

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

**Eightieth Session
March 6, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:07 a.m. on Wednesday, March 6, 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 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:

Assemblyman John Hambrick, Assembly District No. 2



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

James L. Dold, President and Founder, Human Rights for Kids
Marta Poling Schmitt, Campaign Manager, Nevadans for the Common Good Coalition for Public Life
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office
Kristina Wildeveld, Attorney, Nevada Attorneys for Criminal Justice
Jared Busker, Associate Director, Children's Advocacy Alliance
Steven Conger, representing Power2Parent
Adia Lancaster, Director of Awareness and Prevention, New Hope Foundation International
Kimberly Mull, Private Citizen, Las Vegas, Nevada
Kay Landwehr, Founder and President, House of the Rising Sun
Jennifer P. Noble, Chief Appellate Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association
Jo Lee Wickes, Chief Deputy District Attorney, Washoe County District Attorney's Office
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office
Bailey Bortolin, representing Washoe Legal Services
Sara Chalhagian, representing Dignity Health - St. Rose Dominican Neighborhood Hospitals
Isabel Youngs, representing Nevada Women's Lobby
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Matthew J. Walker, representing Reno-Tahoe Airport Authority
Kerrie Kramer, representing The Cupcake Girls
Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office

Chairman Yeager:

[Roll was taken. Committee protocol was explained.] We have two bills on the agenda today. We are going to take them out of order. At this time, I will open up the hearing on Assembly Bill 158.

Assembly Bill 158: Revises provisions governing criminal procedures for certain juvenile offenders who are also victims of certain crimes. (BDR 14-143)

Assemblyman John Hambrick, Assembly District No. 2:

I am going to cut my time short. I want your attention to be focused on Mr. Dold, who has a unique history in this body in fighting the crimes of human trafficking and youth issues. With that, I would like to turn over this time to Mr. Dold. If there are questions, I would be more than happy to answer them, but I will let Mr. Dold present the bill.

James L. Dold, President and Founder, Human Rights for Kids:

Human Rights for Kids is dedicated to the promotion, protection, and advancement of human rights issues on behalf of children, particularly vulnerable children in the justice system, across the country. We also focus on elevating the voices of those who have been particularly harmed by human rights abuses within the system, whether it be the education system, the justice system, or the child welfare system.

For me, this issue is particularly personal, as some members of the Committee may recall from prior testimony I have given. I am a survivor of child sexual abuse and child labor trafficking. During the 2013 Session, Assemblyman William Horne, along with Assemblyman Jason Frierson, championed legislation that criminalized what happened to me as a young boy growing up in Las Vegas. I was 13 years old when I met the person who became my abuser and exploiter at a Boy Scout fundraising function. Unbeknownst to me, she was a child predator and began to groom me from the time I met her. I was a kid who grew up in the inner city, and we did not have a lot of money. When this person began to take me out to dinner and movies and began listening to me and the struggles I was enduring, I grew particularly close to her. I developed a traumatic bond. Slowly over time, like many child predators, she isolated me from my parents. She convinced me to run away, and I left my home. For about a year and a half I lived in her home where I endured sexual abuse and statutory rape. Because of this traumatic bond that I had, I was willing to do anything she asked of me, including labor and services. Every time I left school, I would go back to this house where I would take care of children, cook, clean, and for all intents and purposes was a victim of domestic servitude.

I think it is really important to note that for children who go through these sorts of experiences—where they have been groomed and the relationship with an adult has been sexualized and they have been sexually abused in this way—when we talk about traumatic bonding, it is really about this misplaced sense of loyalty that you have and this feeling that you are willing to do anything for this person because you feel as though they are the only person who actually cares about you. That is how I ended up in the situation that I did.

Over the years, as I began working on issues to advocate on behalf of child trafficking victims as well as children in the justice system, I began to see all of these different intersectionalities and the need to address the system holistically. The bill you have before you today is a great example of that intersectionality. It was inspired by the case of a young woman by the name of Sara Kruzan. Unfortunately, Sara could not be here today to tell her story, but I want to share her story with you to elevate her voice in this because what happened to her is nothing short of a human rights abuse. She was failed at every level of the system. You should have in your exhibits an op-ed that Sara penned a couple of weeks ago that appeared in the *Las Vegas Review-Journal* detailing the story of her case and what happened to her [page 5, ([Exhibit C](#))].

Sara, like many child trafficking victims, was 11 years old when her pimp found her. He began to groom her and sexually abuse her from the age of 11 to 13. When she was 13 years old, he forced her into prostitution in California. From the age of 13 to 16, this little girl was forced to have sex with men for money day after day after day, being raped repeatedly. Sara had what we call a "gorilla pimp." This is a pimp who is particularly violent. She endured all forms of torture. Nine years ago, when I first got her case file in front of me, I remember going through her case and just being in tears at what this poor girl had to endure.

When she was 16 years old, she ran away from her trafficker for a week. She then entered into an agreement with an older adult male to go rob and kill her trafficker, which she did. She was then subject to prosecution for first-degree murder. This little girl who, from the age of 11 years old, before she even left elementary school, had been raped just about every day of her life and had killed the man who had abused her like this, was now facing the possibility of dying in prison. When she was convicted in 1994, at sentencing, the judge looked her in the eye and told her that she lacked moral scruples and then sentenced her to die in prison.

When I learned of Sara's case in 2010, like many of you right now, I was horrified at the prospect that our response to a person who had been so harmed by a man and who had acted out and killed the man would be to sentence her to life without parole or any sentence in the adult prison system. In every sense of the word, she was a victim. I got involved in her case and I, along with her attorneys, was able to convince Governor Schwarzenegger to commute her sentence, which he did. She was paroled in 2013.

I wish I could tell you that Sara was the only case like this. Unfortunately, this is a far too common occurrence, particularly for girls of color across our country where they are so easily disposable. Many of you have probably heard of the case of Cyntoia Brown. Cyntoia's sentence was recently commuted by Governor Haslam of Tennessee. There were similar circumstances. Cyntoia also had a gorilla pimp by the name of Cutthroat who forced her into prostitution for many years. She killed a man who had picked her up and was attempting to rape her. Again, the system's response to that was to sentence a 16-year-old girl to life with parole after serving 51 years. There is another little girl in Ohio, Alexis Martin, who is currently serving a sentence of life with parole after serving 20 years. She

participated in a crime where her pimp was killed when she was only 15 years old [page 12, [\(Exhibit C\)](#)].

This is a far too common occurrence in this country, and we need a new legislative framework to make sure judges have all of the tools at their disposal when these cases come in front of them so they can fashion more equitable and more just sentences. We call Assembly Bill 158 "Sara's Law" because it was inspired by Sara. What happened to her was a human rights abuse, and we want to make sure that never happens to any child here in the state of Nevada.

I will go through the parameters of the bill briefly. On page 2, there are some legislative findings that make clear that these children who commit crimes against people who have previously sexually assaulted or trafficked them are to be deemed victims. We recognize that in some of these cases they have committed serious crimes against their perpetrators. As you consider all of the testimony, I also want you to think of this question in the back of your minds: if Sara was your daughter, if Cyntoia was your daughter, or if Alexis was your daughter, what would you want to have happen?

Part of the legislative findings makes clear that these children who are victims of sex trafficking or sexual assault who commit crimes against their abusers should not be subject to lengthy prison sentences, but instead should be treated as victims and receive appropriate treatment and services. Section 1 of the bill specifies that if a court finds, by clear and convincing evidence, that during the previous year leading up to the commission of the offense by the child, the person whom the offense was committed against trafficked the child or sexually assaulted the child, the court may depart from any mandatory minimum sentence, suspend any portion of an otherwise applicable sentence, or transfer the case back down to the juvenile court for proper adjudication. I want to make sure everyone is aware that this language is very tight. Again, a judge has to find, by clear and convincing evidence, that this person was, in fact, sexually abused or trafficked by the person before they can depart from the otherwise applicable mandatory terms of imprisonment.

There might be some criticism that anybody could come forward and make such a claim. However, the law already accounts for this with self-defense. If somebody kills in self-defense, it is not "a get out of jail free" card; they still have to prove that they acted in self-defense. The same thing is evident here. The person has to prove that they were trafficked or sexually assaulted by the person. Clear and convincing evidence is a pretty high standard. Again, we are talking about a very narrow subset of child trafficking victims and child sexual assault victims. The other thing I will note is, if the judge makes that determination, all it means is that he or she has more options. They do not have to depart from any mandatory minimum sentence. They can still impose the otherwise applicable term of imprisonment. Really, what this bill is about is giving judges greater discretion when these sorts of cases come before them.

Unfortunately, in our society, harm perpetrated against children is a far too common occurrence. In the United States, Child Protective Services estimates that roughly 63,000

children are sexually abused every year. About 1 out of every 9 girls and 1 out of every 53 boys under the age of 18 experience sexual abuse or assault at the hands of an adult, 93 percent of whom are adults that the child knows. In 2015, the National Center for Missing and Exploited Children estimated there were approximately 100,000 children in the United States who are exploited through prostitution every single year.

Going back to this concept of traumatic bonding, it is so important to understand the mental state of these child victims at the time they commit their crimes. They have undergone a prolonged process of grooming, of being completely deprogrammed and dehumanized to the point where they are willing to do anything for this person. As a result, they deal with a significant amount of trauma which fundamentally alters how they perceive events, how they respond to them, and what we should expect of them in those situations. We are not trying to exonerate anybody of culpability here. It is a question of, how do we respond when the most vulnerable people in our society are victimized and then commit crimes against their victimizers?

