

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

**Eighty-First Session  
March 5, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:05 a.m. on Friday, March 5, 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](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Jill Tolles, Assembly District No. 25



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Ashlee Kalina, Assistant Committee Policy Analyst  
Bradley A. Wilkinson, Committee Counsel  
Bonnie Borda Hoffecker, Committee Manager  
Karyn Werner, Committee Secretary  
Linda Whimple, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Dagny Stapleton, Executive Director, Nevada Association of Counties  
Amber Howell, Director, Washoe County Human Services Agency  
Nancy M. Saitta, Justice (Retired), Chair, Nevada Coalition to Prevent the  
Commercial Sexual Exploitation of Children, Division of Child and Family  
Services, Department of Health and Human Services  
Megan Lucey, Attorney and Victim Coordinator, Washoe County Human Services  
Agency  
Mary Walker, representing Lyon County  
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's  
Office  
Corey A. Solferino, Lieutenant, Special Operations Bureau, Legislative Liaison,  
Washoe County Sheriff's Office  
Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe  
County District Attorney's Office; and representing Nevada District Attorneys  
Association  
Nicole Reilly, Ombudsman, Office of Ombudsman for Victims of Domestic  
Violence, Sexual Assault and Human Trafficking, Office of the Attorney  
General  
Nicholas Vassiliadis, representing Nevada Resort Association  
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Gary K. Landry, Executive Director, State Board of Cosmetology  
Nate Chio, Lieutenant, Special Investigations Section, Las Vegas Metropolitan Police  
Department  
Lauren Boitel, Executive Director, Impact NV; and Chair, Nevada Policy Council on  
Human Trafficking  
Bryan Wachter, Senior Vice President, Government and Public Affairs, Retail  
Association of Nevada  
Chuck Callaway, Police Director, Intergovernmental Services, Las Vegas  
Metropolitan Police Department  
Kimberly Yaeger, Director, Marketing and Member Relations, Nevada Trucking  
Association  
Dayvid Figler, Private Citizen, Las Vegas, Nevada  
Caitlin Gwin, representing The Sex Worker Alliance of Nevada

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada  
Annemarie Grant, Private Citizen, Quincy, Massachusetts

**Chairman Yeager:**

[Roll was called. Committee protocol and rules were explained.] We have two bills on the agenda today, and we will take them in order. I will open the hearing on Assembly Bill 33. There is a substantial amendment to the bill that is on the Nevada Electronic Legislative Information System, and I believe our sponsors will go through it.

**Assembly Bill 33: Authorizes the establishment of paternity in proceedings concerning the protection of children. (BDR 38-436)**

**Dagny Stapleton, Executive Director, Nevada Association of Counties:**

I have three presenters with me today. Amber Howell will provide the detailed presentation on Assembly Bill 33. She is the Director of Washoe County's Human Services Agency. That agency oversees the child welfare system in Washoe County and, because of her role, Director Howell is very familiar with child welfare and dependency cases and the process for determining paternity which our bill addresses today. Also here to help us present and answer any technical or legal questions representing Washoe County is Megan Lucey. We are also honored to have retired Supreme Court Justice Nancy Saitta as part of our presentation. She will share her perspective on this issue with the Committee.

I would like to note that we have submitted an amendment to the Committee. As you can see, we are proposing to gut most of the bill, as we found a better way to accomplish what we wanted with a simple change to the law. We will go through that with you and direct you to look at the amendment as Director Howell goes over the bill [[Exhibit C](#)].

**Amber Howell, Director, Washoe County Human Services Agency:**

The greatest gift we can give a child is closure through a forever family after they have been abused, neglected, or experiencing things we wish they had not. No child or parent should have to mourn the loss of each other, but when it does happen, for a variety of reasons, we do not want to prolong the next steps. The quicker we can remove the anxiety from a child who is worried about where they will be placed for the last time and have adopted parents who promise to give them the childhood they deserve, free from instability and ambivalence, the sooner the child can close that chapter and begin anew. Children in the foster care system endure unanticipated trauma from the unknown of not knowing where they are going next. Not having a secure placement or the confidence that the adults in their life will be there for them impacts all facets of a child's well-being. Children should not grow up in our system, and the second we realize that reunification with their parents is not going to occur, we need to have a seamless process to find the next best option. We have several federal timelines, case management, court procedures, and establishment of paternity, and all those things take many steps and actions. We want it to be seamless. That allows the children to be navigated to the adoption track efficiently and, most importantly, exit our system.

Think for a moment about a child's clock. For most of us, we think of a lifetime of 70 or 80 years, a relatively long period of time to live, experience, and enjoy all the things the world has to offer. But an individual has a very short time frame to be a child. About 20 percent of our lives is spent in childhood. When you think about a child entering into the child welfare system, working on reunification, establishing paternity, and getting adopted could take up to five years. By that time, a fourth of their childhood is already gone. They can never get those years back. This legislation addresses the legal process that takes place when a child is in the foster care system and needs to move into the adoption track. In dependency hearings, in order to ensure the biological parents of the child are resolved, the process for determining paternity has to occur. This bill ensures that this process is uniform and efficient across the state by making sure the existing process and law in *Nevada Revised Statutes* (NRS) Chapter 126 is also used in child welfare cases.

In 1995, Kaiser Permanente and the Centers for Disease Control and Prevention conducted a study called the Adverse Childhood Experiences Study. In short, this study found—and we have used this in the child welfare agencies for many years—that adverse experiences for children between birth and 17, such as instability in their home and family involvement, can and is likely to lead to chronic health, substance abuse, and mental health issues later in life. This means that the more frequent and longer these experiences occur for a child, the more significant issues become later in life. That is why it is critical to have a very smooth and efficient process for children.

