

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

**Eighty-First Session  
May 30, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 5:26 p.m. on Sunday, May 30, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Steve Yeager, Chairman  
Assemblywoman Rochelle T. Nguyen, Vice Chairwoman  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblywoman Lesley E. Cohen  
Assemblywoman Cecelia González  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblywoman Heidi Kasama  
Assemblywoman Lisa Krasner  
Assemblywoman Elaine Marzola  
Assemblyman C.H. Miller  
Assemblyman P.K. O'Neill  
Assemblyman David Orentlicher  
Assemblywoman Shondra Summers-Armstrong  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Melanie Scheible, Senate District No. 9

Minutes ID: 1400



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Bradley A. Wilkinson, Committee Counsel  
Bonnie Borda Hoffecker, Committee Manager  
Lori McCleary, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Corey A. Solferino, Lieutenant, Special Operations Bureau, Legislative Liaison, Washoe County Sheriff's Office  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics  
Annemarie Grant, Private Citizen, Quincy, Massachusetts

**Chairman Yeager:**

[Roll was called. Committee rules and protocols explained.]

Committee, you will see that we have one bill on our agenda. We just received this bill on the floor a couple of hours ago. That is why we are here this evening. At this time, I will open the hearing on Senate Bill 164 (2nd Reprint). That bill revises provisions relating to prostitution. We have Chair Scheible joining us this evening to go over the bill. Welcome, Chair Scheible. We will give you a chance to present, and then I am sure we will have a lot of questions.

**Senate Bill 164 (2nd Reprint): Revises provisions relating to prostitution. (BDR 15-57)**

**Senator Melanie Scheible, Senate District No. 9:**

I do appreciate the whole Committee reconvening for another meeting, and I would like to think it is just for me, but I know that I would not have asked you guys to come back into this room and hear another bill, especially from me, if I did not think that it was worthwhile policy and actually important for moving our state forward. Senate Bill 164 (2nd Reprint) makes some improvements to the statute covering prostitution so that we can do a better job

of combating sex trafficking and human trafficking here in the state of Nevada. It is a topic that we have covered a lot this session. We have covered it a lot in every session because it continues to persist in Nevada, despite the many very caring and devoted people, organizations, and agencies that are fighting it on the ground.

I will not bore you with the long journey of S.B. 164 (R2) and how it came to be in its current reprint. It will suffice to say that something that everybody could agree on was that we were not able to collect adequate data on how many people were being arrested in the state of Nevada for engaging in prostitution and how many people were being arrested in the state of Nevada for soliciting prostitution; the distinction is, someone who engages in prostitution is offering sexual services for money or a thing of value, and a person who is soliciting prostitution is paying money or offering a thing of value for sexual services. In other words, we were not able to separate out customers and sellers when we were looking backwards at data.

This is a very simple fix, a very easy way for us to start gathering that data by bifurcating the statute and creating two separate statutes: one for buyers and one for sellers. If you are arrested pursuant to what will be the new section of *Nevada Revised Statutes* (NRS) Chapter 201, we know that you were arrested for being accused of selling sex; and if you were arrested under what still remains as NRS 201.354, you were arrested for being a customer of prostitution. That should help us to get a better handle on the problem that we are facing, as well as to understand law enforcement's response to it. It does not change any of the definitions of prostitution. It does not change any of the penalties. It does not change which acts would be considered criminal and which acts would not. It simply provides us with a different statute number which will mean a different NOC [Nevada Offense Code], which means that we will be able to, retrospectively, better understand what law enforcement has been able to do.

It makes one other small policy change which is that the language that was taken from subsection 3 of NRS 201.354—which was the definition of prostitution for the seller, which is now being made into a section—is also updated so that we use the term "person" instead of the term "prostitute." Where the statute used to read, if a law enforcement officer gives a citation to a "prostitute"; it will now read, if a law enforcement officer issues a citation to a "person" who is violating this subsection of the law. In my conversations on this bill—which as I noted, started out as something very different—all of us agreed that that language was outdated and unnecessary, and in all of our work to combat human trafficking, it was something that we had simply—for lack of a better term—never gotten around to. When this bill became available for that purpose, I thought it was worthwhile to call all of you back in here at 5 p.m. the night before *sine die* to agree and make those changes to the law so that, moving forward, we can get a better handle on sex trafficking in Nevada. I would be happy to answer any questions.