Currently, there is an inadequacy of the self-defense claims. When we look under *Nevada Revised Statutes* (NRS) 200.200 for killing in self-defense, it must appear that "the danger was so urgent and pressing that, in order to save the person's own life or to prevent the person from receiving great bodily harm, the killing of the other was absolutely necessary," and the person killed was the assailant, or the slayer endeavored to decline further struggle before the mortal blow was given. One of the complications with these cases we see sometimes is that these kids act with premeditation. In the actual moment they commit the offense, they are not necessarily under physical duress or threat for their lives. At other points during the commission of their victimization, they might have experienced that, but oftentimes we see that these kids commit these crimes premeditatedly. That is why this change in the law is necessary to provide an added layer of protection for children in these situations.

I would be remiss if I did not mention how the United States Supreme Court over the years has weighed in on the fact that children are fundamentally different than adults and our need to treat them differently, particularly in the criminal justice system. In *Miller v. Alabama*, 567 U.S. 460 (2012), *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), *Roper v. Simmons*, 543 U.S. 551 (2005), and *Graham v. Florida*, 560 U.S. 48 (2010), the court has said that the distinctive attributes of youth diminish the penological justifications of imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes. I cannot think of a better example of where a different type of logic and policy is needed than when we are dealing with children who have committed crimes against people who have abused them.

In *J.D.B. v. North Carolina*, 564 U.S. 261 (2011), the court weighed in on the need to treat children differently for purposes of Fourth Amendment searches and seizures because they are different in the way they view their interactions with law enforcement. The law has been evolving over the past 10 to 15 years to recognize children as fundamentally different than adults and the need to have greater protections in place for them.

As I wrap up here, I just want you to have that question in the back of your mind; if Sara or Cyntoia was your own child, how would you want them to be treated? Would you not want a judge to have more discretion in cases such as these so they can create a more just and fair outcome? Nelson Mandela once said, "There can be no keener revelation of a society's soul than the way in which it treats its children." What does it say about our soul then, if we allow children who have been sexually assaulted and sex trafficked and who kill their abusers to be sentenced to decades in prison?

Today, we are asking you to set a new standard to protect the most vulnerable children in Nevada. We have failed these children too many times; let us not fail them again. In this body, you can make sure we do not pass up that opportunity. Pass A.B. 158, and send an unmistakable message to child victims everywhere: we see you, we hear you, we will protect you, and we love you. No bill that you will consider, in my estimation, may be more important than the one you have before you. With that, I will be happy to take any questions.

Chairman Yeager:

At this time I will open it up for questions from Committee members.

Assemblywoman Hansen:

Would we be the first state to pass this legislation?

James Dold:

Yes, Nevada would be the first state. There are similar provisions that have been enacted in other states, usually within the context of mitigation. For example, in California there is a particular statute for victims of domestic violence who commit crimes against their abusers and it is meant to be a mitigating factor that is considered by the court at the time of sentencing. This would make Nevada the first state to open up and give judges more options when sentencing kids in these situations.

Assemblyman Roberts:

Thank you for bringing this bill forward; it really makes sense on all fronts. I just have one question about section 1, subsection 2 of the bill. There is added language that "If the person is less than 21 years of age, deem the person to have committed a delinquent act and transfer the case to the juvenile court for proper disposition." Can you explain the mechanics of that? How would a 20-year-old be adjudicated in a juvenile court setting for a serious offense? How do you envision that working?

James Dold:

In the drafting phase, we actually meant for that to be under the age of 18. In drafting, they made it 21. In the event that you have a 17-year-old, but at the time of sentencing they are over 18 years old, the court could transfer them into the juvenile court system so they could maintain jurisdiction until they were 21. I know this has been an issue that the Nevada District Attorneys Association (NDAA) has brought up as well. One of the things we have talked about is a potential amendment to make sure that if the child has already gone through the juvenile system and the juvenile court has waived them into an adult court, the first

section is only applicable to them. Section 1, subsection 2 would only apply in the event that you had a 16- or 17-year-old who was direct filed into the adult court. That way, the judge would have more options to send the child back down into the juvenile system. The idea is that the court would be able to send a child back into the juvenile system if they have been direct filed into the adult system.

Assemblyman Roberts:

To clarify, your intent is to write an amendment changing that to 18?

James Dold:

Yes, to make sure it is under the age of 18.

Assemblywoman Miller:

First, thank you so much for being a survivor who is here to help other people survive as well. Assemblyman Hambrick, thank you so much for always being a tireless advocate of protecting children. That will be your legacy for sure, your lifetime work of protecting children.

Just to ensure we are encompassing everything here, will it include all forms of sexual assault and trafficking, including children who are victims of child pornography? Also, when we talk about rapists, abusers, sex traffickers, pimps—whatever terms we are using for the offender—would it apply regardless of the relationship to the child, including a parent?

James Dold:

With regards to your second part, yes it would. If the child shows, by clear and convincing evidence, that this person had sexually assaulted or trafficked them, this defense would also apply to them. They would be able to benefit from that.

With regards to the first part of your question, I struggled mightily when we were working on developing this language. This bill was before this Committee last session, and I know that one of the issues raised was that it was kind of broad. There are lots of instances where you might want to give judges more options when children are victims of crimes and commit a criminal offense against their abuser. What we tried to do was take into consideration the concerns from NDAA from last session and just focus on child sex trafficking victims and child sexual assault victims to make it a very narrow bill that would only apply in those specific instances. To your question, it is limited to those offenses.

Assemblywoman Tolles:

Thank you so much for bringing this forward and bravely sharing your own story. I just want to make a comment on the record. In the preamble, there are some statistics given. I think it is important to add that some of those statistics have been estimated to be even higher. The Center for Disease Control and Prevention has estimated that it is one in four girls and one in six boys before the age of 18. Whenever we have this discussion, it is important to acknowledge that a lot of times we give examples of females who have been abused. However, there is also a very high statistic of males who have been abused, and we cannot

forget the transgender community which is oftentimes a target in exploitation and abuse. Let us make sure to acknowledge there are many, many victims. There are also estimates that only one out of ten will actually ever report. I appreciate your bringing light to this issue. I appreciate your sharing your own story. Thank you for supporting this legislation.

Assemblywoman Cohen:

You mentioned that we are giving judges tools, which is good. However, what are we doing to train judges so they understand what is going on with these children so that no judge in Nevada ever tells a child such as Sara that they do not have any morals? That is horrifying. I want to make sure it is not simply that judges have the tools, but they understand what to do with the tools.

James Dold:

I know the National Council of Juvenile and Family Court Judges, which is based in Reno, does a lot of training with juvenile court judges in particular around this issue. I have been in touch with them in the past on this. With regards to judge training in Nevada specifically, I am not equipped to answer that question. I know there are some really phenomenal judges, such as Judge William Voy down in Las Vegas who sees a lot of these cases and does a lot to raise awareness about these issues within the judiciary. In terms of widespread training, I am not familiar with what Nevada is currently doing.

Chairman Yeager:

I have a couple of questions on the nuts and bolts of the bill. In section 1, it talks about the one year immediately preceding the commission of the offense. I am wondering if you can shed some light on how you came up with one year. Obviously it could have been six months, two years, or three years. How did you arrive at one year?

James Dold:

We try to work really hard to address the concerns that come up from all of the interested stakeholders. The one-year time parameter was an effort to put into place some additional protections that NDAA had raised in the last legislative session. This is not our personal perspective, but there was concern that you might have a child who comes back five or six years after a crime had happened and committing an offense, and we were not trying to give credence to vigilantism. We tried to put that provision in there to address the concerns that were previously raised.

Chairman Yeager:

As far as this procedure where the person has to prove it by clear and convincing evidence, I wonder how you envision that happening. In the beginning, the provision says if the person is convicted, so we would have a conviction first, whether it be a trial or a plea agreement. Have you put any thought into how and when a judge would make this determination? Do you envision a presentencing hearing or a motion that would be made, or would it be that this is brought up at sentencing? Can you shed some light on how the process would work from your perspective?

James Dold:

It would be post-conviction. The way I would see it is similar to how mitigation proceedings work. It would be a motion filed by the defense. They would present evidence to show that the person was a victim of trafficking or sexual assault by the person who was the victim of the crime. If the judge found that, in fact, the person was a victim, they would open up more opportunities for sentencing. There would have to be that finding after the conviction had happened based on a motion by the defense.

Chairman Yeager:

My last question has to do with section 1, subsection 2. I think your testimony was that you intended to reduce that age to 18, and that would apply to juveniles who were direct filed into the system. Maybe you would have a 16- or 17-year-old who was in the juvenile system, but essentially their case got put into the adult system. The beginning says you are convicted, but subsection 2 says the judge can declare that it is a delinquent act and transfer the case back to a juvenile court. That is a bit of an oddity because we have a conviction in an adult court for an adult offense and then a judge says they will now declare it a delinquent act and send it to juvenile court. Would that adult criminal conviction remain on the person's record, or is your vision that a judge could essentially say it should have been a delinquent act in the first place, therefore the person is going into the juvenile system and will not have an adult criminal conviction on his or her record? If you do not have an answer right now, that is fine. I just wanted to bring that out, that there might be an inconsistency there in the procedure.

James Dold:

The latter approach is sort of what we had envisioned. If the case was appropriate for adjudication in the juvenile system and the judge felt—based on all of the facts and the circumstances of the case—that it was not appropriate for this child to have the conviction on his or her record and be sent to prison, they would have the ability to send them into the juvenile court system. So, the latter approach is how we envision it to work.

Chairman Yeager:

At this time I will open it up for additional testimony in support of A.B. 158.

