

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-First Session
March 26, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:02 a.m. on Friday, March 26, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

Assemblyman Andy Matthews (excused)
Assemblywoman Selena Torres, Vice Chair (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Lisa Krasner, Assembly District No. 26
Assemblywoman Sarah Peters, Assembly District No. 24

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Judith Bishop, Committee Manager
Zachary Khan, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Stephanie McCurry, President, Reno-Sparks National Association for the Advancement of Colored People, Branch 1112
Lonnie L. Feemster, Vice President, National Association for the Advancement of Colored People, Tri-State Conference of Idaho-Nevada-Utah
Andrew Barbano, Private Citizen, Reno, Nevada
Tonja Brown, Private Citizen, Carson City, Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office; and American Civil Liberties Union of Nevada
Christine Jones Brady, Assistant Attorney General, Office of the Attorney General
Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice
A. J. Delap, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Corey A. Solferino, Lieutenant, Special Operations Bureau, Legislative Liaison, Washoe County Sheriff's Office
Kailey Barnett, Private Citizen, Reno, Nevada
Annemarie Grant, Private Citizen, Quincy, Massachusetts
Matthew Wilkie, Private Citizen, Carson City, Nevada
Erika Minaberry, Private Citizen, Reno, Nevada
Andre Wade, State Director, Silver State Equality
Liz Davenport, Legal Extern, American Civil Liberties Union of Nevada
Alex Camberos, Administrative Assistant, Battle Born Progress
Jasmine Margarita Tobon, Community Organizer, Planned Parenthood Votes Nevada
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Doralee Uchel-Martinez, Private Citizen, Reno, Nevada

Chair Flores:

[Roll was called. Procedures were explained.] We have two bill presentations, Assembly Bill 268 and Assembly Bill 280. We look forward to engaging in that conversation, and then we will do public comment at the end. We will go ahead and open up the hearing on Assembly Bill 268. Assemblywoman Krasner, good morning and welcome.

Assembly Bill 268: Establishes provisions relating to peace officers. (BDR 23-234)

Assemblywoman Lisa Krasner, Assembly District No. 26:

Today with me I have two copresenters, Ms. Stephanie McCurry and Mr. Lonnie Feemster. I am here today to present Assembly Bill 268, also referred to as Miciah's Law [[Exhibit C](#)]. On January 5, 2020, 18-year-old Miciah Lee's mother called 911 to ask police for help because her son was armed, suicidal, and suffered from mental illness. She was worried about her son because he had a history of mental illness and he had told her that he wanted to commit suicide. She called the police for help. The police responded, chased his car, and later that night Miciah Lee was shot seven times and died. Six months later, on

June 29, 2020, I was with my two sons when the decision of the district attorney came out concluding that the shooting of Miciah Lee was justified. My sons and I watched the body camera footage of the shooting that night on the television news. Thinking about my own two sons, who are about the same age as Miciah Lee, had a profound impact on me. I wondered if there was a better way to handle this type of situation. That is where I got the idea to bring this legislation.

The goal of this bill is to accomplish four things: One, ensure that every law enforcement agency in the state adopts a written policy regarding the use of force. Two, each of these written policies require that police officers utilize de-escalation techniques, crisis intervention, and other alternatives to force when feasible. Three, it would require that the law enforcement agency send a peace officer who has been trained in crisis intervention to respond to an incident involving a person who has made suicidal statements when feasible. Four, in carrying out his or her duties, a peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable peace officer would believe that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.

I want to stop here, and I want to say that I have the greatest respect for our law enforcement officers, police, sheriff, highway patrol, and district attorney. They put their lives on the line every day to protect us and keep us safe. Just remember, at three o'clock in the morning when someone is breaking into your home, you want to be able to call 911 and have a law enforcement officer come to your rescue. Law enforcement officers do so many good things for the community that go unnoticed, so I would like to mention those today. For example, community engagement is a top priority at the Washoe County Sheriff's Office. They have programs such as Shop with the Sheriff, where disadvantaged children can shop with someone from the sheriff's office and have a once in a lifetime shopping spree where they can buy things for their family or themselves, Coffee with a Cop, Elementary School Outreach Deputy Program, Sheriff's Office Community Resource Fairs, and Christmas in July, their Back-to-School free backpack and school supplies event. Las Vegas Metropolitan Police Department also has many community outreach programs such as Hope for Prisoners to empower and equip individuals exiting various areas of the judicial system to successfully re-enter society, First Tuesday, Every 15 Minutes, Las Vegas Metropolitan Police Department Explorers Program, Homeless Outreach Team, and Multi-Cultural Advisory Council, just to name a few. But nevertheless, these programs will not bring 18-year-old Miciah Lee back. There must have been a different approach that could have been taken on the evening of January 5, 2020, when law enforcement officers were aware that they were dealing with a person who was mentally disturbed and suicidal. I believe that de-escalation techniques and crisis intervention by trained officers would have yielded a different outcome.

There are two studies that I found on de-escalation techniques and their outcomes. The first is a study of patients with mental disabilities titled "Strategies to De-escalate Aggressive Behavior in Psychiatric Patients" [by the Agency for Healthcare Research and Quality]. The study showed that the staff training and de-escalation techniques and other interventions to prevent or de-escalate aggressive behavior led to fewer incidents. In another study titled

"Examining the Impact of *Integrating Communications, Assessment, and Tactics* De-Escalation Training for the Louisville Metro Police Department: Initial Findings," it was found that de-escalation training run by the Police Executive Research Forum [Center for Police Research and Policy, October 30, 2020] dramatically cut use-of-force incidents and injuries to citizens and officers. Not only was there a decline in use of force and citizen injury, but the biggest decline was actually in officer injuries.

In conclusion, my hope is that by putting these de-escalation and crisis intervention policies into law and into action, we can prevent something like this from ever happening again. I would appreciate your support on A.B. 268, and Chair, with your permission, I would like to turn it over to my copresenters.

