

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

**Eightieth Session  
March 4, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:05 a.m. on Monday, March 4, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://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 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:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Janine Hansen, State President, Nevada Families for Freedom  
Megan Ortiz, Legal Intern, American Civil Liberties Union of Nevada  
Bob Russo, Private Citizen, Gardnerville, Nevada  
Kay Landwehr, Private Citizen, Gardnerville, Nevada  
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Cody Fulwiler, Sergeant, Traffic Bureau, Las Vegas Metropolitan Police Department  
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office  
John T. Jones, Jr., Chief Deputy District Attorney, Clark County District Attorney's Office; and representing Nevada District Attorneys Association  
Bret Ficklin, Lieutenant, Las Vegas Metropolitan Police Department

**Chairman Yeager:**

[Roll was called and protocol explained.] There are two bills on the agenda today, and we will take them in reverse order. I will open the hearing on Assembly Bill 226. There is an amendment available on the Nevada Electronic Legislative Information System.

**Assembly Bill 226: Prohibits any person from requiring another person to undergo implantation of a microchip or other permanent identification marker. (BDR 15-25)**

**Assemblyman Skip Daly, Assembly District No. 31:**

Assembly Bill 226 is a measure to prohibit the implantation of a microchip or other permanent identification marker of any kind. During the last interim, I read an article about a company in Wisconsin that was using microchip implants on a voluntary basis on its employees. You can look it up yourselves—just Google "microchip Wisconsin" and you will be able to find the article. In that article, they were touting that this will be the technology of the future with wide-ranging applications.

My first thought was, "No way." I did not want that in Nevada. When I started thinking about bills that I might be submitting, I mentioned this idea to our majority leader, and she

mentioned that Senator Becky Harris had submitted this bill in 2017 [Senate Bill 109 of the 79th Session]. The bill received a hearing in the Senate Judiciary Committee, but no further action was taken. When Senator Harris did not run for reelection, I decided to submit the bill. My goal with this measure is to have the first and last word on microchipping humans in Nevada to be its absolute prohibition.

From my point of view, there is nothing beneficial that can come from this. Other states are proposing legislation to regulate what type of information can be collected, who will have access to the information, and what the information can be used for. That is a rabbit hole I do not think we should go down. We have insurance companies, credit reporting, monitoring locations, tracking transactions, and employers having access to personal information, et cetera, which some of you may see as having potentially beneficial applications, all of which are overshadowed by—in my opinion—the negative applications and potential for abuse and infringement upon our freedoms.

As we learned last week, there is a definition in Chapter 0 of the *Nevada Revised Statutes* (NRS) that applies throughout NRS unless there is a specific definition in a particular statute. That definition is at NRS 0.039, which covers everything from individuals to corporations under the term "person," but it excludes the state and any political subdivisions of the state. That is why the bill states in the first section, "An officer or employee of this State or any political subdivision thereof or any other person shall not." So it is intended, in my opinion, to cover virtually everyone in this state.

In the amendment ([Exhibit C](#)), I split the prohibition to be as clear as possible into two areas: (1) transactions where implantation might be required and, (2) language to prohibit anyone in Nevada to establish or participate in any voluntary program for the implantation of microchips in humans. That was where my intent was when the first draft of the bill came out. I believe it mirrored exactly what was in the 2017 Session. When I looked at it further and saw that it was required versus a voluntary program like they had in Wisconsin, I did not think it was covered. So we basically split it to where no person, public employee, employer in the state—virtually anyone—can implement or establish a program in a workplace or any other place, including day care; no, you cannot microchip your kids. No one can establish or participate in someone else's voluntary program for implantation. I understand that people had a question on the penalty in section 1, subsection 3, "Each day or part of a day," which is an additional violation. If someone wants to fix and clarify the penalty portion of the bill, I am open to those suggestions. I am happy to answer any questions.

**Assemblywoman Miller:**

I think many times we kind of joke about things and look at things as though they would never happen, yet we need to look at the pattern of "life imitates art." We know we are imitating *Star Trek* and a lot of things right now. I see the potential for this and the harm it would bring.

When I am looking at the difference between the actual bill and the proposed amendment, I want to be clear that when this is interpreted, and when it says "employee of the state or any

political subdivision," it implies someone who works for the government. When it says, "any other person," I just want to be sure that it covers—you stated it well, but I just want to make sure when interpreted, it covers "anyone." So even if I worked for any company or corporation, private or public, it would be covered: any person, any employer. I know you also mentioned that we cannot offer services that would require that type of technology.

**Assemblyman Daly:**

If you read Chapter 0, it specifically excludes the state and political subdivisions—which I think we capture—and then virtually every other corporation, association, individual person—however you form yourself—is also covered in Chapter 0.

I would mention that I contacted Senator Harris before she went on the Nevada Gaming Control Board and told her I would support her if she submitted it again. When she did not run, I did not want to put the bill in. Then when I saw the article on Wisconsin, there was no way to win, basically. Yes, I believe it covers everyone. I believe it would cover any Google, Facebook—whoever—if they had an application to follow it in another state, they would not be able to operate it here under this provision. That is my understanding and goal.

**Assemblywoman Peters:**

Looking at this definition of implanting a permanent identification marker of any kind, does that pertain to tattoos that relate to a gang identification or some kind of related identification? Would this language cover that too? It is not really technology, but this does not explicitly say technology implants.

**Assemblyman Daly:**

Yes, it says "or other permanent identification marker of any kind." I don't know that we can get into gang activity and stop them from getting identifying tattoos, but your work would not be able to require it or participate in a program for it. Again, if someone complained afterwards that they were required and forcibly had to go get the gang tattoo, they could potentially file a claim and say whoever made them do that was guilty of a category C felony. That is the way I read it.

**Assemblywoman Cohen:**

I feel like when we are talking about our personal freedoms and rights to privacy, if we have to define everyone, we are minimizing them. There are some things that we should not have to say and should not be required to be spelled out for protection. When we do start protecting and spelling out one, we are almost leaving out the others. Do you have any concern we might be doing that here? If we have to spell it out, we are losing some protections in a way.

**Assemblyman Daly:**

I would say we have to take steps on things that we can predict, know, and see that could potentially cause the elimination of freedom. I suppose it would be up to future legislatures to address those issues if they come up. I cannot predict what other issues might be there. I can see a lot of negative implications here where people would be able to cause mischief

with this, whether it be a mining company in the state or the gaming industry or insurance companies trying to say, You need to get this chip so we can give you a better rate—it is all for your own benefit. I am just not buying any of that and I think the first and last word in the state of Nevada on this issue should be its absolute prohibition. We cannot predict all of those things on the other side and protect against the negative or an unknown at this point.