Marta Poling Schmitt, Campaign Manager, Nevadans for the Common Good Coalition for Public Life:

Nevadans for the Common Good is a nonpartisan organization comprising 48 member institutions across the Las Vegas Valley. Our mission is to educate and train citizens for active engagement in public life. Since 2012, we have been involved in legislative advocacy on a variety of issues related to improving life for Nevada's residents and families. During the 2013 Session, we were instrumental in building legislative support for the unanimous passage of the omnibus sex trafficking bill, presented by Nevada's then-Attorney General Catherine Cortez Masto. Assemblyman Hambrick was an early and ardent supporter of revising Nevada's laws to protect victims and hold criminals accountable for their involvement in the illegal business of sex trafficking. It is not surprising to see his name again at the forefront of continuing efforts to refine our laws. Thank you, Assemblyman

Hambrick, for your perseverance. Your reward will be great in heaven. Thank you, also, to the other Assembly members and Senators who are bringing forth more legislation this session, including Assembly Bill 158 and Assembly Bill 157.

Today, I am here to encourage you to support the passage of both of those bills. Both of these proposed laws recognize the importance of providing services and support for victims of this crime. This work is especially important for juveniles who, for a variety of reasons, get sucked into the vicious cycle of sex trafficking. We need to do all we can to help young people heal from the trauma created by this insidious industry. We need to help protect them from those who have hurt them and help victims create a new future. We need to make sure the victims of sex trafficking are not further traumatized or criminalized by the court system. Let us make sure to make Nevada's laws, court system, and victim support systems as strong as possible. It is what an ethical state does to address its problems. I encourage you to please support the passage of A.B. 158 and A.B. 157.

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

It is well established that young people's brains continue to mature until their early to mid-twenties. The adolescent brain is different from that of adults. Adolescents are more likely to be influenced by peers, engage in risky and impulsive behaviors, experience mood swings, or have reactions that are stronger or weaker than a situation warrants. These differences do not excuse behavior that is harmful to others, but it means that lawmakers should use this knowledge to create informed and sound, just policies.

The Supreme Court of the United States recognizes the diminished culpability of youth and has relied on brain science to end the death penalty for persons under 18 and to limit harsh life-without-parole sentences. In *Roper v. Simmons*, the case that held the imposition of capital punishment on juveniles unconstitutional, the court cited recognized empirical studies stating that the relevance of youth as a mitigating factor derives from the fact that the signature qualities of youth are transient. As individuals mature, the impetuousness and recklessness that may dominate in younger years can subside. For most teens, risky or antisocial behaviors are fleeting. They cease with maturity as individual identity becomes settled. If youth at the time of offense alone is considered in sentencing decisions, then certainly courts should be able to consider how one's youth influences their reactions to abuse and whether the child committed a crime against an abuser. Nevada should continue to be a leader in this area. I want to say "ditto" to Assemblywoman Miller's comments about Assemblyman Hambrick. Mr. Hambrick, you certainly are a leader on these issues. I get to work with the young men whose lives you have changed through the legislation you have been brave enough to bring forward that is often controversial. I want to say thank you. We miss your presence in this building, and I hope to see you very soon.

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

We believe this is absolutely a necessary step in the right direction. Already many times throughout this session, we have heard discussion about the victims of sex trafficking. Our focus has been on what we do with their perpetrators. This bill, I believe, is extremely

important because it adds that victim-centered approach. What do we do with that victim? How do we protect the victim? As Mr. Dold indicated, what we want to do is say "We see you. We hear you." What happens when they do something that brings them into the criminal justice system? This bill provides an absolutely necessary step forward to allowing the judge to have the discretion to really take into consideration everything that has occurred in that young person's life. We believe this bill is absolutely necessary and hope you pass this bill. We believe that, eventually, this should be an affirmative defense. That is not what we are considering here today. We are just considering whether or not the judge should have additional discretion.

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

We are thankful that there are measures such as this being brought forward this session. We are in full support. I want to say to the Committee, clear and convincing evidence is by no means an easy standard to meet. Bringing that proof up at the hearing is still going to be an effort by the people who are defending somebody who has committed an act. The judge will be looking at facts. Clear and convincing evidence is right below the standard of beyond a reasonable doubt. The prosecutors might come up here and say "Well, we have to prove our case beyond a reasonable doubt." Clear and convincing evidence is right below that, so it is still a very high standard. It is as high as the standard necessary to terminate parental rights. It is not an easy standard to meet. It is not as if this will open the flood gates for these types of things to happen. It does provide that protection for the victims who we are seeking to protect.

Kristina Wildeveld, Attorney, Nevada Attorneys for Criminal Justice:

Much like victims of domestic violence, child victims of sex trafficking and sexual assault experience prolonged and cumulative abuse at the hands of their tormentors. It is important that we recognize these young people who have been subjected to extensive mental, emotional, physical, and sexual exploitation, and that the acts of violence they commit against their abusers are a direct response to the abuse they have suffered.

Tailoring the law to recognize the diminished culpability of victims of sex trafficking and sexual abuse will help to promote a fairer and more just response to these types of cases. Further, it will ensure these young people are truly recognized as who they are: victims who are entitled to appropriate rehabilitative services.

This is a smart-on-crime measure that will ensure child sexual abuse victims are not subjected to harsh and extreme punishments that are not only unjust, but will do nothing to rehabilitate the child. These children are some of the most vulnerable members of our population, and it is important to ensure the judicial system is empowered with tools to help these young people so they do not continue to fall through the cracks. For these and many other reasons, I strongly urge you to support A.B. 158.

I would remind you of the case of Conan Pope from back in the year 2000. He was a child who was sexually abused by his father and he ended up killing his perpetrator, who was

abusing him and his sister. The justice system failed him in that case. The six years he spent in prison for killing his abusive father were actually more damaging to him than all of the years of abuse he had suffered. This bill would have helped him. I wish it had been in place back then.

Jared Busker, Associate Director, Children's Advocacy Alliance:

For the reasons already stated, the Children's Advocacy Alliance is in full support. We thank Assemblyman Hambrick for his tireless efforts to make changes to improve the outcomes for children in this state.

Steven Conger, representing Power2Parent:

I do not have much more substantively to add. We appreciate legislators when they have an issue that we all understand morally, but we all know that when it comes down to getting it done in the real world, it is complex. We appreciate the sponsor for his tireless efforts in working those issues out. We support him.

Adia Lancaster, Director of Awareness and Prevention, New Hope Foundation International:

I want to thank Assemblyman Hambrick for the legacy he will leave of really protecting our children in Nevada. We fully support A.B. 158. Thank you.

Kimberly Mull, Private Citizen, Las Vegas, Nevada:

I am here to testify in support of A.B. 158. I sincerely want to thank Assemblyman Hambrick and each of the additional sponsors. I encourage each of you sitting here before me to strongly consider doing the same. It was pointed out to me last week that I have been a little scarce from this Committee so far this session. I will admit I have been trying to make self-care a priority, focus solely on sexual violence bills, and only subject myself to the trauma of sharing my story when I feel it is absolutely necessary for the greater good. Today is one of those days.

For those of you who are new to this Committee, I would like to share with you a little bit of my personal story. For the hundreds of amazing women and girls who I have worked with and represent, this piece of legislation, while amazing and needed, is only one small step of many needed to assist the hundreds of thousands of people—mostly women and children—currently being trafficked for sex in the United States.

I was born and raised in the panhandle of Texas where, right out of high school—as most good southern young women do—I met a boy, fell in love, and got married by age 20. While the relationship was abusive in many ways, I developed a strong career in real estate and technology in my community and did very well. In 2007, a speaker at a community group I was involved with came to speak about a new international problem that was happening in many countries, such as Cambodia and Thailand, called human trafficking. While she talked about this thing happening in all of these faraway places, I remember sitting in this meeting thinking, "Wait. That is what happened to me."

That is the point in my life where I went from being a victim to a survivor. I realized there was a name for what happened to me. If there was a name for what happened to me, I was not alone. Between the ages of 11 and 13—right up until around my 14th birthday—I was a victim of what started as child pornography. It eventually went from them trading my pictures to them trading me.

I was very fortunate that the women with this amazing organization went on to help support my desire to go back to school. I went on to community college and then transferred to a little Christian school where I got the first full academic honors scholarship in the school's history. During this time, I interned at the Office of the Attorney General in Oklahoma in the Victim Services Unit under Scott Pruitt. During that time, I also worked at an inner-city missionary organization at night in Oklahoma City working with women who were being prostituted and trafficked on the streets of Oklahoma. I was the first victim/survivor appointed to the Attorney General's Human Trafficking Task Force in Oklahoma. I then moved to Washington, D. C., where I worked as the policy intern for Shared Hope International, the leading public policy organization on domestic minor sex trafficking in the country. I was then able to work with Senator John Cornyn's office, lobbying to pass the Justice for Victims of Trafficking Act of 2015. Then I moved to Nevada to work as the policy specialist last session for the Nevada Coalition to End Domestic and Sexual Violence.

This session, I made my own organization in which I will work on sexual violence issues exclusively. At the end of this session I will be moving to Las Vegas to help businesses and hopefully campaigns prevent, address, and rectify sexual harassment within the workplace. As of last year, I became one of the first people in the country, and the first in Nevada, to get a master's degree in victim services management.

I think most of you are probably familiar with the Cyntoia Brown case. A 16-year-old girl who was being prostituted by her pimp ended up being scared of one of her clients, killing him, taking his money, and being put into jail. A lot of people were saying that she took the money, therefore it must have been premeditated. The reality is, in the lifestyle, you always take the money because you never know if you are going to eat or have a roof over your head for the next three days.

