MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY

Eightieth Session
April 2, 2019

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:09 a.m. on Tuesday, April 2, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Edgar Flores, Assembly District No. 28

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Mayra Salinas-Menjivar, University Legal Services Fellow, University of Nevada, Las Vegas Immigration Clinic
Caleb L. Green, Student Attorney, University of Nevada, Las Vegas Immigration Clinic
Sylvia R. Lazos, Co-Leader, Legislative Advocacy Group, Nevada Immigrant Coalition
Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada; and representing Nevada Immigrant Coalition
Megan Ortiz, Intern, American Civil Liberties Union of Nevada
Jose Rivera, representing Nevada Hispanic Legislative Caucus
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office
Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office; and representing Nevada Sheriffs' and Chiefs' Association
A.J. Delap, Government Liaison, Las Vegas Metropolitan Police Department
Michael Cathcart, Business Operations Manager, City of Henderson
Janine Hansen, State President, Nevada Families for Freedom
Julie Bobzien, Executive Director, Volunteer Attorneys for Rural Nevadans
Amber Batchelor, Vice President, Advocacy and Prevention Services, SafeNest
Bryan K. Martin, Attorney, Family Justice Project, Legal Aid Center of Southern Nevada
Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence
Alicia Estrada, Attorney, The Immigrant Home Foundation
John T. Jones, Jr., representing Nevada District Attorneys Association
James M. Humm, Deputy Chief of Staff, Office of the Attorney General
Marc M. Schifalacqua, Senior Assistant City Attorney, City of Henderson
Lisa T. Rasmussen, representing Nevada Attorneys for Criminal Justice
Tracy Geraghty, Temporary Protection Order Advocate Specialist, Domestic Violence Resource Center
Marlene Lockard, representing Nevada Women's Lobby
Ryan Black, Legislative Liaison, Office of Administrative Services, City of Las Vegas

Chairman Yeager:
[Roll was called. Committee protocol and rules were explained.] We will move to the agenda, but I do not know what order we will go in after the first bill. I will open the hearing on the second bill on the agenda, Assembly Bill 376.

Assembly Bill 376: Requires local law enforcement agencies to report annually to the Legislature certain statistics relating to transfers of undocumented persons to the custody of federal agencies. (BDR 14-675)

Assemblywoman Selena Torres, Assembly District No. 3:
I am here to present Assembly Bill 376. I will give you a road map of how this presentation is going to go. First, I will explain how the Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act—known simply as "287(g)"—program functions. This may be a refresher for most of us on this Committee. Second, I will explain the purpose of Assembly Bill 376. Last, I will break down the bill. To break down the bill, we will use the mock-up amendment (Exhibit C). To be clear, the mock-up amendment is not in any way the perfect, legal version of this piece of legislation. I drafted it myself last night. I am sure there will be amendments to the language of the bill. I want that to be clear for the record.

I would like to invite Mayra Salinas-Menjivar, with the legal services at the University of Nevada, Las Vegas Immigration Clinic, to discuss the basics of A.B. 376 and 287(g).

Mayra Salinas-Menjivar, University Legal Services Fellow, University of Nevada, Las Vegas Immigration Clinic:
I will briefly discuss what the 287(g) program is in case there are any questions about it. I would first like to point out that this bill does not limit any local law enforcement agency to decide to engage in this type of agreement. The 287(g) program is, by statute, an authorization by the federal government that allows the Department of Homeland Security to engage in and sign on to agreements with states and local law enforcement for the local law enforcement agencies to conduct specific activities on behalf of the Department of Homeland Security for the purpose of immigration enforcement. These agreements are entirely voluntary for each law enforcement department. These typically involve the transfer of personnel duties. There is a local law enforcement officer—paid by the taxpayers of that jurisdiction—who engages in activities to assist in the enforcement of immigration laws on behalf of the Department of Homeland Security. That is the gist of these agreements.

We have heard a lot of discussion across the nation on whether these agreements are beneficial for those jurisdictions. There have been studies that show that entering into these voluntary agreements actually reduces the confidence that the communities in those jurisdictions have in their law enforcement. They essentially refocus the law enforcement officers who are part of the program from their focus on criminal justice enforcement on criminal activities to enforcement of civil immigration laws. There have been several anecdotal studies done on that subject. This bill does not limit or prevent a local

law enforcement agency within the state of Nevada to engage in these agreements. We currently have three agencies in the state engaged in these agreements.

Assemblywoman Torres:
To clarify how this would look, if person X were arrested for a crime—maybe he had outstanding tickets or committed a burglary—he would then go to the detention center where there would be one of seven 287(g) agents who would work with him. The 287(g) is what ends up transferring the individual to United States Immigration and Customs Enforcement (ICE).

For the second part of this presentation, I want to discuss the purpose of this legislation. The purpose is not to end 287(g) agreements. This does not do that in any capacity. This legislation merely asks for public and individual transparency when working with 287(g). When we talk about public transparency, it is extremely important that members of our community have faith in our local law enforcement. The only way we can ensure they have that faith is if we stop a lot of the misinformation that has been going around. Right now, as a result of the 287(g) agreement, a lot of immigrant communities have a lack of faith in law enforcement. They are afraid if they report a crime something could happen to them. Every time they are pulled over for speeding, they are worried that they could end up detained. This is a very prevalent fear in immigrant communities, and it is a fear for all of us. When these communities feel they cannot report a crime, our entire community is less safe.

How do we address that issue? How do we allow this program to persist while reinforcing trust in our local law enforcement? Transparency is generally the best way to go about that. That is what we do with our school system and here in the Legislature. That is exactly what our local law enforcement should be doing as well. Additionally, this bill requires individual transparency so that the individuals are read their Miranda rights before they are asked ICE-related questions.

Let us go into the breakdown of the legislation. Once again, I will be going off the color-coded mock-up (Exhibit C). Assembly Bill 376 requires that every quarter, local law enforcement must report certain pieces of data regarding the 287(g) agreement to the Legislative Counsel Bureau. The report should include the information that you can read for yourself on lines 10 through 28 on page 2 of the mock-up. Please note that certain sections have been cut out. In our discussions, we additionally cut out the word "undocumented" because we understand not all people being questioned on 287(g) are undocumented. Some of those individuals are documented. They may be green card holders or citizens but were still flagged for some reason. We now know there are documented individuals who are put through this extra line of questioning. That is why it was taken out.

Some information is specifically notable. If someone is detained for a speeding ticket or if they have an outstanding warrant for something else, we need to note for our records that they did get pulled over for the speeding ticket, but that is not why they were flagged for a 287(g). They were flagged for a 287(g) because of another crime. We need to have this information available. That is why some of the language was changed. Additionally,

it includes the reason for the transfer. Is it a warrant? Is it a detainer issued by ICE? Is it a request by the local law enforcement agency?

We need to know the cost of holding people beyond their release without a detainer. We now know that our local law enforcement is spending money on 287(g). How much money are we spending? We are not getting funding for this. This is not an exchange. Neither the Department of Homeland Security nor ICE gives us the amount of money that we spend on these detainers. It is money from our tax dollars. Right now, we do not have any records or data that demonstrate how much money our local law enforcement jurisdictions are spending on this agreement. We need to have that data. We would also like to see as much of the demographic data that is provided about the people who are transferred. If an individual does not tell us how many dependent children he has, that information will not be available.

We make it clear in this piece of legislation that individuals' names will not be released from the required data. Section 1, subsection 4 gives the definition of a "local law enforcement agency," which is the sheriff's office, a metropolitan police department, a police department of an incorporated city, county and city jails, and Parole and Probation. In my discussions with other stakeholders, we felt it was important to include the Nevada Department of Corrections. These are all agencies that are working with the 287(g) agreement.

Section 4 of this proposed amendment states, "If a state agent of 287(g) is asking a person questions related to ICE charges than they are required to provide the individuals with Miranda rights." At this time, they are not read their Miranda rights before they are asked the 287(g) line of questioning, but it is important that they know what their basic rights are.

Chairman Yeager:
In the first part of the bill, it talks about on or about the thirtieth day of the end of the previous fiscal year, and then I see it is effective July 1, 2019. Do you know when the first report would be due under this legislation? If not, I will ask law enforcement. I do not know when the fiscal year ends for various agencies or whether they are on the same fiscal year. Do you know the answer to that?

Assemblywoman Torres:
I do not.

Chairman Yeager:
That is fine. We will ask later if anyone else testifies on the bill. I am trying to get a sense of whether all of the reports would come in at the same time and when we would see the first ones.

Section 1, subsection 2, paragraph (e) of the mock-up says, "Communication between law enforcement" and then goes on. What are you intending to be reported when you say "communication"? For legislative intent, are you looking for written communications or a summary of communications? What are you trying to accomplish there?

Assemblywoman Torres:
It is really just a summary of communications, especially in those cases where you have an individual who is being detained for a long period of time. It could be, "The contact with ICE was made on Monday, and the individual was picked up on Thursday." That type of communication is essential for our understanding. We may have given a reminder call on Wednesday; whatever the timeline of communication was.

Assemblyman Roberts:
I believe transparency is important, and the more information we have, the better we are. In section 4 of your amendment, where you have added the 287(g) and related questions—if they are related to ICE charges—they are required to give them their Miranda rights. Basically, when anyone is processed into the jail and it is discovered that they are foreign-born, it triggers a few extra questions. Is it your intent that the Miranda rights are invoked at that time? Is there case law that is driving this? Where is this requirement coming from? At what point in the intake process would they be required to give Miranda? Is it when they focus on specific charges, or is it just in the general intake process?

Assemblywoman Torres:
My understanding from local law enforcement is that it is once an individual is detained. There are preliminary questions, but then they are transferred to a 287(g) agent. It is a 287(g) state agent, so it would not be all officers who are asking about the country of birth. That would be when the individual is flagged to speak to the 287(g) agent.

Assemblyman Roberts:
Is there case law or something that you are pulling this from to put into statute? Where does the language for the bill come from? Is it from another state, or is it best practice?

Assemblywoman Torres:
I will defer to Mayra Salinas-Menjivar.

Mayra Salinas-Menjivar:
There are other jurisdictions that have similar measures and legislation. We provide warnings to individuals being questioned that the information being provided can be used against them in immigration enforcement. This comes from those other jurisdictions.

Assemblyman Roberts:
For federal agents, is Miranda required when they do immigration investigations?

Mayra Salinas-Menjivar:
Miranda applies in a criminal context. It is not applicable under civil enforcement, which is what immigration law is.

Chairman Yeager:
I do not see any additional questions at this time. I will open it up for testimony in support of Assembly Bill 376 if there is anyone who would like to testify.

Caleb L. Green, Student Attorney, University of Nevada, Las Vegas Immigration Clinic:
I am here to testify in support of Assembly Bill 376. We support this bill because it will repair trust and strengthen communication between the immigrant community, Nevadans, and law enforcement. As a student attorney in the University of Nevada, Las Vegas (UNLV) Immigration Clinic, I can attest to how many undocumented individuals are hesitant to engage with law enforcement because of lack of trust and transparency. What this bill does is restore that trust and confidence in these communities to the benefit of all Nevadans.

Many of our clients and individuals who call our clinic are hesitant to participate in law enforcement investigations when they have either been a victim of a crime or witnessed a crime. They are afraid their status will be questioned and they will be detained and removed from their families. Even lawful citizens, green card holders, or naturalized citizens who have undocumented family members share the same fears. They are reluctant to fully cooperate with law enforcement. By passing this piece of legislation, it will reinforce the position that Metro [Las Vegas Metropolitan Police Department] and other law enforcement agencies have expressed. They are not a threat to these communities but are there to protect and serve. This will also show the immigrant community that they are not at risk for minor infractions, such as traffic tickets and moving violations. To be clear, this bill merely codifies local law enforcement's position of transparency. By reinforcing transparency, the end result will restore confidence and trust between immigrant communities and local law enforcement.

Sylvia R. Lazos, Co-Leader, Legislative Advocacy Group, Nevada Immigrant Coalition:
I am here representing the Nevada Immigrant Coalition (NIC), which is composed of the Progressive Leadership Alliance of Nevada, the Culinary Workers Union, Make the Road Nevada, Mi Familia Vota, American Immigration Lawyers Association, America's Voice, Planned Parenthood, Service Employees International Union (SEIU) Nevada Local 1107, ¡Arriba! Las Vegas Worker Center, UNLV UndocuNetwork, Children's Advocacy Alliance, American Civil Liberties Union of Nevada, Catholic Charities of Southern Nevada, NextGen, DREAM Big Nevada, Asian Community Development Council, America Votes, and For Nevada's Future.

