MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eightieth Session
May 27, 2019

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:26 a.m. on Monday, May 27, 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:

Assemblyman Steve Yeager, Assembly District No. 9

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Nicolas Anthony, Committee Counsel
Pat Devereux, Committee Secretary

OTHERS PRESENT:

Aaron D. Ford, Attorney General
Kaitlyn Herndon
Michelle Feldman, Innocence Project
DeMarlo Berry
Jim Sullivan, Culinary Union Local 226

Christine Saunders, Progressive Leadership Alliance of Nevada
Holly Welborn, American Civil Liberties Union of Nevada
Lisa Rasmussen, Nevada Attorneys for Criminal Justice; Innocence Project
Kristina Wildeveld, Nevada Attorneys for Criminal Justice; Innocence Project
John J. Piro, Deputy Public Defender, Office of the Public Defender, Clark County
Kendra G. Bertschy, Deputy Public Defender, Office of the Public Defender, Washoe County
Tonja Brown, Advocates for the Innocent
Kristina Pickering, Justice, Nevada Supreme Court
Douglas Herndon, District Judge, Department 3, Eighth Judicial District
Nancy Lemcke, Office of the Public Defender, Clark County
Jennifer Noble, Nevada District Attorneys Association

CHAIR CANNIZZARO:
We will open the hearing on Assembly Bill (A.B.) 267.

ASSEMBLY BILL 267 (2nd Reprint): Provides compensation to certain persons who were wrongfully convicted. (BDR 3-657)

AARON D. FORD (Attorney General):
You have my written testimony (Exhibit C). In the Seventy-seventh Session as a freshman Senator, I fought to pass a bill that would establish a mandated conviction integrity unit in every Nevada County. This unit would be modeled after the one instituted in the mid-2000s in Dallas, Texas, by my cousin Dallas County District Attorney Craig Watkins. Having worked as a public defender, he thought that many people in the Texas penal system were innocent, which could be proven by DNA evidence. Dozens of people were exonerated under his conviction integrity unit.

Unfortunately, the fiscal impact of such units in Nevada was deemed too great at the time. I was able to work with Clark County District Attorney Steve Wolfson, who established the State's first and only conviction integrity unit. It was this unit that examined DeMarlo Berry's case and ultimately determined his innocence by a process about which I had been thinking for more than ten years.

I was at my job at the Eglet Prince law firm when, by coincidence, the press conference announcing Mr. Berry's release—after 23 years in prison—was held.

I was so fortunate to meet Mr. Berry; just shaking his hand gave me goose bumps. I was able to express my gratitude to him and his family that the conviction integrity unit had functioned as it should.

Assembly Bill 267 will restore to Mr. Berry and other wrongfully convicted prisoners something that, frankly, cannot really be restored. It attempts to do something right by people to whom the State has done something wrong. Our Nation has the greatest legal system in the history of mankind, but it is fallible. When we make mistakes, we must be willing to stand up and correct them.

At the Office of the Attorney General, our job is justice. Justice sometimes reveals itself in circumstances like this for someone who has been wrongfully convicted. The bill is an opportunity to provide recompense to those whose liberty was wrongfully taken away.

ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):
Assembly Bill 267 recognizes that the U.S. criminal justice system is imperfect. Although rare, disastrous mistakes sometimes happen, resulting in wrongful convictions and decades-long incarceration. We have an obligation to compensate those affected. Nevada must join 34 other states in establishing a system to do so.

I began thinking about this issue in 2014 when I first ran for public office. I was in Michigan when I read a local newspaper article about a Michigan legislator trying to set up a compensation system for the wrongfully accused. That made me wonder why we did not have something like that in Nevada. Over the last five years, we have had several exonerations in our State, including that of Mr. Berry.

Section 2 of A.B. 267 authorizes filing a civil action against the State to seek compensation. The petitioner must prove by a preponderance of evidence that he or she was convicted of a felony and spent time in prison or on probation. Petitioners must also prove that the case was either reversed or vacated and the individual was not retried; a new trial was ordered and the person was found not guilty or retried; or the person was pardoned on the grounds of innocence.

Finally, the petitioner must prove he or she did not commit or was not an accessory or accomplice to the crime. This is crucial because you do not deserve compensation if you cannot prove you had no involvement in the

charged crime. This removes the possibility of receiving compensation because your counsel was ineffective.

Section 2 specifies factors the court looks at when deciding a compensation lawsuit and that a court may appoint an attorney to assist petitioners. Section 3 provides that if a petition is successful, the court must enter a certificate of innocence and immediately order that case records be sealed.

Section 4 provides the State must waive its typical $100,000 cap on damages for lawsuits against it. Other statutory waivers are in place. Section 5 provides there is no jury trial to grant compensation, just a trial in front of a judge, whose decision may be appealed. There is a 2-year statute of limitations on bringing a claim; existing claims must be brought by October 1, 2021, 2 years from the bill's effective date.

Section 7 specifies the financial compensation for each year of imprisonment: 1 to 10 years, $50,000; 11 to 20 years, $75,000; 21 or more years, $100,000. States vary as to their compensation awards, but $50,000 is a popular starting point. The majority of states and the federal government provide at least $50,000 per year with a graduated scale recognizing that longer sentences are worth more. If the petitioner was incarcerated for another crime during the same period, he or she is ineligible for compensation during that period. The wrongful conviction must be the only sentence you are serving when you apply for compensation. As part of the compensation, petitioners will receive health care and tuition assistance, counseling for themselves and their families, and reentry services such as housing assistance and financial counseling.

Section 8 is an offset provision that if you have received compensation previously through a lawsuit, the amount under the bill is offset. In other words, you cannot double dip. If you bring another compensation lawsuit after receiving compensation for A.B. 267, you must reimburse the State for any money recovered.

Section 8.5 and section 10 specify the compensation will be awarded through the Reserve for Statutory Contingency Account in the General Fund upon approval by the State Board of Examiners. Section 9 states petitioners may be granted preferential trial setting for compensation claims. In civil litigation, there

are certain cases that qualify for an expedited trial setting within 120 days of a request.

KAITLYN HERNDON:
I am a Nevada native and a Washington University law student. Last summer, while clerking for Nevada Supreme Court Associate Justice Kristina Pickering, I began working on the project that led to A.B. 267. Justice Pickering alerted me that Mr. Berry's exoneration case was just breaking and becoming relevant for what it meant for the State, Mr. Berry and his family and our legal community. I realized that despite the horrifying tragedy of his situation, there was little in *Nevada Revised Statutes* (NRS) by which the State could make amends.

