

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eightieth Session
February 28, 2019**

The Senate Committee on Judiciary was called to order by Chair Nicole J. Cannizzaro at 8:06 a.m. on Thursday, February 28, 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:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Nicolas Anthony, Committee Counsel
Eileen Church, Committee Secretary

OTHERS PRESENT:

Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Kyle J. Davis, Coalition for Nevada's Wildlife
Alex Tanchek, Nevada Cattlemen's Association

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Jessica Walsh, District Attorney's Office, Clark County
Chuck Callaway, Las Vegas Metropolitan Police Department
Roger Palmer, Las Vegas Metropolitan Police Department
John T. Jones, Jr., Nevada District Attorneys Association
Marlene Lockard, Retired Public Employees of Nevada; Nevada Women's Lobby
Thomas D. Dunn, Professional Fire Fighters of Nevada
Janine Hansen, State President, Nevada Families For Freedom
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
Bailey Bortolin, Coalition of Legal Service Providers
Kelly Venci Gonzalez, Legal Aid Center of Southern Nevada
Kerrie Kramer, The Cupcake Girls
Lisa Rasmussen, Nevada Attorneys for Criminal Justice
Holly Welborn, American Civil Liberties Union of Nevada
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Kay Landwehr
Joanna Jacob, Dignity Health - St. Rose Dominican Hospitals
Kimberly Mull

CHAIR CANNIZZARO:

I will open the hearing of the Senate Committee on Judiciary with Senate Bill (S.B.) 221.

SENATE BILL 221: Revises provisions governing warnings against trespassing.
(BDR 15-17)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Our trespass laws allow landowners to paint areas in a certain manner to try to prevent people from trespassing on their property. Senate Bill 221 revises the requirements for painting certain areas at intervals not to exceed 1,000 feet.

We added the definition of cultivated land which is land cleared of its natural vegetation and is presently planted with a crop, orchard, grove, pasture or trees, or is fallow land as part of a crop rotation. The bill provides using an area as cultivated land provides sufficient warning against trespass.

SENATOR HARRIS:

The bill is moving the requirement to post "no trespassing" signs not more than 1,000 feet. It seems it might make it a little easier for people to say they did not see the signs because they are further apart. I understand we are trying to strike a balance between the amount of paint you need to use and how many signs you have to have on your property. Have we struck the balance at 1,000 feet? Should it be 500 feet so people cannot claim they did not see it?

SENATOR SETTELMAYER:

It creates a good balance. If you feel a different number is appropriate, I will consider an amendment to help this bill pass. This number was decided on through a discussion with the American Farm Bureau Federation and the Nevada Cattlemen's Association.

I encourage all of you to download an app called "onXHunt." It is a GPS mapping tool for hunters. It shows clearly marked property boundaries, public and private landowner names, and hunting districts. The vast majority of hunters are using these types of apps. Most hunters are downloading these maps in a permanent form so when they are out away from the internet, they still have access to these maps so they know where they are at.

Senate Bill No. 116 of the 79th Session dealt with this exact issue and made it through the Senate unanimously and through the Assembly Judiciary unanimously. Unfortunately, it got caught up in the second House passage deadlines and died.

SENATOR HARRIS:

I wanted to make sure everybody was comfortable with the idea and we would not be making it easier for those ignorant trespassers to have a better argument than they already have.

SENATOR DONDERO LOOP:

Would it be beneficial to put anything in the bill addressing population or county lines so that in your area it might be 500 feet and someplace else it might be 1,000 feet or vice versa?

SENATOR SETTELMAYER:

We should keep our laws uniform throughout the State so we have consistency. When you are in Storey County, the population is 4,500 and directly next door

is Lyon County, which has 52,000 people. Some property owners own land that goes across county lines, so they could have land in two different counties. That would be a situation where a landowner would have to have different signage based upon the county the land is in. That would be rather confusing and I would be afraid it may create a situation, as Senator Harris indicated, where people might be able to use it to their advantage.

TYLER TURNIPSEED (Chief Game Warden, Department of Wildlife):
We worked at length with the sponsors on S.B. No. 116 of the 79th Session. The language evolved through a couple of Committee hearings to a point where we had pretty good consensus between sportsmen and agriculture industries.

It was common, when I was a game warden in Winnemucca, to get calls from farmers to say they just had someone kill a big game animal in their field and ask if we could remove it. The animal was lying in a freshly cut windrow of alfalfa, an irrigated green field in the middle of the desert. Unfortunately, since farmers' fence lines were not properly marked per *Nevada Revised Statutes* (NRS) 207.200, I was not able to move any further with those cases and prosecute offenders even though any reasonable person could tell they were on private land.

