 and 37]. It is the provision about returning the child "to a parent or legal guardian or to another jurisdiction." What are we doing to protect the children and to make sure the other jurisdiction is looking out for them the way they should and the way we are attempting to?

Bailey Bortolin:

I believe Brigid Duffy is in Las Vegas in case she wants to help me, but I will say we carved out specific reasons for why we would want a locked door immediately, and this is one of those reasons. A lot of what Ms. Duffy sees are children from California who have run away and get picked up in Las Vegas. If we are not able to hold them in a secure place while the parent is coming back to retrieve them, we have not necessarily protected them to the best of our ability. If we were to put them in congregate care or in a foster home that is available, they would still have the ability to run away. If we have contacted a mother in California, by the time she gets there, it would be pretty upsetting if the child was no longer able to be picked up. Through our Interstate Compact for Juveniles, we have to return children to their original jurisdiction, so we do not have the option to service those children long term, but we can do what we can to ensure they get back home safely. I do not know if Ms. Duffy wants to add to that.

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office; and representing Clark County Department of Family Services:

What we know is that California does not use locked facilities. A lot of our victims are coming from California, and we are picking them up. If we do not hold onto them to get them back to their parents, they are just running away again. We appreciate working with the sponsor in order to get some sort of provision within the bill to be able to return them safely to their parent, legal guardian, or foster home if that is the case.

Assemblywoman Cohen:

I was not aware of this compact, but basically, we do have to trust that the other state is going to do what is necessary to take care of the child and make sure that child gets the services she or he needs, whether it is the child or the whole family getting the services.

Brigid Duffy:

Yes, we just have to trust in other states. Some of the ways we have been able to service the child here within Nevada is if the child has been deemed to have committed a delinquent act, then our court system is able to put that child on probation, and with that, we can ensure there are probation services offered in the other state that we monitor. We have also been able to use facilities here in Nevada to hold onto them while the services are being put into place. If we cannot hold them on committing a delinquent act, we are required to send them back, and it is up to the other state. We do not monitor it.

Assemblywoman Backus:

Since this is under NRS Chapter 424, I take it this will not be exclusive to only children who are trafficked, but would be inclusive of kids who may be subject to NRS Chapter 432B, our child abuse or neglect system?

Bailey Bortolin:

This is where we have run into a bit of confusion. We do not feel that NRS Chapter 424 is necessarily the best home for this. We did start by sort of expanding a foster home model, so the Legislative Counsel Bureau did place it here. It can work here, but the purpose is to exclusively be for when someone is a minor victim of sex trafficking. Oftentimes, they are also an NRS Chapter 432B child, so there is that overlap. With the enactment of Assembly Bill 151, we do feel there will be a better chapter for these laws hopefully to move into when codified.

Assemblywoman Backus:

I do think it is completely important to make sure our kids who are subject to abuse and neglect are also included in this, because they are at the most vulnerable time in their lives. As a Children's Attorneys Project (CAP) attorney, I had a client who was saved by Judge Voy so she was not on the streets. When I read S.B. 293 (R2), I read it in the light of being a CAP attorney and seeing a saving grace for her to have that appropriate placement, so I am really excited about this bill with respect to that. I also like section 1, subsection 3(d), through which those kids who may not be in our system and may not be afforded their own legal counsel do get their own counsel.

Chairman Yeager:

As long as I have been in the building, we have had this discussion about what exactly to do with these children and what the best placement is for them. I appreciate that we are making progress because it seems that in prior sessions, we would talk about it and sometimes we would have legislation, and then it would just sort of end there and we would come back the next session. I think this is obviously a great step forward, so thank you for your hard work on it. At this time, I will take testimony in support.

Brigid Duffy:

I am here to support S.B. 293 (R2). We appreciate all the time Senator Ratti and Legal Aid Center of Southern Nevada spent with us in order to come to this compromise. I am very excited about the work we will be able to do in the interim to assist these victims. They do

not fit into the juvenile justice world, they do not all fit into the child welfare world, but a hundred percent of them have mental health needs and extensive trauma. To be able to create this new system to help them is going to be innovative across the country, and I suspect other jurisdictions such as California and New York, whose systems are failing to help kids, are going to turn to us to see how we did this.

Jared Busker, Associate Director/Government Affairs Manager, Children's Advocacy Alliance:

We just want to be on the record in support of this legislation. We definitely need to do more for this population and make sure they are in the correct placement so they can get the help they need.

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

We are in strong support of this legislation. The problems we fix in the juvenile system save us from the problems in the adult system, so we are all for solutions so that population hopefully never makes it to us.

Sarah M. Adler, representing Nevada Coalition to END Domestic and Sexual Violence:

We, too, are in strong support of this bill. This is clearly a very complex problem. It is exciting that this bill will initiate a holistic examination and will hopefully come forward with a holistic approach to addressing the needs of the youngest victims of sexual violence. Just as Mr. Piro said, if we can assist these people now, we can avoid a lifetime of harm.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

We also strongly support this bill. In my work with the public defender's office as well as my previous work as a children's attorney, I have had the unfortunate opportunity of needing to have this discussion with victims in our Jan Evans Juvenile Justice Center about there being no other placement option. Being able to work toward having a placement option so they are able to feel as though they are worthy and they are not just criminals in the criminal justice system is extremely important. We look forward to helping and working in the interim to resolve this issue.

Holly Welborn with the American Civil Liberties Union of Nevada requested that I put her support on the record as well. Unfortunately, she is elsewhere.

Deni French, Private Citizen, Carson City, Nevada:

I was able to find the Frederick Douglass quote, "It is easier to build strong children than to repair broken men." I am definitely in support of this bill, and I appreciate the opportunity to say so.

Chairman Yeager:

Is there anyone opposed? [There was no one.] Is there anyone in neutral? [There was no one.] I will now close the hearing on S.B. 293 (R2). Given how that hearing went, I think it makes sense to move this bill out of Committee this morning and get it to the floor. At this time, I will be looking for a motion to do pass Senate Bill 293 (2nd Reprint).

ASSEMBLYWOMAN MILLER MADE A MOTION TO DO PASS
SENATE BILL 293 (2ND REPRINT).

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS AND TOLLES WERE
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Miller. That brings us to the end of our agenda. I will now open it up for public comment. [There was none.] I think we have exhausted the bills in our Committee at the moment. There is a possibility we could get some more bills on the floor today. In the interest of caution, I will recess until the call of the Chair just in case we get any more bills this afternoon we might want to hear. If we are going to do that, I will let you know as soon as I know. At this time, we will be in recess to the call of the Chair [at 10:32 a.m.]. [Adjourned at 1:32 p.m.]

RESPECTFULLY SUBMITTED:

Lucas Glanzmann
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony submitted by Senator Julia Ratti, Senate District No. 13, in support of Senate Bill 293 (2nd Reprint).