

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session
May 13, 2019**

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:11 a.m. on Monday, May 13, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Nicole J. Cannizzaro, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Melanie Scheible
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblywoman Jill Tolles, Assembly District No. 25
Assemblyman Steve Yeager, Assembly District No. 9

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Nicolas Anthony, Committee Counsel
Jenny Harbor, Committee Secretary

OTHERS PRESENT:

Chuck Callaway, Las Vegas Metropolitan Police Department
Michelle Feldman, Innocence Project
Holly Welborn, American Civil Liberties Union of Nevada; Office of the Public Defender, Clark County; Office of the Public Defender, Washoe County

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Jennifer Noble, Nevada District Attorneys Association
Corey Solferino, Washoe County Sheriff's Office
Eric Spratley, Nevada Sheriffs' and Chiefs' Association
John T. Jones, Jr., Nevada District Attorneys Association
Jessica Adair, Chief of Staff, Office of the Attorney General
Helen Foley, FirstMed Health and Wellness Center
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Kimberly Mull
Lindsay Knox, Awaken
Sara Chohagian, Dignity Health-St. Rose Dominican
Nick Vassiliadis, Nevada Resort Association
Sandy Anderson, State Board of Massage Therapy
Marlene Lockard, Nevada Women's Lobby
Gary Landry, State Board of Cosmetology
Caity Groin

CHAIR CANNIZZARO:

I will open the hearing on Assembly Bill (A.B.) 107.

ASSEMBLY BILL 107 (1st Reprint): Establishes provisions relating to the electronic recording of certain custodial interrogations. (BDR 14-588)

ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):

Assembly Bill 107 deals with the electronic recording of certain police interrogations. The Assembly Judiciary Committee introduced A.B. 413 of the 79th Session that also dealt with the recording of interrogations. While the bill made it through Assembly, it was voted down on the Senate Floor.

Interested parties agreed to continue working on that legislation in the Interim. As Chair of the Advisory Commission on the Administration of Justice, I appointed an informal working group, which included Chuck Callaway as Chair, and Michelle Feldman from Innocence Project, who was an important contributor. Other individuals included Jennifer Noble, John T. Jones, John Piro, Lisa Rasmussen, Eric Spratley and Holly Welborn. They were able to reach a consensus, and Assembly Bill 107 was unanimously supported by the entire membership of the Advisory Commission on the Administration of Justice. It passed through the Assembly unanimously.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

Assembly Bill 107 is an example of working together to come up with a product that is a good balance of protecting the rights of people and public safety interests. During the Interim, the Las Vegas Metropolitan Police Department (LVMPD) changed its policy to ensure a model policy of this bill was in place.

Assembly Bill 107 requires every State law enforcement agency to record, via audio and/or video, any in-custody interrogation of a sexual assault or homicide suspect. Police work is not black and white. Sometimes, things happen that do not occur on a routine basis, such as people confessing to crimes in the back of patrol cars. Equipment may break down, or an officer hits the button and he thinks it is recording, but it is not. To ensure balance and flexibility, elements of A.B. 107 describe when the recording of an interrogation is not required.

MICHELLE FELDMAN (Innocence Project):

We are a national organization that works to exonerate wrongfully convicted people. In Nevada, we work with our local partners, the Rocky Mountain Innocence Center, on policies that prevent and address wrongful convictions.

Recording interrogations of suspects in their entirety is the best safeguard against wrongful convictions stemming from false confessions. This practice also benefits law enforcement because it provides undisputable evidence of what was said and done during an interrogation. It protects against false allegations of misconduct and reduces the number of motions-to-suppress statements by the defense.

Assembly Bill 107 strikes a balance between creating a uniform, Statewide practice of recording interrogations of suspects in their entirety for the most serious crimes and providing agencies the flexibility needed to adopt policies that are right for them.

On Friday, Oklahoma became the twenty-fifth state to require the recording of certain interrogations. That is a big milestone. Also, all federal law enforcement agencies, including the FBI, are required to record interrogations for all crimes. Capturing interrogations with audio and, if agencies have the capacity, video is a growing national trend.