**Assemblyman Edwards:**

Have we given any thought to a couple of the other possibilities of other states allowing it, but those people are either visiting here or are residents of Nevada but working out of state? How would that play into it, or are we not there yet?

**Assemblyman Daly:**

I thought about it. The workers from Wisconsin can come and visit Nevada. I do not think they would be in violation of this. There is no employer, agency, or person in the state of Nevada who did that. I do not know if they would be able to have an app that would support it here unless they gain access to it. People going back and forth across state lines—I do not think it is foolproof on all of it; however, it would eliminate employers or persons in this state from requiring, establishing, or participating in that program in Nevada.

**Assemblywoman Miller:**

It says that the penalty is a class C felony. For the average person, that is extreme and something that we would not want to face. I am thinking about a huge corporation—we know that corporations often have plenty of money to pay fines or deal with certain penalties. Would this really be a sanction strong enough to discourage a corporation from trying to do it in the thought of, Well, we will just pay the fine, we will pay the fine again, we will just pay the fine again. Can you define the penalties for class C felony so we can see if it would be strong enough to discourage large corporations from practicing this?

**Bradley A. Wilkinson, Committee Counsel:**

A category C felony is a minimum of 1 year, a maximum of 5 years, and a fine of not more than \$10,000. Of course, with a corporation, you cannot put a corporation into prison, although you can put the individuals involved in that corporation in prison.

**Assemblyman Daly:**

The Committee could go in the direction where, in addition to the category C felony that you have, you could potentially go after their license or business permits if they did that. You could put additional penalties in separate from the category C felony.

**Assemblywoman Miller:**

I wanted to make sure it is enough of a deterrent.

**Chairman Yeager:**

Looking at the amendment ([Exhibit C](#)), section 1, subsection 1(b), which is the new language, it basically says that someone is liable if they establish or participate in a voluntary program. Do you mean to target individuals who are receiving the microchip or permanent

identification marker as liable, or was it your intent in that new section to criminalize the person who is establishing the program and making people participate? I think with the "or," it could be read any way. What is your intent?

**Assemblyman Daly:**

If a person wants to get their microchip and they want to buy it, there is not going to be a program to back it up. They can do personal use all they want. It is meant to go towards the person who is in subsection 1, whoever that is who might require it, establish it, or participate in it would get the penalty. I wrote the language, so if it needs to be clarified, I am sure the Legislative Counsel Bureau will make that happen.

**Chairman Yeager:**

I thought that is what you were going to say, but I wanted to make sure that we had it clear on the record. Are there any additional questions?

**Assemblywoman Cohen:**

If we are talking about someone who is an artist and he or she likes to do piercings and implantations and things like that in his or her body or for an everyday person who likes that, but it is not a microchip that a business has chipped them with but just a way to express themselves, we are not capturing them in this, are we?

**Assemblyman Daly:**

No.

**Assemblywoman Cohen:**

I mean, like a bone. We have seen raised bones under the skin.

**Assemblyman Daly:**

I have not seen bones under the skin, but I know people who have put other types of implants in their face to make them look like a snake or something. They could do that. It is not a microchip. I do not think it would be captured by this.

**Chairman Yeager:**

Thank you for your presentation of the bill. I will open it up for testimony in support of A.B. 226.

**Janine Hansen, State President, Nevada Families for Freedom:**

We certainly appreciate Assemblyman Daly's bringing this bill; we supported the bill in the last session as well. We feel like these microchips are totally incompatible with a free society and a violation of our basic liberties. I think it is important that in the Bill of Rights, the most important liberties were spelled out so there was not any confusion about what they meant, and that is the way this bill is helping us. It is very well spelled out. Research confirms that implanted microchips in animals causes cancer in mice, rats, chipped pets, and zoo animals which have all developed aggressive cancerous growths at the site. This is in addition to my liberty concerns. In Sweden, they are now using implanted microchips to

enter a secure building or to book a train ticket. We see that this technology is advancing and becoming very convenient. Recently, I changed car insurance companies and, in order to be able to get a better rate, I had to plug a device into my car for three months so they could check how I was driving or something. This is not too farfetched from an insurance company requiring you to have an implant to check on how you are eating or whatever you are doing to see what your life insurance or health insurance rate might be. They are now suggesting that they use this technology for doctors and nurses to see how many times a day they wash their hands to make sure they are following the rules. You can imagine that they would want to—that is a positive thing for doctors and nurses to wash their hands—but we do not want Big Brother inside our own bodies.

**Megan Ortiz, Legal Intern, American Civil Liberties Union of Nevada:**

We are here specifically in support of the ban of involuntary microchipping as we feel it is an invasion of our privacy and our most fundamental rights as was mentioned by the Bill of Rights. We have no idea what this technology is capable of and, sticking that into your body, something could potentially malfunction and violate in a way that we are not quite sure yet what could manifest. Specifically for the ban, we are here in support of it.

**Chairman Yeager:**

When you see Ms. Welborn, would you wish her a happy birthday from the Committee?

**Megan Ortiz:**

Yes, I will.

**Bob Russo, Private Citizen, Gardnerville, Nevada:**

Although we benefit greatly from modern technology, there is also the danger of that very technology being used against us by jeopardizing our right to privacy. The use of microchips as a form of identification is really nothing more than government overreach, an invasion of privacy and, as has been mentioned already, it goes against our values as Americans and against our constitutional values as well. I urge all of you to please vote in favor of A.B. 226.

**Kay Landwehr, Private Citizen, Gardnerville, Nevada:**

I am the President and Founder of the House of the Rising Sun, which is a brothel ministry. I go to the legal brothels all over the state of Nevada. I see a lot of girls in there that have been trafficked and their pimp sends them into the legal brothels. One way of identifying the girls are the tattoos that they are subjected to having. The pimps force the girls to have tattoos and many other things. I am really in support of this bill and so grateful that the Legislature is addressing it—it does not specifically say that it is tattoos—but it does talk about "other permanent identification marker of any kind or nature." I really appreciate it and thank you so much.

**Chairman Yeager:**

Is there anyone else in support of A.B. 226 in Las Vegas or Carson City? [There was no one.] Is there anyone opposed to A.B. 226?