We need to tune up NRS 207.200 to include cultivated land. It says a means of posting is a fence but not a barbed wire fence. My understanding from legislative intent years ago, it was an attempt to differentiate between someone's field versus a range fence going through a mountain range.

We felt by adding cultivated land it would provide some protection for landowners who have a clearly green irrigated field in the middle of the desert to know it was private and therefore does not have to have the exact signage.

The 1,000-foot rule also says it has to be in direct line of sight of a person standing next to another sign. If you can stand at one sign and see another sign, you are good but no more than 1,000 feet apart.

The painting of a post is required on each side of all gates, cattle guards and openings. The signage talks about each corner of the land upon or near the boundaries, not just at 1,000 feet but at corners and gate crossings as well.

We use onX Hunt for work, and a lot of the hunters we contact use it as well. I can be standing there while on my phone and pull up whose land I am standing on or whose boundary I am about to cross, and it shows the property owner's name and phone number on the screen.

SENATOR PICKARD:

As I recall from last Session, by the time it got to the Assembly, the sportsmen were on board with this because this protected them as well.

MR. TURNIPSEED:

Yes. There was a bit of an evolution in the language of the bill last Session, and we made some amendments and got the sportsmen and agriculture groups to testify in favor of the bill.

SENATOR OHRENSCHALL:

Let us say someone is out hunting where he or she is supposed to be and gets a mule deer, but the mule deer proceeds onto cultivated land. What would happen in a situation where the hunter was not trespassing but this situation arises?

MR. TURNIPSEED:

We do encounter that with some frequency where a person shoots an animal on public land and then, before it expires, the prey jumps onto private land. We handle each situation differently and try to use some discretion. We will go knock on the landowner's door and gain approval to go retrieve the animal.

ERIC SPRATLEY (Executive Director, Nevada Sheriffs' and Chiefs' Association):

This bill will help law enforcement in rural jurisdictions provide for better public safety in the amazing open spaces which adjoin private property across our State.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):

We support S.B. 221.

KYLE J. DAVIS (Coalition for Nevada's Wildlife):

We support S.B. 221, as it does a good job of protecting private property rights and recognizing we do have a good amount of public land in our State that our members enjoy for hunting, as well as making sure we do not end up in a situation where people inadvertently violate the law.

SENATOR HANSEN:

Being a sportsman, I have run into several cases where people have actually tried to block access to public lands. Are there any penalties in the law to address this?

MR. DAVIS:

Yes. I would defer to the Legal Division. This happens far too often where you see people who are posting public land as private and trying to play it off as if it is their private land. It is something worthy of looking at and seeing if we have the adequate safeguards in place so there is some deterrent.

SENATOR HANSEN:

I would suggest an amendment on this bill at some point along those lines. If the Legal Division could address this issue, I would appreciate it.

NICOLAS ANTHONY (Committee Counsel):

It would be a federal violation under the *Federal Code of Regulations* given the act is occurring on federal land, and there are some penalties for blocking public access to federal land.

SENATOR HANSEN:

In your opinion, should we do something on the State level?

MR. ANTHONY:

We could certainly look into that, and it could be a policy decision for this Body.

ALEX TANCHEK (Nevada Cattlemen's Association):

We support S.B. 221.

SENATOR SETTELMAYER:

I will support any amendment which helps the passage of this bill.

CHAIR CANNIZZARO:

I will close the hearing on S.B. 221.

VICE CHAIR HARRIS:

I will open up the hearing on S.B. 155.

SENATE BILL 155: Establishes provisions regarding the possession and use of fictitious personal identifying information. (BDR 15-917)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

Senate Bill 155 expands the prohibitions on identity fraud to establish crimes and penalties related to the fraudulent possession and use of the identity of a fictitious person. Identity theft is a big business and is responsible for the theft of millions of dollars every year from individuals and businesses. This can be wide-ranging and all-encompassing for those victims and certainly can result in the loss of a substantial amount of money from businesses involved as well.

Senate Bill 155 addresses a related crime which has become more prevalent in recent years due to advances in technology that have made creating false identification, credit cards and other documents much easier than it used to be. This also addresses instances where we have individuals who are in possession of portions of identifying information with the intent to use and to defraud individuals and businesses.