Stephanie McCurry, President, Reno-Sparks National Association for the Advancement of Colored People, Branch 1112:

I am here speaking in support of A.B. 268, also known as Miciah Lee's Bill, which establishes provisions relating to peace officers. To the honorable Chair, Vice Chair, members, and staff, we the Reno-Sparks National Association for the Advancement of Colored People Unit 1112 write to express our support for A.B. 268. To assure full transparency in law enforcement's interactions with the public, this bill requires those agencies throughout the state of Nevada to adopt a written use-of-force policy. Moreover, it requires law enforcement personnel to undergo crisis intervention training, learning to use de-escalation techniques when feasible. Additionally, the training enables officers to interact confidently and professionally with those driven by suicidal ideation or who in the end attempt suicide, whether by cop or otherwise. As you may know, individuals with mental illness are more likely to have an encounter with law enforcement officers or other first responders than the average citizen. Assembly Bill 268 offers training in a different kind of force. It equips officers with the ability to communicate expertly, in greater detail with both those who suffer from mental illness and with their families. How powerful. With proper crisis intervention training, law enforcement officers have an extraordinary opportunity to deliver a level of persuasion that can guide persons to a facility for extended care or follow-up treatment.

The intention of A.B. 268 is to avoid loss of life. Recall, as Assemblywoman Krasner did, Miciah Lee, a young Black man who at the tender age of 18 years old was killed last year by an officer after his mother called 911 dispatch to report that her son was suicidal. In a profession where the fallout often cannot be remedied or altered, passage of A.B. 268 will demonstrate the concern that the state of Nevada has for the mentally ill, their families, and among these, the officers themselves. We are reminded by law enforcement officers that they must first and foremost take control of a scene. To be clear, we support the application of de-escalation techniques in all societal interactions but especially those in marginalized and communities of color. If we people of color, Latinx, BIPOC [Black, Indigenous, People of Color], LGBTQI+—the collective "we," accept this as accurate, it matters even more how officers respond to a crisis. It matters even more how they respond to our loved ones. It also matters how this distinguished body of legislators responds to this bill today.

We thank Assemblywoman Krasner for proposing such a transformative piece of legislation, and working together, this bill is good groundwork for future legislation to come as we all grow in our humanity together. I thank you for including the branch and myself and yield the floor. [A letter was also submitted, [Exhibit D.](#)]

Chair Flores:

And thank you for joining us this morning. It is a pleasure to have you. Assemblywoman Krasner, you had mentioned that you wanted to have one additional copresenter, is that correct?

Assemblywoman Krasner:

Yes, Mr. Lonnie Feemster.

Lonnie L. Feemster, Vice President, National Association for the Advancement of Colored People, Tri-State Conference of Idaho-Nevada-Utah:

I am testifying in support of A.B. 268 [\[Exhibit E\]](#). I have lived in northern Nevada all my life, and I have served as the past president of the Reno-Sparks National Association for the Advancement of Colored People for five terms. I have watched too many body camera videos of young men under severe mental distress who lost their lives because of a lack of policy and practice that would reduce the likelihood of a deadly encounter with law enforcement personnel. Passage of A.B. 268 will help to provide a higher level of trust in our law enforcement. To lose public trust does great harm to many citizens. To needlessly lose a life causes a great sadness to many. The public must rely on law enforcement personnel to resolve an increasing number of potentially deadly situations. Many times, it is the family who calls for these situations. This is called Miciah's Law, but I also had a nephew shot. He called 911 himself. He was about Miciah's age a few years ago. This is very troubling from that perspective. I believe that with your help to pass this legislation, we will greatly reduce the tragedy of many deadly situations. I think A.B. 268 improves the likelihood that qualified and capable resources will be available when the public calls for help. We can provide consistency in policy and practices and increase public trust and reduce the number of tragic incidents. I would also like to personally thank Assemblywoman Krasner for caring about this and getting the support and bringing this bill to the Assembly and the State.

Chair Flores:

Thank you for joining us this morning and sharing your story. Assemblywoman Krasner, would you like to continue with any remarks, or would you like to open it up for questions at this time?

Assemblywoman Krasner:

Chair, if you would like to go to testimony or questions, either one is fine with me, sir.

Chair Flores:

At this time, we will open it up for questions on A.B. 268. Members, are there any questions?

Assemblywoman Thomas:

Assemblywoman Krasner, thank you so much for presenting A.B. 268. This is a start, and I appreciate the testimonies from both your guests. My question has to deal with section 1. I am looking at section 1, subsection 1, the guidelines for the use of force. This is a directive, if I am correct, that you would like our enforcement agencies to follow. In the language, why have you decided to use a requirement instead of saying "Shall require that police officers," et cetera?

Assemblywoman Krasner:

Currently in the state of Nevada, many law enforcement agencies, including the Las Vegas Metropolitan Police Department (LVMPD) and the Washoe County Sheriff's Office, already have written policies regarding de-escalation techniques, crisis intervention, and use of force. I do not know if all 17 counties do. What this bill would do is make sure that all 17 counties do have a written policy regarding use of force, de-escalation, and crisis intervention.

Assemblywoman Thomas:

The language to me would be significant for all of our agencies in the state of Nevada to have a directive with the terminology of "shall," meaning that there is no wiggle room in there. As you said, LVMPD down in the south already had policies on the books but in recent years we have seen, instead of de-escalation, there is still justifiable murder of a civilian who has been approached by LVMPD or any other police officer. I am not trying to be harsh here. I feel that the word "shall" provides teeth in your bill where the police officers know that this is more than a requirement. It is something that they shall do.

Assemblywoman Krasner:

In section 1, subsection 1, it does say "shall." It says, "Each law enforcement agency shall adopt a written policy."

Assemblywoman Thomas:

Exactly. But just to be consistent with the language in there, I was looking at it that way. But I understand and I appreciate your explanation.

Chair Flores:

Thank you, Assemblywoman Thomas. I think a lot of us echo the sentiment that we appreciate Assemblywoman Krasner's ensuring that we have that written policy. Thank you for that.

