

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

**Eightieth Session
March 18, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:03 a.m. on Monday, March 18, 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 Selena Torres
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

Assemblywoman Jill Tolles (excused)

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senate District No. 1



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Aaron D. Ford, Attorney General
Gloria Allred, Attorney, Allred, Maroko & Goldberg Law Firm; President, Women's
Equal Rights Legal Defense and Education Fund
Mary Rooney, representing Nevadans Citizen Action Network, Henderson, Nevada
Serena Evans, Policy Specialist, Nevada Coalition to End Domestic and Sexual
Violence
Jennifer P. Noble, Chief Appellate Deputy District Attorney, Washoe County District
Attorney's Office; and representing Nevada District Attorneys Association
Rachelle L. Pellissier, Executive Director, Crisis Support Services of Nevada
Isabel Youngs, representing Nevada Women's Lobby
Jared Busker, Associate Director, Children's Advocacy Alliance
Janine Hansen, State President, Nevada Families for Freedom
Liz Ortenburger, CEO, SafeNest, Las Vegas, Nevada
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Kay Landwehr, Founder and President, House of the Rising Sun, Gardnerville,
Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's
Office

Chairman Yeager:

[Roll was called and protocol explained.] We have one bill on the agenda today, so I will open the hearing on Assembly Bill 142.

Assembly Bill 142: Eliminates the statute of limitations for the prosecution of sexual assault in certain circumstances. (BDR 14-175)

Assemblywoman Lisa Krasner, Assembly District No. 26:

I am here to present Assembly Bill 142, which abolishes the statute of limitations for the prosecution of sexual assault where there is DNA evidence. I would like to first have Attorney General Aaron Ford give his statement in support of this bill.

Aaron D. Ford, Attorney General:

I am here to speak in support of A.B. 142. In the Office of the Attorney General, our job is justice. Unfortunately, too many Nevadans who were victims of a heinous crime were not allowed to seek justice when their sexual assault kit was never tested. The Office of the

Attorney General, with local law enforcement, the State Legislature, and fellow funders, have worked to ensure that every untested sexual assault kit in the state of Nevada is properly tested and that every case is investigated. I am proud to report that almost all of the over 8,000 sexual assault kits in the Sexual Assault Kit Initiative project have either been tested or are on their way to be tested. We are seeing some results. Preliminary data shows that kits tested in Clark County have about a 50 percent match rate in the Combined DNA Index System (CODIS). This bill ensures that victims who were not able to seek justice through no fault of their own are able to pursue their cases. I am proud to support this bill.

Assemblywoman Krasner:

I would like to share some statistics on sexual assault with you. One out of every six American women has been the victim of an attempted or completed rape in her lifetime. Every 98 seconds, an American female or male is sexually assaulted. Every 11 minutes that victim is a child. Approximately one in six boys and one in four girls are sexually abused before the age of 18. Only 5 out of every 1,000 perpetrators will end up in prison.

What is the statute of limitations? Many of you are attorneys, but many of you are not. When a crime is committed—in this instance when a person is raped—there is a window of time that the district attorney has to charge the perpetrator. The laws that determine this time frame are called criminal statutes of limitations, and they vary by state and by situation. Why do statutes of limitations even exist? Statutes of limitations were put in place in part to discourage convictions based on unreliable witness testimony, including memories of events that occurred many years ago that can fade with a substantial period of time.

In recent years, evidence that does not erode over time has become more readily available, such as DNA evidence. According to the Federal Bureau of Investigation, rape or sexual assault—which is a felony sex crime—is the second most serious crime just behind murder. Ten states have abolished the statute of limitations for all felony sex crimes to allow a perpetrator to be prosecuted at any point as long as there is enough evidence to win a conviction. Twenty-six states have abolished the statute of limitations for felony sexual assault where there is DNA evidence. Currently, Nevada law allows a 20-year statute of limitations for the rape of an adult. This would remain the same under A.B. 142.

