

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

**Eightieth Session
April 5, 2019**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:08 a.m. on Friday, April 5, 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:

Senator Nicole J. Cannizzaro, Senate District No. 6



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Christina Moresi, Private Citizen, Reno, Nevada
Daniele Staple, Executive Director, The Rape Crisis Center, Las Vegas, Nevada
Kimberly Mull, Private Citizen, Las Vegas, Nevada
Jessica Adair, Chief of Staff, Office of the Attorney General
Susan Meuschke, Executive Director, Nevada Coalition to END Domestic and Sexual
Violence
Tonja Brown, Private Citizen, Carson City, Nevada
Corey Solferino, Lieutenant, Legislative Liaison, Washoe County Sheriff's Office
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's
Office
Kimberly B. Murga, Director of Laboratory Services, Las Vegas Metropolitan Police
Department
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas
Metropolitan Police Department
Jennifer P. Noble, Chief Appellate Deputy District Attorney, Washoe County District
Attorney's Office; and representing Nevada District Attorneys Association
Greg Nauman, Sergeant, Special Operations Division, Criminal Investigations Unit,
Washoe County Sheriff's Office
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Lynn Marie Goya, Clerk, Clark County
Nancy Parent, Clerk, Washoe County

Chairman Yeager:

[Roll was taken. Committee rules and protocol were explained.] We will open the work session.

Assembly Bill 61: Revises provisions governing the authority of the Director of the Department of Corrections to assign certain offenders to serve a term of residential confinement. (BDR 16-203)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit C](#)).] Assembly Bill 61 revises provisions governing the authority of the Director of the Department of Corrections to assign certain offenders to serve a term of residential confinement, is sponsored by this Committee on behalf of the Department of Corrections, and was heard on February 20, 2019.

This bill authorizes rather than requires the director of Nevada's Department of Corrections (NDOC) to assign offenders to a residential confinement treatment program and prohibits the director from assigning offenders to residential confinement who have failed or refused to comply with the entire program of treatment or any other program related to the classification of the offender.

There are two proposed amendments to the bill.

1. An amendment proposed by Jennifer Rey, Victim Services Officer, NDOC. The amendment clarifies the requirement to notify the victim of a crime regarding the assignment of an offender to serve a term of residential confinement.
2. An amendment proposed by John J. Piro, Chief Deputy Public Defender, Clark County Public Defender's Office, and Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office. The amendment allows the director to consider whether the offender has failed or refused to comply with terms or conditions of the entire program of treatment or terms or conditions of any other program related to the classification of the offender.

Chairman Yeager:

Both of the amendments have been deemed friendly amendments by the Department of Corrections.

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 61.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 61.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Tolles. We will move to the next bill in the work session.

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

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit D](#)).] Assembly Bill 102 enhances the criminal penalty for certain crimes committed against certain family members of first responders, is sponsored by Assemblyman Ellison, and was heard on March 13, 2019.

This bill extends an enhanced criminal penalty to certain crimes committed against the spouse of a first responder or the child of any age of a first responder.

There is one amendment proposed by Assemblyman Ellison, which does the following:

1. In section 1 of the bill, the reference to *Nevada Revised Statutes* (NRS) 200.050 is removed;
2. Section 2 of the bill includes the word "knowingly" as proposed by the Clark County and Washoe County public defenders;
3. Section 2 adds new language that mirrors section 1 and specifies that the victim is a family member of the first responder; and
4. Lastly in section 2, "first responder" is defined as any peace officer, firefighter, or emergency medical provider.

Chairman Yeager:

Thank you, Assemblyman Ellison, for your work on this amendment. The intent of the amendment is to clearly specify that, for this enhancement to apply, the motivation behind the crime must have been the victim's status as a family member of the first responder.

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 102.

ASSEMBLYMAN ROBERTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 102.

ASSEMBLYWOMAN TORRES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Ellison. We will move to the next bill in the work session.

Assembly Bill 112: Revises provisions governing the Advisory Commission on the Administration of Justice. (BDR 14-589)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit E](#)).] Assembly Bill 112 revises provisions governing the Advisory Commission on the Administration of Justice, is sponsored by the Assembly Committee on Judiciary, and was heard on February 18, 2019.

This measure revises provisions governing the Advisory Commission on the Administration of Justice. The bill requires the Advisory Commission, at the discretion of the chair, to identify and study certain elements of this state's system of criminal justice. There are no amendments to this measure.

Chairman Yeager:

This bill eliminates the statutory duties that were difficult for the Commission to complete during the interim, and left most of those decisions to the chair.

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to do pass Assembly Bill 112.

ASSEMBLYWOMAN TOLLES MADE A MOTION TO DO PASS
ASSEMBLY BILL 112.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will read the floor statement. We will move to the next bill in the work session.

Assembly Bill 120: Revises provisions relating to the crimes of sex trafficking and solicitation of a child for prostitution. (BDR 15-817)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit F](#)).] Assembly Bill 120 revises provisions relating to the crimes of sex trafficking and solicitation of a child for prostitution, is sponsored by Assemblymen Krasner and Hambrick, and was heard on March 22, 2019.

This bill provides that a person is guilty of sex trafficking if he or she knowingly benefits financially, or by receiving anything else of value, from voluntarily participating in a venture that engages in any act that constitutes sex trafficking.

Assemblywoman Krasner proposed an amendment to the measure. The amendment:

1. Revises section 1, subsection 2(a)(5) of the bill with the following language, "Receives anything of value with specific intent of facilitating a violation of this paragraph;" and
2. Deletes section 2 of the bill.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 120.

ASSEMBLYWOMAN KRASNER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 120.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Krasner. We will move to the next bill in the work session.

Assembly Bill 152: Revises provisions relating to cultural resources. (BDR 33-868)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit G](#)).] Assembly Bill 152 revises provisions relating to cultural resources, is sponsored by Assemblywoman Monroe-Moreno, and was heard on March 7, 2019.

This bill revises and increases the penalties for a person who knowingly and willfully removes, mutilates, defaces, excavates, injures, or destroys a historic or prehistoric site or resource on state land or the trafficking of cultural property obtained from state land without a permit.

There are two amendments proposed for this bill.

1. An amendment was proposed by the Clark County and Washoe County public defenders, which revises the penalties in the bill.
2. An amendment was proposed by Marla McDade Williams, Strategies 360. The proposed amendment revises *Nevada Revised Statutes* (NRS) 383.435 concerning the protection of Indian burial sites.

Chairman Yeager:

These amendments are considered friendly amendments by the sponsor. I do not believe there is any lingering opposition to the bill. The bill was worded in a unique way that did not coincide with the rest of our criminal penalties. The amendment aligns the bill with statutory criminal penalties, and made the first offense a gross misdemeanor, which was important to some of the opposition.

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 152.

ASSEMBLYMAN DALY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 152.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Monroe-Moreno. We will move to the next bill in the work session.

**Assembly Bill 192: Establishes a procedure when certain offenses are decriminalized.
(BDR 14-319)**

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit H](#)).] Assembly Bill 192 establishes a procedure when certain offenses are decriminalized, is sponsored by Assemblymen McCurdy, Assefa, Yeager, Fumo, and Flores, and was heard on March 19, 2019.

This bill establishes a procedure when certain offenses are decriminalized to ensure certain actions are taken with respect to any person previously convicted of the offense.

Assemblyman McCurdy proposed an amendment to this bill, which:

1. Adds a new section amending *Nevada Revised Statutes* (NRS) Chapter 179A, records of criminal history and information relating to public safety, revising the process of sealing criminal records of crimes that have been decriminalized; and
2. Revises sections 2 and 3 of the bill by adding language that does not require a fee for the filing of a notice to seal criminal records.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 192.

ASSEMBLYWOMAN NGUYEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 192.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McCurdy. We will move to the next bill in the work session.

Assembly Bill 267: Provides compensation to certain persons who were wrongfully convicted. (BDR 3-657)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit I](#)).] Assembly Bill 267 provides compensation to certain persons who were wrongfully convicted, is sponsored by Assemblymen Yeager, Fumo, McCurdy, and Flores, and was heard on March 28, 2019.

This bill provides for compensation of a person who is wrongfully convicted in this state.

There are three amendments to this measure.

1. Michelle Feldman, State Campaigns Director, Innocence Project, proposed an amendment. The amendment would allow an exoneree to qualify by proving he or she did not commit the crime, and was not an accessory or accomplice to the crime for which he or she was convicted. The requirement for the person to be exonerated based on "new exculpatory information," is removed. This amendment permits eligibility for exonerations that were not based on "new" evidence, while maintaining a requirement for proof of innocence.
2. Assemblywoman Backus proposed an amendment revising several sections of the bill.
3. Chairman Yeager proposed adding sponsors to the bill.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 267.