Assemblywoman Dickman:

Parts of this I think are really good, but I have a question about section 3, subsection 1, where it talks about if a police officer does not think that the person poses an imminent threat to others, just themselves. But in a crisis circumstance, how would the officer determine if the suicidal person might quickly become a danger to others? At what point would deadly force be understandable or acceptable?

Assemblywoman Krasner:

Section 3, subsection 1, that you are asking about is the current policy for the Washoe County Sheriff's Office, where I got this specific language, and the LVMPD, which is already following these exact prescriptions in the bill. And you can ask them because they are both in support of this bill and they will be testifying later in support. They would be good ones to ask about their training on this.

Assemblywoman Dickman:

It sometimes concerns me when legislators who are not experienced in law enforcement and critical snap decisions situations, make laws dictating how a police officer should do their job. If the police are good with this, then certainly I am good with it.

Assemblywoman Krasner:

I would never do that. That is why I consulted with both LVMPD and the Washoe County Sheriff's Office before ever putting this bill together, and only with their help with the language of the bill did I write the bill, draft the bill. That is why both of them are in support of A.B. 268.

Assemblywoman Anderson:

I wanted to pass on my thank you to Ms. McCurry and Mr. Feemster, and also to offer my condolences, Mr. Feemster. I know that we have talked to each other and I do not believe I did offer those condolences earlier. Please accept them very late. My question has to do with the idea of having each law enforcement agency adopting a written policy. I agree with the majority of these items. I agree with almost all of it. I have a question about what the written policy would be. Who is going to be the individual to double-check this? Will these written policies be expected to be turned into the Nevada State Legislature? Would they be expected to be turned into another elected entity? Both areas that you are speaking of, Washoe County Sheriff's Office as well as LVMPD, those probably get turned into the sheriff for that one area, but since it is every law enforcement agency having to do this, where are the checks and balances? And again, I want to make sure it is clear I agree with this. I think it needs to be a little bit clearer as to making sure where we are doing the checks and balances, and those policies are actually happening.

Assemblywoman Krasner:

This would just require that each law enforcement agency adopt a written policy regarding the use of force within their own agency. I have no intention of policing the police. That is not my job. This merely requests that each law enforcement agency have a policy within their agency that is written down that deals with the use of force and also discusses de-escalation techniques and crisis intervention techniques in regard to use of force on somebody who is suicidal or mentally ill. That is it.

Assemblywoman Anderson:

That is why we are elected though, to make sure we are, in fact, enacting policies as well as legislation or laws that are being followed. Is there an expectation that these policies would be turned in, is it going to be on trust, or would it be a Freedom of Information Act that we

would have? Are you saying you are going to put it in there but there is not going to be any double-checking of those reports?

Assemblywoman Krasner:

Once again, this law that I am presenting only asks that every law enforcement agency in this state shall adopt a written policy regarding the use of force which includes de-escalation techniques and crisis intervention in regard to persons who are known to be mentally ill or suicidal. I am not requiring anybody to turn it into me or turn it into anybody else. I guess maybe two years from now if somebody else wants to bring that bill, that would be up to them, but that is not what this bill says. Again, this bill is just a small step. I know some people think it is a big step, some people think it is not a step enough, but the kind of legislation that I like to bring, Assemblywoman Anderson, is just a small step that everybody can agree on. That is why if you look at the bill you will see that it has bipartisan support. There are two Republicans and two Democrats. It is pretty rare when you have any bill where you have the National Association for the Advancement of Colored People and law enforcement both testifying arm in arm in support. I think that is the bigger thing that we need to keep in mind here and I appreciate that.

Assemblywoman Anderson:

Thank you for that. I respect what you are saying because I think that is one of the beauties about having the Nevada State Legislature made up of individuals who try to work with each other. I really appreciate the variety of individuals who are supporting it. I am thinking even doing something like the City of Sparks has started to do with their policies being online could be a possibility for future discussion and/or even for regulations; or for each of those agencies to make the decision to show that they realize the importance of this legislation and the importance of working with each other.

Assemblywoman Duran:

I have a couple of questions. First of all, I think there should be continuity across the state about policy procedures so everybody is on a level playing field. I think that would be very important because of the fact that each county, city, and state is a little bit different, but I think if we have a policy that is consistent throughout the state, it would probably be best. I know each situation is going to be a little bit different, but that is just a thought on that. On the training that you proposed in here, is there going to be a minimum amount and is it going to be continuous, maybe a refresher or something like that? I think it is a great idea.

Assemblywoman Krasner:

Assemblywoman Duran, you are referring to section 1 subsection 2, and the last part of that refers to *Nevada Revised Statutes* (NRS) 289.510, section 1, paragraph (i). And if you look at NRS 289.510, section 1, paragraph (i), it is already the current law that all peace officers must have 12 hours of continuing requirements annually in education and courses that do relate to racial profiling, mental illness, well-being of officers, de-escalation, implicit bias, human trafficking. That is already in the law. It goes further to talk about developing and improving standard curriculum of training for crisis intervention, but again, that is already in the law.

Assemblywoman Duran:

I apologize. I did not go to NRS 289.510. That is great. Continuous training is always a good thing. Did you have any ideas about the continuity from law enforcement throughout the state?

Assemblywoman Krasner:

As I did mention, I worked together with LVMPD and the Washoe County Sheriff's Office on this. They both have excellent policies in place. Either of those two agencies can serve as a model for the other 15 counties and the other agencies. But again, I felt it was more important to take a small step and make sure that every single law enforcement agency does in fact have a written policy in place regarding use of force, regarding de-escalation techniques, regarding crisis intervention, and regarding use of force when somebody is known to be mentally ill or suicidal. It may be just a small step, but I feel like even a small step in the right direction is progress.

Assemblywoman Thomas:

Assemblywoman Krasner, have you spoken with LVMPD about how many officers are qualified for crisis intervention?

Assemblywoman Krasner:

I have not asked that question of LVMPD. However, we are very lucky to have Mr. Chuck Callaway here with us today. He will be testifying in support, and if it is the Chair's prerogative, you can ask him that question.

Chair Flores:

I noticed in the chat, Ms. Stephanie McCurry wanted to add some additional input to one of the questions.