Section 1 lays out the crimes which are associated with knowingly possessing and intentionally using the fraudulent identity of a fictitious person or persons. Possession with the intent to use or actually using fraudulent identifying information to commit a crime is a Category B felony, which is punishable by 1 to 20 years and also a fine of up to \$100,000. When someone uses another individual's name in order to avoid being arrested on warrants or to avoid being arrested for other crimes being sought for, that is also included and would be a Category C felony. Violating either of these 2 provisions by using the fraudulent identification of 5 or more fictitious persons is a Category B felony, and the term of imprisonment would be increased from 3 to 20 years.

Section 2 adds new language on fictitious personal identifying information to various existing Category C felonies. These include, but are not limited to, possessing, selling or transferring fraudulent identifying information for various purposes including establishing a false status, membership, occupation or license for oneself or another person. It also includes possessing this kind of information in order to commit various forms of fraud including forgery, counterfeiting, bouncing checks, computer-related crimes, and credit and debit card fraud. Committing any of these violations against an elderly or otherwise vulnerable person is a Category B felony as is selling or transferring identifying

information of 5 or more fictitious persons causing \$3,000 or more of financial loss or injury.

Section 2 also adds this new language to a misdemeanor of using a fake ID to prove one is old enough to gamble, buy alcohol or tobacco products. Section 2 also clarifies these new provisions neither preclude a city or town from adopting ordinances prohibiting possession of these kinds of documents nor prohibit law enforcement officers from using false identification while working under cover.

Proof one is in possession of fictitious personal identifying information of five or more fictitious persons creates a rebuttal inference the possessor intended to violate the law.

The remaining sections of the bill, sections 3, 4, 6 and 7, make conforming changes to various sections of NRS.

The change this bill makes is simply to add language that describes the fraudulent possession and use of identity of a fictitious person to the existing language of the relevant statutes.

SENATOR SCHEIBLE:

A bank account number on a fraudulent credit card is real but the name is fake so if that person uses the card, it might actually cause a problem for the credit reporting of a real person, but the real person's name does not appear on the credit card. Is this the type of crime we are talking about?

SENATOR CANNIZZARO:

Yes. The struggle is we have a larger identity theft problem that is growing and is hard to capture and address. We know this can be devastating for individuals, as oftentimes when people are arrested, they might not have a complete set of identifying information. Identifying who a bank account belongs to might not be feasible. We cannot prosecute, even though we know they have identifying information which could be harmful or they could be using false identification information, false bank statements or false bank account information.

SENATOR DONDERO LOOP:

Regarding the false proof of age when you are purchasing alcohol: I see it is already in statute as a Category E felony. How does this affect a juvenile?

SENATOR CANNIZZARO:

I did have some conversations with representatives from the public defender offices and that is a concern. I have committed to them I will work on this issue.

JESSICA WALSH (District Attorney's Office, Clark County):

When we have juveniles in possession of an ID, it would still fall under a misdemeanor offense. The felony offenses provided for in this statute are for those individuals possessing or using identifying information of another and doing it with the intent laid out in the statute which is to harm another, obtain goods in that person's name or to avoid prosecution under their true names.

SENATOR DONDERO LOOP:

If they are juveniles and it is a juvenile offense, it would be a misdemeanor?

MS. WALSH:

That is correct. Under the statute, if you are a juvenile and you have ID information, whether real under the statute or fake going forward, and you are just using it to prove a different age, it is still going to be a misdemeanor offense.

SENATOR CANNIZZARO:

We are not seeking to make juveniles accountable for potential contact with the criminal justice system or the juvenile justice system for having a false ID and using that to prove age in order to do some of the things juveniles do, which are more mischievous than they are nefarious. I have committed if there is language that can clarify that, I would be happy to include it in the bill.

SENATOR DONDERO LOOP:

The reason I asked for the clarification from Ms. Walsh is when she said that is the way it is interpreted. I just want to make sure somebody else does not interpret it differently.

SENATOR PICKARD:

I have heard how the law as written, particularly on the fraud side, is not as clear as it could be. How is this going to be used in the real world? My concern is regarding juveniles. I heard of a case recently where a juvenile was prosecuted with the enhancement for the elder issue because it was his grandmother's card he had stolen. Grandma was the custodial person. Is this

going to be used as a stacking charge? Is this going to be used in addition to the fraud, or is this a standalone? There are pretty draconian penalties, as we are already looking at Category B felonies, and if we are adding Category B felonies to other Category B felonies, we could be looking at a very long sentence for stealing a credit card and using it to buy gas.