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

The main opposition point that we have is in section 1, subsection 3, for every day. That leads to the stacking of category C felonies for every day the microchip remains in. If a person left it in for 100 days, that would be 100 category C felonies? That is something we wanted the Committee to take a look at. We spoke with the bill's sponsor about it as well. That is our main concern with the bill—the stacking of charges creating a new category C felony for each day or part of a day that the microchip remains in. Also, something to think about as far as free will goes, I think this would limit any kind of technological advancement in the future if someone wanted to use technology and do this to themselves. It is not that I am encouraging it; I am just saying that is something to think about as a policy perspective. If you have a security system in your home and it works on your microchip, this would prohibit it moving forward in the future.

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

I agree with Mr. Piro's statements. Our concern is about the stacking charges, specifically section 1, subsection 3. We spoke with the sponsor and hope to be able to work with him on this.

**Chairman Yeager:**

Is there anyone else in opposition to A.B. 226? [There was no one.] Is there anyone in the neutral position to A.B. 226? [There was no one.]

**Assemblyman Daly:**

The public defenders talked with me about the stacking of category C felonies, and I am fine with correcting it. We could make it per person instead of per day. As far as personal freedoms and wanting to get your chip, someone needs to make that chip, then someone has to have an app, and for me, that would be for future legislatures to take up for whatever exception people might want to have. For now, my goal is absolute prohibition.

**Chairman Yeager:**

I will close the hearing on A.B. 226 and open the hearing on Assembly Bill 201.

**Assembly Bill 201: Revises provisions governing certain traffic laws. (BDR 43-604)**

**Assemblyman Tom Roberts, Assembly District No. 13:**

We are trying to fix an issue that we have in southern Nevada. It was my experience while I was there—when I was not learning about body cavity searches—that we were overwhelmed with people creating havoc on our roadways on the weekends on a regular basis, and the current laws and statutes did not give law enforcement the tools to adequately address it.

This bill is related to traffic laws. It provides that a person who facilitates or drives a vehicle in certain trick driving displays is guilty of a gross misdemeanor. We also defined "trick



driving display" and we provided for a penalty. We also provided for other matters properly related hereto. We understand that a recent Nevada Supreme Court ruling has an impact on the forfeiture aspect of this bill, so we will be amending that at a minimum, but I wanted to propose an amendment today because I know all of you will have some great suggestions for us to improve this bill, as well as the American Civil Liberties Union of Nevada and our friends from the public defender's office. We are already in dialogue with them.

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

Over the past several years, we have seen an increasing problem with these groups of people who are commonly called "motorcycle mobs." They take over the roadways in our communities, they block traffic, and they perform stunts in the roadway and in the intersections that endanger the public. Before I go into more specific detail about the problem and identify why the current law is ineffective, and go through the bill with you, I would like to show you a short video. This was originally a 13-minute video, and we have cut it down to 3 minutes. It is very easy to find videos of this nature on the Internet. There are literally thousands of videos like this. Most of this video was shot in Las Vegas on the Strip. The people who are doing this—their whole goal is notoriety and posting what they do on the Internet. They did stunts on the San Francisco-Oakland Bay Bridge in San Francisco about a year ago. They like to do it on the Las Vegas Strip and any place that is of a notable location to promote their Facebook or YouTube pages. Before I get into more detail, we will take a quick look at this video ([Exhibit D](#)).

This is an issue that the current reckless driving laws do not cover in statute. It is a challenge because when our officers try to stop these people, they take off and it is very difficult to catch them. In most cases, they do not have license plates on their motorcycles. They flee at a high rate of speed. We are not going to pursue them because of the danger to the community and to the motorcycle riders themselves. We try to follow them with helicopters. This is something that is outside of and rises above normal reckless driving. It rises to a level where they are endangering the lives of citizens who are on the Las Vegas Strip and in our communities.

I would like to go through the bill and what it does. I will start with section 3, subsection 1. This is the meat and potatoes of the bill. It creates paragraphs (d) and (e), which make it a crime to "Drive a vehicle in an unauthorized trick driving display on a public highway" and to "Facilitate an unauthorized trick driving display on a public highway." It clearly outlines that paragraph (d) constitutes reckless driving. We had one case where the helicopter was following someone and the only reason we caught him was they turned into a gated community and the gate would not open. So he was trapped and the officers were able to stop him. We charged him with reckless driving and then he goes into court and says, "Oh, I am not reckless. The road was blocked. There were no cars around me. I am a professional stunt driver. This was not reckless." Sometimes these cases get dismissed and the current statute does not specifically apply to the behavior they are exhibiting.

Section 3, subsection 6 outlines what the penalties are for this. It makes it a gross misdemeanor offense. The reason that is important is because they most often get away from us, they flee, and we have to do a follow-up investigation, we have to look at their social media, we have to try to identify who they are, and in some cases try to do a search warrant. That is unrealistic for a misdemeanor offense. This law needs to have a little more teeth in it when dealing with these people so that we can do follow-up investigations, get search warrants, and try to send a message that this type of behavior is not acceptable and it risks the public's lives and the lives of the motorcycle operators in our communities.

As Assemblyman Roberts alluded to earlier, section 3, subsection 7, says what the court may do: suspend their license, have their vehicle impounded for a period of time, and then, of course, the potential forfeiture—we are open to discussion if that needs to be removed or tweaked.

At the bottom of page 8 and into page 9 [section 3, subsection 11] are the definitions for this crime—what "facilitate" means, the people who are promoting and filming this type of activity; "organizing"; and, at the bottom of page 9, "trick driving display." The reason this is important is because these are very organized events where they are sometimes advertising on social media weeks in advance that they are going to do this. I was talking to a former traffic lieutenant where we reached out to the organizers of this event prior to them showing up and said, Hey, we will help you get a permit to do this the legal way. We will block off a road, we will go down to the city or county and get you a permit, and you can do stunts for four hours all you want and we will make sure it is safe. They did not want to do that. They wanted to do it illegally because that is the whole fun of it. That is what makes their YouTube channel popular. We could not get any cooperation.

We have tried to think out of the box and tried to address this through the current laws that are on the books, and we have not had any luck with it. We hope we will get your support in trying to address this important issue before someone on our roadways—either the operators of these vehicles or innocent citizens—gets killed because of this behavior.

I do not know if the traffic officer in Las Vegas, Sergeant Cody Fulwiler, would like to make some comments on this or if you would like to go directly to questions.

**Chairman Yeager:**

We will go to Las Vegas for additional comments in support of the presentation of the bill, and then we will open it up for questions.