While preparing my testimony, I was trying to figure out how to best convey how children being victimized through prostitution are labeled and harmed by the justice system and how that is held against us. You see, if Elizabeth Smart had killed her abuser, there is no way that we would need this bill to protect her because she is not labeled as a child prostitute. That label is not just held against you when you are 11, 12, or 15. On December 9, 2017, 15 months ago, I was strangled and raped in my home in South Reno by a date. He has multiple graduate degrees from Cornell University. I had met his brothers and friends. He had made corny jokes about Star Trek and statistics. I thought he was harmless until he was not. I will skip the traumatic details. I did say "No! Stop! I do not consent! You are raping me. This is rape. You do realize this is rape. *Nevada Revised Statutes* defines this as rape."

When he was finished, he asked if he could use the restroom. My closet was next to the restroom door. I got to my gun. I pulled my gun on him. I made sure to point it down because it is a revolver. It did not have any bullets in it, but I pointed it down just enough to scare him—although, at the protection order hearing his attorney did accuse me of traumatizing him by pointing the gun at him. I ran him out of my house and called 911. They caught him a few blocks away from my house. They took me to the police station and questioned me for hours. I went and got a Sexual Assault Intervention Network examination. They have DNA evidence. I did everything we tell victims to do. After all, I am the one who is here in the building helping you write the laws to tell victims what to do.

A week later, I was summoned to the Washoe County District Attorney's Office. They had my rapist in custody. They had questions about my testimony to the police. I went into the building believing in the justice system and the protections it offers. After all, I am part of the system. I left understanding why we need bills like this to protect girls such as Cyntoia Brown. I was questioned by the assistant district attorney about reasons why I did not fight back and why I said things like "You know, even if you give me an orgasm you are still raping me, right?" Apparently that is a funny thing to say even if you are in this profession. I was quizzed about why I would not turn in my traffickers and not notify law enforcement if I was being abused as a child. They asked why there are no police reports if I was trafficked as a child. They asked why there was no evidence of that if it happened. Apparently, telling the district attorney that it was because I was 11, 12, and 13 makes them concerned. So you leave the meeting with them telling you they are going to let your rapist go. They are not pressing charges.

You see, to some people—no matter what we do in our lives, no matter what we have done to pull ourselves across the coals of hell—Cyntoia Brown will always be a murderer, and I will never be deserving of justice because we will always be child whores.

I beg you to pass A.B. 158 and to make sure the next generation of girls and boys who go through child trafficking do not have it used against them by judges or prosecutors as a reason to not give us the same credibility as children like Elizabeth Smart.

Assemblywoman Jill Tolles, Assembly District No. 25:

I would like to say something, not as a Committee member, not as a representative, but as one of those one in four. The reason I am so passionate about these issues is because I, too, am one of these statistics. I was sexually abused by my grandfather at the age of six. It was the first and certainly the worst, but not the last of the times I have been abused, and not just by him. I wanted to join my friend up here to say these statistics are all over this building. As I have been more vocal about my own story publicly, I have been approached by so many in this community and in this building—men, women, and members of the transgender community—who have come and shared their stories with me. I would like to acknowledge that this building, and even perhaps this room, is full of these stories.

I would like to thank the members of this body for considering ways we can wrap around this issue, have these discussions, talk about them more openly, and find ways to support

survivors and victims in the courts, in our schools, our communities, our families, our churches, and our organizations. I hope this will be one of many discussions about how to not only prevent this, but also support survivors at every step of the way. As we have these conversations more and more, ideally we can get involved much sooner so we do not have to have conversations in the courts and we can help prevent these kinds of things from happening in the first place. Thank you for letting me speak as a citizen and a survivor, and thank you for considering this legislation. I, too, would like to thank Assemblyman Hambrick for being such a longtime champion of these issues.

Kay Landwehr, Founder and President, House of the Rising Sun:

I am the founder and president of a ministry called House of the Rising Sun. We have gone into the legal brothels all over the state of Nevada to love on the girls. We have done that for 12 years now. Of course, I support this bill completely. This is great, but I see it as a start because I do not deal with a lot of the children who this bill deals with. I get to see these children as they turn 18. They go from being a child to an adult very quickly.

I am in support of this bill and anything else we can do to help the victims of sex trafficking, not only with children, but with women and men as well. Trafficking is an epidemic in our country, our state, and in the world. I am so pleased that things are changing, that there is progress being made to protect the victims of prostitution. I was never a prostitute, but I, too, was a victim of sexual abuse. It started when I was a little three-year-old girl. That might be why I am doing what I do.

Chairman Yeager:

Is there anybody else with testimony in support? [There was no one.] Let us go ahead and take opposition testimony.

Jennifer P. Noble, Chief Appellate Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorney's Association:

I wanted to start by expressing some of our concerns about section 1 of the bill. In section 1, subsection 1(a) of the bill, there is a provision allowing departure from the mandatory minimum sentence. Certainly, that is a worthy thing to talk about. It was actually accomplished last session with Assembly Bill 218 of the 79th Session, which amended NRS 176.017, allowing judges the discretion to depart from those mandatory minimums by up to 35 percent. One thing to keep in mind in these cases with these horrible mitigating circumstances such as the ones we have been talking about is that during the negotiation process, the district attorney and defense attorney are going to take that into account. Something that might be charged by the police as an open murder may well be negotiated down to involuntary manslaughter, for example. Once the prosecutor and the defense attorney have already negotiated a case down to a charge they think takes into account the mitigating circumstances, the departure of 35 percent is something we think is sufficient because we have already reduced the charge.

Jo Lee Wickes, Chief Deputy District Attorney, Washoe County District Attorney's Office:

I do want to provide some background to some of our concerns about the capacity of the juvenile justice system to handle the young people who might be coming back to the juvenile justice system under this bill as written. I want to provide some background about the type of juveniles we are talking about and how they would get to adult criminal court in the first place.

Under current Nevada law, there are two ways that a juvenile who would be covered under this proposed bill would get to the adult criminal court. The first would be a juvenile who is sent there after they have been charged in juvenile court with one of these offenses. The district attorneys exercise their discretion to file a motion to certify. That motion is then fully investigated, usually by the local probation department or state Youth Parole Bureau. They provide a report to the district court judge, and the district court judge then conducts a hearing. The juvenile is represented by counsel at that hearing. The district court judge, who is usually the judge designated to be the juvenile court judge, determines that person does not fit within juvenile court and should not be maintained in that system and grants a motion to certify. At that point, the case is transferred to the adult criminal court.

Section 1, subsection 2, would set up a situation whereby someone who was sent to adult criminal court by a district court judge and is then convicted of the offense—I share Chairman Yeager's concerns about the exact logistics about how that works—is then sent back to a juvenile court, perhaps by a district court judge. I would suggest that is extremely unwise.

Let me give you some examples of the kind of cases that might fall under motions for certification. That could include, for instance, a 16-year-old who is charged with battery with a deadly weapon and has no prior felony adjudications in juvenile court, so the district attorney, under the circumstances, believes they should be certified and the district judge agrees and sends that person to the adult criminal court.

The second way one of these cases would get in front of the adult criminal court is what we refer to as direct file or automatic certification. There are statutes in Nevada which require that some of those cases start in adult criminal court. For instance, if you had a 16-year-old who is charged with battery with a deadly weapon, but he or she has a prior felony adjudication in juvenile court and in this instance the deadly weapon is a real firearm, that would be the kind of case that is sent directly to adult criminal court for prosecution at the adult criminal level and is excluded from juvenile court jurisdiction under current Nevada law. In that case, you would not have a judge making an independent decision; it would be driven by the offense the person had allegedly committed, the person's prior history in juvenile court, and under this scenario, the use of a real firearm.

Mrs. Duffy will go on to explain our concerns about the infrastructure and capacity of juvenile court to accommodate the needs of this person and also community safety within the structure available to us at the time. Given Mr. Dold's testimony that section 1, subsection 2

was designed to apply to someone who is less than 18, some of this might change going forward. I do want to assure everyone who is a member of this Committee that juvenile prosecutors, in my experience over the last 19 years in the state of Nevada, are profoundly and fundamentally devoted to children. Most of the victims in the cases we prosecute are children. Many of our victims of different offenses also end up committing delinquent acts. We are not here because we do not share a love, compassion, and understanding of a person who might find themselves in these circumstances. We are really here because of our concerns about exactly how this would work, whether or not it would be appropriate—especially in the case where one judge has already granted a motion to certify the person—and really the infrastructure and capacity of juvenile court to appropriately respond to the circumstances.

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

In Clark County, I have dedicated 19 years of my service to the community in handling child abuse and neglect victims. Seven years ago, I was put in charge of the Juvenile Division, which then allowed me to take care of our delinquency system. As Ms. Wickes indicated, those are still our children too. In my mind, I have the best job. Not only do I get to look out for that community's safety, I get to look out for those children we are prosecuting and their best interest to make sure they get the help they need. They can rehabilitate and so prevent more victims in the future. That is why I think this bill is extremely important. We do need to look out for our victims.

The issue I have is that we do not have the structure in the juvenile justice system to take these children back. We lack the options. I have concerns that our criminal courts do not understand the limitations of the juvenile justice system. For our children who are girls that would commit these offenses, we have no locked facilities.