With this legislation, as Ms. Stapleton mentioned, there is a beefy amendment [[Exhibit C](#)]. As she so eloquently said, we found an elegant way to simplify what we were trying to do. We have been busy working with all partners in our community from the courts, child welfare agencies, public defenders, child support, legal services, and district attorneys, and we have all come to a place of neutrality or agreement based on the long amendment that I am going to go through today.

First, and most importantly, we are proposing to delete sections 1 through 11. In section 12, subsection 1, paragraph (b), and section 12, subsection 2, paragraph (a), we are adding NRS Chapter 432B. In section 13, we are adding *Nevada Revised Statutes* Chapter 432B proceeding to NRS Chapter 126. That is the adoption chapter. Section 14 adds confidentiality language and final order language. All remaining language is being proposed for deletion.

These are very difficult cases for us in the child welfare agency. We do not believe that a parent wakes up one day and decides to be absent or to not provide for their children. When this occurs for whatever reason, we need to be there for the child to provide an alternative plan that is safe, loving, and secure. Everyone longs for a parent to guide them, teach them, and love them unconditionally. When biological parents cannot meet these tasks, we need to have processes that streamline the myriad events that occur for a child in the foster care system. This legislation has been proposed to provide clarification to ensure children have as much time on their clock as possible and give them as many happy years as we can.

**Nancy M. Saitta, Justice (Retired), Chair, Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children, Division of Child and Family Services, Department of Health and Human Services:**

I join in the support of this bill and urge the Committee to consider its most immediate passage. The process of adoption is long and tedious and, unfortunately, we do not often consider the needs of the child. I was a product of the system and I was adopted very early. I had the great fortune of being adopted and remaining in a family that put up with me through years where I would not have put up with me. The fact of the matter is that parenting, forever families, and permanency are the most important things that any child can and should have. While the state can certainly do their best to create an environment to keep our children safe and protected, no child should be raised by the state. This bill allows for the process that is often far too difficult and far too tedious to be streamlined. Where all rights are considered and, in fact, the ultimate goal is to protect the welfare of the child.

In this bill, we take out some of the things in law that we often think are important—and indeed they are. Let me make that clear. The establishment of paternity is something that should not ever be taken lightly. On the other hand, when it is clear that the parent is absent and will continue to be absent or has no interest in the life of this child, our state should be able to step up and allow the child to move into that forever family with as much simplicity and ease as is possible. I want you to know how very important it is to the state, to our welfare partners, to the Judiciary, and to someone like me who had the great pleasure of being adopted into a family that I think every child should have.

**Megan Lucey, Attorney and Victim Coordinator, Washoe County Human Services Agency:**

I am here to answer questions that this Committee would have for me today, so I have no additional testimony other than to be here to answer any technical or legal questions.

**Chairman Yeager:**

This is the first time in this session we have dealt with NRS Chapter 432B. What is the issue now, and how is the addition of NRS Chapter 432B into some of these chapters going to streamline the process? Would you walk the Committee through what these proceedings are and how this will help?

**Megan Lucey:**

These processes are for dependency youth in our foster program. At the onset of removal from a particular home for various reasons—abuse, neglect, unfitness—they will be placed into the legal system. That system is guided by these particular NRS Chapter 432B guidelines due to the nature in which these children are occurring. Primarily, it is due to confidentiality provisions that are detailed and that allow these children the protections so all their public matters and private matters are not disclosed for all of these purposes. This NRS Chapter 432B section has that legal basis to allow these children to go through this process in hopes of reunification with their biological parents or their guardians. However, if that process were not to be successful or it was not the correct path for that particular child, then these NRS Chapter 432B processes take them through the termination of the parental

rights and move forward onto the adoption services. These particular statutes under NRS Chapter 432B deal directly with dependency youth and our foster programs throughout the state of Nevada.

In answer to your question regarding what the particular inclusion into NRS Chapter 126 would do, it simply allows the establishment of paternity in these NRS Chapter 432B actions for these at-risk youth and dependency youth to streamline the process and make it more efficient when moving forward with the termination and ultimate forever-family placements. Without these statutes being amended to include the paternity language into the NRS Chapter 432B statutes, these processes require additional court hearings, additional motion practice, and additional publication for potential biological parents out there in the universe. With the inclusion into the already existing statute that establishes child support and other paternity actions already, we are simply adding this particular language to this dependency section to allow the existing process through NRS Chapter 126 to coincide with these particular cases for these youth. With this streamlined process, they will be able to avoid the additional time frame and processes through the court system and, as Ms. Howell indicated, will speed them up to their forever-family placements in the long run and get out of our system as fast as they possibly can to ensure their health, safety, and welfare on the backside.

**Chairman Yeager:**

To make sure I have it correct, right now there may be multiple court proceedings that have to happen, and what you are trying to do is essentially put all of these questions in the same court proceeding in front of one judge so we avoid the inconvenience and time delays and potentially having multiple court proceedings. The goal, as you stated, is to get kids placed permanently and as quickly as possible. Did I get that right?

**Megan Lucey:**

Yes, you did. That is accurate. To be clear, I believe all of these cases are heard by one judge in the various districts and counties, but it is multiple court proceedings that would have to occur under the existing law, which we are hoping to streamline moving forward.

**Chairman Yeager:**

Are there questions from Committee members?

**Assemblywoman Kasama:**

Would you walk through an overview of the amendment versus the original bill and the changes?