Assembly Bill 142 would create an exception to the Nevada statute of limitations for sexual assault where there is DNA evidence. This bill provides that if, with DNA evidence, the identity of the person is established, the statute of limitations is abolished in this instance, and there is no statute of limitations within which a prosecution for sexual assault must be commenced. By adding this exception with DNA evidence, there will be a way for victims to seek justice where a report was not filed or a report was filed but it was lost, misplaced, or cannot be found. In Nevada, we had a rape kit backlog. Initially, in 2015, almost 8,000 rape kits were untested. As of today, over 95 percent of those rape kits have been sent for testing. This bill will directly benefit victims who, through no fault of their own, did not have their rape kit tested. This will allow victims who were sexually assaulted and completed a rape kit at a hospital, clinic, or other medical examination center to be able to have their case prosecuted and have the justice and closure that they deserve. As legislators, we can make

laws that help people in our state. Chairman Yeager and Committee members, this concludes my presentation. I would appreciate your support of this bill.

Senator Pat Spearman, Senate District No. 1:

I am pleased to join Assemblywoman Krasner in supporting A.B. 142, which eliminates the statute of limitations for the prosecution of sexual assault if the identity of the person accused of committing the crime is established by DNA evidence. Some of you may know that I am sponsoring a bill in the Senate to assist veterans who have experienced sexual trauma, so it should be no surprise that I am here supporting a bill to help all victims of sexual assault. Let me be clear, rape is not a crime of passion; it is a crime of violence.

DNA is a powerful tool and can be used to ensure accuracy and fairness in our criminal justice system. When biological evidence exists, DNA can be used to identify criminals with incredible accuracy. By the same token, DNA can be used to clear suspects and exonerate persons mistakenly accused or convicted of crimes. DNA is usually used to solve crimes in one of two ways: (1) in cases where a suspect is identified, a sample of that person's DNA can be compared to evidence from the crime scene. The results of this comparison may help establish whether the suspect committed the crime, and (2) in cases where a suspect has not yet been identified, biological evidence from the crime scene can be analyzed and compared to offender profiles in a DNA database to help identify the perpetrator. Crime scene evidence can also be linked to other crime scenes through the use of DNA databases.

There are several recent examples in the news where DNA was used to solve cases. In Santa Clara, California, the news reported that with the help of DNA evidence, authorities arrested a 53-year-old garage door technician in connection with two rapes, including one of a 9-year-old girl, which occurred in Orange County in the mid-1990s. A 72-year-old former police officer from Northern California was identified as the "Golden State Killer," with authorities saying DNA helped link him to a string of at least 12 slayings and 45 rapes that terrorized communities in the Bay Area and across California from 1976 to 1986. Just last month in Dallas, Texas, a 34-year-old man accused of raping a woman in an uptown parking garage was linked to a sexual assault that happened in 2017 near the West Village.

Assembly Bill 142 allows—with DNA evidence—that there is no statute of limitations on when the prosecution of a sexual assault must be commenced. Allowing a DNA evidence exception is another tool that law enforcement can use to help find suspects linked to sexual assault and rape, a tool that can help achieve justice for survivors of sexual assault. I urge you to vote yes on A.B. 142. For those who have been victimized in these horrendous crimes, there is no statute of limitations for their pain. They receive a life-long sentence. Please consider that.

Gloria Allred, Attorney, Allred, Maroko & Goldberg Law Firm; President, Women's Equal Rights Legal Defense and Education Fund:

Two years ago, I testified before you in support of Assembly Bill 145 of the 79th Session, which extended the statute of limitations from 10 years to 20 years in Nevada for criminal prosecution of rape and sexual assault. I am here before you again today asking you to

provide a further necessary step for victims who have completed a rape kit. There is still more work to be done, and passing A.B. 142 will be another step forward in providing access to the courts for rape and sexual assault victims. The rape kit is an important tool for a victim of rape by creating a direct link from the victim to a perpetrator through DNA evidence. If such a match is made, the victim should not have to be told that it is too late for there to be a prosecution because the time limit set by law—the statute of limitations—has expired in Nevada. The process of matching a kit to an offender often takes a significant amount of time and the law should recognize that and take that fact into account for rape and sexual assault victims.

