

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

**Eighty-First Session
March 3, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:04 a.m. on Wednesday, March 3, 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 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:

Assemblywoman Sarah Peters, Assembly District No. 24
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Ashlee Kalina, Assistant Committee Policy Analyst
Bonnie Borda Hoffecker, Committee Manager
Kalin Ingstad, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

William Adler, representing Scientists for Consumer Safety
Tyler Klimas, Executive Director, Nevada Cannabis Compliance Board, Department of Taxation
Bruce Burnett, Co-Owner, Ace Analytical Laboratory, Las Vegas, Nevada
A'Esha Goins, Founder, Black Joy Consulting and Cannabis Equity and Inclusion Community
Carmen F. Jones, M.D., Member, Cannabis Equity and Inclusion Community
Anthony F. Harris, Founder and Senior Pastor, The Power Center Church, Las Vegas, Nevada
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
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice
Monique S. Jammer, Member, Racial Justice Committee, Las Vegas Chapter of the National Bar Association
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office
Tonja Brown, Private Citizen, Carson City, Nevada
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association
Madisen Saglibene, Executive Director, Nevada National Organization for the Reform of Marijuana Laws
Arielle Edwards, Government Affairs Specialist, City of North Las Vegas
Jagada Chambers, Private Citizen, Las Vegas, Nevada
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Liz Davenport, Legislative Aide, American Civil Liberties Union of Nevada
Annette Magnus, Executive Director, Battle Born Progress
Annemarie Grant, Private Citizen, Quincy, Massachusetts
Jared Luke, Government Affairs Director, City of North Las Vegas
Marjorie Malleck, Private Citizen, Las Vegas, Nevada
Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County

Chairman Yeager:

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

We are going to take the bills slightly out of order. We will start with Assembly Bill 149, then we will go to Assembly Bill 158, and finish with Assembly Bill 157. We will swap the second and third bills on the agenda, in terms of order.

At this time, I am going to open up the hearing on Assembly Bill 149. Assembly Bill 149 enacts provisions relating to cannabis independent testing laboratories. There is an amendment that you should be able to find on the Nevada Electronic Legislative Information System that makes some pretty substantial changes to the original bill. I imagine we will probably be working off of that amendment this morning.

I want to welcome back to the Assembly Judiciary Committee, Assemblywoman Sarah Peters. We miss you on the Committee, and we are glad you are here to present this morning. I believe joining her is Mr. Will Adler, and I believe we may have individuals from the Cannabis Compliance Board, who may be presenting testimony or may just be here to answer questions. Assemblywoman Peters, welcome back to the Committee, and please proceed when you are ready.

Assembly Bill 149: Enacts provisions relating to cannabis independent testing laboratories. (BDR 56-693)

Assemblywoman Sarah Peters, Assembly District No. 24:

Thank you for hearing Assembly Bill 149 today, which is related to cannabis industry laboratory data, public transparency, and reporting. I want to bring your attention to the submitted draft proposed amendment, as this is what we will be speaking to today [[Exhibit C](#)].

The purpose of A.B. 149 is to increase transparency for consumers of cannabis products in Nevada. The Cannabis Compliance Board (CCB) has the authority to develop and publish data collected via the seed to sale program, known as Metrc. Laboratory data is one of the most important subsets of data available through the Metrc program. Laboratory data tells us the level of THC in each batch of tested product, as well as any potential contaminants such as mold or toxins and is used to ensure consumer safety. Since the inception of the medical and recreational use regulations, the respective regulatory and compliance agencies have set standards for consumer cannabis products which are verified through licensed, independent laboratories. The results of these laboratory tests are available upon request by the consumer; however, there is no way to receive a complete data set of laboratory analysis of product from producers that is readily available and accessible by the public.

You all know I love data. I am a data nerd and can take raw data and make it statistically significant, run trend analysis, and describe those things in a report. I do also realize that raw data is the most important information if it is analyzed appropriately. I also realize that my ability to do this is a specialization of my lifetime in science, and these data results and trends

should be readily accessible to the public for the sake of transparency and accountability, necessitated by the privileged nature of this industry. I believe, in this body, we are just starting to scratch the surface of the value of data and the stories it can tell us. In this industry, accessing the data can safeguard consumers from inadvertently consuming product that they may not want to consume. It can also tell stories about producer practices, such as shopping for results, and inconsistencies in laboratory results can expose dangerous practices of analytical manipulation that put the public in potential harm.

In the amendment, section 2 is omitted based on the regulatory authority of the CCB and the legal nature of debt collection. Section 3 is modified, proposing a database be developed that contains all laboratory information related to cannabis products sold in the state of Nevada. The amendment revises this section to ensure that the database of laboratory data is available to the public in a readily accessible format and requires that a biennial report be submitted to the Legislature describing the laboratory data and any pertinent analysis that was conducted on the data and how it was used by the CCB for the public. I have Will Adler on, as well, to talk a little bit about the laboratory side of why this is so important.

Chairman Yeager:

Thank you, Assemblywoman Peters. Mr. Adler, welcome back to the Assembly Judiciary Committee. I think this is the first time we have had you here this session. It is good to see you, and please proceed with your remarks.

William Adler, representing Scientists for Consumer Safety:

Assembly Bill 149, as Assemblywoman Peters so eloquently put, needs a full rewrite in this amendment but in a good way. We decided with the CCB that the first section 2 was not going to be in the interest of the CCB to do because they are not a judiciary body, nor are they a civil court. We had some back and forth with the CCB about that, and we came to an understanding that the core of this issue is getting the data and getting it to the public in some way that uses the data that Nevada already pays for. Scientists for Consumer Safety is a laboratory-based cannabis testing group. Essentially, our whole scope—and in the name of our group—is trying to keep the consumers safe in Nevada. Anything we can do to promote the transparency of the data and the tests done on the cannabis is something we support. We thank Assemblywoman Peters for bringing this forward, and we hope you all have a good rest of the session in the Assembly Committee on Judiciary. Ask any questions you have.

Chairman Yeager:

Assemblywoman Peters, would you like anyone else to provide comments, or are you ready for questions?

Assemblywoman Peters:

I believe the CCB is here to answer any questions specific to their activities related to this bill. I am open to questions.

Chairman Yeager:

Before I go to members, one question that I had—I am not sure if it would be best addressed by you or by the CCB—but I just wondered if there was a vision about what this electronic database would look like, where it would be housed, and if it is going to be accessible on the Internet—just those kinds of details to the extent that we might have them at this point.

Assemblywoman Peters:

I have an idea of what I would like to see it look like, based on what is usable for me in the scope of the work that I do in my professional life. I am going to divert the question to the CCB, if they would not mind responding about what this might look like.

Tyler Klimas, Executive Director, Nevada Cannabis Compliance Board, Department of Taxation:

If this bill was to go forward, and the Board was to develop a database, the ideal spot would probably be on the CCB website, where we currently have a statistics page. We have a lot of other data, including owner, officer, and board member information on our website. I would assume that would be an ideal place for this database to be housed.

Assemblywoman González:

I was wondering if lab fraud is still an issue in the state and if the data for that was published or still needs to be published.

Assemblywoman Peters:

There has been some recent activity related to this. I would, again, request that the CCB speak a little bit to the most recent activities related to laboratory fraud.

Tyler Klimas:

If I could have a laboratory division within the CCB, I would, and hopefully I will at some point. We know there are issues with labs. We just finished a 14-month investigation into a lab. A lot of our actions have been very public because a lot of them have to do with public health and safety advisories that we issue. I believe we are making progress, and there is a lot of progress to be made. We have a lot of great inspectors on our team. Hopefully, we get to build out that team. It is a major component of this industry. We consider laboratories the gatekeeper of the industry. It is integral for keeping consumers in Nevada safe with the product.

Assemblywoman Peters:

I want to emphasize the importance of the value of the data that comes out of our laboratories. If it is not held in the kind of integrity it should be, the potential for harm can be so great. There is a lot of power wielded in that data. It is important that the public, as well as regulators, be allowed to hold those data to the highest standard of accuracy and applicability to the industry.

Assemblyman O'Neill:

Mr. Klimas, you said that the labs are the gatekeepers of the industry. I was recently reading an article from the *Las Vegas Review-Journal* about how the labs are operating without any controls or supervision. You have one lab, Cannex Nevada [now LettuceTest LLC], and their license has been suspended. They have multiple violations now, and they are still operating. If the gatekeepers are not being supervised, what happens to the rest of the program?

Tyler Klimas:

They are the gatekeepers, which is why it is so important that they are regulated and that we have enforcement capability and move forward with enforcement actions. These inspections and investigations are unlike other establishments because they are so complicated. We are dealing with operating procedures, and it is very scientific. We just took action against a lab, and it took 14 months to complete that investigation. We are talking about 6,000 documents as part of that. If I could have a lab division, I would, but that does not help us or answer your question any better.

You are absolutely right. It is an issue that is top of mind for the agency. We do have a great, small team of three lab inspectors. They are very technical and some of the best in the nation. We use data to look at trends in the industry, especially with labs, and there are issues like THC inflation; there is lab shopping and passing product when it should fail. It is a very serious issue. We take it very seriously. It is highly technical. That is the nature of the labs. Hopefully, we can continue to expand as the CCB on that aspect in the industry.

Assemblywoman Peters:

One of the capacity-building components of this database would be to automate some of that technical analysis that is done currently by individuals of the CCB. You can run an algorithm that will do an automated statistical analysis to identify anomalies that will allow, proactively, the CCB to identify potential failures in the laboratory analysis process. That is a huge advantage for a small entity who may not have the capacity to address all the data that is available, which is a huge quantity of data, by the way. I think, ultimately, the adoption and development of this is such a strategic tool for the CCB to be on top of their compliance efforts for the laboratories.

Assemblyman O'Neill:

Assemblywoman Peters, I agree with you. I think collecting the data, having the data public, and being able to run the algorithms that give you indications, I am all for it. I believe in strong supervision, and when the Legislature passed the cannabis laws, it was said they would be the premier in the country, with strong enforcement. Mr. Klimas, I want to tell you to shut a couple of those labs down, take their licenses, close them, and you will see the rest of them starting to comply with you much better.