**Chairman Yeager:**

Before I take questions, I will note for the record, there was some discussion before we had this hearing today about one of the provisions in the bill that is not really touched by what this bill seeks to do, but I think it is worthwhile to get it on the record. On page 6 of this bill, in section 5, there is a subsection there that imposes a penalty on somebody, and I think—and legal counsel can confirm—that Senate Bill 275, which I think has passed both houses of the Legislature and is on its way to the Governor, would repeal section 5. I just want to make clear that, even though we see that section 5 language in this bill—assuming the Governor approves S.B. 275, which I believe is on his desk—that that section will be repealed, and having it in this bill does not replace it in any way whatsoever. Are there any questions, Committee members? This may be your last chance to ask questions.

**Assemblywoman Bilbray-Axelrod:**

I am going to try to do the former Speaker Marilyn Kirkpatrick's question. This is a really good bill, right? It is a really good bill.

**Senator Scheible:**

Yes, it is so good this microphone will not even work.

**Assemblywoman Kasama:**

This is a good bill. My question is, under section 4 where you have, "It is unlawful for a customer." I did not see under section 3 where it was defined because I want to make sure that we capture the "person." I am just concerned with "customer." If somebody is just soliciting but they have not paid money yet, we still want to capture them even if there is no exchange of money yet. How do we make sure we capture the buyer in this case by making sure that it is all inclusive under that term?

**Senator Scheible:**

In section 4, all of the subsections utilize the term "person" instead of "customer." The only place where we have replaced "person" with "customer" is in the very first line. I did have a conversation with legal in drafting about that, and it is mostly a stylistic choice, but because the purpose of the bill is to separate out the two statutes, we wanted to make it clear that this statute would become the "customer statute." The purpose is not to develop a definition of a customer that they have paid money or have not paid money, but simply to indicate that it is not a person who is offering sex for a thing of value but somebody who is seeking it.

**Assemblywoman Kasama:**

My concern is that I want to make sure we do capture the person. My concern is, what happens if this is challenged later and somebody says that money was not exchanged so they are no longer a customer, so this section is not valid? That is my concern: just making sure we clearly capture the person.

**Senator Scheible:**

As I read this bill, I am looking at section 4, subsection 2. Subsection 2 and subsection 3 are the ones that actually define the acts that would be considered unlawful. Subsection 2 is soliciting a child or an officer posing as a child. Also, I should note that this chapter is changed by an Assembly bill that you guys heard with a number that I do not remember [Assembly Bill 64]. Subsection 2 and subsection 3 do not say a "customer" who violates these provisions, they say a "person" who violates these provisions.

**Assemblywoman Kasama:**

I do see what you mean. I just really want to make sure that it is captured. I do not know if going back to "person" is better. The legal is not my expertise. I just want to make sure that we capture the person.

**Senator Scheible:**

I would be happy to have legal weigh in if they are interested.

**Chairman Yeager:**

We can go to Mr. Wilkinson. I think he has a thought on this that he can share with the Committee.

**Bradley A. Wilkinson, Committee Counsel:**

In the scope of the crime that is covered, the elements of the crime are not being changed. "Customer" is actually the term that is used in the existing law; if you scroll down through that section, you will see subsection 6, which turns into subsection 5, says a "customer who violates this section." There are other references in NRS to a customer, so we are not changing how the statute applies now in this bill.

**Assemblywoman Kasama:**

I just want to put on the record that we make sure we capture them. Thank you.

**Assemblywoman González:**

You touched on, in the beginning, how this bill has gone through a lot of provisions, and I am a cosponsor of this bill, and I was very excited for the original bill. I was curious what happened from the original bill to this. You are laughing, so I imagine the answer may be a little long. I just want to make sure the intent of the bill is still what you intend the bill to be. I think it is very different from the first bill that I had originally read.

**Senator Scheible:**

I view this bill as laying the groundwork to accomplish some of the goals that were set forth in the original S.B. 164 (R2). Originally, S.B. 164 (R2) would have provided immunity and safe harbor to people who were engaged in sex work in a variety of different situations. The intent of the bill was to ensure that if somebody was being sex trafficked or being trafficked and they were caught up or swept up in an undercover type of operation, that at the very

outset they were never arrested and never entered the criminal justice system. That is, of course, a very long and involved process. It was not as simple as one bill—I think my colleagues behind me will talk about this—and it is not as easy as telling law enforcement officers to not arrest victims because they do not wear scarlet letters on their chest.

Developing a system and developing a tool to identify victims and to do that accurately and to treat them appropriately was going to be a very large undertaking, which is why this bill, also at one point in its metamorphosis, became a study. I was very excited to engage in that study, and I still look forward to working with our partners in law enforcement and with service providers and members of the community on answering those questions, but it turns out that we are restructuring our interim committees this year, and we are not doing interim studies this year. That iteration of the bill also became less tenable.