**Cody Fulwiler, Sergeant, Traffic Bureau, Las Vegas Metropolitan Police Department:**

Bridging off what they stated, it is very difficult for us to currently enforce these groups. They have utilized different motorcycles and vehicles. You saw not just street bikes, but also dirt bikes. They utilize those to further enhance their ability to get away from the police by being able to go out onto the dirt. Obviously, we do not have vehicles that can get out there and go after them.

To explain how we currently handle these types of situations, when they start to shut down a roadway or a freeway, we try to use the helicopter when it is available. We do not pursue because it endangers the motorcyclists, the public, and our officers.

We get 911 calls quite frequently from the citizens. The key here is that they are actually in fear. People are afraid. They are driving on the roadways. They have their families and vehicles and they have people getting off motorcycles, stopping traffic, driving between the vehicles, and they are truly in fear and calling for us to help them out. It is frustrating for us.

We normally ask for the air unit. They try and follow them. The air unit has cameras and they film them. It is difficult because they don't have license plates. About three weeks ago, Director Callaway talked about how one motorcyclist actually got stuck inside of a gated community and another one went out into the desert and destroyed his motorcycle, so we were able to capture those individuals. The difficulty then comes afterwards in trying to prosecute them, and that is why this bill will definitely help out with that.

I know the agencies throughout the state of Nevada mirror ours, but one of our missions in the traffic bureau is to deter crime and disorder through traffic enforcement. That is what these groups are doing. They are causing disorder on our Las Vegas Strip and on our freeways, and they are branching off into the communities where we eventually catch up to them. It is causing fear for the citizens who are driving on the roadways, endangering not just the persons who are involved in these groups, but also the citizens who are driving on the roadways.

**Assemblyman Fumo:**

It seems like the punishment is grossly disproportionate to the gravity of the offense. I know you drafted the bill prior to *Timbs v. Indiana*, 2019 WL 691578 (U.S.Ind., 2019) coming out, but two weeks ago the United States Supreme Court basically had a case on point, and this would fly in the face of that. As it is written right now, it is unconstitutional. We would have to work with the punishments a little bit, perhaps reimbursing the Las Vegas Metropolitan Police Department (Metro) for the cost of prosecution—the helicopter cost and time—rather than forfeiting a vehicle. As it is written now, it just seems like it would be disproportionate to the gravity of the offense.

**Chuck Callaway:**

I do not disagree with you based on the outcome of that court decision. I think the gross misdemeanor is appropriate. In fact, we had originally talked about a category E felony, but we know that this legislative session with criminal justice reform, there is an effort to look at reducing crime penalties in some cases and in other cases not creating new felonies. That is why we decided to opt towards the gross misdemeanor. We are certainly open to discussion on how we can fix that forfeiture section to being in compliance with what the Supreme Court has said.

**Assemblyman Fumo:**

I would be happy to work with you on it.

**Assemblywoman Cohen:**

I have a question about section 3, subsection 11, in paragraph (a) with the definition of "facilitate." It also mentions on page 8, line 38 "in any other way participate in an unauthorized trick driving display," is that including anyone who is just watching this on Facebook and says, Hey, that looks really cool; I want to go see that?

**Chuck Callaway:**

No. The intent of it was under the current reckless driving law. As you saw in the video, it is the people who are blocking the intersection so the other guy can do the stunts, the person who is in a chase car that is cutting in and out of traffic so they can film and get a good shot for YouTube, or the people who are making an effort to facilitate this activity versus a citizen who may just happen to film it as it goes by because they think it is interesting, or maybe even a person who forwards something on social media. That is not the intent. The intent of this is for those people who are actively engaged in this activity, who are facilitating it and making it happen.

**Assemblywoman Cohen:**

If you start doing the tricks going down the street but you are not blocking traffic, does this still cover it?

**Chuck Callaway:**

Based on my reading of it, no. It would be the totality of what you saw in the video. That does not mean that someone does not go around the person who is blocking. We have seen cases where one motorcycle turns sideways to block a lane, but a motorist goes around that motorcycle. Just because you see some cars going by does not necessarily mean that someone back behind made an attempt to block. I think the activity we most often see with these groups is that they are trying to block intersections and trying to impede motorists so that the roadway is more clear for them to perform these kinds of stunts—kind of like you saw in the video clip of the intersection, where they actively blocked people turning so they could go out and do wheelies and spin in the middle of the intersection while the light was red. For the person who goes down the street and decides they are going to do a wheelie, that would not be captured by this.

**Assemblywoman Cohen:**

I have some questions about the forfeiture, but I will let that go until we see what happens with the amendment. I would also like to take a moment and commend Metro for reaching out to the group and trying to come up with some alternate ways for them to do this without breaking the law. It is great to see that from Metro.

**Chuck Callaway:**

If I may make one comment to the point that Assemblyman Fumo made about the penalty seeming harsh. There are two factors: (1) When these groups talk on social media—for example, a year or two ago, Canada passed some significant laws about this type of activity and they seized people's motorcycles. You can see on social media that when the groups talk, they say, Hey, let us not go to Canada. Let us skip this year and go someplace else.

When they see areas that have these strict laws in place, they tend to move and do it somewhere else, and (2) we often see motorists get into altercations with the people on the motorcycles and some of those have actually turned deadly.

There was a case back East where a person in a van with his family drove over one of the motorcycle riders to get away from them. There was also a recent incident in Aurora, Illinois, a few weeks ago where a group of these motorcycle riders got into an altercation with some motorists and there was fighting and people were injured as a result of it. I just wanted to point out those two things.

**Chairman Yeager:**

I have a follow-up on Assemblywoman Cohen's question. If you could go to the definition of trick driving display on page 9 of the bill, there is an "or" on lines 8 and 9 where it looks like someone would be liable if they have "such tricks, stunts or maneuvers filmed or otherwise recorded." I think I know the answer, but I want to make sure the intent is clear. Being liable for having them recorded would still require that the trick itself has traffic diverted, slowed, impeded, or blocked to be able to perform those trick driving displays. Am I reading it correctly? Is that your intent?

**Chuck Callaway:**

Yes. Just to be clear, the intent of this is to target the organized groups that typically have a chase car that is filming or another motorcycle rider with a GoPro filming as part of the motorcycle mob, so to speak. The intent is not to include the motorist who goes by and films the motorcyclist who decides to do a wheelie at that time.

**Assemblywoman Hansen:**

What is the definition of the word "highway"?

**Chuck Callaway:**

I would refer to the Legislative Counsel Bureau for the answer.

