

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

**Eightieth Session  
March 13, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:06 a.m. on Wednesday, March 13, 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](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman John Ellison, Assembly District No. 33



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Policy Analyst  
Lucas Glanzmann, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Michael Alonso, representing Association of Gaming Equipment Manufacturers  
Marcus Prater, Executive Director, Association of Gaming Equipment Manufacturers  
Dan R. Reaser, Regulatory Counsel, Association of Gaming Equipment Manufacturers  
Joshua Leavitt, President, Society for Information Management – Las Vegas  
J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of Higher Education  
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce  
Scott A. Edwards, President, Las Vegas Peace Officers Association  
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada  
Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office  
Charles A. Moore, Fire Chief, Truckee Meadows Fire Protection District  
Lauren Kaufman, Staff Attorney, American Civil Liberties Union of Nevada  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office

**Chairman Yeager:**

[Roll was taken. Committee protocol was explained.] We have two bills on our agenda today. We will take them in reverse order. At this time, I will hand the meeting over to Assemblywoman Cohen so I can present the first bill.

[Assemblywoman Cohen assumed the Chair.]

**Vice Chairwoman Cohen:**

I will open the hearing on Assembly Bill 221.

**Assembly Bill 221: Revises provisions relating to gaming employees. (BDR 41-716)**

**Assemblyman Steve Yeager, Assembly District No. 9:**

It is an honor to present Assembly Bill 221 this morning. With your permission, Madam Vice Chairwoman, I would like to briefly tell you about the bill and then hand it over to Mike Alonso, who will introduce a couple more speakers who will tell you more about the bill and what it means for gaming and education. They will be able to help me answer any questions about the bill.

Although short, A.B. 221 could be transformative for Nevada. I will be working off the amendment ([Exhibit C](#)) that was submitted by the Association of Gaming Equipment Manufacturers (AGEM), which you can find on the Nevada Electronic Legislative Information System (NELIS). The amendment is pretty similar to the original bill. There are a few lines that have been stricken out and a few new words that have been added.

Historically, in the state of Nevada there has been a prohibition against anyone under 21 years of age from being employed as gaming employees—with one exception. That exception is an employee who works in a counting room. I did not provide this in writing, but I am asking that the stricken language on the amendment, "except in a counting room," be restored. Apparently, there are establishments in the state who need the flexibility to employ 18- to 20-year-olds in counting rooms. That would be another amendment I would bring forward. Historically, absent that exception, you could not work as a gaming employee if you were under the age of 21.

Assembly Bill 221 allows 18-, 19-, and 20-year-olds to be employed as gaming employees as long as they are employed by and work at the business premises of a licensed gaming manufacturer or distributor. In order for this to work, the employee has certain duties that he or she can perform. Those are enumerated in the amendment in section 1, subsection 2.

Essentially, this bill will allow 18- to 20-year-olds to develop skills in coding and design as well as learn how to fabricate, assemble, or modify gaming devices and equipment. This is going to be a boost for our technology workforce. It will also help gaming equipment manufacturers fill their employment needs. It is truly a win for everyone involved, and I urge your support for the bill. With your permission, I will hand it over to Mr. Alonso.

**Michael Alonso, representing Association of Gaming Equipment Manufacturers:**

First, I would like to thank Chairman Yeager for sponsoring A.B. 221. He worked with some of the members of AGEM prior to the session to bring this bill. We appreciate all of his guidance and help on this matter. It is very important to the gaming industry manufacturers and distributors. It is also important for Clark County School District and Washoe County School District and other educational programs, community colleges, and universities. We have a couple of people here today who will walk the Committee through the bill and our amendment. They will also give some background on AGEM and answer any questions.

**Marcus Prater, Executive Director, Association of Gaming Equipment Manufacturers:**

I have submitted a letter ([Exhibit D](#)), and would like to provide verbal testimony in support of A.B. 221. The Association of Gaming Equipment Manufacturers is a nonprofit international trade association in Las Vegas representing manufacturers and suppliers of electronic gaming devices, lotteries, systems, table games, online technology, sports betting, and key components and support products and services for the gaming industry. We work to further the interests of gaming equipment suppliers throughout the world. Through political action, regulatory influence, trade show partnerships, educational alliances, information dissemination, and good corporate citizenship, the members of AGEM work together to create benefits for every company within the organization. The Association of Gaming

Equipment Manufacturers has assisted regulatory agencies and participated in the legislative process to solve problems and create a business environment where AGEM members can prosper while providing a strong level of support for education and responsible gaming initiatives.

It should be further noted that AGEM members are responsible for manufacturing every gaming machine in Nevada, and leading providers include International Game Technology, Scientific Games, Aristocrat Technologies, Konami Gaming, Everi, Ainsworth Game Technology, and others. Our 173 total member companies are headquartered in 22 different countries, but both our roots and our future reside in Nevada.