The NIC supports this bill (Exhibit D). As Mr. Green just said, transparency is the best disinfectant to ensure due process and to ensure lack of arbitrariness on the part of state and local government agencies.

During the 15 years that I have lived in Nevada, I have not experienced an immigrant community that has full trust in law enforcement; however, this is a right step forward. We need new relationships between law enforcement and the immigrant community, and this type of transparency will certainly promote that type of trust. For that reason, we support the bill.

Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada; and representing Nevada Immigrant Coalition:
As previously mentioned, we are in support of this bill. As a member of the immigrant community, I know firsthand the distrust and fear that my community feels when they do not have the transparency that they need to know what law enforcement is doing. We support this bill completely.

Chairman Yeager:
Is there anyone else in Las Vegas who wants to testify in support of Assembly Bill 376? I see no one, so we will come back to Carson City.

Megan Ortiz, Intern, American Civil Liberties Union of Nevada:
I want to go on record that we support our colleagues in southern and northern Nevada. Transparency is of the utmost importance when it comes to law enforcement dealing with anyone, particularly with matters of immigration law. We would urge you to support this bill.

Jose Rivera, representing Nevada Hispanic Legislative Caucus:
I would like to echo everything my colleagues have said.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:
On behalf of my office, as well as John Piro and the Clark County Public Defender's Office, we support this bill. As stated by those before us, it provides a procedure and process to ensure individual rights are being maintained, as well as transparency. We support this bill.

Chairman Yeager:
Is there anyone else in support of Assembly Bill 376? Seeing no additional support, I will take testimony in opposition. Is there anyone opposed? Is there anyone in Las Vegas?

Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office:
I want to preface my comments with, please do not confuse my opposition testimony for unwillingness to be transparent. There are some procedural things that I need to work out with Assemblywoman Torres.

Although we do not participate in the 287(g) program, we do have a workstation within the sheriff's office that is staffed by an ICE agent. He uses his own computer, and he has his own phone line. It is not staffed Monday through Friday, 8 a.m. through 5 p.m.; it is at his discretion. There is no formal 287(g) program, and we do not actively go out and conduct immigration enforcement. I am a little worried about reporting data on things that ICE would be privy to when we do not have that data to report.

Regarding the fiscal year, the end of our fiscal year is June 30. I envision our quarterly reporting as being March, June, September, and December for that purpose.

Assemblywoman Miller:
For clarification of the process, you said that Washoe County does not participate in the 287(g) program, but you have an ICE agent who works separately in your facility. Does that mean when an individual is arrested and, through questioning, you find out he is an immigrant, you refer him to the ICE agent? How does that work?

Corey Solferino:
Uniquely, there is no reporting process. The ICE agent has the daily roster from the database. You can go to the Washoe County Sheriff's website and pull up all of the inmates currently in custody as part of our database. He does not necessarily interview people who are sitting in the intake area. He can go through the roster and pull out names of people for the purpose of interviewing. That is totally up to him. Our memorandum of understanding with the ICE agency is a piggyback through the United States Marshals Service. I really do not know what their interviewing practices are. Our local policy prevents us from doing any immigration enforcement out in the field, so we do not hold anyone on an immigration hold. Actually, we require a federal warrant to hold someone once they satisfy their local charges or they are released.

Assemblywoman Miller:
Basically, you are saying that you do not actively work with him, and there is really no connection or transfer between agencies. Is that what you are saying? You literally operate alone, and he is just physically sharing space. Is it like me putting a coffee shop in the corner? They are their own individual entity. Is there ever a time when you say that you are going to walk someone over to his office?

Corey Solferino:
If there was reason in the field—absent criminal charges—to believe there was a reason for them to talk to an ICE agent, the notification processes would be made. As far as when they are staffed and interviewing, that is completely up to the ICE agent working in that facility. We do not have any say when they report for duty.

Assemblywoman Peters:
How is it determined that a person is to be moved into the 287(g) process? I am missing the connection.

Corey Solferino:
We do not participate in the 287(g) program, so there is an actual ICE agent who has a workstation within the sheriff's office, and he is able to conduct his interviews for any person in custody whom he needs to speak with. Again, we do not participate, and no Washoe County deputy is a 287(g) agent. It is an actual federal agent who conducts the interviews and interrogations. That is why I am leery of being able to report data that I do not have access to.

Assemblywoman Peters:
How do they make decisions on whom to question?

Corey Solferino:
I do not know. That would be up to the ICE agent. They have access to our daily roster just like the general public, and they can go through it and interview whomever they like.

Assemblywoman Peters:
Do you record or track whom they interview?

Corey Solferino:
It could be tracked through our database. Whenever an inmate is moved from one area to another, a "move" is generated, so that would track it. The note section could include an entry that says he was interviewed by ICE. That would be the movement within the facility.

Assemblyman Fumo:
Assemblywoman Peters' question made me think of another question. We have heard through other testimony that the cost of keeping an inmate is between $150 and $170 a day. Do you have any statistics on how long after his case is resolved an inmate would stay in Washoe County's custody—with the taxpayers of Nevada paying for them—before they are transferred to ICE?

Corey Solferino:
I do not have that data, but I can look into it. The Washoe County Sheriff's Office was talking about this during a meeting a couple of weeks ago, and we are at about $160 per day on the average. We see four other federal entities. We house federal inmates on their behalf, and we are reimbursed on those. For ICE, I would have to get that information for you and get back to you offline.

Assemblyman Fumo:
Regarding the federal agent in Washoe County, does the federal government pay Washoe County for his office space and supplies, or is that something that is donated by Washoe County?

Corey Solferino:
We just provide the desk space. It is their phone, computer, officer, and salary. We do not pay anything. We just give them the workstation.

Assemblyman Fumo:
They do not pay rent to the county for having that workstation?

Corey Solferino:
Not to my knowledge, but I can follow up offline.

A.J. Delap, Government Liaison, Las Vegas Metropolitan Police Department:
Per the rules of the Committee, we are in opposition of this bill, but we have had some very fruitful conversations with the bill's sponsor. Our opposition is based more on a logistical issue. We are certainly an agency that wants to be as transparent as possible. Going through

the bill, the reporting is not our concern. It is the mechanism in which it is conducted. Tracking this information and the quarterly responsibility of making sure we meet those is something new. We would need to establish a system for how we are going to conduct the tracking mechanisms, how they will be compiled, and who will be responsible for them. It is more of a logistical issue for us at this point.

There are some other concerns as well. We have a memorandum of understanding with ICE that may need to be revisited as well. The information that this report is asking for may fall under their purview, and they have their own set policies for how that information can be disseminated. We would need to look into that further, and we are currently doing that. Other than that, we do not conduct ICE operations in the field. This would all occur through the jail, Clark County Detention Center. We have correctional officers who are trained in the 287(g) program. It would be through that system that this information would be gained.

Assemblyman Fumo:
I have the same question for Metro as I did for Washoe County. Can you get us the numbers on how many average days inmates stay in the Clark County Detention Center waiting to be transported to the federal government's facility after their cases are resolved in Clark County?

A.J. Delap:
I do not have those numbers, but I will get them. I am sure it can be tracked.

Chairman Yeager:
Is there anyone else in opposition to the bill? Seeing no additional opposition, let us move to neutral testimony. Please come forward if you are neutral on the bill.

Michael Cathcart, Business Operations Manager, City of Henderson:
I have not talked to Assemblywoman Torres about this bill, but I wanted to come up in the neutral position. We filed a fiscal note last night. Our concern is putting this tracking program in place and what those costs will be. We do not have an issue with transparency, as many of the other speakers have said before me. It just might take some new manpower to do that reporting. We are still looking through the bill, and we just got the amendment this morning. We will continue to analyze that, and we will sit down with Assemblywoman Torres as soon as possible.

Assemblyman Fumo:
I have the same question for City of Henderson. If you would, please get us that information from the City of Henderson. Once a case is resolved in Henderson, how many days does Henderson hold the inmate before the federal government picks him up, and how much does it cost the taxpayers?

Janine Hansen, State President, Nevada Families for Freedom:
We appreciate transparency and always wish there was more in government. In light of transparency, and as a result of the testimony given, we would like to know which specific jurisdictions use this reporting and give Miranda rights to illegal aliens before they are turned

over to ICE. We did not hear any testimony about that. We would like to know that and which jurisdictions have already implemented this. What are the results? It is always good to have more information.

Chairman Yeager:
Last call for neutral testimony on Assembly Bill 376. Seeing no additional neutral testimony, we will invite Assemblywoman Torres up for concluding remarks.

Assemblywoman Torres:
I think this is an important discussion to have. Our local governments have a responsibility to be transparent about their data. As a taxpayer, I am not comfortable with the secrecy of a program when we are not able to get information. As legislators, neither should we be. We need access to this information. We need to see the demographics of the individuals who are being detained. We need to know how much of our local funding is being funneled into these types of programs.

In answer to the opposition, we have a responsibility. If it requires us to create a database so we can track this information, then we have a responsibility to create that database. Additionally, many of us were surprised by the comments made by northern Nevada. I am interested in learning more about that program and continuing to work with them so we can ensure that all jurisdictions are held accountable to provide that data. When they are cooperating with federal agencies, I am not comfortable with the notion that, just because that database does not exist, that we should not have to provide the data. If we have to fund that program and allocate resources from our local law enforcement agencies to ensure the data is being recorded so we can get those numbers, that is what we have to do.

It is important that we understand that, at the time of arrest, the detainees are read their Miranda rights. Later they are questioned regarding 287(g). Oftentimes, those individuals do not know that they are being asked questions related to their immigration status. They have the basic right to have their Miranda rights read to them. We, the Legislature, have a responsibility to create a better Nevada, and I believe Assembly Bill 376 does just that. I urge your support.

[A letter in support of Assembly Bill 376 was submitted by Jim Hoffman, Nevada Attorneys for Criminal Justice Legislative Committee (Exhibit E).]

Chairman Yeager:
I will now close the hearing on Assembly Bill 376. We will be at ease for just a moment while we wait for our next presenter [at 8:52 a.m.]. We will come back to order [at 8:54 a.m.]. I will open the hearing on Assembly Bill 336.

Assembly Bill 336: Establishes provisions relating to certain victims of crime. (BDR 16-46)

Assemblyman Edgar Flores, Assembly District No. 28:
I represent some of the hardest-working men and women in the state. It is an honor for me to be here on their behalf. I would like to offer a quick road map of how I intend to proceed with the conversation. First, I will walk you through what a U nonimmigrant status and a U visa are. Second, I will explain the problems that I am seeing in Nevada when it comes to a victim trying to apply for a U nonimmigrant status, or a U visa. Third, I will walk you section by section through the bill. I will explain a small, conceptual amendment that I have in mind. Fourth, I will walk you through some of the questions that I anticipate you will have. Last, I will open it up for questions.

The United States Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act of 2000 and the Battered Immigrant Women Protection Act of 2000 in October of 2000. Congress has already laid out its intent. This is already federal law. We are not touching the U visa program or the application process. That has already been laid out for us. Specifically, for those of you who are not familiar with the U visa or the U nonimmigrant status, Congress realized that there was a problem with immigrants in this country. Immigrants were often subjected to different crimes but would not report them. They were concerned that if they cooperated with the authorities rather than the authorities helping them, they themselves could be deported, or they would be put in harm because they cooperated with the authorities.

In reaction to that, Congress said they needed to do something that would encourage individuals to speak up and they needed to create an incentive for them to do so. Through that, a five-prong test was created at the federal level. First, they must be victims of a crime that is on the list of qualifying crimes since not all crimes qualify. An example is that a simple battery would not make someone eligible to apply. Second, they want to ensure the crime happened within the United States. Third, the victim had to have cooperated with law enforcement, either in the past, is doing so currently, or they could be helpful in the future. Fourth, the victim suffered substantial harm, either physically or mentally. Fifth, if the individual, for whatever reason, was ineligible to apply, they would have to file a waiver of admissibility. It is called a Form I-192. That is the current foundation of the U visa.