I went through 35 NRS to see if there was anything comparable to how other states handle compensation on which we could build. The bill's provisions are inspired by laws in Colorado, Kansas, Utah, Hawaii and Ohio. The compensation issue does not just involve money; it is a complex problem that cannot simply be fixed with big dollars. It includes services to aid reentry into a community you have been absent from for a long time and feel out of touch with. I researched which states had services through which people can get mental health counseling so they can go back to their communities able to reintegrate with family and friends. They need help to feel humanized, productive and filled with grace and appropriate love.

Assembly Bill 267 recognizes that not only are we dealing with a numbers problem, these are real people disadvantaged by a system that is supposed to help them. Although we cannot retrieve the time lost behind bars, we are doing the best we can to apologize and move forward.

I am 21 years old. I have not lived enough years to imagine 23 years of life being wrongly taken from me as happened to Mr. Berry. The wealth of life experiences I have had compared to the lack thereof for someone who has been disadvantaged and taken out of the equation is impossible for me to imagine. To have met Mr. Berry and his wife, Odilia Berry, and see them as fellow Nevadans who were denied the life they deserve because of a failing on the part of all of us was incredibly inspiring to help me write A.B. 267. It also allowed me to see a problem that needs to be remedied immediately. Nevada can be a leader in teaching the world that we can be responsible for our actions, humble and move forward in a constructive and graceful manner.

MICHELLE FELDMAN (Innocence Project):
If the State takes someone's private property, he or she is compensated, but not if someone's liberty is taken unjustly. Many states offer more than $50,000 per year of incarceration. The District of Columbia offers $200,000; Texas, $80,000; and Colorado, $70,000. More than half the states offer nonmonetary services like health care, housing and counseling.

Mr. Berry was wrongfully convicted of murder and armed robbery at the age of 19. He spent 23 years in prison for a crime he did not commit. He lost critical years when people are beginning careers and obtaining assets and savings. When he was finally exonerated, he was dropped off in downtown Las Vegas two hours earlier than his scheduled release. He was alone, with just a debit card and no other belongings. That ride was the last thing Mr. Berry received from the State. Ironically, if he had actually committed the crime, he would have gotten more reentry services; as an exonoree, he is in a no-man's land.

In states lacking a compensation law, exonerees' only option is to file a federal civil rights suit against the state and/or municipalities that violated their rights. Those lawsuits can sometimes take decades to resolve, with taxpayers paying for the litigation. There is no cap on awards, so laws like A.B. 267 are a better solution for both exonerees and taxpayers.

Assembly Bill 267 builds on compensation provisions from other states, including a fixed per year amount for wrongful conviction, social services and a straightforward process for getting compensation. As per sections 8.5 and 10, a claim is filed in district court with a judge deciding whether the petitioner meets the eligibility requirements outlined in section 2. There must be a preponderance of evidence that the petitioner did not commit or act as an accomplice or accessory to the crime.

The offset provisions in section 8 provide important protections for taxpayers. The proposed amendment (Exhibit D) submitted by the Nevada District Attorneys Association (NDAA) states petitioners must prove their factual innocence with clear and convincing evidence. In section 2.1, subsection 2, paragraphs (a) through (d) of Exhibit D, this means exonerees did not engage in the conduct for which they were convicted or in "conduct constituting a lesser included or inchoate offense of the crime" or:

> (c) Commit any other crime arising out of or reasonably connected to facts supporting the indictment or information upon which he or she was convicted; (d) Commit the conduct charged by the State under any theory or criminal liability alleged in the indictment or information.

The clear and convincing evidence standard is the highest possible and most difficult to meet. For an exoneree to prevail in a federal civil rights claim, the standard is the same as that in the bill: a preponderance of evidence. Most states— including Ohio, Kansas, Hawaii and Minnesota—that have enacted or updated their compensation laws use the preponderance of evidence standard. Louisiana's law has language similar to that in Exhibit D, and it has proven problematic. In Louisiana, the standard is proof of factual innocence with clear and convincing evidence. That means the petitioner did not commit the crime for which he or she was convicted nor commit a crime based on the same set of facts used in the original conviction.

In Louisiana, exoneree Glenn Ford was on death row for almost 30 years. On *60 Minutes*, the prosecutor apologized to Mr. Ford for wrongfully convicting him of murder and robbery, saying, "I withheld evidence. I did a wrong thing. Mr. Ford should be compensated." Mr. Ford was a suspect because he pawned some items stolen during the murder and robbery of the shop owner. The true perpetrators eventually confessed. The Louisiana Office of the Attorney General had the compensation claim dismissed, telling Mr. Ford, "Even though you were cleared of the murder and robbery charge, you still pawned these stolen items." There is a major push to change the Louisiana compensation law because of that.

As written, A.B. 267 provides a straightforward way to receive compensation. If we put up a lot of roadblocks, the system will not work as intended. There will be more litigation and Legislators will have to change the law.

DeMarlo Berry:
We all agree that life is sacred and precious. So, how would you all feel if all of the years you have lived were taken away from you? Assembly Bill 267 is important and should be passed not only for the State but for individuals such as myself. Everybody is not mentally stable enough to deal with real-world issues once they leave prison. There is a lot of stress and many things that you must catch up on.

SENATOR HANSEN:
Section 7, subsection 2, paragraph (a) of the bill provides for damages of "Reasonable attorney's fees, not to exceed $25,000, unless a greater amount is authorized by a court upon finding of good cause shown." I am afraid that due to that dollar volume, compensation might not go to the exoneree, but instead to his or her counsel. What is good cause? I cannot think of an example in which attorneys' fees would exceed $25,000. Those fees will come out of what legitimately should go the innocent person, right? Has this been a problem in other states?

MS. FELDMAN:
The $25,000 would be in addition to any compensation granted to the exoneree. That is a reasonable amount because attorneys must provide the evidence of innocence and essentially conduct a mini trial.

SENATOR HANSEN:
Ms. Feldman gave me a list of 13 exonorees in Nevada. "Official misconduct" by the courts is listed as part of Mr. Berry's case. What does that mean?