Assembly Bill 107 provides an important step in preventing wrongful convictions and improving transparency and accuracy.

SENATOR PICKARD:

This is a great bill. I remember the discussion last Session, and I have a question regarding section 1, subsection 3, paragraph (a), where it states, "custodial interrogation which is conducted in a place of detention." I went through my notes and noticed one of the complaints last Session involved interrogations in patrol cars or on the street where an officer may be up against a fence and not allowed to leave. A place of detention can be vague, so I wanted to get the intent in A.B. 107 on the record.

MR. CALLAWAY:

Section 1, subsection 5, paragraph (e) defines "place of detention" as an in-custody, fixed location. In the instance of a homicide or sexual assault suspect, the detective will take that person in for a formal interrogation as opposed to talking him or her at the scene of the crime.

SENATOR PICKARD:

I wanted to make sure this bill did not include patrol cars and the like.

MR. CALLAWAY:

All officers at the LVMPD are equipped with body cameras and are required to turn on the cameras at the beginning of a call. Officers in the field do not typically conduct interviews on a homicide or sexual assault; they wait for the detective who is specialized in that area to perform that interview. But if there was some type of interrogation, it would be caught on the officer's body camera.

HOLLY WELBORN (American Civil Liberties Union of Nevada; Office of the Public Defender, Clark County; Office of the Public Defender, Washoe County):
We support A.B. 107.

JENNIFER NOBLE (Nevada District Attorneys Association):

We support A.B. 107. This legislation will safeguard the rights of defendants and make sure our criminal cases are recorded so we have the best evidence to present to juries.

COREY SOLFERINO (Washoe County Sheriff's Office):

We support A.B. 107.

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ERIC SPRATLEY (Nevada Sheriffs' and Chiefs' Association):
We support A.B. 107.

CHAIR CANNIZZARO:
I will close the hearing on A.B. 107. I will open the hearing on A.B. 166.

ASSEMBLY BILL 166 (1st Reprint): Revises provisions relating to prostitution.
(BDR 15-861)

ASSEMBLYWOMAN JILL TOLLES (Assembly District No. 25):
In 2013, I was appointed to a task force on child sexual abuse prevention. The Centers for Disease Control and Prevention estimates one in four girls and one in six boys are sexually abused before the age of 18. We heard a lot this Session about sexual assault on adults as well. That started a process of researching issues of abuse, exploitation, assault and human trafficking. After learning about the prevalence of these issues in my community, I wanted to bring forward legislation to help address these problems.

There are three aspects of human trafficking and sex trafficking as I see it: the demand side which is the buyer, the trafficker or the pimp, and the victims. I brought forward A.B. 260 of the 79th Session to address the demand—the buyer—side of the equation. That bill passed unanimously in both Houses; it is now a law and continues to be implemented and refined.

This Session, I brought forward two bills that address the trafficking side of the equation. One bill addresses those who knowingly exploit, abuse and rope victims into involuntary servitude and the illegal sex trade. Another bill helps victims and is still in process. A number of bills this Session are doing more to help victims of sex trafficking, and we need to support those efforts.

Assembly Bill 166 narrows in on a particular type of trafficking that uses legitimate businesses as fronts for the illegal sex trade.

The issue of businesses operating as fronts for human trafficking has made headlines in recent months after a well-publicized raid in Florida led to high-profile arrests. In December 2018, 36 people were convicted in Minnesota for their roles in a Thai sex trafficking ring that shuttled hundreds of women from Bangkok to cities across the United States, including Phoenix, Las Vegas, Atlanta and Minneapolis. Just this spring, Seattle police said they rescued

26 women after a three-and-one-half-year human trafficking investigation into massage parlors across the city. After receiving dozens of complaints, police investigated 11 businesses and arrested 6 people for promoting prostitution and money laundering. These and other stories reveal a network of illicit massage parlors and other businesses that have been committing horrendous acts of abuse, exploitation and human rights violations all over the Country.