Back around 2013 or 2015, when we changed the direct file legislation on homicide offenses, we had a 15-year-old who had an attempted murder charge who was not directly certified to the adult system. We had no place for that child because he was incompetent to stand trial. He was released back into the community. Residential, locked treatment facilities would not take that child because he was too violent. I imagine this would be the same scenario we would face if we had a child victim who committed a homicide and was sent back to the juvenile justice system. We would have no locked facility to keep the community safe if that was necessary.

Additionally, you have to consider the fact that most convictions in criminal court do not happen overnight. They take years to get to. In the juvenile system, we only have jurisdiction until they are 21 years of age. For a 17-year-old who goes directly to the criminal court system who may not be convicted until he or she is 19, we have two years to work with that child in order to rehabilitate him, get him the services he needs, and keep the community safe. Again, I do have a big concern about a criminal judge not understanding what we can do for a child and feeling like they should just send the child back, but we then do not have the infrastructure in place.

I also want to speak to the issue around the clear and convincing evidence standard for a finding in the criminal court. That creates a situation, for example, where I had a 17-year-old charged with committing a sexual assault on a 16-year-old girl from a party. We then took that case to trial and the court did not find that the district attorney's office proved its case beyond a reasonable doubt. If you have any familiarity with the juvenile justice system, we move very quickly. We have to. Our time frames are very quick. This case could, in fact, take place in less than three months from arrest to plea to trial. Within that one-year time frame, my 16-year-old—who was, at that one point, my victim for whom I could not get that conviction beyond a reasonable doubt for that 17-year-old—could then go to criminal court if she felt she took the law into her own hands and then go and get a clear and convincing evidence standard ruling that she was assaulted—because it is two different burdens. It is kind of that civil/criminal burden, right? O.J. Simpson was found civilly responsible for the homicides, but not criminally responsible. Now I have a 16-year-old who is a victim of attempted homicide at the hands of a 17-year-old, and I could not get that conviction in the first place on the 17-year-old. It creates a little bit of concern when I look at that lower burden of proof. We could have prosecuted or attempted to prosecute that perpetrator and not gotten a conviction.

I do believe that those in the juvenile justice system do care about our victims and those who we prosecute. We would be happy to take any questions you may have about our opposition.

Assemblywoman Miller:

It feels as though your testimony was all over the place. I am trying to really follow the objections, one of which is that there are not enough facilities and we do not have the capacity in the juvenile space. It sounds to me as though you are saying we should just send them to be sentenced and served as adults because we do not have room. I am not sure if that was the point.

To the point about criminal judges not understanding, when I think of the district attorney's office taking all of the mitigating concerns into play, it sounds as though you are saying we would already do this, we would make sure we understood this and included this. I want to know, for which types of victims? We know that our criminal justice system, while it tries to be a fair and equitable system, is based upon the defense attorney that someone has. Is this something that will only happen if they can afford an expensive, fancy defense attorney to fight for this? What about the person with a public defender? What about the person of color or the young girl who does not speak English? What about those cases? Is this something that will be considered as well? These are concerns I have.

Brigid Duffy:

Yes, I think it is not responsible to create laws around policy if I do not have a place to treat individuals at these levels. That is why you see the example of a 15-year-old on an attempted murder who I had nowhere to treat. I had a victim of attempted murder and had to say "Sorry, he is going home to his parents because I cannot adjudicate him. I do not have a facility for him. I cannot rehabilitate him. I cannot do anything." That is an issue. If we do not have an infrastructure to treat and service, what are we going to do?

Assemblywoman Miller:

When we are talking about a victim of child sexual trafficking, the bottom line is whether they would have killed their offender if that had not happened to them. Were they born to be someone who is just going to kill someone? Most likely not. You made a comment about considering offenders and their priors. We know that most people who are trafficked do have priors. They have committed crimes because of their offender or trafficker. Just like with prostitution, many times it is the prostitute who is picked up and arrested, not the pimp, not the trafficker. Of course these individuals have priors. I guess I do not have a question, I just have concerns.

Assemblywoman Torres:

I think I was a little bit confused by the presentation as well. I am looking at this piece of legislation. There is nothing in it that says the judge is required to give that lesser sentence if they determine it is not necessary in that moment. Is that correct?

Jo Lee Wickes:

Subsection 2 gives discretion to the judge to send this person back to juvenile court, but they are not required to do so.

Assemblywoman Torres:

I think that, in and of itself, addresses some of your concerns. I would take a look at that. Remember, we should ultimately be giving judges that discretion. I think that is a very important part of our judicial process.

Assemblywoman Peters:

My concern came up during the initial presentation of this bill. There was a statement made about how the children who are the victims of sex trafficking are not in imminent harm's way sometimes when they attack their offender. I would disagree with that. I think that I have trouble with what you are saying as well. We are not taking into account that there is a power dynamic in these relationships. These children are in imminent harm's way all the time. You never know when someone is going to snap. You never know what is going to trigger that person. I am wondering how the argument is ever made that these children were not defending themselves against the person who is harming them. I do not understand how that is a possible argument.

I also have concerns generally about how to prove that a child has gone through years of abuse if they do not know it until somebody lets them know. They do not have life experience like us as adults. Right? They do not know that these are things that happen in the world until they find out that what is happening to them is not normal. I am really concerned that you guys are up here suggesting that these children should ever go into an adult system, that they should ever be prosecuted as an adult who did something maliciously because they were not protecting themselves. I am kind of aghast at that possibility.

I do not know how to clarify anything that you have said to that, but if you can, please do. I would like assurance that our system does not treat our children inhumanely. If you can tell me that this does not protect them from that inhumane treatment, I would like to hear that.

Brigid Duffy:

I know that if these facts were in front of my office, they would negotiate those cases. We would not take these to a jury. These would be negotiated. Just last week, I negotiated a case in juvenile court of a young sex trafficking victim who was committing armed robberies because I knew she was a victim. She could have gone to the adult system on that charge. We as prosecutors use our discretion to create those alternatives, not the court, not sending it to a jury to decide. We negotiate those cases. I hope that gives you some comfort to know the people that you have in charge, the elected officials in the Clark County District Attorney's Office who I'm speaking for, have that empathy and use their discretion to appropriately negotiate cases when we have this type of scenario. These are not cases that I would think would go in front of a jury for that determination. If they did, the jury would be getting the information and making those ultimate decisions. I know in my division we negotiate crimes or delinquent acts that sex trafficking victims make all the time to prevent them from going to the adult system.

Chairman Yeager:

So, here is what I think is one of the challenging things for us as a Committee: we have the three of you in front of us, and I do not think anyone is doubting that, faced with these circumstances, there would be accommodations made. However, of course we are making policy for the state, and this is a policy that would likely be in place long after all of us are gone and there are new people in your jobs and new people sitting in these seats. Of course, future legislators can always undo what we did, but the question is the policy of this bill.

What I think I heard from you was really a resource issue, that our juvenile system—at least in Clark County and probably in Washoe County—is not adequately resourced or staffed to be able to adequately address some of these very complicated human issues that we are dealing with. The question is, is it the resource concern, or is it the policy that is in this bill? Of course, if there is money that needs to be allocated, we cannot do that as a Judiciary Committee. We are tasked with determining whether this bill is the right policy for our state. I am not sure if that was clear on the record, but I want to give you a chance to answer that. If you had these resources that you talked about, is this in your mind, the right policy for the state?

Brigid Duffy:

The first thing I said is I want better options for our children. I want better resources. You are going to see my face on several bills that I am sure are going to come forward that could be great policy for children to give them a better chance at a future. However, without the resources in the juvenile court system, it will not work for that moment where we need to protect the community while they are being rehabilitated in appropriate rehabilitation centers, not adult prisons. We do not have it.

I really appreciate that question, Chairman Yeager. I think you have known me for many, many years. I want options for children in the juvenile justice system. I do not have them if you send a child who has been convicted as an adult back to my system; we will not have options that are going to cover the treatment or the community safety portion at this time. We are building them. Believe me, we are trying really hard from the ground up dealing with the misdemeanors first, making sure we are identifying sex trafficking victims on every child that comes into our system, even if it is a petty larceny. We are making great movement to identify victims early and get them the resources early before they get to the levels of having to go to the adult system. Right now, we are just starting.

Chairman Yeager:

I think I will move on at this point. Members, if you have additional questions for the opposition, feel free to ask those offline. In the interest of time, I want to make sure we keep moving on this morning's agenda. Is there anyone else in opposition to A.B. 158? [There was no one.] Is there anyone neutral? [There was no one.] At this time, Mr. Dold, I will invite you back up to the table to make concluding remarks.

James Dold:

I think there were a lot of good questions. I am good friends with John Jones and Brigid Duffy, and I appreciate the work they do. Sometimes, you have to disagree with your friends and let them know when they are wrong, and they are wrong on this issue. This is a human rights abuse to sentence children to decades in prison and not give judges the ability and flexibility to create a more just outcome. There is no other way to slice it. It is not a good excuse to say, well, we do not have the system, so let us sentence a child to decades in prison. That is not a good answer to that question.

Assemblywoman Miller, you raised a couple of good points, and I want to go through a couple of the things that the district attorneys said specifically. In the very first part of their testimony, they talked about Assembly Bill 218 of the 79th Session. That authorizes judges to depart from mandatory minimums for child offenders by up to 35 percent. That is a really good bill, and that applies across the board to any child who is transferred into the adult criminal justice system. However, those are also children who have specifically committed acts of violence against any individual, not necessarily a person that harmed them. We are talking about a very unique subset of people: child victims who have been sexually assaulted or sex trafficked who commit crimes against their abusers. The fact that a 35 percent departure may be warranted for any child in the adult criminal justice system is a great policy, but it is not enough for children who commit crimes against their abusers. I think that argument falls flat.