MS. FELDMAN:
I should not comment on Mr. Berry's case.

SENATOR HANSEN:
I am disturbed by this: District attorneys have a job to do. Mr. Berry is picked up by the cops and brought into the court system. Perjury may have caused his conviction, which is common. Are there cases in which courts have aggressively gone after the liars, for example in Mr. Berry's case? A guy deliberately tried to pin something on Mr. Berry that he had nothing to do with.

MS. FELDMAN:
Absolute prosecutorial immunity exists in civil settings. The U.S. Supreme Court has determined prosecutors cannot be sued for misconduct originating in a wrongful conviction. Exonerees are instead forced to sue counties or municipalities where the prosecutors' offices are located. Police officers have qualified immunity, which is an obstacle to going through the federal civil rights claim process.

A Texas district attorney was convicted of withholding exculpatory evidence from Michael Morton, one of the Innocence Project clients. The district attorney

was prosecuted for perjury and other actions that resulted in the wrongful conviction. He was sentenced to 10 days in jail, of which he served 5 days, whereas Mr. Morton served 25 years for the murder of his wife. There is not a lot of accountability with the immunity in occurrence.

SENATOR HANSEN:
While I am sympathetic, we need to get the bad guys. As William Blackstone said, "The law holds that it is better that ten guilty persons escape, than that one innocent suffer." That certainly holds true in Mr. Berry's case.

SENATOR PICKARD:
In section 4, subsection 2 of the bill, the tort cap is lifted from $100,000 per year served to at least $2.3 million for more than 21 years of wrongful detention. I am struggling with an inconsistency. We heard S.B. 245, which would raise the limit to $200,000.

SENATE BILL 245: Revises provisions relating to civil actions. (BDR 3-965)

Yet, as a Body, we decided we could not go as far as $1 million in damages, even including for wrongful death. You can take someone's life entirely, and the damages are capped at just $200,000. That affects the same groups and families as A.B. 267, yet there is zero recovery from a death. Now, we are talking about compensation of $2.3 million or more. Why is wrongful imprisonment so much worse than wrongful death?

ASSEMBLYMAN YEAGER:
What usually happens is exonorees' federal lawsuits are not capped because wrongful conviction is a civil rights violation. Even without A.B. 267, the exposure to the State is much greater than the normal $100,000 cap would be. We tried to balance ensuring we are making exonorees whole with protecting taxpayers from the cost of protracted litigation.

The stigma that comes with knowing you are innocent but the rest of the world thinks you are guilty because you have been convicted is unknowable to us. In some ways, Mr. Berry's situation is more difficult because he is reentering the world 23 years later. Imagine how many technological advances he encountered.

SENATOR PICKARD:
We need to make people whole. As Legislators, when we take something as important as a life or a significant part of a life, we should be on the hook. The justice system is not necessarily bad, but we are all imperfect beings. Even if there was no prosecutorial misconduct and all the evidence pointed to someone's guilt, if the conviction was still wrongful, people absolutely deserve compensation. I have a slight issue with the retroactive nature of A.B. 267 from a constitutional standpoint.

SENATOR SCHEIBLE:
The first thing I notice in Exhibit D is that the definition of factual innocence does not match that in A.B. 356.

ASSEMBLY BILL 356: Revises provisions governing criminal procedure. (BDR 3-863)

We seem to be heading down a path of different definitions of factual innocence. Why should we not adopt the language of A.B. 356 for A.B. 267 for consistency?

MS. FELDMAN:
Assembly Bill 356 creates a pathway to bring a claim of factual innocence through new non-DNA evidence. After conviction, you only have two years to present non-DNA evidence of innocence. There are many ways to be exonerated, including through DNA evidence outside of proof of factual innocence and through constitutional habeas claims of prosecutorial withholding of powerful exculpatory evidence. Proof of factual innocence is the most narrow and difficult path; we put it into A.B. 267 as a compromise. It is not the preferred way to bring claims based on new non-DNA evidence.

The Louisiana compensation statute provides an example of what can go wrong. Its standard is factual innocence, as defined by Exhibit D. Clear and convincing evidence was required in the Glenn Ford exoneration. However, even though the district attorney said he was innocent, the attorney general successfully fought Ford's compensation claim and had it dismissed. In Nevada, we do not want to have to come back years later and change NRS because petitioners cannot qualify. The more barriers we erect, the more litigation will result.

SENATOR HANSEN:
Mr. Berry, one of the most disturbing things about your story is how you were treated by the State after your release. Could you tell us about that?

MR. BERRY:
I was awakened early, and they rushed me out with a lot of expletives. I was bundled into a van and deposited in the center of Las Vegas after 23 years. The guard gave me the debit card, with a "Here you go." I said, "Where am I?" He asked how long I had been gone and then cursed when I told him 23 years. He said, "Walk up to that 7-Eleven and ask if you can use the phone. Pay phones don't exist anymore. Call someone to come get you." I was so happy to be free, I decided to just look around and get my bearings. Then I walked to my grandmother's house.

SENATOR HANSEN:
Here you are after 23 years in prison, and there were no apologies, exoneration letter or anything from the Governor. They literally took this man and dropped him off in the middle of Las Vegas with a debit card. He did not even know about cell phones because technologies had changed.

Mr. Berry talked to me when he went to get a job because I am an employer who regularly employs ex-felons. If you had walked into my office, I would have asked about your background. If you had said, "I was found not guilty after 23 years in prison," the likelihood of any other employer believing you is extremely minimal.

If a man like Mr. Berry is found not guilty by the State, we should compensate him financially. He also needs to be given something like a proclamation by the Governor saying, "This man was treated wrongly by the State and I, under penalty of perjury as Governor of the State of Nevada, say he is innocent of the charges."

The thought that we just kicked him out of the van and said, "Hey, thanks! Good luck, buddy. Get hold of your grandma" just blows my mind. The idea that the State itself does nothing to acknowledge that it should help this man in those initial few weeks after his release is disgraceful. It could be years before his case is finalized and he gets some reasonable compensation. In the meantime, he cannot get a job or education and is still a felon. When we make a mistake, the idea that that is how we treat a guy after 23 years is really wrong.