**Megan Lucey:**

These amendments were made to streamline the language that we initially proposed. As you will see through the initial bill, we added substantial language that mirrored the NRS Chapter 126 code as it sat. However, upon review of the additional language and inclusion, we realized through conversations with the many stakeholders throughout the state of Nevada that this could be done in a more efficient and less cumbersome manner.

We simply took out the language that we added to *Nevada Revised Statutes* Chapter 432B that existed in NRS Chapter 126 and added that the NRS Chapter 126 and existing language would then apply to NRS Chapter 432B actions. In effect, all we did was take what we included out of *Nevada Revised Statutes* Chapter 126 and then put the number in NRS Chapter 432B to be applied in the NRS Chapter 126 statute. That was the purpose of our change in amendments. Did that answer the question?

**Assemblywoman Kasama:**

It helped.

**Chairman Yeager:**

It was well done. I am impressed that you were able to accomplish what you wanted by deleting most of the bill and adding a couple of words. If and when we process this and we have an official amendment, it will probably be a little easier to digest, but we appreciate the effort to get it right.

**Assemblywoman Krasner:**

Several of the people on the Committee did not attend law school. Just talking about particular NRS sections does not explain the bill to them. Would you walk through the amendment and describe what they are proposing to do to this bill?

**Megan Lucey:**

Yes, I will be happy to walk through the bill. As you can see, the majority of the first several pages have been removed from our proposal today. Section 12 indicates that we are simply adding the NRS Chapter 432B section to the establishment of the relationship between child and their parents. In this particular section, we are adding the language that this adjudication of the woman's maternity is now applicable through the NRS Chapter 432B statutes. As it stands right now, there would have been a separate adjudicatory hearing, a separate hearing, in front of a separate court to establish that this particular mother or father were the parents who needed to be terminated from the life of that child before they could be placed in their forever family. That was the purpose of that inclusion.

Section 12, subsection 2 is the reverse, that a man may be established, under NRS Chapter 432B. This helps establish paternity through the DNA biological testing. Once there is DNA testing that is 99.9 percent conclusive that the person, either mother or father, is the paternal parent to that child, that would be a legal conclusion that they are then the paternal parents which would lead to the termination, which would then ultimately lead to the placement through an adoption in the forever family.

Section 13 allows that a NRS Chapter 126 action be joined with a NRS Chapter 432B action and be initiated at any point in the proceedings. This means that instead of having separate court actions, which is a paternity action to establish paternity and then a follow-up, subsequent dependency action to process the child through the system, you can join these two actions into one legal hearing and have both issues heard at the same time by the same court. As we articulated previously, this would alleviate the additional multiple court

hearings and allow the establishment of paternity, either mother or father, at the same time through the same processes of the dependency action.

The language in section 13, subsection 7, is particularly important. Under NRS 432B.280, all information pertaining to the information of child welfare institutions or agencies is deemed confidential and is punishable by law. The reason this is important is because these dependency actions have incredibly sensitive information regarding these minor children and their families. The State of Nevada has deemed that incredibly important to keep confidential as to not breach the confidentiality provisions and put these children more at risk for future issues. However, based upon the inclusion of a paternity determination in a NRS Chapter 432B action as we are proposing to do today, we need to have an appealable mechanism for a potential paternity action to be taken up to a higher court if that is deemed important or necessary. Therefore, with this proposed language, we are excluding the orders from the confidentiality provision—which is already contained in NRS Chapter 432B, subsection 280—so that the appealable methods can be utilized and these orders can be used to take it up to a higher court if it ever becomes an issue. That is the purpose of excluding a particular order from those prior confidentiality provisions.

A judgment or order pursuant to this chapter with a proceeding in NRS Chapter 432B is considered a final order. That is also for the particular appellate processes. We need to have it be a final order before it can be appealed up to a higher court. That is simply allowing the mechanism that is required through the *U.S. Constitution* that all actions be appealable to a higher court if it is deemed necessary.

The rest is the removal of the additional language that was going to shore up the language that would be consistent throughout the NRS code statutes. The reason the rest of it was removed was simply because it was unnecessary given the proposed amendment changes.

**Assemblywoman Krasner:**

*Nevada Revised Statutes* Chapter 432B proceedings are inclusive of termination of parental rights. I know that that has been referred to as the "civil death penalty." I understand that we want to protect children and make sure that neglected or abused children can get in their forever home, but on the opposite side, we always look at potential unintended consequences of a bill. Currently, it has to go through a different judge and different proceedings. If there is an error or something is missed, one judge might see what another judge may have inadvertently missed. Are we making sure we are not terminating parental rights too quickly with this?

**Amber Howell:**

This does not fast-track termination of parental rights more quickly. We believe 100 percent in what you said. Children should stay with their parents if they can. It is better if we can heal the family and keep them in their home with their biological parents and not have all these additional traumatic events. There are federal time frames around when you can even move to an adoption track or termination of parental rights. You have to show active and diligent efforts through the court system, all kinds of things. It is about two years of working



with the family. This does not speed up how quickly we terminate parental rights. This streamlines the declaration and the paternity to make sure and prove if they are the biological parent. We want to give equal efforts to both sides of the child and the parents. This will not change that. We have to give parents a good amount of time and we want to. We want to try and exhaust all efforts before we go down that path. We know that we do not take the finality minimally, and we know it is very difficult for all involved. This will not change it.

**Assemblywoman Cohen:**

I find section 13, subsection 7, a bit confusing the way it is drafted, and I heard it from another practitioner as well. Is there a way we can clarify it as you are working on the final amendment?

**Dagny Stapleton:**

We will be happy to work on it and make sure it is clear.