Our industry as a whole directly employs more than 23,200 Nevadans and, according to an in-depth economic impact analysis by the respected Las Vegas firm Applied Analysis that was released in 2017, AGEM members have a [direct] total economic output of \$17.9 billion, roughly \$9.2 billion of which is generated by companies operating or headquartered in Nevada. A significant portion of those employees are highly educated engineers, software designers, creative development specialists, hardware and subassembly experts, game designers, graphic artists, animators, and marketing and financial staff. The average annual salary among AGEM member companies is \$89,400, which is well above the national average equivalent of \$49,630 for the private sector. When considering the ripple effect of the industry, those with operations in Nevada were responsible for approximately \$23.9 billion in total economic activity last year.

We are keenly interested in workforce development and employment opportunities within the state, and Assembly Bill 221 will take us all in a positive direction. The gaming suppliers are further interested in hiring those in the 18- to 20-year-old age group in a variety of company department categories, as well as being able to offer internships to students. The opportunities could run the gamut from visionary young adult game designers to graduates from our state's technical schools who are seeking a unique career path previously unavailable to them. We thank the Nevada System of Higher Education [([Exhibit E](#)) and ([Exhibit F](#))], the Clark County School District ([Exhibit G](#)), the Washoe County School District, and the College of Southern Nevada ([Exhibit H](#)) for providing positions of support for A.B. 221.

In closing, A.B. 221 is a workforce development initiative that will benefit the state of Nevada, gaming technology providers, and future new employees. Thank you for the opportunity to have AGEM be with you today.

**Dan R. Reaser, Regulatory Counsel, Association of Gaming Equipment Manufacturers:**  
I would like to spend a couple of moments with you on three basic issues which are outlined in my written testimony ([Exhibit I](#)). The three items I would like to cover with you briefly are the regulatory context in which this amendment is being presented, a review of what the bill does, and a review of the two amendments that Chairman Yeager has identified.

The context of this is that for over 40 years there has been a statute in Nevada that has prohibited anyone under 21 years old from being a gaming employee. While that statute has remained fairly static, the definition of who is a gaming employee has been changed many times by the Nevada Legislature and has been expanded to include a fairly wide net. That net has extended over the years from casino floors to manufacturers, distributors, and suppliers of different systems. The effect of this prohibition is that you have to be 21 years old to be a gaming employee, with a historical exception for people who work in counting rooms and food and beverage workers in certain contexts. You have to be investigated and registered with the Nevada Gaming Control Board and/or with a county sheriff or metropolitan police department. The effect of this is that if you compare what happens in the casino space with what happens in the manufacturing space, we have a discriminatory situation. Some young people can start a career in the gaming industry at a brick-and-mortar casino, but if you are not 21 years old, you cannot start to work in the technology sector. In the twenty-first century, there is really no reason for this continued discrimination.

Additionally, this anomaly has created prejudices for certain trades, in particular for those who go to technical schools to learn how to code or learn the manufacturing process. Those are critical skills that we want to encourage in our educational institutions in Nevada for the twenty-first century technology businesses we are all pursuing for economic development. This current scheme also does not allow manufacturers and distributors to provide for college students to have internships. As you probably know, internships now generally have to be paid under federal law, but you cannot employ these people as interns or part-time employees so they can get experience in the manufacturing trade. Let us not kid ourselves, the manufacturers of AGEM are the leading manufacturing companies in the state. They cannot get that experience through a college internship or part-time employment. Finally, there is discrimination for students who could take some of these positions as they graduate from high school if they are coming out of some of the technology programs we have been developing in Nevada.

That is the historic context into which we are bringing the bill to try to cure that problem for the manufacturing and distributing industry.

Very briefly, I will review the bill. I will also use the proposed amendments ([Exhibit C](#)). The main part of the bill is in section 1, subsection 2. In section 1, what is provided for is an exception to what is otherwise a prohibition on anyone under 21 years old working in gaming. As we indicated, there was the elimination of "except in a counting room," and AGEM asked for that to be returned to the statute and that deletion be removed. In consultation with Terry Johnson of the Nevada Gaming Control Board, we have learned that this exception is still in use in many rural casinos in Nevada. They have young people who are employed in count rooms predominantly in rural Nevada where there are workforce issues, and to eliminate that provision would eliminate jobs. Of course, this is a job-creation bill, not a bill to take away jobs. We ask that you return that exception.

As I said, the main part of the bill is in section 1, subsection 2, which provides that a person who has reached the age of majority as defined in NRS 129.010—which is 18 years of age—

may be employed as a gaming employee in the state if they are working for a manufacturer on the business premises of the manufacturer. That is the second amendment we are asking you to make; legislative counsel put "while on the business premises" at the end of the sentence, and that creates a bit of an ambiguity. Was it the business premises of the manufacturer, or business premises of a casino? The intention is not to put 18- to 20-year-olds on casino floors. They should only be at the premises of a licensed manufacturer, so by striking the last four words before paragraph (a) in section 1, subsection 2, we make certain that it is the manufacturer's or the distributor's business premises.