MR. BERRY:
I do not want to put blame on anyone. This is real life; this is something that can happen. It happens every day; no one is exempt from it. I tried to better the situation by thinking that I was put here for a reason and what happened was meant to be. I do not want anyone to think I am pointing the finger at him or her. We need district attorneys. Crimes are committed, and people get hurt. We understand law enforcement is here for a reason. I do not want to bash them or anyone else. I just want to try and help in some way to make the situation better for other individuals who come up against my predicament.

ASSEMBLYMAN YEAGER:
Senator Hansen, when Mr. Berry gets pulled over by police and his background check is run, they see his felony record. He essentially has to carry his exoneration paperwork continually to prove to police, employers or landlords that he is innocent. Upon a successful claim, A.B. 267 calls for sealing of records, which NRS lacks a method to do. Mr. Berry does not fit into statutory categories that seal other records.

In section 3, if the court finds claims are meritorious, a certificate of innocence will be entered. If there is a delay in sealing the records, there will at least be an official statement of innocence from the court. You can imagine the stress Mr. Berry feels every time he encounters law enforcement and his background check is run. He must be careful about everything he says and does. That is a shameful situation that we need to remedy.

SENATOR HANSEN:
Mr. Berry's testimony is exceptionally valuable because we did not foresee the ramifications of his encounters with officers. Every time he is pulled over for speeding, he still has a murder conviction on his record. Legislators do not live in that world, and when someone is deemed innocent, we think that is the end of it. In fact, it is a cloud hanging over you for an undetermined amount of time. Anything Legislators can do to minimize that and ideally eliminate as much as possible is our responsibility. It is the minimum obligation we owe to people like the Berrys because he never committed the crime.

SENATOR SCHEIBLE:
Section 2, subsection 2 of the bill lists things a petitioner must show to be eligible for compensation. Paragraph (c), subparagraph (3) ends with "and." Does that mean all of the conditions listed in subparagraphs (a) to (d) must be

met? Must a petitioner have a reversed conviction, new trial with a not guilty verdict, dismissed charges or a pardon from the State Board of Pardons Commissioners?

MS. FELDMAN:
Yes, petitioners must prove all of those elements. They must also prove with a preponderance of evidence that they did not commit the crime for which they were convicted. That is not the high, clear, convincing evidence of factual innocence, which is a problematic, difficult standard to meet.

SENATOR OHRENSCHALL:
The University of Michigan Law School website has a list of nationwide exonerations. Since 1989, 2,420 people have been exonerated. Mr. Berry, when you were convicted in the mid-1990s, the Innocence Project was in its infancy. Could you describe the struggles that you had trying to find someone to believe in your innocence and help you?

MR. BERRY:
It was difficult because petitioners are writing to lawyers who constantly hear, "I'm innocent. I haven't committed a crime." I understand that when something comes across their desks, it is hard to entertain it because they have heard it a million times. When lawyers finally start investigating a claim, sometimes it is true. The struggle is severely difficult because it is discouraging. You have to have determination to keep moving forward. Every time you hear a "no," a piece of you dies.

SENATOR OHRENSCHALL:
Thank you for your fortitude and trying to change NRS to help others.

CHAIR CANNIZZARO:
The bill's section 2, subsection 2, paragraph (c), subparagraph (2) provides "If a court ordered a new trial, the person was found not guilty at the new trial or the person was not retried and the charging document was dismissed ... ." I interpret that as, if someone is retried and the conviction was overturned or he or she was found not guilty, that individual would fall under the provisions of A.B. 267. Is that correct?

MS. FELDMAN:
Yes, but the person must also prove he or she did not commit the crime. We are outlining the retrial process and your obligation to prove that you did not commit or act as an accomplice or accessory to the crime.

CHAIR CANNIZZARO:
My concern is that would also include old cases for which witnesses could no longer be found and the charging documents are dismissed. Would those petitioners fall under the bill's provisions even though the charges would not be pursued?

MS. FELDMAN:
If witnesses are dead and all of the evidence is old, it is extremely difficult to prove innocence. Even if you succeed, you must still have proof that you did not commit the crime. Let us say that there was ineffective assistance of counsel that is inconsistent with innocence. If you lack evidence that the actual perpetrator confessed to the crime and that was collaborated by another person or DNA proves someone else did it, you will not be compensated.

CHAIR CANNIZZARO:
I understand the difference between the federal standard of clear and convincing versus preponderance of evidence. However, preponderance is a much lower burden than beyond a reasonable doubt. The bill could potentially affect unintentioned people. When you pair preponderance with the idea that there is simply a different result or if for some reason charges cannot be pursued, we are no longer talking about the same standards of proof.

MS. FELDMAN:
The good news is we have many states with similar language to that of A.B. 267. Since Kansas passed its law in 2017, 2 people have been compensated after DNA exonerations. Minnesota and Texas also require a preponderance of evidence. Clear and convincing evidence has not worked in other states, including my example from Louisiana. If it is so difficult to get compensation that innocent people are being denied, that results in more litigation when they are forced to go through the federal civil rights violation process. I have never seen beyond a reasonable doubt as the standard of proof for a compensation.

CHAIR CANNIZZARO:
I am not suggesting that the standard should be beyond a reasonable doubt. We are talking about cases in which potentially the charges cannot be retried or a second trial has a different outcome. Will petitioners still have to assert that the burden of proof is a preponderance of evidence? Who are we encompassing in section 2 of the bill?

ASSEMBLYMAN YEAGER:
In the real world, I anticipate that in most cases the State would not mount a defense because it would be obvious that the person is innocent. However, if that were not the case and the Attorney General or local prosecutor contested the claim, that would go to a civil trial. Section 2, subsection 3 provides that courts can consider things such as the difficulty of obtaining witnesses or evidence from long ago. I do not read that to mean the petitioner gets the benefit of the doubt. The State could argue against actual innocence, saying, "Look, we don't have the witnesses or evidence. That's why we couldn't procure a conviction. In court, the petitioner hasn't reached his 51 percent of preponderance because we've been undercut from proving our case." Subsection 3 reins it in and removes the scenario of an older case in which evidence is lost and memories are faded. A court could give the State or Office of the Attorney General the benefit of the doubt.

CHAIR CANNIZZARO:
I read section 2, subsection 3 in the same vein. I do not know what guidance due consideration, in terms of admissibility of evidence, would play in court. Section 3, subsection 3 provides the record must be sealed regardless of whether the petitioner has prior criminal convictions. What does that mean?