Assemblywoman Hansen:

I think most of my questions were answered in the last segment. To clarify, with the amendment, section 3 is essentially what the bill will be now. Is that correct?

Assemblywoman Peters:

That is correct.

Assemblywoman Hansen:

The CCB is the one who regulates the laboratories. Is that correct?

Assemblywoman Peters:

That is correct.

Assemblywoman Hansen:

I am just trying to clarify to make sure I am getting it all straight. With the bill, you are looking to use the data in this database to accomplish several things. Could you give us a real-life scenario that might exist right now? If this bill were to pass, what would it address? What is a current problem we have right now that the database will address to provide the information to the public? Maybe tell us what we are going to see if we go to the CCB website and access the database. For lay people looking into it, what are we going to be able to understand that you are able to address that maybe we are not now?

Assemblywoman Peters:

Thank you for that clarifying question. I think it is really important to understand how public access to data can be used to keep ourselves safe. One of the examples I am going to suggest is the nutrition facts information on our food products that helps us understand what it is we are consuming. Similarly, having access to the analytical data of cannabis products will give us an idea of what it is that we are consuming. Additionally, for folks who are more interested in the regulatory side or the laboratory analytical side, they could look up trends in the THC amounts in the products they are consuming. They could pull the data in different ways, either from the producer or from that specific product, depending on how the build-out goes, and look at how the THC concentrations have changed. You could also pull any analysis that was done on a specific product batch, which could be from a couple of different entities, and see if those entities have shown different concentrations, in which case, that self-polices the producers and allows the public to call out inconsistencies in laboratory analysis. I think that is more of a tool for the CCB, but also for novice, data-interested people in the cannabis world. I think it is an important piece to be able to see.

Additionally, it holds laboratories and producers accountable for their products. If they are saying that a cannabis product has so much THC in it or other compounds, they can look to ensure that there is consistency in those batches, and there is not the potential for manipulation of that data or inconsistencies in what they are consuming. I think that piece is particularly important for folks who are using cannabis for medical treatment. You want to see some consistency in what you are ingesting for those treatment needs.

William Adler:

A real-time example of that data bank usefulness for having this data in a published format would be Metrc, which is a seed to sale tracking data bank that already exists and that we already see our own data for. If you are a cultivator, a lab, or a dispensary, you can see

everything you have done in Metrc and all your own data. As a laboratory, we can see every test we have done for all our customers. A real-time example where this would be useful is new customers do come in frequently, and they come in with some expectations sometimes, and they do represent themselves as the cleanest cultivator ever, coming to you as a new lab to set up a new business. Sometimes, that cultivator has actually been failing, continuously for the last three months, every product they are trying to test. But they will go to a new lab and say they are a clean cultivator; then we start failing them, and it becomes this conflict where the cultivator claims they are a clean cultivator and there must be something wrong with the laboratory. If we could see the historic data and pull up some sort of indication of where they were historically, we could defend ourselves and say that the science is sound, but it might be the historic data we are seeing here that has continued with these tests today.

Assemblywoman Hansen:

I have not purchased any recently. Is there an informational sticker on the products when you buy them to tell you what is in it? I know you mentioned, Assemblywoman Peters, that you can go to the website and check what the ingredients are, but is that already on the product?

Assemblywoman Peters:

Yes, they do already have that on the product.

Chairman Yeager:

Are there other questions? [There were none.] Assemblywoman Peters and Mr. Adler, I appreciate your presenting. If you could stand by for a moment, we will take some testimony, and then we will come back to you for any wrap-up or concluding remarks on the bill. I am going to open it up for testimony in support for A.B. 149.

Bruce Burnett, Co-Owner, Ace Analytical Laboratory, Las Vegas, Nevada:

I wish to thank Chairman Yeager and the Committee members for allowing me the opportunity to comment in support of A.B. 149. I believe data transparency will benefit the cannabis laboratory, the consumers, and the state. The intent of the bill is simple and straightforward and I believe will be successful in its intent, which is to foster responsible behavior in Nevada's cannabis industry. Metrc, the seed to sale tracking software mandated by the state, already contains all the necessary data. Making this data public in a searchable database will allow any fraud to be ferreted out.

Since the inception of Nevada's cannabis program, there have been numerous news reports, locally and nationally, of significant fraudulent results associated with lab testing in Nevada. A number of these have resulted in product recalls and charges leveled against the offending laboratories. Several laboratories have had their licenses suspended more than once after being charged by the state with serious violations, including producing fraudulent test results. It is an open secret in the cannabis industry that certain laboratories will provide inflated

THC levels and passing results to failing products for certain cultivators and producers. This unscrupulous behavior has gone on far too long and must be stopped. It endangers and defrauds the consumer and makes a mockery of the hard work the Legislature has done in crafting the program in Nevada.

Nevada's cannabis testing program should and can be the gold standard of the industry. What is necessary to accomplish this is appropriate enforcement. The key to enforcement is knowing who is violating the law. Prior statistical analysis of the testing data clearly identified a lab that has recently been charged with over 12,000 violations and is still open today. Other laboratories were statistically clustered next to that laboratory that has been charged, and likewise warrant serious scrutiny. The Metrc database already exists and simply needs to be made available for statistical analysis. Making the historic Metrc data available with continuous updates is all that is needed. Members of the industry, interested reporters, and interested consuming public will readily, and at no cost to the state, perform the analysis, which the state can verify and use to target their investigations. This will allow the state to focus their precious time in human resources, where it is needed, to clean up the industry and achieve the integrity and vision of the legislators when they enacted the Nevada adult-use cannabis program.

We wholeheartedly support A.B. 149 and ask for the Committee's support. We believe it will be an extremely efficient and effective method of achieving major improvements in the integrity and safety of Nevada's cannabis industry. Honest and efficient laboratories, cultivators, and producers will benefit while providing the consumer with safe, accurately labeled cannabis. This is essential for the long-term success of Nevada's cannabis program. Thank you for allowing me the opportunity to speak today. I thank you in advance for your support for this essential piece of legislation.

Chairman Yeager:

Is there anyone else who would like to give supportive testimony? [There was no one.] I will close testimony in support. I will open testimony in opposition. [There was none.] I will close opposition testimony. I will open neutral testimony. [There was none.] I will close neutral testimony. I will give Assemblywoman Peters and Mr. Adler a chance to make any concluding remarks on A.B. 149.

Assemblywoman Peters:

I want to thank the Committee for considering this piece of legislation and for entertaining and understanding that this data and its value is so imperative to the success of the cannabis industry and market and for the safety of consumers. Thank you so much for your time today. Please do not hesitate to reach out if you have any additional questions.

William Adler:

Thank you for the time, and I appreciate you hearing this bill today.

Chairman Yeager:

I will close the hearing on A.B. 149.

I will now go to our third bill on the agenda. I will open the hearing on Assembly Bill 158. Assembly Bill 158 revises the penalties for certain offenses involving alcohol or cannabis. I will alert you that there are two amendments to the bill on the Nevada Electronic Legislative Information System that overlay one on top of the other. I believe we will be working off of those in some fashion today. I want to welcome to the Committee our own Assemblywoman Daniele Monroe-Moreno. She is joined by a few others who are on the Zoom with us, as well. I will give them a chance to present the bill. Assemblywoman, I will let you determine what order you would like to go in as far as presentation. I am sure we will have some questions, and then we will go to testimony. Please proceed when you are ready.

Assembly Bill 158: Revises the penalties for certain offenses involving alcohol or cannabis. (BDR 15-360)

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1:

I am here today to present, for your consideration, Assembly Bill 158, which addresses the penalties for youth cannabis and alcohol purchase, consumption, and possession. I bring this bill to you at the request of a community member and an activist, who has seen, as I have seen, far too many young people—especially Black and Brown youth in our communities—receiving a criminal record long before they even get their first job.

On November 8, 2016, Nevada residents voted and passed Question 2 on the ballot, making recreational marijuana officially legal, up to 1 ounce, for persons 21 years and older, and medical marijuana legal for persons 18 years and older. As a legislative body, we have worked hard to create legislation to reflect the changes in our laws following the passing of Question 2, as it pertains to adults. However, for our youth, our statutes have not yet changed. Currently, those found in possession of 1 ounce or less of marijuana or in possession of alcohol face a possible criminal misdemeanor offense, which is punishable by imprisonment for not more than 6 months or by a fine of no more than \$1,000 or both.

It is the bill requester's and this sponsor's intent to revise the penalties for these offenses, such that would provide graduated penalties targeted to address the conduct while ensuring that we are not interjecting children into the criminal justice system cycle. The language of A.B. 158, as introduced, did not meet the original intent that we had hoped. There has been a collective effort to make the necessary language corrections, and I would like to thank the bill requester, the public defender's office, the district attorney's office, and the community stakeholders, who have worked to amend the language to meet the original intent.

Joining me here today is Ms. A'Esha Goins with Black Joy Consulting, to explain the reasons why and the intention of the bill; and Ms. Kendra Bertschy, Washoe County's deputy public defender, who will walk you through the bill's conceptual amendments. With your permission, Mr. Chairman, I would like to turn the presentation over to them, starting with Ms. A'Esha Goins, and she will have medical professionals testifying with her on the importance of this bill.

Chairman Yeager:

Thank you, Assemblywoman Monroe-Moreno. I know you have your own duties today, as far as chairing subcommittees. Do not feel obligated to stay with us for the bill hearing. I know you have some other folks who are more than capable of presenting the bill. Members, if the Assemblywoman has to drop off, that is because she is doing multiple jobs today.

Welcome, Ms. Goins, to the Assembly Judiciary Committee. I think this is the first time we have had you this session. We will give you a chance to make your remarks, then we will go to the next presenter. Please proceed.