That was when I considered that I still have this vehicle, and I am not interested in pushing it just to push it, but when we go into the interim, I want to have this conversation, and I do not want to wish we had just done this one thing before we left session so that we could start doing a better job having those conversations. It was talking to law enforcement, talking to survivors of sex trafficking, and talking to people who have been through the justice system who have said that we need the information on who is being arrested, when, and where, and if we cannot figure that out, just based on that code right now—NRS 201.354—what if we just divided it into two separate statutes. I asked my partners in law enforcement about it, and they said, "Sure. No problem." It seemed like a relatively easy way to at least lay the groundwork to get better data and to have the conversation to move towards better protecting victims and ensuring that we are arresting people who are actually committing crimes and not arresting people who are not.

**Assemblywoman González:**

Thank you so much for that explanation. I think a few of us were wondering, so I really appreciate that, and I appreciate the work on this bill. I hope to work with you on that in the interim.

**Assemblywoman Cohen:**

I have a question about data and information that would be helpful, such as wanting to know how many of the buyers are from out of town versus how many are residents. Are we going to be able to get that by doing this? Or is someone, an academic, or someone who works with an organization who helps trafficked victims, actually going to have to comb through arrest record after arrest record to get that and more information?

**Senator Scheible:**

This is not a data collection bill. This does not require law enforcement agencies to collect any data. The answer to your question would depend on the law enforcement agency, and it would depend on the person gathering the data. I imagine that some law enforcement agencies have a database that includes the name, the offense, and where the person lives. Other law enforcement agencies maybe do not. Some might have age and sex in there

as well. The point is that if the very first piece of data—what the offense is—cannot be determined without going into the arrest record, then you are talking about having an academic comb through thousands and thousands of arrest records to figure out if this person was arrested because they were accused of selling or buying. I hope that helps to answer the question.

**Assemblywoman Cohen:**

It does. Thank you.

**Chairman Yeager:**

Do we have additional questions? Assemblyman O'Neill, do you have any questions? I know you were interested in this bill, and we started it without you. I am sorry about that. If you have questions, please go ahead.

**Assemblyman O'Neill:**

I spoke with the Senator just beforehand. I confirmed that our conversation was appropriate, and the change was made.

**Senator Scheible:**

No changes have been made since I walked into this room.

**Assemblyman O'Neill:**

The question that I had that we talked about was in section 2, subsection 1, starting right on line 4, "It is unlawful for a prostitute to engage in prostitution." I had said that is like saying that it is unlawful for a robber to commit a robbery, a murderer to commit a murder, et cetera.

**Senator Scheible:**

I am happy to clarify this a little bit further. Currently in law, the term "prostitute" is a chapter-wide definition, and this bill does not remove the chapter-wide definition because it is utilized in a number of different statutes like our sex trafficking statute and our involuntary servitude statute. We are starting small here, and we are just removing that definition and that terminology from the section, not the chapter. Because we are not removing it from the whole chapter, the legal drafter and I had a conversation about whether or not it made sense to leave the term "prostitute" in the very first line—and this also goes back to Assemblywoman Kasama's question about leaving the word "customer" in the first line of the subsection. We determined that because the chapter-wide definitions were not changing, we were going to leave them in the first two sections to make sure that when you read the chapter as a whole, it is clear that you are talking about the same crimes, but after that one line, the rest of it should appear as "a person" who violates this subsection, et cetera.

**Assemblyman O'Neill:**

That was my main question. Thank you, Chairman. Can I just pontificate for a minute? I have to say, we were doing this back in the 1970s when I was working vice and narcotics, and we did not have great success, but it was a great opportunity. It is like the seashell story; if you just save one, it is worth it. I really do support it. I think this is a great bill, and I thank you for bringing it forward.

**Chairman Yeager:**

Are there other questions from Committee members? This might be the last chance you have to ask Chair Scheible a question.

**Assemblywoman Summers-Armstrong:**

Just so I am clear, the whole purpose, at this point, is just to divide this chapter and have two separate charges: one for the customer and one for the seller. There is no data collection yet, but we are hopeful. That is all I needed to know. Thank you.

**Senator Scheible:**

I was nodding my head because that is correct.

**Chairman Yeager:**

Last call for questions. I hear there is a hockey game going on. Just so you know, it is not going well for our guys either, at the moment. I do not see further questions. Chair Scheible, thank you for presenting. I will ask you to sit tight for a moment, and we will take some testimony on the bill, and then we will have a chance for wrap-up testimony. At this time, I will open up for testimony in support of S.B. 164 (R2).