The New York Times reported statistics for human trafficking in businesses marketed as massage parlors but, in reality, serve as locations for illegal sex trafficking. An estimated 9,000 such parlors exist across the Country, and it is estimated to be a \$3 billion-a-year industry.

Sadly, Nevada is no exception. For our State, the National Human Trafficking Hotline received 305 calls in 2017, representing a 27 percent increase from 241 calls received in 2016. When looking at those reported human trafficking cases, Nevada saw an 18 percent increase from 168 cases in 2016 to 199 cases in 2017.

I love getting a good massage and going to a day spa as much as anyone. In no way is this meant to target businesses that run legitimate operations or solely target massage parlors. When I was first approached about bringing this bill forward, one officer shared a story in which law enforcement walked into a tax preparation service, and there was not a calculator or computer to be found. Instead, officers found 8 beds and 11 Asian women who were hiding in a back storage room with their shoes piled up. They had been trafficked here from out of the Country and were clearly living on top of each other in some of the worst cases of human rights violations imaginable.

As discussed over the course of this Session in hearings on child marriages, sexual abuse, trafficking and assault, much of the damage suffered by these victims is traumatic beyond measure and lasts a lifetime.

I addressed three things in regard to A.B. 166. I asked for clarifying language to go after business owners who are directly involved in these activities. I wanted it written in such a way that it would not inadvertently capture unknowing business owners. Finally, I wanted to keep victims in mind by placing it into the trafficking statute so all the protections and resources would be made available to them.

MR. CALLAWAY:

Late last year, it was brought to my attention that our vice unit and special investigations unit, which performs licensing investigations, noticed a vicious cycle and a loophole in the law to allow franchises of slavery and human trafficking. These are the worst type of traffickers. They set up pseudo businesses such as tax preparation services, nail salons and massage parlors that appear to be legitimate businesses. However, young victims are continually victimized in back rooms. When we investigate these scenarios, victims are reluctant and afraid to talk to police. Often, they will not testify against the business owner. As a result, we have little to no luck prosecuting the business owner who knowingly facilitates this criminal activity.

In one case, we seized over \$175,000 we believed were the proceeds of illegal prostitution. The victims would not participate in actions against the business owner, so, based on seizure laws, we were required to turn that money back over to the trafficker running that business.

If we go the business licensing route and are able to get the City or the County to shut these businesses down, someone steps in, such as a relative or friend of the business owner, gets a new license and continues the activity. These young ladies continue to be the victims of human trafficking.

As Assemblywoman Tolles said, we see victims living in poor living conditions in the back rooms of some of these businesses. Typically, our investigators find large sums of cash and money-counting machines in the back. In some cases, we have found condoms hidden inside fake soda cans with screw-off bottoms. It is obvious this criminal activity is occurring.

The intent of A.B. 166 is not to go after legitimate business owners. It is not to go after owners of motels who make efforts to stop prostitution taking place on their property by educating their employees and trespassing off those involved in that type of activity. This bill is aimed at those who facilitate prostitution on the properties of their fake businesses.

Assembly Bill 166 closes the vicious loophole and cycle that continues to occur.

ASSEMBLYWOMAN TOLLES:

Section 1 establishes the crime of advancing illegal prostitution. For the record, this does not address legalized brothels in our State; this is specific to illegal

prostitution. This measure sets forth when certain persons are deemed to have knowledge of such a crime and when such a person is deemed to have taken reasonable steps to abate that activity. A person who commits a crime of advancing prostitution is guilty of a Category C felony.

Section 1, subsection 1 outlines the people involved in owning, leasing, operating, controlling or managing any business or private property. This section outlines the notification process law enforcement will follow to make sure those involved people know illegal prostitution is being conducted on their property and people such as midlevel managers or out-of-state owners are not inadvertently captured.