Stephanie McCurry:

I wanted to advise that at no time have we been contacted by any particular law enforcement agency, nor do we want to create the perception that we are working arm in arm with any law enforcement agency. We are here representing communities of color that are already at a disadvantage and losing loved ones because of lack of training. We are here to advocate for those communities that are being affected by heavy policing and adverse tactics. For the record, we want to state that we are on the side of the people, that they need protection, and again, as I said in my letter [[Exhibit D](#)], A.B. 268 is to avoid the loss of life. That is our stance on this morning.

Chair Flores:

Are there any additional questions? [There were none.] I would like to invite those wishing to testify in support of A.B. 268.

Andrew Barbano, Private Citizen, Reno, Nevada:

I am a longtime member of the Reno-Sparks National Association for the Advancement of Colored People, Branch 1112. Last year we made the slaying of distraught teenager Miciah Lee a statewide and national issue. [Written testimony was also submitted, [Exhibit F](#).] His name now appears with so many others on websites and demonstrations and before governments all across the country. I support A.B. 268 because in the case of Miciah Lee, we had existing systems like the rapid response task force that Assemblywoman Krasner referred to that already exists in Las Vegas and Reno. The rapid response team existed for years. I write for the *Sparks Tribune*, so watch next week's paper. The three police officers who responded to Miciah Lee in a disabled car on a busy street knew that he was mentally ill. They chose not to use the rapid response system to bring psychiatric professionals to de-escalate the situation. This is why the video that is posted online has been carefully edited by the Sparks Police Department to cover up Miciah Lee's execution by the Sparks cops. I am speaking from experience. I am speaking from what I know. Go watch it. It is disgusting to look at, even with the edited-out portions. It is going to cost the City of Sparks a few million bucks. Who cares? It is just a Black kid. Please allow me to memorialize this young man's life for posterity in today's legislative record with a little poetry, because nothing else seems to work.

"Ask Questions First and Shoot Later," a limerick in remembrance of Miciah Lee.

Before you start shooting the mentally troubled,
Call in the pros to assist on the double.
An easy decision,
No if's, and's or but's.
To do otherwise is plainly just nuts.

Thanks to Assemblywoman Krasner for bringing this. There is a companion bill in the Senate by Senator Harris, Senate Bill 212. And I hope something comes out of this legislative session to mandate the cops using the rapid response system before they start shooting. Please do that. Those systems are in place. They have been in place for years. And it is a travesty that we have to have a legislative bill and a law, as Assemblywoman Thomas noted, with lots of "shalls" in it to order the cops to use the system that has been in place for a hell of a long time. Thank you so much for your service, for your time. Be well, raise hell.

Tonja Brown, Private Citizen, Carson City, Nevada:

We support this bill, and we echo the previous caller's comments made. This bill is long overdue. I would like to add that this is a start. It does not quite fix the problem, but it is a beginning.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office; and American Civil Liberties Union of Nevada:

We greatly appreciate Assemblywoman Krasner for bringing forward this bill. What happened to Miciah and his family is an absolute tragedy. As Leslie Turner with Mass Liberation stated, "When someone dies at the hands of law enforcement, we need to look at what happened. A life lost is a failure." We appreciate that Assemblywoman Krasner was willing to take a look at what happened and to bring this bill forward.

This bill will not bring Miciah back or solve all of the problems that came to light in how this case was handled, but it is a significant start that will hopefully save the life of someone else, so another mother does not have to bury a son or daughter. Mental health is a public health crisis and should not be a police matter. Cities across the nation are moving towards having social workers rather than police respond to calls reporting individuals suffering from a mental health crisis. We strongly believe that we should be working on solutions to not have someone with a gun be the first person on scene with someone suffering from a mental health crisis and believe that this bill will work towards that. To Assemblywoman Anderson's point, we do support her suggestion of requiring law enforcement to post their policies online. Currently, the Washoe County Sheriff's Office, the Reno Police Department, as well as the Sparks Police Department have done this in the wake of the tragedy that occurred in 2020.

As stated in the American Civil Liberties Union of Nevada's letter of support: "Americans with a mental illness or experiencing a mental health crisis account for almost 25 per cent of police killings." An analysis of officer-involved shootings in Las Vegas by the Office of Community Oriented Policing Services of the United States Department of Justice found that 54 per cent of fatal shootings involved those who were mentally impaired. Our community members demanded reform after Miciah's death. And we thank the Assemblywoman for bringing this bill and urge your support to help provide trust and transparency and for the safety of all of our community members.

[Additional testimony was also submitted, [Exhibit G.](#)]

Christine Jones Brady, Assistant Attorney General, Office of the Attorney General:

This bill represents implementation of a reasonable policy that is consistent with precautionary measures we already employ at the Office of the Attorney General through the use of force, defensive tactics training, and other state-required trainings pursuant to the 2019 Legislative Session. We thank you for bringing this bill forward and, this is anecdotal evidence, but I have been told by some community members that they are sometimes afraid to call the police when a family member is having an acute episode because they do not want that family member to go to jail, they just want them to get help. Maybe this helps a little bit more with that.

Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice: Nevada Attorneys for Criminal Justice supports A.B. 268. We believe this is a commonsense reform. The logic in allowing police officers to use deadly force is they are supposed to protect the public and themselves. But in a situation where someone is only a danger to themselves and not to others, shooting that person, by definition, is not doing anything to protect anyone, least of all the person themselves. Deadly force should be a last resort, and we believe this bill effectuates that goal.

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

The Las Vegas Metropolitan Police Department is in support of A.B. 268, and we thank Assemblywoman Krasner for bringing forth this measure. The Assemblywoman spoke of Chuck Callaway being able to join the meeting. He has asked me to call in in his place. He is caught up on another measure. I will be available for questions, as necessary.

Chair Flores:

I do not know that we have any questions for you at this time. I do know Assemblywoman Thomas had raised a question regarding crisis intervention training and if we had any data on what officers who proudly wear the badge will say that they have that training. I also know that, speaking with our folks here, we have a bill proposing that very issue that will be discussed next week, but I do not know if you wanted to contribute anything to that dialogue for the sake of addressing Assemblywoman Thomas.

