

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

**Eightieth Session  
March 29, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:03 a.m. on Friday, March 29, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman Edgar Flores, Assembly District No. 28



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Cheryl Williams, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Lisa T. Rasmussen, representing Nevada Attorneys for Criminal Justice  
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Daniel Honchariw, Senior Policy Analyst, Government Affairs, Nevada Policy Research Institute  
John J. Piro, Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office  
Janine Hansen, State President, Nevada Families for Freedom  
Lynn Chapman, State Treasurer, Independent American Party  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Matthew Christian, Assistant General Counsel, Las Vegas Metropolitan Police Department  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association  
Nancy Savage, Assistant City Attorney, City of Henderson  
William Gibbs, Manager, Police Employee Assistance Program, Las Vegas Metropolitan Police Department  
Mike Ramirez, Director, Government Affairs, Las Vegas Police Protective Association Metro, Inc.; and representing Nevada Law Enforcement Coalition  
John Fudenberg, representing Clark County  
Kelly Blackmon, Deputy Chief, Clark County Fire Department  
Angela J. Leath, Administrator, Crisis Intervention, City of Las Vegas Fire and Rescue  
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada  
Brian McAnallen, representing City of North Las Vegas  
Maureen Kilkenny, Immigration Team Leader, Indivisible Northern Nevada  
Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada  
Michael Kagan, Private Citizen, Las Vegas, Nevada  
Maria Nieto, Civic Engagement Coordinator, Mi Familia Vota  
Jose Rivera, representing Nevada Hispanic Legislative Caucus  
Sarah M. Adler, representing Nevada Coalition to END Domestic and Sexual Violence  
Autumn Zemke, Private Citizen, Carson City, Nevada  
Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition  
Aaron Ibarra, Private Citizen, Las Vegas, Nevada  
Cecia Alvarado, State Director, Mi Familia Vota

James Sullivan, representing Culinary Workers Union Local 226  
Barry Penzel, Private Citizen, Minden, Nevada  
Anthony K. Magnotta, Private Citizen, Minden, Nevada  
Maurice White, Private Citizen, Carson City, Nevada  
David King, Private Citizen, Gardnerville, Nevada  
Robert Auer, Private Citizen, Reno, Nevada  
Bob Russo, Private Citizen, Gardnerville, Nevada  
Bliss Requa-Trautz, Director, Arriba Las Vegas Worker Center  
Leo Murrieta, Director, Make the Road Nevada  
Mack Miller, Private Citizen, Las Vegas, Nevada  
Darlene Wheeler, Private Citizen, Gardnerville, Nevada  
James DeGraffenreid, Vice Chair, Nevada Republican Party; and Chairman, Douglas  
County Republican Party  
Anita Trone, representing Nevada Federation of Republican Women  
Amy Tarkanian, Private Citizen, Las Vegas, Nevada  
Jesus Marquez, Private Citizen, Las Vegas, Nevada  
Mary Rooney, representing NevadansCAN  
James Hindle, Private Citizen, Storey County, Nevada  
Gary DeHart, Private Citizen, Gardnerville, Nevada  
Rex Reed, Private Citizen, Dayton, Nevada  
Pauline Lee, Private Citizen, Las Vegas, Nevada  
John Hermeler, Private Citizen, Las Vegas, Nevada  
Cameron Taylor, Private Citizen, North Las Vegas, Nevada  
Julie Moore, Private Citizen, Gardnerville, Nevada  
Judy Pierce, Private Citizen, Gardnerville, Nevada  
David Corrao, Private Citizen, Reno, Nevada  
Michael Corona, Private Citizen, Gardnerville, Nevada  
Guy Pearson, Private Citizen, Gardnerville, Nevada  
Constanza Areizaga, Private Citizen, Las Vegas, Nevada  
Gabrielle Clark, Private Citizen, Las Vegas, Nevada  
Linda Buckardt, Private Citizen, Henderson, Nevada  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada  
Jim Sallee, Private Citizen, Las Vegas, Nevada  
Ronald Solomon, Private Citizen, Las Vegas, Nevada  
Dan Holden, Private Citizen, Carson City, Nevada  
Nick Alfonsetti, Private Citizen, Mesquite, Nevada  
Julie Hereford, Private Citizen, Las Vegas, Nevada  
Jim Verrees, Private Citizen, Las Vegas, Nevada  
Jeffery A. Watson, Private Citizen, Henderson, Nevada

**Chairman Yeager:**

We will be taking the agenda out of order. We will start with Assembly Bill 420, then Assembly Bill 260, Assembly Bill 307, and last, Assembly Bill 281. As Committee members and members of the public know, we have four bills on the agenda, and we have a hard stop around 11 a.m. when we need to be on the Assembly floor. I am likely going to

have to limit testimony on the bills. I want to make that clear now. I think many of you are here for Assembly Bill 281, if I can gauge that by the number of emails I have received. You may want to designate particular people to speak. We will have a two-minute limit, and we will have to gauge how the meeting goes in terms of how much time we will have for support and opposition. Given that we have three bills before Assembly Bill 281, it will be safe to say that we are going to have at least an hour or an hour and a half before we get to that bill. If you want to stay in the committee room, you can, but feel free to walk around the hallway and take a break. I also want to make clear that this is the order we intended to go before this morning. It has nothing to do with the number of people who came. If you have written comments, you can always provide those to the committee secretary. As many of you know, you can send emails or comment on bills on the Internet as well.

I will now open the hearing for Assembly Bill 420 and welcome Ms. Rasmussen to the Committee. I would first like to thank you for agreeing to present this bill on behalf of the Committee. Committee members, I do not know if there is anyone left in the building who has worked on this issue as long as Ms. Rasmussen. I believe it has probably been eight or ten years and multiple sessions. Perhaps former Senator Gustavson worked on it as long, but he is retired now.

**Assembly Bill 420: Revises provisions governing the criminal forfeiture of property.  
(BDR 14-717)**

**Lisa T. Rasmussen, representing Nevada Attorneys for Criminal Justice:**

I will go through an overview of the bill and what forfeiture is for those of you who are not familiar with it, then I will go through the mechanics. I know your time is limited, so I will do my best to get through it quickly.

In Nevada, we currently have a two-track system. We have a criminal process and then we have the statute and statutory scheme that governs forfeiture. The goal and the intent of this bill is to put them into one procedure so that defendants are not having to defend a criminal case and simultaneously defend a separate civil case. Many defendants lack the wherewithal to do that. A similar bill was brought in 2017 [Senate Bill 358 of the 79th Session], sponsored by Senator Gustavson. It had bipartisan support and cosponsors were Senators Parks, Kieckhefer, Segerblom, Ford, and Harris. Joint sponsors from the Assembly were Assemblymen Hambrick, Hansen, Titus, and Wheeler.

This is an issue that affects everyone. I know that forfeiture is an important issue because it involves the deprivation of one's property and potentially one's assets. There is no dispute that criminals are not entitled to the fruits of their crimes. It is perfectly appropriate to confiscate, seize, and ultimately request the forfeiture of proceeds from a crime. All that is needed to do that is probable cause. That is the current standard, and we are not seeking to change that standard.

Civil forfeiture is the process that is currently used in Nevada and several other states. However, several other states have adopted what I am talking about, which means putting it into the criminal procedure. The civil process is kind of archaic and old. It has its roots in admiralty and maritime law. There is really no reason to have two separate proceedings. The use of the civil process is based on old concepts of *in rem* jurisdiction versus *in personam* jurisdiction. When we have *in personam* jurisdiction, we have jurisdiction over the person, so this could all be handled in the criminal case. That is what that proceeding is about. This bill simply places it all into the criminal case. It is done this way in federal court, and it is a much easier process to do it that way.

Defendants in criminal cases are often indigent and they have a public defender. Public defenders are not allowed, by virtue of their charter, to represent someone in a civil case. By moving forfeiture to the criminal case, they would have legal representation and they would have someone advocating for their rights. The way the statute works would not change. If someone is acquitted or the case dismissed, they would be entitled to the return of their property. That does not change. Resolving it in the criminal case simplifies the process.

Ninety-nine percent of cases, at least in Clark County, resolve with a plea agreement. The plea agreement would simply incorporate the forfeiture aspect. It would have a separate page, like it does now for guns. Currently, when guns are part of a crime, defendants sign a separate, one-page document saying they agree to forfeit the firearm. This would be no different, whether it be cash or a car. It would simply be another element of the plea that is added.

This bill also ensures there is actually an alleged crime. It simply adds an allegation to the criminal complaint or the indictment. It would not be a complicated process. It also allows for judicial oversight to ensure that the context of the forfeiture is appropriate to the crime.

There is a U.S. Supreme Court case that came out, *Timbs v. Indiana*, 139 S.Ct. 682 (2019) where the issue was whether or not a \$45,000 vehicle could be seized and forfeited for someone who was charged with possession of two ounces of marijuana. The U.S. Supreme Court determined that was an excessive fine and that it was inappropriate.

By doing this in a criminal proceeding, it could be said to the court that something is too much of a forfeiture and not warranted by the crime. Currently, it can still be done in a civil proceeding, but it is not the same judge who is familiar with the case. This would make it easier to address issues where there is potentially an excessive forfeiture.

This protects all citizens from the random deprivation because what happens now, in practice, is someone may have their vehicle seized that has a value of \$5,000. It is not a lot of money, but it may be the only vehicle that person has. There is really no civil lawyer who is going to be willing to litigate that on behalf of a client for that amount of money. It would

cost at least a \$4,000 retainer for someone to even be willing to appear in the case, let alone litigate it to its conclusion. What happens is these people end up walking away, even if they are later acquitted of the crime or the case is dismissed from the simple case because they lack the wherewithal to litigate it.

Other states that have enacted the kind of bill I am talking about, where we put it all into one case instead of the two-track system, are New Mexico, North Carolina, Nebraska, and, I believe, New Hampshire. There are pending bills in eight other states to enact similar legislation.

I will go through the mechanics of the bill and then I will tell you about my conversations with the stakeholders. Sections 2 through 27 essentially enact the new statutory scheme, placing forfeiture under the jurisdictions of the criminal courts rather than the civil courts. Section 5, in turn, repeals the existing statutory scheme where it is in the civil context. Section 6 declares that the stated goal of the Legislature is to protect wrongful forfeiture of property and to ensure that only criminal forfeiture is allowed in Nevada.

Section 8 lays out the type of property subject to the new forfeiture law, which includes property derived directly from or property directly traceable to the crime in question, and any otherwise lawful instrument that is used in the commission of a crime. This section also limits the types of property that are subject to forfeiture to include land, buildings, containers, conveyances, equipment, materials, products, money, securities, ammunition, and firearms and their accessories, provided that they are used in the commission of a crime.

Section 9 provides that in order for a forfeiture to take place, there must be proof of a criminal conviction, a plea agreement approved by the court, an agreement between the parties, or a jury verdict. The state must prove by clear and convincing evidence that the property is subject to forfeiture. This is the current standard, and nothing changes.

Section 10 allows a court to substitute property in some circumstances. Section 11 prohibits the state from seeking personal money judgments not otherwise provided by law. It does not change anything. Section 12 provides that a defendant is not jointly and severally liable for awards owed by other defendants and provides for the distribution of property where ownership is unclear. This does not impact restitution, where we can have joint and several liability. This does not change the current status; it just puts it in this new statute.

Sections 13 through 16 address when property may be seized by court order or without a court order under specific circumstances. The person whose property is seized must be given an itemized receipt. These sections describe how the state can first obtain provisional title and then vested title.

Section 18 allows an attorney general to remit or mitigate a forfeiture in certain circumstances. Section 19 provides for a process for a court to grant a motion to remit or mitigate the seizure if it makes specific findings, which would be like an excessive seizure.

Section 21 requires the local rules of practice to apply in a district where the action is pending unless it conflicts with state law. Section 22 requires the forfeiture litigation must take place in a single proceeding following the trial of the related crime. Section 23 sets forth circumstances under which the defendant may challenge the constitutionality of a forfeiture. Section 24 provides that a bona fide security interest in property that is not subject to forfeiture unless the person claiming an interest knew that the property was subject to forfeiture when seized.

Section 25 prohibits the forfeiture of an innocent person's property and sets forth conditions for determining innocence. This would be applicable where property may be co-owned and one person is accused of the crime and the other owner may not be aware of the crime or have taken part in it.

Section 26 sets forth the ways in which the state treasurer is to dispose of the excess property from a forfeiture, including depositing extra funds in the State Permanent School Fund. Section 27 prohibits law enforcement from retaining forfeited property for its own use or selling it to entities. This comports with current law. Section 28 provides that a court will return seized property to the owner within five days of making certain findings in the property owner's favor.

I had the opportunity to speak with counsel for Las Vegas Metropolitan Police Department (LVMPD) and to correspond with a representative from Washoe County. They had specific concerns, and I think we can address all of them. I was open to making amendments. Some of their concerns had to do with the fact that in the current civil scheme, they are allowed to do discovery and they would not want to give up that right. I think we could also do discovery in the criminal case if they find it is necessary. A lot of cases resolve by plea, and I do not think it would be necessary. However, in cases where they would want it, I agreed that it would be fine.

One of the other concerns both agencies have has to do with their ability to share resources and forfeiture proceeds with federal joint task force agencies. I want to explain to you the way it is currently working. For state court forfeitures, anything that is seized or liquidated, the proceeds from that currently go to the State Permanent School Fund, which is anything seized, forfeited, or liquidated from state court. For joint task force seizures, which are often the highway interdiction cases where cars are stopped and there are drugs, anything that is seized goes to a joint task force between the federal government and the state. There is a sharing formula, and I believe our local law enforcement gets a certain percentage. Those proceeds are allowed to remain with the law enforcements agencies. They can use those proceeds to buy equipment or to do whatever they want with it to improve the law enforcement infrastructure. They want to make sure they maintain the ability to do that. Obviously, the goal of my bill was never to infringe on that. I just want to make sure that if a case starts in state court and the forfeiture is done there, if the case is dismissed because there is going to be a federal prosecution, then everything could be transferred to the federal prosecution. I will work with them to make sure we protect all of their interests. I know you will hear from them this morning, so I want to make the Committee aware that I am willing

to work with them on the amendments. The primary goal for me was getting this all into one procedure so people actually have representation and that it makes sense because the whole point of the forfeiture is asking someone to forfeit proceeds of a crime or instruments of a crime, and there is no reason why it cannot all be in one proceeding. It really protects people who have no ability to otherwise defend a completely separate civil case. I am available to answer any questions.

**Chairman Yeager:**

I want to make a statement and have you confirm whether it is accurate. I know this is an area of law that not many Committee members are probably familiar with. The way the current system is set up in Nevada, if there is a criminal proceeding against a defendant, that will be in criminal court with the state prosecuting the named defendant. However, if there is an attached or related civil forfeiture where they are trying to forfeit something, there is a separate civil lawsuit that is filed, not in the same case, and the actual defendant in that case is the property itself. In other words, it would be the State of Nevada versus a set amount of money or the State of Nevada versus a vehicle. That is what is known as *in rem* jurisdiction versus *in personam* jurisdiction, where there would be an actual defendant. You are getting a little bit of law school education here as well. My understanding is that those two proceedings can be happening at the same time, and sometimes the forfeiture proceeding that is civil in nature would actually be concluded before the criminal case, so there is not really a conviction or a finding of guilt. I want to ask if that is accurate in your experience and if there is anything you would like to add in terms of how that procedure works now in Nevada.