Section 1, subsection 1, paragraph (b) subparagraph (1) defines involuntary servitude. There was some discussion about consensual activity and how to make sure we address the issues outlined in case studies and in Mr. Callaway's examples. We used *Nevada Revised Statutes* (NRS) 200.463 as it does a good job of outlining the term involuntary servitude, so there is no accusation this could be unknowing to the owners or managers or that it is consensual.

Section 1, subsection 3, paragraph (a) states a person who owns, leases, operates, controls or manages the business or private property is deemed to know if law enforcement agency has notified them, in writing, at least 3 times within a 180-consecutive-day period, and that law enforcement makes efforts to contact everyone as applicable.

Section 1, subsection 3, paragraph (c) outlines what it means to take reasonable steps. It means filing a report, cooperating with law enforcement, promoting ongoing education to the employees and any other legal means available.

Section 3 revises the penalties for the crime of living from the earnings of a prostitute. A person who commits such a crime is guilty of a Category C felony where physical force or the immediate threat of force is used and a Category D felony where no physical force is used.

Sections 2 and 4 through 18 use conforming language in NRS.

Senator Pickard and Senator Pat Spearman have asked to join on as cosponsors, and I welcome any others who would like to be included. We will provide that earlier-discussed amendment before the Committee's work session.

We also have an amendment from the Nevada District Attorneys Association ([Exhibit C](#)) to help clean up the language. There were concerns A.B. 166, as it was written when it passed through the first House, might have conflicts with other sex trafficking prosecutions.

SENATOR HARRIS:

Mr. Callaway, how do you envision this law being enforced? Where are the owners of these operations being picked up? The premise of the question centers around whether victims will be caught up in enforcing this law.

MR. CALLAWAY:

The goal of A.B. 166 is to help these victims get out of this situation by removing the requirement of a victim's testimony or information against the facilitator so we can focus on that facilitator. Say someone has a fake massage parlor business, but he or she is really running a prostitution ring. The girls get a small portion of the money from every sex act that occurs. In some cases, young victims brought over from other countries are just getting room and board. Even though their living conditions are deplorable, going back to their country of origin would be worse. They are afraid, and the owner of this business capitalizes on that. Because the victims are afraid, they refuse to testify against the owner. Due to the loophole created by statute, we cannot arrest that owner and we cannot get those victims out of that situation because these victims refuse to testify.

The Nevada Resort Association had concerns legitimate business owners could be caught up in this, especially those who live out of state. Efforts were put into A.B. 166 to prevent that. The target is that person who knows about and facilitates illegal prostitution.

There are a number of ways we come across these situations. In some cases, it is reported to us. We had a recent case where a woman believed this activity was occurring in a massage parlor. She went for a massage and noticed men going in. We did a follow-up investigation, warrants were served, and it was determined this type of activity was occurring.

Ultimately, the goal of A.B. 166 is to target those running and profiting from these facilities at the expense of victims, not to target victims who work there.

SENATOR HARRIS:

If there is suspicion of illegal activity, a search warrant will be issued, and evidence will be collected to determine whether someone is guilty. Is that correct?

MR. CALLAWAY:

Yes. Say we have suspicion this activity is occurring even before a search warrant is issued. We approach the owner, perform an undercover operation inside the business, and the detective is solicited. Under A.B. 166, we would contact the owner of that business and put him or her on notice.

There are some things owners can do under section 1, subsection 3 to show good faith and cooperation with law enforcement to try to abate the problem and show they are not involved or facilitating this activity. The people facilitating this crime are not going to cooperate with law enforcement. That is when we have grounds to shut a business down, conduct search warrants if need be, and charge the owner with this crime under statute. It is a multipronged approach to go after what I consider to be the worst of the worst—the franchised trafficker.