**Nancy Saitta:**

First and foremost, I apologize. A bunch of lawyers presenting a bill that makes sense to them is likely to be unclear. I will try to help with that and start with the very basics. *Nevada Revised Statutes* Chapter 432B section is being combined with NRS Chapter 126. *Nevada Revised Statutes* Chapter 432B is the absolute guideline that every judicial officer has to follow with respect to any consideration of the care and custody of children who come into the foster side of the court. That process is not in any way affected by joining it to or taking NRS Chapter 126 and pulling it into NRS Chapter 432B. All of the checkmarks, all of the boxes that are so important to be sure that we are putting the child into the adoption track, that we are protecting the rights of all the parties, all that remains exactly the same. Nothing changes. We simply bring everything about the process into one place.

The question about having one or two judges looking at the issues within those cases is important. I will tell you that the national gold standard for taking care—I use that term carefully, because indeed a judicial officer who sits in a NRS Chapter 432B or dependency court is taking care of the child. I will tell you that the national standard is that it be one judge, one family. Streamlining the process is more efficient and likely to be more careful in terms of considering all the parts that have to fit together. One judge looking at everything up to and including termination or establishment of paternity is likely to be less subject to error.

That leads me to the final question about section 13 that Assemblywoman Cohen mentioned. I think perhaps we can clarify that language, but all that really does is keep all the information about the NRS Chapter 432B proceedings protected and confidential, but this section allows for an order, the final determination, the final status, to be taken up on appeal if necessary. It is protecting the information that comes from the proceeding below, but allows for there to be enough information that if something needs to be put through the appellate track, the information is accessible. I hope that clears it up. *Nevada Revised Statutes* Chapter 432B is your guideline. *Nevada Revised Statutes* Chapter 126 is just a piece of the process that has to occur. We will put everything together in one place with continued

consideration and the appropriate federal guidelines and protection of all parties interested or affected by this determination.

**Chairman Yeager:**

The amendment that you have in front of you is not the official amendment that will be drafted by the Legislative Counsel Bureau Legal Division. This is essentially a conceptual amendment because it was prepared by the sponsor. That language may look different and probably will look a little bit different when it comes out from legal in terms of the order and confidentiality. I will have a chance to review it and sign off on it before we send the bill to the floor.

**Assemblyman Wheeler:**

It is clear to me that you are consolidating everything, putting it all under one umbrella, and speeding it up. I want to say, Thank you. That is exactly what we should be doing.

**Chairman Yeager:**

Are there any other questions from Committee members? [There were none.] Is there anyone who would like to testify in support of A.B. 33?

**Mary Walker, representing Lyon County:**

Lyon County supports A.B. 33. We would like to thank the Nevada Association of Counties and Washoe County for introducing the bill.

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

Our office represents parents who are involved in the NRS Chapter 432B action. We support A.B. 33 with the conceptual amendment. I appreciate the sponsors for working with us to ensure that we strike a balance to protect the parents' constitutional rights as well as streamline the process for all.

**Chairman Yeager:**

I want to make clear for the record and for the Committee members that there are a couple of exhibits on the Nevada Electronic Legislative Information System (NELIS). One is a letter of support by the Clark County Department of Administrative Services [[Exhibit D](#)], and there is a statement from Carson City that we are removing their proposed fiscal note based on the amendment to the bill [[Exhibit E](#)].

I will close support testimony. Is there anyone who would like to give opposition testimony to A.B. 33? [There was no one.] Is there anyone who would like to give neutral testimony? [There was no one.] Ms. Stapleton, would you like to give concluding remarks?

**Dagny Stapleton:**

Thank you for hearing this bill and for your questions and discussion. Please follow up with us if there are additional questions or clarifications that we can offer offline. I want to note that there were some fiscal notes submitted on the bill from counties and both the counties

with fiscal notes who noted an impact did submit letters that are on NELIS indicating that, with the amendment their fiscal impacts, their concerns had been alleviated. I believe we had a representative from Clark County who was ready to provide testimony in support but there were technical difficulties. On behalf of our members, they are in support of this issue and Carson City and Clark County specifically are good on the fiscal impact portion of the bill.

**Chairman Yeager:**

I want to note that I had a conversation with Clark County yesterday and they indicated that they were supportive of the amendment. I think it was Mr. Ortiz who was maybe going to be on the line. We had a conversation and they told me the same. We apologize, Mr. Ortiz, for the technical issues.

**Nancy Saitta:**

Thank you most sincerely, personally and professionally, for your time and energy that you put into this bill. Thank you for hearing us this morning. Of course, I would urge you to consider it as a do pass when it is properly amended.

**Amber Howell:**

Thank you to the Committee for having a great discussion about this important issue and all the support that we can get to get children in their forever home when it is time to do that. I appreciate your time today.

**Chairman Yeager:**

I will close the hearing on A.B. 33. We will move to the second bill on the agenda and open the hearing on Assembly Bill 182.

**Assembly Bill 182: Revises the elements of the crime of advancing prostitution.  
(BDR 15-744)**

**Assemblywoman Jill Tolles, Assembly District No. 25:**

As a point of personal privilege, I want to say I miss you. I miss this Committee. I served on the Assembly Committee on Judiciary for two terms and I know firsthand just how hardworking this Committee is and how you tackle so many complex issues, so many issues that often carry so much passion and emotion and truly impact people's lives. I want to say that I recognize that you do the state of Nevada a great service to serve on this Committee and to be willing to dive into those difficult issues.