The problem we have in Nevada is that there could be two identical individuals who were victims of the exact same crime at the exact same time but, depending on what jurisdiction they were in, they may or may not get the certification signed. When I say "certification signed," I mean the following: In order for you to start the process of applying for U nonimmigrant status, the first thing you have to do is file what is called a Form I-918, Supplement B (Exhibit F). Form I-918, Supplement B, was uploaded on the Nevada Electronic Legislative Information System. Once that form is submitted, it is sent to a law enforcement agency in Nevada. When they receive it, they check to see whether everything on it is true. The things that are laid out on the form are the victim's name, when the crime happened, and the type of crime. Whoever submits this form to the certifying agency, which

is typically law enforcement, also attaches exhibits. You submit things like a copy of the police report; if the individual testified in court, you submit evidence of that; and if the person who committed the crime was convicted, you submit any evidence you have. The certifying agency would look at that form and determine that all of the information is true, and then sign off on it.

If I go back to the hypothetical that I previously presented about the two individuals who were victims of the same exact crime six years ago—and we will say it is an enumerated crime such as domestic violence—if they sent the certification to a certifying agency right now, some jurisdictions would not sign off on it. It is not because they were not helpful as a victim, but because they have an internal policy that they do not certify certain crimes that happened over five years ago. They are not contesting that the person was a victim. They are just saying that it was too long ago to sign off on it. This is one of the problems we are attempting to address in this bill.

The second problem we are attempting to address is that the certifying agency has always been law enforcement. It does not have to be that way. It was not Congress's intent for law enforcement agencies to be the only certifying agencies. The entire burden falls on them. We need to open it up so there can be other certifying agencies, and we can spread out the requests.

The third thing we want to address in this bill is data. Law enforcement will come in later and explain that. Unfortunately, we do not have a lot of data. We do not know how many U visas are being requested, approved, or denied, or for what kinds of crime. If the immigrant community is consistently being victimized on a specific type of crime, it is important that we know there is a pattern. Through data reporting, we would know that.

The fourth thing we want to address is that there are some limited circumstances when the U visa needs to be certified immediately, or as soon as possible since time is of the essence. That would apply in a scenario where an individual was in removal proceedings. Let us say that someone was a victim on January 1. On January 5, ICE identifies that individual and says he is in the country unlawfully. They are going to detain and process him for removal. That individual needs to rush the U visa process to ensure it is taken into consideration by the Department of Homeland Security and the judge. In that scenario, we need to expedite the certification process.

A second scenario that we see as incredibly important is the age-out provision. Under the Department of Homeland Security, as the law is now written, if someone is under the age of 21, his parents can apply for U nonimmigrant status as a derivative alongside of him. If he is about to age out, there is a time-is-of-the-essence requirement. He needs to get this certified as soon as possible so he can submit it before he becomes 21. Those are the issues we are trying to address with this bill.

For the sake of clarity, I would like to walk you through the bill line by line. I will point out how this bill specifically addresses the four concerns I previously brought forth. First, section 2 states that the terms are defined in sections 3 to 7 in the bill itself.

In section 3, there is an explanation of what "certification" means. It makes it very clear that certification is the signing of a U Nonimmigrant Status Certification Form I-918, Supplement B. It must be signed by a certifying agency.

Section 4 defines a "certifying agency." This is the first of the four issues that I brought up. As I previously mentioned, the certifying agency has consistently been law enforcement. We want to ensure the certifying agency is a state or local law enforcement agency, a prosecutor, a judge, or any other governmental agency that has criminal, civil, or administrative investigatory or prosecutory authority. Let me explain why this is important. Hypothetically, there is a husband and wife who have shared custody of a minor. This minor comes to one of the parents who sees that the child has bruising all over his face. The child is crying and is terrified of his father. Immediately the mother calls Child Protective Services (CPS) and says that she is concerned about what is happening at home with her child because the child has bruising and is terrified of going back home with dad. Child Protective Services goes out and conducts a thorough investigation and realizes that there is criminal conduct by the father, so they call law enforcement. Law enforcement will then build a case strictly on what is reported by CPS. They take the father to jail. In this hypothetical situation, the child is the victim. Remember I told you that if the child is under the age of 21, the parent qualifies as a derivative. The mother and child could report this as the victims in this case and request that a certifying agent sign off on the certification. However, in that hypothetical it is possible that law enforcement would not sign off because neither the child nor the mother ever cooperated with the agency. Everything they got was directly from CPS. They do not know how helpful the mother or son was or will be. In this situation, it is possible—although the family did everything right—that they cannot get the certification to occur. In a scenario such as that, we think CPS should be able to certify after they look at the case file. They should know the victims cooperated, and that they did everything asked of them. That is an example of why we want to expand the certification agencies.

I know there are going to be concerns and opposition coming up, and I want to take this opportunity to preempt that concern. The concern is that they have never signed off on these and have never completed the certification process. They do not know how it works. I would like to make it clear that the certification process is not complex. You get the form, which is already filled out for you. Both the attorney and a community legal aid organization will tell you that 99.99 percent of the time they fill out everything for you. All they do is treat it as a rebuttal presumption. You get the form and go through it to make sure everything is, in fact, true. You refer to your case notes. If it is true, you certify it, sign off on it, and send it back. That is already in practice when we talk about some law enforcement agencies. It will not be a complex process if we expand that to spread out the work.

Section 5 defines a "certifying official." A certifying official is someone who signs off on Supplement B who is defined—we are taking what is in federal law and putting it in state law—to be the head of a certifying agency or a designee. We want to make that abundantly clear. Right now, it is not our intent to have the director of a law enforcement agency have the burden of doing all of this. That person is already overwhelmed with a thousand tasks. What we are saying is that we want the directors to look within their agencies to decide whom they will delegate the responsibility to, which is how law enforcement operates today. That is what they do.

Section 6 defines "criminal activity" as it is defined in federal law. If you are a victim of a specific criminal act, we make it abundantly clear that you must be a victim of a criminal act as defined by federal law.

Section 7 states that the "petitioner" is the person who is requesting the certification. That is self-explanatory.

Section 8 states, "Upon the request of a petitioner for a certification, a certifying agency shall determine whether the petitioner: (a) Was the victim of the criminal activity; and (b) Has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity." This lays out that which federal law already states: what the certifying agency needs to look into. There is a five-prong test that the Department of Homeland Security does before victims can get a U visa. There is a very in-depth vetting practice that any practitioner or community organization will tell you has a minimum wait time right now—for a visa that is filed today—of no less than seven years. The United States Citizenship and Immigration Services website will tell you that it is about 5 1/2 years, but realistically, as the wait time keeps growing, it is no less than seven years. The vetting process is not for us to do. That is already laid out in federal law. The only thing law enforcement needs to do is answer two questions when going through the certification process: (a) Was the person a victim of criminal activity as defined by federal law, and (b) Was the victim being helpful, had been helpful, or likely to be helpful in the investigation? Those are the only two questions that need to be answered.

Under section 8, subsection 2, it says, "If a certifying agency determines that a petitioner satisfies the requirements of subsection 1, the certifying official shall complete and sign the certification. A completed certification must include, without limitation, a detailed description of: (a) The nature of the criminal activity described in subsection 1; and (b) The helpfulness of a petitioner or the likeliness that a petitioner will be helpful in the investigation or prosecution of that criminal activity." This is what already happens. Law enforcement does that now. When we open it up to the other certifying agencies, they will be doing the same thing.

If we continue reading section 8, subsection 3, it says, "For the purpose of determining whether the petitioner meets the requirements of subsection 1, the certifying agency shall not consider: (a) The period of time between when the petitioner was victimized by the criminal activity and when the petitioner submitted his or her request for certification."

I want to stop right there for a moment and go back to explain why that is so important. When Congress enacted this, there never was a time limit. In other words, if the person was a victim of an enumerated crime five or ten years ago, it was not relevant as to whether that person could request U nonimmigrant status. It was never intended to be treated that way, although it happens today. As I previously mentioned, law enforcement may say they are not going to certify it simply because it happened outside of the five-year scope. Again, Congress never intended it to work that way. They simply said "if the crime happened and you cooperated." If you were helpful, a victim of substantial mental or physical harm, it happened within the United States, and you never refused to cooperate, then you should be able to apply for this; that was the original intent. We are going back to the spirit of that by putting the language in.

Next, section 8, subsection 3, paragraph (b) is "Whether there is an active investigation of the criminal activity." What we are trying to make clear is that it is entirely possible that an individual was a victim ten years ago, the investigation happened ten years ago, the individual who committed the crime was put in jail, and everything happened ten years ago. When the individual applies for a U nonimmigrant status and sends the Supplement B for certification, it is possible that the investigation has been closed, but they are not to consider that it is not active. We do not want a certifying agency to say that they will not process it because there is no longer an active investigation. That is what we are trying to do there.

Section 8, subsection 3, paragraph (c) says, "Whether a formal statement of charges has been filed regarding the alleged criminal activity." This is important too. Hypothetically, an individual is a victim of an enumerated crime, and it is on camera. There is evidence that someone came up to him in the convenience store where he worked and committed robbery with a gun to the victim's head. Although we have all of that, we may never find the perpetrator. It is possible he had on a mask and gloves and ran into the night, never to be caught. It does not make the victim less of a victim; that person continues to be a victim. He calls the authorities, files a police report, provides a description to the best of his ability, and does everything he can. Charges will not be filed because we do not have a perpetrator to go after. We want to make it abundantly clear that that is not a requirement. That is how it is written in federal law.

In the same section and subsection, paragraph (d) says, "Whether there was a prosecution or conviction of the criminal activity." Again, there are a lot of scenarios and hypotheticals that I could give you where we will never prosecute someone for committing this crime against a victim because we can never catch him. We do not want that to be put on the victim and somehow make him ineligible to get a Supplement B certification.

Under subsection 4 of section 8, it says, "For the purpose of determining helpfulness pursuant to subsection 1, there is a rebuttable presumption that a petitioner has been helpful, is being helpful or is likely to be helpful to the investigation or prosecution of the criminal activity, unless the petitioner refused or failed to provide assistance that was reasonably requested by a law enforcement agency in the investigation or prosecution of that criminal

activity." This is in operation now, and law enforcement can attest to that when they come up.

I need to make a point of clarification. For those of you whom I spoke with yesterday, I originally said that it was my belief that law enforcement would come in as neutral or in support; however, they have told me that they are concerned about the data reporting that I put in section 10. I will talk about that shortly. They have hesitation with that, so they will not be in support. I just wanted to put that on your radar as of now. I did not want to misrepresent myself yesterday. I had this conversation last night around 7 p.m. That is when I realized they would be pushing back on the data reporting.

The rebuttable presumption is how this works now. We prepare a Supplement B and submit it to the certifying agency, and then law enforcement—as they operate now—will look at it to ensure everything on it is true. If it is not, they will submit a letter saying they are not going to certify it because they asked the victim to cooperate and he refused to come in to help. They may have asked the victim to provide additional evidence, but he never called us back. It is already in operation now. They find reasons to say that the victim did not help, so they will not certify.

Section 9 is outside the scope of federal law, so I am not taking this from federal law. This is something new, and I want that to be clear. It says, "A certifying agency shall process a request for a certification within 90 days." I want to stop there because section 9 breaks into two portions. Right now, in my experience, I think every organization that works with U nonimmigrant status individuals and/or with the certification process will tell you that the turnaround is no more than 45 days. Law enforcement does it within 30 to 45 days. The most I have ever seen is close to a month and three weeks. They are very quick. However, we are trying to create a ceiling to ensure that, in the future, they never go past that. We want to make it reasonable for law enforcement and every other certifying agency to be able to do what they are doing now. They are achieving this more than half the time.

The second part of this—this is where my conceptual amendment will come in in addition to what is in here—says that it is 90 days unless the petitioner is a party to a federal immigration proceeding for his or her removal, in which case the certifying agency shall process the certification within 14 days of the date requested. I want to go back to a point that I previously made. An individual may have been a victim on January 1, but has not yet requested U nonimmigrant status, and he finds out that ICE has identified him as being undocumented and they will pick him up. They say that they know he is in the country unlawfully and will process him for removal. In that specific scenario, we want to make sure that, if the victim is eligible to apply for a U visa, the certifying agency will respond to it within 14 days of receiving the application. That is something victims are eligible for and may potentially change whether the individual can remain in the country.

The conceptual amendment that I am going to offer includes an age-out provision. In addition to what is there, I also want the 14-day expedited process to exist. In a scenario where the victim is under the age of 21 and he files for certification within X amount of time

before he turns 21, his parents will be eligible for what is called "derivative status." That is already in federal law. We are not changing anything, but we want to make sure the certification happens before he ages out. If someone is 20 years and 3 months old and is just months from turning 21, we want the individual to be able to expedite the process so that he does not age out and his derivative parents may still be eligible for this benefit.