There are basically three subject matter areas in which these young people could be employed. The first is at the high level of design of games and software; the second is at fabrication and assembly down on a factory floor; the third is in modifying, repairing, or enhancing an existing device. In those three spaces they could be employed. While the Gaming Control Board is not taking a position on the bill to my knowledge, we did consult with them in drafting section 1, subsection 2 to make sure it synced up with what they would view as appropriate language in defining those subject matters.

Finally, in section 1, subsections 3 and 4, there are changes to make sure the criminal prohibitions in the sections are clearly made inapplicable to employees who are subject to the exemption. That is a brief background of the bill, what it intends to accomplish, why it is necessary, and what the amendments are. We thank you very much for your attention.

**Assemblywoman Miller:**

I would like to thank Mr. Alonso. We had some great discussions over this bill. As an educator, I look at all the different students and their different talents, aptitudes, interests, and abilities. You walk by a kid and you see them doodling, doing graphic arts, or creating games, and you say things like "You know? You could have a career doing this." As sixth graders, they do not realize you can actually make a living with so many things they naturally do or things that are not aligned with the conventional tracks that individuals might be trying to push them into. I really appreciate this because, as Mr. Alonso was explaining this to me, the faces of certain students I have had were popping up in my head. What is the actual salary or hourly wage an 18-year-old would be able to start with at an entry level? Also, how many 18- to 20-year-olds do you anticipate bringing on board here in Nevada or Las Vegas specifically?

**Marcus Prater:**

This will not create a flood of new employees right out of the gate. However, it will be a trickle that certainly grows over time. We are technology providers, and as young people continue to embrace new technologies, I do believe this will result in hundreds or thousands of jobs in the long run. We have had these conversations with the school districts and we will follow up to promote the idea, should the bill pass, that we want to engage with students and have them intern and engage with AGEM members directly.

As far as the wage, it is really hard to say. I am hesitant to give you a number, but certainly software engineers make more than factory workers, generally. They are good paying jobs.

They are not going to be at the \$89,000 average salary I mentioned in my statement, but they will certainly be good paying jobs and we are committed to that.

**Assemblywoman Miller:**

As a good paying job, is this something where, if I start off full-time, I would have benefits?

**Marcus Prater:**

Yes. If you are a full-time employee for any of the manufacturing members of AGEM, it will absolutely be full-time with benefits and a great career path going forward.

**Dan Reaser:**

We will get back to you in writing to confirm the likely pay scale. We are probably talking \$18 to \$20 per hour with benefits. We are not talking about minimum wage jobs. They may be part-time jobs so we can have as many people as possible gaining the experience, especially in the internship space. That would be the general factory floor starting wage.

**Vice Chairwoman Cohen:**

Do you think this will help prevent a technology brain drain from Nevada? Might this keep some more young people here to start their careers as opposed to going to technology centers in California?

**Marcus Prater:**

Absolutely, there is no question. We need to retain our students and graduates in Nevada. One of the biggest problems we have had in the gaming technology sector is talent. Whether that talent is homegrown or recruited from Silicon Valley or somewhere else, it is such a specialized industry that we have. It is not as if you can take a software engineer who has a specialty outside of gaming and then they automatically become good in our industry. We want to keep that pool of talent in the state. It is an ongoing battle for our members to find the right staff. This is certainly a step in that direction.

**Assemblywoman Hansen:**

This is an example of one of those bills where you might just hear a little tagline and think "What?" Then you get into it and you see there might be a real need and a positive effect. You have answered my question about your inventory of workforce being very limited. Would this be advantageous for the manufacturers as well as the workforce?

**Marcus Prater:**

Absolutely. As I said, I have been in the slot machine side of the business for 25 years, and there is no question that finding engineers, in particular, has been difficult. Back when I started in 1997, software development and game content—those types of things we take for granted on our phones and consoles—were not around. It was very difficult in those days to find the right kinds of engineers to work in the slot machine and gaming technology side of the business. Certainly, as our members have grown in terms of diversity, the number of slot machine companies that have started in Nevada has grown, and we have had to cast a wider net to find those people. We have an educational component to our mission statement, and

we have been beating the drum to improve education in Nevada in general so that the talent pool grows; and when we recruit from outside of the state, the educational system is attractive enough to allow individuals and families to move into our state to work at these jobs. It has been an issue. We have made progress, but this is yet another step I believe we need to take.

**Assemblywoman Hansen:**

I am not sure I understand how this looks, though. If the students are being trained through some of the career and technical programs at the high school, are they going to need some minimal out-of-high-school training before they can come and work at the manufacturing plant? If that were the case, in mining they provide some good incentives for mechanics and such. Would the manufacturers provide a supplement to their education if it was needed?

**Marcus Prater:**

I am not sure we have thought about it to that level yet. We are certainly aware that the Clark County School District already offers a software coding program. It varies from school to school, but you can use that as an example. That is what we want to do: reach out to the school districts and those schools that offer the coding, and from there we have a better idea of the level of interest as well as the level of talent. As far as providing financial incentives, that may not be necessary if we create the right pipeline and the school district knows they can offer internships with my member companies for those software coders to expand. They are not in the business at the moment of coding any sort of slot machine or gaming technology; they are doing basic software coding. Certainly that is the foundation they need, but it would need to expand to accommodate what our sector of the business does.