MS. FELDMAN:
The wrongful conviction would be sealed whether or not there are other convictions.

SENATOR PICKARD:
The factors in section 2, subsection 2, paragraphs (c) and (d) are conjunctive and must all be proven. Section 2, subsection 2, paragraph (c), subparagraphs (1) through (3) are not all necessary. I thought these proofs approached factual innocence, but you just made the distinction. Can you expand on that? You said the intent is not to have to prove factual innocence.

MS. FELDMAN:
Factual innocence is a term of art, with different states adopting different definitions. In general, it means affirmative evidence exists that proves the person did not commit the crime. Affirmative proof is a condition of receiving compensation. The factual innocence standard in A.B. 356 is an avenue for relief when new non-DNA evidence surfaces. We agreed to its inclusion as a compromise because we reasoned it was better to have something than nothing.

The provision in Exhibit D, section 6, subsection 1 specifying that if, after 2 years, you cannot provide proof of innocence—the true perpetrator in Mr. Berry's case confessed after 20 years—is problematic. The clear and convincing standard and the section 2, subsection 1, paragraphs (c) and (d) provisions that you cannot "Commit any other crime arising out of or reasonably connected to" the original crime or "Commit the conduct charged by the State under any theory or criminal liability alleged in the indictment" are especially troubling. Innocence Project attorneys interpret that as uncharged offenses could be counted. There are too many loopholes in Exhibit D that throw up roadblocks, especially if possible conduct or things for which petitioners were never convicted of but may be connected to the original cases are thrown in.

SENATOR PICKARD:
If A.B. 267 passes with the inclusion of Exhibit D, how does that differ from the definition of factual innocence? It is important to distinguish between that and the standard in the original bill. The record needs to be clear that we are not blending the two standards.

MS. FELDMAN:
They should not be blended. If you are a DNA exonoree, the burden of proof is much lower than what A.B. 356 would require for a non-DNA exoneration. If the proof is DNA, there must be a reasonable probability of a different outcome to get relief. Assembly Bill 356 seeks the much higher standard of clear and convincing evidence to get relief. However, state habeas claims can be based on new non-DNA evidence. A conviction may be overturned because someone's counsel was ineffective or due to strong new evidence that if counsel had produced it at the trial, he or she would not have been convicted. Saying "preponderance of evidence" is a way to encompass all the different mechanisms by which a person may be exonerated.

SENATOR HANSEN:
If it is pretty much beyond a reasonable doubt that someone was wrongfully convicted, I would like to ask William Blackstone, "What should the burden of proof be on the State for the wrongfully convicted person's ability to come back for reasonable compensation?" I doubt he would say, "Well, the burden on the State should be higher than any possible reasonable standard," including those discussed today.

Legislators must keep that burden as low as possible by reason of the same concept espoused by Blackstone: "The law holds that it is better that ten guilty persons escape, than that one innocent suffer." If a person really is innocent yet we make the standard of proof so high that he or she cannot get the compensation to which he or she is entitled, that violates Blackstone's fundamental principle.

What should the standard of proof be for an innocent man when he goes up against the State, which has all the lawyers, the Office of the Attorney General and the power behind the entire government at its disposal? Mr. Berry comes here with nothing but public defender counsel. After the fundamental facts have determined that he is innocent and likely wrongfully convicted, standards for his compensation should be exceptionally low. That way, the State cannot use its mighty power to drag this guy endlessly through the court system until he can prove beyond reasonable doubt that the State blew it. Preponderance of evidence should be the highest standard. If the State contests a case like that of Mr. Berry, I would want to make sure there is a presumption of innocence all the way through the process. The State should be subject to exceptionally high standards to prove compensation is unjustified.

SENATOR SCHEIBLE:
We are opening up another avenue for everyone who has been convicted to continue litigating their cases. Legislators do not get to divine in advance what is going to apply to the truly innocent or to the guilty. We must craft one law that applies to all. I am thinking about all of the people in prison who did commit crimes who will try to use the avenue in A.B. 267 because they are desperate to overturn their convictions.

When I look at the bill through that lens, I wonder how it will be applied to people with multiple felony convictions in a single indictment. It is unusual to convict someone solely for murder; it is more likely that someone is also

convicted of a robbery, an attempted robbery, evading the police and theft in one indictment. The person claims, "I never had a gun on me," so the charges of battery or robbery with a deadly weapon are nullified—but it cannot be shown the person did not flee the scene or was even there. How will A.B. 267 be used to address cases that are not clear cut?

ASSEMBLYMAN YEAGER:
Nevada will be the 35th state to enact a compensation law. The fear of massive amounts of litigation has not materialized. Yes, sometimes indictments or criminal complaints entail multiple charges. As per section 2, subsection 2 of the bill, to receive compensation you must be incarcerated for a specific felony, you were convicted of it and you are in prison or on parole or probation for it. You must prove by a preponderance of evidence that you did not commit that felony, not any other associated felony. You must get the conviction reversed, cannot be retried, must be pardoned on the grounds of innocence or have done nothing to cause your conviction, like perjury or fabricating innocence.

Section 2, subsection 2 describes a narrow set of circumstances. If you are in prison for multiple felonies, you will not get relief because you are serving time concurrently on another charge. The current existing pool of Nevadans who could apply for compensation is about a dozen.

MS. FELDMAN:
The bill does not provide an avenue for overturning convictions or for guilty people to get out of prison. When your conviction has been overturned and you have affirmative proof of innocence, you can receive compensation.

SENATOR SCHEIBLE:
I do not see the provision specifying that someone must be in prison solely for the disputed conviction.

MS. HERNDON:
It is in section 7, subsection 4.

SENATOR SCHEIBLE:
Why are people who have only been sentenced to probation included in the bill?

MS. FELDMAN:
People placed under State supervision wrongfully, including those on probation, still must live under restrictions. It is rare that someone who only gets probation would be able to overturn it with new evidence. If you are under State supervision, even if you are not behind bars, you should be compensated for that. The Kansas law includes people on probation for the same reason.

SENATOR SCHEIBLE:
My concern is that whenever you enter into negotiations, you take a calculated risk. The bill may invite people to take that risk by pleading to a charge with a guarantee of probation and continuing to litigate the case. Nothing in it says you have to actually go to trial. A trial that ends in guilt beyond a reasonable doubt is supposed to be the end of litigation.