Section 10, subsection 1 says, "A certifying agency shall not: (a) Disclose the immigration status of a petitioner unless such a disclosure is mandated by federal law or court order or the petitioner consents, in writing . . ."—the certifying agencies will tell you that that is in practice already—"to such a disclosure. (b) Withdraw a certification unless the petitioner refuses to provide assistance that was reasonably requested by a law enforcement agency . . . ." Again, what I am looking for here is, if an individual became a victim on January 1, and he requests the Supplement B certification on January 5, that law enforcement or the certifying agency goes through the record and says he is a victim, he cooperated and did everything right, so they are going to sign off on it. But then three weeks later law enforcement tells the victim that they need him to do something else, but he says he is not going to do it. In that scenario, law enforcement or the certifying agency could reasonably ask why he will not cooperate and then say that they will take back their certification since he is unreasonably refusing to help them. The certifying agency can do that in this case. We are saying that we do not want them to take it back simply because someone is not convicted later.

I want to get into the data reporting. On or before January 1, we want the certifying agency to do three things: indicate the number of requests received, the number of certifications completed, and the number of certifications denied. This data is going to help us with a whole host of things, but most importantly, if immigrants are specifically being targeted by the same consistent pattern of crime, we want to know that. If we are consistently denying a specific type of request, we want to know that. If there is a pattern of misconduct by people who are filing the certification requests, we want to know that. This data is important for us to know exactly what is going on, specifically when it comes to immigrants, victims, and perpetrators going after that population.

With that, I was going to go to my fourth point, which was answering questions, but I did it while I was presenting the bill. I will open it up for questions.

Assemblywoman Krasner:
You and I talked about this yesterday, and I understand this applies to adults as well as children who are noncitizens and victims of crime. They may be or have been helpful to law enforcement in a case. You said that law enforcement goes back five years to grant the U visa. You want it to go back indefinitely with no statute of limitations, but every other crime has a statute of limitations, whether it is rape or domestic violence or whatever. How can this work if there is no statute of limitations or time period for this?

Assemblyman Flores:
We are confusing two points. I want to make it abundantly clear. A statute of limitations, as you are referring to it, is when an individual is a victim or someone who has been harmed in a civil case. They have X amount of time to bring that issue against the perpetrator. That is when the statute of limitations is triggered. In this scenario, when we are talking about filing for certification, they have already been a victim and have been helpful to law enforcement and have done everything they needed to do. They are now, at a later time, saying they have already done everything necessary so now they want to be certified.

Most people do not know what a U visa or U nonimmigrant status is. They have never heard of it. I am confident that there are a lot of people in this room now for whom this is the first time they have ever heard about this. They may have heard of it in passing, but they do not know how it works. That is us, those who are supposed to be more educated and competent in how the law operates. We do not even know about this. Imagine a community that is being victimized and has never been exposed to this type of scenario. Very often, they do not hear about this until they are working with a women's group, church group, community activist group, or directly with law enforcement on a big investigation. A lot of these victims do not realize this program exists until much later. The internal policy created right now by law enforcement is something that was created internally. It is not in response to Congress's intent or federal law, but rather it is just an internal policy.

Assemblywoman Krasner:
Statute of limitations applies in criminal cases as well as civil. If you are saying that this only goes back five years now, I have a concern. If that same adult says she was a victim of domestic violence thirty years ago—and I just found out about this program—she wants law enforcement to give her the evidence from her crime now so that she can apply for a U visa. Because the statute of limitations is shorter than 30 years, law enforcement may not have that file or evidence after 30 years. Will this individual be able to sue law enforcement for not keeping that evidence and denying her that right?

Assemblyman Flores:
We are confusing two different points again. We will take it back to the beginning. In order for someone to request that a certifying agency sign off or certify a Supplement B, they need to do two things: demonstrate that they were a victim of an enumerated crime, and show that they have been helpful, are being helpful, or are going to be helpful in the investigation. In your hypothetical situation, this individual was a victim of an alleged crime 30 years ago, but she was never helpful. Now she comes back and wants law enforcement to prove she was helpful. The burden is on the victim, not law enforcement. There is not a single nonprofit attorney or organization in this community that, when he submits a request for a Supplement B, does not attach evidence of what he is claiming. There is proof through police reports, and there is evidence that this person testified in court. There is a whole host of different ways the victim can prove his case to the certifying agency. It is actually the reverse; it has already been done. If nothing exists after law enforcement goes through their records and the victim has nothing, the certifying agency would not sign off on anything

because they cannot demonstrate that the victim has been helpful in the past. There is no evidence of any of that.

Another thing: When law enforcement receives these claims, they have to be able to validate the two-prong test. If they cannot do it, they cannot sign off on it. That is not something someone could be sued for. Law enforcement will have to say that the person did not provide any evidence that this happened, and they have no evidence, so they cannot certify it.

Assemblywoman Krasner:
Currently, Metro [Las Vegas Metropolitan Police Department] goes back five years. The applicant might be someone who could potentially be helpful in the future. Is that why you want this to be indefinite with no statute of limitations? Would you walk me through a scenario where it is 20 or 30 years later? How would that work?

Assemblyman Flores:
This five-year rule is brand-new. Law enforcement and certifying agencies have not consistently abided by that rule. Prior to 2017 or 2018, that was not the rule. They certified things that happened 20 years ago; that was the practice. There was a new policy change that went into effect within the last year and a half that changed that. That had always been the practice in the state, but it has recently changed.

Let us go back to the hypothetical where an individual had been a victim of domestic violence 25 years ago. The victim cooperated with law enforcement, filed a police report, and testified in court against her perpetrator. On top of that, she also has some documents proving she had to have psychological help. There was an evaluation and case notes regarding helping the victim overcome the harm that she suffered. In that situation, there would be a lot of evidence. The individual knows that she was a victim, she was helpful, she was substantially harmed physically or emotionally, and it happened in the United States 25 years ago. She realizes she is eligible to apply for a program that she was not even aware existed 25 years ago. She goes to the local law enforcement and shows them the evidence and asks them to certify. Law enforcement likely does not have any proof of it. Even though they do not have it in their records, based on what the victim is showing them, they see that she has done everything required and they sign off on the certification. It does not matter if it happened 25 years ago. The individual can still prove the two points she has to prove. In this scenario, she was helpful in the past.

Assemblywoman Peters:
Are there other similar types of victim-based incentives? Can you give us other examples of when a victim can use a similar process for something else they need?

Assemblyman Flores:
In my excitement of walking you through the bill, I skipped over a very important section that goes directly along with what you mentioned. I am looking specifically at page 4, section 10, subsection 2. It says, "A certifying agency shall develop a protocol to assist petitioners: (a) Who have a limited proficiency in the English language, and (b) Who are

deaf, hard of hearing or speech impaired." That is what you are asking. Many of you in this Committee may be familiar with the Violence Against Women Act. I will not get too deep into that, but that is another example of how we realize—in this country, and specifically in Nevada—that we have a huge problem. Individuals are brought from other countries and are forced to do things—because they have no family here and they have no resources—and are subjected to human trafficking or such things because they cannot do anything to escape.

If I can use human trafficking as an example, let us say that there are young women and/or men who are brought from a different country. They do not speak English. They are forced into the sex industry and they have no escape. One day someone manages to escape and runs straight to the police and asks for help. In this scenario, it would be important to ensure that—simply because that victim does not speak English—the certifying agency lets that person know that he or she is not only brave, but also eligible to apply for U nonimmigrant status. Then they would need to walk him or her through the process.

I keep using domestic violence as an example because it is easy, but there is a whole host of crimes this could be. There could be someone watching all of this happen and she wants to speak up, but someone tells her she will be killed if she speaks up. These are problems that are happening right here in Nevada. We have an obligation to help them. It is a conversation that consistently comes up in this Committee. We realize how big the problem is. This program helps those individuals too.

Assemblywoman Torres:
We want everyone to understand how the U visa system works. When individuals have cases they think qualify for a U visa—whether they are doing it themselves or seeking help—they send a letter to the police department or law enforcement. When they sign off on that form, that does not give the individual status. Correct? The individual still has to complete other paperwork that is later sent to immigration. Immigration determines if that crime meets the standards of the U visa. The only two requirements are that it is an enumerated crime and that they cooperated with law enforcement.

Assemblyman Flores:
I have stated this a few times, but if I was not clear to the Committee, there is a five-prong test. That five-prong test needs to be proven to the Department of Homeland Security. It is federal law, and it is a requirement that needs to be fulfilled now. The reason we focus on the two-prong test is that it is all that needs to be satisfied in order for the certifying agency to sign off on it. After the certifying agency signs off on Supplement B, there are other forms that are submitted to the Department of Homeland Security and that then goes through a new vetting process.

Practitioners and different organizations will come up to tell you that there have been multiple instances where a certifying agency will sign off on the Supplement B and then the Department of Homeland Security will reject that certification. The Department of Homeland Security may disagree depending on their vetting process. They may determine it was not an enumerated type of crime that happened, or there is a question regarding state

elements versus federal elements. I could get into the weeds about how complicated this can be, but it is sufficient that I make it clear that there is an incredibly complex vetting process that happens at the federal level even after the certification has been signed. The certification itself grants absolutely nothing.

Assemblywoman Hansen:
This bill is mostly federal language, reiterated. It seems to me there are a couple of asks in here: to clarify time frames, and for Nevada law to clarify what a certifying agency is. Correct? As you just indicated, law enforcement has only pushed back on the reporting side.

There was one other thing: the aging out for those under 21. That is why you asked for an extension of the time frame. Please explain the aging-out aspect. That is where we talked about adding the parents. That would be cases in which the parent is part of the situation when the child became a victim. Is that correct?

Assemblyman Flores:
Yes. We are asking for it to be expedited when a child could possibly age-out. Rather than giving the certifying agency 90 days—they usually do it in 30 to 45 days—in that scenario, it would be for someone who is about to age out. It is not for all minors; it is just for those about to age out. The request would come from the petitioner and/or the practitioner or organization requesting it on the petitioner's behalf. To make it clear, we have an age-out concern and are asking that the certification happen within 14 days.

The removal proceeding is also in progress. If an individual has been identified as being here unlawfully and Homeland Security wants to process his removal, the individual may use this tool if he is eligible for a U nonimmigrant status. He will want to have an opportunity to submit that paperwork before they make their decision.

Assemblyman Roberts:
During my last three and a half years at Metro, the U visa program was under my command at various times. About every eight months or so, someone would contact the sheriff and complain about the U visa program. We would bring them in and brief them, and I would participate in those briefings. Once we were done, people were satisfied with the way we were running the program. I believe transparency would help in the long run.

Regarding the reporting requirements, Metro has that data now, and every few months we would go over it. I do not understand the problem. I do not know why the other agencies have a problem. Assemblywoman Torres clarified my question for me, but this is just a qualifying event in the federal immigration system and Homeland Security will vet all of the factual data to include all the years they have to go back to ensure it was indeed a crime and that the person was a victim. They will vet that thoroughly, and if they find that it is not right, they will not qualify him to stay in the country.

Assemblyman Flores:
I agree.

Chairman Yeager:
In the interest of time, we will move on from the presentation. We will open the testimony for support on Assembly Bill 336. Come forward if you have testimony in support of the bill, both here and in Las Vegas.

Jose Rivera, representing Nevada Hispanic Legislative Caucus:
I would like to express support for the bill. This bill is the intent of Congress when they created the U visa program. These are good government practices that will help improve the communities' relationships with law enforcement.

Julie Bobzien, Executive Director, Volunteer Attorneys for Rural Nevadans:
We are a small, nonprofit legal services organization located here in Carson City. We provide legal services in the 15 rural Nevada counties. We have been providing legal services to Nevada's rural counties since 1996, and our programs have grown and changed with the needs of the state. Volunteer Attorneys for Rural Nevadans (VARN) began providing legal services specifically to victims of domestic violence in 2002. At that time, the program mainly provided assistance in family law matters, but in 2011, we expanded our services to include services for immigrant victims of domestic violence. That is when we started providing assistance with U visas.

The U visa program is intended to be a crime prevention program. Immigrant victims of domestic violence are especially reluctant to report abuse for fear of deportation and loss of their children. The U visa program helps strengthen relationships between law enforcement and immigrant communities by encouraging those who have been victims to come forward. Batterers and other criminals are held accountable for their actions, and, ultimately, this makes our communities safer. Through the U visa program, victims of crime who have been helpful with an investigation or prosecution become eligible to apply for the U visa. Receiving the certification for their assistance is a key part of their U visa application.