ASSEMBLYWOMAN TOLLES:

I am grateful for the opportunity to have conversations with law enforcement about trauma-informed approaches to dealing with victims in these circumstances. We are going after the abuser, the trafficker or the exploiter and providing services for victims. When we hear the words "law enforcement," some of us tend to envision situations that negatively impact people. In 2017, there were 26,884 phone calls, 2,300 texts, 3,100 web forms and 1,800 emails to the National Human Trafficking Hotline. Out of that, they identified 10,615 individual victims. These are unique individuals who have been victimized by this illicit sex trade. The points of access for potential help for those victims, based on the data derived from those phone calls, were interaction with family and friends first, and second, interaction with individuals from law enforcement and the criminal justice system, who were able to help identify, process and get help for these victims. We want to make sure we are going after the exploiter, identifying the victims and getting those victims much-needed help and resources.

SENATOR SCHEIBLE:

Could I get caught in this statute if I own a huge casino on the Las Vegas Strip, I know prostitutes are soliciting customers on the first floor on a daily basis, and I do nothing more than cooperate with police to stop it?

MR. CALLAWAY:

This bill provides a good level of protection for legitimate business owners. We work hand in hand with the resort corridor and hotel owners; 99 percent of them are 100 percent cooperative with law enforcement. When they see this activity occur, they make efforts to trespass folks from their properties. They allow us to conduct undercover operations. Our vice teams have even been allowed to use hotel rooms for reverse stings. If legitimate business owners cooperate with law enforcement, they can easily show they have taken steps to abate the problem and will not be subject to this facilitating statute.

ASSEMBLYWOMAN TOLLES:

Assembly Bill 166 is a result of many meetings and conversations with prosecutors, defense attorneys, victims, advocates and businesses. One of those businesses, the Nevada Resort Association, was in neutral in the Assembly but supported the bill after offering an amendment requiring notifications be made in writing.

CHAIR CANNIZZARO:

A few people have reached out to me with concerns over the increased potential for raids and what that means for some individuals who may work in some of these places. Can you speak to that?

MR. CALLAWAY:

I would not say there will be an increase in raids because we investigate these businesses when they come to our attention. The issue in statute lies with our inability to prosecute these owners when victims are reluctant to assist us in these investigations or to testify. Without this bill, a business could be raided multiple times, its licenses taken, the business shuts down and a new licensee steps in. With this bill, we can hold business owners accountable, prosecute them and maybe have one raid versus ten raids.

The trauma a victim experiences from law enforcement coming into a business with a search warrant is minute compared to the trauma and impact of living a life of servitude underneath a human trafficker.

SENATOR SCHEIBLE:

Is there any guarantee illegally documented victims will not be deported after that raid?

MR. CALLAWAY:

We have a policy at LVMPD to treat everyone as victims. Even if an arrest is made, our vice unit screens every person it comes in contact with to determine whether he or she is a victim or a suspect. Victims are channeled to nonprofit organizations and to treatment for help. Even if they are charged with the misdemeanor crime of soliciting prostitution, under statute if they go through treatment, get help and get out of that lifestyle, that record can be squashed. If we are going after the individual trafficking them, victims may also have the opportunity to obtain a U nonimmigrant status visa or U visa; our detectives would help them with that process. Another bill this Session deals with U visas and how these folks can take advantage of that to stay in the Country.

SENATOR SCHEIBLE:

That explains Clark County, but this is a Statewide law. Is there protection in A.B. 166 ensuring law enforcement could not use this as a tool to find and arrest women who have been brought here illegally?

MR. CALLAWAY:

No, but I believe A.B. 336 should address your concerns as it sets Statewide parameters for approving U visas.

ASSEMBLY BILL 336 (1st Reprint): Establishes provisions relating to certain victims of crime. (BDR 16-46)

ASSEMBLYWOMAN TOLLES:

Nevada Revised Statutes 201.303 states it is a rebuttable presumption that pandering, sex trafficking or facilitating sex trafficking is committed under duress. In regard to a victim of sex trafficking or facilitating sex trafficking, "there is a rebuttable presumption that the person who committed the violation acted under duress." That would be applied to victims in these circumstances.