A'Esha Goins, Founder, Black Joy Consulting and Cannabis Equity and Inclusion Community:

I am driving on Interstate 15, headed to California for some much-needed rest, enjoying the sunshine, thinking about what we were able to accomplish in the 80th Legislative Session, excited about the folks who would be able to have their records sealed because of Assemblyman William McCurdy's bill, Assembly Bill 192 of the 80th Session, and the thousands of folks who would have their citizenship restored because of Speaker Jason Frierson's bill, Assembly Bill 431 of the 80th Session. I felt accomplished and proud of the Legislature and the state where I serve. I knew those bills would mean more work for the summer, but who cares, because I am about that work. Fast-forward to May 25, 2020, and we have all been quarantined for a little over 60 days. Like the rest of the world, I have time to watch social media. I am scrolling on Facebook, and I can see and feel the anger and the horror of my community. There is a video clip of an officer kneeling on an unarmed Black man. For 8 minutes and 46 seconds this man asked, begged, and pleaded for his life. At one point, you can hear him calling for his mother, who had preceded him in death. George Floyd's last 8 minutes and 46 seconds will replay in my mind for the rest of my life. As I have thought about this, I started thinking about all the Black juveniles in the current system; a system that is rooted in racism that Black people face every day. When I close my eyes at night, I can hear those juveniles' unanswered cries for their mothers. Who will answer them?

The Cannabis Equity and Inclusion Community (CEIC) and I did not want another Black man's death to be in vain. The uprising was a battle cry for those who love policy work—the organ I knew we needed to answer the call for our community. It was past time for reform. On August 5, 2020, in the 31st Special Legislative Session, the Assembly and the State unanimously passed Senate Concurrent Resolution 1 of the 32nd Special Session, a proclamation that declared racism as a public health crisis. The first couple of paragraphs of that reads,

Whereas, As stated by Maya Angelou: "Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible;" and Whereas, Systemic racism and structures of racial discrimination create generational poverty, and perpetuate debilitating economic, educational and health hardships and disproportionately affect people of color, causing the single most profound economic and social challenge facing Nevada.

Those first two paragraphs are the reason why I called Assemblywoman Monroe-Moreno about A.B. 158.

The 2019 Clark County Department of Juvenile Justice Services *Statistical Report* stated that possession of marijuana was the number two most referred offense to the juvenile court system, battery being number one. The report also said that 1,009 youths have been referred for possession of marijuana. Of those 1,009 youths, 459 of those were Black and Hispanic. The intent of A.B. 158 is to ensure fairness and equality in the justice system as it relates to possession of alcohol, tobacco, and cannabis in juvenile persons under 21 years of age; to offer a second chance to those folks who may have made a bad decision or may be in bad company; to answer those cries of those young persons who are in the juvenile system, that you may go home. I spoke to the Committee, and I was asked to have two representing people to talk on this. One of the Assemblymen asked me for a doctor, so I have a pediatrician, Dr. Carmen Jones, on the line. Someone else asked me for a licensed, certified caseworker and a licensed drug and alcohol counselor, and Mr. Anthony Harris represents both of those.

Chairman Yeager:

Thank you, Ms. Goins. I appreciate your remarks. We will take it in that order. I think we have both of them on Zoom with us. We will go to Dr. Jones first and then Mr. Harris. Dr. Jones, please go ahead.

Carmen F. Jones, M.D., Member, Cannabis Equity and Inclusion Community:

I am here as a core member of CEIC, in support of A.B. 158. I am a formally trained pediatrician, nearing 30 years as a physician. I have worked in almost all sectors of my field. This includes practices in the private and public sector, in the inner city, suburban, rural, and hospital settings. Notably, I spent three years with the foster care system in Chicago, Illinois, and four years at Child Haven in Clark County. I was also the medical director for Huntridge Family Clinic in Las Vegas, Nevada, for seven years. Currently, I am practicing cannabis medicine and am pursuing a formal certification in this area so that I may be known as an endocannabinologist.

Let me begin by saying, in no way am I here today to promote the use of cannabis or any other adult-use or mind-altering substance, legal or illegal. My concern today, and the reason for my appearance, is that there are children, albeit adolescents up to 21 years old, being held in detention after a single incident of cannabis possession. While I understand that laws are made for a reason, I am concerned that there is inequity in how the current law is applied. We now understand, after statistics have been tabulated, and as stated previously, Black and Brown youth are three to four times as likely to be referred to detention than their white counterparts. I do not believe that those offenders, of any color, should be referred to detention; however, whether it be a child, adolescent, or even an adult, being reprimanded into a holding facility is traumatic.

I am certain that each of us here has an acquaintance, a family member, or perhaps even a personal experience with having been detained, at least once. If you have ever listened to the account of that person, you know, even if for the shortest amount of time, the entire experience suffered was traumatic. Now, imagine that person to be a child. Imagine that being a disenfranchised youth. Imagine that being a privileged adolescent, or even a well-to-do adult. As you know, logically speaking, each brain would process that experience differently. However, even the most able adult will have suffered some sort of trauma having undergone that indignity. I hope that you will consider the type of harm inflicted on these individuals. This includes everything from sheer embarrassment to serious and sustained trauma. This can include loss of potential financial gains at employment, additional insecurities within the home, mental instability, anxiety, depression, initiation of or continued drug use, and the revolving door of recidivism.

While I appreciate the fact that these laws are considered to deter certain behaviors, I will submit that they are not being applied equally. As I understand it, a child or a youth who is caught with tobacco or alcohol is typically reprimanded but not detained. I believe cannabis violations should be treated the same way. In Nevada, because cannabis is as available, in terms of its use, as is tobacco and alcohol, it should be punished more equitably. Children and adolescents should not be referred to a detention facility and certainly not for a first offense. If the youth continues to get in trouble and has repeated offenses, I submit to you that it is because the youth most likely has a problem. The nature of this problem should be examined and evaluated; however, I disagree that it should be in the form of a drug or rehab facility, as you would not do that for a child violating the law with tobacco. I submit, as well, that a child or youth who continues this behavior may be better served by undergoing a psychological evaluation from a professional. As one of my senior colleagues who has been practicing medicine for well over 50 years stated—and I agree—any child who repeatedly uses cannabis, despite the consequences, either has attention deficit hyperactivity disorder or post-traumatic stress disorder that has been undiagnosed until proven otherwise. I am well aware that this is a belief that has not been studied; however, I am also well aware that very few of my colleagues in pediatrics have extensive training or experience in cannabis medicine. It is because of that that I am here today on behalf of children and youth for which I continue to fight, as I have done for the last 30-plus years. Thank you for your attention this morning.

Anthony F. Harris, Founder and Senior Pastor, The Power Center Church, Las Vegas, Nevada:

I am the founder and senior pastor of The Power Center Church in Las Vegas, Nevada, and a licensed clinical social worker and licensed alcohol and drug counselor, also here in the great state of Nevada; I am also a born-and-raised native of Las Vegas and a former five-year resident of Reno, Nevada.

I am here to testify in support of revising the penalties for certain offenses involving alcohol and cannabis in A.B. 158. It is my professional opinion that the existing law punishing young people under the age of 21 for misdemeanor substance use offenses with imprisonment of up to 6 months and up to a \$1,000 fine, or even both, is excessive and

counterproductive to the development of these young people and to the Nevada communities, as a whole. By modifying this law, several outcomes could result:

- A reduction of the school-to-prison pipeline for many of our Nevada children and teens, which adversely affects more minorities;
- A reduction of minority youth in jail for minor substance abuse infractions;
- A reduction in the crime rate in Nevada;
- Our young people would get the help that they actually need for substance addiction or for co-occurring disorders; and
- Maybe even fiscal responsibility would result, as treatment is more cost-effective than incarceration.

Several other benefits can also be named. As a pastor, community worker, and therapist, I have worked with many young people throughout the years who have made poor decisions concerning substance use and/or possession of substances that have caused their futures to be in jeopardy. By changing these penalties to assistance, it will give those who truly have a problem with substance use the opportunity to make things right within their lives, provide them the help that they need, and give them a chance to succeed. In my closing, it is my professional opinion that amending this law would benefit Nevada communities as a whole, more than if the penalties of this current bill remain the same. Therefore, I am in support of the revision of A.B. 158. Thank you for this opportunity to speak to you, and may God bless you all.

Chairman Yeager:

I believe next we have Ms. Bertschy, and I see Mr. Piro is on, as well. I assume that you two are going to take us through the amendments to the bill and talk a little more about the nuts and bolts of how it would work. After they are done, we will have a chance to ask questions. Ms. Bertschy, please go ahead.

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

The intention of the conceptual amendment is to assure that our criminal sanctions are proportional to the offense committed and to promote equity in our justice system [[Exhibit D](#)]. The first amendment amends the statutes penalizing individuals aged 18 to 21 for using marijuana and alcohol. This statute does not apply to adults 21 years of age and older. The conceptual amendment lays out the penalties for violating those statutes based on the number of times an individual commits that offense. In drafting the amendment, the goals were to ensure that there is punishment, because the individual did violate the law, but also to not inject that person into the criminal justice system.

We received a suggestion from the Nevada District Attorneys Association that we agree with. Some language will be forthcoming. We are still in discussion with them as to exactly what the punishment shall be, but instead of having graduated sanctions based on the number of offenses, there will be one uniform punishment. It could be, as set forth in amendment 1, for section 1, subsection 1(a), a requirement of community service [page 1, [Exhibit D](#)].

In subsection 1(b), we added a victim impact panel, which is a community-based meeting for victims and witnesses to describe their experiences that they or their loved ones had to endure due to the actions of drivers who are under the influence of a controlled substance; or having some other form of counseling as being a requirement. However, we do agree, and it is my understanding that the district attorney's office is supporting this as well, specifically with subsection 1(d), for anytime someone between the ages of 18 and 21 years old commits one of these offenses, there will be a process where the court will automatically seal their record. This is, arguably, the most important portion of this subsection because it will ensure that for misdemeanor offenses, they will all be sealed so that it will not show up on someone's record and will provide a second chance for those individuals.