The other issue that was mentioned was the fact that sometimes children are transferred into the adult system. Nevada also has reverse waiver. Once a child has been transferred into the adult justice system, a judge in the criminal proceedings can transfer them back. Making that determination after the fact is, again, something that the judge should have the discretion to do. This is already something that judges can do in the adult system.

I also want to go through some of the things that Ms. Duffy said specifically. Again, these are very unique cases. All we are talking about is giving judges discretion. It may very well be the case that a judge looks at all the facts in front of them in a particular case and says, "You know what? What happened to this victim was horrific, but I do not think the juvenile justice system is the appropriate venue. What I am going to do instead is impose whatever sentence I would have otherwise imposed and suspend all but five years, or depart from any mandatory minimum." We have a criminal justice system that has two sides: prosecution and defense. The judges are the ones that are supposed to be implementing the just outcomes in those cases—not the district attorneys, with all due respect. We want to make sure the judges have all the tools at their disposal to make sure they can fashion an appropriate outcome in those specific cases.

I also want to go back to what Assemblywoman Peters had mentioned. I should have clarified this in my initial testimony. When I was going through and talking about the fact that children might engage in a premeditated offense, I meant that specifically from a legal nature and how the system views them currently. It is how girls like Cyntoia Brown, Sara Kruzan, and Alexis Martin—whose case only happened four years ago in Ohio—are viewed. We are not talking about a case that happened decades ago. This was a prosecutor within the last five years who looked at a 15-year-old-girl who participated in a crime where her trafficker had been killed, and said "You know what I am going to do? I am going to pursue a life sentence for you." It is a human rights abuse. There is no other way to look at this.

We remain open to continuing to work with the Nevada District Attorneys Association to address their concerns on the law and on the policy. I think some other rationales they have brought up in terms of wanting to maintain the status quo are wrong. We would urge you to support and pass this bill to send an unmistakable message to the Sara Kruzans, to the Cyntoia Browns, that their lives matter, and when they commit a crime against somebody who has done that to them we will not just throw them away to rot in a cage. It is a human rights abuse. I urge this Committee's support. Make Nevada a national leader. Send a message to the entire country that what happened to Cyntoia and Sara was not right and we will make sure it never happens to any child here in the state of Nevada.

Chairman Yeager:

I will now close the hearing on Assembly Bill 158. Before we start our next bill, I would like to welcome the students from Sage Ridge School who have joined us here. Welcome to the Assembly Committee on Judiciary.

[([Exhibit D](#)) was submitted but not mentioned and will become part of the record.]

With that, I will open up the hearing on Assembly Bill 157.

Assembly Bill 157: Provides certain protections and services for victims of human trafficking. (BDR 16-141)

Assemblyman John Hambrick, Assembly District No. 2:

Assembly Bill 157 will give guidance to law enforcement, district attorneys' offices, the Nevada Department of Health and Human Services, and the Nevada Department of Education. The bill will assist the victims of this terrible scourge. I know the members of this Committee will truly understand the depth and the horror of the word scourge, particularly as it relates to human trafficking. I look forward to having this bill heard again. We have Mr. Dold, who wrote the bill, here. I will turn to Mr. Dold.

James L. Dold, President and Founder, Human Rights for Kids:

I shared a little bit about my story earlier. I will jump around with regards to specific aspects of the bill because different aspects are important for different reasons. I will begin by discussing section 3, which is the requirement that the Nevada Department of Health and Human Services (DHHS) develop a plan for delivery of services to human trafficking victims. That includes identifying victims, assisting with applying for benefits, coordinating and providing services, job training, victim compensation, medical and housing services, as well as educational needs. This section of the bill is very important because this gets at developing an infrastructure in the state so that when victims of trafficking are identified, everybody knows what they should be doing, what resources exist, and what needs to happen.

One of the biggest problems in these types of cases is that victims do not have the support they need. What is critical to that is providing a system of support, whether that is connecting victims with nonprofit organizations that provide services or making sure they are aware of crime victim compensation funds that they may be eligible for. That is the idea behind section 3. I will also highlight that all it requires is the development of a plan. It does not require any expenditures. All it says is that within DHHS, we develop a plan and have an idea in place for what that should look like. Other states have adopted similar provisions. Many years ago, I worked on legislation in the Commonwealth of Virginia. It exponentially increased their ability to assist victims. This provision is also included within the Uniform Law Commission's Uniform Act on the Prevention of and Remedies for Human Trafficking. I was a part of the drafting process for that. This is something that has been looked at over and over by the Uniform Law Commission, and they said this is a critical component of having an anti-human trafficking framework, particularly for providing victim services.

The next section I wanted to discuss—and this is a little more personal for me—is section 5. This requires the Nevada Department of Education to develop materials for schools, administrators, teachers, students, and parents to educate them on information to identify trafficking victims, prevent child trafficking, and the resources that exist within the community. This is personal for me and for a lot of child victims of trafficking because, contrary to popular culture and how it is portrayed in media, when you boil it down to brass tacks, trafficking really is about exploitation. It is about kids who are being exploited.

My situation happened in the late 1990s. I got out of my situation in early 2000. I still went to school during that time. Eighth grade was when the abuse was at part of its peak, and I will never forget I had become very withdrawn. I was sort of dressed in black all day. I did not talk to any other kids my age. I had teachers who would come up and try to talk to me because I think a lot of them sensed that something was wrong but did not really know what was happening. I still did relatively well in school. I think that is another important thing to keep in mind; you can have a kid who is going through a very traumatic incident, and they find other outlets. Sometimes that is school, sometimes it is sports. These incidents happen like that.

In my freshman year, I wrestled and played football at Valley High School, but I was a student at the Advanced Technologies Academy in Las Vegas. I remember that I began to act out quite a bit my freshman year. Sometimes I had teachers who would get angry with me. They probably thought I was just some jackass who did not want to follow instructions. Deep down I was hurting because I did not have anybody there to listen to me. I would go to school, and after school I would go back to this house where I was subjected to this abuse. While other kids my age were out playing sports or chasing girls, here I was going back to babysit, cook, clean, and be in this exploitive situation where I was denigrated and called everything from the "n-word" to "ugly." That is sort of how these traffickers and child abusers break down your psyche; it is building you up and tearing you down where you become emotionally dependent upon them. That is what happened in my situation.

Section 5 really gets at the core of how we prevent these sorts of situations from happening in the first place by providing resource information to parents, students, teachers, and administrators, so they can know what to be on the lookout for. Sometimes, it can even just be helpful for kids who might be in the very beginning stages of being trafficked. Finesse pimps, in particular, operate in a very unique and calculated way where it is a grooming process. Not all pimps use violence. Sometimes you have traffickers who are sort of the romantic playboy who make these young girls fall in love with them, they develop this traumatic bond, and that traumatic bond—like in my situation—is then used to get those girls to go out in the streets and be exploited. They go out there because they are doing what their pimps have asked them because they have a misplaced sense of loyalty. They believe what they are doing is acting out of love. It is not the sort of visions we see in the media where people are handcuffed and duct-taped. Sometimes that does happen, but it is very rare. Usually trafficking is in those instances where you have a power dynamic, usually an adult who is exploiting a child and having that child go out and do their bidding for profit. Being able to talk to students about the warning signs of that can help disrupt that pattern as it is beginning to happen. I really cannot emphasize enough the importance of the interplay between sections 3 and 5, which I do not think there is any opposition to from any of the other interested parties who will be testifying today.

As far as section 1 and section 2, I know there are some folks who have submitted amendments or have concerns. I will briefly go over them. Section 1 requires law enforcement to provide victim service information about victim compensation and information—particularly for foreign national victims—about immigration protections they

could qualify for. For folks who are not familiar, there is something called the Form I-914, Supplement B for a T nonimmigrant visa (T visa), and also a U nonimmigrant visa (U visa). Those are for foreign nationals who are in this country and are victims of trafficking or other forms of physical violence. It is possible that if they get that Supplement B, they will actually be given temporary status as long as they are cooperating with law enforcement. That is why that visa was created in the first place. I know some folks have some concerns about law enforcement being that venue from where they receive that information. As long as the information is out there, it may be appropriate to have DHHS have that information available when victims are identified. I think the concerns you will hear can be rectified by some of the amendments people are proposing.

Section 2 deals with the National Human Trafficking Resource Center (NHTRC) Hotline posting in specific places where victims are most likely to come into contact with them. That includes places that have been deemed public nuisance areas due to prostitution, mass transit centers, rest areas, and truck stops. That list has been significantly narrowed. I know the public defenders also have an amendment on that just to get away from the creation of a criminal penalty for folks who fail to post the hotline notice and instead make it a fine for noncompliance. Those amendments are fine as well. The big thing is that section 3 and section 5 will go a long way to help develop the infrastructure to prevent more children from becoming trafficking victims and help victims when they are identified. With that, I will be happy to answer any questions.

Chairman Yeager:

I was looking on the Nevada Electronic Legislative Information System, and I do see the proposed amendment from the Clark and Washoe County's Public Defenders Offices ([Exhibit E](#)). You consider that to be a friendly amendment?

James Dold:

Yes, Mr. Chairman.

Chairman Yeager:

It also sounds as though there might be some other amendments or ideas being worked on. I do not see any of those online. I will not make you commit to that because you probably have not seen the language, but it sounds as though you are open to working on some of those concerns.

James Dold:

Yes.

Assemblyman Daly:

I have a question on section 2 of the bill. If you are in a nuisance area where you have to post the hotline, I assume there is a time frame on how long that has to be there. If it is meant to be a deterrent and it is successful, you should not have to have it up forever. Will there be a timeline?