I want to start by backing up a little bit since I am not on this Committee and we have not had a chance to hear each other's stories as much as in the past. I want to share a little of my journey into this particular topic and into the Legislature as well. My journey into legislative work was in part as an advocate for child sexual abuse prevention. Over the years, it led me to learn more about issues of human trafficking in our state and just how prevalent these issues are. I have had the opportunity and privilege of working with many stakeholders from victim advocacy groups, the Office of the Attorney General, law enforcement, district attorneys, public defenders, interest groups, individuals, and the business community,

including the Nevada Resort Association. I am so incredibly grateful for the work of all these stakeholders in providing input on all legislation that we look at in regard to these issues.

Over the years, I have had the privilege of both presenting and supporting legislation addressing issues of sexual abuse, assaults and human trafficking. That also led to starting a northern Nevada sex trafficking task force with the mayor of the City of Reno, Hillary Schieve, which engages all the stakeholders in northern Nevada.

Anytime that we talk about this issue, we often look at it through three different components: the demand side addressing the buyers, the traffickers and those who exploit individuals and abuse them, and the victims. In everything we do and anytime we have this conversation, I believe it is important that we always take a victim-centered approach. Again, I have had the privilege of supporting and presenting legislation that has addressed each of these aspects, but this particular bill addresses legislation that this body successfully passed in the 2019 Session. Assembly Bill 166 of the 80th Session very narrowly and specifically addressed individuals who were using their businesses as a front for sex trafficking. I would like to present to you Assembly Bill 182, which revises the elements of previous legislation relating to advancing prostitution.

Last session, the Legislature passed Assembly Bill 166 of the 80th Session, which created the definition for advancing prostitution and established penalties for the crime in response to an increase in cases involving individuals who knowingly used their businesses as a front to exploit individuals involving sex trafficking. Since its successful passage in 2019, I was approached to bring forward this legislation by the Southern Nevada Human Trafficking Task Force to clarify some of the language in *Nevada Revised Statutes* (NRS) 201.395 based on input from the Office of the Attorney General, law enforcement, criminal justice representatives, victims' advocates, and businesses. Generally speaking, A.B. 182 refines the enforcement language of NRS 201.395 while maintaining protections for businesses not knowingly engaged in this illegal activity. There are no amendments as of yet for this bill, in great part because of all the stakeholder input and help that I had ahead of time to get the language just right.

Section 1, subsection 1 clarifies an individual knows these crimes are occurring if they received written notice by law enforcement. Section 1, subsection 1, paragraph (a), also removes the section pertaining to involuntary servitude because it is a category B felony and therefore a higher standard than the crime of advancing prostitution, which is only a category C felony.

Section 1, subsection 3, removes the requirement that law enforcement must notify the individual three times and reduces it to one written notice. Law enforcement could not take action until three known incidents, which prolonged being able to help those victims and became too resource-intensive. Section 1, subsection 3, removes the abatement step of promoting ongoing education about such illegal prostitution for employees because it created

too large of a loophole for a business to simply hang a poster as a defense for taking steps to abate prostitution.

That concludes my presentation of A.B. 182. I would like to acknowledge that we have Nicole Reilly, Domestic Violence Ombudsman from the Office of the Attorney General, Lieutenant Corey Solferino with the Washoe County Sheriff's Office, Sergeant Scott Smith with the Human Exploitation and Trafficking team (HEAT), Jennifer Noble with the Washoe County District Attorney's Office, and I believe Lieutenant Nate Chio with the Las Vegas Metropolitan Police Department is available to answer any technical questions as they come up from the Committee.

**Chairman Yeager:**

While I have the bill open, the trigger is if a business receives written notice from a law enforcement agency that illegal prostitution is happening on the premises. My question is about what that written notice would look like. Is it a copy of a police report? If that is happening now, in what manner is that written notification being given? If it is not happening, how do we envision it would happen?

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

On behalf of the HEAT team, Sergeant Scott Smith, detective sergeant over our Human Exploitation and Trafficking team, is here with me. After a formal investigation and we have identified that this activity is happening on the premises, a certified letter with a copy of the police report and explicit notification of the crime that is occurring would be rendered to that business establishment, providing a record of notification versus just happenstance or perhaps three different notices. We believe this language is much more concise and provides us the ability to provide that written notification upon investigation and determining that these activities are taking place on the premises.

**Chairman Yeager:**

Are there any questions from the Committee members?

**Assemblywoman Marzola:**

My question is concerning section 1, subsection 1, paragraph (a). The words "knows" and "or should know" are deleted. I am wondering why. As I read it, leaving it there would help in a greater scale. I am wondering what the thought process was in taking that portion out.

**Assemblywoman Tolles:**

That was based on the Legislative Counsel Bureau's interpretation, and I agree with it. Essentially, once you receive notification and we have proof of receipt of notification, it determines that the individual running the business has knowledge. You are correct that "should have known" would broaden it, but we wanted to be very cautious about making sure this did not unwittingly apply to business owners who did not have knowledge.

**Assemblywoman Cohen:**

I have a question about the notification piece and what that covers. For instance, you have a situation where there is a laundromat and the owner of the laundromat gets notice. So he shuffles out the people who are involved and then a week later or six months later new people come in and start using his facility. Does the notice that he received previously count against him as having notice, or does he get notice of each individual situation as opposed to just a broad notice that there has been prostitution happening in his facility?

**Assemblywoman Tolles:**

Our intent and goal is to help create a process by which we can identify who is knowingly and actively engaging in this activity of exploiting, abusing, and trafficking victims versus someone who is not. This puts forth that in each instance, it is a separate instance. It is followed by receipt of notice and then cooperation with law enforcement to take steps to abate. There is no graduating penalty or graduation of incidence. It is to clarify that process. I am happy to open up to the District Attorney's Office, the Attorney General's Office, or law enforcement if they would like to add clarification to that answer.