For amendment 2 of the conceptual amendment [page 1, 2], these are the changes for what is needed in order for it to apply to juveniles, all those under the age of 18. In discussions regarding this section, it became extremely apparent that there is no uniform standard for how these offenses are being treated across Nevada. For example, Washoe County and Clark County are currently providing completely different sanctions, in part due to the different resources being available in Clark County that do not exist in Washoe County. We are trying to combine the conceptual amendment that was provided by the district attorney's office to incorporate provisions of that that work across the state of Nevada, just to ensure that there is equity. What we have heard from some of the opposition is that they really want to codify resource programs that unfortunately only exist in one portion of the state. In that subsection, there is an amendment to *Nevada Revised Statutes* (NRS) 62B.320, subsection 1 and NRS 62B.330, subsection 2(a). Those are primarily jurisdictional changes.

Every crime is a delinquent act when it is committed by a juvenile, anyone under the age of 18. We are just bringing this in line with alcohol and marijuana offenses with the behaviors that are called status offenses, where it is not a crime but it is an offense due to the age of the offender. For example, a status offense would be smoking cigarettes; it is not a crime for adults, but it is for children. If you look at the district attorney's amendment [[Exhibit E](#)], it references "CHINS". That is a civil proceeding, used by the juvenile court to get a child to conform his or her behaviors to certain rules. "Child in need of services" is what CHINS stands for.

The last portion of the conceptual amendment [page 2, [Exhibit D](#)] creates a new section that would address how to sanction minors who use marijuana or alcohol. We have created NRS 62C.080, and it lays out how those offenses should be treated. The first three subsections mirror the language from statutes for other status offenses, specifically the use of tobacco. Since this is a similar offense, the framework should remain the same. In the proposed amendment from the district attorney's office, we will combine it with their suggestion to ensure that there is the requirement that a parent or guardian be notified. We agree with that suggestion.

Subsection 4 sets out the penalty or sanction for the violation. Paragraph (a) is for a first offense. It allows for these charges to be treated informally and by completing a term of community service. When it is handled informally, that means there is not a petition filed by

the district attorney and it can be handled without it going on the child's record. For a second offense, it can also be conducted informally and has the requirement of community service, as well as the requirement of a substance abuse evaluation, as recommended by Dr. Jones. For a third offense, it would allow for the district attorney to handle this formally or informally. We increase the term of community service, and it also includes the requirement for an evaluation. As I indicated, we are still in discussion with how exactly to phrase this so that it does work throughout the state of Nevada. I appreciate the district attorney's office with their suggestions, and we look forward to working with them to ensure that we do provide a system that will work for everyone.

These graduated sanctions take into account that perhaps a child, for a first offense, just made a small mistake and does not need to be involved in the system; but if they continue on in that process, then more may need to be done to ensure that the conduct does not continue. I want to thank Assemblywoman Monroe-Moreno and A'Esha Goins for their hard work on this bill to protect Nevada's youth and to ensure they have a second chance. We are open and available to respond to questions from the Committee.

Chairman Yeager:

I have a couple of clarifying questions. I just want to make sure we have a good record in terms of where we are with the bill. There are two amendments that are on Nevada Electronic Legislative Information System (NELIS): one was provided by the sponsor of the bill, and then we have one from the district attorney's office, which I believe contains the additional language in red, as well as crossing out some of the new green language. I will let the district attorneys speak about their amendment, but if I heard your testimony correctly, with respect to the first part of the bill, the punishment for adults 18 to 21, it sounds like you are still working on coming up with what would be a uniform penalty. Even though the amendment says there is this graduated structure, it sounds like you are working on finding just one penalty, no matter how many times the offense is committed. Is that correct?

Kendra G. Bertschy:

That is correct. The reason for that is, if we want to ensure that there is automatic sealing and if the charge has been automatically sealed, then it may not necessarily show up for the district attorney if this conduct were to persist. It does not make sense for their purposes to have a first offense and a second offense if the automatic sealing has occurred. We all agree that, especially for these children ages 18 to 21, the purpose is to have some punishment but then also have that automatic sealing, which is why we will create a sanction that would be just for an offense regardless of the number of times it has been committed.

Chairman Yeager:

That certainly makes sense. If a record is sealed, it is going to be hard to tell if it is somebody's first, second, or third offense. That was a question that I had, but you have answered that. The juvenile side of this is perhaps a little bit more complicated, and I think the intent is to get folks help and treatment. It sounds like that section that pertains to

juveniles is still being worked on as to exactly how the offense is going to be characterized and where exactly it might land in statute, but it sounds like there is a good dialogue happening and that everyone seems to agree on the concept—it is just a matter of how to put it into statute. Did I get that correct, as well?

Kendra G. Bertschy:

Yes, that is exactly where the issues lie. We want to make sure that we are providing the appropriate penalties and having it laid out appropriately in our statute so that we are allowing Clark County to handle the cases the way that they are that is successful, as well as in other parts of the state.

Chairman Yeager:

We had a number of presenters on, and I want to give folks a chance to ask questions that you may have, either about the bill or from our other presenters who are out in this field doing the work. If you could give me a show of hands, if anybody has a question.

Assemblyman Orentlicher:

I am curious about why the police are involved at all. I remember when we were talking about a sale of tobacco products to minors a couple of weeks ago, one of the highlights was that the punishments were for the sellers, not the minors. Here we are talking about arresting minors, which seems like a public health problem. Our police are already overburdened with more serious crimes. This does not strike me as a crime. Why are we involving the police at all and arresting these minors for possession of a substance—that I do not think they should be using—but it does not strike me as criminal?

Kendra G. Bertschy:

I agree with you that a police officer should not be arresting our juveniles for these offenses. It is my understanding that the way it is set forth in the language, if we have it where there is that citation, then those youth will not necessarily be arrested, but the officer could provide them with a citation—a notice to appear—instead of arresting them. In the last section of the amendment, subsection 3, we discussed either a referral or a citation. The way that cases are brought to the juvenile justice system could be by way of citation, with the officer writing out a complaint saying that an act had occurred, or they could be referred to the juvenile justice system. Neither of those would require an arrest; however, I do agree with you, and I will look into the statutes just to see if there is any language that we need to add to tighten that up.

Assemblyman Orentlicher:

While I did talk about arrest and that is a problem, I do not want to suggest that that is the only concern. I do not think that police should be citing kids. I think this is a serious issue if you have police taking some kind of enforcement action for a minor who is not mature and making a bad decision, but I do not think we should view this as something for the criminal justice system to handle, whether you do it by citation or any other means. It should not be in the criminal justice system, is my point.

Chairman Yeager:

Your concern is well taken. Generally, this is not something that police would arrest on. Typically, they would give a citation, and we are talking about an adult. I think that is usually what their preference is on misdemeanors, unless there is some reason to arrest. Certainly, that is not going to satisfy your overall concern about criminal justice involvement but I want to make sure the record was clear that it would be pretty unusual for law enforcement to arrest on something like this, absent something else going on. I will put that out there for the record.

Assemblyman O'Neill:

Ms. Bertschy, I like your amendments, but I have a couple of questions and a comment. The officer shall notify the parent or guardian of the child. Are you going to describe the manner in which they do that? Are they going to hold the child on the side of the street until the parent arrives? What is the procedure?

Kendra G. Bertschy:

That is actually the amendment provided by the district attorney's office, so I will let them describe how exactly they see that going forward. We do not have, currently in that amendment, language saying that the police officer shall notify the parent or guardian, and that is exactly what we are trying to work on to see how we can craft the language so that we are not necessarily detaining kids on the side of the street. I appreciate your question.

Chairman Yeager:

Assemblyman O'Neill, I believe we have Mr. Jones, who will be joining us on the phone probably in testimony, so we will have to hold that question, and hopefully he is listening and can be prepared to address that when he comes on. I do not think I have the ability to get him on right this second. Mr. Jones, if you are out there and listening, please note that question. Do you have another question or comment, Assemblyman?

Assemblyman O'Neill:

It is just another comment. We talk about consumption of alcohol and possession of alcohol, but we do not state an amount. A juvenile could have a 12-ounce can or he could have a keg of beer. We do talk about 1 ounce of marijuana, which equates to—depending on how you roll them—30 to 60 joints. I see a discrepancy there. To me, the 1 ounce of marijuana is quite a bit. Just saying, "possession of alcohol" is too broad of a statement. Any thoughts on that, Ms. Bertschy?

Kendra G. Bertschy:

I would add that the purpose for the language which is "possession" and then the "1 ounce of marijuana" is because that is how it is currently used in our legal system where we have legalized less than an ounce of marijuana and we have legalized alcohol, so there is not that distinction. That is the purpose for the wording regarding alcohol and marijuana offenses.

Assemblyman O'Neill:

But it is not legal to juveniles, is it?

Kendra G. Bertschy:

Correct. It is not legal for those under the age of 21.

Assemblywoman Hardy:

In the original bill it listed that they would be referred to counseling or participation in an educational program or support group. The amendments both just say, "community service." I was just wondering, why the change in that?

Kendra G. Bertschy:

That is exactly what we are working on in negotiations for the sanctions. For some individuals, just having a term of community service would be more appropriate than requiring them to go to counseling. For example, if someone just had a sip of alcohol, you do not necessarily need to interject them into counseling because that could actually be more damaging and detrimental to them than just that term of community service, where they get that their action has consequences.

One of the suggestions had been to allow for a child to go to Alcoholics Anonymous meetings. The reason why we are not including that—and I want to make sure that is not part of this bill—is because we do not want children, potentially age 13 or 14, to be in these Alcoholics Anonymous meetings with those who are 40 years old, and who have engaged in using alcohol, marijuana, meth, or anything like that, to ensure that we are really targeting them. That is why in the conceptual amendment we had discussed having them either receive that evaluation to ensure that we know what is appropriate to require for that individual: to do counseling, or have them attend a victim impact panel—which will have them speak with victims of drunk driving incidences to really learn the consequences of continuing down that path.

Assemblywoman Hardy:

I appreciate trying to separate it out. Every child is different. Every case is different. I appreciate that explanation. Thank you.

Assemblywoman Krasner:

My question is for Assemblywoman Monroe-Moreno. First of all, thank you so much for bringing this bill. It is about time we give our youth in Nevada a real fresh start and a real second chance. I was wondering if I could please be added on as a cosponsor to the bill.

Assemblywoman Monroe-Moreno:

Yes, you may. Thank you.