**Lisa Rasmussen:**

You are correct. The current process would be that there would be State of Nevada versus Jane Doe, the defendant. The related civil forfeiture case would say State of Nevada versus 1999 BMW, and it would have a vehicle identification number. It does not name the defendant; rather, the defendant is tasked with filing a claim and notifying the court they are a claimant to that vehicle. It is really hard to even look up the fact that you are a party in a case because the defendant is actually a vehicle, \$6,000 cash, or whatever else has been seized.

The defendant in the criminal case is then required to file an answer stating she is the claimant and proper owner of the property. Many people lack the wherewithal to go through this process in a district court proceeding. They cannot represent themselves *in propria persona* because it is too complicated and they do not have the funds to retain a lawyer to help them. Public defenders are not authorized to do it. If it is a private practitioner like me, I will often help with the proceeding, but it is a whole separate proceeding. It would be much more desirable to have it all in one proceeding. I hope that answers your question.

**Chairman Yeager:**

It did, thank you. We do have some other questions.



**Assemblywoman Cohen:**

Getting back to what you were discussing about the defendant filing a claim and being the claimant, which is addressed in section 23, what happens if a third party wants to claim that the property is actually his? They are not a codefendant, but just a third party. Do they still have the right to make the claim?

**Lisa Rasmussen:**

I had this conversation with LVMPD yesterday, and we talked about a couple of different options to deal with that scenario. It mostly comes up in the context of real property. It sometimes comes up in the context of a vehicle. It can come up with a bank account if a bank account has been seized. In those instances, I think, for the third party—and many times it is an innocent third party—we will amend the statute so the third party can appear in the criminal case as an interested party and make their claim there. One other thing I contemplated with LVMPD is leaving real property the subject of a separate civil proceeding. I am open to either, and I will continue to have that conversation.

**Assemblywoman Cohen:**

Would that be the same practice if my business partner's property is seized or I am a bank and the property the bank has a mortgage on is seized? Are we talking about the same process?

**Lisa Rasmussen:**

Yes, you are correct. Oftentimes regarding real property—and that was one of the reasons I suggested we maybe leave that on the civil track—it is because there are usually mortgage holders, and it can often get more complicated. There may even be homeowners' associations that are owed money. In those contexts, those are all interested parties and they would all have a right, and they currently have a right, and it would be no different even if it were in the criminal track for them to file as an interested party.

**Assemblywoman Cohen:**

My next question is about the possibility of remittance from the Office of the Attorney General. Why would that not also be an option through the district attorney's office?

**Lisa Rasmussen:**

I think you are talking about section 18. Currently, the way it is written in section 18, it allows the Attorney General to remit or mitigate a forfeiture, but in section 19 it also allows the process for a court to grant a motion to remit or mitigate if it makes the specific findings. We could add the district attorney's office, but the way the bill is structured, we are allowing the Attorney General to have some oversight for it if it is appropriate, or for the district court to do it.

**Assemblyman Daly:**

Section 23, subsection 2, seems backwards to me. I know you are putting in a case for the State of Nevada versus whatever the property is. There can be a third-party claimant. The owner of the property, or someone else, can come in and claim it. Is this hearing not also to

determine whether it was excessive or not? I am wondering why the person whose property was seized has the burden of proof to show that it was excessive rather than the court or law enforcement having to demonstrate that it was not excessive. The burden of proof seems to be reversed to me. Do you have an explanation?

**Lisa Rasmussen:**

The current process is the state has the burden to show that a crime was committed and the forfeiture is appropriate related to the crime. The defendant or the claimant can claim it is excessive or no crime was committed. It is not necessarily the defendant's burden. I believe it is initially the state's burden. If we are talking about making an allegation that the seizure is excessive, then you are correct, that burden would belong to the defendant.

**Assemblyman Daly:**

Now I understand that you have already determined it is constitutional within the limit and if the defendant wants to challenge that, it becomes his burden.

In section 23, subsection 6, it states the hearing is only to determine if the seizure was excessive. If there is another claim, it would be at a different venue and it would be a completely different lawsuit to claim there was improper search or something like that.

**Lisa Rasmussen:**

Currently, there needs to be a separate lawsuit to claim the forfeiture is excessive. In the recent U.S. Supreme Court example, *Timbs v. Indiana*, it was a \$45,000 car and the crime was two ounces of marijuana. In that case, Mr. Timbs was alleging that \$45,000 was an excessive fine. The way our statutes are currently, the defendant would have to go to a completely separate proceeding, having representation or figuring it out on his own, file an answer, then make the allegations there.

A better example is a case I had in Nye County where the allegation was that a sofa was stolen by a 19-year-old girl who was moving out of a house. The roommate called the police. The girl's mother had helped her move out of the house, so they went to the mother's house. They had not even unloaded the whole trailer of items they had moved out of the house. The subject was a loveseat and whether or not she should have left it at the house. Law enforcement seized the entire trailer and the truck that was used to tow the trailer. I went through a lot of effort to tell them they seized a \$30,000 truck and a flatbed trailer with all of the earthly possessions of a 19-year-old girl. If the sofa is what is in dispute, we need to deal with the sofa. That was an excessive seizure. It was a lot of hassle because we had to deal with it in a separate proceeding.

**Assemblyman Roberts:**

Thank you for clarifying the federal issues you discussed with LVMPD. I know at LVMPD, we actually pay for the attorneys who do the forfeiture process through the proceeds. Has that been eliminated out of state funds for state forfeitures?

**Lisa Rasmussen:**

I think what you are referring to is a section in the bill that says "excluding personnel costs." Is that correct?

**Assemblyman Roberts:**

I believe so. Maybe I missed it and it is still in there to allow for personnel costs.

**Lisa Rasmussen:**

No, I think it did say excluding personnel costs. I was not aware that LVMPD is currently getting what I would perceive as attorney fees in the current civil system we have.

**Assemblyman Roberts:**

Historically, those fees were paid for two district attorneys in the Clark County District Attorney's Office, and we moved it in-house with one attorney and one office staff a couple of years ago. Not only did they do forfeitures, but they worked a lot of forfeiture proceedings to return stolen property and things like that in conjunction with the district attorney's office. I was just curious if that would eliminate that altogether, and it seems as if it would.

**Lisa Rasmussen:**

I very much appreciate the clarification. I did have a brief conversation by email with Matt Christian at LVMPD. He explained to me that instead of Tom Moreo from the district attorney's office doing it the way it had been done, he was now doing it in-house. He asked me about that provision, and I was not aware that you were actually deducting those fees and using them to fund the salaries. I do not really have an issue with it, but I did note to him that the statute, as it is proposed and as it currently exists, does not have a provision for the prevailing party, which could be the defendant, to earn attorney fees. I would be fine with maintaining that either side could take attorney fees, but I think it should go both ways. If the defendant prevails, he should be able to ask for attorney fees as well.

**Assemblyman Roberts:**

I would also like clarification on the proceeds from federal funds and the way those are divided up. Those are restricted as to how they can be spent and they have to support the federal operation. It is not as if they could fund anything. I do not know if you could use federal funds to support the forfeiture process if the state funds were to go away. That might be an option as well.

**Chairman Yeager:**

Seeing no additional questions, I will open the hearing for testimony in support of A.B. 420, either in Las Vegas or Carson City. Please keep your comments as brief as possible. As you can see, we have a lot going on in the Committee this morning.

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

I want to thank the Assembly Committee on Judiciary for bringing this bill forward and Lisa Rasmussen for her presentation. The courts have weighed in on this issue. There has been a federal decision, *Harjo v. the City of Albuquerque*, 326 F. Supp. 3d 1145 (D.N.M. 2018). The circumstances of that case involve a mother's vehicle being seized after her son was arrested for a DUI. It was her vehicle and when she went to get it back, they were going to charge her \$4,000 in order for her to get her property. There was no due process procedure in place. What the court found at that time is that the forfeiture program violated procedural due process because the defendant had to prove that their property was not subject to civil forfeiture.

This is a huge problem. I think Nevada is in a perfect position to move forward and be forward-thinking before we end up in some sort of litigation issue and violating people's rights. For these reasons, we support this legislation.

**Daniel Honchariw, Senior Policy Analyst, Government Affairs, Nevada Policy Research Institute:**

Nevada Policy Research Institute enthusiastically supports A.B. 420. For too long, forfeiture laws have upended the due process rights of Nevadans, leaving a wake of destruction in their path. This bill offers crucial protection for marginalized communities who are disproportionately impacted by forfeiture.

I have submitted into the record a copy of my report from 2017 ([Exhibit C](#)), which shows that the people most likely to be impacted by forfeiture are also those who are least likely to be able to contest the forfeiture in court for financial and other reasons. Such victims essentially have no practical recourse for getting their property back. I applaud Chairman Yeager and this Committee for bringing forth this legislation and encourage its swift passage for the advancement of Nevadans' civil rights.

**Chairman Yeager:**

Thank you for your testimony and your work on this issue. I think we started talking about this over the interim, so I just want to say thank you for the research you have done and for your testimony here this morning.

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

We are in support of this legislation.

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

We are very appreciative of this bill. We worked many years with Senator Gustavson to get this changed. We feel this is an excellent solution to move civil forfeiture to criminal forfeiture. It simplifies the process. I think one of the most important things it does is previously, as the testimony showed, it was full of abuse and problems. It eliminates many

of those by putting the extra money into the School Fund. We appreciate that. We are also very excited that people are not just accused and their property is forfeited, but they have to be convicted or have a plea deal. That is very fair. It also provides for innocent people that their property will not be forfeited. We feel this is a very just bill and we fully support it.

**Lynn Chapman, State Treasurer, Independent American Party:**

We would also like to thank Ms. Rasmussen and former Senator Gustavson, who was my Senator, for this bill. This is a great bill and a commonsense bill. Many people do not like all the hoops the government forces us to jump through just to get to one little spot. From point A to point B takes a long time, at times, through government. This is a great way of streamlining things, so we want to support this bill.

**Chairman Yeager:**

Is there any further testimony in support? [There was none.] Is there anyone present who would like to testify in opposition to the bill?

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

For the sake of being as brief as possible, I have Matt Christian in Las Vegas, who is a general counselor and specializes in asset forfeiture. He is the expert. With your permission, Chairman Yeager, I would like for him to make our comments on the bill.

**Matthew Christian, Assistant General Counsel, Las Vegas Metropolitan Police Department:**

In my role with LVMPD, I file our civil forfeiture cases. We have about 480 cases per year. The circumstances of those cases are very great and varying. Certainly, should any member of the Committee have any questions about any particular type of case, I am happy to try to answer those questions. I want to thank Ms. Rasmussen for contacting me yesterday. I look forward to working with her a bit more to see if we can arrive at some sort of compromise moving forward.

With that said, I feel strongly that we should remember the purpose of the forfeiture law. The purpose is that crime should not pay. The forfeiture law allows a law enforcement entity to make sure that crime does not pay. It is a very important law enforcement tool. I think everyone realizes that, but I think it is important to remind us that that is really what we are talking about here—making sure that crime does not pay.

I also feel very strongly in having worked these cases for the last couple of years that the process we currently have is already very fair. I want to take the Committee through more of the details of what the process is really like to assure you and the public that the process in place right now already affords a criminal defendant or the claim to property a variety of due process protections. It is simply not true that law enforcement can take your property and never give you the opportunity to obtain it back.

Let me start by noting that there is often confusion between the concept of a seizure and then the ultimate forfeiture of that property. Those are two separate activities, and they both require a level of due process. These cases get started with a seizure of property. Seizure can occur in a variety of contexts, but at the very minimum, the law of Nevada already absolutely requires that the seizure be supported by probable cause. Probable cause must be on two levels. There must be probable cause that a felony crime has been committed, and there must also be probable cause that the property being seized is the proceeds of that felony crime or it is an instrumentality that was used in the felony crime. It would be unlawful under current law for an officer to seize property if that probable cause standard, at a minimum, could not be met. There are many other cases where a magistrate has already signed a warrant affirming there is probable cause before a seizure would be made.

Once the seizure occurs, that is when we start talking about the concept of a forfeiture. The forfeiture is ultimately a court order that permits the law enforcement entity to retain the property that has already been seized. I think most of the concerns raised are really about this process of obtaining that court order. I will go through the process with you as briefly as I can.

Currently under the law, in order to obtain an order of forfeiture, a civil lawsuit must be filed. The current system in place is that when a lawsuit is filed, the lawsuit will be stayed while any criminal case is pending. I think that is very important to note. We have heard that there are simultaneous cases going on. That is really not accurate. The civil case must be filed within 120 days of the seizure, and that was pursuant to some changes that were made four years ago. However, the civil case must be stayed while the criminal case plays out. The processes are sequential, like what Ms. Rasmussen has offered up in this bill. However, to be clear, we already have a system that requires a sequence. The cases do not go on at the same time.

When the lawsuit is filed, any claimant to the property is entitled to receive notice of the lawsuit. This gives them the opportunity to know that the property has been seized and that the law enforcement entity intends to seek a forfeiture of the property. That notice must be by personal service, which is the standard in any civil case. We take great pains every day—again we have 480 cases a year—to make sure the process is served personally upon any claimant that has an interest in the property. That means we must take paperwork to that person and hand-deliver it to them. There are only very limited exceptions to that. The rule is that they must be personally served. That goes for any other parties that have an interest in the property, not just the person who might have been arrested or the person that the property was taken from.

To give you an example, we have talked about bank accounts and businesses. We have cases pending now that we know we have taken money from a business. It is our obligation to make sure we know who owns that business and to properly serve that business so they have the opportunity to appear and claim the property. To give you another example, we execute a search warrant at an apartment because we have knowledge of drug dealing at a certain apartment. The person in the apartment has a roommate. There is \$5,000 in the kitchen.

The kitchen is not either of the two roommate's particular room, so I would be obligated as LVMPD's lawyer to ensure that, not only is the accused criminal served with the forfeiture lawsuit, but also the roommate. For all we know, it was the roommate's money and not the suspected criminal's money.

The service is very important. Once the lawsuit is filed and the service of process has taken place, again, in a vast majority of the cases, the case is then stayed to wait for the criminal case to play out. In at least 80 percent of the cases, the resolution of the seized property is resolved in the context of the criminal case, including guilty plea agreements. The district attorney will know that property has been seized, and as part of the criminal process, very often the property is forfeited during the criminal proceeding. It is really only when there is a claimant who believes the property is not subject to forfeiture that it cannot be resolved in the context of the criminal case. It is only then that the civil case picks up and really gets going. The purpose of the civil case is then to discover what the claimant's positions are on why this money should not be subject to forfeiture. That includes things like asking where the money came from, are there receipts, what is the story behind their position that the money is not subject to forfeiture.

**Chairman Yeager:**

If I could ask you to start wrapping up your testimony. We have three other bills to get through. If you could summarize some of the highlights you have left.

**Matthew Christian:**

Third parties are afforded the opportunity of appearing in the case. A lawyer is not necessary. It is not very complicated to make an appearance in a civil case, so I would dispute any contention about that. Also, defenses are very easily presented in a civil case and they are already considered by LVMPD. We have talked about the Eighth Amendment, the case *Timbs v. Indiana*, requiring the consideration of the Eighth Amendment, excessive fines. We already consider that in Nevada. There is a Nevada Supreme Court case that already requires that, and at LVMPD, we do consider that. There could be innocent owners, and we consider that as a defense. We consider those things when we are deciding whether or not to proceed with the forfeiture case.

Very briefly, certain sections of the bill we have particular concerns with include section 26. This is the distribution of the property once it is forfeited. This provision does not account for victims. Victims are a very important part of this equation. Oftentimes, we seize property knowing that we will never keep it but it will be turned over to a victim of a crime. We had one recent case where a lady was found guilty of elder abuse. She had swindled an elderly gentleman out of his condominium. We used forfeiture law to make sure the condominium was returned to the victim of the crime. That is a very important consideration.