**Assemblywoman Torres:**

I do have a few questions about the education portion of this bill. Can you talk about the different types of careers? My dad has been a slot technician for as long as I can remember, and my older brother is about to graduate with a slot technician degree from the College of Southern Nevada. I have a basic understanding of that. What is going to be done for these students who might finish school and do their internship around 19 or 20 years of age? What will be done for those students to continue to grow so they can become engineers? I know a slot technician is not an engineer, so what types of development opportunities will you be giving those students?

**Marcus Prater:**

We need to figure out how best to get this process started. The idea of being an auto mechanic some 20 years ago at a technical school may have been a stimulating career path, and it still is today for some folks. However, if someone is good with their hands, we want to give them other opportunities beyond something like that. This is a unique career path that has been previously unavailable to them. I see it as a hands-on technical side. I think there are many opportunities in software beyond just game design. There are systems and all sorts of technology that our members use. I think the other opportunity is in pure game design. I think the way our students are learning game ideas, they need an outlet for creativity. I sense that some of these early hires may have what I call "hotshot" game ideas that come



from those who have been exposed to these types of gaming ideas in their day-to-day lives. Those are the kinds of categories I believe this will start with.

In terms of taking a 19-year-old and how best to give them that opportunity, we have to develop those relationships. I have had conversations with my members already, alerting them that their human resource departments will have to step up and embrace this and open the door for these kids and students to come in. I am confident they will do that.

**Assemblywoman Torres:**

Once they have their associate's or technical degree that allows them to practice that trade with these companies, what type of professional development will be available for them to grow and expand within the company and the profession?

**Marcus Prater:**

Certainly, our member companies want to hire somebody who they can count on to become a productive, long-term employee. I think it is in their best interest to cultivate that talent and to find the specifics of how that is done. Again, we will absolutely be meeting as a group and making sure the human resource departments are equipped to further cultivate those hires. If we are going to invest in any new employee, we want that person to be a long-term employee and climb the ladder. That is the American dream.

**Assemblywoman Tolles:**

I feel as though I am back in my education committee right now because we are having so many discussions about career technical education and the education-to-workforce pipeline. I see this fitting right there in that vein. I would just say that I am very excited to hear opportunities presented that can lead to stackable opportunities down the road. It is very similar to some of the conversations we have in the medical field about students getting their certified nursing assistant certificate and being able to work right out of high school. Hopefully that leads to other opportunities to pursue, such as becoming a registered nurse and continuing to develop in their career for higher economic opportunities.

In that vein, do you envision there being stackable pathways for these employees down the road where perhaps there are some scholarships available to those employees? I will not hold you to it on the record, but I wonder if you know whether there has been conversation about those kinds of opportunities to help with ongoing education so those students do not just stop there but continue to stack on additional certificates and diplomas to advance in their career and partnership with the industry.

**Marcus Prater:**

In broad terms, AGEM has a long history of providing scholarship opportunities. In fact, AGEM was the financial creator of the slot technician program at the College of Southern Nevada. That was a \$300,000 gift some 10 or 12 years ago to get that program up and running. We also have scholarships through the University of Nevada, Las Vegas; Nevada State College; and the American Indian College Fund. It is part of our mission statement. I think the discussions I have previously referred to need to take place with the Clark County

School District about sitting down and figuring out what to do. We are open to any path that leads to what you are referring to as far as stacking. I do not know quite how that would look today, but if we sit down with school districts and we determine there is a need for that, we are certainly open to participating. It is part of our charter.

**Vice Chairwoman Cohen:**

We will move to support testimony.

**Joshua Leavitt, President, Society for Information Management – Las Vegas:**

We are in support of A.B. 221. [He continued to read from ([Exhibit J](#)).] The Society for Information Management Las Vegas Chapter (SIMLV) is an organization comprised of chief information officers, industry leaders, educators, and entrepreneurs throughout southern Nevada. In addition to providing an exchange of ideas, we strive to provide advocacy for important issues in information technology—especially those surrounding education and workforce development.

I am writing on behalf of the SIMLV membership to show support for Assembly Bill 221. We are aware of the lack of skilled technology workers in Nevada and believe this shortfall hinders our state's competitive advantage in the technology sector and threatens Nevada's efforts to bring, relocate, and create new industries. A contributing factor to this is our inability to recruit and retain technology talent, specifically generated by Nevada schools and postsecondary institutions.

Assembly Bill 221 will close the workforce gap by allowing additional career pathways for young adults interested in and trained for technology careers within one of Nevada's largest industries. We also believe this change in legislation will allow for the promotion of internships and apprenticeship programs as well as bring new manufacturing and distribution jobs to Nevada. We are happy to provide testimony or answer any questions related to our support.