Assemblywoman Cohen:

Ms. Goins mentioned, at the beginning of her part of the presentation, that possession is the second most referred into the juvenile justice system. Do you know if that is done as a secondary offense? Are the juveniles being stopped because of the possession or are they being stopped for something else and the officer learns that there is possession, and that is what the referral is coming from?

A'Esha Goins:

I want to first state where those statistics come from. They come from the Clark County juvenile court system. Those are their 2019 statistics. Battery is the number one offense and marijuana possession is the number two referred offense. I hope that explains it better, Assemblywoman Cohen.

Assemblywoman Cohen:

I appreciate that. Do we know if the officers are stopping them because of the possession or if they are stopping them for something else, like a traffic infraction, and the officer smells the marijuana or sees glassy eyes and has cause to believe there is possession; or something else is happening and the officer has reason to believe that there is possession, but the children were not initially stopped because of the possession?

A'Esha Goins:

The statistics do not state that. The statistics just stated that the second offense was marijuana possession. It does not say if there was a stop or how the stop was. It just stated that there was an offense, and that was the second offense and the statistics of it. My apologies.

Assemblywoman Cohen:

That is fine, thank you. I can maybe get in touch with the juvenile public defender's office and see if they have any indication on that.

Chairman Yeager:

I encourage you to ask that question. I suspect that nobody really has that data, but maybe we will get lucky and maybe someone has that out there. If anyone is on the phone lines to testify and knows that information, please feel free to provide it when you testify.

Assemblywoman Hansen:

It is not a question. It is a comment. I really have enjoyed my conversations, before this bill came to a hearing today, with Ms. Goins and many individuals. It was very enlightening. I am so glad to see that we are trying to find that balance between mercy and justice. I think this bill is really reflecting that. I am feeling encouraged that maybe the bill is getting to that point. I appreciate the amendments. Ms. Goins, I appreciate your taking some of my suggestions as well. Kids need a chance. They make some stupid decisions, and we do not want them to have this haunt them for a lot of years.

I mentioned before in another hearing that we have trouble recruiting and getting people to go into law enforcement. Our young people could have an opportunity to have some great careers, and 85 percent of individuals cannot pass the background check. I see this as a way to help our youth. They might make a bad choice but then they can hopefully get on the right track, learn what the consequences are by being involved in a panel of victims or seeing what addictions can do, and make a commitment to stay the course instead of being penalized and having their record haunt them. Thank you so much to all of you for the work you are doing. I appreciate this bill greatly.

Chairman Yeager:

I want to thank all of you who presented and ask you to stand by for a moment. We will have a chance for some concluding remarks after we go to testimony. At this time, I want to go to testimony in support of A.B. 158. Mr. Piro, I see you are on the Zoom. Would you like to give testimony in support of A.B. 158?

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

The goal of this bill, as you have heard, is to stop criminalizing kids for mistakes that they have made in their past and, for a large majority of them, will grow out of—just as, if we are being honest, probably a large majority of us or people we know have grown out of. Juvenile attorneys for Clark County and Washoe County and around the state are like Holden Caulfield in *The Catcher in the Rye*. They are trying to catch children before they go off the cliff's edge and maintain their innocence. This bill goes a long way towards doing that.

Wayne County in Michigan has been doing this for 18 years to great results, by finding that diverting kids out of the criminal justice system, even prearrest diversion, leads to less recidivism. I am thankful for Assemblywoman Daniele Monroe-Moreno for bringing this bill forward, and for Ms. Goins and the other presenters for presenting on this bill. I humbly ask for this Committee to pass this bill out.

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

I am testifying in support of A.B. 158. I want to thank Assemblywoman Monroe-Moreno for bringing this important legislation. The struggle to protect youth from the harms associated with both drug use and drug prohibition has led to enforcement policies that disproportionately harm Black and Brown youth and funnel children into the school-to-prison pipeline. Zero-tolerance policies have caused irreparable harm to communities of color and to society at large. While we have legalized cannabis use in this state, we have yet to fully correct the harmful impact of criminalization statutes that are peppered throughout the NRS. Several national studies show that states with cannabis legalization policies significantly decrease arrest rates for adults, but there is almost zero change to the arrest rate for youth—whereas states that take the additional step to enact decriminalization policies, including policies with graduated sanctions or those that prevent detention like the policy before you today, significantly reduce the arrest rate for both adults and youth. No child, under any circumstances, should be held in detention on a marijuana offense. We are strongly in support of A.B. 158. We are happy to take any questions that the Committee might have off the record and work to get this bill passed.

Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice:

We support the bill for the reasons that the other testifiers in support have given. I also wanted to speak to Assemblyman Orentlicher's comment. We share those goals. We, frankly, do not think this is something that the criminal justice system should be handling. We view this as a meaningful step in that direction. We support it. Thank you.

Monique S. Jammer, Member, Racial Justice Committee, Las Vegas Chapter of the National Bar Association:

I want to first thank the Assembly Judiciary Committee and Chairman Yeager for allowing me to provide this testimony in support of A.B. 158. The State of Nevada issued S.C.R. 1 of the 32nd Special Session, a resolution that urged public action and recognized racism as a public health crisis. Within that, it is urged that Nevada communities create laws and regulations that can eradicate the racism and structures that create racial discrimination, from poverty and economics all the way through education. Here, A.B. 158 seeks to address at least one aspect of the underlying institutional racism that has adversely affected the juvenile criminal justice system. Specifically, A.B. 158 assists with combating the high levels of criminalization. It focuses on minimizing the disproportionate prosecution of Black and Brown community members, which inevitably causes long-standing stains on their lives. It seeks to reduce the impact of disproportionate criminalization of these Black and Brown youth by prohibiting them from obtaining a substantial criminal record offense and instead creating penalties and community service opportunities that can help rehabilitate them and help them to still create a future for themselves.

Further, and I think most importantly, is the bill's focus on the fact that these individuals who are being arrested, charged, and ultimately prosecuted are children and youth who deserve to have their innocence protected, who deserve lessons over lockup, and who are worth investing in their education and their growth over their criminal record. As a former youth from a family of seven Black children, with several siblings and members of my family who were victims of a broken criminal justice system at a very young age, I long to know how they would have turned out if there were bills like A.B. 158 and legislation passed and enrolled that created these opportunities for second chances over the traumatizing impact of a repeated incarceration system. The Las Vegas Chapter of the National Bar Association believes that A.B. 158 addresses and will help mitigate some of these real world consequences of the systemic and institutionalized racism that exists in the criminal justice system, and thus, we urge that the Assembly Judiciary Committee support A.B. 158. Thank you.

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

I am happy to say this is my very first appearance in this legislative session. I originally listed myself in opposition as the bill originally came out. I was notified shortly before the hearing that the conceptual amendment that was put forth by the Nevada District Attorneys Association is in consideration, so I am happily in support of A.B. 158. I know we still have some work to do on those amendments. Chairman Yeager, thank you for stopping short of laughing at the conceptual amendment put in by the Nevada District Attorneys Association. Those are actually just my handwritten scratch notes that were not meant to be public, so I appreciate that it is now public but very crudely written.

You will always hear me come out in support. For those who do not know me, I run the juvenile division for the Clark County District Attorney's Office. I handle all the juvenile delinquency matters. I was one of the founders of The Harbor in Clark County. I am a proud

supporter of diversionary programs that keep our children out of the juvenile justice system because I know, as well as anybody else, once you get into the system, it is very difficult to get out. I often talk about behaviors of children that are parenting issues, mental health issues, and delinquency issues. Most of the time, children that are found with alcohol and marijuana are experimenting, and these are parenting issues, which is why notification of parents was not important to me.

I am trying to figure out how to answer Assemblyman O'Neill's question about how police notification would work. Peace officer notification could be when the citation is routed to the juvenile probation office. They are peace officers, and they could reach out to parents. Oftentimes, our officers in the field will call parents to let them know that they have their son or daughter who was out in the field drinking, they issued a citation, and they are sending him or her home. There are different ways, and I think it is something that needs to be worked out with our law enforcement partners. In Clark County, we have The Harbor. I want to make very clear, there is currently a sign on the door of juvenile detention and has been for the last year that says, "Do not bring us misdemeanors." There is no child in juvenile detention for possession of marijuana or being in possession of alcohol. We do not take misdemeanors outside of DUI and domestic violence. The domestic violence is only if it is determined that they need that 12-hour safety hold and cooling-off period. A DUI would only be for processing into booking, and then they are released with a court date. They are not necessarily detained, only brought into booking. There is a sign that we do not take misdemeanors.

That is why we have The Harbor. We have children diverted out to those programs so they can have assessments and referrals. They are not cookie-cutter assessments. Not every child needs the same thing. Some children do not need anything at all, and we do not want to overtreat them, as has been mentioned before. Sometimes it is just, I got caught and I feel terrible about it, and my mom and dad are taking away my cell phone, and I am never doing that again. We do not need those children in the system, but I also do not want to miss an opportunity to have an assessment on a child who may have some real, true mental health issues, as I believe Dr. Jones mentioned, before they start going deeper and deeper into addiction. We have to be able to weigh that. Oftentimes, we have parents who need help figuring out where to get those programs for their children. When they find out that their child has been using marijuana, they do not even know where to go. Sometimes there is that supportive service, which our assessment centers provide.

I know there were plenty of other questions. One was about the referrals, the number of referrals—battery and possession of marijuana—those are not the cases we file. That is a very different statistic. Referrals are just that they are given a ticket—a citation—and they see a probation officer, or in Clark County, they go to The Harbor. Sometimes they are not even given a ticket to go to The Harbor. It is not the cases we file. Those are very different in numbers. I want to make sure that is very clear to you all. I know you do not often take questions on support but if you would like, I can stick around to answer any questions you may have, or you are free to reach out to me on this very important bill.

Tonja Brown, Private Citizen, Carson City, Nevada:

Advocates for the Inmates and the Innocent strongly supports this bill and the conceptual amendment to this bill. I had some questions, but they have already been asked. I just want to echo the comments made by Ms. Bertschy, Mr. Piro, Ms. Welborn, and Assemblyman Orentlicher. We do support this. Thank you.