As I previously mentioned, VARN offers our services in the 15 rural counties of Nevada. As big as Nevada is, the logistics of that can be difficult, to say the least. When it comes to requesting U visa certifications, we have encountered different processes in different jurisdictions. This can be frustrating and confusing to an already vulnerable population. It makes it even more difficult for us to provide meaningful legal services. In the end, victims remain hidden, crimes go unreported, and criminals are never brought to justice. Passing Assembly Bill 336 is an important step toward strengthening relationships between law enforcement and immigrant communities, streamlining the U visa certification process, and reducing crime in our state.

Megan Ortiz, Intern, American Civil Liberties Union of Nevada:
The fact of the matter is that there are very few U visa petitions, which can grant a person a legal, or at minimum, a safe status in the United States while they continue to search for a path to their ultimate goal: citizenship. As Assemblyman Flores explained, the U visa is a very unique form of visa that is designed to aid the victims of both mental and physical abuse, as well as other violent crimes.

I have personally submitted dozens of these petitions in this state. These crimes can be anything from domestic violence, rape, false imprisonment, to attempted murder. It is very important that we set a transparent standard for these qualifying crimes while they go through the verification process on the Supplement B form. It is particularly important that we speed up this process, not only for those facing removal proceedings, but also because it is not uncommon to see these things take as long as a year or more from when they were submitted to when they are actually being approved by law enforcement. I see no reason for being uncooperative when they know their life is on the line. We ask you to support this bill, Assembly Bill 336.

Amber Batchelor, Vice President, Advocacy and Prevention Services, SafeNest:
I am the current vice president of a community-based advocacy service. We are testifying in support of Assembly Bill 336. Currently, SafeNest assists multiple victims of domestic violence to complete their Form I-918. That frequently takes a very long time. During that period of time, we provide them with counseling and advocacy and sometimes access to services that are required to meet their basic needs.

Immigrant victims of domestic violence face incredible hardships and challenges above and beyond those caused by the domestic violence. For most immigrant women, their only means of support is the abusive partner. They may lack support networks. Without those support networks, they are unable to find any type of work that would enable them to support themselves and, frequently, their children once they have left the violent relationship. Leaving their husband or partner for a safer environment means losing not only the financial support and their possessions, but also their extended family and the community that can provide them with the support needed to obtain work, safety, or shelter.

Immigrant victims face an unfamiliar new life. Sometimes they also face discrimination and persecution. They are under a constant threat of deportation by their partner who uses immigration-related threats to assert power and control.

Another barrier is their fear of deportation and that it could mean losing custody of their children. They frequently fear the official institutions in their country of origin. Institutions are not to be trusted. They have an inability to communicate in a common language. This makes getting information, resources, and services difficult. The intervention services once they do acquire them may not be able to meet their needs. They also face family and community resistance when they do reach out to those institutions.

A victim-centered approach to the certification process includes flexibility when victims experience the crime of domestic violence. When they are finally able to file Form I-918, it takes into account the trauma a domestic violence victim has experienced, and it requires providers to be diligent in their services. A firm date for receiving a response will go far in reducing the emotional stress on victims.

Bryan K. Martin, Attorney, Family Justice Project, Legal Aid Center of Southern Nevada:

I am here in support of Assembly Bill 336. [He read from (Exhibit G).] I would like to echo much of what has already been said by Assemblyman Flores and our other partners. The barriers and concerns that many of these immigrant victims of crime face are that there was a lot of inaccessibility. This bill will go far in standardizing and codifying what is already being done in many areas of Nevada. It will help access benefits for many of our clients who need them so desperately.

I will give you an on-the-ground view of what happens here in Las Vegas from the perspective of Legal Aid. We have hundreds of these applications in our office. It is the most requested help that we get. Standardizing the process, both here and elsewhere, will help since there are so many victims who need this type of service. Many of our clients spend years in abusive situations—or years after being victimized from other forms of serious crime—without knowing that this program exists. They are unable to access benefits that could provide the services they need to move past abusive and traumatic events in their lives and to have some form of stability afterwards. To many, this is a lifeline. It is their ability to escape these bad situations—not only to escape them, but to move on to a meaningful life once they are approved for that U visa.

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

We are a statewide organization that works to decrease barriers for all survivors of domestic and sexual violence (Exhibit H). We support Assembly Bill 336. The U visa process has been an important option for immigrant survivors of crime, including victims of domestic and sexual violence. Assembly Bill 336 ensures that victims who participate in the criminal justice system—often at their own risk—receive assistance from law enforcement agencies, prosecutors' offices, or courts in certifying that participation. This certification is a required part of the application for a U visa and does not automatically grant such a visa. In fact, only 10,000 U visas are issued each year. It does, however, provide some initial protection for the victim and is critical to their ability to move forward with their life. We are hearing reports that some agencies refuse to certify and that others are unable to handle the volume of requests. Immigrant survivors of domestic and sexual violence put themselves in a very vulnerable position when they seek safety by contacting law enforcement. Reporting and participating in the criminal justice procedure can be very draining and traumatic. Survivors should not have to seek an agency that will sign off on their U visa certification only to be turned away. Oftentimes, survivors are overwhelmed by the system. Having to go from one agency to another is discouraging, and many survivors get frustrated and give up on their quest for obtaining certification of their U visas. Certifying agencies should do what they

can to support survivors of domestic and sexual violence and make an already overwhelming and emotional experience less traumatic and confusing. We support the bill.

Sylvia R. Lazos, Co-Leader, Legislative Advocacy Group, Nevada Immigrant Coalition:
I am here representing the Nevada Immigrant Coalition, which is composed of the Progressive Leadership Alliance of Nevada, the Culinary Workers Union, Make the Road Nevada, Mi Familia Vota, American Immigration Lawyers Association, America's Voice, Planned Parenthood, Service Employees International Union Nevada Local 1107, ¡Arriba! Las Vegas Worker Center, UNLV UndocuNetwork, Children's Advocacy Alliance, American Civil Liberties Union of Nevada, Catholic Charities of Southern Nevada, NextGen, DREAM Big Nevada, Asian Community Development Council, America Votes, and For Nevada's Future.

We support Assembly Bill 336 because it is a good law (Exhibit I). The U visa federal program is that rare area in immigration law where there is bipartisan agreement that we need to create an avenue for victims of domestic abuse and for anyone who cooperates with law enforcement. It is a good law for the state to create clarity in the process of how to obtain a Form I-918 Supplement B. This clarity of process will also discourage what many people perceive as arbitrary actions at the time a certification is denied.

Finally, as we spoke earlier, issues of trust rarely exist between the immigrant community and law enforcement folks. Being able to have more clarity and transparency is always a good path to rebuilding the trust that we must have as a community.

Alicia Estrada, Attorney, The Immigrant Home Foundation:
I am here to express my views on Assembly Bill 336. This legislation would bring uniformity. Right now in southern Nevada, it is a challenge. Here in Clark County, there are two different police departments with a five-year rule and different guidelines. In order to navigate the system, we must be familiar with the guidelines to serve our victims adequately. Furthermore, from our experience, the burden of helpfulness has been shifted to the victim. A victim has to come up with proof that she has been helpful in the investigation. This is extremely difficult to do when a victim is in a shelter. Usually, the aggressor is in a position of power and takes away their documentation, such as passports and any other type of identifying information that might help a victim receive certification. This is a challenge that we deal with every day. This legislation would help alleviate one of those challenges.

This legislation would also help with the aging-out process that Assemblyman Flores referred to. From our experience, some certification requests can take up to a year. During that year, the victim can age out and the parents would no longer be eligible to be included in this process. It is the right thing to do. It gives a voice to the victims and allows them to heal without a time frame. Currently, we are sending a message that victims must be healed and have their affairs in order within five years. This would send the right message to our victims.

Mayra Salinas-Menjivar, University Legal Services Fellow, University of Nevada, Las Vegas Immigration Clinic:
I am here in support of this bill. There are a couple of things that may help answer some of the questions that were asked. This bill addresses certification only. That is only part of the process for someone to qualify for a U visa. The certification process, in its simplest form, is a recognition that a person is a victim of a specific type of crime as listed under federal law, and that he was helpful to the agency that was investigating or prosecuting the crime. This does not give anyone an immigration benefit. A law enforcement agency signing off on a certification does not guarantee that the person will receive an immigration benefit. It is only one of several factors that the federal government looks at in determining whether they will approve a U visa for that person. It is a very important factor because it is a necessary one under the process that immigration undertakes. Time limitations are actually very contrary to the very policies that were put into place by the federal government. The Department of Homeland Security's own guidance to law enforcement specifically states that there are no time limitations for certifications. In that guidance, the Department of Homeland Security makes it very clear that there is an interest in certifying policies to be as broad and all-encompassing for signing certifications as possible. There is a clear interest in recognizing victims, no matter if they were victimized today, 10 years ago, or 20 years ago. More so, this promotes assisting law enforcement. It promotes people coming forward and assisting law enforcement in bringing about justice.

The focus of this process is on the victims and not the perpetrators. It does not matter if there is an arrest, a prosecution, or a conviction. That is specifically stated in the guidance from the Department of Homeland Security. What they focus on is the harm to the victim. That is what the policies our certifying agencies should be focused on: How do they help a victim of a crime?

Erika Castro, Organizing Manager, Progressive Leadership Alliance of Nevada; and representing Nevada Immigrant Coalition:
I echo everything that my colleagues have said. We support this bill, and we need to make sure we are supporting victims of crime and rebuilding the trust in our communities.

Caleb L. Green, Student Attorney, University of Nevada, Las Vegas Immigration Clinic:
I am in support of Assembly Bill 336. This is a bill that needs to be supported with urgency because it supports consistency and congruency throughout Nevada regarding U visas. In addition, it promotes safety by encouraging individuals to report crimes and to cooperate with investigations. I urge you to support this bill.

Chairman Yeager:
Seeing no additional support testimony, I am now going to open it up for opposition testimony. Anyone opposed to Assembly Bill 336, please come forward.

A.J. Delap, Government Liaison, Las Vegas Metropolitan Police Department:
I would like to start by saying that we appreciate the Assemblyman working with us. We had a meeting late last night. His door was open to us, as it always is. The opposition that I am bringing forth is a very light opposition by rules of the Committee. I think we can get to a point where we will not be opposed and will move on from there. It is primarily related, once again, to the reporting aspect of it.

Currently, there are five persons within our agency who are authorized to certify these applications. There is not a set U visa section that tracks these or documents the numbers that are coming through. I can say anecdotally that we are looking at between 800 and 1,000 a year coming through our agency, and we do see them. I can also say anecdotally that I believe close to 90 percent of them are approved. We see the purpose of the U visa. As a police officer for 22 years, I have seen the fear in people's eyes when they have been victimized, and when they are concerned about issues involving immigration and their status. I understand the concern and the purpose of the U visas.

With that, it is the reporting mechanism that is the problem. We are appreciative of the annual report on January 1. We are going to need to figure out how we are going to capture those numbers and make sure what we are reporting is true and accurate. We support transparency with our agency, and this is another mechanism where that can occur.

There may be a fiscal aspect to this. We are still in the evaluation period. The Assemblyman has given us the opportunity to discuss this further and, if changes need to be made, it appears he is willing to entertain those.

There are a couple of things I would like to point out regarding this. The 90 days is not a problem for us in this measure. We believe that 90 days is doable. I agree with the Assemblyman that we are hitting around the 30- to 40-day mark. The expedited time is a question mark—14 days? That is based on a couple of factors. Predominantly, when the person who is seeking the U visa has sought after legal counsel, most of the time the counsel knows what they are doing, so the packets we receive are complete and ready to go. It simply requires our vetting process through our record system to conclude that the person should proceed. That is all we do. We simply say that the person is being helpful to law enforcement and we send the form to the federal agency. They are the ones who make the ultimate decision. There is some time required for doing that under certain circumstances, and when the packet is not complete, trying to meet that 14-day window may be problematic. We would like some kind of remedy if we can articulate why it is that we did not hit that 14-day window.

Chairman Yeager:
I encourage you to keep working with Assemblyman Flores and see if we can get to a happy place on the reporting requirement. I will take additional testimony in opposition to the bill. Seeing no additional opposition testimony, I will open it up for neutral. Is there anyone neutral? I do not see anyone in Las Vegas, but we have two people in Carson City.

Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office:
We are here today neutral on Assembly Bill 336. We are currently participating in the U visa program, but to a smaller degree than what Metro sees. In northern Nevada, between the four regional agencies, we process fewer than 150 annually. The reporting requirement for us would be quite simple. It is currently housed in our detective division. Our victim advocate works with the Victim/Witness Assistance Center to process these U visas.