In the past, Nevada, as well as over half of all other states around the country, has experienced a disturbing and significant backlog of untested sexual assault kits in their systems. Kits for sexual assault survivors are given a lower priority than testing kits for homicide, so it may take many years for a kit to even be processed through the system.

Because a match can only be made if the DNA in the sexual assault kit matches the DNA of a person already in the system, a victim can expect to wait even longer if a perpetrator who is not within the system is not yet found. This is an important reason why A.B. 142 should be supported. The fact that it may take many years to find a match should not be a barrier to justice for victims.

The National Center for Victims of Crime reports that if a victim of rape is able to receive justice for her assault, she will have a better recovery. I can tell you from my own personal experience in practicing law and seeking justice for victims for over 43 years that this is true. I am contacted daily by victims whom I am unable to assist because the criminal statute has run in their state and they are unable to obtain the justice that they so rightfully deserve.

Many of these victims have done everything right. They did complete their sexual assault kits in a timely manner, but the system failed them because of the backlog that the system had in testing of DNA kits, and by the time the testing of their kit was done or a match had been made, the statute of limitations for prosecuting a perpetrator for whom there was a match had expired.

Unfortunately, not every victim in the time immediately after an assault will get a sexual assault kit completed. This is because victims who have experienced a sexual assault or a rape tend to feel burdened, shocked, or depressed. Many are ashamed. They may blame themselves or enter a state of denial, thereby becoming unable to come forward and complete a rape kit.

Eliminating the statute of limitations only for those who have had a rape kit completed still does not provide access to justice for those who have never had a rape kit performed on them. This is an issue that would be important to address in a future legislative bill. In California, we were successful in eliminating the statute of limitations for prosecution of rape cases, and our new law eliminates it for all rape victims, not just those who have had a rape kit performed.

Assembly Bill 142 is, however, an important step in the right direction, because it opens the courthouse door to victims of rape who have undergone a rape kit. It sends the important message that if you are a victim of rape who has provided a rape kit, Nevada is here to support you.

We must look at the laws and ask ourselves, are we doing enough to support the victims? Two years ago you did the right thing by supporting the passing of Assembly Bill 145 of the 79th Session. I ask you to take another step forward by providing more rights for rape victims by opening the courthouse door to those who have otherwise had the door slammed in their face. We urge you to vote in support of A.B. 142, which will provide rape victims access to justice in the criminal justice system in Nevada.

Chairman Yeager:

Thank you, Ms. Allred, for your testimony and your continued work on behalf of survivors in this area. We appreciate having you back here again in the Judiciary Committee.

Assemblywoman Peters:

How old are the backlog rape kits? Do we know how old the oldest ones are that are still backlogged?

Assemblywoman Krasner:

I do not know the exact date of the oldest rape kit. Attorney General Ford would be the one who has the answer to that question.

Assemblywoman Peters:

My question is about the 20-year limitation on current cases. I just want to make sure we allow people who have gone through the process of having a rape kit done to have the opportunity to have justice for themselves. I would be curious to see what the oldest one is and consider taking a look at extending this back far enough for those who have been backlogged to be included.

Assemblywoman Krasner:

Thank you for saying that. When Attorney General Ford returns to the hearing, I would invite you to ask him that question.

Chairman Yeager:

As we have processed through the backlogged kits, and also from the 2013 Session when we started taking DNA from those arrested for felonies, I wonder if any of you know whether there were DNA matches for crimes that occurred more than 20 years ago? In this time period of 2013 when we really started taking DNA until now, when we have been working through this backlog, have we matched offender profiles as a result of taking that DNA to any kits that we have had DNA from over the last 20 years? I am trying to figure out if that has happened on a regular basis. You may not be the ones to answer, but I want to put the question out there.