**Jennifer P. Noble, Chief Deputy District Attorney, Legislative Liaison, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:**

As I read the language of the bill, it would be that each notice by law enforcement would regard a discrete set of transactions or occurrences that led them to give the notice in the first place. If a property owner takes action with respect to that notice in terms of the abatement that is listed in section 3, paragraphs (a) through (c), that would satisfy it for that occurrence. If a new set of people move in and they are engaged in the same type of activity—as I read the current language—another notice would need to be given by law enforcement specific to those persons and their activities.

**Assemblywoman Cohen:**

I want to make sure we play out all the scenarios. What if it is the same pimp but it is different women that he has working for him? What happens then?

**Jennifer Noble:**

That is an excellent question. As usual, you think of a lot of different scenarios and it is very helpful to the record. Let us say, for example, it is a pimp with different women or men. It is still different individuals engaging in a prohibited conduct on the property owner's property. I think the same analogy would apply where you would need to have a subsequent notice by law enforcement.

**Assemblywoman Nguyen:**

It is good to see you, Assemblywoman Tolles. I know that a lot of this is clarification and cleanup from the last session. There was a letter from University of Nevada, Las Vegas professor Barbara Brents [[Exhibit F](#)] late last night. I do not know if you have had the opportunity to look at some of her concerns regarding A.B. 182, but she has a couple of interesting points. I was wondering if you could address some of those. One of them was the

policy that said A.B. 182 punishes the property owner for purportedly allowing prostitution, which is a misdemeanor crime, and is punishable for the owner as a felony. Not all prostitution involves sex trafficking. Is there any kind of clarification that we might be able to do? I am wondering how some of these retail associations and businesses feel about law enforcement having unlimited access to their facilities to go undercover and surveil for a felony threat for misdemeanor crimes in this area. What kind of conversations have taken place with the stakeholders?

**Assemblywoman Tolles:**

I do not have the letter in front of me, but I appreciate conversations and input from all the stakeholders. I would like to acknowledge for a moment that this legislation is intended to be very narrow in its scope and application, and I encourage the individuals in this Committee to perhaps go back to A.B. 166 of the 80th Session. If I recall, it was quite a lengthy hearing presenting cases which brought forth the justification for why we needed something specifically in statute and to be able to charge individuals who were knowingly engaging in this activity. It is important to acknowledge that this is a much broader and complex discussion overall in our state around how we address, holistically, all these issues. I appreciate stakeholders who continue to engage in these discussions, even outside of the scope of what this legislation hopes to accomplish. I support those discussions continuing on the broader holistic scale.

I want to reference back specifically to A.B. 166 of the 80th Session and something we made very clear on the record when we first presented this legislation. I want to quote it again so it is clear on the record today. When I presented A.B. 166 of the 80th Session, I presented it with Director Chuck Callaway, and he ended his closing comments with this, and I want to echo them. "I want to emphasize that this bill is not directed at victims or sex workers. It is directed at business owners who are facilitating and trafficking victims." I also want to acknowledge that I myself and my husband are commercial property owners. We have 120 tenants in downtown and midtown Reno, including massage parlors, tattoo parlors, and nail salons. I do not believe, Assemblywoman Cohen, that we have any laundromats in our portfolio, but I do appreciate you always asking questions in regard to how this might be applied to various business settings. As a property owner myself of commercial properties with tenants, we read this language and reached out to others in the business community to make sure that it was narrowly tailored in such a way, which is why we added that it was receipt of written notice and that it involves cooperating with law enforcement. I will have law enforcement step in and share a little more about their current process and how we have seen this play out in recent years.

The last thing I would like to add is that we have done a tremendous amount of work over the interim directly in response to concerns raised by advocates and stakeholders around taking a trauma-informed approach and victim-centered approach with law enforcement. When they engage with these businesses and individuals in these activities, the intent is not to target or arrest the victims or the workers, but to really narrowly define and identify those individuals knowingly exploiting these [unintelligible] trafficking through their businesses.

**Corey Solferino:**

Assemblywoman Tolles has been a champion of addressing human trafficking in northern Nevada, to bring education, to bring aggressive prosecution, and to take that victim-centered approach. Unfortunately, we were late to the game. We have been listening to the legislative body for the past several sessions, and the importance with human trafficking, and forming our own task force. Under her experience and tutelage in bringing all the stakeholders together—from the casino industry, Regional Transportation Commission, law enforcement, the public defender's office, the district attorney's office, the American Civil Liberties Union—bringing everyone into the same room to address these problems. The best practices and evidence-based solutions to ending and combating human trafficking are aggressive prosecution, taking that victim-centered approach, and reducing demand. We believe that by holding business owners accountable for these types of instances when they occur, we can champion that endeavor.

The education campaign in this is huge. This is not a victimless crime. A lot of these women and men are brainwashed. They are taken as adolescents. They are a vulnerable population. They do not know what they do not know. Some of the ways that we try to reach out to them and get them to trust law enforcement is a very extensive process. Detective Smith and I were talking about a juvenile that we have been going after for the past several months that we have recovered four times—as a 14-year-old now 16-year-old—over the course of several different states and jurisdictions, trying to get her to services that she needs to recover.