ASSEMBLYWOMAN HANSEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 267.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will read the floor statement. We will move to the next bill in the work session.

Assembly Bill 285: Enacts provisions relating to a mental or physical examination of certain persons in a civil action. (BDR 4-1027)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit J](#)).] Assembly Bill 285 enacts provisions relating to a mental or physical examination of certain persons in a civil action, is sponsored by Assemblyman Frierson, and was heard on March 27, 2019.

This bill allows certain observers to attend a mental or physical examination ordered by a court for the purpose of discovery in a civil action.

There is one amendment, proposed by Alison Brasier, Nevada Justice Association, which revises subsection 3, line 19 of the bill to allow the observer attending the examination to capture all words spoken during the examination.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 285.

ASSEMBLYMAN FUMO MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 285.

ASSEMBLYWOMAN MILLER SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Tolles:

I still have some concerns, and will be voting no. If there are any further changes, I reserve the right to change my vote on the floor.

Assemblywoman Backus:

I also reserve the right to change my vote on the floor.

Assemblyman Roberts:

I have some concerns in regard to the capturing of the psychological portion of the examination. I will be voting no.

Assemblywoman Hansen:

I have some concerns about limiting the pool of doctors for examination. I will be voting no.

Assemblywoman Krasner:

I reserve the right to change my vote on the floor.

Assemblyman Edwards:

I also reserve the right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN HANSEN, ROBERTS, AND
TOLLES VOTED NO.)

I will assign the floor statement to Assemblywoman Miller. We will move to the next bill in the work session.

**Assembly Bill 299: Revises provisions governing certain powers of attorney.
(BDR 13-691)**

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit K](#)).] Assembly Bill 299 revises provisions governing certain powers of attorney, is sponsored by Assemblywoman Backus, and was heard on March 22, 2019.

This bill revises the Uniform Power of Attorney Act of 2006.

Assemblywoman Backus proposed an amendment to this bill, as outlined in the work session document ([Exhibit K](#)).

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 299.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 299.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Backus. We will move to the next bill in the work session.

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

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit L](#)).] Assembly Bill 307 creates the Nevada Database of Gangs, is sponsored by Assemblyman Flores, and was heard on March 29, 2019.

This bill creates a statewide database containing information submitted by law enforcement agencies about the members of criminal gangs in Nevada.

Assemblyman Flores proposed a conceptual amendment as follows:

1. Written notice must be provided to any person who has been registered as a "gang member" or an "affiliate" in a database;
2. Provide both an option to refute the classification of "gang member" or "affiliate" by providing written testimony accompanied by any appropriate evidence or by requesting an in-person interview;
3. From the date proper written notice is given: a) to a non-detained person, they must be given 30 days to refute; and b) for those detained, 10 days;
4. Any file in the gang database must be completely erased from the database 5 years or less from the final contact date law enforcement had with the "gang member" or "affiliate;"
5. The database used can only be the one used by the Reno Police Department and the Las Vegas Metropolitan Police Department.
6. Ensure Nevada's criminal justice agencies are still able to use their respective systems as well as GangNET, the state systems, and the FBI systems; and
7. Ensure that a person who previously was registered in the database as a "gang member" or an "affiliate" can later request to be removed by requesting an in-person interview or by submitting the request in writing and accompanying any relevant evidence.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 307.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 307.

ASSEMBLYMAN ROBERTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Flores. We will move to the next bill in the work session.

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

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit M](#)).] Assembly Bill 336 establishes provisions relating to certain victims of crime, is sponsored by Assemblyman Flores, and was heard on April 2, 2019.

This bill establishes provisions relating to certain victims of certain crimes who petition for a U nonimmigrant status, or U visa to request from a certifying agency, the certification of his or her Form I-918, Supplement B.

There are two amendments to this measure.

1. Assemblyman Flores proposed an amendment revising section 9 of the bill requiring the certifying agency to process the certification within 14 days if the petitioner is 20 years of age; and
2. Section 10, subsection 3 is revised by adding another reporting requirement that includes the reason for the denial of the certification by the certifying agency.

Chairman Yeager:

Are there any questions from the Committee?

Assemblywoman Krasner:

At the hearing, Las Vegas Metropolitan Police Department was opposed to the bill. Were they able to work with the sponsor of the bill to iron out their differences?

A.J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We have come to an agreement with the sponsor. There will be a few more technical corrections to the bill as it moves through the Senate. We support the bill at this time.

Chairman Yeager:

I will entertain a motion to amend and do pass Assembly Bill 336.

ASSEMBLYMAN ROBERTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 336.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Flores. We will move to the next bill in work session.

Assembly Bill 349: Prohibits sexual conduct between a law enforcement officer and a person whom the law enforcement officer has detained or arrested. (BDR 15-1003)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit N](#)).] Assembly Bill 349 prohibits sexual conduct between a law enforcement officer and a person whom the law enforcement officer has detained or arrested, is sponsored by Assemblyman Frierson, and was heard on March 26, 2019.

This bill provides that if a law enforcement officer voluntarily engages in sexual conduct with a person whom the law enforcement officer has detained or arrested, the law enforcement officer is guilty of a category D felony.

Assemblywoman Nguyen proposed an amendment. The mock-up is on the following page [pages 2 and 3, ([Exhibit N](#))]. The amendment changes "the" to an "a" to include any law enforcement officer, and adds the word "currently" in reference to the person whom the law enforcement officer has detained.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 349.

ASSEMBLYWOMAN PETERS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 349.

ASSEMBLYWOMAN KRASNER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Nguyen. We will move to the next bill in the work session.

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

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit O](#)).] Assembly Bill 410 revises provisions relating to orders for protection, is sponsored by Assemblywoman Krasner, and was heard on April 2, 2019.

This bill extends the period of time that a temporary order for protection against domestic violence or stalking, aggravated stalking, or harassment is initially valid from 30 days to 45 days.

There are no amendments to this measure.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to do pass Assembly Bill 410.

ASSEMBLYWOMAN KRASNER MADE A MOTION TO DO PASS
ASSEMBLY BILL 410.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Krasner. We will move to the next bill in the work session.

Assembly Bill 418: Enacts provisions governing an offer of judgment. (BDR 2-1115)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit P](#)).] Assembly Bill 418 enacts provisions governing an offer of judgment, is sponsored by this Committee, and was heard on April 4, 2019.

This bill enacts provisions that authorize a party to serve an offer of judgment upon another party prior to trial under certain circumstances.

Chair Yeager proposed an amendment to the measure. The amendment codifies Rule 68 of the *Nevada Rules of Civil Procedure*.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 418.

ASSEMBLYWOMAN BACKUS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 418.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will read the floor statement. We will move to the next bill in the work session.

[Assembly Bill 423](#): Revises provisions relating to certain attempt crimes.
(BDR 15-1117)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit Q](#)).] Assembly Bill 423 revises provisions relating to certain attempt crimes, is sponsored by this Committee, and was heard on March 27, 2019.

This bill provides that if a person is convicted of the crime of attempting to commit a category C, D, or E felony, and the court imposes a felony sentence, upon completion of his or her sentence, the person may petition the court to have the original sentence modified from a felony to a gross misdemeanor.

There is one amendment to this bill, sponsored by the Nevada District Attorneys Association. The amendment deletes language in section 1, subsection 3 of the bill and revises the provisions by clarifying when a judge may retain jurisdiction. In addition, the court must notify the person that it is the person's responsibility to calendar the matter upon completion of probation to receive the reduction to a gross misdemeanor.

Chairman Yeager:

I want to thank Mr. Jones and Ms. Noble for working on this bill with me. I deem this amendment friendly, and I think it appeases the opposition.

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 423.

ASSEMBLYWOMAN TORRES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 423.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Fumo. We will move to the last bill in the work session.

Assembly Bill 431: Revises provisions relating to the restoration of the right to vote. (BDR 14-981)

Diane C. Thornton, Committee Policy Analyst:

[Read from ([Exhibit R](#)).] Assembly Bill 431 revises provisions relating to the restoration of the right to vote, is sponsored by Assemblyman Frierson, and was heard on April 3, 2019.

This bill revises provisions governing the restoration of certain civil rights, including the immediate restoration of the right to vote for convicted persons who have been discharged from probation or parole or released from prison.

Assemblyman Frierson proposed an amendment. The mock-up is on the following page [pages 2 through 11, ([Exhibit R](#))]. The amendment immediately restores the right to vote to a person who has been released from prison; removes the provisions relating to impeachment of the credibility of witnesses; and removes the requirement that the county clerk cancel the registration of a person who has been convicted of a felony and is not currently serving a term of imprisonment.