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

We are in support of the bill.

**Chairman Yeager:**

That is how it is done on Day 119. Thank you, Mr. Callaway.

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

I am here in support of the bill. We want to thank Senator Scheible for being a champion of this effort and working with us diligently throughout the process. To put some of the Committee members' minds at ease, our NIBRS [National Incident-Based Reporting System] data and our teams that are currently working in the human exploitation and trafficking realm are really taking the statistical data, so you guys will have that data. This will just help in that effort.



**John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:**

Ditto.

**Chairman Yeager:**

We are still taking testimony here in support. I see Ms. Bertschy coming forward. Mr. Piro, I feel like we need entrance music for you with that entrance. The seat opened up, and then you came into the room. Welcome to the two of you. Please go ahead.

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

I just want to echo my support. I really look forward to continuing the hard work that Senator Scheible has started on this issue, and hopefully we can come back next session with some additional bills regarding this very important topic.

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

We think this is a very important measure. I think you have heard throughout the session that Nevada is one of the worst states when it comes to human trafficking, which is a serious problem. There are some studies that need to be done, and we thank Senator Scheible for bringing this issue up. We also are imploring her as well, because there are sex workers who do want to be part of the discussion, to include them in the discussion on this bill, so when we are thinking about measures that come before this body next session, everybody is included in that discussion.

**Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics:**

Today, I am happy to offer support on behalf of the Nevada AAP [American Academy of Pediatrics] for S.B. 164 (R2). Ditto.

[[Exhibit C](#) was submitted but not mentioned.]

**Chairman Yeager:**

I will close testimony in support. We will go to opposition. [There was none.] I will close opposition. Are there any neutral callers on the telephone? [There were none.] I will close neutral testimony. Chair Scheible, now is your time for concluding remarks.

**Senator Scheible:**

I considered coming up in public comment instead, but I thought I would use a personal privilege to thank you all so much for your indulgence and allowing me to present to your Committee so many times. In the Senate, I obviously Chair the Judiciary Committee, and I sit on our Natural Resources Committee, but I think I may have attended more Assembly Judiciary Committee meetings than Senate Natural Resources. Thank you all for being so

welcoming and working with me throughout this year. I look forward to working with all of you in the interim and in the years to come on all of the important issues that we have discussed. Thank you, Chairman Yeager, my Assemblyman, for chairing such a fantastic Committee that does the great work for the people of the state of Nevada. Please do pass S.B. 164 (R2).

**Chairman Yeager:**

Thank you, Chair Scheible. I appreciate your flexibility today. We will close the hearing on S.B. 164 (R2). How do we feel about a work session, Committee?

We are in work session. First, are there any questions on S.B. 164 (R2)? [There were none.]

ASSEMBLYWOMAN NGUYEN MADE A MOTION TO DO PASS  
SENATE BILL 164 (2ND REPRINT).

ASSEMBLYWOMAN MARZOLA SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

Congratulations, Chair Scheible. This bill should hit the floor here this evening. Enjoy the rest of your day. Committee, we still have public comment. We are going to move to public comment.

**Annemarie Grant, Private Citizen, Quincy, Massachusetts:**

I am the sister of Thomas Purdy who was murdered by Reno Police and Washoe County Sheriff's Office during a mental health crisis. I just want to thank all the members of the Committee for their hard work, and police reform does not end when the session ends. There are people out here like my family who are counting on you to continue your efforts for change, and I appreciate your efforts this session. Thank you.

**Chairman Yeager:**

I will close public comment. There is an agenda for tomorrow. I do not know if we are going to have a meeting. Stay tuned.

For now, I want to thank all of you for your hard work. I want to thank our staff for their hard work. As we move into tomorrow—which you all know is Memorial Day—I would just ask that as we do our work here, we think about those who have been lost serving our country and their family members and hold them in high regards, as we are able to do this work in the Legislature because of people like them who have fought to defend our way of life and our freedoms in this country. As we go into tomorrow, I would ask you to keep them in your thoughts and prayers. We may see you tomorrow in this Committee, we may not.

Nonetheless, we are going to see a lot of each other on the floor in the next 24 hours or so, and until then, I hope you all have a great night and a great day tomorrow. This meeting is adjourned [at 5:56 p.m.].

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Committee Secretary

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Kalin Ingstad  
Transcribing Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a letter dated May 30, 2021, submitted by Leann McAllister, Executive Director, Nevada Chapter, American Academy of Pediatrics, in support of Senate Bill 164 (2nd Reprint).