I do have a question. With the pandemic and the juveniles, I am curious to find out if drug and alcohol use will be on the rise compared to last year—in 2019, 2020, and 2021. Is there anything that is going to show anything that these juveniles are actually drinking and doing more drugs than previous years? Then, in two more years when this pandemic has settled down, we can compare it with what is going on now. Thank you.

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

With the conceptual amendment, we are here in support of A.B. 158. I want to take the opportunity to thank Assemblywoman Monroe-Moreno, Ms. Goins, and Ms. Bertschy for working with us on our concerns with this bill. As Ms. Duffy previously indicated, we appreciate your indulgence on our written amendment filed on NELIS. It was passed around as a starting point draft, but due to a time crunch, it became our formal amendment. There are parts of our amendment that are not yet necessarily spelled out in the written amendment, but Chairman Yeager did a great job of summarizing where we are at on our proposed changes. Our first proposed change is including some additional options for judges, including counseling and maybe a victim impact panel. As Ms. Bertschy indicated, one size does not necessarily fit all with respect to these juveniles.

The second is tiered penalties. I know it does not quite make sense that we are acting to get rid of tiered penalties, but with the mandatory sealing provisions of these low-level offenses, when a case is sealed, district attorneys and law enforcement do not know that a person has had a first or second offense because we are not able to see it. People are surprised to hear that our office cannot see sealed cases but that is in fact the reality. Because of this, the tiered penalties as currently proposed would be a [unintelligible] and our proposed amendment would treat all offenses as the same. Ms. Duffy has already addressed the juvenile piece of our proposed amendment, and we would ask that you consider that as well. I appreciate the opportunity to speak in support, and if you have any questions, feel free to reach out to me.

Chairman Yeager:

Thank you for your testimony, Mr. Jones. I want to thank you and Ms. Duffy for working with the sponsors. It sounds like we are on our way to a happy place. I appreciate that work.

Madisen Saglibene, Executive Director, Nevada National Organization for the Reform of Marijuana Laws:

The National Organization for the Reform of Marijuana Laws is in full support of A.B. 158. I especially want to thank A'Esha Goins, Dr. Jones, and the CEIC team for continuing to

push this agenda, and thank you, Assemblywoman Monroe-Moreno, for crafting this legislation. I think it is pretty incredible how many cosponsors jumped on this bill right away. It is a really good indication of how far this bill is going to go.

One of our favorite pieces of this bill is the fact that this misdemeanor offense would be sealed so that the youth would not be forever burdened with the collateral consequences that often come with these offenses, along with simply assigning punishments that are far more suiting to the crime, helping to lessen recidivism. The 2016 legalization initiative was referred to as "regulate marijuana like alcohol." Creating this alignment in treating cannabis crimes the same way we would treat those for alcohol just makes sense. Thank you so much for your time. We are looking forward to continuing to work with you all and CEIC to make sure we get this right for these kids.

Arielle Edwards, Government Affairs Specialist, City of North Las Vegas:

We would like to state for the record that we are in support of A.B. 158. We would like to thank Assemblywoman Daniele Monroe-Moreno and the presenters for bringing forward this important and timely piece of legislation. We appreciate that our children, especially those who are Black, indigenous, and communities of color, will receive the mental health services they need for first-time offenses. Thank you for your time and consideration.

Jagada Chambers, Private Citizen, Las Vegas, Nevada:

I am calling in complete support of A.B. 158. I have been listening to the presentations. Thank you, Chairman, as well as all the presenters. One caveat that I want to highlight, the reality is, of the 1,009 youths referred for possession of marijuana, 359 were Black youth and 444 were Latinx youth—nearly 800 of those 1,009 citations or referrals that contact with law enforcement and the judicial system, it is overly impacting Black and Brown youth. To give these youth a hope, I know that in 2015 there were only 247 possession charges for Black youth. That has ascended up nearly 45 percent, trending the wrong way, in my eyes, after it has been legalized in this state. I salute Assemblywoman Daniele Monroe-Moreno for bringing this legislation forward, and I pray that it is able to pass and impact our youth in a positive way. Thank you.

Chairman Yeager:

I will close support. I will now open opposition testimony. [There was none.] I will close opposition testimony. I will now open neutral testimony. [There was none.] I will now close neutral testimony. Before we go to closing statements, I wanted to hand it over to Assemblyman Miller who I believe had a question.

Assemblyman Miller:

I just wanted to thank Assemblywoman Daniele Monroe-Moreno for bringing the bill forward and A'Esha Goins for working on it with all the stakeholders to get it to a place where we can all agree on. I initially thought that I had signed onto this bill. I believe I did;

however, there can sometimes be some confusion between myself and Assemblywoman Brittney Miller because of our last names. I just want to make sure that I can be added to this bill as a sponsor throughout the amendment process. Thank you for the time. Thank you for the bill. Thank you, Chairman.

Chairman Yeager:

Having that behind us, I am now going to go back to Assemblywoman Monroe-Moreno who I believe has some concluding remarks on A.B. 158, and Assemblywoman, you can let us know if you are the only one making concluding remarks or whether others might want to give them as well.

Assemblywoman Monroe-Moreno:

I believe I will be the only one making concluding remarks. I would like to thank you and your Committee and everyone who has been working with us on this piece of legislation in considering A.B. 158. I believe, collectively, we agree that children are just that; they are children. We have an obligation to meet them where they are; to hold them accountable for their actions, while giving them the necessary tools to learn from their mistakes and assist them in becoming healthy, productive, successful adults. I urge your support for A.B. 158. Mr. Miller, I will gladly add you as a cosponsor, and Assemblywoman Hansen reached out to me, and I would be proud to have you as an additional cosponsor on this bill. I urge this Committee's support for A.B. 158.

[[Exhibit F](#), [Exhibit G](#), and [Exhibit H](#) were submitted but not discussed and will become part of the record.]

Chairman Yeager:

Thank you so much Assemblywoman, and I want to thank our other presenters who joined us on the call today. I really appreciate your work on this issue. Ms. Goins, in particular, I think you had a chance to make it around to almost all of the members before the Committee hearing. As Chairman, I really appreciate that because I think it helps answer a lot of questions before the hearing so we can get through all these bills that we have. I just want to say thank you to all of you who spent about an hour of your time with us this morning but obviously spent way more time than that preparing for this morning. We certainly appreciate it and hope you have a great rest of your day. At this point, I will close the hearing on A.B. 158.

I will now go to the second bill on the agenda but our final one for hearing this morning. I will open the hearing on Assembly Bill 157. Assembly Bill 157 authorizes a person who is a victim of certain discriminatory conduct relating to an incident involving a peace officer to bring a civil action under certain circumstances. That is a mouthful for a bill draft request description. We have Assemblywoman Daniele Monroe-Moreno back with us to present this bill, and I think she will be solo on this one. Welcome back to the Assembly Judiciary Committee, Assemblywoman, and please proceed when you are ready.

Assembly Bill 157: Authorizes a person who is the victim of certain discriminatory conduct relating to an incident involving a peace officer to bring a civil action under certain circumstances. (BDR 3-227)

Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1:

Thank you so much for having me back. I promise this one will be much shorter. I am here today to present for your consideration, Assembly Bill 157, which addresses a serious problem that has recently gained national recognition. It is the discriminatory use of false 911 emergency calls against certain groups, especially communities of color. This bill represents an effort to call attention to the problem and provide a legal remedy to victims of this discriminatory practice.

As pointed out in the "Whereas" clauses beginning on page 2 of the bill, recent national news stories in 2020 drew the attention of state legislatures across the nation to false 911 calls when the intent was to harass a person or a group of persons because of their inherent characteristics, including their race, gender, nationality, religion, disability, or sexual orientation. Many specific occurrences went viral on social media, and incidents like the birdwatcher in Central Park asking a woman to put her dog on a leash were recorded and gained national attention during a weekly news cycle. As is often the case, the media exposure led to more and more of these types of cases coming to light.

I think we can all agree that, at the very least, these occurrences represent a misuse of our law enforcement personnel, wasting their time and taxpayer resources. More importantly, they cause serious mental and even, at times, physical harm to the victims of such incidents. This sense of harm extends to the community as a whole, to communities of color, and to our judiciary and law enforcement communities as well. The social harm of such incidents splits the fabric of our society and contributes to the distrust of government, generally, and law enforcement, specifically.

We need to find ways to rebuild trust. I believe that A.B. 157 can be a part of that effort. I would like to note that similar bills have already passed in New York, Oregon, and Washington. In fact, the sponsor of the Oregon bill, a fellow legislator, encountered the very type of incident this bill will address. Oregon State Representative Janelle Bynum, who is a Black woman, walks her district like most of us do, going door to door to talk to voters. She takes notes about constituents' concerns on her phone as she goes along, as many of us do. Two years ago, a resident in a mostly white neighborhood in her district found her campaigning to be so suspicious that she called the police. I think you can see why we need to address this matter.

At this point, I would like to review the highlights of A.B. 157. The bill aims to address these deliberate, false, and discriminatory reports by providing the victims of such reports with a specific, effective, and targeted remedy. The form of this relief is the ability to bring a civil action for damages against persons making such reports. Section 1 of the bill begins on page 3. It defines the circumstances under which a person can bring such an action. With regard to the person making the false report, the report must knowingly cause a peace officer

to arrive at a location and to contact the person being discriminated against. Subsection 1 identifies the discriminatory conduct and defines the specific type of harm and outcomes that would allow for civil action under the bill. Subsection 2 lists the potential forms of damages along with the costs and fees that may be recovered by the person prevailing in the suit. The remaining subsections authorize the action under the bill, even if related criminal convictions already exist and provide for other technical matters. It is important to note that in no way does this bill or the actions of this bill apply to public employees performing their normal course of duties. With that, I will stand for questions from the Committee.

Assemblyman Wheeler:

I remember a few years ago—and I think it is still going on today, probably just not being reported as much—there was a practice called "swatting" out there, where someone would call SWAT [special weapons and tactics] and say that there is a barricaded suspect or whatever, and they thought it was pretty funny and people were actually dying. The way I read this, for an incident like that, if the victim of the swatting was not of color—I am just using that as a specific example; it could be many other things as well—would they be able to sue the person who called the officers out, or is this strictly for people of color?