Chairman Yeager:

Are there any questions from the Committee? Seeing no questions, I will entertain a motion to amend and do pass Assembly Bill 431.

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 431.

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblywoman Krasner:

I will be voting no, but I reserve the right to change my vote on the floor.

Assemblyman Roberts:

I am completely supportive of restoring voting rights; however, parolees and probationers lack the full restoration of their other rights. Therefore, I will be voting no.

Assemblywoman Hansen:

I will be voting no. I certainly believe in forgiveness, but I am uncomfortable with the immediate restoration of voting rights. I want these people to have the opportunity to prove themselves in their life after incarceration since they have been removed for a while.

Assemblyman Edwards:

I will also be voting no. The immediate restoration of their rights is too quick. I believe in restoring rights, but they must serve their full sentence. If the person is still on parole or probation, they have not yet done their full time.

Assemblywoman Tolles:

I really wanted to vote for this bill. Nevada can certainly stand to do more in this area, but there are 22 other states that require a felon lose their voting rights while incarcerated and while on parole and probation. I have reached out to the sponsor and let him know that if there are any further changes, I will gladly support the bill, but I will be voting no.

Assemblywoman Miller:

It is my understanding that the right to vote is granted to us by the *United States Constitution*. Is that correct?

Chairman Yeager:

That is correct.

Assemblywoman Miller:

Are there any other requirements set forth in the *United States Constitution* that must be met, besides being 18 years old, in order to vote?

Chairman Yeager:

You must be a United States citizen to vote.

Assemblywoman Miller:

Thank you.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, HANSEN, KRASNER, ROBERTS, AND TOLLES VOTED NO.)

I will assign the floor statement to Assemblyman Watts. That concludes our work session.

[Assemblywoman Cohen assumed the Chair.]

Vice Chairwoman Cohen:

We will open the hearing on Assembly Bill 176.

Assembly Bill 176: Enacts the Sexual Assault Survivors' Bill of Rights. (BDR 14-87)

Assemblyman Steve Yeager, Assembly District No. 9:

Assembly Bill 176 builds upon the work that this legislative body has been doing to ensure that survivors of sexual assault are treated with respect in all facets of our criminal justice system. This effort began to take shape with the introduction of Assembly Bill 97 of the 79th Session, which principally mandated that all sexual assault forensic evidence kits be tested within 120 days. Assembly Bill 176 is still a work in progress. We all have the goal of getting this legislation right, and there still exist some areas of concern about various provisions of the bill that could be problematic in implementation. I have submitted a conceptual amendment ([Exhibit S](#)) that I will review today as well.

Christina Moresi, Private Citizen, Reno, Nevada:

I am here as a Nevadan, as a survivor, and as an organizer with Rise. Rise is a nonprofit civil rights movement. Rise drafted the Survivors' Bill of Rights Act of 2016 for sexual assault survivors, which passed through Congress unanimously, a feat only 21 bills in modern United States history have accomplished. Since then, Rise has drafted and passed 20 laws in 16 states and two countries. Rise is a bipartisan organization, working with legislators to secure basic, commonsense rights for survivors.

Organizing with Rise to put choices back into the hands of survivors is a great honor. It is inspiring and cathartic as well, because I was raped in February 2008. I was lured, sexually assaulted, and then removed by a man who I thought to be a savior, but who turned out to be my rapist. After an arduous night, I found safety and knew I desperately needed medical attention. I gathered the resources I had, which were limited to Internet searches on my flip phone, and attempted to research my rights, but to no avail. As a last resort, I called emergency services. When the police arrived, I provided limited information about myself out of fear of the unknown. I was interviewed, and when the validity of my claims was questioned, I became overwhelmed, filled with shame, and chose to deny the entire situation. No report was filed, and I did not receive medical attention.

My life spiraled out of control. I quit my job and developed agoraphobia. Two months later, I attempted to commit suicide. At the time of the attempt, I still had open wounds, but what scarred me the most was the profound loss of trust, hope, and the ability to pursue happiness. I spent two weeks in the hospital, and the ten years that followed were spent struggling to survive. For many years, I was but a shell of myself, using every bit of energy I had to get through each day. Eventually, I sought therapy and was diagnosed with post-traumatic stress disorder.

I have since learned how to navigate the world in the face of great adversity. I am a different woman, but I know that I am a fighter. I am proud to say that I am no longer struggling to survive, but am a survivor. I fight for victims of sexual assault because as a native Nevadan, I know that the loss of trust in community that I experienced is not representative of our community as a whole. I fight because my struggles are not mine alone. Sixty-three percent of sexual assaults are not reported, and 33 percent of women who are raped contemplate

suicide. I fight because for myself and the more than 700,000 survivors in Nevada, access to the information and resources contained in this bill could be a matter of life and death.

Senator Nicole J. Cannizzaro, Senate District No. 6:

Thank you, Ms. Moresi, for sharing your story with us. Her story is the essence of the reason that we are here and why this bill is important. Assembly Bill 176 creates the Sexual Assault Survivors' Bill of Rights, and makes other related changes to ensure that the Bill of Rights can be implemented properly. In the last few years, Nevada has made great strides to address sexual assault. With the passage of A.B. 97 of the 79th Session, we vastly improved how we handle sexual assault forensic evidence, or SAFE, kits, by accelerating the timeline for processing the kits and requiring that the DNA information obtained from them is included in state and federal databases. In Senate Bill 169 of the 79th Session, we expanded privacy protection for victims and enhanced penalties for persons who take advantage of their authority over others in order to commit sexual abuse. However, we still have a lot of work to do to reduce sexual violence and to offer victims better protection and support. We have a duty to do everything in our power to catch and punish the perpetrators. Assembly Bill 176 is another great step in the right direction, and I am proud to present this bill alongside Rise.

Sections 2 through 30 contain the Sexual Assault Survivors' Bill of Rights. Sections 31 through 34 create the Advisory Committee on Rights of Survivors of Sexual Assault, and section 35 revises requirements for prosecutors to inform victims of certain information when a case goes to trial. Sections 36 and 37 make improvements to the timeline for tracking the availability of information generated in relation to the processing of SAFE kits. Section 40 appropriates \$250,000 to the Office of the Attorney General for the implementation of the Bill of Rights and the Advisory Committee.

Sections 4 through 15 contain definitions, none of which is particularly out of the ordinary, and that are primarily drawn from elsewhere in *Nevada Revised Statutes* (NRS). Section 15 defines "survivor" as "a victim of sexual assault, as defined in NRS 217.280 or, if the victim is incompetent, deceased or a minor, the parent, guardian, spouse, legal representative or other person related to the victim within the second degree of consanguinity or affinity, unless such person is the defendant or accused or is convicted of the sexual assault." Section 16 provides that the rights set forth in the bill attach as soon as a forensic examination and interview by law enforcement or attorney are conducted, and are in effect at all times regardless of whether the survivor agrees to participate in an examination or the legal process. Section 17 assures the survivor the right to consult with a counselor during an examination and interview with law enforcement or an attorney, and to designate an attendant for support during the same. Section 18 provides that survivor-counselor communications are privileged and confidential, and further ensures that a survivor's right to confidentiality is not defeated by the presence of law enforcement or an attorney in an exam or an interview. Neither a survivor's waiver of the right to consult with a counselor nor any communications with a counselor are admissible as evidence except with the survivor's consent.

Section 19 outlines what occurs when a survivor requests to see a counselor prior to being given a forensic medical examination. A medical examiner is required to summon a counselor if one is requested and available. If one is not available, the medical examiner must explain the ramifications of delaying the examination. Furthermore, a survivor must not be charged for expenses related to the forensic examination, is to be allowed to shower if one is available, and is to be informed of his or her rights by the medical provider pursuant to the Bill of Rights via a document that is to be developed by the Attorney General. The document must be signed and returned by the provider to the Attorney General. Section 20 addresses a survivor's rights during an interview with law enforcement or a lawyer, should the survivor choose to have a counselor or other support attendant present or not. A survivor has a right to choose the gender of their interviewer and, if the preferred gender is not available, may only be interviewed by a person of a different gender with the survivor's consent. The same requirement of medical providers to inform the survivor of his or her rights applies here of the interviewer. Section 21 provides the right for counsel to be present during any forensic examination or interview, and requires that the presence of counsel must not affect the treatment of the survivor.