MS. FELDMAN:
In your scenario, a person takes a plea deal, with nothing on his or her record, and then somehow proves he or she was wrongfully convicted. No innocent person would take a guilty plea and possibly go to prison in order to get compensation.

SENATOR SCHEIBLE:
Under the bill, the person would not have to go to prison, just serve the probation period. Are you saying innocent people do not take pleas?

MS. FELDMAN:
I am saying that if you violate probation, prison could be a consequence. You would have to find affirmative proof that you did not commit the crime; however, if there is no trial record, it is hard to prove you are innocent.

SENATOR SCHEIBLE:
The issue is a trial must prove guilt beyond reasonable doubt. You are suggesting innocence must be proved by a preponderance of evidence. By taking a plea, you get to flip the script and prove by a preponderance of evidence that you are innocent after the district attorney has not proven your guilt beyond a reasonable doubt. I am not saying that could become common practice. When we open up any kind of channel for litigation, we must think of everyone who may utilize A.B. 267 as intended or not intended. My concern is the bill has insufficient parameters.

ASSEMBLYMAN YEAGER:
It would be unlikely that someone on probation would qualify for compensation. That said, probation is a sentence of imprisonment under NRS so we did not want to preclude that possibility. You might want to fight your case while on probation, but the conviction must still be overturned, you are not retried or you do not enter another guilty plea, as per section 2, subsection 2 of the bill.

JIM SULLIVAN (Culinary Union Local 226):
All over the Country, people who have had years taken from their lives by the state deserve to be compensated. The Culinary Union Local 226 believes our outdated NRS must change so innocent people are entitled to modest compensation.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):
Once exonerated, it is impossible for felons to pick up exactly where they left off before incarceration. They have lost employment, housing and time with family and friends. They leave prison without resources to address their immediate needs. Thus, exonorees are still subject to wrongful punishment after release. When the State system fails its citizens, there must be a way to make things right.

HOLLY WELBORN (American Civil Liberties Union of Nevada):
Assembly Bill 267 will help Mr. Berry realize his dream of going to barber school and opening his own barber shop. That would make up for all of his lost wages over 23 years. The State owes that to him.

LISA RASMUSSEN (Nevada Attorneys for Criminal Justice; Innocence Project):
I want to remind everyone that this bill is not about blame nor about assigning blame. The bill is about doing right by people who have been harmed. It is easy to have a kneejerk reaction and wonder what went wrong, but that is also not what the bill is about. The bill is a way for people to prove their innocence. Concerns that it will somehow open a floodgate of new litigation are unfounded because it only affects 12 or 13 people.

In the absence of bills like A.B. 267, federal civil rights lawsuit are filed in which people can earn awards far in excess of our proposed compensation scheme. We need to acknowledge that the system is not infallible and people are harmed and then figure out how to compensate them. In federal civil rights lawsuits, the

burden of proof is a preponderance of evidence. There is no reason to make that standard higher in Nevada.

It not easy to get compensation through a federal lawsuit nor will it be easy through A.B. 267. In federal civil rights lawsuits, attorneys' fees are awarded separately. The bill provides for a separate award that does not come out of exonorees' compensation up to $25,000. That amount takes into account that there will not be a new trial; it begins at the point that the first trial left off. State caps do not apply to federal civil rights lawsuit awards. That is why A.B. 267 contemplates removing the State cap.

These people have been genuinely harmed. They have been unable to build anything that we on the outside have. It is easy to say, "Shouldn't they just be lucky that they have their freedom?" If you have not committed a crime yet spent 23 years in prison, you do not feel lucky just to have your freedom.

SENATOR PICKARD:
Under 42 USC section 1983, contingency fee agreements are not tolerated. The bill arguably sounds in tort law and does not preclude such agreements. If we offer tort relief with contingency fee agreements, that could inflate the behavior of attorneys. Senator Hansen's question about what constitutes good cause in section 7, subsection 2, paragraph (a) is relevant. Contingency fee agreements are not limited to $25,000.

MS. RASMUSSEN:
In a 42 USC section 1983 case, sometimes an attorney will do a contingency fee and request fees under 18 USC section 1964. The reason an attorney may also get contingency fees is there may be attendant claims that do not fall under 42 USC section 1983. For example, if you add an abuse of process claim, you will not get attorneys' fees. In 42 USC section 1983 claims, attorneys try to get our fees as part of the award because they do not come out of what our clients recover.

In Assembly Bill 267, the only fees awarded to attorneys are up to $25,000. The attorney submits the petition for compensation to the court, which rules on it. He or she then submits an itemized list of attorneys' fees for separate compensation. That is not a contingency fee. An attorney could not take advantage of an exonoree by taking some portion of the award in addition to the $25,000.

The "finding of good cause" part contemplates that if litigations become protracted and the State fights the claim, if attorneys exceed the $25,000 cap, they can make a case for more fees.

SENATOR PICKARD:
In the context of tort, attorneys are allowed contingency fee agreements in section 7. A good attorney would use comparables as a basis for good cause. We must make it clear that attorneys' fees are not limited to $25,000. Fees in excess of that could be a regular part of these claims.

KRISTINA WILDEVELD (Nevada Attorneys for Criminal Justice, Innocence Project):
The wrongfully convicted lose not only their freedom, but time with family and friends, their careers and homes—and their sense of trust in the criminal justice system and our State. Spending years in prison for a crime you did not commit is a nightmare most of us cannot imagine. Society has an obligation to acknowledge those who have been wrongfully convicted and to attempt to right that wrong. Upon release, they must receive appropriate resources and assistance to try and rebuild their lives. Assembly Bill 267 tries to recognize the human errors of those of us who work within the system when we exercise bad judgment.

When we were in Carson City with Mr. Berry, Legislators often told him they were sorry for what happened to him. He said that was the first time in the State that anyone had apologized.

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):
Being responsible for representing an innocent defendant who goes to prison is my greatest professional fear. Assembly Bill 267 will restore faith, grace and mercy to our citizens. We should not accept the unacceptable: a failure to recognize our mistakes and make them right.

Mr. Berry lived for decades in a cell about as big as this desk. Think of all the Thanksgivings and Christmases he missed spending with his family. Think of all of the touch deprivation he experienced because prisoners cannot touch their visitors. Think of all of the feeling deprivation he suffered because you cannot feel in prison; to feel is to show weakness. You must put on emotional armor every day or risk being attacked.