SENATOR CANNIZZARO:

When someone is arrested, has your credit card and is using it to attempt to make a purchase at a store, it is not this crime because that is your credit card. We know who you are and we can find you. That is not fictitious information or substandard information we can use to identify a particular individual. It is not as though if the offender has your credit card, he or she will be charged under a different portion of the NRS and then also under the provisions of this bill. If someone had your credit card and also had some fictitious information that we know is being used in order to effectuate the fraudulent activity or the theft, those are two separate charges because it is two separate pieces of information. It is getting at the issue where we know somebody is committing an identity theft-related crime and doing so with imperfect information.

SENATOR PICKARD:

I misspoke. I was envisioning the scenario the Vice Chair made where someone had my credit card or bank account information on a fictitious card. It sounds to me like these are actually going to be separate issues. They would not be stacked.

SENATOR CANNIZZARO:

That is correct. If you have a particular piece of information with the example given where you may have a fictitious name associated with a bank account number, that is one item. Whatever charges pertain to that item, which under this bill would be those charges, we can also then charge you for what exists under NRS because it is the same piece of information.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

Identity theft is one of the fastest-growing crimes. It is difficult to capture and prosecute people involved in this. We have rings of people engaged in this type of activity, and the next wave is this synthetic identification way of committing crime. The intent of this bill is to close the loophole when someone is using fake identification to commit fraud and crime, it is not necessarily identification of a real person they have stolen.

ROGER PALMER (Las Vegas Metropolitan Police Department):

I am assigned to our financial crimes section. Nevada used to be No. 5 in the Nation for identity crime; now we are No. 3. Criminals are becoming smarter. They are not using a single person's identity—they are mixing and matching information. We cannot find a real victim because it may be one of your names, someone else's birthday and then someone else's social security number. Three different people's information combined into one person. It is not one single person who is a victim who can come testify he or she never provided consent for that individual to use the information.

We also see another expansion where people are using social security numbers of people who are deceased or children who do not have any credit. When we try to identify a person, we look up the social security number. We are typically looking for adults who can come testify in court to say the criminal did not have permission. When we start dealing with children, there are no records, credit history, criminal history, driver's licenses or IDs. We cannot even find this person. The criminals have created a fake name, a fake birthday and used someone else's social security number. Your child is 13 years old whose identity has been used for plenty of credit, ownership of two cars defaulted on and \$30,000 in debt; the young adult will not realize it until applying for his or her own credit. When the criminal does that, your child has been harmed in a crime which occurred years ago; and the criminal, who we may have captured, cannot be prosecuted because we have no one to testify this person did not have permission to use that identity to obtain those goods.

This bill covers a lot of loopholes. Criminals engage in identity theft as a way of life. We watch our violent criminals go to prison, come out and commit identity theft. This is where the easy money is, and they know they are not going to be prosecuted.

Florida has taken on this initiative and has already passed a bill similar to this. It has increased prosecutions, and the occurrence of this type of crime has actually gone down.

VICE CHAIR HARRIS:

Would it be beneficial to move to a presumption of lack of consent if someone is using information other than one's own and then it must be a burden to prove he or she has the permission of another person? It seems backwards to have to

find that person to prove the criminal did not have the permission. Is there any room to shift the presumption?

SENATOR CANNIZZARO:

The burden of proof a crime was committed and probable cause is on the State. Rebuttal presumption is a fact accepted by the court until disproved. If there is a lack of consent, that has to be proven by the defense; this may run afoul of constitutional grounds because the burden shifts to requiring the defendant to prove innocence. That is not typically how it works. You are touching on the commonsense piece and why this particular bill is so important. We know if you are using someone's social security number with your name—that is something absolutely fraudulent—it can be devastating for the individual who may find his or her social security number was used; yet we are incapable of catching that criminal for the crime. The idea a person can get away with criminal behavior is a way to incentivize these crimes to continue.

MS. WALSH:

We are finding it increasingly difficult to prosecute these types of identity theft crimes. Criminals are getting smarter, and once they know the way to get around the law, they continue to do that so they can get away from prosecution.

The biggest area we are seeing is the inability to prosecute when criminals are using the mix of identification information. They might use their dad's name, their brother's date of birth and social security number. Under the law, that is not the personal identifying information of another. That is then personal identifying information of a fictitious person. Under the law, we cannot prosecute for that.

One other area I would like to bring attention to is when someone is stopped and may very well use the name, date of birth and social security number of a real person. We may exhaust all investigative efforts to attempt to find the person or to attempt to find other evidence to present in court that this is in fact a real person, but we are unable to do so under the law; therefore, we cannot prosecute. We support this bill.