Sections 22 and 23 address genetic marker analysis derived from SAFE kit testing, and set forth survivor's rights regarding the timeline for processing such an analysis, as well as the length of time that the SAFE kits must be stored. These sections also provide that a survivor has the right to be informed if the analysis yields a DNA profile, and if that profile belongs to the accused or to another person already in the Combined DNA Index System (CODIS). The survivor has a right to access this information through a secure message, in writing, from the forensic laboratory that conducted the analysis. Section 24 provides that law enforcement's failure to take possession of or submit a SAFE kit to a forensic laboratory within the specified timeline alters neither law enforcement's nor a forensic laboratory's authority to conduct their work. Section 25 makes clear that a failure of a medical provider, law enforcement agency, forensic lab, or other relevant entity to comply with the timelines set forth by the Bill of Rights is not grounds for a defendant to seek to have a conviction or sentence set aside, nor is such a failure grounds for challenging the validity of a DNA match in any criminal or civil proceeding. Additionally, a court may not exclude a DNA match on these grounds.

Section 26 protects a survivor from prosecution for a misdemeanor or offense related to a controlled substance based on forensic evidence obtained from the SAFE kit. Section 27 sets forth requirements for the document to be developed by the Attorney General regarding the Bill of Rights. Section 28 grants a survivor the right to be provided various reports from law enforcement and prosecutors free of charge, and requires forensic labs to submit their reports pursuant to the current statute. Section 29 sets forth a survivor's rights concerning criminal or civil cases, including protection from the defendant, and the right to be heard and make recommendations to the court. Section 30 provides a survivor the right to compel a public officer or employee to carry out his or her duties under the Bill of Rights, allows the Attorney General to investigate violations, and provides penalties for such violations.

Sections 31 through 34 create and set forth the duties and the membership of the Advisory Committee on Rights of Survivors of Sexual Assault. The Advisory Committee is to be composed of experts and advocates from a broad range of disciplines and experiences. Its general mandate is to study issues surrounding sexual assault, both at the state and national levels, and to advise the Legislature of how we can continue to improve our understanding, and thereby our policies, of this issue.

Section 35 revises requirements for prosecutors to inform victims of certain information when a case goes to trial. Sections 36 and 37 make improvements to the timeline for tracking the availability of information generated in relation to the processing of SAFE kits. Lastly, section 40 sets forth the \$250,000 appropriation to the Office of the Attorney General.

Assemblyman Yeager:

There is a conceptual amendment to the bill ([Exhibit S](#)) as well, and I want to highlight a few of the areas that we are continuing to work on. First, we are adding Assemblywoman Benitez-Thompson as a primary cosponsor. She worked really hard on Assembly Bill 97 of the 79th Session and is a member of the Attorney General's working group for this issue. I want to recognize her efforts, and she will be participating in our conversations going forward.

Second, we are mandating that the sexual assault forensic evidence kits be stored for 20 years, rather than four years. The bill sets forth a four-year retention requirement, but the statute of limitations is 20 years. We believe that it makes sense to retain the kits for 20 years. We are still working with our community partners to determine how this might be done, who might store them, and what the cost might be.

We are mandating that victim advocates be available for a survivor. The bill states that counselors should be available, but there are many more advocates than counselors in the field. We do not want to create a scenario in which we do not have adequate staff to meet the requirements of the bill. There will also be a supplemental appropriation sought so that we can recruit and train more advocates. It seems as though there are not enough advocates in the field, and we would like to be able to provide some additional funds to be better resourced as a state.

In section 16, the rights in the bill should attach when a survivor has had a medical exam or an interview, but not both. Section 18 needs to be reworked. We need to ensure that we respect the confidentiality of the survivor and respect the defendant's constitutional rights to defend him or herself in court. Currently, the section is a bit too expansive. We need to align it with the *Nevada Constitution* and ensure that we do not hamstring our prosecutors from introducing necessary evidence at the trial or preliminary hearing.

In discussion with the Attorney General's Office, we do not think it would be best to establish a new Advisory Committee, but to incorporate some of the duties and memberships into an existing committee so as not to duplicate the efforts. The remainder of the conceptual amendment's contemplated changes is procedural and technical. The bill is a work in progress.

Assemblywoman Backus:

I assume that section 35 is a section that may be revised in light of Marsy's Law, because there are more mandates to keep the victim involved in the criminal proceeding. Is that correct?

Senator Cannizzaro:

That is correct. I think that section 35 goes hand in hand with what is required by Marsy's Law. We want victims to be informed of what is happening with the case, and we want them to feel safe. Certainly, Marsy's Law requires constant communication with victims about the status of the case, and allows them to appear in court and provide comments to the judge if they so choose. One of the other aspects of section 35 that I think is important is the right to know where the defendant is located and if they have been released from custody. This is important for victims to feel safe.

Assemblywoman Backus:

I was concerned because section 35 states that the information is provided "upon written request," but I assume the written request may be able to make clear that the victim will be involved throughout the process.

Senator Cannizzaro:

Yes, and I believe there are provisions in Marsy's Law that would require a victim to make a written request in order to be informed of certain court proceedings. We often encounter victims who do not wish to be involved in the case, and in section 35, we certainly are not intending to force them to receive information. But when they request the information and submit a written request, there is an obligation to provide it.

Assemblywoman Torres:

I have a few concerns with section 30, which addresses the Advisory Committee that will be created. I do not see a section of the bill in which the Advisory Committee would ensure that victims are aware of the Bill of Rights. I think it is an issue that our community is often unaware of the laws and statutes, especially our disenfranchised communities. I recommend adding a process for the Advisory Committee to share with the general public their rights. Additionally, section 33, subsection 3, paragraph (b) states that the committee would "Conduct confidential interviews with law enforcement officials, medical providers, sexual assault counselors and other such persons." I think the committee should conduct interviews with victims as well. In a committee like this, their voices could be truly important, and I think we would want to ensure that their voices are outlined in statute as well.

Assemblyman Yeager:

I think your first point makes a lot of sense. We can include your suggestion in the Advisory Committee's duties, to ensure that the Advisory Committee would be tasked with making this information available to the public and easily accessible to a person in this situation.

Assemblywoman Krasner:

This is an incredibly important bill, and I appreciate the way in which you are addressing this issue. I have had conversations with the Attorney General about storing the kits as well. I thank you, because regardless of who brings the bill forward, it is an extremely important issue. If you would allow me to be a cosponsor of the bill, I would appreciate it.

Assemblyman Yeager:

I would be fine with that, and thank you for your work on this issue as well. We are currently trying to find the best solution for storage of the kits. I was a bit surprised to learn that there does not seem to be a unified statewide practice for how long kits are kept and in what circumstances. Please feel free to keep us updated as to potential solutions in your discussions with the Attorney General's Office. We want to find the right solution, and I am confident that we can.

Assemblyman Roberts:

We have had lengthy discussions about retention of the kits in the past. If I am understanding correctly, we will be keeping all the kits, regardless of whether they have been analyzed. I am supportive of this, as I was involved in the decision to test all the kits at the Las Vegas Metropolitan Police Department and build a cold case unit specifically because of the importance of this issue. I truly support us heading in this direction.

Assemblyman Yeager:

You are correct. We want to provide the survivors the autonomy to have a kit collected and choose whether they want to have it tested or whether they want to remain anonymous. However, we also need to accommodate for individuals who may change their minds on these decisions at a later time. Currently, if a victim initially chooses not to have their kit analyzed, their kit will likely be destroyed at some point, depending on where they are located in the state. This bill removes the uncertainty of when the kit would be destroyed. The bill, as written, requires kits to be retained for four years. However, the conceptual amendment requires kits to be retained for 20 years, which will ensure that the evidence will be available if a survivor chooses to move forward with testing at a later time. Thank you for your kind words, your support, and your work on this issue at the Las Vegas Metropolitan Police Department.

Assemblywoman Peters:

I have some questions about section 33, subsection 2, paragraph (a). Do we have access to the data that is collected? Is there someone mandated to keep the data? Is it necessary to ensure that the data will be collected in an appropriate place? Does this section direct the committee to do this?

Senator Cannizzaro:

I do not believe that there is any one centralized place where the data is located. This is one of the reasons for data collection to be included in the Advisory Committee's duties. The Advisory Committee can collect data regarding prosecution, reporting rates, and how the state is dealing with issues of sexual assault and violence. Certainly there are a number of agencies that maintain this type of data and a number of agencies that maintain various aspects of this data. The Advisory Committee can compile all the data in one place, analyze it, and determine from it what we are doing right and how we can better address the issue. The committee can also determine if there is any missing data and try to obtain it.

Assemblywoman Torres:

Is there a section in the legislation that requires a survivor of sexual assault to receive a copy of this Bill of Rights? I think that upon indicating that they need assistance, they should receive a copy of their rights immediately, in multiple languages.