SENATOR DONDERO LOOP:

Mr. Callaway, you say these investigations are already going on. If that is the case, why are we doing this?

MR. CALLAWAY:

We need to close the loophole that exists in statute. To get a crime of human trafficking, we need that victim to be able to come forward and say, "Yes, I am being trafficked by this person." When we investigate businesses where owners facilitate and profit from victims and victims are reluctant to come forward and participate, we cannot prove those owners knew. Many times, business owners will say they live out of state and had no idea that was occurring. Assembly Bill 166 lets us prove they did not know it was happening by providing steps to cooperate with law enforcement or show they had an opportunity to cooperate. If they do not cooperate and continue to facilitate this activity, we can criminally prosecute them.

SENATOR DONDERO LOOP:

Are the sponsors of this bill going to help people who are here illegally? I want this on the record because that is not what has been said in the past.

ASSEMBLYWOMAN TOLLES:

It is my intention to help those victims. I supported A.B. 336 in the Assembly and will continue to support it. If there needs to be some clarifying language, I am happy to have that discussion.

To add to my testimony, information came out of Florida that trafficked women often do not want to talk to law enforcement and getting some of the women to cooperate is a major challenge. In one case, a woman dissolved into tears as she told detectives how she came from China to work at a nail salon in Chicago and was forced into sex trafficking. Her passport was locked up and her relatives in China threatened. Midway through the interview, a Mandarin-speaking attorney from New York showed up and spoke to the victim, who suddenly stopped cooperating. This creates that pressure of threat and duress where those victims are not willing to come forward. Assembly Bill 166 closes that loophole and allows prosecutors to protect victims in addition to pursuing that prosecution.

SENATOR PICKARD:

I commend you for all the work you do to protect these victims by closing loopholes and making it easier to end this practice. I am happy to sign on to A.B. 166.

JOHN T. JONES, JR. (Nevada District Attorneys Association):

We support A.B. 166. Assemblywoman Tolles reached out to us during the Interim, and we spent several months putting this bill together with all interested parties. Earlier you heard that we proposed an amendment, [Exhibit C](#). After the reprint came out, we had concerns with the interplay between this new crime and the sex trafficking crime. Based on that, we are asking, and it has been accepted, to strike the definition in section 1, subsection 1, paragraphs (a) and (b) as outlined in the amendment. We did not want to undermine all the hard work put into the sex trafficking statute, and we had concerns some of those enhanced penalties could be taken away if referenced in this new crime.

What remains is an involuntary servitude that honors the spirit of the bill without undermining the sex trafficking statute.

MR. SOLFERINO:

The Washoe County Sheriff's Office supports A.B. 166. We thank the District Attorney's Office for addressing those issues.

JESSICA ADAIR (Chief of Staff, Office of the Attorney General):

On behalf of Attorney General Aaron D. Ford, I am proud to offer our support of A.B. 166. I have provided written testimony ([Exhibit D](#)).

SENATOR SCHEIBLE:

I have a question for Mr. Solferino. As I mentioned to Mr. Callaway, I am concerned illegally documented victims are going to be arrested, thrown into the criminal justice system and have no documentation to protect them. What is Washoe County's process in this regard?

MR. SOLFERINO:

Our agency is different in that we are not a metropolitan police department, but we do have regional teams. This would be one of the areas where Reno, Sparks and the Washoe County sheriffs' offices would work in conjunction. Similar to the LVMPD, a victims' advocate who works in our domestic violence and sex trafficking units would help victims process U visa applications. We do not arrest these individuals based on immigration status; we treat them like victims just as the LVMPD does. I would be happy to meet with you offline in this regard.

SENATOR HARRIS:

What about those who do not qualify for a U visa?

MR. SOLFERINO:

They are still treated as victims. We do not determine who meets that qualification, and we are not able to help if they do not qualify for the U visa. But we will help get them through the process and provide services and resources needed to move forward.