A. J. Delap:

I would be happy to answer any questions if I can right now or I can follow up with any information. I believe the question was regarding crisis intervention for officers and such.

Chair Flores:

That is correct, and I think Assemblywoman Thomas was trying to grasp and get a better understanding that, should an officer respond to a call where really what we need is crisis intervention rather than anything else, how equipped or how statistically likely would that officer be prepared to do that because she or he had undergone the necessary training, but I do not know that you have an actual answer to that question.

A. J. Delap:

Chair Flores, I can only speak of our agency, and I will give you the number of around 80 per cent of our patrol officers—we are an agency of over 3,000 officers—are trained in crisis intervention. They recertify that on a regular basis, and our protocols dictate whenever calls that possibly involve mental health issues or things of that nature—it could be a suicide attempt, in that genre of police service—that crisis intervention-trained officers respond to that, and they are also given the authority to take control of the call regardless of the rank of the personnel that are already there. As far as other agencies, unfortunately I cannot speak to that, but we can certainly query them and have that information sent over to Assemblywoman Thomas.

Chair Flores:

If we can send it to the whole Committee that would be useful. We can get it over to our committee manager, Judi Bishop, and she can make sure that we all get that. We will continue with the next caller in support of A.B. 268.

Corey A. Solferino, Lieutenant, Special Operations Bureau, Legislative Liaison, Washoe County Sheriff's Office:

We want to take this opportunity this morning to thank Assemblywoman Krasner for reaching out to us regarding A.B. 268. We believe that our model policy and some de-escalation techniques that we have been utilizing for the past 20-plus years have been instrumental in Washoe County Sheriff's Office's successes in dealing with the public and people suffering from mental crises. We also wanted to point out that our policies are available online for all to see by going to washoesheriff.com, and with the recent completion of our online survey, we are taking public support and public comments and making those into additional policies.

Kailey Barnett, Private Citizen, Reno, Nevada:

I support A.B. 268. I fortunately got to know Susan, Miciah Lee's mother, over the summer, and no one should have to experience losing a child as she did. Mental health should not be a crime punishable by death. This is not nearly enough but is a step in the right direction.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I support A.B. 268 as it is an attempt at transparency and accountability [[Exhibit H.](#)] Of course, each law enforcement agency should have a use-of-force policy. Per fatalencounters.org, 395 people, somebody's loved ones, have died during interactions with police in Nevada since the year 2000. That number does not include those killed after booking out of jail or prison. Perhaps my noncombative, nonassaultive, nonaggressive, 140-pound brother would not have been placed into a hog-tie against every page of the device manual instructions for over 40 minutes by Reno police and then asphyxiated to death by Washoe County deputies. It is shocking to claim they have had such great success not killing the mentally ill. They have asphyxiated three men. My brother was killed simply for asking for help during a mental health crisis. Perhaps had officers had this additional training about community members in crisis, Miciah Lee, Philip Serrano, Kenneth Stafford, Micah Abbey, Daniel Murillo, my brother Thomas Purdy, and so many others would be alive today.

Watered-down bills are not designed to prosecute the police, but rather to restore public confidence in the police. They are used to defuse demands for prosecuting police brutality and minimize punishment for guilty cops. What families really want is true change so no other families have to know this pain and for our loved ones' killers to be held accountable, as anyone not wearing a badge would be. Honestly, until *Graham v. Connor*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985) are overturned and the district attorneys prosecute police who use excessive force, murder, or kill due to negligence, it is just like putting a Band-Aid on a deep wound, and the language in this bill mirrors the two Supreme Court of the United States cases I mentioned before. For it to be reasonable, all the officer has to say is that they feared for their life, and that is enough legally, even with this bill, to

justify the shooting. I do believe they are trained extensively at the academy on this reasonableness issue. In 2019, California changed its use-of-force law. It changed the word "reasonable" to "necessary," and so many are still being killed at the hands of law enforcement, so it is not a surprise that there is not police opposition to this bill. I cannot speak to Clark County, but in Washoe County, if someone were to die by means of asphyxiation, there would be no investigation like officer-involved deaths. My brother was a danger to nobody, perhaps not even a danger to himself. If Reno Police asphyxiated my noncombative, nonaggressive, mentally ill brother and thought it was reasonable, I ask, What is not reasonable in their eyes?

It is clear the police are a far greater danger to the community than the community to them. Until we have laws that do not allow police to kill without consequence, forgive me for my skepticism, I do not believe things will change. I do support the bill moving forward, but not because I believe it will stop police from murdering without consequence or that it will reduce deaths at the hands of police.

Chair Flores:

Ma'am, just for the sake of clarity, and thank you for calling in, it is always heartbreaking to hear the story of your brother. My understanding is that you are then in opposition to this bill?

Annemarie Grant:

No, I support the bill because something is better than nothing.

Chair Flores:

Understood. I just wanted to make the record clear. We will mark that as support. Thank you, ma'am. We will continue with support of A.B. 268.

Matthew Wilkie, Private Citizen, Carson City, Nevada:

I would like to go on the record in support of this bill. As the previous caller stated, there are things that we can do greater; however, something is better than nothing. I do believe that with this bill in place, people like Thomas Purdy, Miciah Lee, and everyone else that she stated could be alive today.

Erika Minaberry, Private Citizen, Reno, Nevada:

I am calling in support of this bill because I know a lot of people that have mental health issues and we are all afraid of calling the cops if we are in distress, and that is not the way that society should work. Please vote in support of this bill in the name of Miciah Lee and all of those that we have lost.

Chair Flores:

[There were no more callers in support.] We will go to those wishing to testify in opposition to A.B. 268. [There was no one.] Next, we will invite those wishing to testify in the neutral position to A.B. 268. [There was no one.] Assemblywoman Krasner, do you have any closing remarks?

[[Exhibit I](#) was submitted but not discussed, and is included as an exhibit in support of [A.B. 268](#).]