We have grave concerns regarding section 19, subsection 6. I have already discussed that with Ms. Rasmussen. This provision would allow a criminal defense attorney to get a court order allowing the seized funds to pay for the criminal defense. That would basically be contrary to the purpose of forfeiture law, which is to ensure a person cannot profit from crime. If a criminal defendant were allowed to use proceeds from criminal activity to pay for his or her attorney, that would be contrary to the purpose.

We have mentioned that section 26, subsections 2 and 4 are exempt personnel costs. We do object to that. It is very logical and reasonable to allow the law enforcement entity to use forfeited funds to pay the costs of having to process the cases.

In section 25, subsection 7, the "constructive knowledge" definition is much more limited than under current law. I have talked to Ms. Rasmussen about that and I think there is an ability to compromise.

Section 27, subsection 3, is the federal sharing. Again, we have discussed that already. It is perfectly appropriate when a joint task force works together on a particular matter that if any proceeds are seized, there would be some kind of distribution among those entities of the forfeited funds.

Section 25, subsection 2(a) is the home exemption. I have talked to Ms. Rasmussen about this also. There really should be no reason why a homestead should be exempt. If a house is used over and over again as the place to go to sell drugs with knowledge of the owner, a homestead exemption should not protect that home from forfeiture law.

Section 9 is the requirement of a guilty plea agreement or a criminal conviction. I fully understand that there always must be proof that a crime has been committed. However, it is not always accomplished through an actual conviction or an actual guilty plea agreement. There are certain, very limited exceptions where we must always prove that a crime was committed and it must be a felony crime, but ensuring that there must always be a conviction is too restrictive. I have talked to Ms. Rasmussen about this issue, and I think there might be some willingness to compromise.

I will wrap up my opposition. Again, we have many, many cases at LVMPD with many different circumstances, so I am certainly happy to answer any questions.

**Chairman Yeager:**

I will encourage you to continue to reach out to Ms. Rasmussen. It sounds as though the two of you had a productive conversation about a lot of these concerns, so please continue working together. Is there any further testimony in opposition?

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

I would just like to put our opposition to A.B. 420 on the record.



**Nancy Savage, Assistant City Attorney, City of Henderson:**

I would like to put our opposition on the record as well. I think Mr. Christian has outlined most of the concerns we have. We have been in contact with LVMPD and, secondhand, have gotten some of the information through Ms. Rasmussen. We are certainly interested in trying to see if we can resolve the concerns.

I would like to put on the record that our current process through our current statutory scheme is well set out, is very specific, and provides due process. I do not think it is productive to throw out all that is good. It provides many of the safeguards that Ms. Rasmussen discussed that she would like included in the current bill. I think maybe the way to go would be to make an effort to amend what we already have in place rather than throwing out the baby with the bathwater. The City of Henderson is certainly interested in working with Ms. Rasmussen and Mr. Christian to see if we can come to an agreeable solution.

**Chairman Yeager:**

Is there any further testimony in opposition to A.B. 420? [There was none.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any concluding remarks?

**Lisa Rasmussen:**

As indicated, I am more than happy to work with LVMPD, Washoe County, and the City of Henderson. I invite Ms. Savage to reach out to me. I was fine with most of the changes that LVMPD wanted. Frankly, so long as this gets moved into the criminal process, I am willing to work with all of the concerns that everyone has. I think that is in the best interest of Nevadans, and I encourage you to support the bill. I look forward to presenting you with a productive amendment.

**Chairman Yeager:**

I will close the hearing on Assembly Bill 420. I will open the hearing for Assembly Bill 260 and welcome Assemblyman Roberts to the table.

**Assembly Bill 260: Revises provisions governing mental health. (BDR 4-1031)**

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

With me in the south is Bill Gibbs from Las Vegas Metropolitan Police Department (LVMPD). He is the manager for the Police Employee Assistance Program. Together, with your permission, I would like to go over the bill. First, I will talk about how I came into sponsoring this bill, I will go over each section of the bill, and then I will turn it over to Mr. Gibbs to talk about the problem we are trying to fix, give you a little history on what the Police Employee Assistance Program is all about, and then take questions.

Assembly Bill 260 basically revises the provisions governing mental health. How I came across this bill was through social media. I came across an article from another state where they made confidential communications in peer counseling completely confidential. I was told we needed that in this state. I thought we had done that in the last session, but apparently there was an amendment placed that made those confidential conversations accessible through subpoena or court order. As I looked into the bill a little further, I agreed to sponsor the bill on behalf of the Police Employee Assistance Program and other folks on social media.

I spent 25 years with LVMPD and 9 1/2 years in the U.S. Air Force in public safety. I do not have enough fingers to count the number of people who have committed suicide—friends and coworkers I worked with over those years—and I can tell you mental health issues are an issue for public safety employees. The services these counselors provide really make a difference. We need to encourage as many people as we can to reach out and not discourage them from doing so. Every time they do, I think we save a life.

Existing law establishes that law enforcement or public safety personnel who participate in a peer support counseling session have a privilege to refuse to disclose certain communications made during a counseling session. Existing law provides that such communications are confidential and may not be disclosed unless: (1) the communication relates to certain information relating to the safety of a person or criminal conduct; (2) the law enforcement or public safety personnel who are party to communication waive the confidentiality; or (3) a court of competent jurisdiction issues an order or subpoena requiring the disclosure of the communication.

Sections 1 and 2 of this bill removes the third requirement of a court of competent jurisdiction that issues an order or subpoena requiring the disclosure of the communication. Since last session, 1 October happened. I was still at LVMPD when that occurred. I can tell you that significantly strained our organization. When we were vetting through our employees and the experiences they had, this was an impediment for their seeking counsel. I do not have as much intimate knowledge as my counterpart in Las Vegas, so I will turn it over to Mr. Gibbs and let him explain how this impacts his unit and other public safety employees.

**William Gibbs, Manager, Police Employee Assistance Program, Las Vegas Metropolitan Police Department:**

Our program serves our 6,000 employees and their families. We have been in place since 1984. We are one of the longest-standing employee assistance programs in the nation. I have had opportunities to travel across the country and have had exposure to many other employee assistance peer support programs. Ours is the model that should be followed.

Confidentiality is a keystone. It fosters confidence and trust, and it is essential to our success. Assemblyman Roberts was talking about the issues with suicide. We have crisis intervention policy within our agency for folks who are struggling with thoughts of suicide. Many people who are in emergency response jobs have the misconception that if they have thoughts of suicide, they will no longer be able to be employed with our agency or the agency for which they work.

Specifically, for our agency, we have a crisis intervention policy that protects those folks. If they admit to a peer counselor in my section, we will get them connected with a professional clinician who will do an assessment. If inpatient treatment is required, that is going to occur. When they get well and the psychologist says they are clear to go back to work, they do not lose their job. How do we convey that to our folks to trust that they can tell us that if they feel as though something they tell one of our counselors could be subpoenaed? If word of their thoughts of suicide gets out, in their minds, it could be damaging to their careers or their reputation. We want to remove any hurdle that would prevent an employee either struggling with thoughts of suicide or alcohol from coming forward. For alcohol, it is the same deal. We will get them into counseling. When they get well, they will be able to come back to work.

Having confidentiality serves the public interest to have a mentally healthy emergency responder. They make better decisions, they are more effective at their jobs, and it makes them a better community partner. It does not just benefit our employees, it is going to benefit the public as a whole.

The peer support program has a director, six peer counselors, and me as a manager for our 6,000 employees. We had over 14,000 contacts from our employees last year. Should the communications be subpoenaed by the court—and they have not been yet—it would destroy our program and render it ineffective. It is very important that we have a peer support program in emergency response.

I have partners from Las Vegas Fire and Rescue and Clark County Fire Department here as well. They suffer the same struggles as we do in getting their folks to come forward. When you are in the position of being a helper, you do not think you should be the one who asks for help. You are afraid you will be looked upon as being weak and that you cannot be depended upon by your coworkers. We cannot have that. We cannot have folks thinking they cannot tell us they are struggling and their answer to everything is, "I am fine."

Our program has been a very successful program for the past 35 years. It is only for the forward-thinking leadership we had at our agency that it was put into place. Our staff responds to an officer-involved shooting. We are obviously going to speak to the officer who was involved in the shooting. I want to make it clear that when we speak to that officer, we are not part of an investigation. We are not going to impede any criminal investigation if we have confidentiality. Quite frankly, we do not care what happened in the incident. We are there for their mental well-being and to support our employee through the process that is going to be coming forward. Not to say that we would not care that a life was taken, but our

primary goal in our section is to make sure our employee is well and that they understand the processes that are going to take place. We are not impeding the criminal investigation. Our staff is trained that when they respond to the scene, we are not to ask what happened in the incident, what the actions were, or why those actions were taken. We are there to find out how they are.

I have personal experience with that myself, back in 2011, when I was involved in an officer-involved shooting when I was a motor officer here in Las Vegas. No one wakes up in the morning and says to themselves they are going to shoot someone today. That is not how it works. I had a gentleman who was firing a shotgun and shot his girlfriend in the back and was firing his gun at passing vehicles on Interstate 15. I was able to get close enough to him with the assistance of a construction worker citizen who was kind enough to escort me closer with some large equipment he had. I was able to stop this gentleman from hurting anyone further. I was placed in a police car, as we did back then, to be isolated. I would see executive staff and detectives showing up and pointing where the incident happened and pointing at me. My mind started racing, although I knew I did something correctly and that it was just. I questioned whether I screwed up and whether I hurt someone I should not have.

There is an entity within the investigative process—a force investigative team—that is going to look at whether or not a criminal action took place. There are processes in place that handle that portion, and our section has nothing to do with that. As I was sitting in the police car and detectives were asking me questions and executive staff were pointing at where things occurred, I had a pat on the back from another officer in plain clothes. All he wanted to know was how I was doing, if I had called my wife, if I needed something to drink, or if I needed to use the bathroom. He talked to me like a human being, and that was very impactful to me. He was from the Police Employee Assistance Program.

It was very impactful on me to have him there that day and to lead me through what was going to be taking place through the investigative process—because there is a very thorough, very transparent investigative process. He just walked me through the steps and supported me through that process. It was so impactful to me that I knew if I ever had the opportunity, I wanted to do that for someone else. I was fortunate enough when the sheriff appointed me a few years later to a position as a peer counselor and then two years ago to the manager of the section.

I cannot speak enough to the importance of our confidentiality. I think striking the line for the ability for a court of jurisdiction to issue a subpoena to get our communications would be impactful to our program. It would impact the services the public receives from us. I cannot stress enough that it is not just police. It is police, fire, and all emergency workers.

**Assemblyman Robertson:**

We would be happy to answer any questions.

**Chairman Yeager:**

Thank you for providing some context for the bill. Are there any questions from the Committee?

**Assemblywoman Backus:**

I really appreciate these types of programs, and I believe they are only successful if people can be open. In my mind, when I was thinking of subpoenas, the last thing anyone wants is their employer to get ahold of this information. They are being up-front to solve a problem, and that communication should not be accessible. I am curious as to what other times you are receiving subpoenas for these confidential records that are to help an officer.

**William Gibbs:**

If the question is whether or not we have received a subpoena for a communication, to my knowledge, we have not.

**Assemblywoman Backus:**

My concern was if there was an employer/employee dispute, you absolutely do not want the employer to get ahold of these records because of the early-on solution. I was wondering if there were any examples of subpoenas you were getting for this information or if it is just something we are anticipating following 1 October.

**William Gibbs:**

As far as our section sharing information with our agency, we have confidentiality within our agency. However, that protection does not extend to the courts. We are trying to remove the part where subpoenas can be used to get that communication. We have confidentiality as a policy within our agency for the Police Employee Assistance Program, but there is nothing in *Nevada Revised Statutes*.

**Assemblyman Roberts:**

For the record, the peer counseling program reports to the top of the agency, so at LVMPD they report to the undersheriff. If there is any kind of time off or issues like that, it goes to the top of the organization. It is not shared within and it is not mixed in with other employees. We really try to keep that strictly confidential.

**Chairman Yeager:**

I do not see any additional questions. I will open the hearing for testimony in support for those here or in Las Vegas.

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

We are in support.

**Mike Ramirez, Director, Government Affairs, Las Vegas Police Protective Association Metro, Inc.; and representing Nevada Law Enforcement Coalition:**

We appreciate Assemblyman Roberts for bringing this bill forward. We are in support as well.

**John Fudenberg, representing Clark County:**

As a side note, I am the coroner of Clark County. We train a lot of our staff, and we have been training our staff on peer-to-peer counseling. We think it is one of the effective ways that public safety and emergency personnel can talk about how they are feeling and share the feelings with their peers in order to process the stress they go through. We support the bill 100 percent. Just the fact that, as the department head of an agency that has employees who are using the peer-to-peer method, I do not think we have the right to know what they are talking about and I certainly do not think it should be subpoenaed in court.

**Kelly Blackmon, Deputy Chief, Clark County Fire Department:**

We are in support of this bill.

**Angela J. Leath, Administrator, Crisis Intervention, City of Las Vegas Fire and Rescue:**  
We are also in support of this bill.

**Chairman Yeager:**

Seeing no further testimony in support, is there anyone present who would like to testify in opposition to the bill?

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

I was here last session when this legislation initially passed. Part of what gave us comfort were the protections outlined in the bill—one of those being a subpoena. If I personally go to a counselor or a psychologist, my statements are not necessarily privileged if they are relevant to the element of a claim or defense. Perhaps we could insert some language to the same here. I do not think the statements given to the peer-to-peer counseling staff should be subpoenaed for any old reason at all. I still want law enforcement officers and firefighters who are suffering to be able to talk to peer counselors without fear that it is going to be subpoenaed for any reason at all. However, I also think the availability to subpoena, if necessary and if it is going to be relevant in a claim or a case, should remain in some fashion. I appreciate Assemblyman Roberts for speaking to us about this bill. For that reason, at this time, we oppose the bill.

**Chairman Yeager:**

Seeing no further testimony in opposition, is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing remarks?

**Assemblyman Roberts:**

I have spoken with Mr. Piro. Their concerns were always surrounding whether there was any kind of litigation or criminal case in which they would want to examine testimony made in these confidential communications and compare them to other statements to find inconsistencies. Mr. Gibbs talked about it a little bit. Many of these conversations are more about the well-being of the officer and not specifics about the case. I believe we could work together on providing an amendment that might get us to where we need to be. I appreciate his conversations, and I appreciate your consideration moving forward.

**Chairman Yeager:**

I will close the hearing on Assembly Bill 260. I will open the hearing for Assembly Bill 307 and welcome Assemblyman Flores to the table. Committee, you should have received a conceptual amendment by email yesterday regarding Assembly Bill 307 ([Exhibit D](#)) and which is also available on the Nevada Electronic Legislative Information System. As Assemblyman Flores will explain, I think the conceptual amendment is intended to replace the bill in its entirety, so please make sure you are looking at that document.

**Assembly Bill 307: Creates the Nevada Database of Gangs. (BDR 14-897)**

**Assemblyman Edgar Flores, Assembly District No. 28:**

I represent some of the hardest-working men and women in the state. It is an honor to be here on their behalf. I am here to present Assembly Bill 307. I want to apologize; I am not a fan of conceptual amendments. As the chair of a committee, I will tell you that I hate when someone comes in with a conceptual amendment. I apologize for doing that to you. However, I assure you that this conceptual amendment is, in fact, the result of my working with stakeholders and trying to ensure that everyone is on the same page. I am achieving the objective and the goal of my bill, and simultaneously being mindful of what the stakeholders are telling me.