John T. Jones, Jr., representing Nevada District Attorneys Association:
We are neutral. I agree that this program is important for victims of crime, but one thing that has not been discussed that is important for this Committee to know is the interplay between this program and our criminal cases. Oftentimes, defense attorneys will ask for this information and are entitled to it as part of the criminal case as a potential inducement given to the victim on behalf of law enforcement agencies and prosecutors. In other words, when we are affirmatively signing a statement that the victim is cooperating and could potentially get legal status, that could call into question a victim's statements that they make to law enforcement. If you ask the defense attorneys on the Committee, they would want to know this information if they are defending a criminal case.

Chairman Yeager:
Is there anyone else in the neutral position on Assembly Bill 336? I see no one else. Assemblyman Flores is waiving any concluding remarks. At this time, I will close the hearing on Assembly Bill 336. We have two more bills to go, so at this time I will open the hearing on Assembly Bill 410.

Assembly Bill 410: Revises provisions relating to orders for protection. (BDR 3-176)

Assemblywoman Lisa Krasner, Assembly District No. 26:
Assembly Bill 410 relates to orders for protection. As you consider recent statistics, the importance of these orders of protection become clearer. According to the Center for Disease Control and Prevention, one in four women and one in seven men will experience severe physical violence by an intimate partner in their lifetime. In addition, an estimated 9.7 percent of women and 2.3 percent of men have been stalked by an intimate partner during their lifetime. The Nevada Coalition to END Domestic and Sexual Violence reports that almost half of the women and almost one-third of the men living in Nevada have experienced rape, physical violence, or stalking by an intimate partner.

What is domestic violence? Domestic violence is generally defined as a violent crime committed in the context of an intimate relationship. However, domestic violence is no longer just a family matter. It is a crime involving the use of power, coercion, and violence to control another person. Domestic violence is different from other random crimes because the perpetrator and the victim are not strangers. Instead, they are intimate partners, family members, or parents of common children. Ongoing domestic violence is characterized by a pattern of escalating abuse in which one partner in the relationship controls the other through force, deprivation, or threats of violence.

Nevada ranks third among the worst states for domestic violence. On October 20, 2014, a 52-year-old man stabbed his ex-wife to death in their home with their children nearby, according to Metro [Las Vegas Metropolitan Police Department]. Jodi Joyce suffered a fatal wound to her chest. Her husband then stabbed himself in the stomach, inflicting critical injuries. Domestic abuse, which includes emotional and verbal as well as physical abuse, is all around us. The number of occasions of its rising to physical violence is stunning. Metro police fielded nearly 60,000 calls last year from people who said they were being assailed by someone in their household. The actual number of victims is likely much higher still because many people are too scared or ashamed to admit that they have been abused. For nine of the past ten years, Nevada has ranked among the top ten states for the rate of women killed by men, according to the Violence Policy Center. The Center's most recent report, based on a 2016 study, ranked Nevada third in the nation for the most women killed by men. The Clark County District Attorney's Office typically receives 10 to 20 new cases per day. The cases can be difficult to prosecute when victims, perhaps for fear of reprisal, are unwilling to cooperate.

In southern Nevada, a woman showed up at her neighbor's house naked, except for the black tape and necktie wound around her throat. She could hardly walk. Her husband who recently had been jailed for beating her had come back, according to Metro. The husband claimed to have been having an asthma attack and needed his inhaler, so she opened the door for him. Inside, the abuse began again. He beat her, bound her hands and feet, choked her unconscious, whipped her with an electrical cord, stabbed her with sewing needles, and burned her feet with an iron. Eventually she jumped out of the upstairs window, but after her husband dragged her back inside, she was able to flee through the front door. If this sounds too horrific to believe, think again.

Domestic violence and stalking are serious problems in Nevada, and the need to have adequate protection for victims is paramount. There are two different types of protective orders. They are both addressed in Assembly Bill 410. First, the court may issue a temporary order of protection against domestic violence. Second, the court may issue a temporary order of protection against stalking, aggravated stalking, or harassment. Currently, either type of temporary order expires within 30 days, unless an application for an extended order is filed within the period that the temporary order is in effect. If an applicant requests to extend the order, the temporary order remains in effect until a hearing on the extended order is held. Assembly Bill 410 extends the time period that a temporary order

issued for protection against domestic violence, stalking, aggravated stalking, or harassment is initially valid from 30 days to 45 days.

Chairman Yeager:
Are there any questions? I do not see any questions, so I will now open it up for support if anyone here is in support of Assembly Bill 410.

James M. Humm, Deputy Chief of Staff, Office of the Attorney General:
Given that this bill aligns directly with our domestic violence bill package, specifically with Assembly Bill 19 on the enhancements of victim protections, we strongly urge the Committee to pass Assembly Bill 410. We will be happy to continue to work with Assemblywoman Krasner.

Marc M. Schifalacqua, Senior Assistant City Attorney, City of Henderson:
My office handles all misdemeanor crime that occurs in Henderson, which would include violations of temporary protective orders. The City of Henderson is in support.

Amber Batchelor, Vice President, Advocacy and Prevention Services, SafeNest:
We are testifying in support of Assembly Bill 410. A wise someone said, "Protection orders are only as helpful as they actually meet the needs of victims [Darren Mitchell, co-executive director of the Legal Resource Center on Violence against Women]." Victims obtain protective orders because they seek safety from further assault, threats of abuse, being followed, or harassed. They seek orders because they need the abuser to be ordered to stay away from places they may go: their workplace, their children's schools, friends' houses, or other places where they may be seeking shelter.

Economic security is another reason they seek protective orders—orders for the abusive partner to pay certain bills such as rent, utilities, and the like. This frequently plays a vital role in the decision to leave an abusive relationship. After leaving their partner, victims frequently must provide for their and their kids' basic needs solely on their income. The options are even more limited if the victim has experienced economic abuse, in which case they may have a nonexistent or checkered work history.

Victims also seek protective orders for stability. They remain in the home without additional disruption of their lives and the lives of their children. It allows the victim to keep going to school or work and to avoid relocating, which again protects their economic stability. It also affords them a longer time to become independent and safe. Assembly Bill 410 enables victims to have all of the benefits of the order as it currently reads for a longer period of time. If protection orders are only as helpful as they actually meet the needs of the victims, Assembly Bill 410 will better meet these needs.

Lisa T. Rasmussen, representing Nevada Attorneys for Criminal Justice:
We have no issues with the bill. We think it is a reasonable request, and we are in a position to support it.

Tracy Geraghty, Temporary Protection Order Advocate Specialist, Domestic Violence Resource Center:
I am here to testify in support of Assembly Bill 410. The Domestic Violence Resource Center has staffed the temporary protection order office at the Second Judicial District Court for 30 years. I have been the temporary protection order (TPO) courtroom advocate for the last six years. Recently, our organization formed a TPO unit at our administrative facility offering the community's most experienced and most comprehensive TPO advocacy team. We provide TPO advocacy in English and in Spanish, with access to additional languages as needed. Our TPO unit offers the community's most experienced advocates who assess the protection orders and accompany applicants to hearings as needed, providing much-needed support during this traumatic time.

Since October 2018, the Domestic Violence Resource Center's TPO unit has provided approximately 120 clients with assistance regarding TPOs, and we have accompanied approximately 40 clients to their hearings. We support Assembly Bill 410 because extending the length of time an order is in place from 30 to 45 days helps to provide a greater level of support and security for the applicant.

Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence:
I have permission from Bailey Bortolin, on behalf of the Nevada Coalition of Legal Service Providers—since they are one of our allied members—to pass along their support for this bill as well.

Protection orders can make a critical difference in the life and safety of a survivor of domestic violence. Allowing for increased time for temporary protection orders to expire will have a big impact on the lives of those seeking these safety measures. Thirty days is a short amount of time to accomplish anything, including the service of the order. Increasing the time frame to 45 days will allow survivors to seek safety, prepare for court where they will have to see their abuser if they apply for an extended order, and provide the extra time that may be needed for a successful service. By supporting Assembly Bill 410, you will be supporting survivors of domestic and sexual violence.

Marlene Lockard, representing Nevada Women's Lobby:
I am also the chair of the Domestic Violence Resource Center (DVRC). You heard directly from Tracy Geraghty about all the good work that the Domestic Violence Resource Center does in northern Nevada. The statistics that she gave you were just since last October. The number of victims that the DVRC has helped and has assisted in staying safe and secure over the last 30 years is astronomical. We are in strong support of this bill.

John T. Jones, Jr., representing Nevada District Attorneys Association:
I want to log our strong support.

Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office; and representing Nevada Sheriffs' and Chiefs' Association:
On behalf of the Washoe County Sheriff's Office and the Nevada Sheriffs' and Chiefs' Association's executive director, Eric Spratley, we are in full support.

A.J. Delap, Government Liaison, Las Vegas Metropolitan Police Department:
We are also in support of this measure.

Chairman Yeager:
Is there anyone else in support of Assembly Bill 410? Seeing no one, I will take opposition. Is there anyone opposed to Assembly Bill 410?

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:
Assemblywoman Krasner has met with me several times to address our concerns and has indicated on numerous occasions her willingness to work with my office to alleviate our concerns.

No person shall be deprived of life, liberty, or property without due process. That is a vital constitutional right that individuals have. With temporary restraining orders, there is no due process unless there is an extended temporary protection order hearing. What we have for the first 30 days is an individual who is not allowed to go back to his home, to visit his children, or to even get his property or clothes as long as that protective order is in place. You will find copies of temporary protective orders that are provided to our applicants on the Nevada Electronic Legislative Information System (Exhibit J) and (Exhibit K). It goes through specific details regarding what it is that you can request through the temporary protective order. It also allows you to check the box to request an extended order of protection.

Although I believe this bill is trying to provide additional protection against domestic violence, I disagree that it does that. It is really starting to erode our due process rights. Even though it is just 15 days this session, it may be 30 days next session, and so on and so forth. Our concern is that we have individuals who have not had an opportunity to be heard. For the TPO process, an applicant, who potentially has the assistance of a victim advocate, speaks to a judge, but the adverse party is not there and does not get to say that the conduct did not occur. The purpose of the TPO is to get the adverse party to realize what he is doing is wrong. Maybe the adverse party has conduct that is inappropriate and stops that conduct. If that is the case, we are done with the TPO when it is dissolved and there are no further issues. That is the goal: to make sure that person stops the conduct. If the applicant requests an extended TPO, there is an additional order in place. While that TPO is in place, if there is any further inappropriate conduct, the applicant can speak to a police officer and request that

additional charges be filed. They have a lot of resources in place to ensure that, if there are any issues, they will be resolved in a timely fashion. That is our objection to this bill.

Chairman Yeager:
Is there anyone else in opposition to Assembly Bill 410? Seeing no additional opposition, I will take neutral testimony. Is there anyone neutral? I do not see any neutral testimony. Assemblywoman Krasner, are there concluding remarks?

Assemblywoman Krasner:
After doing some research, currently in Washoe County and in Clark County, the judges are doing this and are using their discretion to extend up to 45 days. We do not know if this is being done in the rural counties. This would put it into statute and give the discretion to the judge to go up to 45 days.

Chairman Yeager:
I will now close the hearing on Assembly Bill 410. I will hand the Chair over to Vice Chairwoman Cohen while I present our final bill this morning.

[Assemblywoman Cohen assumed the Chair.]

Vice Chairwoman Cohen:
I will now open the hearing on Assembly Bill 422.

Assembly Bill 422: Revises provisions governing criminal procedure. (BDR 14-1096)

Assemblyman Steve Yeager, Assembly District No. 9:
We have talked a lot this session about victims' rights and the constitutional rights that are now afforded victims in the *Constitution of Nevada*. Those were rights enacted by the 2018 voters in an initiative that is commonly known as "Marsy's Law." Assembly Bill 422 is a bill that takes victims' rights seriously. It seeks to give more than lip service to a victim's desire about whether and how to participate in a case. Its goal is to make sure the criminal justice system does not retraumatize a survivor of sexual assault or domestic violence.

The bill itself is not that complex, so I will take you through it. Before I do that, I will acknowledge there are probably a lot of different ways to come at this issue. What you have in front of you is one potential way, but maybe not the best way. My intent here is to get a conversation about this started.

Section 1 of the bill provides that it is not contempt of court for a survivor of domestic violence or sexual assault to fail to comply with a subpoena. Again, that is a change. Right now it would be contempt of court. Section 1 says it is not contempt of court.