Assemblywoman Krasner:

I do not know specific dates. The Attorney General would know those specific dates, and I would invite you to ask that question of him when he returns.

Chairman Yeager:

Going off of what Assemblywoman Peters mentioned, I think one of the things we wrestle with is that this bill has an effective date, but constitutionally we cannot revive statutes of limitations if they have already run. Section 4 of the bill—essentially this would be effective October 1, 2019, if we pass it, the Senate passes it, and the Governor signs it. Would you be open to having a sooner effective date? Basically, anyone who has a 20-year statute of limitations, which is going to run between the time the bill gets signed and October 1, 2019, would then be shut out from the courthouse. Would you be open to an effective date upon passage and approval or July 1, 2019, which will hopefully capture people in that time period?

Assemblywoman Krasner:

Yes, I am certainly open to an amendment that would be a friendly amendment that would support the bill and give more victims access to justice.

Assemblyman Roberts:

When I worked at the Las Vegas Metropolitan Police Department, I was involved in making the determination to test all our backlog rape kits and I worked with the Attorney General's Office to get the funding. It is really important we do that. When does the statute of limitations start? It is my understanding that once a rape kit and a police report is filed, the statute of limitations is basically upon the filing of the report. Am I correct on that? Does this assist in anything with filing reports? My understanding is that as soon as the DNA is collected and a police report is filed, the statute of limitations does not apply. Is that correct?

Assemblywoman Krasner:

Currently in Nevada law, it does read that when a police report has been filed, it abolishes the statute of limitations for sexual assault; however, there are instances when someone does a DNA rape kit—maybe it is in a hospital, clinic, or other health center—and they choose not to file a report. This bill would cover those instances. There have also been instances where a police report was filed and it was lost, or it was misplaced, thereby denying justice to that victim. This bill would cover those instances as well.

Assemblyman Roberts:

It is my understanding that when you take an examination from a sexual assault nurse examiner (SANE) in a hospital, they have 30 days to file the report and if they do not file a report within 30 days, the kits are destroyed. Do you think there is anything we could do to tighten that up to where they do not destroy or take away those kits?

Assemblywoman Krasner:

That is an excellent suggestion. I would encourage you to ask Attorney General Ford when he comes back so we can distinguish it. I am certainly open to amending this bill to make it the best bill possible.

Assemblyman Daly:

I hear conflicting testimony. The way I read the bill is that there is a statute of limitations that is in existing language which still remains for someone to file a report. You have 20 years to come forward and make an accusation. If you do not, that 20 years goes. Having this exemption where if you have made the complaint and various things have occurred, if it takes longer than 20 years to find someone, then you could still prosecute if it is for DNA evidence but not for other types of evidence. I think there is a conflict based on what I am reading what the bill says and what you are saying it says. I am not sure if we are on the same page. You have to file the complaint. You cannot sit there and not say anything for 20 years. If you do not say anything to anyone for 20 years, your time runs out. That is the existing statute now. The only time you can do that is if you file the complaint, the kit is there, everyone does what they do, and then at some point after the 20 years, they do the DNA test and they could still prosecute. So there is a conflict with what you have said.

Assemblywoman Krasner:

I am not sure exactly what you are saying the conflict is. If you look at the front of the bill in the Legislative Counsel's Digest, it talks about existing law which states that when someone files a police report, the statute of limitations is abolished. Generally, law enforcement encourages people who are victims to go to a hospital or other health center to submit for DNA testing, to take the rape kit and file the report at the same time. However, there are instances when someone does a DNA rape kit but does not file a report. There are also instances where someone has a DNA rape kit done, but that report is lost or the report disappears. We do not know why. Those people are denied justice. This bill would ensure that those people do have justice.