Mr. Berry was deprived of these things through no fault of his own. If we have the ability to remedy that yet do not, we must ask ourselves who we are becoming. We must try to repair this situation in what limited way money can do so.

KENDRA G. BERTSCHY (Deputy Public Defender, Office of the Public Defender, Washoe County):
Nevada has a responsibility to restore the lives of the wrongfully convicted to the best of our ability. I am touched by the grace shown by Mr. Berry. His punishment is continuing. He lives in constant fear of being pulled over and how police see his record and how he must respond. If a case like his is the greatest nightmare of all public defenders and most defense attorneys, we have the ability to change that.

In Washoe County, Cathy Woods went to prison for murder for 35 years. She was released in 2016 after DNA evidence tied the crime to someone else and the Office of the District Attorney dismissed her case. Now, Ms. Woods survives solely on the generosity of her friends and family while she applies for a social security disability pension. We must allow people to regain their lives and to succeed.

TONJA BROWN (Advocates for the Innocent):
Perhaps the Department of Motor Vehicles (DMV) could issue special driver's licenses to exonerees stating that they are exonerated so when they are pulled over, officers can go to the DMV website and verify it. Testifiers have mentioned factual innocence based on clear and convincing evidence. That standard is too high; it should be "more likely than not innocent."

KRISTINA PICKERING (Justice, Nevada Supreme Court):
Mr. Berry's case came before me on his appeal from the denial of an evidentiary hearing on his third petition for a writ of habeas corpus. The Nevada Supreme Court heard oral arguments and decided it on December 24, 2015. We reversed and remanded for an evidentiary hearing on a gateway claim and discovery. Mr. Berry was not allowed discovery because his third petition for a writ of habeas corpus was summarily denied as procedurally barred. The Clark County District Attorney's postreview process followed.

Up until that point, Mr. Berry had been resisted at every turn. The litigation system raised all of the roadblocks to setting aside his conviction and granting

the new trial discussed today as meriting a higher burden of proof of innocence and more rigorous and expansive standards.

Assembly Bill 267 is elegant in its simplicity. It is designed to work in an expedited fashion to allow a person whose conviction, through court or district attorney processes, has been set aside with the determination that he or she will not be retried. It is only at that point the bill is applied. The question then becomes actual innocence and compensation. Keep that process as simple and straightforward as the bill as drafted. An accessory or a person whom the district attorney wants to retry cannot recover. The district attorney retains control over the process.

It took Mr. Berry 22 years to get a reversal for an evidentiary hearing on Christmas Eve 2015. I am here on my behalf, not on behalf of the court system; this is only the second bill on which I have testified. I feel deeply, sincerely and passionately that ours is the best, most elegant and finest dispute resolution system in the world. When it makes a mistake, we need to do what we can as human beings to expedite reparations for those wronged.

I cannot imagine having my freedom taken from me for 23 years. Mr. Berry and others are entitled to reparations from the State—more than just a drop-off in Las Vegas. I extend my apologies to Mr. Berry and my congratulations for the extraordinary grace and dignity with which he fought his wrongful conviction. I read the transcripts on all of the proceedings, and he said the same thing from start to finish.

DOUGLAS HERNDON (District Judge, Department 3, Eighth Judicial District):
I am speaking as an individual in support of A.B. 267. I have a unique perspective on and placement in this process as a prosecutor involved in a case in which a man was convicted of murder but later found to be factually innocent. If you think that does not weigh heavily on someone, you are mistaken. That mistake informs me every day that I do my job about the failings that can occur within our justice system.

We learn through religious teachings and just living our lives that even though we cannot solve all of the world's problems, we are not free to abandon them. We must walk with humility and responsibility and recognize that when issues occur, there is never a wrong time to do the right thing by people.

We are not talking about convicted people trying to use A.B. 267 to reverse their convictions. Their convictions have gone away for whatever reason. At that point, they are again presumed innocent. It should be a simple process to come back before the court and seek some type of remedy. The bill protects those who most need it, our court system and individuals like Mr. Berry. We are all best served if we keep the compensation process simple.

NANCY LEMCKE (Office of the Public Defender, Clark County):
I was the defense attorney on the case that Mr. Herndon mentioned, for which he was the prosecutor. My client, Frederick Steese, was wrongfully convicted of first-degree murder and sentenced to life without the possibility of parole. I knew before and even after the trial that there was compelling evidence of actual innocence.

I want to share with you what it is like to be the defense attorney of a person wrongfully imprisoned for 20-plus years. I constantly wonder what I could have done better or differently to make a compelling presentation to achieve the correct result in trial. It is something agonizing over which you lose countless hours of sleep. However, it motivates you to put one foot in front of the other to continue to do your job and secure just and proper results for your clients. They give their lives to you and trust you to get the right outcomes.

Mr. Steese's case was a long odyssey of which I was a part from almost start to finish through the postconviction process. It took approximately 20 years. When we talk about the loss of time and everything that goes along with life, I thought about how I had just graduated from law school when I was involved in Mr. Steese's trial. I was just 27 years old, and my client was 28 years old when he was arrested and incarcerated. When he walked out of prison almost 22 years later, he was about the same age that I am now: 50.

I think about the things in my life that transpired over those 22 years—marriage, children, life's ups and downs, joys and hardships—and then about the things Mr. Steese missed and the condition in which he found himself when he left prison. Ms. Rasmussen, Ms. Wildeveld and I continued to interact with him after that. Ms. Wildeveld gave him a place to live in the casita attached to her office building. We all gave him money so that he could secure housing and employment and buy food. He came to Ms. Rasmussen's office to wash and shave because he had no stable housing. She helped him rent a U-Haul truck to

take what few possessions he owned to another state where he had gotten a job.

Ms. Wildeveld assembled the pardons paperwork and the presentation that ultimately resulted in the hearing Justice Pickering referred to entirely pro bono. I will never forget those words that day when the State Board of Pardons Commissioners said to Mr. Steese, "We are going to pardon you." I urge passage of A.B. 267 so that this Committee can continue that extraordinary dispensation of grace to which these wronged individuals are so entitled.

JENNIFER NOBLE (Nevada District Attorneys Association):
The Nevada District Attorneys Association opposes A.B. 267 and urges adoption of our amendment, Exhibit D, to it. I want to make clear that the NDAA absolutely supports compensation for the wrongfully convicted. It is both the right and the least thing we can do. It is time for Nevada to join the majority of states addressing this issue.