Section 2 of the bill provides that a survivor of domestic violence or sexual assault may not have a bail set to secure his or her appearance in court if the person cannot be subpoenaed for

some reason. As a practical matter, this means that survivors of domestic violence or sexual assault will no longer be forced to post bail or face arrest.

Section 3 of the bill provides that arrest warrants cannot be issued for survivors of domestic violence or sexual assault if the survivor does not come to court to testify after being served with a subpoena. As a practical matter, this means that no longer in the state of Nevada would we arrest and incarcerate survivors of sexual assault and domestic violence for not coming to court. I want to make it clear, because I do not know that the bill says this clearly, but my intent is, when they are being asked to come to court to testify in their own case—in the case against the person who victimized them—this applies to that case only, and if they are subpoenaed for another court case that has nothing to do with the underlying crime we are talking about, this bill would not apply. This is only if it is against the person who victimized the survivor.

Uploaded to the Nevada Electronic Legislative Information System (NELIS) you will find a link to an article from *The New Yorker* that was dated October 2017 (Exhibit L). In case you did not know, we are not allowed to post copyrighted articles, so that is why you have a link to it on NELIS that you can click. The *The New Yorker* article talks about this practice of arresting victims. This practice is sometimes known as "material witness warrants," so you will see those terms used interchangeably. Feel free to read that article if you get a chance. I know everyone is busy, but I know you will find the article fascinating.

You will also see a link to an article [*The New Orleans Advocate*, February 7, 2019] about the New Orleans City Council passing a resolution this year condemning the practice of arresting victims (Exhibit M). The City Council also pledged to work with lawmakers in that state to try to change the law. To be clear, I do not believe there is any jurisdiction in our country that has enacted something like Assembly Bill 422. It looks as though the state of Louisiana may be going that direction, but we would be the first state to send a clear message to survivors of domestic violence and sexual assault that it is not okay to arrest and incarcerate them.

I do not want to understate the complexity of this issue. An inability to incarcerate a survivor might result in the inability to secure a conviction in court. It might not. Not every conviction requires testimony from the person who was victimized. Sometimes there are eyewitnesses or admissions made by the one committing the criminal offense, but sometimes the victim's testimony is necessary for a conviction. If that is the case, enacting Assembly Bill 422 would make it unlikely to be able to secure convictions in certain cases.

That being said, we cannot just pay lip service when we say we want victims to have a voice in the criminal justice process. I firmly believe incarcerating survivors of crime and further traumatizing those survivors is the wrong approach and contradicts what everyone in this building has been saying about victims' rights over the last few sessions. This is an opportunity for Nevada to be a leader and to recognize that it is time to stop this practice of issuing arrest warrants and incarcerating survivors of sexual assault and domestic violence.

Assemblywoman Nguyen:
I have been in court where victims of violent crime have been arrested because they are scared or they do not want to relive the trauma of testifying in multiple court hearings, for whatever reason. They are in jail. Can you explain to the Committee why they are not entitled to counsel since it is a civil contempt of court?

Assemblyman Yeager:
You are correct that they are not entitled to counsel. There are judges who will, at times, appoint counsel to someone. Since they are not the one who is being prosecuted for the underlying case, many of our judges have determined that counsel is not required. Essentially, this is not punishment for a criminal act. I have seen that judges may appoint counsel, but I think the practice is far from being uniform, at least in Clark County.

Assemblywoman Miller:
There are some cases—and you have already addressed the fact that we may not be able to get certain testimonies—where the victim is the one who brought the accusation forward. How does that comply with some of our constitutional rights to confront the witness?

Assemblyman Yeager:
If I could take you back further than any of us go, back when our judicial system started in this country, prosecutions were actually initiated and cases were prosecuted by the victim of the crime. That is how it used to work. The victim himself or herself would bring the prosecution against the defendant. At some point—and I am not sure when—we transitioned to the idea of prosecutors' offices, so what you have now is the State of Nevada versus an individual, or the City of Las Vegas. What generally initiates a prosecution—although not always—in the cases that I am talking about here, you usually have a person who has been victimized who makes a report. The way our system works right now, once that report is initiated, it is the local prosecuting agency—whether it is the attorney general or a local prosecutor—who decides whether to go forward with a case. This was one of the issues that brought about Marsy's Law, because those who were actually victims felt as though their input was not being considered by the prosecutor's office in every case.

The way it works now is that you could have a victim who comes forward to a prosecutor who says, "I do not want this case to go forward." Ultimately, it is up to the local prosecuting agency to decide whether to go forward. What this bill addresses is what happens in the situation where the victim does not want to go forward but the prosecutor does. Those are the competing interests that we find in this bill. This bill talks about some of those situations, but not all—I do not want to give the Committee the impression that this happens all the time—that can result in the victim being incarcerated and essentially forced to testify or endure continuing prosecution. I see this particular bill, Assembly Bill 422, coming into play in those circumstances where a prosecutor feels the victim's testimony is necessary for a conviction, but the victim does not want to participate in the process.

Assemblywoman Miller:
I agree, we do not want victims arrested if, for any reason, they choose not to testify. On the defendant's side, would the testimony given to the prosecutor be admissible if the defendant does not have the right to confront the witness? Constitutionally, how does that work?

Assemblyman Yeager:
I understand your question on the deeper side. It is an interesting question. Typically, if a victim does not come to testify, a prosecutor is not allowed to use any statements, written or oral, made by the victim because the defendant has a Sixth Amendment right to cross-examine. I do not think that issue would come into play if this bill were to be enacted. Certainly, if there were an eyewitness, the eyewitness could testify and the defendant would have a chance to cross-examine. If an officer testified about what he or she observed, cross-examination of that officer would happen. If the defendant made admissions that he had committed the crime, that would come in. Typically, that constitutional right would not be implicated because the court would not allow hearsay, which is a classic out-of-court statement to come in in a trial.

Assemblywoman Miller:
Are we just accepting the fact that we would not be able to use the victim's statements?

Assemblyman Yeager:
That is the policy consideration in front of this Committee. What do we want to do about this situation? Do we want to preclude this realizing that there may be some cases that cannot be prosecuted and convictions that cannot be secured? That is the balance that we are looking at and trying to make with Assembly Bill 422.

Assemblywoman Torres:
This may be something we have to amend into a piece of legislation. Looking at this bill, I am not seeing that it is clear that this only applies to individuals in that case. It needs to be clear that that is the intent of this legislation. If I am a victim of sexual assault for a different type of case, this would not apply.

Assemblyman Yeager:
I agree. I do not think it is clear in the bill. I want to make the intent clear on the record, but if the bill moves forward, we should amend that into the bill in some fashion. I do not want to hamstring prosecutors or civil litigants in cases that are completely unrelated to the conduct which caused the person to become a victim.

Vice Chairwoman Cohen:
I know the intent is that we want to give victims agency in their situation. What are we doing when it is not that the victim does not want to testify, it is that they think they cannot? They are afraid of the repercussions, and they know that sometimes people negotiate down to pleas. Maybe they were told that the defendant is going to come get them if they get arrested. What kind of resources are we giving victims to encourage them to be witnesses in these cases?

Assemblyman Yeager:
The prosecutors will have a little more to say on that question. In Clark County, and maybe in Washoe County, there is the Victim/Witness Assistance Center, but a victim/witness advocacy center is housed in the local prosecutor's office. The role of that office is to help with exactly what you are talking about. It is to help victims feel comfortable with the process, to help them through it, to tell them what is going to happen in court, and to be there in court if they would like. Those services are there. Getting to the heart of your question, it is just a tough issue. Trying to draw that line between individuals who feel they cannot safely testify or are being dissuaded from testifying versus those who understand the implication but do not want the case to go forward is a difficult line to draw. Prosecutors have at their disposal charges that they can use against defendants for dissuading victims from testifying. If there is evidence that a defendant or a defendant's associate or family member is threatening or intimidating someone to get them not to testify, that in and of itself would be another felony crime, which I have seen prosecuted on occasion. You have gotten to the heart of the matter, and that is a difficult issue to address. This bill takes one approach, which may not be the best one, but it is a place to start.

Vice Chairwoman Cohen:
There are no more questions, so we will move on to support. Is there anyone in support?

Amber Batchelor, Vice President, Advocacy and Prevention Services, SafeNest:
Intimate partner violence or domestic abuse is challenging and a very complex issue. Therefore, we are testifying as neutral on Assembly Bill 422. The Clark County District Attorney's Office has indicated that Clark County has a large number of victims who do not participate in the prosecution process. We know that there are logistical reasons why victims cannot assist prosecution. We also know that victims do not participate in prosecution because they fear retribution and retaliation from their violent partner or the partner's friends or family. Currently, SafeNest has two domestic violence advocates who are placed within the District Attorney's Office. They assist in enhancing prosecution because victims will sometimes speak with them about things they feel uncomfortable or unable to speak about with some of the system folks, such as the prosecutors.

We also know that a batterer's behavior rarely changes unless there are consequences and they are made to be accountable. Prosecution addresses both of these, consequences and accountability, because both of these perspectives are compelling reasons. We remain neutral on Assembly Bill 422.

Lisa T. Rasmussen, representing Nevada Attorneys for Criminal Justice:
We support this bill for many of the reasons that Assemblyman Yeager referenced (Exhibit N). What we are seeing in Clark County is that the District Attorney's Office—I do not mean to disparage my colleagues—is giving lip service to Marsy's Law. They are asserting it when it helps them, but when there are victims who want a voice and want to be heard, they ignore it and take the position that it is their decision on what to do. We have victims who are threatened. They may not be arrested, but they are being threatened that they can be held in contempt of court and arrested if they do not come to a hearing.

There is a case right now—I do not represent the victim—where the victim is represented by a pro bono attorney who is kind enough to offer her services. This has generated a meeting that the District Attorney's Office in Clark County demanded with the pro bono lawyer. They told her they did not think she could do what she was doing. All she was doing was standing up for the voice of the victim. I think it is a problem. While I understand, I can anticipate what prosecutors are going to say in opposition to this bill, but this bill is necessary because it gives victims the voice that everyone keeps saying is important. The Nevada Attorneys for Criminal Justice supports the bill and asks that you vote yes on the bill.

Vice Chairwoman Cohen:
Is there anyone else in support? Seeing no one, I will move to opposition.

John T. Jones, Jr., representing Nevada District Attorneys Association:
One of the central objectives of this bill, the intent, is how do we make victims feel safe and as comfortable as possible during an extremely difficult situation. This bill highlights some of the difficult and often heart-wrenching decisions that prosecutors have to make. How do we balance a victim's feelings and, quite frankly, their rights and desires against the need to keep the community safe? It is not an easy question. There are no easy answers. I can tell you, though, that Assembly Bill 422 is not the answer. For that reason, the Nevada District Attorneys Association is here in opposition.

District attorney's offices work with victims and victims' groups to try to make them feel as comfortable and safe as possible. You heard someone in neutral position talk about SafeNest and the Clark County District Attorney's Office's partnership with them to try to connect victims of violent domestic abuse with resources. Despite our efforts, victims are not always ready to engage with the criminal justice system. There are a number of reasons for this, including that they are not emotionally ready. They are scared. There are familial pressures. The victim may even have a love for the defendant. The statutory time frames in which the case must be brought do not always take these considerations into account. But we have to, and often to the detriment of the prosecution, consider everything. I myself have lowered offers because the victim has indicated that there is an unwillingness to cooperate, and they do not want to show up to court for any number of reasons.

Seeking a warrant for a witness, or asking for a bail setting or something like that, is not something we do often. When we do it, we look at a number of things, including if there is a history of abuse between the defendant and the victim. Is there a history of dismissals against either the defendant or the victim due to uncooperativeness? Is there a progression in the abuse? We look at the seriousness of the offense that is charged. There are a number of factors that we consider. Frankly, we do not do this very often. The Clark County District Attorney's Office—looking at statistics from our domestic violence unit—already has 35 percent of our domestic violence cases end in a dismissal with our current law. That is one-third. In our general litigation, the number is around 7 percent. You can see that, with the current ability to put a material witness warrant out, domestic violence cases have a much higher dismissal rate. Imagine if defendants or defendants' families learn that victims can ignore subpoenas without consequence. The pressure on victims not to show up to court will

be immeasurable. In many of these cases, if not all of them, including sexual assaults, the victim and the defendant are often related. With these dynamics, victims and their families would like to drop the whole case after the defendant is arrested and taken away from the family.