I would like to quickly offer a road map of how I intend to proceed with the conversation. I will first give you a broad overview of the gang database we have in the state. I will then walk through how I believe this bill will specifically address some of my concerns. I will walk you through my conceptual amendment to preempt some of the questions you may have. Lastly, I will open it up for questions. I intend for law enforcement to join me, not as a copresenter, but so they can answer any technical questions you may have.

When I say "gang database," the genesis of this bill is that I was originally concerned that there are individuals currently in the state of Nevada in different jurisdictions getting added to the gang database either as a gang member and/or as an affiliate. Sometimes, these individuals are not aware they have been added. While Las Vegas Metropolitan Police Department (LVMPD) will tell you they typically almost always notify individuals, I was

concerned it was not happening in every jurisdiction. It is problematic because, as you all know, if two individuals are in the same exact vehicle at the same exact time and the only difference is one individual has been identified as an affiliate and/or a gang member, I was concerned that the treatment would be different. It is obviously very important that we address this concern.

What I want to assure is that I do not have a problem with the gang database. I think law enforcement has a responsibility to have important intelligence and information that they utilize to help them do their job. I think that is incredibly important. I do not want to get rid of the database or attack it because I think it is very important. Law enforcement needs that resource, they utilize it, and it is important to them. However, I do know of scenarios—if I could use a hypothetical—where an individual grew up in a neighborhood. I can tell you that I personally identify with that story. As a kid, I grew up in an impoverished neighborhood. There are friends of mine who were kids at the time and we grew up together and they decided to join a gang. I would hate that I would have then been classified as a gang member because my childhood friend of ten or fifteen years, who hangs out with me and whom I hang out with, would be the reason I became a gang affiliate and/or a gang member simply because I still hang out with that human being. That is what we are trying to address.

This is what we are doing in the conceptual amendment ([Exhibit D](#)): We want to create due process. What I mean by that is, it can be treated as a rebuttable presumption. We want to ensure that if someone is going to be added to the registry or the gang database as a gang member or an affiliate, the person is notified of such. If the person is not detained—meaning an individual who was contacted by law enforcement on the street and they identified that person as a gang member and/or an affiliate—I want that person to get notice. That notice should include specific language as to how that person can appeal or rebut the presumption. It can be refuted either by writing in and providing whatever evidence is available and/or requesting an in-person interview. The reason I want to make sure we have those two options is because, as you all know, it may be difficult for individuals who have a family, or school, or work to always do an in-person interview. However, it may be very easy for them to submit something in writing, provide letters of support, show some pictures, or whatever would help refute that that individual is a gang member and/or an affiliate.

The next thing is, we have language in this conceptual amendment for those corrections now. Currently, the common practice for those who are currently in prison and part of the prison population is, they are notified and given ten days to refute the classification. We are treating it differently because the feedback I have gotten from stakeholders is that ten days is enough time for someone who is currently being housed in a prison to be able to refute. I want to give 30 days to individuals on the street who are not detained and not in prison.



In the conceptual amendment, I did not specify a specific database that needs to be used because I understand jurisdictions may decide to go with a different database next year. Right now they are using GangNet and we also have a Federal Bureau of Investigation (FBI) database that is used, but that may change. Again, I want to reiterate, I do not have a problem with the database. I think it is important for law enforcement to have it. This is a due process concern.

In this conceptual amendment, I do, however, ask that whatever the Reno Police Department or LVMPD use, it become the norm. When I say norm, I mean that is the only database that is used. The reason I have that specific language is because I am concerned that different jurisdictions have their own databases. While they are all subject to a 28 CFR [*Code of Federal Regulations*] Part 23, which is the federal code that dictates how a database works, I am concerned that not everyone is following the same policy. I would prefer that the two major jurisdictions set the platform on what database they will use and that everyone else follows suit to ensure no one is doing anything, in my opinion, that could be problematic.

A hypothetical I could use as an example is if I moved into a specific jurisdiction and someone just disliked the fact that I am there and identified me as a gang member so people could bother me. I am concerned about that. I want the major jurisdictions to use whatever databases they have and that everyone else follows suit.

The next thing is already happening in some of our jurisdictions; I want to make sure it is happening statewide. If individuals have no contact with law enforcement—in other words, if I were identified as a gang member and I had no contact with law enforcement for five years—we are asking that those individuals get taken off the database. Everything automatically gets destroyed and they are no longer part of that database. This is very true because a lot of kids may be very proud to be a gang member when they are 17 or 18 years old, but then at 23 or 24 years old they have a family. We realize that, in fact, those kids are now grown human beings who have a family and their priorities have changed. We want to ensure that a person does not continue to be classified as a gang member or affiliate when they are no longer that human being.

Lastly, through that same lens, I want to make sure for individuals who previously self-identified as gang members but now have a family and want to make sure they are taken off the database, we create a process where they can request it via writing or with an in-person interview so they can be removed.

I would like to answer two questions that I know are often asked. The first one is, what is the process for someone getting classified as a gang member and/or an affiliate? I am not sure if everyone received the LVMPD policy. They have an internal policy they follow, which I am a fan of. That internal policy explains that sometimes the way they identify individuals as gang members is because they self-identified. I believe that most people, through this lens, very likely will not utilize this due process we are trying to provide them and will not utilize this ability to refute that. Sometimes there is a willingness or they want to demonstrate that they have this "street cred" and they are proud to show their gang colors. This is more trying

to help the individuals who grew up in a neighborhood and have been identified as something they are not. Or perhaps they play basketball or another sport with individuals who happen to be gang members. That is just the sport they play and that is the neighborhood they grew up in. I want to make it clear that there is a process for that. I will have law enforcement answer any technical questions as to what that looks like.

The second thing I want to make abundantly clear is, in my conceptual amendment, I do not intend for contact to count if it is just law enforcement doing a neighborhood patrol. What I mean by that is, in my neighborhood, we have two officers who are constantly there and are patrolling the area. We want law enforcement to create that relationship. I have said that I created a relationship with them because I see them there constantly. We want that. We want law enforcement and the community to work together, but I do not want for them to keep somebody in a gang database just because they are doing a routine patrol and reaching out. As a hypothetical, I will use myself: "Hey, Edgar. How's everything going?" "Oh, everything is well. There are no problems." The officer then puts in the gang database, "Made contact with gang member Edgar Flores." I want to ensure that when I say contact, it is individuals being contacted because there is a criminal investigation happening and that be utilized. As an example, law enforcement has shown up 12 times to a certain neighborhood and 12 times they were investigating A, B, C, and D, and every single time, Edgar Flores was there. In this hypothetical, we want them to be able to say there is a pattern and let the database reflect that. We just do not want the database to be a routine patrol where an officer made contact with someone and that someone will never be taken off the database.

With that, I will invite law enforcement to join me so they can answer any technical questions you may have.

**Chairman Yeager:**

Are there any questions from the Committee based on the conceptual amendment that has been offered?

**Assemblywoman Cohen:**

My question is for Director Callaway, and it is more of a technical question. What is being done to ensure there is not misidentification? I do not mean someone who law enforcement knows is the right person and the person they want to tag as being on the gang database is not a gang member, but literally wrong names or similar names, that type of thing.

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

First of all, I will start with the criteria. Our policy requires two clear and articulable facts that someone is a gang member. When we talk about an affiliate, let me be clear. Affiliate is not an affiliate of the gang. An affiliate is an affiliate of a person who is a known gang member. If Chuck Callaway is a gang member and my friend is Edgar Flores, they would list him as an affiliate of Chuck Callaway who is a known gang member, not an affiliate of the gang, if that makes sense.

Typically, these are field interviews with a person who is involved in criminal activity or something that would warrant an officer making contact. As Assemblyman Flores said, 90 percent of the time, gang members are proud of who they are and what gang they are associated with. They usually tell us what gang they are involved with. What typically happens is, obviously, we verify their identifying information. We ask for a driver's license, their name, date of birth, and we will verify that through our SCOPE [Shared Computer Operation for Protection and Enforcement] system and the system the officer has in the car. Many times they have tattoos or scars of the gang. It is very popular to get gang tattoos. Those are all identifying features that the officer would use to make sure they have positively identified that person. Many times they will have a moniker associated with their name for that particular gang, such as going by "Scooby" on the street. Monikers are also very common.

The officer on the street will enter that information into the field interview (FI) card. That FI card is sent to our gang unit. We have a committee in the gang unit of folks who review the FI card to see if it meets the criteria for entering into the gang database. We then send written notice to that person to their address if they are an adult. If they are a juvenile, we do a home visit. We go out to their home with our community engagement team, knock on the door, talk to the parents, and tell them we encountered their child who is claiming they are a member of a gang. We bring resources to divert those folks away from the gang. We work very closely with the faith-based community in Las Vegas. We have one pastor in particular who is a former gang member and who assists us with intervention and going out to talk to kids in neighborhoods and trying to divert kids away from gangs. In fact, in our policy, it is one of the primary goals of our gang unit—not just enforcement but diversion and services to get people out of gangs.

I know it was a long-winded response, and I do not know if it answered your question.

**Chairman Yeager:**

I see no further questions from the Committee. Director Callaway, did you want to add something?

**Chuck Callaway:**

As the bill came out, obviously I had concerns because of the systems we currently have in place. I am here in support of the conceptual amendment.

**Chairman Yeager:**

I will open the hearing for additional testimony in support of A.B. 307 for those in Carson City and in Las Vegas.

**Mike Ramirez, Director, Government Affairs, Las Vegas Police Protective Association Metro, Inc.; and representing Nevada Law Enforcement Coalition:**

We appreciate Assemblyman Flores. As Director Callaway said, we do support the conceptual amendment.

**Holly Welborn, Policy Director, American Civil Liberties Union:**

I would quickly like to register our support for the conceptual amendment.

**Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:**

We are in support of A.B. 307.

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

We support A.B. 307. We would like to thank Assemblyman Flores and all the stakeholders for meeting and providing that due process on how individuals get on and get off the database. That was the most important issue for us in this bill.

**Chairman Yeager:**

Seeing no further testimony in support, I will open the hearing for opposition. [There was none.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing remarks?

**Assemblyman Flores:**

I just want to thank you. I intend to work closely with law enforcement and every single stakeholder to ensure this bill comes out the right way. We want to ensure that law enforcement can do their job and, at the same time, we have some due process for those individuals trying to get off the registry.

[Also submitted but not discussed were ([Exhibit E](#)) and ([Exhibit F](#)).]

**Chairman Yeager:**

I will close the hearing on Assembly Bill 307. I will open the hearing on Assembly Bill 281. Before we get started on this bill, I want to remind members of the public and Committee members that we are going to be respectful to one another during this hearing. I will not tolerate personal attacks. If I hear any of that, you will be asked to leave the room. We will have a civil discussion about this bill, which I know has generated a lot of interest. The way we are going to proceed is by having Assemblyman Flores take us through the bill and then take questions. We will then reevaluate in terms of how much time we are going to be able to give to support and opposition. I will do my best to let everyone have a chance to speak. We welcome Assemblyman Flores to the table.

**Assembly Bill 281: Restricts certain state and local law enforcement agencies from performing certain actions relating to immigration enforcement. (BDR 14-898)**

**Assemblyman Edgar Flores, Assembly District No. 28:**

To my constituents, I am here proudly presenting this bill for you. I want to approach this conversation slightly differently because it is important that we acknowledge the elephant in the room. First of all, I want to thank every single individual who sent me an email because I genuinely believe that this is a conversation that needs to be had. I also want to acknowledge the fact that, unfortunately, there is a lot of misleading that has been occurring

and that has generated the genesis of a lot of the emails I have received. I think after we present the bill, most people will realize it is not what they thought it was. I would like to first explain what this bill is not and then explain what this bill is. Then I will hand over the presentation to law enforcement. As you will understand, they are in support of this bill because they have had an opportunity to vet it and they realize they can continue to do their job effectively even with this bill being presented here today.

I will first explain what this bill is not. The reoccurring email that most of us received is regarding sanctuary state. I believe the reason most of you got those emails is because some people read through the Legislative Counsel Bureau's Digest and saw the phrase "287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g)." That is where they stopped reading. They then told the public this is a horrible bill and the public, in my opinion, reacted correctly. They disagreed and started explaining why they disagree with it without having given themselves the opportunity to read through the bill.

This bill does not touch 287(g). I would like to explain what 287(g) is—287(g) is local law enforcement working with the Department of Homeland Security. This bill in no way will change that. Local law enforcement will continue to do what they are doing today, which is reporting to the Department of Homeland Security. We are not touching that. We are not getting away with it. We are not doing anything in that realm. In fact, I think some of the opposition will be surprised to learn that some of the people who oppose this bill are individuals who are considered "on the left." That is because we do not touch 287(g). I think if we put the opposition in one room, they would be opposed to each other philosophically because they disagree on different realms but they are not focusing on what the bill actually does.

This bill does not create a sanctuary state. There is no such thing as a sanctuary state that allows 287(g) to exist. Local law enforcement will continue to report to the Department of Homeland Security.

Let me walk you through what we are trying to address in part. There is a concern in the community that law enforcement, when they detain individuals, are simply utilizing 287(g) and saying that because someone is undocumented, they are utilizing that as an excuse to hold someone. I will walk you through a hypothetical that will explain this.

In this hypothetical, Edgar Flores is undocumented. I am pulled over by police and the moment they see I am undocumented, that would create probable cause for law enforcement to say they will hold me, put me in jail, and then let the Department of Homeland Security pick me up. What we are saying is, we want to make sure there is probable cause that is not rooted in the fact that I am undocumented when law enforcement detains me. That is what this bill does.

In my opinion, this bill is a step in the right direction, but it is not in any way going to change law enforcement's cooperation with the Department of Homeland Security. I do not want to get too deep into it, but I think what I am about to say is important. We can be pro-law enforcement and at the same time realize we do not have the resources, as law enforcement, to act as U.S. Immigration and Customs Enforcement (ICE) officers of the Department of Homeland Security.

I believe law enforcement will testify that they agree with that. They are not ICE officers. They are on the streets, in their neighborhoods and in their communities, ensuring that when someone commits a criminal act, they are detained for that act and treated like any other human being would be treated in this state. Local law enforcement is not an extension of ICE nor the Department of Homeland Security in that their sole purpose is to be going after individuals simply because they are undocumented. That is what this bill does. We are going to the essence of that.

I would like to invite law enforcement to the table and share any comments they may have as to what this bill is. I think after law enforcement speaks and at the conclusion of my presentation, most people who are opposed to this bill will realize it is not what they thought it was. I do not want to turn this into an emotional argument. We are not here to argue comprehensive immigration reform. We are not here to argue whether or not an individual who has committed a criminal act should be detained. We are here strictly to discuss this bill, and as written, I want law enforcement to give their perspective.

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

First and foremost, I cannot tell you how much I appreciate Assemblyman Flores reaching out to me before this Legislature even started to discuss this important issue. We had a number of very in-depth conversations about this topic. I am here in support of the bill before you. The primary reason I am in support of the bill is because it does not change anything that the Las Vegas Metropolitan Police Department (LVMPD) currently does.

As Assemblyman Flores stated, we operate a 287(g) program which is jail-based. No one is subject to that program unless they are arrested for a crime. Once they are arrested for a crime, in the screening process they are asked a number of questions. If it is determined during that process that the person is undocumented or not a U.S. citizen, they are queried through the 287(g) program. If ICE wants that person, a detainer is placed for ICE.

To give you a perspective of how often this occurs, in 2018 the LVMPD had approximately 67,000 bookings in the Clark County Detention Center. Of those 67,000 bookings, about 6,700 people, 10 percent, were interviewed by a 287(g) officer. Of those 6,700 people, 1,467 detainers were placed for ICE. Of those 1,467 detainers, 998 people were actually released to ICE custody. That is less than 1 percent of the people booked in the Clark County Detention Center. We are talking about a very small number of individuals.