Chairman Yeager:

Just to make clear what the bill does, I want to make sure I accurately state what the current law is. The statute of limitations used to be 4 years, and this body extended that to 20 years. If you file a report with the police, then there is no statute of limitations, so the 20 years does not apply. Where this bill would come in is if someone has a SANE kit performed but does not report to the police. This is going to say that the statute of limitations does not apply. The way the law is now, if you had the SANE test done but you did not make a report, the statute would run out in 20 years. This bill takes that one circumstance where there is a kit, but a report has not been made, then the statute of limitations would not apply. I think I have accurately stated it. It is a little tricky in this area.

I think Assemblyman Roberts made a good point, and it is something for us to think about moving forward on this bill. When you have a situation where someone has a kit done but does not want to report it, we need to think about how long that kit is maintained. I think one of the worries we might have is to the extent that the DNA from the kit ends up in the system

somehow and there is a match 20 or 30 years down the road, it could provide problems that the kits are no longer available for additional testing. I do not remember how long we keep kits, because we made so many changes in the 2017 Session, and I think there is more legislation coming, but we ought to make sure that we are aligning the storage practices of the kits with what we are trying to do with the statute of limitations. The worst thing would be if someone tries to prosecute 25 years from now as a result of this bill but we do not have the kit itself, which could potentially limit the ability to prosecute. I will put that out there as a point that we probably need to wrap our minds around as we go forward on the bill.

Assemblywoman Krasner:

That is an excellent suggestion. I will discuss that with our Attorney General, Aaron Ford, when he returns.

Assemblywoman Cohen:

When we are talking about the kit, is it just the DNA material or when there is information such as the medical records that talk about if there is tearing, signs of a break, pubic hair from the assailant, et cetera. Is that all included in the kit, or is it just the DNA material?

Assemblywoman Krasner:

Assembly Bill 142 directly relates to DNA evidence, so it would be hair, blood, semen, and saliva, but not something written in a report.

Chairman Yeager:

Are there any further questions from the Committee members? [There were none.] We will now take testimony in support of A.B. 142. Is there anyone in Carson City or Las Vegas who would like to testify in support?

Mary Rooney, representing Nevadans Citizen Action Network, Henderson, Nevada:

I want to share with the Committee that when I was in college, I received a phone call late one Sunday night, and it was from my roommate. She told me that she would not be returning to the dorm that night because she had been raped at knifepoint that morning on an "L" [elevated train] platform in Chicago. I remember the emotional trauma and devastation she suffered, but I also remember the sense of relief she and her family experienced when the young man who committed the crime was tried, convicted, and sent to prison. We all know that rape is a very violent, aggressive, and heinous crime. Not only is physical pain inflicted on a victim, but there are those feelings of powerlessness, insignificance, and unimportance, which can be very emotionally devastating.

Certainly, DNA evidence is highly critical evidence, if not totally conclusive, and it is in the best interest of everyone to get these rapists off our streets. To prohibit a prosecution due to a bureaucratic limit only reinforces the victim's feeling of powerlessness, insignificance, and unimportance, and I am sure that is not a consequence, albeit unintended, that we would want from our legal system. I urge all to support A.B. 142, and let justice prevail.

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

We support A.B. 142 as we work to provide the opportunity for justice for all survivors of sexual assault. I would like to echo the conversations that have happened before me that A.B. 142 is a step in the right direction of breaking down barriers and supporting survivors of sexual assault.

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

We would like to thank Assemblywoman Krasner for proposing A.B. 142. Keep in mind that this legislation will ensure that victims do not have a statute of limitations and no limitation on their access to justice when we do have DNA evidence. We know from all the advances in technology and forensic evidence, evolution is very reliable. We would like to thank the Assemblywoman for making sure that women and men have access to justice in cases of sexual assault.