**J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of Higher Education:**

We have submitted three letters on NELIS; one is from the College of Southern Nevada ([Exhibit H](#)); one is from me ([Exhibit E](#)); one is from the Chair of the Nevada System of Higher Education ([Exhibit F](#)). They talk a little bit about high school cohorts. We have several high school programs that work through our community colleges whereby students will graduate at age 18 with a certificate or a two-year degree and go off to work. It would be nice for them to have an opportunity in advanced manufacturing, machining, gaming, programming, coding, and other things in this sector. Those are what I call the "rock star" students. Every student is a rock star, but the high school students coming out at the age of 18 with college already done are rock stars in their own right. Also, traditional college cohorts who enter at age 18 through many of our scholarship programs will finish by age 20, so they would become eligible by the time they are done.

With regards to the stackable credentials, in advanced manufacturing right now a student can go through a ten-credit program at one of our community colleges—in particular Truckee Meadows Community College. It is open-entry, which means they can do it in a semester or even a month and then be prepared to get into an entry-level job at which point they could stack on a 30-credit certificate of achievement and move on to a 60-credit associate's degree. At the community colleges or at our four-year schools, they could put those credits toward a four-year degree. They are stackable. This gets them an early start. With the unemployment rate hovering under 4 percent, I am sure the employers would be glad to grab some of this cohort.

**Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:**

As you have heard, this bill is an important workforce development and talent pipeline bill. This bill will provide alignment for those students who wish to pursue a career in game manufacturing and provide an opportunity for internships and apprentices. We are supportive of this bill and the proposed amendments.

**Vice Chairwoman Cohen:**

Is there anyone else here in support? [There was no one.] Is there anyone here to testify in opposition? [There was no one.] Is there anyone here in neutral? [There was no one.] I will invite Assemblyman Yeager back up for closing remarks.

**Assemblyman Yeager:**

Members of the Committee, feel free to ask any other questions that come up after today's hearing. I urge your support for the bill.

**Vice Chairwoman Cohen:**

I will close the hearing on A.B. 221.

[Assemblyman Yeager reassumed the Chair.]

**Chairman Yeager:**

At this time, I will open the hearing on Assembly Bill 102.

**Assembly Bill 102: Enhances the criminal penalty for certain crimes committed against certain family members of first responders. (BDR 15-48)**

**Assemblyman John Ellison, Assembly District No. 33:**

I am pleased to present Assembly Bill 102 for your consideration. This bill builds upon the work that then-Senator Aaron Ford and Assembly Majority Leader Jason Frierson brought last session to protect our first responders. Senate Bill 541 of the 79th Session enhanced the criminal penalties for certain crimes committed against first responders. It authorized additional terms of imprisonment from 1 to 20 years for any person who willfully commits certain crimes because the victim is a first responder.

Just the other day, we heard of another family that was attacked. Apparently, they killed the family, the children, and the officer. This is going on as we speak. Every year, many responders fall victim to senseless acts of crime. I believe that sometimes the violence pours over into the lives of their families and loved ones. We do a great job of putting the safety of first responders as a top priority, and now their families. For example, along with then-Senator Ford and Assemblyman Frierson's bill, Assemblywoman Robin Titus also introduced legislation aimed at protecting the privacy of current or retired peace officers in the state.

I believe we have an obligation to protect our loved ones and those who protect us. Assembly Bill 102 is in that spirit. For example, the bill expands the protection to family members of first responders. There is a letter from Rick McCann on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit K](#)). Also, there is a friendly amendment that I totally agree with on NELIS ([Exhibit L](#)). We are here to protect the families of those who protect us. I think it is a duty to get this bill passed.

**Chairman Yeager:**

I will open it up for questions.

**Assemblywoman Miller:**

We all know how serious this bill is. We know there are times when things are done intentionally against our first responders. I do have some questions. The bill is pretty general to me. I hope people understand my utmost respect and concern for first responders. I am a 45-year-old daughter of a first responder who passed away in 1987. This bill says "a child of any age." Would that include me?

**Assemblyman Ellison:**

I cannot answer that. That is something I would have to check with the Legislative Counsel Bureau (LCB) about. When I met with LCB, we went through some of the steps of what defines this bill. If you go back and look at the list, it will also describe who is protected under this bill such as sheriffs, sheriff's deputies, town marshals, police officers, correctional officers, bailiffs, and constables. I think it has to be a scenario involving a hate crime. It cannot just be something where someone can get into a disagreement. It has to be something where, for example, they say "Your father threw me in jail a long time ago," and then they come after the family. We were hoping the bill would be passed last session. It was in another bill but was somehow removed. That is why we are trying to put it back in. We are not trying to say we are going to go back and reinvent the wheel. I do not know if it applies to those who are retired, but I know it would fall under the firemen, constables, and those who are serving right now. Usually the biggest attacks are on those who are currently serving.

**Assemblywoman Miller:**

The bill does not clarify whether it applies to people who are actively working or retired, although, I would not imagine that someone retiring would eliminate the threat. Again, if someone wants to take something out on me because someone is just looking for somebody related to a first responder, would that be included? It says "any age," but it does not specify.

Any age is not the same as saying "this family unit" or "a child who is still a dependent." Those are the generalizations. There are also many jobs we look at where people are at risk. For example, bank employees are at risk; their spouses and children are at risk. It is broad, and I am just trying to get a feeling for exactly what we are going for.