We do not do field immigration enforcement. That is not our job. That is the job of the federal government. We have a strict policy for officers in the field to not ask people about their immigration status. We are not checking people's papers in the field. The only time we would subject someone to any type of immigration enforcement is through the 287(g) program after they have been arrested for some crime.

Based on that, this bill does not take away our ability to do that. It basically allows us to continue doing business as we do. We are here in support, and I would be happy to answer any questions you may have.

**Chairman Yeager:**

Are there any questions from the Committee?

**Assemblyman Edwards:**

My question comes down to section 1, subsection 1. It seems to say that law enforcement is not going to do something, and then in subsection 2, it says, well, maybe they can. It is confusing and seems to be inconsistent. I need clarification as to how those two subsections can actually be in the same bill and not be contradictory.

**Chuck Callaway:**

The way I interpret the bill is that because subsection 2 allows the 287(g) program to exist, subsection 1 is field-based. An officer in the field—and I do not know how this could even happen because our systems in the field do not cross—but an officer in the field does not have access to the ICE database. I will give you a highly unlikely, hypothetical situation. An officer in the field does a stop on someone and calls it out over the radio and an ICE officer is listening to the radio. The ICE officer contacts that police officer to say the person stopped is someone he wants and asks for a hold.

In *Terry v. Ohio*, 392 U.S. 1 (1968), an officer can detain someone for up to an hour, per that case law. The officer, under this bill, could tell that ICE officer who called on the radio that he has an hour to get there and the clock is ticking. If the ICE officer can make it in an hour, the individual can be turned over. However, if that ICE officer said to take the individual to jail and hold him there and he would pick him up the next day, this bill would prohibit that. I am not aware of that situation ever occurring because our systems do not cross in the field. In the field, officers have no idea who is wanted by ICE or who is a priority for deportation to ICE. If there is a warrant for that person's arrest that ICE may have placed, that would be in the SCOPE [Shared Computer Operation for Protection and Enforcement] system. The officer could query that and if he sees a warrant, the individual would be taken into custody and booked into jail.

The way I read subsection 1 versus subsection 2 of this bill, they are not in conflict because subsection 2 is jail-based and section 1 is field-based, and we do not do immigration enforcement in the field. I do not know if that answered your question.

**Assemblyman Edwards:**

It clarified some of it, but I think it needs to be clarified in the bill because it is not clear. It seems as though on the one hand we are rejecting the authority of the federal Executive Branch, but we are accepting the authority of the federal Judicial Branch. On one hand we are saying we are not going to honor a bunch of requests from the federal Executive Branch. However, if the federal Judicial Branch comes in with a warrant, then we do honor it. I do not think we can just select which branch of the federal government we follow. Please explain how we are following both branches, because obviously, in our federal system of government, federal law is supreme. Here, we seem to be picking between the branches. I do not see how we can do that.

**Assemblyman Flores:**

To be honest, I do not understand your question. In fact, it does not make any sense to me because we are saying in this bill that local law enforcement is going to continue to enforce and utilize 287(g). They are going to continue to provide information and share information with the Department of Homeland Security. It very clearly says that in the bill. We are clarifying that law enforcement, when they stop someone on the street, cannot simply put someone in jail because they are undocumented. Law enforcement will continue to do what they are doing now, so if someone gets pulled over because they violated some state law and/or if an officer is called to a home because a state law was violated, law enforcement will continue to do their job. The individual will be held and taken to jail. The probable cause will be based on the crime. When the individual goes to jail, he will be run through the 287(g) program and that will be shared with the Department of Homeland Security. That is what they are going to do and that is what is happening. Director Callaway indicated that is what they are doing now, and they are going to continue to do that. We are in no way infringing on that. I think what is happening is you received an email and you have allowed yourself to utilize that email as a basis for this. The language is rather clear. You are trying to confuse the issue.

**Assemblyman Edwards:**

No, I am sorry. My question is not based on any email whatsoever. My question is based on the reading of the bill. Under section 1, subsection 3, paragraph (c) it begins to look as though we are not going to follow the federal Executive Branch, but under paragraph (e) it looks as though we are going to follow the federal Judicial Branch if a warrant is issued.

**Chairman Yeager:**

Assemblyman Edwards, I think Assemblyman Flores answered the question. I will note for the record that the *Terry v. Ohio* case that Director Callaway mentioned is a U.S. Supreme Court case. I think it is the law of this land that any court order, even if based on poor legal reasoning, must be obeyed. I think that was established by the U.S. Supreme Court when Martin Luther King was held in contempt for violating a court order. He said the court order was unjust. The court said that did not matter, go to court to challenge it.



I think what was being said was that Director Callaway indicated LVMPD will obey a valid court order from either the federal or state government, but in the absence of a valid court order, under *Terry v. Ohio*, they are not allowed to detain at the scene for more than an hour.

I do not want this to devolve into a back and forth. I feel Assemblyman Flores has answered that question, and I would like to move on at this point if other members have questions.

**Assemblyman Roberts:**

Perhaps Director Callaway can refresh our memories. There was a Ninth Circuit Court of Appeals change that actually further restricted 287(g) and required warrants be issued before a detainer was placed. That is another branch of government that has actually weighed in and has jurisdiction over our state.

**Chuck Callaway:**

That is absolutely correct. As many will remember, in 2013, under Sheriff Gillespie, our agency stopped detaining anyone for ICE for a period of time because of some Ninth Circuit Court cases, the one Assemblyman Roberts mentioned. Since that time, ICE has revamped their detainer program and now, my understanding is those detainees come through a federal judge and constitute probable cause. Because of the new detainer method, I believe in 2015 or 2016, we started detaining again for ICE based on the fact that they had changed the detainer process to establish probable cause.

I would also like to mention, in section 1, it does allow for an independent finding of probable cause. The way I interpret that is, if an officer in the field had probable cause that a crime was committed or was about to be committed, then the officer can take appropriate action based on probable cause. I wanted to make that clear as well.

**Assemblywoman Tolles:**

What I am hearing is the LVMPD is already doing this. I am curious about the other jurisdictions across the state.

**Chuck Callaway:**

I know Mr. Spratley, who represents Nevada Sheriffs' and Chiefs' Association, is at a meeting in Tonopah today so he could not be here. I certainly do not want to speak for all the rural areas. I am not familiar with how the other 16 counties do business. I believe, based on my conversations with Washoe County, they have a similar process to ours. They do not utilize 287(g), but I believe they have an ICE representative at the Washoe County Jail. Again, I do not want to speak for them and say something that is inaccurate.

As I said in the beginning, I believe the way this bill is written, it will not change how LVMPD operates. We will continue to do business as we always have, even with this bill.

**Assemblyman Flores:**

I am working alongside law enforcement with this bill. There is a question as to what exactly is happening as a practice on the streets. All stakeholders may not agree as to exactly what is happening, but through this bill, we are trying to ensure that we are all on the same page. Law enforcement, specifically LVMPD, has consistently said this is their practice. However, I think there has been some pushback from the community as to whether that is exactly the way it is happening. Through this bill, we are trying to solidify some of that.

**Chairman Yeager:**

In the interest of time and the fact that we have a lot of folks here, I am going to hold any other questions. Members, if you have questions, please talk to Assemblyman Flores or Director Callaway off-line. I will open the hearing for testimony in support of A.B. 281. We will have a two-minute limit on the testimony. We will start in Carson City and then we will move to Las Vegas.

**Mike Ramirez, Director, Government Affairs, Las Vegas Police Protective Association Metro, Inc.; and representing Nevada Law Enforcement Coalition:**

To reiterate from the men and women on the street, our job, as Director Callaway said, is if they commit a crime, we take them to jail. We do not enforce any ICE laws until they are detained and that process takes place. Out on the streets, for our officers daily, our practice is, if there is a crime or a reason we stopped them, we have to take them to jail; it is not because they are undocumented. We are in support of this bill.

**Brian McAnallen, representing City of North Las Vegas:**

We support A.B. 281. This would statutorily put it into our existing policies and procedures. We appreciate Assemblyman Flores bringing this forward. It is good that he is trying to get all law enforcement working together and heading in the same direction.

**Maureen Kilkenny, Immigration Team Leader, Indivisible Northern Nevada:**

Today I speak on behalf of over 1,700 active members of Indivisible Northern Nevada, which is a nonpartisan, fair democracy group.

Humanity, fairness, public harmony, economic growth, and trust in the law are as important to us as public safety and homeland security. However, the former are arguably more important because fairness and trust make safety and security so much easier to achieve. Our belief that implementing A.B. 281 in Nevada would enable trust and, thus, improve safety and security is based on the experiences broadcast by police across our country.

I am going to quote a police chief magazine article written by the International Association of Chiefs of Police. "Local police agencies depend on the cooperation of immigrants, legal and otherwise in solving all sorts of crimes and in the maintenance of public order. But without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families." That is a quote ([Exhibit G](#)).

It looks to us like A.B. 281 offers some of the assurances necessary for cooperation, safety, and security. That is one reason why A.B. 281 deserves broad-based support. We applaud law enforcement professionals in Nevada and commit to helping them benefit from supporting A.B. 281, and we applaud the Washoe County Sheriff's policy with respect to how they handle the ICE detainers. We deplore racial profiling and universal detention for deportation only. We applaud LVMPD. They were cited in 2010 as exemplary for their well-targeted implementation of the 287(g) memorandum of agreement. We will applaud the Nevada State Legislature for implementing A.B. 281.

**Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada:**

We want to thank the bill sponsor, Assemblyman Flores, for bringing this policy forward. We appreciate the cooperative work from the stakeholders and ask you to vote yes on A.B. 281.

**Michael Kagan, Private Citizen, Las Vegas, Nevada:**

I am a professor of law at the William S. Boyd School of Law, University of Nevada, Las Vegas (UNLV) and, most importantly for today, the director of the UNLV Immigration Clinic. I am very happy to be here in support of A.B. 281. It bears directly on issues that we face daily in our clinic.

In Clark County in fiscal year 2018, more than 80 percent of the people arrested by ICE were handed over by local police, not directly arrested by ICE. It is also important to understand that in this state, almost one in five children have an undocumented immigrant parent at home. Since September 1, 2018, our clinic has received calls for assistance from people detained by ICE after being handed over by local police. Their criminal history has included the following: unpaid traffic tickets and bench warrants; driving with invalid insurance and a bench warrant; driving without a license; loitering and trespass; and, in some cases, charges that were dropped. Nevertheless, these people were handed over to ICE. These are minor charges and they are not a reason to rob a child of his mother or father.

Legally, nothing mandates the police turning people over to ICE, especially not people without serious criminal records. In fact, our constitutional system asks that each state decide independently what makes sense for its people. Our immigration laws allow that as well.

For that reason, it is very heartening to see that we are moving toward a Nevada solution to this that is developed with the cooperation of law enforcement, and their engagement is especially welcome here.

I have to say there are important cautions. I cannot say that I could explain to anyone why 287(g) programs benefit our communities. Many police forces and cities that achieve lower crime rates than our cities seem to do well without these agreements. The law enforcement

benefits are nebulous and the downsides are clear. They give the entire immigrant community, including children, including people who may need to call 9-1-1, a reason to mistrust the police. But despite that reservation, I do not want to take away from what can be accomplished here.

The cooperation has been shown in putting this bill forward, and the support demonstrated today would be a tremendous step forward for our state in setting a Nevada solution to a vexing problem.

**Maria Nieto, Civic Engagement Coordinator, Mi Familia Vota:**

We want to thank the bill sponsor, Assemblyman Flores, for bringing this policy forward. We also want to urge the Committee to vote yes on A.B. 281, for it is a great example of law enforcement and the state working together.

**Jose Rivera, representing Nevada Hispanic Legislative Caucus:**

On behalf of the Nevada Hispanic Legislative Caucus, we are in support of this bill. This is a great example of the state working with law enforcement to build community confidence.

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

Domestic and sexual violence are about the coercive use of power. In a situation where the victim is also an immigrant not of solid status, her abuser can always threaten to call law enforcement and have her deported. Similarly, she may suffer battery, but may not feel she can call law enforcement for fear of deportation. People have a right to safety without that fear. We support A.B. 281.

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

We agree with the statements made by Professor Kagan of the UNLV Immigration Clinic. We would like to add that we think this bill codifies what the law already requires law enforcement to do. For these reasons, we support the bill.

**Autumn Zemke, Private Citizen, Carson City, Nevada:**

I urge my fellow Nevadans to rise above preconceived ideas and allow our Nevada law enforcement to do their jobs to keep our communities safe regardless of residency. For this reason, I urge you to support A.B. 281.

**Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition:**

I am a law professor and a Latino community leader. I am here to testify in support of A.B. 281. As a community leader, I have had people knock on my door in the middle of the night in desperation, not knowing where their loved ones are. This bill will promote greater transparency. The balance that it strikes with law enforcement and the needs of our community to know where our loved ones are is essential and should be supported by this Committee.

**Aaron Ibarra, Private Citizen, Las Vegas, Nevada:**

I am the program assistant for the Student Diversity & Social Justice Department, University of Nevada, Las Vegas. I want to thank Assemblyman Flores for bringing this policy forward, and we appreciate the collaborative effort with law enforcement and other stakeholders on this item. We ask that you vote yes on A.B. 281.

**Cecia Alvarado, State Director, Mi Familia Vota:**

I am here on behalf of my community to fully support A.B. 281. I want to thank the sponsor, Assemblyman Flores, for bringing this policy forward. We appreciate the collaborative work of the stakeholders and ask you to vote yes on A.B. 281.

**James Sullivan, representing Culinary Workers Union Local 226:**

We agree with Assemblyman Flores and our partners at Progressive Leadership Alliance of Nevada that this bill would be a step in the right direction for our community, and we fully support it.

**Chairman Yeager:**

Is there any further testimony in support of A.B. 281? [There was none.] I want to let the audience know we are going to take opposition testimony until 11 a.m., so we have 40 minutes for opposition testimony. I am going to limit speakers to two minutes. We are going to get as far as we can get, but it is perfectly okay to come to the table and say you are opposed. Before we do that, I want to ask anyone here in Carson City and in Las Vegas to stand. I want to make sure we have at least a visual on the cameras in case folks are not able to speak. I will note that we have overflow rooms as well so there might be additional people, but I least want to have that on the record. We will start in Carson City.

**Barry Penzel, Private Citizen, Minden, Nevada:**

I am the chair of the Douglas County Board of County Commissioners. I have been in Douglas County for 29 years. I am here as a private citizen and I am not speaking for the commission. Thank you for holding this hearing. I appreciate the bill sponsor clarifying the issue of sanctuary state, but this bill is a camel's-nose-under-the-tent bill to protect undocumented immigrants.

As for the bill before you, A.B. 281, I am opposed to any action that conveys or allows illegal immigrants from any country to be allowed the rights of U.S. citizens. Undocumented immigrants from any country should not be protected. Why should the Nevada Legislature see it necessary to pass legislation or any law protecting undocumented immigrants? I am saying illegal immigrants can be violent criminals. We in Douglas County have suffered murders by a violent, illegal immigrant. Our citizens were rightfully scared for their safety. If you support this bill, how would you justify to your constituents the murders of your citizens?

Thankfully, our sheriff and his deputies immediately reacted with the Carson City and Washoe County Sheriff's Offices and arrested the murderer in approximately ten days. The undocumented perpetrator would have been released, in my opinion, had the undocumented perpetrator not been on an ICE hold, as I understand he was. This undocumented perpetrator would have been released back into the three counties he terrorized.