James Dold:

I do not think we have anticipated a timeline, in part because when those places have been deemed to be a public nuisance and they have an established track record, it is possible that there could be potential victims that come into those areas, and we want to make sure that information is available there.

Assemblywoman Cohen:

I have a question about the hotline. Has there been any thought about doing a text number or an email address? My concern is that there might be someone who cannot get away to actually speak on the phone but they could email or text that they need help.

James Dold:

That is a really great point. We drafted this language a while back. Since then, the NHTRC, which runs the national hotline for the United States Department of Health and Human Services, has developed technology to now receive text messages. That is something that can certainly be included. I know some of the cases where they have identified victims have been in situations where they cannot call because they are under duress but they can text. I know they have had hotline specialists on the phone all night texting victims to coach them through their situation. That is a really great point and we can add that into the language as well.

Assemblywoman Cohen:

Going back to those nuisance locations where the owners are required to post the signs, how do they find out they are required to post the signs?

James Dold:

It should be something they are notified about by the Nevada Department of Business and Industry. They should have a list of places that have been deemed to be public nuisances and they should notify the owners that they are required to post the hotline.

Assemblywoman Torres:

When we look at section 1, subsection 2(d), which talks about the U visas and T visas, I think it might be of interest for us to actually give the victim some information that they could even qualify for that type of visa. Oftentimes in the immigrant community, they do not know what they do not know. It might be of interest to give the victim a piece of paper that says they may qualify for this. I am checking the website right now. Legal aid might help, but I know there are other organizations that help with that. We could connect them to those organizations that can help them with those forms because they are rather lengthy.

Chairman Yeager:

Are there additional questions for Mr. Dold? [There were none.] I will now open it up for testimony in support of A.B. 157.

Kristina Wildeveld, Attorney, Nevada Attorneys for Criminal Justice:

We are supporting A.B. 157. It ensures measures are put into place to help notify victims of sex trafficking of assistance and resources that are available to them under state and federal law. This is a necessary measure for all of those kids out there who are being sex trafficked. We support the bill.

Bailey Bortolin, representing Washoe Legal Services:

Assemblywoman Torres, Washoe Legal Services, Legal Aid Center of Southern Nevada, and Volunteer Attorneys of Rural Nevada all provide immigration services in this context. I will say your questions were very apt. We have had a lot of issues with U visa certifications and with the processes to assist these victims. We support giving them more resources and access to that information. We would ask that if they are able to connect them with legal services that we be a part of that.

Sara Chalhagian, representing Dignity Health – St. Rose Dominican Neighborhood Hospitals:

I am here with Ferrari Public Affairs today on behalf of Dignity Health – St. Rose Dominican and their seven acute care hospitals in Nevada to formally support A.B. 157. We believe all of the components will help victims become survivors. Their director of communications and public policy, Katie Ryan, has submitted a letter of support for inclusion on NELIS and for the record ([Exhibit F](#)). I encourage you to read it and would like to highlight why Dignity Health has decided to support this measure. Compelled by their healing mission, St. Rose is committed to being part of the solution, and human trafficking is one of the various community health issues to which they dedicate their resources. Their frontline providers bear witness to the suffering of trafficked victims who enter their emergency departments and birth centers looking to Dignity Health for compassion, care, and a way forward.

To date, Dignity Health has invested over \$1 million to develop and implement our survivor-led and survivor-informed Human Trafficking Response Program. By leadership and example, they hope to encourage others in health care and government to take bold actions to integrate an effective response to human trafficking and support any effort to help victims become survivors. Once again, we feel very strongly that A.B. 157 will help victims become survivors, and we encourage you to vote yes.

Isabel Youngs, representing Nevada Women's Lobby:

The Nevada Women's Lobby is in support of this bill. Thank you.

Adia Lancaster, Director of Awareness and Prevention, New Hope Foundation International:

There are two parts of the bill I would like to highlight. I believe there are pieces carried over from sponsor legislation from Assemblyman Hambrick that was also written by James Dold back in 2013. That is section 2, which requires the posting of the National Human Trafficking Hotline. Since 2012, one of the top three callers into the hotline for the state of Nevada were victims of trafficking and also members of the community.

In October 2013, former Attorney General Catherine Cortez Masto launched a billboard campaign in partnership with Polaris Project, the nonprofit that operates the national trafficking hotline, and Clear Channel Outdoor. They launched this campaign for three months in the latter part of 2013. In 2013 and 2014, the hotline reported that the number one way callers found the hotline was via a campaign. The top two callers for those years were community members and victims of trafficking. Giving access to this hotline for victims of trafficking, especially in places where they frequent, is absolutely powerful and has proven to be a proactive way to save their lives.

In addition, I want to address section 5, which provides education on human trafficking to the school districts and to the parents of these children. I have given many presentations in the Las Vegas Valley, as well as in California, and many times I get asked by parents whether this information is in our schools. A lot of the time I have to tell them that it is, but in a very small way—only when we are invited into the schools by a teacher or principal. I do know there is a lesson on human trafficking given to tenth graders in their health class. However, that is only given if the teacher is comfortable sharing that information with the class, and it is only a single lesson.

In 2017, California passed a law to mandate human trafficking education in their schools. They have the second-largest school district in the nation with over 600,000 students. Here in Nevada, Clark County is the sixth-largest school district in the nation if you include Puerto Rico. We are serving over 320,000 students in this county. In the first half of 2018, Las Vegas Metropolitan Police Department identified that 96 percent of minor victims of trafficking were between the ages of 14 and 17 ([Exhibit G](#)). In addition, 68 percent of the minors recovered were local girls and boys. This number has not dipped below 60 percent since 2012. This is happening to our boys and girls in our schools. To give them access to this information will prevent them from entering this horrific cycle of abuse and exploitation.

I strongly urge you to support this bill in its entirety. As a representative of New Hope Foundation International, we support A.B. 157 in its entirety.

Kay Landwehr, Founder and President, House of the Rising Sun:

I support this bill wholeheartedly.

Steven Conger, representing Power2Parent:

We support this bill.

Chairman Yeager:

Is there additional testimony in support of Assembly Bill 157? [There was none.] I will now open it up to opposition testimony.

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

Let me start by saying I am 100 percent in support of the intent behind this bill. I am sure with a couple small tweaks I will be in full support of this. I certainly support the longtime

efforts of my good friend Assemblyman Hambrick, so I will work with him to fix the issues. The first concern I have with the bill is logistics. I know there are some amendments out there I have not seen, but if the desire is to leave "law enforcement officer" in section 1, I would request that the language be changed to read "a law enforcement officer assigned to investigate human trafficking cases" because the officer in the field is not necessarily trained to identify a victim of human trafficking. It is those officers who deal with these cases on a day-to-day basis who would be the best to identify those cases and provide the appropriate referral to services that would be needed.

Secondly, having an officer assisting with filling out U visa documents is very problematic. First, it is not the role of the officer. The detective who does the case would actually be the one who would receive and approve them for submittal to the U. S. Department of State. That can also be used against us in a case. For example, if we are trying to prosecute a trafficker and the defense attorney says the only reason the victim is making this statement is because the officer told her she is not going to stay in the country unless she testifies against this guy or that she will be allowed to stay in the country if she testifies. I believe that would be used against us. I would request that language be changed to say "upon request from a victim, the officer will provide contact information for the appropriate victim services who will assist the victim with filling out the U visa documentation." I think with those two tweaks, I would be 100 percent in support of this bill.

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

I am here in opposition to A.B. 157 pursuant to Committee rules. Thank you, Assemblyman Hambrick, for always bringing these quality bills. With potential amendments discussed regarding the role of law enforcement, we will be in full support. The requirements currently in it for a line-level law enforcement officer to try to fulfill the provisions outlined in the bill are not practical as intended. The Nevada Sheriffs' and Chiefs' Association is in full support of the intent of the bill and anything that helps us in the fight against human trafficking.

Jennifer P. Noble, Chief Appellate Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:

I would like to echo the sentiments of Mr. Callaway and Mr. Spratley. We 100 percent support the idea behind this bill. We have a couple of concerns. One of them is one that I think a prior speaker touched on; having the district attorney assist in filling out the form is something that can be used against the victim later. That is impeachment material pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963). Victims can and are impeached with this type of information as some sort of ulterior motive. Additionally, I have seen scenarios in which a defense attorney tries to use this type of interaction to make the district attorney or deputy district attorney a witness in their own case. While we certainly are in favor of, and consistently do refer victims to appropriate services—such as Catholic Charities or legal aid—and make them aware of the U visa process and indicate to the government that they have been cooperative when they have been, putting us in the shoes of actually filling out the form for them is something that makes it difficult for us. It is beyond our expertise and could actually hurt the victim in terms of their testimony and our ability to prosecute the case.

The other issue we have is with section 1. It says "as soon as practicable after the initial encounter." We are a little bit concerned because it is not clear that this mandatory reporting requirement is based on an encounter that comes within the scope of our employment. For example, we have deputy district attorneys who are not trained to identify victims of human trafficking. If they are in an airport Starbucks and they think someone is being trafficked, does this come into play? We just think that needs a little bit of tweaking in terms of the course and scope of our employment. Other than that, we fully support the intent behind this bill and we look forward to working with Assemblyman Hambrick to see if we can come to a resolution.