SENATOR HARRIS:

If they do not qualify for U visas, will they be subject to being turned over because of their status? Being a victim does not disqualify you from being deported. I understand you will treat them as victims, but it does not answer the question about whether their names are turned over.

MR. SOLFERINO:

We do not perform active immigration enforcement in the field. U.S. Immigration and Customs Enforcement has the option to interview individuals who are arrested on local charges, but those names would not be turned over.

HELEN FOLEY (FirstMed Health and Wellness Center):

We do a lot of work for the mental and physical health of sexually trafficked and exploited children and adults. We just started a program with the LVMPD that trains officers to recognize someone who is distressed and in one of these categories. If so, identified individuals are given one of our cards and are encouraged to seek help.

Prostitution is legal in many counties in the State—it is not in Clark County—and people have been getting away with exploiting individuals for many years. It is disturbing to sit at a stoplight and look at mobile billboards where someone calls a number for a good time. Those individuals receive some kind of fee after the number is dialed, but they then say, "These women are independent contractors, and what they do once they get to someone is their business." We know what that is and, hopefully, we can look into that next Session.

This is a good bill. These businesses are not legitimate and they exploit women. We support A.B. 166.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):
We support A.B. 166.

KIMBERLY MULL:

There are T nonimmigrant status visas, T visas, for trafficking victims. If law enforcement or a judge signs off and identifies someone as a trafficking victim who is necessary for a case, he or she can get trafficking victim status and obtain that visa. They do not necessarily have to go through the same steps to qualify for U visas; they just have to be identified as trafficking victims.

Television shows and movies are based on these fake massage businesses and involuntary servitude trafficking cases. This is exactly what you picture. Most of these women come from China and South Korea, and these are usually highly organized criminal organizations. Businesses can be shut down one day and up and running the next with a different owner on the business license because they have multiple locations. These women are terrified because they know they can disappear and no one will know what happened to them. I have worked with over 400 victims of sex trafficking, and the women who have come out of these kinds of businesses are the most traumatized and afraid for their lives. They are the least willing to work with law enforcement because the organizations know where their families are back in their native countries. They have the least ability to obtain resources in this Country because they do not speak the language or have ties to the community. Having legislation like A.B. 166 that not only shuts the business down but actually goes after the enterprise itself is important. Just shutting down the business is not enough; laws must be in place to enable law enforcement to go after the entire organization and move up the ladder. It is a multilayer process.

Connecting these women to services and giving them access to such things as T visas is a necessary step toward getting them to help law enforcement. There is an information packet from Polaris ([Exhibit E](#) contains copyrighted material. Original is available upon request of the Research Library.) dealing with illicit massage businesses. There are estimated to be over 9,000 illicit massage business in the Country. If you drive down the street in Reno, there are 5 massage businesses open at 11:00 p.m. on a Wednesday within a quarter mile of each other. That is not normal.

There are single moms who go to massage therapy school and cannot make a decent living in that profession. Something illicit is going on, and we need to be

able to make sure the individuals being kept in those back rooms against their will who are just trying to make sure their kids in China are not being dismembered have resources available.

LINDSAY KNOX (Awaken):

We support A.B. 166. We conduct outreach and provide direct services to women and children to help them transition out of commercial sexual exploitation. Awaken has helped 386 women and girls in Washoe County. The majority of Awaken's clients are victims of sex trafficking. These women and children have been told by their traffickers not to trust law enforcement.

Northern Nevada law enforcement understands the trauma involved in sex trafficking and has changed its approach to being trauma-informed. It does not target victims of trafficking or women in prostitution. It specifically targets traffickers.

Assembly Bill 166 closes the loophole. This approach led to three sex trafficking arrests in Washoe County recently. Law enforcement credits these three arrests to the trauma-informed approach and shifting its focus from victims to the traffickers. Additionally, the victims of these three traffickers are receiving services to live a life free of exploitation.