Assembly Bill 281 has an exceptionally high public safety impact. This bill should not move forward because of a political party or sympathy to other states. Instead of incrementally protecting undocumented immigrants, we should be seeking measures that make them documented and legal citizens. This bill should be voted down to help protect the legal citizens of Nevada.

**Chairman Yeager:**

I will remind audience members that this is not a live audience show, so no clapping and no outbursts. If you continue to do that, we will ask you to leave. I do not want to have to ask anyone to leave. We need to keep the decorum appropriate for this legislative body.

**Anthony K. Magnotta, Private Citizen, Minden, Nevada:**

I want to testify against this. I have an elderly mother-in-law who was huddled in the corner of her apartment when the people in Gardnerville were killed by an illegal. Every one of you have to look at yourselves in the mirror. Like in California, eight times an illegal was arrested and released. He broke into someone's house and kicked someone to death with the heel of his foot. Every one of us here and in Nevada have to worry about that. That blood will be on everyone's hands. We should not allow this to be a sanctuary state.

**Maurice White, Private Citizen, Carson City, Nevada:**

I ask you, what is your job in this building? Your job is to find ways to make us safer. This bill does not do that, specifically because it requires a police officer to ignore an ongoing criminal activity. Being undocumented is a criminal activity and should be addressed. Secondly, what this bill does is, it circumvents everyone's right to a speedy trial. When you allow a criminal to roam the streets without addressing their activity, that hangs over their head day after day after day instead of being resolved.

I do have one question. On lines 34 and 35 of the bill, where it says an officer can detain someone under this circumstance for which there is a decision made "by a neutral and independent adjudicator," could someone define that for me? First of all, how do you get that on the street during a field interview? Secondly, what is a "neutral and independent adjudicator"? If you could define that for me, I would appreciate it.

**David King, Private Citizen, Gardnerville, Nevada:**

I am opposed to A.B. 281. I heard Assemblyman Flores talk about how they should have rights as any other human being. That is true. But in the United States, the *Constitution* dictates what kind of human being has rights. That is citizenship. That is the core of my opposition. Martin Luther King's name was mentioned in a verdict. He was a citizen. It looks like we have gone from citizen rights to human rights. While I have compassion for

human rights, compassion costs money. What do I mean by that? When you are compassionate or passionate about a bill and represent that bill, that costs money. Where does that money come from? Now these are just questions that I will ask and if you can answer them fine, I know I have two minutes. In the state of Nevada, are we so overwhelmed with an abundance of money that we can afford to give undocumented—not illegal—undocumented human beings the same equal rights as the citizens of Nevada to the state benefits of unemployment, Medicaid, and Social Security Insurance? I am not worried about the law system. We really do not have much to say about that. If I am stopped as a citizen, if I do not have a license or if I am drunk, guess where I am going? I am going to prison. Once I get there, will undocumented people have the same rights to Nevada's criminal justice system, also voting rights?

**Chairman Yeager:**

We are right at two minutes.

**David King:**

Then I will say this: Today we have Developmental Disabilities Day and Vietnam Veterans Day. I have a son, so I will go to that one, and I am a Vietnam veteran. I had to make a choice to leave my son to come here because he is a citizen of Nevada. That is what I am asking. Do Nevada citizens have the same rights as undocumented people or noncitizens?

**Robert Auer, Private Citizen, Reno, Nevada:**

I am a retired public lawyer in the state of Nevada for 31 years representing state and local governments. My last eight years, I was the district attorney in Lyon County. In my opinion, A.B. 281 is a bad bill for the citizens of Nevada. I am going to make four quick points to support my opinion.

1. Assembly Bill 281 may violate the Supremacy Clause of the *United States Constitution*. The ICE detainer form referenced in the bill, I-247D, now includes check boxes for a warrant for arrest and a warrant for detention. If there is a jailer who is looking at that form versus Nevada law, now the jailer has to pick and choose which law, federal or state, that person is going to abide by.
2. The fiscal note indicates that A.B. 281 will have no impact on state or local government. In my opinion, that is false. The federal government has regulations now in place that could cut off federal grant monies to Nevada if the bill is passed. Important federal assistance for matters such as domestic violence resources under the Violence Against Women Act or other federal grant programs for law enforcement may be withheld or reduced. If the federal tax money to Nevada is reduced, it will need to be replaced with state tax money. That means higher taxes.

3. If A.B. 281 is passed, you jeopardize the rule of law when you set a precedent selectively picking and choosing the federal laws Nevada will abide by. You encourage your counties, cities, and local municipalities to do the same. Cities and counties are currently using that tactic against your recently enacted gun restrictions. Soon there will be no uniform rules of society, and then we have chaos.

**Chairman Yeager:**

You are right at two minutes, sir.

**Robert Auer:**

Thank you. The other point that was made before was on the safety of Nevada citizens. If an illegal person is released and not detained, if they harm my family member, I will seek accountability. I will seek justice.

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

People who come into the United States illegally have broken the law, plain and simple. Without the enforcement of our laws, we are a dysfunctional state and union. The government's primary duty is the safety and protection of its citizens. This bill will put Nevadans at risk of being victims of crime.

In January, not more than a mile or so from my home in Gardnerville, two women were killed by an illegal immigrant. I was scared. Part of the reason I was scared is because I was away at the time, and my wife was home alone. I called her every day to find out what was going on. I was very concerned.

Then there is the murder of Fiji immigrant and police officer Ronil Singh in California earlier in the year by an undocumented immigrant who was a known member of the Sureños gang with previous arrests in the United States. This murder may have been avoided if our federal immigration authorities, in conjunction with local law enforcement, were given the freedom to do their jobs.

Current Kern County sheriff, Donny Youngblood, whose officers arrested Singh's killer, had this to say, "When you tie our hands and do not allow us to work with our federal partners and communicate with them about people who commit crimes and who are in this country illegally, we are going to have incidents like this, not just on police officers, but on the public that we serve and protect."

Moving to another topic, this bill, if passed, will encourage more undocumented immigrants to move into the state. We are going to see overcrowding in our schools, which will jeopardize the quality of our education for Nevada's youth. Personally, that is not fair to them. I urge you all to please side on safety for Nevada residents and say no to this bill. [Also submitted was written testimony ([Exhibit H](#)).]



**Bliss Requa-Trautz, Director, Arriba Las Vegas Worker Center:**

I am here to testify in opposition to this bill, as I feel that it does not go far enough in protecting our community. The members of Arriba Las Vegas Worker Center and the Las Vegas community in general are deeply impacted by the issues this bill begins to address. While A.B. 281 is an important start to a discussion that must be had, this bill falls far short of the actions needed to address the deep issues of community fear, family separation, and the dangerous convergence of local law enforcement and ICE.

Studies consistently show that when law enforcement knowingly works with ICE, community safety suffers. In 2012, a national study showed that 44 percent of Latinos of any immigration status were less likely to report crimes of which they were a victim. A 2018 study focused on undocumented community members showed that they are 60 percent less likely to report crimes they witnessed and 43 percent less likely to report crimes they are victims of. These statistics do not bode well for community safety.

In my comments today, I would like to call on this Committee and the Legislature to amend the bill as written to specifically strike out references to 287(g) or any other nonmandatory enforcement program. These programs serve only to drain local resources, complicate and confuse the agencies that manage them, and create additional barriers for local families who seek to feel safe in their community.

Recent data obtained from the City of Las Vegas, Department of Public Safety, shows the City of Las Vegas staff have had a direct hand in the deportation proceedings of more than 1,600 Nevadans since 2017—this at the cost of more than \$200,000 to the taxpayers of Las Vegas. These costs are in relation to detaining individuals for up to 48 hours on detainers waiting for ICE to take custody.

**Chairman Yeager:**

We are at two minutes. If you have additional testimony, please submit it to our committee secretary. [No testimony was submitted.]

**Leo Murrieta, Director, Make the Road Nevada:**

I am here in opposition to A.B. 281 because it does not go far enough and our community deserves better. For the last ten years, our local law enforcement has been cooperating with ICE, in effect terrorizing and separating families in our community. We implore our local police department to lead like other police departments across the country that have eliminated 287(g) agreements and begin to truly build trust, protect, and truly serve all of us.

Because of 287(g), we have hardworking families who contribute to our state who fear local law enforcement. Section 287(g) of the Immigration and Nationality Act does not make our communities safer because victims of crime do not come forward in fear that they can be detained by ICE.

The LVMPD has assisted in the deportation of over 1,600 community members, most of them for minor offenses such as traffic violations. All immigrants in our community deserve to be treated with respect and dignity. We implore that the bill sponsor specifically amend A.B. 281 to strike out reference to 287(g) or any other nonmandatory enforcement programs.

I would also like to point out on the record that there is an individual in this hearing holding up a sign that says "Stop the Illegal Invasion." This is another intimidation tactic that is being allowed to run rampant in this hearing, as was previously done before in this body.

**Mack Miller, Private Citizen, Las Vegas, Nevada:**

I am here today specifically representing, as an advocate, two legal immigrant citizens of Las Vegas. A number of years ago, the daughter of this woman was attempting to become a legal citizen and come to this country. It took them four years of endless paperwork, denials, and back-and-forths for them to come to this country legally. They followed the law accordingly and each time they were denied. Finally, not only this woman but also her daughter, became legal in this country and gained legal acceptance into this country.

That young girl grew into a wonderful young lady, and she is 9 years old. At a local school she is in a gifted and talented education program making straight A's. She had the pleasure of speaking in her native tongue of Mandarin Chinese and singing to open the Chinese New Year ceremonies in front of our Governor. The Governor actually took pictures with her.

These are the examples that we want to encourage in legal immigration for this country and this state. That woman and that little girl, who is my daughter, came to this country legally. This is a picture of my daughter and me holding an American flag. We would like all immigrants to come legally, and we do not object to that. That is what this nation is about, but we want them to follow the law, as my family followed the law, as my daughter was required to follow the law, and she is an upstanding citizen.

If this bill changes nothing, as I have heard many say, then why waste your time and our tax dollars in introducing the bill?

**Chairman Yeager:**

You are at two minutes.

**Mack Miller:**

I am opposing A.B. 281.

**Darlene Wheeler, Private Citizen, Gardnerville, Nevada:**

I would like to oppose A.B. 281. I think this is an outrageous attempt to put unlawfully entered individuals under protection of law enforcement that, as a citizen, I cannot enjoy. Your proposal will put any person who has chosen to ignore and flaunt our laws of immigration to be sheltered from the justice system by your refusal to notify ICE of their crimes. You are also ignoring the crisis of the homeless population, who need housing and health care, and honorable veterans in favor of providing services to these noncitizens.

Let us never forget the recent murders of four local, innocent citizens who would be alive today were it not for Martinez-Guzman, an illegal immigrant. The argument that illegal immigrants commit fewer crimes than American citizens is a disgusting narrative. These crimes would never have happened if these people were not here. The facts, according to the FBI report, is that between 2005 and 2008 there were 67,000 murders in the United States, with illegals committing 25,000, almost half. Reportedly, they are three times more likely to commit crimes than legal residents. Homeland Security estimates the cost for housing convicted illegals in our prisons is \$19 million a day; the daily cost, reported as of yesterday, was over \$341 million; the crossings for 2019 at \$186,000; the cost this year at \$64.462 billion; and estimates of illegals in the United States are \$26 million. This is only for what we know are here.

The Department of Homeland Security reported that on March 19 there were almost 4,000 immigrants entering in one day. Taxpayers of this state and this nation should not have to support these individuals. Our country has benefited from immigrants, but legal immigration is a must. These individuals are cutting in line.

**Chairman Yeager:**

We are at two minutes. Please provide the rest of your comments to the committee secretary. [No written testimony was submitted.]

**James DeGraffenreid, Vice Chair, Nevada Republican Party; and Chairman, Douglas County Republican Party:**

Our party platform supports the enforcement of our immigration laws because a nation without borders is not a nation at all. Deliberately ignoring established immigration law raises serious legal and public safety issues. While not a full sanctuary bill, A.B. 281 is still unconstitutional. The language in section 1, subsection 1 specifically states that Nevada law enforcement will refuse to cooperate with enforcement of certain crimes, even if based on a hold request. This violates federal supremacy. This body does not have authority to direct Nevada law enforcement to disregard their oath of office.

This bill is also a public safety issue. I live in Gardnerville, less than a mile from two of the victims recently murdered in their homes by a killer who was living and working in Nevada illegally. To directly address the example that was given in the presentation of this bill, it is instructive that this killer was first arrested and held on immigration charges. If A.B. 281 had been in effect, would law enforcement right here in Carson City have been required to leave this killer on the street any longer? In that case, who knows how many other Nevadans might have lost their lives.

If enforcing our immigration laws saves just one life, then is it not worth it to do what is right and legal and follow our laws? You can see the level of opposition here today. On your own website, there are nearly 1,000 opinions filed in opposition to this bill and only a couple of dozen opinions in favor. I ask you to honor the wishes of your constituents, your own oath of office, and vote no on A.B. 281.

**Anita Trone, representing Nevada Federation of Republican Women:**

The Nevada Federation of Republican Women is a statewide organization with 1,150 members. We recently took a vote to ask our Nevada legislators of both parties to oppose A.B. 281. Nevada already has one of the highest proportions of illegal immigrants of any U.S. state. If you pass this bill, we will become a magnet for many more. The cost of providing education, health care, and other services is already staggering—in excess of \$630 million. That is a statistic from 2008, so I am sure it is much higher now.

Federal law is supreme in the matters of immigration and naturalization and should be obeyed by all the states. We strongly support cooperation of all state and local law enforcement agencies with federal immigration authorities at all times to keep Nevada families safe. We are reminded of Kate Steinle, who was murdered in 2015 in San Francisco by a many-times deported illegal. An illegal has been charged with the murders of two people in Gardnerville and two people in Reno, right here in our own community. As our elected legislators, your prime responsibility is to protect Nevada families, citizens, and taxpayers.

The Nevada Federation of Republican Women respectfully implores you to vote no on A.B. 281 and keep Nevada families from preventable and devastating tragedies.

**Amy Tarkanian, Private Citizen, Las Vegas, Nevada:**

I will echo the comments from Mr. DeGraffenreid and Ms. Trone. I would also advise you to vote against A.B. 281. I am going to be relocating my family of six because of the overcrowded schools and because of the violence that has escalated. My mother-in-law, Mayor Pro Tem Lois Tarkanian, is advised on a regular basis about the gang situation, and it is increasing. The MS-13 gang has been a major problem in Las Vegas, which consists primarily of illegals from El Salvador. We will be relocating to Gardnerville for the next school year. I pray I am not making the wrong choice by not relocating my entire family to a different state altogether.

**Jesus Marquez, Private Citizen, Las Vegas, Nevada:**

I am a local Hispanic community organizer and a Spanish radio talk show host. We have over 50,000 listeners per week. People in Nevada, including a third of whom are Latinos like myself, deserve the best protection from our local law enforcement agencies. It is in our best interests that our local law enforcement is allowed to do their job, which is to protect our communities to the best of their ability. If passed, A.B. 281 will effectively diminish that ability by prohibiting local law enforcement agencies to cooperate with federal agencies when it comes to dealing with certain criminals. Assembly Bill 281 will restrict our local law enforcement to do their jobs to the best of their ability.

Section 1, subsection 1 states, "No state or local law enforcement agency, school police unit or campus police department shall detain a person on the basis of a hold request." The "hold request" is where the problem resides. This law, if passed, will make it impossible for our two main law enforcement factions to cooperate on serving their most important purpose, which is to protect our communities and the people of Nevada, especially Latinos, who are the most likely to be victimized by these criminals.