**Assemblyman Ellison:**

I totally agree, but I think if it is a crime where the offender went after the family—even if it was 20 or 30 years ago when he had that contact with the first responder—it would still fall under that type of hate crime. What this bill is trying to address is somebody who could be holding a grudge and decides to come after a child, spouse, or parent. I can get clarification on that. The bill is to try to let people know that we stand behind our first responders. We had incidents in Las Vegas where a school teacher who was married to a police officer went into a supermarket and someone took a shopping cart and beat the heck out of her car. Thank God she got out of there, but that is just one example of the kinds of incidents that happen all the time. Sometimes children in schools are beat up because their parents are first responders. That happened in Las Vegas not too long ago. We are trying to protect the families. It is pretty broad, but I think the way the bill is right now is clear that it has to be a crime against a first responder or their family.

**Assemblyman Fumo:**

Do you have any statistics that show that families of first responders are targeted or affected any differently than the general public?

**Assemblyman Ellison:**

Yes, I do. I was hoping that Rick McCann [Executive Director, Nevada Association of Public Safety Officers] could be here because he could give you some more statistics. I had an officer tell us just recently that there was a family who was murdered. I can get you the statistics, but it is happening as we speak all over the country. They are trying to create this type of bill all over the nation. I was hoping that we could have gotten it done last session. It could add between 1 and 20 years to the penalty of someone who attacks a family.

**Assemblyman Fumo:**

That is a wide range for an enhancement. I would like to see those statistics. Are other states doing this? If so, could you please provide that information as well?

**Assemblyman Ellison:**

I would be more than happy to see if I can get that.

**Assemblywoman Peters:**

I am wondering about the definition of "spouse" in the bill. I kind of assume that means someone who is married, but we do have a number of first responders in the state who have children with people they are not married to. I do not know about excluding them from this if the intention is to keep the family safe. I would just ask that we have the LCB Legal Division review that and ensure we are protecting those people who are close—married or unmarried—to first responders.

**Assemblyman Ellison:**

I agree. I think that when we talked to LCB, that was who we were trying to protect. A lot of people who might live together or are couples should still fall under that category. They might still have children together. We can get that clarification as well.

**Chairman Yeager:**

Normally, we would have legal counsel with us here, but they are very busy drafting bills, so Bradley Wilkinson, our Committee Counsel, is otherwise engaged with that for the next couple of weeks. We can follow up with him when we have a chance to ask his opinion on how this would function. Are there any more questions for Assemblyman Ellison? [There were none.]

At this time, I will open it up for testimony in support of A.B. 102.

**Scott A. Edwards, President, Las Vegas Peace Officers Association:**

I would like to thank Assemblyman Ellison for bringing this bill. As corrections officers, we deal with inmates on a regular basis. Some make veiled threats to us and some make serious threats. I cannot give you any statistics of anybody following up on those threats, but we do interact with these inmates. They become members of the community. Obviously, we could be standing in the Home Depot or having dinner and have interactions with them. I have experienced it myself for over 20 years. I have three sons who are police officers and one son who is a firefighter, so I really appreciate this recognition of their service and their families' service and sacrifice. I ask you to support this bill.

**Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada:**

Richard McCann is testifying on another bill right now, otherwise he would be here in the Committee. We are in full support of this bill. We really appreciate Assemblyman Ellison for bringing this back up again. It is important to recognize that all of our public safety employees can spend quite a bit of time away from our families. Law enforcement, they have their job, and as firefighters, we work a different shift schedule whereby we can be away from our families for a minimum of 48 hours all the way up to 3 weeks if it is a disaster or wildland assignment. In those cases, it potentially leaves our families vulnerable as victims of crime. Along with that, there have been times where our members have been verbally accosted in the public forum depending on the situation at the time. We are in full support of this bill. I have taken notes on some of the questions Committee members have had and I will circle back to make sure we get those answered.

A new piece of information has come out in the past couple of weeks. There was a law enforcement bulletin that came out of New York where a significant criminal enterprise gang is targeting families of law enforcement officers. They are actively surveilling families, taking down license plate numbers, and attempting to shadow family members to try to find out where these families of officers live. That is just one current example from the last two weeks of why this bill is important for the state of Nevada.

**Assemblywoman Backus:**

First, thank you for protecting our state. I think you gave a really good example of what the bill covered. I want to make sure we are all on the same page. In the statute, it defines the first responder as "any peace officer, firefighter or emergency medical provider acting in the normal course of duty." You explained that when you are away from your family, things can sometimes go wrong. Is that your understanding of the bill? Is it limited in that way, or is it when a first responder is basically being employed as a first responder at any time?

**Thomas Dunn:**

I do not think I am ready to answer that question today. I would like to talk with my law enforcement partners and the bill sponsor to make sure I do not get crossed with the bill. I would be willing to circle back with the Committee to answer that question as well.