Senator Cannizzaro:

Section 19 requires that a survivor be given a copy of the Bill of Rights. It is one of the documents that the Attorney General would be tasked with developing and providing. It must be signed by the survivor and provided to the Attorney General's Office. Your point that it should be provided in multiple languages is important as well.

Assemblyman Yeager:

There is a conceptual amendment that addresses this as well. A concern was raised that it may not be appropriate to have a survivor sign a document that appears to be a legal document at the time they see a medical provider. We will instead require that the Bill of Rights be provided to the survivor and that the providing party sign to confirm that it was provided. The document would then be maintained in the file established for the survivor, as opposed to at the Attorney General's Office. We want to ensure that there are checks and balances in each step, not only to ensure that survivors are advised of their rights, but are given a hard copy of their rights as well.

Vice Chairwoman Cohen:

Seeing no additional questions from Committee members, we will hear testimony from those in support.

Daniele Staple, Executive Director, The Rape Crisis Center, Las Vegas, Nevada:

Thank you, Assemblyman Yeager and all of the cosponsors, for bringing this bill forward. I want to reiterate much of what has been mentioned in regard to the importance of this bill. All survivors should know that they have rights, what those rights are, and be informed of them up front. We are greatly in support of the retention of the kits for a longer period of time, to meet the statute of limitations, and to allow those who choose for their kit to be kept anonymous to have the time to respond later and put that information on the record.

Vice Chairwoman Cohen:

Do you know how many survivors report their rape immediately, as opposed to those who delay reporting or who never report their rape?

Daniele Staple:

We review our intake statistics on an annual basis. Typically, between 15 and 25 percent of our clients who undergo the sexual assault exam at the hospital choose not to report to law enforcement at that time. Many choose to activate their kit within 30 days, and I have received calls from clients who want to activate it after six months. Extending the time frame for their opportunity to do so is a critical addition to this process.

Kimberly Mull, Private Citizen, Las Vegas, Nevada:

I have a master's degree in victim services management, am an expert in sexual violence and victim's rights, and last week I was identified by Shared Hope International as one of the country's leading policy experts in sex trafficking and prostitution. I am also a survivor of child pornography, sex trafficking, domestic violence, and sexual assault. Today my testimony will focus on sections of the bill that address issues specific to my rape a little over a year ago in south Reno.

An Ivy League-educated man held me down by my throat and raped me in my home after I refused to have sex with him without a condom. When he finished, I got my gun, ran him out of my home, and called 911. The police caught him a few blocks from my house on foot. I was taken to the police station for questioning, took a sexual assault exam, and had a rape kit taken. During this time, I posted on social media that I had been raped to establish a public record and avoid a he-said-she-said situation. My entire experience with the Reno Police Department was exceptional. The 911 operator was trying to keep me calm and walk me through the process of putting my gun away before an officer walked in on me. The responding officer was amazing, even in dealing with someone whose first response to the trauma and shock was to quote the NRS and criminal justice victim theories. The detectives and leadership in the Reno Police Department sex crimes unit always returned my phone calls promptly, answered my questions, and found out the answers to my questions if they did not know.

This is not the reason we need A.B. 176. One week after I was raped, I began experiencing horrific things from the moment I walked into the Washoe County District Attorney's Office, where I was told that my rapist would be let go because I was not the "perfect victim." As victimized as I was by my rapist, I have felt more victimized by my experience with the state of Nevada, as a reporting rape victim ten times over. To be clear, if I am raped again, I will not report my rape in this state.

Section 17 addresses a survivor's right to consult with a victim advocate during a forensic medical examination or an interview with a law enforcement official, prosecutor, or defense attorney. The key word here is "prosecutor," because they are supposed to help you to get the justice you deserve. But it was terrifying for me to have the district attorney's office question me about my rape, which had just happened, and to begin to berate me for not

reporting my rapes as a child to law enforcement. They then began to question me as to why I had not reported my rape two years prior in Washington, D.C. The Washoe County District Attorney's Office asked what I would do if the judge ordered me to divulge my prior rapists' identities and the details to the court. When I pushed back and stated that I did not believe that was legal, the district attorney questioned if it was worth losing this rape case not to disclose the identity of the other rapists. I explained that I had been raped during the presidential primary elections in Washington, D.C., and that I did not want to be on the news. If I learned anything from Christine Blasey Ford's testimony against Brett Kavanaugh, it was that those who speak out against Washington's most powerful people are dragged through the mud and cannot return home safely when all is said and done.

I needed a victim advocate in the room with me. I needed someone to stand up for me, as I was triggering, disassociating, and mentally spiraling out of control as the Washoe County District Attorney's Office victim-blamed me for allowing my rapist to be free by not prosecuting the case. We need section 33 of this bill. We need data to be collected on the prosecution of sexual assaults. We need the accountability. However, having told a victim advocate the name of my rapist in Washington, D.C., in the past, section 18 of this bill is imperative. It is terrifying to know that a district attorney, who is supposed to be representing me and the people of Washoe County, is threatening me for that information. A victim's confidence in a victim advocate is as sacred as any religion, and those records and details should be protected with the highest regard.

I was a member of the sexual assault kit initiative workgroup, and worked on all the legislation last session to address the sexual assault kit backlog, faster testing turnarounds, and kit tracking. However, Patty Cafferata and Adam Laxalt had to intervene to track down my own sexual assault kit because after almost one year, it still had not been tested and could not be found. I was told that even if they had located it, I was not entitled to know the results, even if there was a match in CODIS. As an expert in sexual violence, I know my rapist has other victims; I knew it the moment he began raping me. The man used strangulation to control me, and was calmly asking me questions such as "Am I hurting you?", "Are you scared of me?", "Have you been raped before?", and "Were you raped as a kid?" These are not statements that a man can calmly ask someone the first time he rapes a woman. I made the conscious effort to scrape my nails across his back in an attempt to get his DNA under them, and he left his DNA in my body, but I am not entitled to know if his DNA matched to anyone in CODIS. This man has raped before, the Washoe County District Attorney has let him free to rape again, and he has told me that he will rape me again with a friend, but I cannot know the details of my rape kit. We need to fix this.

Section 29 states that a survivor has the right to be reasonably protected from the defendant and persons acting on behalf of the defendant, and to be free from intimidation, harassment, and abuse. The court shall make reasonable efforts to provide the survivor and the family, friends, and witnesses of the survivor with a secure waiting area or room that is separate from the waiting area of the defendant and the family, friends, witnesses, and attorneys of the defendant.

At my protection order hearing, I was naïve to the fact that he would bring an attorney or that I needed an attorney. We really need to place emphasis on this for victims. Before the hearing, the defendant's attorney approached me and tried to convince me not to go through with it. I did not know what to do, as I was in shock. Thankfully, Kristy Oriol of the Nevada Coalition to END Domestic and Sexual Violence was with me. She stepped in and told him he needed to return to his client and leave me alone. It never occurred to me that I would be put on the stand and cross-examined by his attorney. Without representation of my own, I was unaware that this was a possibility. I sat for an hour as I was called a seductress and a whore, and he said that his client was traumatized that I had pulled a gun on him after he raped me.

The information that I needed an attorney was available to me. At my sexual assault exam, I received a folder filled with pamphlets and forms that contained this information. However, I cannot open the folder. It still sits in the bottom drawer of my nightstand, in the same place I put it the night of my rape. I think it is great that we want to provide this information to victims, but perhaps we need other methods of getting this information to them in our modern era of technology. Out of all my clothes, sheets, and mattress that I still have from that night, my teddy dog that I was given while they did my rape exam is the only item that I can hold. Everything else is either gone, or I am still not at a place where I can deal with it 16 months later.

Thank you, Assemblyman Yeager and Senator Cannizzaro, for bringing this bill forward. I urge the Committee to pass it.

Jessica Adair, Chief of Staff, Office of the Attorney General:

Sexual assault continues to be an epidemic in Nevada. In 2017, 1,865 rapes were reported to law enforcement. The rate has risen each year for the past five years, and the rate is higher than the national average. As previously noted, this number does not include the many sexual assaults that are never reported to law enforcement. The Office of the Attorney General has been at the forefront of the United States Department of Justice, Bureau of Justice Assistance Sexual Assault Kit Initiative (SAKI) working group. As part of the SAKI working group, we have been working alongside advocates, law enforcement, and state and local government entities. I am also pleased to report that every kit that has been located as part of the "backlog" has either been tested or is scheduled to be tested. Many of these kits are returning hits in CODIS and being prosecuted by local prosecutors in Nevada. We are proud to support this bill and its conceptual amendment, and we want to thank Assemblyman Yeager and Senator Cannizzaro for bringing the bill and the conceptual amendment forward.