**Assemblywoman Hansen:**

From the video, I get where this is taking place. Would this also be illegal in residential neighborhoods and streets? Maybe they do not get the kind of exposure they want, but if it were to happen there, I was curious if that would be covered as well.

**Chuck Callaway:**

This is the highways, roads, and streets in our communities where the public has access. That is the intent. Most likely, these groups target high-profile areas such as the Las Vegas Strip, the San Francisco-Oakland Bay Bridge, and Michigan Avenue. They want to do it in some place that is going to bring them notoriety, so we typically do not see them off in a residential neighborhood. It happens sometimes when they are fleeing from the police that they end up in residential neighborhoods. The goal is the highways, streets, and roads where you drive every day where the public has access.

**Bradley A. Wilkinson, Committee Counsel:**

*Nevada Revised Statutes* (NRS) 484A.095 defines "highway" as "the entire width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the use of the public for purposes of vehicular traffic, whether or not the public authority is maintaining the way."

**Assemblywoman Hansen:**

In my lay understanding, it seems like we are not boxing ourselves in. This leaves you the latitude. When I think of a highway, I think Pyramid Highway or Highway 95.

With YouTube being what motivates them for this exposure, we know that YouTube can sometimes shut down channels, sometimes just for speech, not just for illegal activity. Does law enforcement ever work with YouTube to alert them that illegal activity is being utilized on that channel and is it a recourse we could work with them?

**Chuck Callaway:**

In this particular case of these motorcycle mobs, I do not believe we have had any communication with YouTube about trying to shut down their channels or trying to disincentivize them to do this on YouTube. In other areas, such as finance or fraud crimes, we have interacted with Craigslist or various types of social media entities. It is always a possibility and something we could look into as well.

**Assemblywoman Torres:**

I am concerned—it is probably because I work with high school-aged kids—that this bill is going to be affecting young, reckless kids, teenagers, young adults, more than it is going to be affecting these organized crimes. The reason for that is, as you stated, it is already extremely difficult for you to track down these individuals to figure out who it is. I am concerned this is just going to affect people under the age of 25.

**Assemblyman Roberts:**

That is not the intent. I know from my experience working patrol and seeing these groups that some of them are old. It does not matter if they are young or old. If they are out disrupting the public and causing safety hazards to anyone, it should apply equally to everyone. I would hope that we not just craft a law or legislation that would prohibit people from 18 to 25. The intent is not to target anyone in specific as far as age groups, but the people performing this and disrupting the roadways.

**Assemblywoman Torres:**

My concern is because of the level of the crime that it is extremely severe. It could negatively impact a lot of young individuals.

**Assemblyman Roberts:**

You are correct; it definitely could negatively impact people. The intent is to provide a deterrent so they do not do this. I completely understand the forfeiture aspect and some of the gross misdemeanor. You also have to understand that we—in my experience at Metro—

put out a considerable amount of resources to get in front of these things, to keep the roadways open. It is intense. I like Assemblyman Fumo's idea as far as putting in fines and to recoup some of that expense. At the same time, whenever you go to reverse engineer these, such as going through it and finding videos and spending the time to do it, for a misdemeanor traffic offense where at some point it may not even be a criminal offense any longer, it becomes counterproductive and we are not going to be able to address the few people that we do catch. Therefore, it is just going to continue to go on.

**Chuck Callaway:**

I fully understand your concern about a gross misdemeanor offense and potential forfeiture or seizure of someone's property that is a younger person. I would offer this: the impact of having one of these young individuals get killed on their motorcycle doing these stunts or of the motorcycle getting away from him and going into the crowd and killing four or five people in the crosswalk, I would offer that that is a significant impact to people as well as to the families of these people and the families of whoever might have been in that crosswalk that was killed. I think we need to balance it.

In Metro, we have programs in place. We work closely with The Harbor, so if we come across someone who is a juvenile or they are involved in this type of activity, we have ways of diverting them. I think with the criminal justice reform bill you are going to see this session, there are opportunities to divert people away from incarceration. My guess would be that the gross misdemeanor offense gives us the tools we need to address this. It puts a deterrent there that may prevent it, and then on the backend I would imagine in the court process a lot of these cases would be plea-bargained down to a misdemeanor or a lesser offense. That is what we typically see.

**Assemblywoman Tolles:**

My question is a little technical. In the very last section on page 9, it says, "'Trick driving display' means using a vehicle," and I did not see "vehicle" defined in this piece of legislation. I looked it up in NRS 482.135. "'Vehicle' means every device in, upon or by which any person or property is or may be transported," and it makes some exceptions, such as devices moved by human power. I assume we are not talking about skateboards, mobile homes, commercial coaches, or electric personal assistive mobility devices. I am curious that if in the intent of this law you are also capturing hover boards and electric scooters.

**Chuck Callaway:**

We are not seeing those types of devices or vehicles being used for this type of activity. We are not seeing mobs of hover boarders or mobs of electric bicyclists. We do see other types of vehicles other than motorcycles. There was an incident in Louisiana recently where some people on four wheelers—all terrain vehicles (ATVs)—took over a roadway and were doing stunts on ATVs. As you saw in one of the videos, there were different types of motorcycles—one guy had a small crotch rocket and other people had bigger motorcycles. The intent is to target the people who are doing this organized activity, endangering the public, and endangering themselves, not the person on an electric scooter or a hover board.

I do not know if there is a desire by the Committee for this particular statute to further define what a vehicle is, but I do not think we are seeing an issue with those types of vehicles.

**Assemblywoman Tolles:**

I suppose we can just take that as it comes. How does this compare to speed racing, street racing, speed contests, or drag racing? How do the penalties compare to it?

**Assemblyman Roberts:**

There is a letter in opposition that lays out the fines for reckless driving and the dollar amount for it ([Exhibit E](#)).

**Bradley A. Wilkinson:**

If you look in the bill on page 6, section 3, subsection 4, it sets forth the penalties for driving a vehicle in an unauthorized speed contest on a public highway. If you compare those to the fines on page 7, \$1,000 to \$1,500 for the trick driving display versus \$250 to \$1,000—the community services hours are also essentially doubled—it is a misdemeanor versus a gross misdemeanor for the trick driving display. That continues a bit with second and subsequent offenses. The fine is also higher—\$1,500 for drag racing versus \$1,500 to \$2,000. Community service is 200 hours versus 100 to 199. Again, this would be a gross misdemeanor instead of a misdemeanor.

**Assemblywoman Nguyen:**

It appears that this bill is really trying to address the mob or group scenario; is that my understanding?