Assemblywoman Krasner:

Thank you, Chair Flores and members of the Committee, for giving me the opportunity to present the bill to you today. This concludes my presentation, but I do want to take a moment to say thank you to the National Association for the Advancement of Colored People, the Office of the Attorney General, the Las Vegas Metropolitan Police Department, and the Washoe County Sheriff's Office. I do appreciate your help, and I thank you for your time. I would sincerely appreciate your support on [A.B. 268](#).

Chair Flores:

Thank you, Assemblywoman Krasner, and I appreciate your working with such a wide array of folks. I never expected to see you with all the progressive groups right behind you, so I appreciate your working with so many folks. We will close out the hearing on [A.B. 268](#). Next on the agenda we have [Assembly Bill 280](#). We will go ahead and open up the hearing on [Assembly Bill 280](#) whenever you are ready.

[Assembly Bill 280](#): Revises provisions relating to public restrooms. (BDR 54-132)

Assemblywoman Sarah Peters, Assembly District No. 24:

I am here to present [Assembly Bill 280](#) for your consideration. Nevada law already provides that all people are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination or segregation on the grounds of race, color, religion, national origin, disability, sexual orientation, sex, or gender identity or expression. This includes any establishment or place to which the public is invited or which is intended for public use, such as hotels, restaurants, bars, gas stations, theaters, private schools and universities, day care centers, senior citizen centers, and gymnasiums, to name a few.

With [A.B. 280](#), we are trying to ensure that all publicly accessible single-stall restrooms are not limited to any one gender or do not limit access to disabled people or their caregivers. Additionally, the bill offers protections through inclusion of this requirement and penalties for persons that choose to discriminate by limiting the use of single-stall restrooms for a specific gender.

Do you know those moments as a parent when you awkwardly take your son into the women's restroom and he says, I cannot go in there, it is for girls? It is a cringeworthy moment. Another scenario includes the dignity of people with disabilities, even short-term disabilities, when you as a friend or partner or family member are with someone who needs help to use the restroom; it remains awkward to choose which gender restroom you enter. This bill really gets to the issue of dignity and how you choose a public restroom, and creates

equity and ability to enter a space without the fear of judgment or reprisal or even explanation. I would like to briefly provide a section-by-section overview, and then I will turn it over to Andre Wade with Silver State Equality for additional remarks. After that, we will open it up for questions.

Starting with section 1, in instances where a place of public accommodation provides a single-stall bathroom, section 1 requires the single-stall restroom to be as inclusive and accessible as possible, including by allowing a parent or guardian of a child to enter the single-stall restroom with the child, a person with a disability to enter the single-stall restroom with his or her caregiver if needed, and a person of any gender identity or expression to use the single-stall restroom as needed. Section 1 also prohibits the owner or operator of a place of public accommodation from labeling a single-stall restroom with signage that indicates the restroom is for a specific gender and instead authorizes the labeling of single-stall restrooms as available for use by any person such as with a sign that reads "All-Gender Bathroom" or "All-Accessible Bathroom." Section 1 also describes a single-stall restroom as one that is intended for individual use and contains a single toilet or a single urinal or contains both a toilet and a urinal. In addition to these changes, section 1 allows any person who believes he or she has been denied full and equal use of a single-stall restroom because of discrimination or segregation to file a complaint to that effect with the Nevada Equal Rights Commission.

Section 2, section 3, and section 15 make conforming changes related to private clubs' marketing and signage. Section 4 provides that any person who deprives, interferes with, or punishes another person for accessing a single-stall restroom is guilty of a misdemeanor. Section 5 provides that any person who deprives, interferes with, or punishes another person for accessing single-stall restrooms is liable to the person whose access is affected for actual damages that are recoverable by a civil action.

Section 6 authorizes any county or incorporated city to adopt an ordinance to prohibit the infringement of a person's rights, privileges, or access to a single-stall restroom. Section 9 requires any governmental entity that adopts a building code to include a requirement that any single-stall restroom made available to the public and contained in a permanent building or facility used by the public and that is constructed on or after October 1, 2021, comply with provisions of this bill related to single-stall restrooms. Section 9 also provides that if a county or city has no building code, the county or city is required to adopt such requirements by ordinance.

Section 7, section 8, and section 10 make conforming changes related to county building codes, city building codes, and planning and zoning statutes. Both section 11 and section 12 make provisions related to single-stall restrooms applicable to a public building or facility owned by a public body and an area leased by or on behalf of a public body and used primarily to provide services to the public, including certain leased areas within a state park. Section 12 provides that a contract for such a leased area which does not satisfy those requirements and which is entered into on or after October 1, 2021, is void and unenforceable.

Finally, section 14 authorizes a person to report a violation committed by a public body to the Attorney General, who is required to notify the public body responsible for the alleged violation. If the public body fails to comply with the provisions regarding single-stall restrooms, the Attorney General is required to take action as is necessary to ensure compliance. To be clear, this bill does not require any restroom retrofit or obligation aside from the signage change. I would graciously ask that the Legislative Counsel Bureau confirm this on the record, please.

[[Exhibit J](#), a conceptual amendment to [A.B. 280](#), was submitted by Assemblywoman Peters but not discussed.]

Erin Sturdivant, Committee Counsel:

The bill does not require anyone to change any existing bathrooms. The bill only addresses sign requirements.

Assemblywoman Peters:

Thank you, I appreciate that. I was provided a simple conceptual amendment which clarifies this bill's intent is only to address the gender-neutral signage for single-stall bathrooms and does not in any way affect Americans with Disabilities Act requirements. That is under a separate statute. Additionally, in consultation with stakeholders, we are also working on an amendment to add a grace period for implementation that may look like up to 120 days following the bill's effective date. This concludes my overview of the bill. I have with me Andre Wade with Silver State Equality today to add testimony to the purpose and importance of this bill.