Chairman Yeager:

What happens when someone goes and has a kit done? I believe there is a time frame where the survivor can make a determination about whether they want to go forward or not. Is that kit processed and the DNA loaded into our state and federal database, or does that not happen if the survivor ultimately decides they do not want to go forward with the case? Do you know the answer to that?

Jennifer Noble:

I am not certain of the answer, but I believe when we have a case in which a victim indicates he or she does not want to go forward, the kits are not tested or put into CODIS.

Assemblywoman Torres:

Would you explain the process from the time they get the kit until the time someone is or is not prosecuted?

Jennifer Noble:

It is my understanding that when we have a report of sexual assault and the victim chooses to have a sexual assault kit taken or a sexual assault examination performed, it is collected. Typically a police report is taken, although there could be instances when it is not. We have 17 counties in Nevada. This bill goes back to sexual assaults that would have occurred in 1999, so methods of collection and methods of investigation have all been evolving during that time. It is my understanding that once a victim makes a decision not to prosecute—this would typically be in what we call a consent case, where the issue is whether or not the victim consented, not necessarily whether or not there was penetration or a sexual act performed. In those cases, I do not believe the kits are retained.

Chairman Yeager:

We might be able to add more details to that as we go through the testimony this morning. I know that this is the first session for some of the members of the Committee, so this is a

new area. For those of us who have been here for a couple of sessions, we have been building on this, but sometimes it can be hard to remember where we are with what we put into statute. Are there any additional questions? [There were none.]

Rachelle L. Pellissier, Executive Director, Crisis Support Services of Nevada:

We have been doing advocacy for sexual assault victims for 40 years this year. We have been in business doing crisis intervention for more than 53 years. We are the ones who get all calls for sexual assault reports in northern Nevada, and we are the ones who dispatch 24/7 the SANE nurse examiner and an advocate to be with that rape victim when a call comes in. We also get many calls from rape victims who do not plan on going to the police, do not plan on reporting, but they come to us because they have been raped. We encourage them to get the SANE examination.

Right now, it is my understanding that those rape kits are kept for one year to allow them to report. If they do not report, then they are disposed of. There is one year that they have to come forward. From doing this for so many years, it is our opinion that there should be no arbitrary statute of limitations on reporting a rape. Most people do not come forward when they are raped. You do not know when it is going to come to them. It does not mean that they are not struggling with that sexual assault and violence, but it means that they—for whatever reason; many reasons are stigma, victim blaming, the course of going through all of this to bring someone to justice, they might know the person, it might be someone they work for—do not come forward. When they do, we should not have a statute of limitations.

This one law is very much a step in the right direction, especially for those people who do not plan on reporting right away. I will tell you that when they get into the examination and get one of our advocates helping them through this process, many times they might change their mind and report the rape after the examination kit is taken. But right now, they might not.

A couple of months ago I had a woman who was raped 50 years ago call the office. There is no statute of limitations on the trauma that it causes to men and women. It is time that we get rid of that arbitrary statute of limitations. For right now, this bill is a great step in the right direction, so I encourage all of you to support A.B. 142 ([Exhibit C](#)).

Chairman Yeager:

Are there any questions from Committee members? [There were none.]

Isabel Youngs, representing Nevada Women's Lobby:

We are in support of the bill.

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

We are also in support of this legislation.

Janine Hansen, State President, Nevada Families for Freedom:

We feel this is a good bill, which will not only provide justice for the victims, but in the future it may provide for those who may be potential victims an opportunity not to become victims. We are supportive of the bill.

Liz Ortenburger, CEO, SafeNest, Las Vegas, Nevada:

We are a domestic violence agency operating out of Clark County, and deal with over 25,000 victims of domestic violence every year. Of our clients who have experienced criminal domestic violence where there is actual battery, 33 percent are raped; and 10 to 14 percent of all married women are raped at some point during their marriage. This kind of a bill supports the courage it takes to come forward, do a rape kit, and prosecute it when you are ready. We are fully in support of this bill.