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

We, too, want to register our support and thank Assemblyman Ellison for bringing this measure forward. I would like to offer some anecdotes about things that have happened to me over my 19-year career. I have been involved in Special Weapons and Tactics for ten years. I have been involved in hostage negotiations for six years. Therefore, I have been involved in a lot of critical incidents in northern Nevada. There are a couple of institutions out there, both blogs and social media outlets, that specifically target those officers and individuals who are involved in critical incidents. They post pictures of their families and children. When my wife and I took our oaths of office, we knew what we were getting ourselves into. Some of these outlets try to spread hate and discontent. Social media is a double-edged sword; I love it and I hate it. Bringing my family into the equation, if some of these people were to act on their hateful comments, it is reassuring to know there are bills out there that can protect my family and enhance those penalties for specifically targeting first responders' families.

**Assemblywoman Tolles:**

I do want to say that as a sister of two police officers, as you are sharing these stories, I am thinking of my nieces. The idea that anyone would be posting my brother or sister-in-law's information and anything about those two precious, little redheads terrifies me. I want to say I appreciate this.

**Charles A. Moore, Fire Chief, Truckee Meadows Fire Protection District:**

On February 19, 2019, the Washoe County Board of County Commissioners, acting as the Board of Fire Commissioners, resolved to support this legislation. I am approaching 40 years in the fire service. In my 40 years, I have lost count of the number of times I have been threatened. Some of those threats have been out of anger, but some have been dangerously too close for comfort. You would think that in the fire service we are perceived as the good guys. Unfortunately, in our line of work, we see things that no human being should have to see. The crimes against other people and the horrific scenes we come in contact with are simply a reality in this dangerous world we live in. Nevertheless, you can probably find where I live in less than 60 seconds on Google. It is no secret where first responders live in our communities. When these threats manifest by dangerous people, we and our families feel

threatened. I would like to thank Assemblyman Ellison for putting this bill forward. I believe it is certainly beneficial to first responders in this state, and I would urge your support.

**Chairman Yeager:**

Is there anyone else in support of A.B. 102? [There was no one.] Is there anyone opposed?

**Lauren Kaufman, Staff Attorney, American Civil Liberties Union of Nevada:**

We recognize and appreciate the sacrifice our first responders make for our community. However, we are opposed to A.B. 102. That is because this bill would increase the range of punishment without any evidence that these sentence enhancements actually increase public safety. Punishment enhancements such as these contribute to mass incarceration rates and also take away judicial discretion. This increased criminalization would go against the spirit of the current legislature aimed at creating meaningful and innovative criminal justice reform. For those reasons, the American Civil Liberties Union of Nevada opposes this bill. Thank you.

**Chairman Yeager:**

Is there anyone else in opposition? [There was no one.] Is there anyone neutral?

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

Originally, we had spoken with Assemblyman Ellison about our concerns with the bill. I would just like to bring that to the Committee's attention. We are grateful that he accepted our amendment ([Exhibit L](#)). Let me go into my concerns and go over what our amendment does. We wracked our brains trying to figure this language out. If you look at the bill, when we are talking about first responders, we talk about "in the course and scope of their duties," but there is no real way to identify a family member. There is no real parallel for "course and scope of their duties" for a family member of a first responder. Part of the concern is that, for example, if I am at a bar and Director Callaway's kid is in that bar, and we get into a bar fight—I do not get into a bar fight because he is Director Callaway's kid, it is just because we were mouthing off to each other—then I am going to be subject to the consecutive enhancement. That possible situation is our concern.

We tried our best with this language to fix that. One of the crimes that falls under this is assault, so if I simply made a threat to Director Callaway's son, it would be subject to the enhancement. If I were to steal a piece of his property or if I were to steal something from his vehicle, those would be enhanceable offenses under this bill. It is not as clearly delineated as it is for a first responder who is in uniform in the course and scope of their duties where you can readily identify that the crime happened against that person because they are a first responder. The clear example of this is what happened to the officers at Cici's Pizza; we know they were attacked because they were officers. They were readily identifiable. Something like that should absolutely be subject to the enhancement. I do get the concern. Nobody should have their family members threatened just on the basis of what they do, especially when they spend their day protecting our community. I get the concern,



but trying to figure out the language is our biggest concern in the bill. We thank Assemblyman Ellison for working with us on this concern.

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

I echo the statements made by Mr. Piro. I want to take the time to go through our amendment ([Exhibit L](#)) so the Committee is aware of what we are trying to do with this. If you look at the first part in section 1, we are adding "knowingly" to the definition. That is where we are really trying to make sure the individual who is the victim is victimized because of their relationship and because the suspect knew that person was related to law enforcement.

When you go to the actual language that is modified in the bill, we inserted a comma to make sure "because" attaches to "spouse" and "child." We wanted to make sure that when this gets litigated, it is very clear that the purpose is for the enhancement to only apply if the individual was victimized because of their relationship.

**Chairman Yeager:**

I think I understand what you are trying to achieve through this amendment, and it sounds as though Assemblyman Ellison is agreeable that we really want to be protecting people who are targeted because they are a child or spouse of a first responder. To the extent that we have this charge in court where a district attorney is charging an underlying crime and also seeking an enhancement, can you give your view of what that district attorney would have to prove in court—and by what standard—to be able to have a 1- to 20-year enhancement potentially added on?