Andre Wade, State Director, Silver State Equality:

We are bringing the voices of LGBTQ+ people and allies to institutions of power in Nevada and across the United States, striving to create a world that is healthy, just, and fully equal for all LGBTQ+ people, and we fully stand by [A.B. 280](#). Compliance with the bill is a matter of changing a sign on a restroom door. Restricting access to single-occupancy restrooms by gender is unnecessary and inconvenient. The general public already knows this. Just the other day I was in downtown Summerlin shopping for things I do not need, and I had to run to the restroom before heading to Sur La Table, and I do not even cook. My point is, I headed to the single-occupancy restrooms, the ones with the gender signage label for men. A woman and a young boy, probably about 8 or 9 years old, walked out as I was about to walk in. The woman apologized for using the restroom and said something to the effect of, Sorry, we really had to go. I did not mind; I never do. Obviously, she did not, and there are countless times when I am in a restaurant or bar and a woman uses the men's restroom out of convenience. In everyday life, the practice is already there.

The LGBTQ Center of Southern Nevada was the first public facility in Nevada to implement gender-neutral restrooms. If you have never been, when you walk in, there is a common area with sinks to your right for everyone to wash their hands, regardless of gender or anything else. As you walk through, there are single stalls on your left and on your right. Further down, there is a space with just urinals. And of course, these stalls are designed for people

who are differently abled, so people who use wheelchairs for mobility or walkers, et cetera, have easy access. When parents are there with their children who need assistance, they can freely walk in and use an array of stalls that fit their needs. I worked for the LGBTQ Center for about four years, and in those four years there were zero instances of any assault. And my understanding is that the prior two or three years before my tenure, there were zero incidents. But there is 100 per cent convenience for parents, caregivers, children, differently abled people, gender-diverse individuals, and those who may be a bit older than I am. The City of Las Vegas soon followed by marking its single-occupancy restrooms gender-neutral at City Hall, and later, Zappos implemented gender-neutral restrooms on its campus.

A 2013 report by the Williams Institute of the University of California, Los Angeles School of Law found that gender-specific restrooms pose a serious risk to safety for gender-diverse individuals. Seventy percent of survey respondents reported being verbally harassed or denied access. In 2015, the United States Department of Labor's Occupational, Safety, and Health Administration stated that equal-access bathrooms that are all-gender or all-accessible are a best practice in the workplace. In 2019, the American Psychological Association stated that gender-inclusive restrooms are helpful for people whose family members such as a child or someone who needs assistance require assistance from a person or caregiver who is of a different gender. Women are often inconvenienced by long lines when single-stall restrooms do not have the capacity to accommodate women efficiently. To my earlier point, some women end up using the men's restroom anyway. Equal access to single-stall restrooms would make it easier for parents.

We need a no-wrong-door approach to single-occupancy restrooms that are convenient to all. Thank you to Assemblywoman Peters for sponsoring this very practical piece of legislation. Silver State Equality is in full support of A.B. 280; and thank you to the Committee in advance for your support.

Assemblywoman Peters:

Thank you, Mr. Wade. We are open for questions if the Committee has them.

Assemblyman Ellison:

I have a couple of questions. I have been noticing a lot in some of the smaller mini markets that they post on the front door outside saying there are no public bathrooms. I happen to own one of those buildings. I called the health department and they say that is totally legal. The bathrooms are there for employees, not the public. I disagree. I think if you have a business and you are using the business to obtain business, then the bathroom should be open to everybody, period. The other thing is we have another business that is a little small thing that just has "restroom." How would you identify the door? Would you just say "restroom?"

Assemblywoman Peters:

Again, this bill does not address the accessibility of the actual bathroom and the implementation of that at certain businesses. It is strictly related to the signage. In response to the question of how does that sign appear, in a variety of ways. We see "restroom," we see "all-gender restroom," we see "family restroom." At my office, we have a funny sign that we

got from Amazon for \$5 that has a male figure that is typical of a bathroom, a female figure that is typical of a bathroom, and then an alien, and it says "I do not care. Wash your hands." There are a variety of options of how to address signage on your restroom. I think that, in talking with stakeholders, the idea of a grace period is to allow people to be creative about how they create those signs and encourage that dignity and accessibility to our single-stall restrooms.

Assemblyman Ellison:

I really like that. I would definitely like to know where to get my alien bathroom sign.

Assemblywoman Thomas:

You had mentioned something about a grace period, and I was trying to scan through the bill again and I did not see it. Can you point to where the grace period is for everyone to get into compliance?

Assemblywoman Peters:

That was a late request as of yesterday from stakeholders. We are still working on the amendment for that piece, but I considered that upon receipt of the bill. However, not being a small business owner, I was encouraged by the Henderson Chamber of Commerce to reach out and request that there be a grace period for particularly addressing the creative sign issue. People want to be able to brand themselves as small businesses, and this is another opportunity for that. I will get that to you as soon as I know where it should be placed in the bill.

Chair Flores:

Members, are there any additional questions? Seeing none, thank you, Assemblywoman Peters, for your presentation, and thank you to your copresenter. I would like to invite those wishing to testify in support of A.B. 280.

Liz Davenport, Legal Extern, American Civil Liberties Union of Nevada:

Normalizing gender-neutral bathrooms benefits a wide range of people. Having gender-neutral bathrooms is the most inclusive option and brings real health benefits to real people. The federal Occupational Safety and Health Administration has endorsed and has released best practices guides that encourage the use of gender-neutral restrooms in buildings. Benefits of gender-neutral bathrooms range from benefitting families, those with disabilities, and transgender and gender nonconforming people. Gender-neutral bathrooms are safer for families with children and parents that accompany other children to walk around without fear. Children with disabilities benefit from having an other-gendered caregiver able to access the bathroom without fear, and gender-inclusive bathrooms help make transgender and other gender nonconforming people feel safer in public spaces. Gender identity is an intrinsic part of each person's identity in everyday life. Using a bathroom should be about finding a safe place to do a normal daily function, wash your hands, adjust makeup, or other daily tasks, and without fear of harassment or fear for personal safety from other bathroom-goers. Transgender and gender nonconforming people continue to be harassed and attacked in gender-separated bathrooms, and to avoid these attacks will many times refrain

from using a bathroom outside of their home or refrain from eating or drinking. Making single-use bathrooms gender-neutral can make an everyday activity a much safer, inclusive, and beneficial place for everyone. As a whole, society benefits by eliminating the gender distinction for single-use bathrooms.