SARA CHOLHAGIAN (Dignity Health-St. Rose Dominican):

We support A.B. 166. Having this legislation placed in the trafficking section of NRS will give victims access to benefits from the funding programs and the services to help them get to survivorhood. I am submitting a letter of support from Katie Roe Ryan ([Exhibit F](#)).

NICK VASSILIADIS (Nevada Resort Association):

We support A.B. 166.

SANDY ANDERSON (State Board of Massage Therapy):

We work with local and federal law enforcement on this issue. There have been multiple operations where we were not able to pursue the issue of the owner of the establishment, and the district attorneys have had to drop those cases. This bill will help close that loophole and allow us to work with local law enforcement to identify locations that need to be investigated and to make sure the owners of those establishments are prosecuted. I have worked with

Las Vegas and Washoe County law enforcement. They do not target the ladies; they target the person who is pandering.

We had an instance about a month ago in Washoe County where a woman negotiated a deal for a licensed massage therapist to perform a sex act. She got to walk because the district attorney could not prosecute. This bill would help in those situations. We support A.B. 166.

MR. SPRATLEY:

The Nevada Sheriffs' and Chiefs' Association supports A.B. 166.

MARLENE LOCKARD (Nevada Women's Lobby):

We support A.B. 166.

GARY LANDRY (State Board of Cosmetology):

We support A.B. 166. Similar to the State Board of Massage Therapy, we have had several instances of finding prostitution in salons we licensed. This is fairly new to us, and we have done a lot of work to clean that up. This bill would help our efforts.

CAITY GROIN:

I am here as a member of the Las Vegas Sex Workers Collective. I oppose A.B. 166. Assemblywoman Tolles listened to the concerns of those in this industry. She made amendments to assure victims are helped and people who are doing sex work consensually or circumstantially are not caught up in this. However, these amendments do not go far enough. It does not truly help the people you are trying to help, and there is unintended collateral damage of those who engage in sex work circumstantially.

The best way to help victims is by listening to them. Safe reporting policies that allow victims to come forward without fear of arrest or deportation are needed.

Extremely negative experiences are why, in part, these women do not want to speak to law enforcement. In the case of the Orchid of Asia Day Spa in Florida, law enforcement investigated the facility for months before conducting a raid, which just meant officials were utilizing the services of these women. Now, all these women have misdemeanor and felony charges. Most people detained by ICE are there for weeks before meeting with victim advocates. The case that you are using to elucidate the situation actually did not help any of these

women. I understand most of these women are in the process of being deported.

I also want to address the issue of collateral damage for people who are doing work circumstantially. Many people in sex work are not victims of sex trafficking; they are victims of poverty and a terrible immigration system. People usually enter into this type of work through bad circumstances such as discriminatory hiring practices, disabilities and citizenship issues.

People looking from the outside misunderstand and misinterpret exploitation with circumstantial work. Because of transphobia and racism, people from the outside do not understand what is going on. Having a difficult, terrible job and doing it consensually because it is your best and only option is the case for a lot of these people.

We do not want people to be pushed out of safe spaces. We want people to get the resources they need to speak out against their traffickers and pimps without having unintended consequences of more danger, deportation, arrest and trauma.

I would like to work with everyone moving forward so the people who need help can get help and those who are trying to live their lives can do so safely.

ASSEMBLYWOMAN TOLLES:

I am committed to delve deeper into any additional issues that have been identified so we can continue to help protect victims and go after the bad actors. Assembly Bill 166 strikes that balance.

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CHAIR CANNIZZARO:

I will close the hearing on A.B. 166. The meeting is now adjourned at 9:20 a.m.

RESPECTFULLY SUBMITTED:

Jenny Harbor,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
A.B. 166	C	3	Nevada District Attorneys Association	Proposed Amendment
A.B. 166	D	1	Jessica Adair / Office of the Attorney General	Testimony in Support
A.B. 166	E	92	Kimberly Mull	Human Trafficking in Illicit Massage Businesses
A.B. 166	F	1	Katie Roe Ryan / Dignity Health St. Rose Dominican	Letter in Support