**John Piro:**

Part of our concern with this is how preliminary hearings go. The district attorneys only have to prove by slight or marginal evidence that a crime has occurred and the person did it. Our intent argument would be lost, and the person would be facing trial. This would probably force a plea bargain on most people here because of the enhanced penalty. The standard of proof in the preliminary hearing is so very low that my arguments of intent—that this was done knowingly—are going to be lost at the preliminary hearing level. They are not going to go anywhere, and we are going to have to argue it out of district court. In district court, at a jury trial, we will have to argue that our client did this because of who that first responder's kid was, he knew it, and that was the reason he did it. We are not going to win those arguments at a preliminary hearing level, so people are going to face trial on this.

**Chairman Yeager:**

I understand not very many cases go to trial in Nevada, but to prove that at trial, the district attorney would have to prove beyond a reasonable doubt that the crime was committed because of the fact that the victim is a spouse or child of a first responder. Is that your understanding?

**John Piro:**

That would be my understanding, yes.

**Chairman Yeager:**

Obviously, we have preliminary hearings where the evidence is slight or marginal. We could have a debate about that, but normally there at least has to be some evidence that there was a targeting because of this. I would say not in every circumstance because all judges are different. I just wanted to clarify what the standard of proof would be.

**Assemblywoman Miller:**

Let us take the most obvious example: somebody literally kidnaps and holds hostage a family member of a first responder as a threat or a ransom to that first responder. The penalties for that offender, I would imagine, are already going to be severe in these cases where it is obvious—regardless of the type of offense—and this person blatantly says "I am doing this because of who your mom is." Can you speak to that?

**John Piro:**

Depending on the degree of kidnapping, you are looking at a potential life sentence as it is.

**Chairman Yeager:**

Are there additional questions? [There were none.] Is there anyone else in neutral? [There was no one.] Assemblyman Ellison, I will invite you up for any concluding remarks.

**Assemblyman Ellison:**

Every day when police officers, firefighters, and other first responders go to work, the last thing they want to do is worry about their families. When you leave from home to go to work, a lot of times the families become targets. That is what we are trying to prevent. I spent some time looking at the crimes under A.B. 102. If you look at ([Exhibit M](#)), it talks about crimes that fall under the bill, including murder, mayhem, kidnapping, sexual assault, robbery, battery with intent to commit a crime, and false imprisonment. It goes on and on. It breaks down what is covered by the bill. I think they did a great job of breaking every one of these down. I hope you consider this bill, and we are more than happy to provide any information you need.

**Chairman Yeager:**

We will close the hearing on A.B. 102. Would anyone like to give public comment? [There was no one.] Tomorrow we have four bills on the agenda brought forward by the Office of the Attorney General. On Friday, we will start at 9 a.m. We have a work session with approximately 14 bills. The meeting is adjourned [at 9:28 a.m.].

RESPECTFULLY SUBMITTED:

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Lucas Glanzmann  
Committee Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 221](#), submitted by Michael Alonso, representing Association of Gaming Equipment Manufacturers.

[Exhibit D](#) is a letter dated March 13, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, submitted by Marcus Prater, Executive Director, Association of Gaming Equipment Manufacturers, in support of [Assembly Bill 221](#).

[Exhibit E](#) is a letter dated March 7, 2019, to members of the Assembly Committee on Judiciary, submitted by J. Kyle Dalpe, Interim Executive Director, Legislative Affairs, Nevada System of Higher Education, in support of [Assembly Bill 221](#).

[Exhibit F](#) is a letter dated March 7, 2019, to members of the Assembly Committee on Judiciary, submitted by Kevin J. Page, Chair, Board of Regents, Nevada System of Higher Education, in support of [Assembly Bill 221](#).

[Exhibit G](#) is a letter dated March 11, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, submitted by Jesus F. Jara, Superintendent, Clark County School District, in support of [Assembly Bill 221](#).

[Exhibit H](#) is a letter dated March 4, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, submitted by Federico Zaragoza, President, College of Southern Nevada, in support of [Assembly Bill 221](#).

[Exhibit I](#) is written testimony dated March 13, 2019, presented by Dan R. Reaser, Regulatory Counsel, Association of Gaming Equipment Manufacturers, in support of [Assembly Bill 221](#).

[Exhibit J](#) is a letter dated March 9, 2019, to Assemblyman Steve Yeager and members of the Assembly Committee on Judiciary, presented by Joshua Leavitt, President, Society for Information Management – Las Vegas, in support of [Assembly Bill 221](#).

[Exhibit K](#) is written testimony dated March 13, 2019, submitted by Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers, in support of [Assembly Bill 102](#).

[Exhibit L](#) is a proposed amendment to [Assembly Bill 102](#) submitted by John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office.

[Exhibit M](#) is a document titled "Crimes Under Assembly Bill 102," submitted by Assemblyman John Ellison, Assembly District No. 33, regarding Assembly Bill 102.