**Chuck Callaway:**

Yes.

**Assemblywoman Nguyen:**

It is clear that the group mentality and encouraging each other increases the dangerousness, not only to themselves but to others around them. You can see that from the videos and, from driving around Las Vegas, I know I have seen it. I do have some concerns. I spent the weekend reading the bill that came out of the Nevada Attorneys for Criminal Justice. Some of this seems to clash with the philosophy behind those recommendations. It seems like there are existing laws that already address this problem. I understand and recognize charging as a gross misdemeanor or felony allows law enforcement more flexibility in investigating those crimes. Would you not be able to do that under current law? Even as a conspiracy misdemeanor is a gross misdemeanor, so a conspiracy disorderly conduct would be a gross misdemeanor. That seems to incorporate the group mob scenario that you are trying to address in this.

**Chuck Callaway:**

I will let the district attorneys come up and tell you why we are having trouble when we submit for cases on this. Our officers and detectives have been very creative. We have tried reckless driving and have not been able to get convictions on them. Even at one point we



tried kidnapping because they had stopped people's movement and were not letting them go anywhere. I understand the intent of the criminal justice reform, but when we have people that basically display a vulgar disregard of our traffic laws to the point that it is endangering people on our roadways—if that is your family crossing that crosswalk and someone is going through there 50 miles an hour against the red light—I think we need to have the statutes and laws in place to give our folks the tools to address the behavior. Otherwise, it is going to continue and it is going to get worse. Currently, we have not been able to hold these people accountable to the point to where they are doing it somewhere else instead of in our city. I do not know if the traffic officer would like to pipe in to answer your question from his perspective, since he is boots on the ground out there dealing with them on a daily basis.

**Cody Fulwiler:**

As I stated before, it is frustrating because we have people who are calling in and they are in fear. Their family is in the car, there are people shutting down the road, and they want us to help. To finally catch one or two by utilizing different methods with the air unit, they disperse and unfortunately, quite frequently, disperse into communities. They are still driving highway speed, maybe not as a big mob anymore, but as one, two, or three, and we eventually catch them. The frustration is afterwards when we finally apprehend one or two of them, and then during the process they are basically getting back out on the street.

If there was something more strict that was available to charge them with and that they could get convicted with, the word would spread very quickly. As Director Callaway said, they would move to a different location. The last thing that we want is to have a fatal collision occur on our Las Vegas Strip during a large weekend—which is almost every weekend here—and not just in Las Vegas, but throughout the state of Nevada. That is where the frustration comes in for us.

The vehicles that we see involved are sports-bike-style, even cruiser-style motorcycles, dirt bikes, and they are also using ATVs and have chase vehicles adding to it. They are frequently armed and are open carry. As Director Callaway said, we see that this occurs in other parts of the country and it becomes violent. For example, there was one in New York where there was a family in the vehicle and it ended up in a shooting. It gets violent quite quickly when citizens are trying to take things into their own hands.

Specifically on that question, this is the frustration that we see. We are very limited on what we can do. We have tried to utilize different laws, but it just has not worked. Hopefully the district attorney can speak about it as well.

**Assemblyman Roberts:**

For a conspiracy with two or more, you have to establish that there was some kind of conversation or collaboration beforehand. You catch one, it throws that out. You catch two, you run into the same challenges when you try to reverse engineer this with search warrants for social media and things like that. It does not mean that it cannot be done. We put in a concerted effort a few years ago to do it when we had these groups on a regular basis. Since I have been gone, I do not know if we are going to that extent or not, but it is available.

**Assemblywoman Nguyen:**

I am wondering if adding another law that is somewhat similar, especially in that conspiracy-like nature—it sounds like what you are trying to address is two or more individuals anyway. We have a second law that addresses the same thing, and you have a prosecutor's office if they are not going to choose to prosecute those anyway, you are kind of in the same scenario.

**Assemblywoman Peters:**

I wanted to weigh in as a young mom with a youngish husband and friends. I worry about the forfeiture in particular. The way that it is worded here, any vehicle registered to that person may inadvertently hurt a family. We have some young men who make poor choices because they do not think they can die, which is really common. You go out with a bunch of friends one night, you get caught doing this, and then your family van is taken away. I think that that is an unintended consequence which disproportionately impacts people who this would not be intended to impact. I know there is discretion associated with this. That is my biggest concern with the forfeiture line item.

Additionally, as a millennial, I appreciate your wanting to work with these groups. Maybe the best place to work with these groups is not within Metro or a police department, but within the visitor's association or something that is a little more art related. If the purpose of this is to enhance the trick industry—this is visual art, this is really exciting—putting enhancing trick driving under the Las Vegas Convention and Visitor's Authority and giving them the authority to do permits or work with whomever the permitting authorities are, that may be a better place to put that kind of effort.

**Chuck Callaway:**

Yes, we fully agree that the forfeiture language needs to be tweaked based on the Supreme Court decision, and we are certainly open to doing that. When you talk about some of these young people feeling invulnerable in that they cannot die and cannot be hurt, that is one of the reasons for the concerns. As you saw in some of those videos, they can die, they can be hurt, and they can kill other people. They do not necessarily think of that. Our hope is to stop this activity before we do have a vehicular manslaughter or some type of higher level crime where someone dies or they die and then their families are impacted. It would just be a horrible case for that to occur.

To the final comment that you made, I think the frustration here and the reason that it is hard to work with them is because—I will use the word "taggers" as an analogy—they want to gain notoriety. So if they climb to the top of Stupak tower and they spray paint something and they post it, all the other taggers out there are saying, Wow, how did he tag the Stratosphere? The same thing applies here. They do not want to do things the legal way. They do not want a permit.

I would assume that if the Visitor's Authority or the Arts District did the same thing, like when we reached out to them and asked if we could set up a permit—you might have some enthusiasts that show up and do some stunts, but it will not be these people who want to have

the notoriety for blocking the Bay Bridge and doing stunts up and down the Bay Bridge at five o'clock traffic in the Oakland area. That type of activity where the next day they put it out on YouTube or Facebook and they have this notoriety, they are now famous within their group; "Wow, did you see what so-and-so did? He was out on the Bay Bridge doing wheelies during five o'clock traffic." I think that is the hard part. The very nature of trying to work with them and to set it up legally, that is not what their modus operandi is, so to speak. I am not saying that we could not have some success trying some of those other avenues—and we are certainly open to trying them—it just goes against the grain of what they are trying to do on their end.