Alex Camberos, Administrative Assistant, Battle Born Progress:

Assembly Bill 280 would allow for single-use restrooms to be inclusive and acceptable for all people, especially transgender, nonbinary, and gender nonconforming people. Many of these people report being policed for their gender and having their privacy violated when using a public restroom with gender-designated bathrooms. Gender-inclusive restrooms help make gender nonconforming people safer and better protects them from harassment and assaults. Gender-inclusive restrooms are also helpful for people whose family member, such as a child, person with a disability, or older adult, requires assistance from other-gender parents or caregivers. As an ambulatory wheelchair user, I occasionally need assistance using the single-stall public restroom, and I do not always have a same-gender family member or friend available to assist me. Having the option for my mother to assist me, for example, would provide greater freedom to me and many people like me to use a public restroom with peace of mind. For these reasons and many others, we are asking you to support A.B. 280.

[Written testimony was also submitted, [Exhibit K](#).]

Jasmine Margarita Tobon, Community Organizer, Planned Parenthood Votes Nevada:

I am an organizer with Planned Parenthood Votes Nevada. Planned Parenthood Votes Nevada is in favor of A.B. 280. While they are a necessity for all people, for gender-diverse Nevadans, bathrooms can be a place and force of harassment, policing, bullying, and violence. Not only would a gender-inclusive bathroom provide safe spaces for transgender, nonbinary, and gender nonconforming Nevadans, but this bill would also benefit Nevadans with disabilities. Gender-inclusive restrooms are helpful for people whose family member, such as a child, person with a disability, or older adult, requires assistance from different sex parents or caregivers. Assembly Bill 280 would help create a safer, more inclusive Nevada all around. Thank you to Assemblywoman Sarah Peters, who sponsored A.B. 280, and Assemblywoman Selena Torres, who cosponsored this bill. Assembly Committee on Government Affairs, I urge you to please support A.B. 280.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

I want to echo the sentiments of those who spoke before me. Assembly Bill 280 is a commonsense bill to ensure that every Nevadan, regardless of their gender identity, support needs, or family makeup has access to an open restroom when it is available, and we urge your support.

Doralee Uchel-Martinez, Private Citizen, Reno, Nevada:

I am calling in support of A.B. 280. I am totally blind, and I have been using men's bathrooms for emergencies. Sometimes I tell my dog, Go find a bathroom, when we are in airports or at the University of Nevada, Reno, and he finds the nearest one and it is the men's

bathroom. I have not encountered any abuse while I am in there. It must be the 80-pound dog I have. I think this is a good step forward because it is already happening. Thank you, Assemblywoman Peters, for doing this. We appreciate you. And thank you so much. Have a blessed Friday.

Chair Flores:

I am glad we were able to get you on the record. Did anybody else log in there at the last minute? I want to make sure we get everybody wishing to speak. [There was no one.] We will move on to opposition to A.B. 280. [There was no one.] We will go to those wishing to testify in the neutral position. [There was no one.] We will go back to Assemblywoman Peters for any closing remarks you may have.

Assemblywoman Peters:

I want to encourage the Committee to remember a time when that barrier of entry was just a sign, and I would encourage you to please support A.B. 280. Thank you so much for your consideration.

Chair Flores:

Thank you, Assemblywoman Peters. I appreciate you and all who called in support. We are going to close out the hearing on A.B. 280. Next, we will move on to public comment. [There was none.] Members, I want to remind you that this Committee will be meeting at 9 a.m. I know we were taking advantage of that 10 a.m. start time. Unfortunately, as you all know, we have two weeks and we have 30-something bills. I want to make sure that you all understand, moving forward, that we are going to hear a minimum of three bills a day, at times four or more. Give yourselves an opportunity to get some good rest this weekend because, unfortunately, this is going to pick up really fast and we will not always be able to give a heads-up as we previously would on moving bills around. It is the nature of how this works.

For Monday, I want to remind you that we have Assembly Bill 220, Assembly Bill 236, and Assembly Bill 337. Give yourselves an opportunity to review those. I hope everybody has a great weekend. I really appreciate all the work of this Committee. This meeting is adjourned [at 10:40 a.m.].

RESPECTFULLY SUBMITTED:

Zachary Khan
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony dated March 26, 2021, submitted by Assemblywoman Lisa Krasner, Assembly District No. 26, regarding Assembly Bill 268.

[Exhibit D](#) is a letter dated March 24, 2021, submitted by Stephanie McCurry, President, Reno-Sparks National Association for the Advancement of Colored People, Branch 1112, in support of Assembly Bill 268.

[Exhibit E](#) is written testimony dated March 26, 2021, submitted by Lonnie L. Feemster, Vice President, National Association for the Advancement of Colored People, Tri-State Conference of Idaho-Nevada-Utah, in support of Assembly Bill 268.

[Exhibit F](#) is written testimony dated March 26, 2021, submitted by Andrew Barbano, Private Citizen, Reno, Nevada, in support of Assembly Bill 268.

[Exhibit G](#) is a letter dated March 26, 2021, submitted by Liz Davenport, Legal Extern, and Holly Welborn, Policy Director, American Civil Liberties Union of Nevada, in support of Assembly Bill 268.

[Exhibit H](#) is written testimony dated March 26, 2021, submitted by Annemarie Grant, Private Citizen, Quincy, Massachusetts, in support of Assembly Bill 268.

[Exhibit I](#) is a letter dated March 20, 2021, submitted by Cristina Nieto, Private Citizen, Reno, Nevada, in support of Assembly Bill 268.

[Exhibit J](#) is a proposed conceptual amendment to Assembly Bill 280, presented and submitted by Assemblywoman Sarah Peters, Assembly District No. 24.

[Exhibit K](#) is written testimony dated March 26, 2021, submitted by Alex Camberos, Administrative Assistant, Battle Born Progress, in support of Assembly Bill 280.