Assemblywoman Monroe-Moreno:

Assembly Bill 157 does not negate the actions of the swatting bill, I believe from the 2017 Legislative Session, that was passed. This bill specifically speaks to false reports to police based on a person's race, sexual orientation, gender, and religion. In my conversations with law enforcement, they specifically asked if this could be stacked on other charges. You could be charged with a swatting crime and A.B. 157.

Assemblyman Wheeler:

Maybe I just used a bad example. I am sorry. Someone is called out just because a person is walking down the street and they do not like that person. Would that strictly be for the categories that we have listed in the bill here or for literally everyone?

Assemblywoman Monroe-Moreno:

It would be specifically for the categories listed in the bill. As a former law enforcement officer myself, I remember being in a courtroom and a judge saying from the dais that it is not a crime to be walking while Black. We have seen in recent media coverage that it is the Black community that has brought attention, but next week it could be someone different. As we have gone through the COVID-19 pandemic, we have heard stories of members of our Asian American and Pacific Islander (AAPI) community being targeted specifically because they are AAPI and for no other reason. Does that answer your question?

Assemblyman Wheeler:

I think so. There are some neighborhoods in Los Angeles where I grew up, for instance, where it is definitely a crime to be walking while white. I am assuming this would cover that too because it is not that specific. Thank you very much.

Assemblywoman Monroe-Moreno:
Correct.

Chairman Yeager:

I will jump in for just a second, if I may. I want to note for Committee members that this bill creates a civil right of action, so in order to proceed under this bill if a case went all the way to a jury trial, you would have to prove that it is more likely than not that the person making the call did so with the intent to, and then we have that list of (a), (b), (c), and (d) that are in section 1. A jury would have to find that the reason for the call was to essentially violate one of those four provisions for someone to be held liable and, of course, you would have all your normal discovery depositions, evidence, witnesses, and then the jury would make that determination. Hopefully, that is helpful for the members of the Committee who do not practice civil law or criminal law.

Assemblywoman Cohen:

My question has to do with section 1, subsection 2, about the damages that can be collected. Where or does reimbursement for attorneys fall into that? Because if someone has been the victim of this and the police come out, oftentimes, that person has to get a criminal attorney. There are civil attorneys dealing not just with the case but, if the situation garners a lot of press, oftentimes they hire attorneys. Is that encompassed in the bill?

Assemblywoman Monroe-Moreno:

Yes, as you look in section 1, subsection 2, paragraph (c), it says, "Costs and reasonable attorney's fees incurred in bringing the action." It is my intention, being a former law enforcement officer, I do not see jail; our jails are overcrowded. I find that if a person is made to be held accountable financially for their actions, they may not do that again. It is \$1,000 in damages to the victims, the cost of the attorney's fees that the victim would incur but also the cost to law enforcement responding agencies for having to respond to a false call. That is taking our law enforcement officers away from true crimes being committed in our community. I believe section 1, subsection 2, paragraph (c) addresses that.

Assemblywoman Cohen:

Thank you for that. I did see that. I am talking about a broader sense of the attorneys they have to hire. If they have to hire a criminal attorney, because charges are pressed against them that often are later dropped, but the person who is the victim in this situation often does have to hire a criminal attorney before the charges are dropped. Beyond dealing with the lawsuit, they have to hire a civil attorney to deal with the press and that type of thing if the situation does come out in the press. We know this happens constantly and it is not always in the press but that is what I am getting at. Beyond hiring an attorney for this case, would this law help them recoup those costs?

Assemblywoman Monroe-Moreno:

I believe it will. I am not a criminal defense attorney, nor am I a civil attorney; however, I believe in a civil court action the judge could award the victim the reasonable costs to cover all attorneys' fees associated with the incident, both on the criminal and the civil side. I would defer to a civil attorney for that opinion.

Chairman Yeager:

I am a civil attorney. I think it would be covered under section 1, subsection 2, under compensatory damages. I would think if you could prove that the call caused you to have to hire a criminal attorney to defend yourself against something that was not legitimate, I think that provision would be broad enough for a judge to award those costs if you had to actually hire your own attorney.

Assemblywoman Cohen:

That goes beyond emotional distress of hiring a counselor and that type of thing—as long as we have that covered.

Chairman Yeager:

I think the way that it is drafted indicates that. It talks about compensatory damages including, without limitation, emotional distress. We, unfortunately, do not have legal here with us today. Mr. Wilkinson is busy drafting bills that we are eagerly awaiting. I think it is worded in such a way that I just wanted to specify that it would certainly include emotional distress damages but would also include everything else that we might be able to prove under your basic compensatory damages.

Assemblywoman Hansen:

It actually is a question this time, folks. It is not just comments. In section 1, subsection 1, paragraph (b), "Cause the person to feel harassed, humiliated, or embarrassed" and then I also have a question about paragraph (d). In a civil case—and maybe this question is for legal or for our Chairman since he practices in civil—I am wondering how subjective that language is. How do we prove "feel harassed, humiliated, or embarrassed"? What kind of standard is that in order to prove it?

Assemblywoman Monroe-Moreno:

Feelings—I agree with you—are hard to quantify. There was another case of the false 911. There was a group of gentlemen working out in the gym in their luxury apartment complex. There were other people in the gym. One resident did not recognize them, although one of the gentlemen had lived there for over a year. They called the police. He was a businessman who was embarrassed to have the police called on him in front of people that he lived with. He was subsequently detained, which takes you down to paragraph (d), which impacted his income from that day and he had to have a discussion with his employer as to why he was detained and talked to by the police department. He was harassed. He felt humiliated and embarrassed, but it also impacted his economic status with pay and his reputation with his employer. While I wish we had an attorney that could put this in legal jargon, that is how I see it. That is how I interpret the bill. Does that help in answering the question?

Assemblywoman Hansen:

Given the example, yes; I can understand it. I just worry about that language. I have served on juries before. If there are witnesses or if there is video or things like that, I am sure that would help to prove a feeling. But I just had some concern about the broadness or the subjective nature of that section in particular. Thank you for illustrating the example.

Chairman Yeager:

I will jump in, too, to address that. To the extent that a case like this went to trial in front of a jury, it would likely be a jury instruction that the parties would agree on, and the judge would deliver that and would explain how a jury is to decide that, and probably flesh out in a little bit more detail what those terms would mean. I would expect that to happen, as well, but of course, we do not have it in statute yet so if we pass this bill, and one of these goes to trial, we will have to stay tuned and see how that works out. Normally, in those situations, when there are terms that could be vague in some sort, the parties and the judge will usually give some further instruction to the jury or the jury could come back and say, We do not understand what we are supposed to do; what do these terms mean? and then they could give supplemental jury instructions.

I am not seeing any additional questions at this time. Assemblywoman, thank you for presenting. We will ask you to stand by for a moment as we potentially take testimony on the bill. I will now open it up for testimony in support. We have Ms. Bertschy on the Zoom. If you would like to offer supportive testimony, please go ahead.

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

We appreciate Assemblywoman Monroe-Moreno for bringing this bill. I have had clients who have been subjected to this form of harassment, and it has led to significant issues; not just criminal but emotional, and more importantly, distrust in our legal system because they felt invisible to what should have been the protections of our legal system. We support A.B. 157. It protects the safety of our citizens from harassment and unfortunate horrific situations that we have seen across the country, just because they were engaging in everyday activities. Thank you.

Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice:

We support this bill for the reasons that Assemblywoman Monroe-Moreno stated and also that Ms. Bertschy stated. Again, we support it. Thank you.

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

We would like to thank Assemblywoman Daniele Monroe-Moreno for bringing this bill forward and finding a remedy for discriminatory conduct that, I think, is high time for both Nevada and the United States, at large, to start to reckon with. We appreciate her bringing this bill forward, and we are in support. Thank you.

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

I am here in support of A.B. 157. We have seen through recent viral videos and for many decades, including cases like Emmett Till, where false accusations can lead to great harm and even death, especially for Black people and people of color. This bill creates stronger accountability for people who use the police with ill intentions. We ask for your support. Thank you.

Liz Davenport, Legislative Aide, American Civil Liberties Union of Nevada:

We support this bill and echo previous support testimony. Law enforcement has unfortunately been hijacked by prejudiced people placing biased 911 calls that lead to terrible consequences for the innocent victim. As Assemblywoman Monroe-Moreno mentioned, this was prominently evident this past summer with Amy Cooper. Similar stories abound such as in 2018, when a young man in a North Carolina breakfast restaurant was subject to homophobic slurs by the employees who then called the police, which resulted in the police arresting and choking the young man, who was a victim of homophobic slurs and was Black. By enacting a civil penalty for calling police to harass and carry out the caller's racial prejudice, it will give these victims a way to recover from the mental and physical trauma these police encounters cause. Beyond embarrassment, humiliation, and feelings of degradation and profiling, the encounters can result in physical trauma as well. There is no good reason to not provide people with rights. A.B. 157 gives these victims a way to recover from the trauma caused by the police encounter spurred by the prejudiced callers. Thank you very much for your time.

Tonja Brown, Private Citizen, Carson City, Nevada:

Advocates for the Inmates and the Innocent strongly supports this bill, and we echo all the comments made in support of this bill. I do have some questions about this bill. For example, I do know of someone who is gay. His brother does not approve of his lifestyle. They both have an elderly mother. The brother has used everything he could possibly use to keep his brother from ever seeing his mother; and in fact, had him arrested, the guy went to jail, had a restraining order filed against him, and he ended up having to get supervised visits in order to see his mother towards the end of his mother's life. She passed away in the last couple of months. He never got to see her. He put a stop to it. Would this bill apply to family members? Also, if the brother, who is gay, turns around and sues his brother, who is the heir or executor of the estate, how would that apply to this bill? Would the estate be put on hold pending civil litigation? I just wanted to bring that forward. Thank you.