We know not all undocumented immigrants are criminals, but we are only talking about the ones who are. This bill, besides representing a danger to our communities, will also put significant federal grants and funding at risk. Funding that was destined to our state and that our communities desperately need may now be jeopardized. I will ask you to please vote no on A.B. 281.

**Mary Rooney, representing NevadansCAN:**

I am representing an organization called NevadansCAN. The primary responsibility of law enforcement is to protect our communities and keep them safe. I am opposed to A.B. 281 because it does not promote the general welfare and common good. In fact, it does just the opposite. It elevates the perceived rights of lawbreakers and criminals above the rights of American citizens. It is bad enough to be the victim of a crime, but it is ludicrous and cruel to be the victim of a crime perpetrated by someone who has no right to be in our country. Someone who, had our laws been fairly administered and followed according to appropriate priorities, would not be here, rendering the crime avoidable. What society, in its right mind, allows avoidable crimes to occur?

Furthermore, this bill propagates within our state a growing population of individuals who, at best, ignore our laws, and at worst, flagrantly violate them. Lest anyone feel the motives of those who oppose this bill are anti-immigrant, let me set the record straight. My mother was an immigrant from Italy. She moved here after World War II when she married my father. My deceased husband was an immigrant from Ireland. I love immigrants. However, they came here after fulfilling a very arduous screening process and they never cost the American taxpayer one dime. That is immigration. What is happening in our country today is anything but. [Written testimony was also submitted ([Exhibit I](#)).]

**James Hindle, Private Citizen, Storey County, Nevada:**

I recommend you do not pass A.B. 281. If this bill will not change how LVMPD conducts their business, why are we here, unless it is to impose a LVMPD practice on all other law enforcement agencies across the state, regardless of their will and their needs? In effect, if this bill is passed, it codifies in state law that breaking federal immigration law is not probable cause for detention. This is a dangerous precedent to set. Uphold the rule of law and oppose this bill.

**Gary DeHart, Private Citizen, Gardnerville, Nevada:**

I noticed when I was researching this bill that it has 5 sponsors, 7 cosponsors and 1 chair, 13 in all. Hopefully, that does not prove to be unlucky for Nevadans. I noticed you all have two things in common—100 percent Democratic representation; 100 percent representation from just Clark County, 1 of 16 counties. The genesis of this bill going forward, we need to know that it enjoys neither bipartisan support nor does it represent all of Nevada.

The other thing I would like to point out is a simple tool that every good business and every good government should run. That is a cost-benefit analysis. I believe the cost of this bill greatly outweighs any possible benefits that have been pointed out. The first cost I see is you are sending a message, loud and clear, that crime now does pay in Nevada. It is going to cause further deterioration of law and order in our state and put our people at risk.

Another thing I would like to point out is the overcrowding in the schools and the hospitals being overburdened. The Center for Immigration Studies has a recent study saying the average net cost of an illegal immigrant living in our country is a negative \$65,000 each. That is the cost of any taxes they may pay versus the cost of the services they incur. This is a further tax burden on people.

For the last cost, you cannot put a price on it and it has been mentioned several times before. Being from Gardnerville, I also experienced the horror of having a murderer kill innocent women who were home alone. You cannot put a cost on that. Anything that furthers additional illegal immigration coming into our state, I think, puts the citizens of Nevada at further risk.

**Rex Reed, Private Citizen, Dayton, Nevada:**

I retired from the Nevada Department of Corrections, where I spent 14 years. In my capacity there, I dealt with thousands of ICE holds. As I read this bill, I just want to echo what was said before and expand upon it. It is confusing for someone who was in my position who had to deal with ICE holds. When you read the first section of the bill, it sounds like if I had an inmate—and I am also thinking in terms of jailers who have to deal with this—and he served his sentence and I have no other probable cause to hold him, even though I know he or she is a bad person, I have to let them go. That is how I read this bill, even though there is section 2. Again, it would be confusing to people in my position. Anytime there are confusing laws on the books, I think it is bad. I am opposed to the way it is written right now. If they can clear up that confusion, it would help a lot.

If I did not let an inmate go and held him, I would be afraid they might turn around and sue me. Whether they would win or not is a whole different issue. I would have to go through the inconvenience of going to court and defending myself because I would be sued individually.

**Pauline Lee, Private Citizen, Las Vegas, Nevada:**

I am the president of the Nevada Republican Club, which is the largest Republican club here in Nevada. I am also an attorney, licensed in three states: California, Texas, and Nevada. I am here to oppose A.B. 281, which actively prohibits local law enforcement from detaining a person based on a federal hold request. Assembly Bill 281 violates the Supremacy Clause in Article IV of the *United States Constitution*, which gives the federal government priority in any case where state laws hinder legislation passed by Congress as enforced by the President.

Assembly Bill 281 violates the Supremacy Clause by barring the federal government's ability to enforce federal immigration laws. The bill violates immigration laws which are within the exclusive purview of the federal government.

The U.S. Supreme Court has consistently upheld the Supremacy Clause. In fact, most recently, in 2012 in the case of *Arizona v. United States* 567 U.S. 387, 132 S. Ct. 2492 (2012), the U.S. Supreme Court held an Arizona strict immigration state rule was deemed unconstitutional because it violated federal rules on immigration. Similarly, in this particular case, A.B. 281 attempts to restrict federal law enforcement of immigration by banning local law officers from cooperating with federal officials.

Such a conflict between the laws will only result in a resolution that will only be determined in the courts, thus, creating costly attorney fees and serious risk to our personal and national security.

With respect to the bill itself, there is a lot of confusion as to what constitutes an independent finding of probable cause. Section 1, subsection 3, paragraph (e) states, "Independent finding of probable cause," yet right under that it actually allows a clear and convincing standard.

**Chairman Yeager:**

We are at the two minutes. I will ask that you leave any written comments with the committee secretary. [Written testimony was also submitted ([Exhibit J](#)).]

**John Hermeler, Private Citizen, Las Vegas, Nevada:**

I oppose this bill. What about the diseases, homeless, hospitals, rate times, cost, needles on the streets, human waste, property devaluation, crime. Caroline Mello Roberson, state director of NARAL [National Association of the Repeal of Abortion Laws], wrote in her testimony in support of Assembly Bill 248, "AB 248 provides important protections for survivors to ensure that repeated offenders are held accountable." I also want protection for survivors and to ensure that repeated offenders are held accountable. If they are illegal, I want ICE to be informed. Is this not what we all want? Protection and justice for all of us.

We know that there are too many repeat offenders who are let go where a judge denies bond and will not inform ICE and sets them free to take another life. For example, we all know about the 19-year-old immigrant who was charged with four murders and who is now in Carson City. Are we going to let him go free? Sabrina Starr, 21: the Middlesex County jail

would not honor the ICE immigration hold. The individual killer was on a speaker phone during the shooting with an accomplice. That individual could hear the victims begging for their lives. How would you react if this happened to your loved ones? Please let us know. Will this bill deny a judge from informing ICE, prevent police from contacting ICE, or prevent sheriffs from contacting ICE? What about MS-13? Are we going to let them free? Please tell us the truth.

This also violates federal law. Caroline Mello Roberson wants compensation for innocent victims and so do we. We all want justice for senseless murders. Are illegal immigrants more important than Americans? Please answer that. [Also submitted was written testimony ([Exhibit K](#)).]

**Cameron Taylor, Private Citizen, North Las Vegas, Nevada:**

I am an immigrant from South Africa, so I speak as an immigrant here. I stand opposed to A.B. 281. Every one of you in this room took the constitutional oath of office when you were sworn in. The oath says that you have sworn to defend the *Constitution* against all enemies, foreign and domestic. You took this oath to the American citizens and the legal residents of Nevada, not to those who are here illegally.

The bill before you not only violates your oath of office to the American citizens and legal residents, but it also violates federal law and puts the American people in jeopardy by having illegal criminal aliens running loose with no fear of reciprocity. This is unacceptable and it is immoral and evil.

Speaking as a legal resident of this country and living in this state, my right to a state free of criminal elements overrides the right of that criminal element to live in it when they have violated its statutes. To place the safety of those who have lived by the rules in danger by protecting those that have not lived by the rules violates every sense of moral common decency and opens the state of Nevada to future lawsuits brought by those whom you have sworn to protect but failed to, and due to that, became a victim of a crime perpetrated by those who were not turned over by our local police department.

The American citizens' and legal residents' safety should always be the first priority, not the person who is here illegally. On behalf of We The People, I stand against this bill and I urge the legislators to do so also.

**Julie Moore, Private Citizen, Gardnerville, Nevada:**

I oppose A.B. 281. I echo the comments from Mr. DeGraffenreid earlier. I, too, live in Gardnerville where I do community outreach in the Gardnerville Ranchos, as well as have good friends who live there. It is unconscionable to push this bill so soon after an undocumented immigrant from El Salvador was arrested on suspicion of murdering four Nevadans in Reno and Gardnerville. The two elderly women who were murdered in the Ranchos were my neighbors. I have friends in the Ranchos who feared for their lives for eight days until this man was arrested. We just found out last week that this undocumented immigrant committed the murders for methamphetamine.



These horrific crimes are exactly why we cannot allow Nevada to become a sanctuary state for undocumented immigrants. We must keep Nevada safe for our citizens. I want to continue to be able to do outreach in Douglas County without fearing for my life. Thank you for voting no on A.B. 281.

**Judy Pierce, Private Citizen, Gardnerville, Nevada:**

I am a 30-year resident of the Gardnerville Ranchos. I find this bill to be an insult to the residents of the Gardnerville Ranchos and to the legal citizens of the state of Nevada in general. The bill aids and/or defends illegal immigrants and ignores the protection of legal citizens. Members of this body were elected to represent us as legal citizens of this state. As the body that represents us, I urge you to vote no on this bill to support the citizens who elected you.

**David Corrao, Private Citizen, Reno, Nevada:**

As a veteran and a member of the majority—yes, the majority—of Nevadans, we find this proposed Assembly bill not only offensive, but deplorable to commonsense thinking. I, me, the majority, oppose A.B. 281. I, me, the majority find it hard to understand and/or accept any proposal of this capacity to destroy our values, bankrupt our state's economy, overburden our educational system, inundate our health care system, and, overall, destroy our way of life.

Just exactly what part of illegal do the authors, supporters, and sponsors of this bill not understand? I, me, the majority are sick and tired of those who preach love and tolerance, welcome illegals, decry no borders, yet hate everyone with a different view. They are never concerned with the outcome, only appearances. This type of thinking has not given a second thought to the intended or unintended consequences of turning Nevada into a dark state so vividly displayed in the movie *Star Wars*.

I, me, the majority have thought about some of these consequences. What happens when you take a beautiful state with plentiful natural resources, with a large business sector and thriving art and entertainment scene, and pass irresponsible legislation? Whether by intent or incompetence, the state and the cities decay into a wasteland of homelessness, drug addiction, health concerns, and crime, most of which goes unpunished and only serves to perpetuate and grow the problem.

This Assembly bill is about everyone else. It is about legal citizens who do not feel safe taking their families into the downtown area. It is about parents who will not take their children into the public parks they pay for. It is about filth and degradation all around us, theft, crime, and it is about overcrowded schools and their inability to teach non-English speaking illegals and about overcrowding emergencies. [Also submitted was written testimony ([Exhibit L](#)).]

**Chairman Yeager:**

Just so everyone knows, I am going to take the three in Las Vegas and the two here in Carson City and that is going to be it for opposition testimony. We will take the two here in Carson City first and then we will go to Las Vegas.

**Michael Corona, Private Citizen, Gardnerville, Nevada:**

I oppose A.B. 281, first and foremost because it is a violation of the *U.S. Constitution*. I would like to present some statistics. Over the last two years, there have been over 4,000 Americans killed by illegal immigrants. That is five Americans every single day. Twenty-six percent of all prisoners are illegal. That is one in four who are not supposed to be here overloading our already burdened judicial system and jails. This also contributes to the \$33 billion annually taking care of 26 million illegals already here. That is a burden on taxpayer money.

I feel A.B. 281 is a slap in the face to all those who have lost their lives, their loved ones, and the American taxpayers.

**Guy Pearson, Private Citizen, Gardnerville, Nevada:**

About three months ago, I moved from southern California. I am probably the only one here from a sanctuary state. I was born and raised in California. Since California became a sanctuary state, I watched what it had become in two years. I probably lost about \$35,000 value off my home, which I just sold recently. I still have another home there, but I am a resident here.

They said that we had a homeless problem in California. It was not a homeless problem; it was an immigration problem. I saw our schools and parks go from safe places where kids used to be able to play to places where parents would not let their children walk near because of the illegal immigrants.

The economic drain on our cities and our state were so vast that our classrooms went from probably 28 kids to 38 kids overnight. I did not feel safe in my home anymore. I would wake up in the morning and find people sleeping on my front lawn under a tree. I lived about 15 miles east of downtown Los Angeles.

What this bill is going to do to this state, not just economically, but the safety will deteriorate so quickly that there will be no turning back. That is why I ran from California. In two short years all this happened.

**Chairman Yeager:**

We are at the two-minute mark. We will go back to Las Vegas for further testimony.

**Constanza Areizaga, Private Citizen, Las Vegas, Nevada:**

I am a native Las Vegan. My father and my husband are from Mexico City. They are legal citizens. I am very strongly opposed to A.B. 281. As a homeowner, a business owner, and a taxpayer, passing A.B. 281 to make Nevada a sanctuary state will subject lawful citizens to a higher crime rate and strongly deteriorate our Nevada and Las Vegas. We are in much need of ICE and the Las Vegas Metropolitan Police Department working together to enforce laws to make our country safer as a nation.

Nevada has already suffered greatly with illegal immigration that has been gaining popularity. Basically, undocumented immigrant means illegal. As a business owner, I document everyone legally and make sure they are able to pay taxes. It is a little upsetting when we are making allowances for people to be protected and considering Nevada being a sanctuary for people to continue breaking laws and not paying taxes.

**Gabrielle Clark, Private Citizen, Las Vegas, Nevada:**

I represent the poor people in this city. I do not understand why we are even having this conversation, but I am going to tell you like this. I am a homeless, disabled, widowed mother of five. I have not seen one of my sons for an entire year because an illegal alien opened up a crack house next door to my house. When my son got on drugs, and I was calling the police all the time, they were just standing outside chilling, and the police could not do anything about it because they were not doing anything wrong, so to speak. You should be able to do whatever it takes to get these criminals out of here with no kind of exceptions. Until my kids and I are stable, sleeping in beds, and have medical care, you should not give any kind of protection to any illegal alien at all, period. It is a federal law. If I break a federal law in front of a law enforcement officer anywhere in this nation, I will go to prison, and they should too. Then they should get sent home, period. There is no in between. You do not get amnesty. You do not get a choice.

**Chairman Yeager:**

Please stop for a moment. Order please.

**Gabrielle Clark:**

I am sorry. I am very passionate about this. All of these people have money concerns. I have life concerns. Do you understand? My son is out there on drugs. I have lots of concerns.

**Chairman Yeager:**

You are at your two minutes.

**Gabrielle Clark:**

These illegal immigrants moved in next to me and decided to addict my child to drugs. You all do not understand that. When an illegal immigrant moves next door to you and hooks your kid on drugs, then you can tell me to have order.

**Chairman Yeager:**

I am going to remind people, please no outbursts. Most of you have been fantastic today, but if we could keep this a professional process. This is the legislative body and we are here to deliberate policy. We are not here to hear outbursts. Again, I will remind you to keep your emotions in check. We will continue with our final person in Las Vegas, who is the lady in blue who was sitting there with the initial three. We will take your testimony.