**Assemblywoman Peters:**

I think the action of trying to block traffic to protect their fellow riders goes against what you are suggesting. I think there is some kind of psychology that we could talk more about. I would encourage that we address a two-pronged approach if you wanted to continue doing this. There is a legal route and here is the method to do it, as well as, if you do not do it, we will have this on the books.

**Chuck Callaway:**

I totally agree with what you say. I think that we, as law enforcement, need to have both tools in our tool belt. We need to have the community outreach and partnerships and reaching out and trying to solve things through unconventional means, and when all else fails, on the other side we need what we have in this bill. We need some teeth to be able to hold those people for whom every effort has been made to try to work with them but they do not want to work with us—they want to do it the illegal way. How do we hold those people accountable? I appreciate your comments.

**Assemblywoman Backus:**

I want to make sure that the definition of trick driving display is not overly broad with respect to slowing down traffic with maneuvers. As everyone was discussing, I could not help but think about our Harley Davidson stores that do Saturday rides and you have a road captain who stops traffic to allow other motorcyclists to safely access the road for their trips. I want to clarify that that definition was not intended to preclude that safe driving.

**Chuck Callaway:**

No. If you look in section 3, subsection 1, paragraph (d), it specifically says "unauthorized trick driving display," so those people, like the Harley Davidson shops, they get a permit, they do it the right way, or maybe they have a private drive that is theirs. It would not be covered under this and that is certainly not the intent.

**Assemblyman Watts:**

I agree there were a lot of laws being broken in the video you showed us, and hopefully there is something we can do to help address it. I would like to follow up on a point brought up by a couple of my colleagues, especially Assemblywoman Tolles earlier. This may also be a question for the district attorney's office. I was wondering how enforcement is going when it comes to drag racing or speed contests? The other aspect of that comes back to wondering

why we did not include this definition so it is a little clearer under the law, but then use the penalty structure that exists for speed contests currently.

**Chuck Callaway:**

The reason we had a different penalty structure is because the two issues are apples to oranges. What we used to see with the speed contests was either, I have a certain kind of car, you have a certain kind of car, we pull up to the light next to each other, Hey, I am faster than you are, let us go. That was often a spur of the moment type thing, who is faster, we are going to race to the end of the block. Sometimes you would have some organized events where midnight out on a country road, somewhere out in the rural areas, kids would go out, block a street off, and do illegal racing in their cars. In those cases, I know the speedway in Las Vegas helped us with efforts to reduce it. We had deaths and fatalities related to speed racing. They set up an area out there where kids could go and race their cars. My own nephew goes out there and races from time to time.

This trick driving motorcycle mob-type stuff is a whole different animal. They want to be in the spotlight. They do not want to go out at midnight on a country road and do it. They want to do it right in the middle of the Las Vegas Strip on a Saturday when everyone is around, because they want the notoriety. Because of the danger involved and the difficulty of our being able to catch them because they take off, and then we have to do detective work and try to look at social media and get search warrants and all these other things, it just is not feasible for a misdemeanor offense. That is why this type of behavior, to me, is a notch above where it falls into that gross misdemeanor category versus a misdemeanor category. As to the enforcement of the speed racing, I would let the sergeant tell you what we are currently doing and how often we are seeing it. To my knowledge, it has died down a little bit, but I will let him speak to it.

**Cody Fulwiler:**

As far as the enforcement aspect of speed racing or trick riding, in both instances we try to utilize social media to see if they are having an event. Quite frequently they will put up on their social media—a specific group, if we know the group—that the event is going to occur. Traffic is notified of these events as well as the air commands. They are potentially going to be affected. Sometimes they do not have it up on social media so we actually have callers that called in. They take over a gas station and they literally block the entrances so they can fuel up and then they go out onto the freeways and/or the Las Vegas Strip or any high profile area, blocking off the roadways or doing a slow roadblock on the freeway so they can do their tricks. They call in and if we know ahead of time with social media, we can try and be in those areas when they are trying to fuel up because they normally pick the same locations. Again, we are just trying to be there to be a force. Unfortunately, they normally just take off anyway and they end up dispersing and meeting back up in a different location and doing their tricks and speed contests. After that occurs, we normally respond and have the air unit, if it is available, trying to follow these vehicles. At times, we also utilize unmarked vehicles if we know that the event is going to occur, so they do not know that we are in the area. We can try and get license plates if they have them, which quite frequently they do not. They have them hidden or they take them off completely, but at least we can try and get a

description of the motorcycle as well as the rider, or follow them if we eventually do catch up to them.

Additionally, we utilize patrol to bubble the area if we have the air unit available to us. The air unit will follow them. This occurred just three weeks ago on a Saturday. For approximately three and a half hours, we were following these people throughout the valley—the southwest part of Las Vegas, northwest part of Las Vegas, and the central part—before they finally dispersed enough in our area.

As far as the frequency of it, it seems to start heavily around this time of year because of the weather. It is starting to get warmer. It does not occur as much in the wintertime. There are more people out on the Las Vegas Strip and the high profile areas, so there are more people to watch them do their stunts, and their videos on YouTube get that many more hits. As far as the enforcement aspect of it, we try to utilize social media to try to get ahead of it. We try to utilize unmarked vehicles because we know they are not going to stop for us and we have—for the right reasons—restrictive policy in pursuing them. If we have marked units in the area, we try to bubble the area; that means we stay outside where they are but utilize our air unit to get directions on where they are going.

For example, recently they got stuck out in the desert or in a complex that was gated. We were then able to converge on the area and take them into custody. We do not go in there with four or five police cars and police motorcycles and try to box them in, for lack of a better term. It is not what we are trying to do. We try to make it as safe as possible for those motorcycle riders as well as the community and our officers, not only in the cars but for my officers riding motorcycles.

**Chairman Yeager:**

We will open it up for additional testimony in support of Assembly Bill 201.

**Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

We are in support of A.B. 201. We have a multitude of motorcycle-related events throughout the state. We have Street Vibrations up north and Run-A-Mucca over in Winnemucca, which are designed to attract riders, and these will occasionally specifically sanction trick riding in certain areas that have been permitted and approved. Yet we see these types of motorcycle trick riding displays on our public streets across the state at all hours of the day and night as well, which is a detriment to the safety of the traveling public and visitors on our roadways and on the sidewalks.

I would state for the record that the language of this bill would apply to the trick driving of a car or truck as well. I invite the Committee members to do a Google search of the term "sidewall skiing." They are taking a four-wheel vehicle, getting it up on two sidewheels, and the passenger will then perform stunts on the high side of the vehicle as it travels down the road. Can you imagine this practice taking over the populated streets in our communities, and especially the Las Vegas Strip? It is not that it cannot happen; you might see this happening with four-wheel and full-size vehicles as well.

**Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office:**

We come to the table in support of A.B. 201 and its intent to keep our communities safe. While this type of motorcycle mob behavior is not as prevalent in northern Nevada, northern Nevada is also not immune to it. Law enforcement is consistently in the conundrum of attempting to enforce the law and balancing the public safety interests. Routinely, these violators of the law understand law enforcement cannot and will not chase in these instances; they are getting away with the crime. Law enforcement is frustrated because they are not able to curb the illegal behavior, and the public is frustrated because they believe law enforcement is doing nothing about the problem.

We feel A.B. 201 helps assist law enforcement with the necessary measures that provide education to the public and outline this type of behavior will not be tolerated by the state of Nevada. Not only is it gravely dangerous to the innocent motoring public, but to the participants who willingly engage in this illegal behavior. We encourage your support and hope you will vote in support of this measure.

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

There have been a few questions about whether there are other violations of NRS or county code that we could charge in these specific instances. According to the screening divisions of our various offices, there is no one statute that really fits some of these crimes. When charging someone with a criminal violation, you want a statute that fits perfectly. For example, we have breach of peace, or disorderly conduct [NRS 203.010]. In that, it says "Every person who shall maliciously and willfully disturb the peace or quiet of any neighborhood or person or family by loud or unusual noises, or by tumultuous and offensive conduct, threatening, traducing, quarreling, challenging to fight, or fighting." You see, that statute really does not capture what is going on in the videos that you saw here. It is more than just the driver. It is the people who block the roads and the people who are filming. Since there is no one statute that perfectly fits, our screeners and our district attorneys' offices have been having a hard time finding a crime that fits. That is why A.B. 201 is so important.

**Chairman Yeager:**

Is there anyone else in support in Carson City? [There was no one.] Is there anyone in support of A.B. 201 in Las Vegas?

**Bret Ficklin, Lieutenant, Las Vegas Metropolitan Police Department:**

We were the entity that initiated those talks with those groups. It was based on activity that we received on social media of what these groups were doing, not only in our city, but in other cities. One was a rally for a major motorcycle club that was staying here in Las Vegas, and I was working downtown as a sergeant at the time. They were staying at a downtown hotel and we reached out to them to talk to them. They came in under the guise that, Oh, this is just a club ride and we are just getting on the roadway. But then we presented them the YouTube videos of their groups, and they had actually put down "Phoenix shutdown," "Los Angeles shutdown," and you see them up on the highways, roadways, and everywhere else. These were the things we were pointing out to them. We told them that we just could not allow it in our city.

The other issue that we have—and this is another experience I had downtown—is that with these groups, we had an incident where a man and his young son were making a left-hand turn from Ogden Avenue onto Las Vegas Boulevard and had the green light. A group of five riders decided they wanted to do this activity that night. They were making a right-hand turn on the opposite side. They thought their turn was more important and they blocked him in the roadway. He bumped one of their motorcycles. All five of those motorcycle riders blocked him in, got off their motorcycles, surrounded his car, and started beating on his windows trying to get the driver out of the car. Fortunately, my team and I were right there when it happened, and the only reason we were able to stop them that night was because they were off their bikes and trying to pull this driver out of his vehicle.

What is interesting to note is that there is a clear intent from these people to go out and do this activity. They make plans to do these things. They take their license plates off of their motorcycles. In fact, many of these motorcycles do not have plates because they have never been registered and they do not have insurance and many of these riders do not even have a Class-M license to be riding these motorcycles. In this one instance with the five riders, two weeks prior to this, I had stopped one of the riders and cited him for not having a Class-M endorsement on his license. He was part of this group that night, and it just so happened that about a month later, I was working down on the Las Vegas Strip and he was stopped again with another group doing the same activity.

The issue that we have here is that we can finagle the laws that we have to fit these individuals in and to do enforcement, but obviously, to this subject who had been stopped three times within a six-week period, the penalty really did not matter to him or it was not steep enough for him to even worry about it. This is why we are in strong support of this measure.

**Chairman Yeager:**

Is there anyone else in support of A.B. 201? [There was no one.] Is there anyone in opposition?

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

We are in opposition, but we have some conceptual amendments that we would like to work with Director Callaway and Assemblyman Roberts on making this a better bill and give Metro the tools they need to stop this activity in the community.

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

I would just ditto what Mr. Piro said and thank Assemblyman Roberts and Mr. Callaway for working with us.

**Chairman Yeager:**

Is there anyone else in opposition to A.B. 201? [There was no one.] Is there anyone neutral on A.B. 201? [There was no one.] I would like to ask you a question that I thought about because I thought they might be here in neutral. Have you had any discussions or has the Department of Motor Vehicles reached out to you about the driver's license suspensions? The reason I ask is we heard a bill on Friday that involved driver's license suspensions and I think they put a large fiscal note on the bill and then I think that portion was removed from the bill. I wondered, for the record, if they had reached out or if you happen to know where they are at on the suspension piece of this bill.

**Assemblyman Roberts:**

No, they have not. Thank you for the suggestion. I think we are going to be doing some amendments to this bill, and that is a great suggestion to reach out to them and work with them.

**Chairman Yeager:**

I did not want to steal your thunder, but I thought that might make sense. I do not believe there was a fiscal note put on the bill, but that is always something to be aware of.

**Assemblyman Roberts:**

Thank you for your patience and time. Obviously, we have some work to do on this bill. I knew that coming in, but we are really trying to provide law enforcement with a tool to try to address a problem that the current laws and statutes do not. We have some great suggestions and I think we can come back with something that would be palatable for most of you on the Committee.



**Chairman Yeager:**

I will close the hearing on A.B. 201. Would anyone like to give public comment either in Las Vegas or Carson City? [There was no one.] Is there anything else from Committee members? [There was nothing.] The meeting is adjourned [at 10:41 a.m.].

RESPECTFULLY SUBMITTED:

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Linda Whimple  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Assembly Bill 226 presented by Assemblyman Skip Daly, Assembly District No. 31.

[Exhibit D](#) is a video link, <https://youtu.be/enBBVIapObQ>, submitted and presented by Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department.

[Exhibit E](#) is a letter dated February 28, 2019 to the Assembly Committee on Judiciary, submitted by Jim Hoffman, Nevada Attorneys for Criminal Justice, in opposition to Assembly Bill 201.