Matthew J. Walker, representing Reno-Tahoe Airport Authority:

I think a lot of the points have been covered, and we are happy to work with the sponsor to address the concerns of law enforcement being individually responsible for fulfilling the requirements in section 1 ([Exhibit H](#)). I do want to highlight for the Committee that the Reno-Tahoe International Airport is very proud of their designation as one of the first airports in the nation that is a safe place. Folks in distress can come and seek out anybody with an airport badge, and they have protocol to point people to the services and agencies that are appropriate for their situation. We are hopeful the bill's ultimate result will match that best practice and we are happy to work with the sponsor to achieve that.

Kerrie Kramer, representing The Cupcake Girls:

We would like to echo the sentiments of the previous individuals who have testified. We believe that a resource organization such as The Cupcake Girls is in a far better position to make a determination and preliminary assessment of a victim's need for resources and/or compensation. We would like to see law enforcement or district attorneys give that to a resource organization that has expertise within the human trafficking field. With that, we are happy to work with the sponsor to come up with language that would do that.

Chairman Yeager:

Can you please tell the Committee what The Cupcake Girls is and what they do?

Kerrie Kramer:

The Cupcake Girls is a resource organization that works in southern Nevada as well as Portland, Oregon. We work with sex workers in all capacities of the industry. We also have three specialized social workers who work with victims of domestic violence, human trafficking, and other issues that sex workers face within the industry. We are a resource that provides legal aid services through and with Legal Aid Center of Southern Nevada. We work with The Shade Tree and other organizations in southern Nevada to get these individuals the resources they need, whether it is a cup of coffee and a chat or it is getting them resources for victims of trafficking.

Kimberly Mull, Private Citizen, Las Vegas, Nevada:

I, for the same reasons, am up here in opposition. I will start with section 1. I agree that we should make sure advocates are in the language there. I want to touch on one thing that

Mr. Callaway mentioned about how officers in the field are not trained to identify victims of trafficking. Maybe we should address that and make sure they are. That might be helpful as well.

For the hotline postings in section 2, they have been helpful and people are calling in to it. One thing is that the language in the bill to include on the hotline flyer is very legalese. I understand why that is probably great for the bill. However, for people who are being trafficked, it may not be the best way to get them to call in to the hotline. I would suggest working with survivors or working with people who are in victim services to create the top half of that flyer and use language that specifically girls or victims in the lifestyle would identify with to get them to call in. I think that would help get the number up. If we use something that victims identify with such as "Do you want out of the lifestyle? Do you need help getting out of the lifestyle?," they are actually going to connect with these things. When you are in the lifestyle, first of all you do not identify as a victim. Secondly, saying "Are you a victim of human trafficking and need assistance receiving services?" is not necessarily going to be something you identify with and will want to call the hotline. It is not the language you actually use with your peers. I think that will help to increase those numbers.

Finally, I am so excited to see the education piece. As someone mentioned, California was the first state in the country to require students in third, fifth, seventh, ninth, and eleventh grade to receive education on sex and human trafficking. Every student in that state in each one of those grades is required to receive education in their classes. The state is working with a nonprofit called 3Strands Global Foundation to implement that education. It is an amazing online system that not only trains each administrator and teacher across the state on how to identify victims of trafficking, but also each of those students.

A lot of people ask why teachers and administrators need to be educated. Just as Mr. Dold testified about going to school every day during his victimization, so was I. This really confuses people. When we think of trafficking, we think of the movie *Taken* and the whole scenario of someone getting kidnapped. Just like James, I was taken, but I was home for dinner every night. That really confuses people. The reality is, I was still in my sixth-, seventh-, and eighth-grade classes every day. I still went to school with a girl who would receive flowers from her stepdad at school one day, and the next day he would check her out for a "dentist appointment" and take her around the corner to a motel to pimp her out. Two days later, he would check her out to take her to a "chiropractor appointment," and the next day he would send chocolates to her school from "daddy." If the teachers had been trained on this behavior, which is very common in familial trafficking, maybe she would have received some help and assistance.

Having this kind of education and curriculum, not only for students but also for administrators and teachers, is an amazing thing. It would be even more amazing if there was some funding behind it. Utah is currently looking at legislation to also require it in their schools for administrators, teachers, and students. We might soon be sandwiched between two states that require it. It is amazing to see. I hope we can all work on some amendments to get this to 100 percent, and hopefully even require it in our schools soon.

Assemblywoman Torres:

In 2015, this body passed Senate Bill 394 of the 78th Session to establish statewide curriculum standards for teaching about child abuse prevention in schools. It included sexual abuse. Those curriculum standards were just finally approved years later and are being implemented next year. I would love to see us connect the dots that human trafficking is also part of that. I think it is a perfect opportunity to utilize this bill to get that information into those prevention programs.

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

It does trouble me to come to the table today in opposition. I think there are things that can be easily corrected. In fact, Ms. Kramer and I were working on some language last night that we feel would appropriately address the concerns we have here. There is nothing more disturbing than knowing that some of these victims fail to come forward, are arrested for other crimes, and get released from the detention facility only to be greeted by the people who victimized them. We want to work with our administrative services units to ensure these notification systems and access out in the community is known to these victims. We want to work with the bill sponsor to make that happen.

To Ms. Mull's point, I do not believe Director Calloway was saying that our people out in the field are not trained to detect these things. It is a very specialized system. When we are dealing with these victims out in the community, usually because of the badge we wear, they fail to come forward. We want to make sure those resources are out there, that they feel comfortable talking to our victim advocates, that these crimes are getting reported, and that we can do something to address the matter.

Chairman Yeager:

Is there any additional opposition testimony? [There was none.] I want to thank those who came up in opposition. I know it is a bit uncomfortable, but pursuant to our Assembly rules it helps with the minutes of the Committee meeting. Obviously, it is a good type of opposition whereby it sounds as though everyone agrees about where we are going but there might be some disagreements about how best to get there. What I heard from Mr. Dold is that he is willing to work with folks. I am hopeful you all can get together at some point to get this figured out in a way everyone can support it.

Is there anyone neutral on A.B. 157? [There was no one.] Mr. Dold or Assemblyman Hambrick, I will invite you to give any concluding remarks.

Assemblyman Hambrick:

I would be more than happy to look at any proposed amendments. I think all of us want good bills. With the opposition testimony, I think we can fine-tune this legislation and get it back to the Committee in a way that will go through successfully. I truly appreciate the time you have given to these bills.

Chairman Yeager:

Again, I want to thank you for being a passionate advocate on these issues over the last several sessions. We are all looking forward to having you back here in the building. Mr. Dold and the other testifiers today, I want to thank you as well. It is not easy to come up here and share these stories about traumas that have happened in life. Not everyone has been able to come through those traumas and turn it into advocacy as you all have. The world is a better place for your advocacy in making sure people who come after us do not have to go through these things.

I will now close the hearing on A.B. 157.

[All items submitted but not discussed will become part of the record: ([Exhibit I](#), [Exhibit J](#), and [Exhibit K](#)).]

Would anyone like to give public comment?

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

I just want you to know that we emailed you a report that I wrote over this last interim concerning youth confinement in Nevada. I think it is relevant to some issues that came up during the hearing on A.B. 158, specifically about how resources are allocated and how children are housed in this state once they have been tried as adults. That is an issue that will come before this Committee in a study bill that we proposed that was adopted by the child welfare and juvenile justice community. I think the prevailing issue here is the conception that children who are tried as adults are so much more violent, and they are super predators. It is an incorrect rationale for children who are tried as adults that we are combating here when we start talking about these issues. The idea that, for some reason, they have to be placed elsewhere is not the case. We are seeing that kids in multiple jurisdictions are integrated with other juveniles and they are serving time in a juvenile facility before going to an adult facility. I think that is what is really at play when we have those discussions. I thought we should go ahead and start talking about that now. Thank you.

Chairman Yeager:

Is there anything from Committee members before we wrap up this morning? [There was nothing.] Committee members, thank you for your attention and thoughtful questions today. The issues we talk about in this Committee are not always easy. I certainly appreciate your preparation and professionalism. Tomorrow morning we will start at 8 a.m. We have three bills on the agenda. The meeting is adjourned [at 10:30 a.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 a letter dated March 6, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, submitted by James L. Dold, President and Founder, Human Rights for Kids, in support of Assembly Bill 158.

[Exhibit D](#) is a letter dated March 5, 2019, to the Assembly Committee on Judiciary, submitted by Kristina Wildeveld, Attorney, Nevada Attorneys for Criminal Justice, in support of Assembly Bill 158.

[Exhibit E](#) is a proposed amendment to Assembly Bill 157, submitted by Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office.

[Exhibit F](#) is a letter dated March 6, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, submitted by Katie Roe Ryan, Director, Public Policy and Advocacy, Dignity Health-St. Rose Dominican, in support of Assembly Bill 157.

[Exhibit G](#) is a document with 2017 and 2018 Las Vegas sex trafficking statistics, submitted by Adia Lancaster, Director of Awareness and Prevention, New Hope Foundation International, regarding Assembly Bill 157.

[Exhibit H](#) is a proposed amendment to Assembly Bill 157, submitted by Matthew J. Walker, representing Reno-Tahoe Airport Authority.

[Exhibit I](#) is a document with 2013 and 2016 Las Vegas sex trafficking statistics, submitted by Adia Lancaster, Director of Awareness and Prevention, New Hope Foundation International, regarding Assembly Bill 157.

[Exhibit J](#) is a letter dated March 5, 2019, to the Assembly Committee on Judiciary, submitted by Kristina Wildeveld, Attorney, Nevada Attorneys for Criminal Justice, in support of Assembly Bill 157.

[Exhibit K](#) is a letter dated March 6, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, submitted by Adia Lancaster, Director of Awareness and Prevention, New Hope Foundation International, in support of Assembly Bill 157.