Kansas's statute seems to the basis of much of the language in A.B. 267. Kansas limits damages to $65,000 per year served, Hawaii awards $50,000 per year and Utah limits awards to the average annual state wage plus additional damages proven by the plaintiff. Section 7, subsection 1 of A.B. 267 sets damages of up to $100,000 per year served. Lowering those damages is not the goal of the NDAA.

Nothing in A.B. 267 appears to limit damages under a 42 USC section 1983 lawsuit when there is alleged wrongdoing by the federal government. That is also fine with NDAA. States like Ohio, Iowa and Oklahoma do not allow people to receive damages if they plead guilty; A.B. 267 does. States like Missouri, Montana and Vermont limit compensation to DNA exonerations; A.B. 267 allows compensation for non-DNA exonerations. We also support that feature.

The preamble to A.B. 267 states its purpose is to compensate innocent people for time served. Factual innocence is a simple concept—you either committed the crime or you did not. As per Exhibit D, the bill should only apply to people who did not commit the crime or had nothing to do with it.

In section 2, subsection 2 of Exhibit D, the NDAA changes the burden of proof from a preponderance of the evidence to clear and convincing evidence. That standard is required by Colorado, Mississippi, New York and Washington. In

places where the standard is a preponderance of evidence, some limit damages to much less than does A.B. 267, you cannot recover if you plead guilty and compensation is only for DNA exonerations.

In section 2, subsection 2, paragraphs (a) through (d) of Exhibit D, the NDAA has inserted language clarifying that recovery is aimed at people who are factually innocent. In collaboration with the Innocence Project, the NDAA pulled language from A.B. 356 to that effect for Exhibit D. There is no reason to divert from that language.

To the NDAA, factually innocent means the person did not engage in the conduct for which he or she was convicted; did not engage in conduct that constituted a lesser, included or inchoate offense; or commit any crime arising from or reasonably connected to the facts alleged in the indictment or information. Ms. Feldman indicated these changes could allow the State to argue uncharged conduct and try to refute the claim. In section 2, subsection 2, paragraph (c), we are talking about "facts supporting the indictment or information upon which he or she was convicted." Those are facts alleged in the indictment, not those from someplace else.

In section 2, subsection 5, paragraph (a) of Exhibit D, the NDAA has clarified that any false confession must be deemed involuntary in order to recover. Let us say that I confess to a crime actually committed by my son and go to prison for a long time. At some point, my son is dead or otherwise unavailable when I want to allege my actual innocence. It would be unfair to the State and taxpayers to allow me to recover if I voluntarily confessed to a crime I did not commit. There are tests for the involuntariness of confessions or statements that people make. All of those constitutional tests would apply here.

In section 4, subsection 3 of Exhibit D, we clarify that the bill does not try to change qualified or actual immunity for prosecutors, judges or law enforcement officers. These individuals would not be subject to a 42 USC section 1983 lawsuit. We need to strike a balance between giving compensation and the integrity of our criminal justice system, jury verdicts and judgments of those convicted. Clear and convincing evidence based on tangible facts from which a legitimate inferences may be drawn is the appropriate standard.

We are concerned about section 2, subsection 2, paragraph (c), subparagraph (2) of the bill: "If a court orders a new trial, the person was

found not guilty at the new trial or the person was not retried and the charging document was dismissed." Prosecutors understand that if something goes wrong in a postconviction proceeding that has nothing to do with factual innocence. By the time the petition for a writ of habeas corpus or the appellate process is done, you no longer have the same case that you had many years before. A child may no longer be willing to testify, victims may be dead or missing and you simply cannot proceed with the case. That is an inappropriate basis on which to grant compensation. The person must prove his or her innocence with clear and convincing evidence.

SENATOR SCHEIBLE:
With the language proposed by the NDAA on factual innocence, would someone who is convicted of pawning the stolen property of a murder victim be able to get compensation for time spent in prison for the murder charge?

MS. NOBLE:
Yes, but only if he or she still had some type of involvement in the crime. Section 7, subsection 4 of the bill provides that compensation will not be given for any period during which a petitioner was serving a concurrent sentence. Often when someone is convicted on multiple accounts, especially in a murder case, the counts are not run concurrently. If you have a consecutive sentence pending for which you would be serving time anyway, you should not get compensation if a conviction for the other count remains intact.

SENATOR SCHEIBLE:
How would someone be affected if a new trial is ordered and a new plea agreement is entered? If the charging documents were dismissed, would the person be eligible for compensation?

MS. NOBLE:
He or she could potentially be eligible. Often when a new trial is granted, because of changing witness characteristics or the victim does not want to go through another trial, the attorney pleads it to a lesser charge. Again, this bill is for innocent people who are convicted of crimes they did not commit. It is not for people who committed crimes that had some connection to the facts alleged in the indictment but had some issue with their trials or postconviction proceedings.

ASSEMBLYMAN YEAGER:
The Committee collectively represents about a million Nevadans. Think about whether your constituents would want you to make the innocence standard so high that no one can recover or deserving individuals compensated. Legislators often talk about whether the penalty for a crime should be a Category B, C or D felony or about penalties of four, five or ten years.

Today, we have heard about people wrongfully incarcerated for 20-plus years. What were you doing 22 years ago in your life? I was 18 years old and about to graduate from high school. Think about all of the experiences you had, relationships built, your successes and disappointments. Imagine having that taken away through no fault of your own. Imagine being loathed for being a convicted felon when you did not commit a crime. The wrongfully convicted have been uniquely victimized, not only losing out on their freedom but also missing out on economic opportunities, establishing careers, starting families and building savings. Financial compensation is a first step in repairing that damage.

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CHAIR CANNIZZARO:
We will close the hearing on A.B. 267. Seeing no more business before the Senate Committee on Judiciary, we are adjourned at 10:44 a.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE:

EXHIBIT SUMMARY				
Bill	**Exhibit / # of pages**		**Witness / Entity**	**Description**
	A	1		Agenda
	B	4		Attendance Roster
A.B. 267	C	1	Attorney General Aaron D. Ford	Testimony in Support
A.B. 267	D	9	Nevada District Attorneys Association	Proposed Amendment