This does not answer the question of what we do in situations where there is a child victim of a sexual assault. Who determines then whether they participate? Often, there are issues where one of the parents does not want the prosecution to go forward even though the child has made credible allegations of sexual assault. This would have a horrible effect on special victim unit cases. Additionally, sex traffickers are often charged with sexual assault. This could hamper our ability to prosecute them.

I would also like to say that we provide victims cover. In fact, I have been blamed by victims before when they talk to their families. I am the reason that they are there. "I would not go, but that mean prosecutor is making me come." I provide them cover.

Marsy's Law provides victims with a voice in the proceeding. Victims may refuse an interview according to Marsy's Law, unless they are under court order, and a subpoena is a court order.

Finally, there are other avenues that would be better to address the situation. We, the district attorneys, have advocated for hearsay to be used at preliminary hearings. That would be a better way to address some of these issues. It would buy time between when the arrest occurred and when a victim would have to testify at the trial.

We are committed, and we have worked with victims, victim advocates, and other community resources to make victims feel safe and supported. I appreciate Assemblyman Yeager's indicating that that is one of the intents behind the bill, and we completely agree with that.

Assemblywoman Krasner:
Currently, is there anything in law that says a victim who is scared might be able to testify at another location through closed-circuit television and not have to be present in the courtroom?

John Jones:
No. In fact, the constitutional right to confrontation has been interpreted very strictly where they have to be in the same room as the defendant.

At the probable cause stage, either the preliminary hearing or the grand jury, we have taken a case to grand jury. In that proceeding, which is a secret proceeding, the defendant is not there so we have utilized a grand jury over a preliminary hearing when the victim testifies. When you get to the trial stage, there is no getting around the fact that the defendant will be in the courtroom facing his accuser.

Ryan Black, Legislative Liaison, Office of Administrative Services, City of Las Vegas:
We are opposed to this bill as written. We feel that victims and witnesses should not be treated differently based on the type of crime. Current statute allows prosecutors to request a witness warrant for subpoenaed witnesses who fail to show up for court or who are avoiding services. In this case, this bill would take that away in domestic battery and sexual assault cases. The City of Las Vegas specifically prosecutes domestic battery cases. In these two types of cases, historically, the victims are already resistant to testifying. Prosecutors need the full range of tools available to take on this type of case, and this bill would take one of those tools away. The witness-warrant tool is one that, if the defense finds out that we can no longer use it, our ability to negotiate these cases will basically go away or be severely limited. We would then be going through the motions. The defendant is arrested, charges are filed, cases are set for trial, victims fail to show for court, and the case is dismissed. That would be an ongoing thing in domestic battery cases.

Our general policy has been to not revictimize victims by having them arrested; however, there are some cases where the victim continues to be at severe risk in spite of their fear to cooperate. This happens enough now without removing the only credible tool that possibly motivates a victim to come to court.

In these cases where we would request a warrant, we do not ask for them verbally. We have to file a motion for bail. It has to be served on the witness, and we have to schedule a hearing date. The witness has the opportunity to go to court and tell the judge why there should not be bail required or a warrant imposed if the witness fails to appear. There is a careful review process that is taken into account in these cases. It is an important tool that we have in these sometimes-violent cases. We have also had victims thank the deputy prosecutors for having them come to court to testify.

We are open to working with Assemblyman Yeager to work on this. We understand his intent is not to revictimize victims, and we are in support of that. I think we can come to happy ground offline.

Marc M. Schifalacqua, Senior Assistant City Attorney, City of Henderson:
My office prosecutes all misdemeanor offenses in Henderson. I stand in respectful but full opposition to Assembly Bill 422. Going back, in 2013, Assembly Bill 67 of the 77th Session was introduced to this Committee by then-Attorney General Catherine Cortez Masto. It proposed to dramatically change the laws to increase the penalties against pimps and sex traffickers. It took a hard line against those who traffic people. The bill was approved by a unanimous vote in both houses and signed into law. As soon as it was law, most of those cases for prosecution came to me to handle. At the time, I was a member of our special victims unit at the Clark County District Attorney's Office. I tried the first sex trafficking case in the state of Nevada under the new law. It was a violent pimp who was charged with sexual assault as well as sex trafficking. He was manipulative and cruel. I subpoenaed the case for the preliminary hearing. The victim was served with a subpoena, and she did not attend. I later learned that the defendant was calling her nonstop from the Clark County Detention Center and being manipulative and coercive. She did not attend. Ultimately, she

told the detectives in the case that she would never attend, and I was forced to apply for a material witness warrant. The justice of the peace reviewed my affidavit, issued the subpoena, and she was arrested. She testified in custody at the preliminary hearing and was released.

That warrant, while not a great thing, was a necessary thing. She found her footing in life and broke away from the pimp. She got off drugs and walked into the courtroom for the jury trial freely. She was very strong. He was convicted of sex trafficking and went to prison. Without the ability to obtain that material witness warrant—and sometimes it is distasteful—the case would have been lost, but more importantly, she would have been lost. In that moment, I saw what she could not: abuse is not love and all he was doing was selling her body for his own benefit. Primarily, things would have gotten worse.

In my role, we have about a thousand cases of domestic violence in the Henderson Municipal Court that I supervise. In 2017, I applied for two material witness warrants on domestic violence cases. In 2018, I applied for three. A thousand cases and only two or three a year. It is not just the two or three that we seek; in my opinion, it would affect two or three hundred. Individuals would know that there are no repercussions for not coming to court. While I understand Marsy's Law, I also understand that court orders need to mean something.

Last year, there was an incident in my office when a defendant had four active domestic violence charges against one victim, and that is one of the cases we sought. She actually had a sense of relief when she had to go to court on a warrant. She has since gotten away from him. I do not know what would have happened otherwise. This should be used extremely sparingly. It is always a last resort. It is most prevalent and needed the most when there are cycles of violence, especially on sexual abuse, sex trafficking, and domestic violence. Those counts are usually together in one way or another.

I know it can seem in the short term that this is revictimizing a victim. It is not great, but it is necessary every now and again. The real revictimization, in my opinion, is seeing a victim being abused continually and not doing anything about it, or trying to change it by letting it continue.

Vice Chairwoman Cohen:
Is there anyone else in opposition in Las Vegas or Carson City? Seeing no one, is there anyone in neutral?

Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence:
I would like to echo what Assemblyman Yeager stated in his presentation that this is an important discussion to have and that it is an extremely hard line to draw where you encourage a victim to come in and testify versus where you are revictimizing them (Exhibit O). For that reason, we are neutral on Assembly Bill 422. Victims of domestic violence can be and are arrested by prosecutors for refusing to cooperate in a criminal

prosecution of an abuser and for failure to appear in court to testify against the abuser. While many prosecutors maintain that the practice is done in the best interest of the victim, experience tells us that the effort can cause more harm than help. When victims choose not to testify in court against their abuser, they may fear retaliation from the abuser, the abuser's friends, or even family. Arrest and incarceration confirms the victims' contention that the violence is all their fault and that they will pay for coming forward.

Other concerns include Child Protective Services' involvement. When a victim is arrested, there can be child custody ramifications, children may be removed from the home, and the victim can lose custody. There can be loss of employment. Victims in jail cannot go to work and their company may have penalties for being arrested or for missing work. They may even be arrested at their place of work. This can have long-term effects as they may not be able to financially support their family, and it may result in their returning to their abuser. There may be fear of the system. When victims hear that they may be thrown in jail on a material arrest warrant, they may be dissuaded from coming forward or from ever participating in the criminal justice system again. Prosecutors should refrain from arresting victims for refusing to testify, failing to cooperate, or not showing up to court, except in exceptional circumstances.

As one advocate stated, it is those exceptional circumstances, such as preventing a homicide, which lead us to take a neutral position on this bill. We believe that all prosecutors should have trauma-informed, victim-centered policies and practices in place that would make a material witness warrant arrest and incarceration an absolute last option to be used against the victim of domestic violence. We do not believe that it should be eliminated entirely. It is for this reason, we are taking a neutral position on Assembly Bill 422.

Vice Chairwoman Cohen:
Seeing no one else in neutral, we will have closing remarks.

Assemblyman Yeager:
I will get back to Assemblywoman Krasner, but I believe there is a statute that allows a child victim to be screened off from a defendant at a preliminary hearing, and maybe at trial. Mr. Jones and I were talking about that, so we will find out for you. I do not think it is available in adult cases, but I think it is in child cases. We will find the statute and get it to you.

From the prosecutors who testified today—and I will follow up—it would be helpful to know how many times they have sought material witness warrants, what kinds of cases they were, and how many were granted versus how many were denied. We did get some information from the City of Henderson. It would be helpful and informing to this discussion.

I am thankful that we are having this discussion; it is a tough one. People are complicated. The criminal justice system is complicated. What we did here today was discuss situations of victims—really survivors, but I say victims because that is what they are called in our *Constitution*—being arrested and being forced to testify in court in their jail uniforms. I want

you to contrast that mental picture with the following in our state *Constitution*. This is the first provision of Marsy's Law. Section 8(A) subsection 1 reads, "Rights of victim of crime. 1. Each person who is the victim of a crime is entitled to the following rights: (a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process."

Again, "To be treated with fairness and respect for his or her privacy and dignity." We have to ask ourselves as a state, is arresting victims and having them testify in their jail uniform in a courtroom respecting their privacy and dignity as required by the *Constitution of Nevada*? I would offer that it does not; that practice is contradictory to the *Constitution*.

Vice Chairwoman Cohen:
With that, we will close the hearing on Assembly Bill 422. Is there anyone who would like to give public comment? I see no one, so are there any comments from anyone on the Committee? Seeing none, we will be back at it tomorrow morning at 8 a.m. We will end the hearing and the meeting is adjourned [at 11:08 a.m.].

RESPECTFULLY SUBMITTED:

_____
Karyn Werner
Committee Secretary

APPROVED BY:

_____
Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

Exhibit A is the Agenda.

Exhibit B is the Attendance Roster.

Exhibit C is a proposed amendment to Assembly Bill 376 presented by Assemblywoman Selena Torres, Assembly District No. 3.

Exhibit D is a letter dated April 1, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, authored and presented by Sylvia R. Lazos, Co-Leader, Legislative Advocacy Group, Nevada Immigrant Coalition, in support of Assembly Bill 376.

Exhibit E is a letter dated March 31, 2019, to members of the Assembly Committee on Judiciary, authored and submitted by Jim Hoffman, Nevada Attorneys for Criminal Justice Legislative Committee, in support of Assembly Bill 376.

Exhibit F is a copy of an application form from Department of Homeland Security, titled "Supplement B, U Nonimmigrant Status Certification," submitted by Assemblyman Edgar Flores, Assembly District No. 28.

Exhibit G is written testimony presented by Bryan K. Martin, Attorney, Family Justice Project, Legal Aid Center of Southern Nevada, in support of Assembly Bill 336.

Exhibit H is a letter dated April 2, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, authored and presented by Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence, in support of Assembly Bill 336.

Exhibit I is a letter dated April 1, 2019, to Chairman Yeager and members of the Assembly Committee on Judiciary, authored and presented by Sylvia R. Lazos, Co-Leader, Legislative Advocacy Group, Nevada Immigrant Coalition, in support of Assembly Bill 336.

Exhibit J is a copy of an application form titled "Application for Order for Protection Against Stalking, Aggravated Stalking, or Harassment," presented by Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office, regarding Assembly Bill 410.

Exhibit K is a document titled "Temporary Protection Order (Without Minor Children)," presented by Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office, regarding Assembly Bill 410.

Exhibit L is a link to an article from *The New Yorker* titled "Why are Prosecutors Putting Innocent Witnesses in Jail?" by Sarah Stillman, dated October 17, 2017, submitted by Assemblyman Steve Yeager, Assembly District No. 9, in regard to Assembly Bill 422.

Exhibit M is a link to an article from *The New Orleans Advocate* titled "DA's jailing of crime victims is 'barbaric' and 'misogynistic,' New Orleans City Council says," by Jeff Adelson, dated February 7, 2019, submitted by Assemblyman Steve Yeager, Assembly District No. 9, in regard to Assembly Bill 422.

Exhibit N is a letter dated April 1, 2019, to members of the Assembly Committee on Judiciary, authored by Jim Hoffman, Nevada Attorneys for Criminal Justice Legislative Committee, and submitted by Lisa T. Rasmussen, representing Nevada Attorneys for Criminal Justice, in support of Assembly Bill 422.

Exhibit O is a letter dated April 2, 2019, to Chairman Yeager and the members of Assembly Committee on Judiciary, authored and presented by Serena Evans, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence, in neutral on Assembly Bill 422.