**Linda Buckardt, Private Citizen, Henderson, Nevada:**

I am opposed to A.B. 281. I feel this bill will not protect our newcomers who want to become good citizens from those who want to come here and do harm. I have worked with refugees, immigrants, migrants, and people from other cultures for 30-plus years. I have master's degrees in teaching and learning and in English language learners, Spanish minor. I am a first-generation American. I also represent NevadansCAN, a citizen action network of 70,000.

When I lived in Minnesota, the new arrivals came from the Middle East countries. Once here, they continued their culture of stealing, raping, female genital mutilation, and treating women as slaves and with disrespect. Through my personal experience, newcomers came here and carried on the gang fights from their country of origin, and many times within their own culture. Moving people from one country to another country does not change anything. There are no criminal records from one country to the other. Can you imagine a girl being raped outside a school and then finding that person in her own school? Can you imagine a drug dealer who may be stalking teens at that school? Then you prohibit state or local law enforcement agencies and school police units from detaining a person, holding, or going after that person to keep the kids in school safe.

The chief of the police [sheriff], Joe Lombardo, has said that he will not turn newcomers over to ICE. Is this bill putting handcuffs on officers trying to protect innocent arrivals and citizens? Your job is to keep us all safe, and kindly do that. [Also submitted was written testimony ([Exhibit M](#)).]

**Chairman Yeager:**

I am going to close opposition testimony for A.B. 281. I will now take neutral testimony. As a reminder, neutral testimony means you are not taking any position on the bill, but you have something relevant to the bill to speak about. I do not see anyone in Carson City. Is there anyone in Las Vegas?

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I am the son of two legal immigrants from Iran. This bill does not do much. Let us get this straight here. This is a global immigration plan. Mass immigration is also pouring into Europe. We have a border crisis. Many are still pouring in. Let us talk about the sponsor of this bill, Assemblyman Flores, and his district.

**Chairman Yeager:**

Sir, I need you to limit your comments to the bill itself. If you are in the neutral position, you are not taking a position on the bill. Your comments have to be limited to the bill itself, not to the sponsor of the bill.

**Cyrus Hojjaty:**

The issue is that the City of Las Vegas might sue because Caroline Goodman [Las Vegas Mayor] is opposed to sanctuary cities. Here is a real issue. What benefit are we getting from unlawful immigrants? This is what a lot are not telling us. Many of them come here, steal Social Security numbers, lower our wages, there are language barriers and, according to Harry Reid in 1993, they have their anchor baby children to get welfare.

**Chairman Yeager:**

Sir, I am going to ask you to cease your testimony. You are testifying in opposition, not neutral. We are in neutral testimony at this time. Neutral means you are not taking any position on the policy that is advanced in the bill, but you have something to add.

**Cyrus Hojjaty:**

I did not know when opposition was ending.

**Chairman Yeager:**

I just ended opposition testimony. This is neutral testimony. I have said that several times. If there is anyone actually neutral on the bill, this would be the time.

**Cyrus Hojjaty:**

Can I tell you my immigration solution—just 30 seconds?

**Chairman Yeager:**

No sir. You can speak in public comment at the end, but this is not the time in the context of this bill. We are going to move to the individual to your right.

**Jim Sallee, Private Citizen, Las Vegas, Nevada:**

I have been a resident for 55 years. I would like to point out that there has been talk about withholding federal funds if this bill is passed. I would like to remind you that back in 1974, Nevada refused to obey the national 55 mile per hour (mph) speed limit. At that time, the speed limit signs said "Resume Safe Speed" on the open highway. We were known as "Ferrari Country." We decided we were not going to follow the 55 mph speed limit because it took so long to go from Las Vegas to Carson City on the open highway out in the middle of nowhere. The federal government did come in and said they would withhold the highway funds. The next day, the 55 mph speed limit signs went up. [Also submitted was written testimony ([Exhibit N](#)).]

**Ronald Solomon, Private Citizen, Las Vegas, Nevada:**

I am the director of membership of the Real Chamber of Commerce, President of the U.S. Patriots, and also a member of NevadansCAN. I would like to state for the record that there are three federal laws that this bill is in opposition to. The first is *United States Code* Title 8, Section 1324. Bringing in and harboring certain aliens. Under federal law, harboring an illegal alien in any form is punishable and considered a felony. Also, if any of these

illegal aliens commit any crimes, the individuals violating this law are considered accomplices. In other words, if an illegal alien commits homicide, those individuals who aided and abetted in any way, shape, or form, whether a public official or a regular citizen, faces the death penalty.

Under federal law anyone who has knowledge of a felony or withholds information from federal law enforcement is subject to a fine and prison for up to two years. That is *U.S. Code*, Title 18, Section 4. Misprision of felony.

Lastly, under federal law, it is against the law for any state or local government official to refuse to share information on immigration status of individuals with the federal government. That is *U.S. Code*, Title 8, Section 1373. Communication between federal government agencies and the Immigration and Naturalization Service.

I believe the current bill you are proposing is in violation and contradiction of these laws, and these laws are appropriate to this bill.

**Chairman Yeager:**

We will move back up to Carson City for the last neutral testifier.

**Dan Holden, Private Citizen, Carson City, Nevada:**

I have a question. Will illegal aliens be counted in the 2020 census and do any of you oppose the checkmark on the census for citizenship? That is all I have. It is just a question. Do you want the citizenship box on the 2020 census?

**Chairman Yeager:**

I am now going to close neutral testimony on the bill. I will invite Assemblyman Flores back to the table. Just so we have a clear record, I do want to note how much time we spent on this bill. Between the presentation and the support, we had 32 minutes of testimony. The opposition was given 54 minutes of testimony. We just had 6 minutes of neutral testimony. For any of you who did not have a chance to weigh in, I would recommend you provide your written comments to our committee secretary. I know many of you know how to go on the website and comment as well. I would invite you to do that if you did not get a chance to speak this morning. Assemblyman Flores, do you have any concluding remarks?

**Assemblyman Flores:**

I would like to thank the opposition. This is your place to speak. We are here because you allow us to be here. I appreciate all of you coming out and putting your concerns on the table. I want to clarify that almost all of the opposition was focusing on things unrelated to the bill. I appreciate the context of everything that was brought up, but I think most people struggled to articulate a specific line that they were opposed to in the bill. They were talking about undocumented people and they disagree with people coming here. This bill has nothing to do with that. Law enforcement will continue to report to the Department of Homeland Security. We are not in any way infringing on law enforcement from doing that. We are keeping 287(g) in play.

My office is open. I noticed that some members of the audience are veterans, and I want to thank them for their service. Thank you for your time. I look forward to working with everyone. However, this bill is not changing. It is going to move as is, and I am not amending it. I appreciate everyone's time.

[Also submitted were ([Exhibit O](#)), ([Exhibit P](#)), ([Exhibit Q](#)), ([Exhibit R](#)), ([Exhibit S](#)), ([Exhibit T](#)), ([Exhibit U](#)), ([Exhibit V](#)), ([Exhibit W](#)) and ([Exhibit X](#)).]

**Chairman Yeager:**

I will close the hearing on Assembly Bill 281. I will give folks here and in Las Vegas a moment to exit the room if they want to. Again, I want to thank you all for coming to the meeting here this morning.

We are now at public comment. I want to remind everyone that public comment has a two-minute limit. It is not a time to rehash any bills we have heard. We keep a clear record of support, opposition, and neutral on bills, so public comment is public comment of a general nature relating to the jurisdiction of this Committee and, again, it is not based on any bill that we have heard.

**Nick Alfonsetti, Private Citizen, Mesquite, Nevada:**

One of the bills came up regarding immigration. My family came from Sicily, and they did it the right way. They came the right way, they assimilated the right way, and they did what they needed to do to stay here. I am a result of that, brought up in a home that spoke strictly Italian. I believe this: We have a *Constitution* that is in place. I live by the *Constitution*; I vote by the *Constitution*. I hope that any of these bills that come up now and later all consider that we are all under the *Constitution*. I will say this: If any Assembly representatives care to open their home to any of the bills that have been passed today, I welcome that. I do not feel it should be put on the people.

When I saw you all being sworn in, you swore an oath to protect and represent the law-abiding Americans of Nevada who voted for you and put you in those seats, to represent the betterment of the community and the state of Nevada, not a fugitive or anyone's agenda or to be bought out for any agenda. [Also submitted was written testimony ([Exhibit X](#)).]

**Julie Hereford, Private Citizen, Las Vegas, Nevada:**

I am also an immigrant. I immigrated into the country almost 50 years ago. I also sponsor a couple dozen relatives and friends who have become legal, hardworking, contributing members of this country. It is very disheartening to see how the lawmakers in the state will embrace lawbreaking to the lawbreaker. The rest of my comment is pretty much what my friend, Mr. Alfonsetti, just said. I would plead that you, as lawmakers, please uphold your oath to protect the *U.S. Constitution* and the *Nevada Constitution* and Nevadans' lives.

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

Before I begin, there are people from Make the Road Nevada who are paid agitators. You can look it up on Craigslist. We have a border crisis. This is a global immigration plan. Massive inflows are also pouring into Europe thanks to open borders. If you look at the sponsor of the bill, Assemblyman Flores', district, it is a third world nightmare. Las Vegas is against sanctuary cities from Caroline Goodman [Las Vegas Mayor]. The question is, how do we benefit from unlawful immigration? Have you guys ever explained that? We need to look at the reality. Many of them get jobs by stealing Social Security numbers. It lowers our wages. There are language barriers. According to Harry Reid, he admitted in 1993 that these anchor babies are used to get welfare. They flood our public schools with English as a second language courses. It is no wonder why our schools are so underperforming. What do they do with their wages? They send the money abroad.

I do not want to be misunderstood. To solve the unlawful immigration problem, we do not need a police state. We need to look at what we have. Fifty to seventy percent of gaming employees are foreign-born. Thanks to the casino lobbying and the Culinary Worker's Union, I believe the best thing we can do is to fine employers. We can e-verify and tax the remittances. This is a much more effective way to solve the problem. This country needs a merit-based immigration system that puts American people first. I fled California for one reason—to get away from the lawlessness, and this is what I get.

Speaking of police state, I would like to talk about what happened to me a couple of weeks ago. In late January, I visited the house of Assemblywoman Duran to talk about gas prices. One of her housemates let me in her house. The next thing you know, 40 days later, LVMPD was sent to me for following the law. You talk about police state. I follow the law and this is what you do.

I also spoke to Assemblywoman Munk. I told her about the bill. You know what she tells me? She asked me about my heritage. She said I need a job and to move out of my parents' house. Excuse me? All my family lives in California.

**Chairman Yeager:**

Your two minutes are up. We will move to the individual next to you.

**Jim Verrees, Private Citizen, Las Vegas, Nevada:**

I am an obstetrician/gynecologist. When I worked in Las Vegas, heroin and methamphetamine use was epidemic in the pregnant patients I cared for. In speaking with the patients about their results, this was straightforward because the substances were illegal and harmful. When I worked in Fallon, Nevada, upwards of 66 percent of my pregnant patients were positive for marijuana. In most cases, patients would state that if the substance was harmful, it would not be legal.

Consequently, illegal and harmful behaviors have been normalized. My interpretation of Assembly Bill 281 is that it makes illegal behavior legal and normalizes that behavior.



**Jeffery A. Watson, Private Citizen, Henderson, Nevada:**

I just want to say I oppose this bill [Assembly Bill 281].

**Chairman Yeager:**

I will close public comment. Committee members, are there any questions or comments? [There were none.] I want to thank all of you. Obviously, we have had a very long morning. We are going to be starting at 8 a.m. on Monday with a joint hearing in Room 4100. The rest of the week we will be starting at 8 a.m. as well.

This meeting is adjourned [at 11:24 a.m.].

RESPECTFULLY SUBMITTED:

---

Cheryl Williams  
Recording Secretary

---

Lori McCleary  
Transcribing Secretary

APPROVED BY:

---

Assemblyman Steve Yeager, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "Who Does Civil Asset Forfeiture Target Most? A Review of LVMPD's Forfeiture Activities for Fiscal Year 2016," dated 2017, authored and submitted by Daniel Honchariw, Senior Policy Analyst, Government Affairs, Nevada Policy Research Institute.

[Exhibit D](#) is a proposed conceptual amendment to [Assembly Bill 307](#), dated March 29, 2019, submitted by Assemblyman Edgar Flores, Assembly District No. 28.

[Exhibit E](#) is a letter in support of [Assembly Bill 307](#), dated March 28, 2019, authored by Sylvia R. Lazos, Legislative Advocate, Nevada Immigration Coalition.

[Exhibit F](#) is a letter in support of [Assembly Bill 307](#), dated March 25, 2019, authored by Jim Hoffman, Nevada Attorneys for Criminal Justice.

[Exhibit G](#) is written testimony in support of [Assembly Bill 281](#), dated March 27, 2019, authored and submitted by Maureen Kilkenny, Immigration Team Leader, Indivisible Northern Nevada.

[Exhibit H](#) is written testimony in opposition to [Assembly Bill 281](#), submitted by Bob Russo, Private Citizen, Gardnerville, Nevada.

[Exhibit I](#) is written testimony in opposition to [Assembly Bill 281](#), authored by Mary Rooney, representing NevadansCAN.

[Exhibit J](#) is written testimony in opposition to [Assembly Bill 281](#), dated March 29, 2019, authored by Pauline Lee, Private Citizen, Las Vegas, Nevada.

[Exhibit K](#) is written testimony in opposition to [Assembly Bill 281](#), submitted by John Hermeler, Private Citizen, Las Vegas, Nevada.

[Exhibit L](#) is written testimony in opposition to [Assembly Bill 281](#), submitted by David Corrao, Private Citizen, Reno, Nevada.

[Exhibit M](#) is written testimony in opposition to [Assembly Bill 281](#), dated March 28, 2019, submitted by Linda Buckardt, Private Citizen, Henderson, Nevada.

[Exhibit N](#) is written testimony in opposition to [Assembly Bill 281](#), dated March 29, 2019, submitted by Jim Sallee, Private Citizen, Las Vegas, Nevada.

[Exhibit O](#) is written testimony in opposition to [Assembly Bill 281](#), submitted by Betsy Strasburg, Private Citizen, Carson City, Nevada.

[Exhibit P](#) is written testimony in opposition to [Assembly Bill 281](#), submitted by Susanne Spinelli, Private Citizen, Las Vegas, Nevada.

[Exhibit Q](#) is written testimony in support of [Assembly Bill 281](#), submitted by Jose Rivera, representing Nevada Hispanic Legislative Caucus.

[Exhibit R](#) is a letter in support of [Assembly Bill 281](#), dated March 25, 2019, submitted by Jim Hoffman, Nevada Attorneys for Criminal Justice.

[Exhibit S](#) is a letter in support of [Assembly Bill 281](#), submitted by Jordan Doctors, Private Citizen, Henderson, Nevada.

[Exhibit T](#) is a letter in opposition to [Assembly Bill 281](#), dated March 27, 2019, submitted by Tim Gorsuch, Private Citizen.

[Exhibit U](#) is a letter in opposition to [Assembly Bill 281](#), dated March 28, 2019, submitted by Ken Kantura, Private Citizen.

[Exhibit V](#) is a letter in opposition to [Assembly Bill 281](#), dated March 28, 2019, submitted by Cayce King, Private Citizen, Sparks, Nevada.

[Exhibit W](#) is a letter in opposition to [Assembly Bill 281](#), dated March 28, 2019, submitted by Juanita Cox, Private Citizen, Reno, Nevada.

[Exhibit X](#) is a letter in opposition to [Assembly Bill 281](#), submitted by Nick Alfonsetti, Private Citizen, Mesquite, Nevada.