I want to address a few of the questions that the Committee raised during the presentation. To Assemblywoman Peters' question about data collection, we currently collect some of the data listed in the bill, such as the number of arrests and the number of kits that have been collected. We do this to comply with federal grants and reports to this legislative body. We are happy to collect data for any information that we are not already collecting that is listed in this piece of legislation, and participate in the reporting process to obtain a more comprehensive picture of sexual assault in the state. I also want to respond to

Assemblywoman Torres' question about providing the Bill of Rights document in different languages. I think that is a fantastic idea and will commit to doing that. I am happy to work with you to ensure that we are encompassing all of the languages that we think are appropriate to include on the website and in paper form. We are also taking steps to ensure that our website is compliant with the Americans with Disabilities Act so that those who are visually impaired can view the document as well.

We also agree with the conceptual amendment's process that the documents not necessarily be presented for required signature by the survivor, but that the document be presented to the survivor so they may retain it, and that a signed acknowledgement from the presenter be included in the case file. I want to address several of the questions that were raised about kit retention. About 70 kits per year are anonymous and not associated with a police report. As Assemblywoman Krasner and Assemblyman Yeager mentioned, we are in ongoing conversations with local entities about kit retention. We are supportive of the notion that kits should be retained in accordance with the statute of limitations. We are happy to work with this body and others to find an entity to store the kits. The Attorney General's Office will make funding available and do whatever it takes to ensure these kits are retained for the appropriate period of time.

Susan Meuschke, Executive Director, Nevada Coalition to END Domestic and Sexual Violence:

I am in favor of Assembly Bill 176 as amended and want to thank the sponsors for bringing this important piece of legislation to Nevada. I will admit, when I first read the bill, I was skeptical. I did not know how we would do this or how it would be possible. Not long after the bill was introduced, a local television station called me for an interview about the bill. I must have communicated some of my skepticism, because the reporter kept asking me what was wrong with the bill. As we spoke, I realized that it was not what was wrong with the bill, but what was right with the bill that was important.

The bill may use the wrong word to reference "advocates"—using the term "sexual assault counselors" instead of "sexual assault victim advocates"—but the bill focuses on advocates and advocacy in this process, knowing that no matter how kind or compassionate the health care provider, law enforcement officer, prosecutor, or defense attorney may be, to them this is a crime, and a survivor is a victim witness. They process the crime scene, the victim's body, and investigate the circumstances surrounding the crime that may be embarrassing, uncomfortable, and frightening. They are focused on this event and the case they are making. Access to an advocate who is there for no reason other than a victim's well-being and to support a victim's healing is critical.

The bill's process for communicating the victim's rights may have felt wrong. Asking someone in crisis to read, understand, and sign what seems like a legal document feels wrong. But the bill's focus on ensuring that victims have rights, are aware of those rights, and know how to enforce them is right. The bill may have been wrong to assume that there are an unlimited number of advocates throughout the state, but it is right that there should be. Assemblyman Yeager's willingness to add an appropriation to the bill to make that

assumption a reality is also right. Sexual assault programs in Nevada are few and far between. They are understaffed and overworked but provide such important services. It is time that the state of Nevada provide specific funding for this work and stop relying solely on funding from the federal government, which is often complicated and always unpredictable.

For all the things that were wrong in this bill, most of which have been addressed in the conceptual amendment, it is true that this is the right bill, at the right time, for the right reasons. We ask for your support of A.B. 176.

Tonja Brown, Private Citizen, Carson City, Nevada:

I support this bill.

Vice Chairwoman Cohen:

Seeing no one else to provide testimony in support, we will now hear testimony in opposition.

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

Thank you, Assemblyman Yeager, for meeting with us and addressing some of the concerns brought forth by our detective division and forensic laboratory. Last session, we actively worked with stakeholders on the passage of Assembly Bill 97 of the 79th Session. We fully support the efforts to process survivors' sexual assault kits in the timeliest manner possible, and are making many improvements toward this goal. We sympathize with each and every victim, and want to do everything in our power to ensure that the predator accused of their crime is located and brought to justice. However, we are concerned that the implementation, without addressing some of our concerns, will negatively impact the quality of our work.

With only two public forensic crime labs in the state of Nevada, we are limited by the funding we receive and our personnel. The passage of Assembly Bill 176 would require additional resources and funding to support its goals. The funding received to implement A.B. 97 of the 79th Session was a one-time appropriation that covered salaries for additional staff, operating supplies, and a remodel of the laboratory. The staff training is still ongoing. Washoe County Sheriff's Office has allocated and budgeted for five of the six positions in the DNA laboratory for the upcoming fiscal year, but there has been no additional funding approved for increased operating costs. The current operating budget is not sufficient for the laboratory to conduct all the required testing. Operating costs are continually being subsidized through grants and court-collected fees. We have grave concerns that this is not a sustainable model going forward.

I want to bring to the Committee's attention the 90-day upgrade from the 120-day previous turnaround time. We would need to request two additional positions to meet the 30-day burden on the laboratory. We also have specific concerns in regard to the bill. I believe Assemblyman Yeager addressed our concerns on page 7, lines 15 through 18 [section 22, subsection 3] in his conceptual amendment ([Exhibit S](#)). Washoe County Sheriff's Office currently contracts with 13 counties in northern Nevada, about 80 agencies in total, to provide forensic laboratory services. Of all the crimes we process, less than one-quarter

belong to the Washoe County Sheriff's Office. Currently, the kits that come from outside law enforcement agencies are tested and returned to the originating law enforcement agencies to house. Only the kits generated from the Washoe County Sheriff's Office are housed on-site. We currently provide the results in a report to the law enforcement agency's originating case agent or detective.

There is some concern about page 7, lines 29 through 30 [section 23, subsection 1(a)], in requiring our crime lab employees to report the facts of the investigation to the survivor directly. We prefer that the facts originate from the law enforcement agency officiating the case.

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

We appreciate Assemblyman Yeager and Senator Cannizzaro for bringing this legislation forward and tangentially addressing our concerns in the conceptual amendment for section 18. Is there a way in which we can support victims in a manner that helps them and helps the prosecution of cases move forward without eroding any of the constitutional protections that lead to a fair and truth-seeking trial? That is the main concern we have with section 18. It would impair our ability to obtain Brady material and exculpatory evidence. There are no other similar privileges under law to those in section 18. There is attorney-client privilege between my client and me, but if a third-party attends the meeting with my client, the privilege goes away.

We also have concerns with section 22, subsection 4, which states that if a survivor has requested to defer analysis, the kit will be retained for 20 years. Time erodes the ability to proceed in a fair trial, to mount a defense, to find facts, and to keep track of witnesses. Should the evidence be collected and not proceeded upon for many years, there will be a problem proceeding with a fair trial. Section 30, subsection 2, in which "The Attorney General may investigate any violation of the Sexual Assault Survivors' Bill of Rights" is also concerning to us. Will the Attorney General have the ability to sue us for mounting a defense and interviewing witnesses while we investigate a case? These are serious concerns in regard to conducting a fair trial and being able to obtain evidence so that the scale remains balanced.

Can we support a victim of an offense like this while maintaining the scale's balance? We continuously talk about how we have the best justice system in the world, but we continue to seek to erode the rights that make us the best justice system in the world. A trial is uncomfortable, but it is an opportunity to seek truth. When that is taken away, the system is no longer the best. These are always our concerns when these issues are raised. I appreciate the women who have come forward and told their stories, because that is not easy to do either. We hope to work with the sponsors to address our concerns, and to ensure that sexual assault survivors are supported while maintaining the fair trial process.

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

I also want to thank Senator Cannizzaro and Assemblyman Yeager for bringing this important piece of legislation forward. As we have indicated several times, sometimes our clients can be victims as well. We appreciate that this bill would provide protections to victims and survivors. To echo Mr. Piro's testimony, my main overarching concern with this bill is how it impacts an attorney's ability to seek the truth. There are some areas throughout the bill that make it unclear whom the burden is placed on, and how this will impact the defense attorney's and the prosecutor's ability to prosecute cases appropriately and handle the issue within the criminal justice system.

Mr. Piro mentioned most of the issues we have; however, I would note that section 20 is particularly concerning, as it places much of the burden on the defense attorney to understand whether or not a survivor's attendant would be detrimental to the purposes of the investigation. As a defense attorney, I do not believe that is a decision that I have the ability to make for a victim. Section 23 states that the DNA profile of a person who is accused of a crime, whether or not they are convicted, would remain in CODIS. I do not believe we do this currently when individuals are not convicted of a crime, specifically when we take their blood samples. Mr. Piro eloquently stated the concerns regarding section 30, but I will reiterate that the section is problematic as currently written. However, I think it could be clarified to ensure that the truth-seeking process and the victim's rights are maintained.