MR. SPRATLEY:

We support S.B. 155.

JOHN T. JONES, JR. (Nevada District Attorneys Association):
We support S.B. 155.

MARLENE LOCKARD (Retired Public Employees of Nevada):
Identity theft is the No. 1 issue for retirees. Because of their age and other issues, they are vulnerable to identity theft. This is an important step to help with preventative measures and not wait for retirees to be victims.

THOMAS D. DUNN (Professional Fire Fighters of Nevada):
Identify theft crimes affect many people within our community. We support S.B. 155.

JANINE HANSEN (State President, Nevada Families for Freedom):
We support S.B. 155.

JOHN J. PIRO (Deputy Public Defender, Office of the Public Defender, Clark County):
We do not feel the language is written cleanly enough to protect the scenario Senator Dondero Loop was talking about.

The penalty under the law is 1 to 20 years. There are about 212 Category B offenses in Nevada, and they are all over the map. We do know identity theft is a big problem and this loophole should be fixed.

KENDRA G. BERTSCHY (Deputy Public Defender, Office of the Public Defender, Washoe County):
There is a concern not only for juveniles having a fake ID going into a bar but more importantly for the 20-year-old. That would be the Category B felony for 1 to 20 years for something which is a nonviolent offense.

SENATOR CANNIZZARO:
I am going to work on an amendment to clarify this as it is not intended for juveniles. This is intended to get at those instances of identity theft we know exist and really do cause harm in our community.

MR. CALLAWAY:
We heard testimony from the public defenders about when there is not a victim. I would argue there is always a victim in these cases. All of us are victims

because this affects the economy, businesses and ultimately ends up being paid by the consumer.

SENATOR PICKARD:

There is no such thing as a victimless crime. If someone has committed a crime, there is a victim somewhere, we just might not know who the victims are. The Category B overpopulated series of felonies—particularly after last Session when Supreme Court Justice James W. Hardesty came in and made a good presentation on how messed up our sentencing rules are—create an appetite on both sides of the aisle to address this issue. This is not that bill. There is no such thing as a victimless crime. This is a good way to close the loophole.

VICE CHAIR HARRIS:

I will close the hearing on S.B. 155 and open the hearing on S.B. 173.

SENATE BILL 173: Revises provisions relating to criminal convictions of victims of sex trafficking and involuntary servitude. (BDR 14-595)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

Senate Bill 173 revises provisions relating to vacating a judgment of conviction and sealing certain records of a victim of sex trafficking or involuntary servitude. This legislation builds on work from past sessions to reform our laws to help survivors of trafficking.

According to the National Conference of State Legislatures, reports of human trafficking in the United States are on the rise. According to data from the National Human Trafficking Hotline, reports of human trafficking rose 35.7 percent from 2015 to 2016. For the State of Nevada, the National Human Trafficking Hotline received 305 calls in 2017, representing a 27 percent increase from 241 calls received in 2016. When looking at reported human trafficking cases, Nevada saw an 18 percent increase from 168 cases in 2016 to 199 in 2017.

According to the report from the National Conference of State Legislatures, many trafficking victims and survivors have criminal records as a result of actions they were forced to commit by their traffickers. Thirty-five states, including Nevada, have created procedures for both juvenile and adult survivors to expunge, vacate or seal criminal records related to being trafficked.

Senate Bill 173 makes three revisions to NRS. Statute authorizes a person convicted of certain offenses who was a victim of sex trafficking or involuntary servitude to petition the court to vacate the judgment of conviction and seal all documents related to the case. The existing crimes include engaging in prostitution or solicitation for prostitution, unlawful trespass and loitering.

Senate Bill 173 expands the list of offenses to include any crime other than a crime of violence. The measure defines a crime of violence to mean any offense involving the use or threatened use of force or violence against the person or property of another or any felony for which there is a substantial risk force or violence used against the person or property of another in the commission of a felony. Before a court may decide to grant such a petition, the law requires the court to notify certain entities in the State and allow any person to testify and present evidence on behalf of that entity. The entities include the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General, and each office of the district attorney and law enforcement agency in this State. Senate Bill 173 limits the notification of the district attorney and law enforcement agencies to those in the county in which the petitioner was convicted rather than Statewide.

Under section 2 of the bill, the language clarifies a district court may order the sealing of records in the justice and municipal courts regardless of whether a petition includes a request for the sealing of a record in district court.