All this is, is an accountability piece for business owners after a thoughtful investigation where we have identified that this problem is occurring on their premises. In northern Nevada, in the year that we have been operating under the HEAT team, we have not sent a formalized letter to anyone yet. We have not identified those entities. A lot of what we are doing right now is doing the reverse john operations, where we are targeting those pimps and johns. Once we get past COVID-19 and we continue on this endeavor and start identifying those businesses, we would be happy to share our process with you. We are a little late to the game and the Las Vegas Metropolitan Police Department has been championing this effort for several years. We do not want to steal their thunder, but we want to address a crime that is running prevalent in northern Nevada as well as the rest of the state.

**Assemblywoman Tolles:**

If you notice in section 3 under the steps to abate, we have three steps there. It is very important to note that it is an "or," not an "and." Business owners do not need to meet the standard of all three of those steps. They can meet any one of those steps in order to demonstrate that they are taking steps to abate and not be guilty of the category C felony brought forth in this chapter. I hope that helps to clarify for the record and answers Assemblywoman Nguyen's question.



**Assemblywoman Nguyen:**

That answered my question, and I can follow up with the bill's sponsor if I have any further questions. I would love to revisit some of those issues after you have an opportunity to review that documentation.

**Assemblywoman Tolles:**

I am always one for having much broader conversations, and I appreciate input from everyone involved.

**Assemblywoman Hansen:**

We certainly always want to be careful with legislation about protecting due process for individuals. I remember my first session in 2019 and the first time in this Committee when the other legislation came through, I was really surprised at what kind of a problem we have with some businesses being fronts for this sort of activity. Perhaps law enforcement could give us an overview—especially for those who are new—of some real-world examples that are occurring in our communities, as to the degree that these fronts are so insidious or under the radar that this kind of legislation could be helpful with.

**Assemblywoman Tolles:**

It just so happened in 2019 when we brought this legislation forward that there was quite a national focus specifically on illicit massage parlors that were very specifically using their businesses to traffic individuals. We had a number of cases with photographic evidence and some harrowing stories of how individuals were being trafficked. It was not just in massage parlors. We also had a case of a tax preparation service that, as I testified in 2019, did not have a computer or a calculator to be found, but there were eight beds and eleven Asian women hiding in a back storage room. We had testimony that they were being locked away in cabinets, identifications were being taken, and there were threats of physical violence against the victims and their family members—truly, some of the worst human rights violations you could imagine. I will let our law enforcement add anything to it if they would like.

**Corey Solferino:**

As I said, we were a little late to the game as far as getting our units set up. This was born out of the street enforcement team, a traditional vice narcotics unit. We identified the need. Sheriff Balaam, Chief Soto from the Reno Police Department, and Chief Crawforth from the Sparks Police Department understood that this was an issue that was coming to prominence in northern Nevada and dedicated detectives and detective sergeants to that goal. I am happy to report that over the next six months we anticipate adding an additional Washoe County Sheriff's Office detective, an additional Sparks Police Department detective, and a University of Nevada, Reno police detective to further these efforts. A lot of our operations at this point have been on a smaller scale, not targeting these businesses yet. Historically, we look at massage parlors and some other business fronts that are operating under different covers of business licensing and performing sex trades behind. We have not identified those locations in northern Nevada. As we continue to grow our unit and seek funding for advance operations, that is what we will bring and report to this body. Las Vegas has led the charge

on this for several years and obviously has more examples. We can speak from a historical context, but we have not gotten to that investigative process in the north just yet.

**Assemblywoman Tolles:**

I believe we have a number of individuals signed in for support who might be able to answer that question in their testimony.

**Assemblyman Orentlicher:**

Thank you, Assemblywoman Tolles, for all your so important work against human trafficking. As you point out, it is such a serious problem, and I applaud you for championing A.B. 166 of the 80th Session and refining it and doing some cleanup. A number of those provisions are very good for doing that, such as changing the "know" or "should know." I think that is an important way to refine the bill.

You described this as a narrow approach to address the human trafficking problem. That was the idea in 2019, and again today you talked about focusing this on trafficking but by deleting subsection 2, paragraph (b), the involuntary servitude part—I understand your concern about the conflict between class B and class C felony—it seems there might be a simpler and narrower way to fix that because by deleting it entirely, it is no longer narrowly focused on human trafficking. Now this picks up a landlord who rents an apartment to a consensual sex worker. One of the implications would be, for a lot of landlords, it is not worth getting caught up in this statute and maybe I should not even lease an apartment if I think this person is a consensual sex worker. The other thing that we know when we broaden our statutes beyond human trafficking, or pandering, or sex trafficking provisions, which go after people who induce or coerce sex—which we should be very aggressively going after—this statute broadens it to any type of prostitution. When we see that being enforced, we tend to see it in a racially disparate way. It seems like you have taken a very narrow approach to it and now you just open up the waterfront. It is going to have a lot of implications that you do not seem to be intending with your focus on the trafficking problem.

**Assemblywoman Tolles:**

I appreciate your thoughtfulness in regard to this topic. Not wanting to totally rehear the original bill, perhaps I left out a few clarifications. If I may go back to some of the things that we had on record in A.B. 166 of the 80th Session to address your and perhaps others' concerns, it might help to provide a little context. I want to point out that this is under NRS Chapter 201, and the language falls under the exception "except as otherwise authorized by law," making it explicitly clear for the record that that "except as otherwise authorized by law" does not impact legal sex work in brothels in our state. Also, I was very sensitive to make sure this was under the protections for victims of human trafficking. In NRS 201.303, it states that for "a victim of sex trafficking or facilitating sex trafficking, there is a rebuttable presumption that the person who committed the violation acted under duress," which would also be included, making sure that we always keep victims in mind.