Annette Magnus, Executive Director, Battle Born Progress:

We are in strong support of A.B. 157. Prejudice and racism exist, and we have seen that on full display this past year. And those who use police as a weapon to express that racism should be held accountable for their actions. As a white woman, I often see people who look just like me do the most damage using these tactics. Very real damage is caused when a person of color has the police called on them simply for who they are or because a white person uses their privilege to do harm. When a white person threatens to call the police or actually calls the police on a person of color when they have done nothing wrong, they are damaging this person, taking away their dignity, and weaponizing the police for their racist

intentions. We have seen examples of this behavior play out in real time all across the country. When I see it happen, it disgusts me every time. This type of behavior should not be tolerated in Nevada and has no place in our community. Do the right thing and support A.B. 157. Thank you for your time today.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I just want to echo the other callers' testimonies. I fully support the bill. It can be extremely traumatizing for people to have the police utilized against them. Thank you.

Jared Luke, Government Affairs Director, City of North Las Vegas:

We could not let this meeting continue without showing our support to Assemblywoman Monroe-Moreno and the other primary sponsors and cosponsors of A.B. 157. As the state's largest minority majority city, we could not let this meeting continue without throwing our support behind this important piece of legislation. Thank you for your time, Committee.

Chairman Yeager:

I will close testimony in support. I will now open testimony in opposition.

Marjorie Malleck, Private Citizen, Las Vegas, Nevada:

Thank you for allowing me to speak about A.B. 157. I do not have a well-prepared speech, but I am currently in a situation that would possibly be affected by this bill. I am currently being abused by a large group of criminals, and some of them are in the protected category that this bill talks about. This bill is being presented because there is a publicized incident where a woman gave false information to a police officer and that incident was widely publicized. It seems like this event was publicized in order that bills like this would be brought forward later. It also seems like this bill was tailored to my situation. I think the real purpose of this bill is to silence potential accusers and not to help falsely accused people. I feel this bill sets up a dangerous situation for most people and will abrogate the rights of myself and other people.

The most important function of the government is to protect the population. This bill is meant to prevent victims from calling the police and explaining their situation unless they already have substantial evidence to prove their claim. For example, in sexual assault that does not involve DNA evidence, there are usually no witnesses, no videotape, and no evidence. These people would not be able to call the police. A lot of rape victims would not be able to call the police. They would need to remain silent for fear that their abuser could sue them later if their abuser falls into one of the protected categories and if they have the financial resources to hire an attorney. Even if the abuser were a white male, if he were to claim to be a member of the LGBTQ community, he would be able to sue. Under this law, Bill Cosby would never have been brought to justice.

We all know that it is easier to get a verdict in a civil suit than in a criminal trial, as evidenced by the O.J. Simpson trial. I know that the "Central Park Karen" incident was widely publicized and that many Black and Brown people fear having the police called under a false pretense, but I think the numbers of false accusations of Black and Brown people by

white people or white women are probably very small and not significant. All the anecdotal evidence that was given today, there were no numbers and no statistics. The numbers of women who may need help from the police is very high and the number of these situations may involve people that fall into protected categories. This law would hurt many more people than it would help.

I also believe this law is not constitutional. I understand why police would support it; there would be less work for them. Attorneys would support it; more work for them. My father was an attorney. The other thing I want to say about bringing up situations like Emmett Till; Emmett Till was a horrible situation but it happened in 1955, six years before I was born. My children say I am too old to care about it. Emmett Till is not something that I think would happen today. That is what I wanted to say.

Chairman Yeager:

I will close opposition testimony. I will now open neutral testimony.

Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County:

Clark County is neutral on A.B. 157, as written. I just want to thank the sponsor for meeting with us and talking about some of our concerns, which she did mention during her presentation this morning, and we wish to thank her for taking and considering those comments that we provided to her. Thank you.

Chairman Yeager:

I am going to close neutral testimony. Assemblywoman Monroe-Moreno, before any concluding remarks, I noticed one thing that I wanted to flesh out a little bit on the record while we still have you here. If you look at the bill, in section 1, subsection 3, it indicates that a person could bring a civil action even if the person had been convicted, regardless of whether the person had been convicted of a crime or not. I am just trying to get your intent on the record that there are obviously legitimate reasons why people would call law enforcement. I think we heard from some of those in the opposition testimony. Then there are perhaps not legitimate reasons. I just want to get your thoughts on whether this bill is intended to allow somebody who is ultimately arrested and detained—perhaps convicted, perhaps not—by an officer, who obviously might feel humiliated or embarrassed because of that situation, but whether that would allow them to come back and sue the person who called if there really was a reason for law enforcement to actually arrest, detain, and potentially charge in a scenario. Hopefully that question was not too lawyerly.

Assemblywoman Monroe-Moreno:

No, that question was not too lawyerly. If there was just cause for the call to be made to law enforcement, then there would not be a remedy for the call that was made. This bill is specifically for the false calls that were motivated with the intent to cause harm, while knowing that there had not been a crime committed.

Chairman Yeager:

Thank you for that response. Certainly, for anyone watching, if you believe you have been a victim of a crime, you should certainly contact the authorities. This bill should not dissuade you from doing that and that was aligned with how I read the bill, Assemblywoman, so I thank you for that clarifying remark. Assemblywoman Monroe-Moreno, I will give you a chance to make concluding remarks on A.B. 157.

Assemblywoman Monroe-Moreno:

Thank you, Chairman Yeager and Committee members, for considering and hearing A.B. 157. I believe that we have a moral imperative to do whatever we can as policy makers to stop this type of behavior. At a minimum, it wastes the time and resources of law enforcement. At its worst, it is an attempt to weaponize our law enforcement personnel against the communities that they serve. I urge your support of A.B. 157.

[[Exhibit I](#) was submitted but not discussed and will become part of the record.]

Chairman Yeager:

Thank you for spending some time with us here this morning in Assembly Judiciary. I will now close the hearing on A.B. 157. That brings us to our final item on the agenda and that is public comment.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

I am the sister of Thomas Purdy, who was killed by Reno police, hog-tied for 40 minutes, and asphyxiated to death by Washoe County Sheriff's Office. Today I would like to read a letter that was written by Terry Colegrove, the mother of 27-year-old Kenneth Stafford, who was killed by Sparks police and Reno police on July 11, 2013.

My son, SPC Kenneth J. Stafford, was being treated for post-traumatic stress disorder [PTSD] at his duty station, Joint Base Lewis-McChord in Fort Lewis, Washington. He came home with his family on leave around the 4th of July, which was the one-year anniversary of his brother-in-law's murder that police still have not solved. They are trying to say it was gang-related because of the area he lived in and the people he hung around.

My son and his family were pulled over a couple of times in the first week they were home and harassed by the Reno police because they were in the area, and the cops knew who they were. Then, with the Trayvon Martin case and the fireworks, my son kept getting angrier and angrier. I have never seen him so angry in his life. I did not know what PTSD was until he came home and I looked it up, only because I asked his wife what was going on, and she told me about it but she said she did not know what it was either. Here she is living with him and seeing the changes in him, and she did not know what it was.

He was in contact with his doctor for the first week here, and things were not as bad as the last few days of his life. Then his phone broke, and he could not call his doctor anymore. Prior to that, he was calling him four to five times a day. On the morning that he was killed, he had been up for 72 hours and was getting paranoid. He asked me for a gun. I told him I

did not own one and asked him why he needed one. He said he wanted it for protection. I called the Veterans Affairs hospital to try to get help. They told me because he was not in the system, we needed to bring him in or call the police. I called his wife who called 911. He did not threaten her with a gun. He just showed it to her, and she freaked out screaming and got mad.

The Washoe County Sheriff's Office was handling the investigation. I showed up at the scene and I was told that Kenny had asked for a cigarette. I tried to hand the cigarette to the police officer, and less than 30 seconds later, I heard gun shots. They killed Kenny. He was shot multiple times; I believe it was over 15 times. The officer, Shane Minick, from Sparks Police Department, went on to kill another community member less than three years later. Please do not support bills that protect bad police. Please support bills that promote transparency and accountability. Thank you.

Marjorie Malleck, Private Citizen:

If someone calls 911 because they are in immediate danger, but they do not have proof of that danger; that is the situation where this bill will cause harm to the victim and cause harm to the person making the call which would actually be the victim. I think the statistics should be shown to prove that this is an issue because I think if you look at the statistics on both sides . . .

Chairman Yeager:

Ms. Malleck, we have closed the bill hearing on Assembly Bill 157. This is public comment, so if you have public comment that does not relate directly to the bill we heard, now would be the appropriate time for that, as we are no longer in the bill hearing.

Marjorie Malleck:

All right, well that is what I thought the last caller was talking about. I am sorry. Thank you.

Chairman Yeager:

I am going to close public comment at this time. Before we talk about the rest of the week, is there anything else from Committee members this morning? [There was nothing.]

Thank you, Committee members. I know that was a pretty long meeting, getting through three bills this morning. I appreciate your attention and your questions.

This meeting is adjourned [at 10:39 a.m.].

RESPECTFULLY SUBMITTED:

Kalin Ingstad
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 149](#), presented by Assemblywoman Sarah Peters, Assembly District No. 24.

[Exhibit D](#) is a proposed conceptual amendment to [Assembly Bill 158](#), dated March 2, 2021, submitted by Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1; and presented by Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office.

[Exhibit E](#) is a proposed conceptual amendment to [Assembly Bill 158](#), dated March 2, 2021, submitted by John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and presented by Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office.

[Exhibit F](#) is a letter dated March 1, 2020, submitted by Quentin M. Savvoir, Deputy Director, Make it Work Nevada, in support of [Assembly Bill 158](#).

[Exhibit G](#) is a letter dated March 2, 2021, submitted by Ryan Hampton, Organizing Director, Recovery Advocacy Project, in support of [Assembly Bill 158](#).

[Exhibit H](#) is a letter dated March 3, 2021, submitted by Layke Martin, Executive Director, Nevada Dispensary Association, in support of [Assembly Bill 158](#).

[Exhibit I](#) is a letter dated March 3, 2021, submitted by Paloma M. Guerrero, Member, Legislative Committee, Nevada Immigrant Coalition, in support of [Assembly Bill 157](#).