Kimberly B. Murga, Director of Laboratory Services, Las Vegas Metropolitan Police Department:

We were huge supporters of Assembly Bill 97 of the 79th Session, and have since worked hard to be compliant with the requirements of the bill. I am proud to announce that the Las Vegas Metropolitan Police Department has tested about 95 percent of the sexual assault kits that were backlogged. We are also huge supporters of the Sexual Assault Survivors' Bill of Rights, and believe in extending necessary rights to victims and survivors. However, we have a couple of issues with the proposal to do so.

Section 22, subsection 3 requires kits to be retained for 20 years. If this section of the bill is written in reference to the anonymous kits that were previously discussed, we would ask for clarification, as NRS 176.0912 requires the retention of genetic evidence for the duration of an investigation and sentence of a crime. There could be some conflicts with existing statute and its retention requirements, but the bill may need some additional clarification. In section 24, subsection 2 and section 36, subsection 7, we would respectfully ask that the word "eligible" be placed in front of the words "DNA profile." These sections address uploading obtained profiles to CODIS, but CODIS is governed by the Federal Bureau of Investigation (FBI) and has strict requirements.

We have concerns similar to those that were previously indicated about section 30, regarding civil penalties for any violation of survivors' rights.

Section 36, subsection 5 indicates that forensic lab information be provided to victims, but much of this information will be available in the sexual assault kit tracking software that is supposed to be available online later this year, per NRS 200.3788. It may not be necessary to provide information about the forensic laboratory as laid out in paragraph (a).

Lastly, we share the same concerns previously indicated by the Washoe County Sheriff's Office in regard to the additional resources needed to comply with the 90-day testing provision versus a 120-day testing provision. Last session, we were grateful to receive a one-time funding appropriation, which has enabled us to hire five additional personnel to maintain compliance with the 120-day testing requirement. We have yet to obtain permanent funds to keep these five staff members employed beyond 2021. If we were required to decrease the turnaround time for DNA testing from 120 days to 90 days, we would need additional funding for personnel in order to comply with these provisions.

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

I concur with what Ms. Murga has stated.

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

I want to thank Assemblyman Yeager and Senator Cannizzaro for listening to our concerns and incorporating many of them into the conceptual amendment. We look forward to supporting the bill when the language is finalized. However, our current concerns are about language that may affect the Child Advocacy Center and those particular types of sexual assault investigations. Like the public defenders, we have concerns about section 18 of the bill and the privileged language. We think the language creates barriers to the efficient sharing of information and to connect victims with services. We also have concerns about the ability to collect Brady material. We look forward to working on the bill and anticipate moving to a position of support once the language is finalized.

Greg Nauman, Sergeant, Special Operations Division, Criminal Investigations Unit, Washoe County Sheriff's Office:

The Special Operations Division of the Washoe County Sheriff's Office is responsible for investigating murders, sexual assaults, robberies, physical child abuse, and sexual child abuse. I have personally supervised the investigation of hundreds of sexual assault and sexual abuse cases. First, I applaud the sponsors for taking a serious look at this issue. While I believe Assembly Bill 176 was created with great intentions, there are numerous sections that I believe are harmful to survivors.

Section 17 states that a survivor has the right to consult with a sexual assault counselor or attendant of their choosing during a law enforcement interview. It is well-established in the law enforcement community that interviewing victims of crime in the presence of others causes those being interviewed not to be as forthcoming with intimate details. Sexual assault interviews usually delve into the most intimate details a survivor has ever shared with anyone. Survivors often feel embarrassed, ashamed, and even guilty of their involvement. Intimate partner violence and date rape situations are just a couple of examples in which the survivor may have consented to some sexual acts but not to others. They may also have to talk about alcohol consumption or drug use. However, if they are subject to being interviewed with others in the room, the investigators may not get those details, which are necessary for an accurate investigation and later, a successful prosecution.

Sexual assault case details matter. It may be true that the survivor is not required to take someone into the interview with them, but if they feel more comfortable, they should have the option to have an advocate by their side. The problem is, the survivor likely has no idea the depth of questions that will be asked. They probably cannot imagine the level of detail that will need to be explored. The survivor likely will not want to share those details with multiple people present.

The world of child forensic interviewing has been well researched over the last 25 years. One of the many things that has been discovered and professionally agreed upon across the nation as a best practice is that the child should be interviewed without others present. They should be free from distractions as much as possible. The same is true for survivors of all ages.

Section 20, subsection 3 states that a survivor has the right to be interviewed by a law enforcement official of the gender of their choosing. As a supervisor, it is my job to review all cases and assign the cases to a detective. The assignment is based on a number of factors, such as their current caseload, complexity of the case, the experience of the investigator, and scheduled vacations. When a survivor has made the decision to report to law enforcement their experience, it is presumed that they are seeking justice or preventing the assault of others. In criminal investigations, being able to determine if a crime was committed and later proving the crime beyond a reasonable doubt is difficult. We train, mentor, and support our detectives. We work with our regional partners, such as the Office of the District Attorney, victim advocates, other law enforcement, and nonprofits. Our detectives work extremely hard on every case. In my office, we have both male and female criminal investigators. When I assign a case, I do so with confidence that the case will be properly investigated, regardless of gender. I am not aware of any studies which prove that specific genders make for better investigators. If we were in an emergency room, triaging critically injured patients, we would not use gender as a basis for a medical decision. The same should be true here.

Section 29 states that the survivor has the right to be free from intimidation, harassment, and abuse, and is to be treated with fairness and respect. Washoe County Sheriff's Office holds itself to a high standard for the treatment of all citizens. We maintain policies of conduct and hold our staff accountable for their behavior, demeanor, and general conduct both on and off

duty. We also believe in treating everyone with fairness and respect. There are multiple avenues for reporting the misconduct of an employee. Section 29 is vague and leaves much to interpretation. It is not uncommon for survivors to feel as though they are being disrespected by the system or not being treated fairly. This is often due to the accumulation of stressors from a life-altering event, or a general lack of understanding of the criminal justice system. Unfortunately, some survivors are prone to harassment and intimidation from everyone, including their attacker and their own family members. When these incidents are reported and reach criminal standard at the Washoe County Sheriff's Office, we will investigate vigorously. We consider these behaviors to be completely unacceptable. The issue is that the law states that the survivor has a right to be free from these happenings. When these unfortunate occurrences happen, who is at fault? Who is to be held accountable?

Section 30, subsection 3 appears to define that with a civil action against public officers, those who violate the Sexual Assault Survivors' Bill of Rights are subject to a civil penalty of not more than \$1,000 for each violation. This allows for any employee or public officer to be subject to a fine for acts that have occurred beyond their control or by perception of what is fair or not fair. The employees at the Washoe County Sheriff's Office are already subject to discipline, up to and including termination, for misconduct. Language such as this is simply unnecessary.

In closing, we are in full support of the citizens of Washoe County, particularly victims and survivors, and we encourage lawmakers to seek solutions for victims of crime. However, this bill, when applied to the real world of criminal investigations, will not aid survivors. It will create hurdles, roadblocks, and a system that actually fails survivors.

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

Nevada Sheriffs' and Chiefs' Association is grateful to Senator Cannizzaro and Assemblyman Yeager for bringing this bill forward, and grateful to the survivors who have testified today for having the courage to share their story and help other victims who have not yet found their voice to do so. Nevada Sheriffs' and Chiefs' Association has been consistently supportive of matters regarding sexual assault, and particularly supportive of victims. However, I am here in opposition to A.B. 176, as I have a few concerns with the mechanics of the bill, many of which have been addressed. I look forward to being involved in the discussions for potential revisions, and look forward to moving to a position of support.

Vice Chairwoman Cohen:

Seeing no one else to provide testimony in opposition, we will now hear neutral testimony.

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

We were opposed to the bill until we saw the proposed conceptual amendment from Assemblyman Yeager and heard his assurances that he would work with stakeholders to ensure that this bill will not violate the constitutional rights of criminal defendants. I want to address the conflict of rights, the balance of the scales of justice, and the balance of a multitude of projects that the American Civil Liberties Union of Nevada does on a daily basis. We have over 19 projects, including the Criminal Law Reform Project, the

National Prison Project, and the Women's Rights Project that was cofounded by Ruth Bader Ginsburg. Our justice system has always tipped the scales against minorities, people of color—which is of critical importance to our Racial Justice Project—and women, particularly women of color. Our organization has always supported the right of victims of sexual assault to have counsel during questioning in a deliberative process, and to have victim advocates with them while they are maneuvering a complex criminal justice system. We have also advocated for appropriate prosecution for allegations against women. We have come to realize that we have not fostered an environment in which women feel they can come forward, particularly with an allegation against a powerful, mostly white male in a position of leadership who exercises some sort of authority over the woman.