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

For the same reasons everyone has stated, we are in support of this bill.

Chairman Yeager:

We heard testimony that the kits are kept for a year while someone is deciding whether they would like to go forward and make a report. Are those stored? Do you know where they are stored? Is it with law enforcement, a nurse's office, or somewhere else?

Brian O'Callaghan:

I was speaking to John Jones [Chief Deputy District Attorney, Clark County District Attorney's Office] earlier about it. The way I understand it, if they do not want law enforcement involved and they do not do a report, they will do the testing, but those kits are only held up to 30 days. This is what I understand through the person he works with. If they want to move forward, then they do the police report.

Chairman Yeager:

I will not ask any more questions because I know we are getting into some details, but perhaps after the hearing we will get a good sense of exactly what the time frames are and who is storing these kits. I know we send some out for testing to private laboratories as well, so I assume that some are kept there. Committee members, we will get a good handle on that and get information to the Committee about what the law is with respect to kits being maintained, stored, and tested.

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

I support this bill. I am a rape victim and survivor. When I was eight years old I was raped. My son was raped when he was in grade school. He was working selling popcorn and peanuts at an athletic event—race car place. He had a job, thought it was cool. When you are raped, there is a lot of shame and guilt that you are dealing with. You just want to forget that it ever happened. That would be the reason why rape victims do not come forward and do not want to file a police report. You just want to forget it ever happened.

There is a 70-year-old man on my board of directors and he still talks about when he was raped as a teenager at knifepoint. I am in full support of this bill. I appreciate your attention and concern in dealing with this issue.

Chairman Yeager:

Is there anyone else in support of A.B. 142? [There was no one.] Is there anyone in opposition to A.B. 142? [There was no one.] Is there anyone in neutral?

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

We want to acknowledge that we are neutral regarding this bill. I am also testifying for John Piro [Deputy Public Defender, Clark County Public Defender's Office] since he needed to be in the Senate Judiciary Committee. We want to thank Assemblywoman Krasner for meeting with us to address our concerns. I would like to note that we also met with Senator Spearman regarding this bill, and we appreciate their working with us.

Chairman Yeager:

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

Assemblywoman Krasner:

Thank you, Chairman Yeager, and thank you, members of the Assembly Judiciary Committee, for allowing me the time to present this very important bill that will help people in our state. I would appreciate your support on A.B. 142.

Gloria Allred:

I want to thank the Committee for its very careful consideration and its very probing questions, all of which are certainly merited and deserve answers. Thank you for your concern about protecting the rights of victims of rape. In many ways, the system in every state has failed rape victims. The more we can do to open the courthouse doors and allow justice to be done, the better it is for all of us and for the safety of the community.

[([Exhibit D](#)) and ([Exhibit E](#)) were submitted but not discussed and will become part of the record.]

Chairman Yeager:

I will close the hearing on A.B. 142. Is there anyone, either here in Carson City or Las Vegas, who would like to give public comment of a general nature? [There was no one.] Is there anything else from Committee members? [There was none.] This meeting is adjourned [at 9:52 a.m.].

RESPECTFULLY SUBMITTED:

Linda Whimple
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 18, 2019, to Chairman Steve Yeager and Members of the Assembly Committee on Judiciary, authored and submitted by Rachelle L. Pellissier, Executive Director, Crisis Support Services of Nevada, in support of Assembly Bill 142.

[Exhibit D](#) is a letter dated March 14, 2019, to Assemblywoman Lisa Krasner, authored and submitted by Denise Yoxsimer, Executive Director, Domestic Violence Resource Center, in support of Assembly Bill 142.

[Exhibit E](#) is a letter dated March 7, 2019, to Assemblywoman Lisa Krasner, authored and submitted by William O'Donohue, Director of Victims of Crime Treatment Center, University of Nevada, Reno in support of Assembly Bill 142.