BAILEY BORTOLIN (Coalition of Legal Service Providers):

We assist victims with vacating and record-sealing. This is an access to justice expansion. This is expanding what we can petition to get in front of the court. We work with the district attorneys' offices and the judges to ensure this is the right decision.

There are two survivors who have submitted their stories, Jessica Kay Halling ([Exhibit C](#)) and Amy S. Ayoub ([Exhibit D](#)).

KELLY VENCI GONZALEZ (Legal Aid Center of Southern Nevada):

I have submitted my written testimony ([Exhibit E](#)). Starting when kids are minors, they are lured into this lifestyle—usually with drugs. A lot of kids in foster care have nowhere to go and find a pimp who gets them hooked on drugs. We have seen adults who were beaten almost to death by their pimps when they tried to leave. These experiences are real, and sometimes victims

commit crimes out of necessity to survive, out of the hopelessness of their situation. The victims I have worked with just want to have a normal lifestyle where they can be a contributing member of society.

SENATOR PICKARD:

With respect to the "crime of violence" definition, I thought that existed elsewhere but might be a question for the Legal Division. I need to be comfortable we are not creating a definition in two different places.

SENATOR OHRENSCHALL:

I am happy to defer that to the Legal Division. I am not aware of that existing in another area of NRS.

SENATOR PICKARD:

One thing we learned in 2015, when we were cleaning up some language in family law, we had multiple definitions of things in different places and that created problems. I support the bill.

MR. ANTHONY:

As drafted, that definition matches the definition of crime of violence in NRS 200.408.

SENATOR PICKARD:

Maybe we should rather cite to the definition. My concern is as we go through this process in multiple sessions, sometimes we will make a change to one section and not another, so we end up with this diverging definition.

KERRIE KRAMER (The Cupcake Girls):

We support S.B. 173. For the last two Sessions, the Cupcake Girls have worked with then-Assemblyman D. Paul Anderson as well as Assemblyman Steve Yeager on A.B. No. 108 of the 78th Session and A.B. No. 243 of the 79th Session to help vacate and seal the records of survivors of trafficking. We feel the ability for the survivors to shed these convictions is paramount for recovery, finding employment and feeling like a survivor as opposed to a criminal.

LISA RASMUSSEN (Nevada Attorneys for Criminal Justice):

We support S.B. 173.

MR. JONES:

We have submitted an amendment ([Exhibit F](#)). Our amendment clarifies that the prosecutor does have a say in certain instances. In instances where it is fairly clear the individual is deserving of sealing, we can stipulate, thus removing the need for a hearing. In cases where it may be less clear, we will have the ability to present evidence in court to say this person may not be appropriate for sealing at this time.

It provides an avenue for those victims of sex trafficking to seek sealing earlier than they would otherwise be eligible. We support S.B. 173.

MR. PIRO:

We support S.B. 173 and ask it to become active upon passage.

MS. BERTSCHY:

We support S.B. 173.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

We support S.B. 173. The bill offers opportunities to expand circumstances under which victims of sex trafficking can vacate and seal their records and empower victims to come forward because they will not have the fear of the lasting impact of their criminalizations.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

We support S.B. 173.

MARLENE LOCKARD (Nevada Women's Lobby):

We support S.B. 173.

KAY LANDWEHR:

I support S.B. 173.

JOANNA JACOB (Dignity Health - St. Rose Dominican Hospitals):

We support S.B. 173. Advocating for sex trafficking victims is a core part of our mission across all our systems. We work with survivors in our healthcare system.

KIMBERLY MULL:

I support S.B. 173.

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Ms. HANSEN:
We support S.B. 173.

SENATOR OHRENSCHALL:
Attached to Ms. Venci Gonzalez' testimony, [Exhibit E](#), is a chart of how other states have enacted similar legislation to handle this. Some states go beyond what I am proposing here and will look at any crime which occurred while the victim was being trafficked.

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CHAIR CANNIZZARO:

I will close the hearing on S.B. 173 and adjourn this meeting at 9:36 a.m.

RESPECTFULLY SUBMITTED:

Eileen Church,
Committee Secretary

APPROVED BY:

Senator Nicole J. Cannizzaro, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	7		Attendance Roster
S.B. 173	C	1	Jessica Kay Halling	Letter of Support
S.B. 173	D	1	Amy S. Ayoub	Letter of Support
S.B. 173	E	2	Kelly Venci Gonzalez	Testimony
S.B. 173	F	2	John Jones / Nevada District Attorneys Association	Proposed Amendment