We also must keep in mind that there are racial imbalances in sexual assault crimes. Black people serving time for sexual assault are three times more likely to be innocent than white men convicted for sexual assault. As an organization, we must balance this; as lawmakers, we must balance it. I have faith in this Committee and the deliberation it will have in regard to this bill. I think there are incredible aspects of this bill, and through the amendments that were presented, I think we can get to a place of support for this legislation.

Senator Cannizzaro:

Thank you for hearing Assembly Bill 176. I hope everyone takes away how critical and important a piece of legislation like this is for victims to make it through this process and start on the path to recovery. Certainly, there is a lot of work to be done to ensure that this is a sound piece of legislation. I look forward to working with the individuals interested in moving the bill forward.

Assemblyman Yeager:

This bill is a work in progress. I have taken notes on what has been discussed today, and we will be working on the legislation over the next week. I am hopeful that we can bring a bill to this Committee that alleviates the practical concerns, that respects defendants' constitutional rights, and that first and foremost puts meaning behind the conversations that we have had about survivors' rights.

[([Exhibit T](#)) and ([Exhibit U](#)) were submitted but not discussed, and will become part of the record.]

Vice Chairwoman Cohen:

We will close the hearing on Assembly Bill 176.

[Assemblyman Yeager reassumed the Chair.]

Chairman Yeager:

We will open the hearing on Assembly Bill 482.

**Assembly Bill 482: Revises provisions relating to governmental administration.
(BDR 11-1111)**

Assemblywoman Rochelle T. Nguyen, Assembly District No. 10:

Assembly Bill 482 builds upon a bill that was introduced last session by Assemblywoman Cohen. The previous bill alleviated some problems that the county clerk's offices were experiencing, particularly in regard to a lack of information and education. Officiants were performing marriages without returning the proper paperwork, or performing marriages after the marriage license's expiration date. Unfortunately, couples were later finding out that their marriages were not valid. This legislation clarifies some statutory language and provides enabling language to correct some issues that the county clerk's offices have experienced since last session.

Lynn Marie Goya, Clerk, Clark County:

Section 1 of the bill provides clarifying language. After last session, our offices were able to offer a training course for marriage officiants. It was enabling language. Clark County implemented a training program, which has been very well-received. There was a \$100 fee for the training course, but due to the way in which the language was written, only some of the students were assessed the fee. The language in section 1 clarifies that anyone taking the class would be assessed the \$100 fee. The language was written by Legislative Counsel Bureau staff as requiring language as opposed to enabling language. Some counties do not feel as though they have the resources to offer the class. The amendment ([Exhibit V](#)) addresses this, and ensures the language enables and does not require.

Section 3 applies specifically to Clark County. Clark County regularly experiences a number of handbillers outside the Marriage License Bureau, which is located inside the Clark County Courthouse. It is currently illegal for handbillers to be on county property, but they often come onto the property anyway. Last session, the punishment for conducting marriages without an officiant's license was changed from a criminal code to a civil penalty. We are proposing to do the same for handbillers who solicit on county property. We would be able to assess a fine of not more than \$500 for being on county property. The fee imposed on officiants is a deterrent and we feel that giving handbillers a warning that they could be fined would stop them from soliciting on county property.

Lastly, the county clerk's offices currently do not have a technology fund, and some counties are operating without any fees, which would allow them to upgrade their offices in a way that people expect. People now expect the county clerk's offices to offer online services and to be mobile friendly, but they are not able to offer these services without a technology fee. Section 2 allows them to assess a technology fee for documents filed.

Assemblyman Daly:

I understand that you want to require a penalty for handbilling. What is the primary subject matter of the handbills that people are trying to distribute?

Lynn Marie Goya:

Handbillers come to the Marriage License Bureau at the Clark County Courthouse. It is currently illegal for them to be on county property, but often they are there because they have access to couples coming in and out of the Marriage License Bureau. Section 3 allows us to assess a fine of up to \$500 if they continue to solicit at the Courthouse.

Assemblyman Daly:

I understand that aspect of it, but I am curious what the subject matter of the handbills are.

Lynn Marie Goya:

The handbillers are soliciting for various wedding chapels.

Assemblyman Daly:

How much money do you anticipate would be generated through the assessment of technology fees? How much money do you need to cover the cost of the technology? Will you be generating more money than you would spend on technology?

Lynn Marie Goya:

Clark County would probably generate the most money of any of the other counties. Some of the counties currently have almost no technology funds. Clark County currently assesses a technology fee for marriage certificates. But the Clark County Clerk is the only county clerk to collect this fee, as the recorder's office collects the fee in other counties. We would collect approximately \$850,000 per year. We have determined from our five-year budget that we need about \$1 million per year for technology funds. We have software contracts that we expect to renew and upgrade. Over the next five years, we expect to spend about \$5 million.

Nancy Parent, Clerk, Washoe County:

Washoe County can currently charge \$5 for every notary bond that is filed with the county clerk. Since the fee went into effect, we receive about \$6,000 per year. At this rate, it takes a long time to accumulate enough money to do anything. We expect to receive about \$28,000 per year as the new fees are proposed. This is not a lot of money, but it will eventually accumulate. Each time we update our software, it seems to cost about \$100,000, which means we could update it once every four or five years.

Assemblyman Roberts:

I am wondering why you need to impose a separate ordinance for handbillers. Is there a reason for the trespassing ordinance not to work on county property?

Lynn Marie Goya:

The handbillers are moving so quickly in and out of the zones they are not allowed in, that by the time we call a fire marshal or the police to issue them a citation, they have already moved back to the zone they are allowed in. It is very difficult to have a civil penalty assessed.

Assemblyman Roberts:

There have been some anti-handbilling ordinances on the Las Vegas Strip. I am not sure if those have any implications in this situation.

Assemblywoman Nguyen:

There is already existing law that makes handbilling unlawful. The county clerk's offices had success enforcing a civil penalty for performing unlawful and unauthorized marriages. It was a deterrent for such behavior, and they are hoping to have the same success in regard to handbilling.

Assemblywoman Cohen:

How much money does the wedding industry generate in Clark County?

Lynn Marie Goya:

The wedding industry is an important industry in Nevada, particularly in Clark County. It has been a leading industry in Clark County for 75 years. Last year, we performed about 75,000 weddings in Clark County. The industry generates about 18,000 jobs and generates about \$2.5 billion. We want to protect this major industry and ensure that it is a thriving industry for our local businesses. It generates tax dollars and revenue for the state that subsidize everyone, and is the largest funder of domestic violence prevention.

Chairman Yeager:

Is there anyone who wishes to provide testimony in support?

Nancy Parent:

The Nevada Association of County Clerks and Election Officials supports this bill and Ms. Goya's efforts in keeping the provisions of the bill enabling as opposed to requiring. Most of the county clerk's offices are in rural areas and do not have the resources to implement the officiant training course. We appreciate that the legislation enables them to offer a course in the future, should they be able to. I am hoping that Washoe County will offer a course in the near future.

Chairman Yeager:

Is there anyone who wishes to provide testimony in opposition? [There was no one.] Is there anyone who wishes to provide neutral testimony? [There was no one.]

We will close the hearing on Assembly Bill 482. Is there anyone who wishes to provide public comment? [There was no one.]

The meeting is adjourned [at 10:25 a.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

Katelyn Malone
Transcribing Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 61](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 102](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 112](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 120](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 152](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 192](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 267](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 285](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 299](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 307](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 336](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 349](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Assembly Bill 410](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Assembly Bill 418](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is the Work Session Document for [Assembly Bill 423](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit R](#) is the Work Session Document for [Assembly Bill 431](#), dated April 5, 2019, presented by Diane C. Thornton, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit S](#) is a proposed amendment to [Assembly Bill 176](#), presented by Assemblyman Steve Yeager, Assembly District No. 9.

[Exhibit T](#) is a proposed amendment to [Assembly Bill 176](#), submitted by Nevada Coalition to END Domestic and Sexual Violence.

[Exhibit U](#) is a proposed amendment to [Assembly Bill 176](#), submitted by Nevada Attorneys for Criminal Justice.

[Exhibit V](#) is a proposed amendment to [Assembly Bill 482](#), submitted by Assemblywoman Rochelle T. Nguyen, Assembly District No. 10.