The original bill only had this new law in regard to advancing prostitution. We later amended the involuntary servitude later on in the process. After I heard the testimony,

I thought perhaps it would be good to also include involuntary servitude. However, it was pointed out to me after we passed that legislation in 2019 that it was not a good match for this chapter since it is a higher standard to prove at a category B felony level and did not necessarily fall in line with a category C felony chapter. The original language did not include involuntary servitude. It always fell within this chapter where we have the applicable laws to address this issue.

I also asked the Washoe County Assistant District Attorney, Jennifer Noble, to comment on this from a legal perspective to answer this question.

**Jennifer Noble:**

The conduct that we think of under NRS Chapter 200.300, which talks about pandering, which is inducing someone to be a prostitute—a pimp basically—and sex trafficking, which we know is the coercing and recruiting individuals to engage in prostitution under some sort of threat or duress, that type of activity, when it is being knowingly allowed on the premises, is something that we need to be able to capture. Law enforcement needs to have the ability to reduce the demand for the commercial sex trade. Whether landlords like it or not, they are part of this ecosystem, so their cooperation is critical.

If a property owner is simply turning a blind eye to what is going on, but they have no notice, they do not have to be worried about any criminal liability. It is only after they receive this certified letter, this written notice, that this is going on, and they have an obligation to undertake one of the three different types of abatement that is in section 3, paragraphs (a) through (c), of the bill. That could be as simple as filing an online police report. It is not terribly onerous on the property owner. While I understand what you are saying, we need to confront the fact that property owners are part of this ecosystem and we cannot combat this issue without their cooperation.

**Assemblywoman Tolles:**

The whole genesis of this need for legislation in the first place was when law enforcement identified that these activities were occurring in these very specific instances, we did not have a statute by which to charge the individual and the owner. They could hide behind the defense that these individuals are independent contractors, I cannot be held liable. That was the reasoning behind why we needed this statute. If you can imagine how incredibly frustrating that would be, to know that someone is actively engaging in these abusive and exploitive activities and not having anything in the law to be able to charge them with. That was the purpose of bringing this bill forward, and again, to narrow its application, implementation, and enforcement.

**Assemblyman Orentlicher:**

I understand the goal of making sure we capture the landlords who turn a blind eye to human trafficking, coercion, inducement, or any of the concerns that we prohibit. It is important. This statute does it in a way that goes beyond those situations. It is no longer just the coercion, inducement, sex or human trafficking—all those important problems that we are addressing. Now it covers the landlord who leases an apartment to an illegal but consensual

sex worker who is not being coerced or trafficked. They are going to be very reluctant to rent an apartment even though they can file a form. They are also facing a category C felony, and it is probably not worth it. It is going to happen in a racially disparate way.

**Chairman Yeager:**

I think we will leave that question there. Maybe there is a further discussion to be had on that point. I understand where both Assemblyman Orentlicher and Assemblywoman Tolles are coming from on that particular question. I would invite the two of you to talk about it in more detail after the meeting.

**Assemblyman Wheeler:**

The way I read this, I see that this takes the people who do not want to be involved and gets them involved. It takes the people who are already involved and want to be involved and actually creates a punishment for those people. For instance, someone rents an apartment to someone not knowing what they are doing, then finds out later that they are using their apartment for illicit behavior, and they do not really want to get involved in this. At that point, they have a reason to get involved. Am I correct?

**Assemblywoman Tolles:**

It is to clearly establish the record of a written notice and a way for someone to distinguish if they are knowingly involved with it. Then we have a statute we can apply to charge them. If they are not knowingly involved, then they have steps they can utilize to work with law enforcement to ensure that the victims are protected and perpetrators are charged appropriately.

This is one piece of a very lengthy chapter regarding all of these crimes and in no way does it replace other charges for someone who would fall under many of the other statutes. I always want to keep coming back to the victim-centered approach and the fact that we have some great discussions in other bills in this legislative session that I look forward to continuing to engage in to avoid what I hear is a concern here, where we might be in a situation where we end up evicting victims and individuals who are disparately targeted, victimized, and in situations of vulnerability. That is not at all the intent of this legislation. As I said in 2019 and I will say again today, I believe wholeheartedly that other efforts we currently have existing in statute as well as additional ongoing discussions about how we ensure that we provide resources and support so we are truly targeting the individuals that we want to be targeting here, is part of the overall holistic conversation.

**Chairman Yeager:**

Are there any other questions? [There were none.] Is there anyone who would like to provide supporting testimony?

**Nicole Reilly, Ombudsman, Office of Ombudsman for Victims of Domestic Violence,  
Sexual Assault and Human Trafficking, Office of the Attorney General:**

I am here today on behalf of Attorney General Aaron Ford to testify in support of this bill.

**Jennifer Noble:**

Assembly Bill 182 is an important step in refining our ability and our toolbox to target those who are willfully allowing or encouraging sexual exploitation on their premises. It is a victim-centered approach that ensures no property owner or business owner will be caught up in a criminal charge unless they are willfully not cooperating with the police and not reporting the activity. We would like to thank Assemblywoman Tolles for her tireless efforts to help victims of sexual exploitation throughout Nevada with this legislation.

**Corey Solferino:**

We want to thank Assemblywoman Tolles, the cosponsors, and primary sponsors of this bill for their tireless efforts. This is not just something that we address during legislative seasons. This is something we address through the interim and champion now in northern Nevada on a daily basis. For those efforts, we applaud all the stakeholders for coming together and really trying to do a community-centered, victim-centered approach on these pandemics that are in our area. We encourage your support of A.B. 182.

**Nicholas Vassiliadis, representing Nevada Resort Association:**

We are here in support of this bill and would like to thank the sponsor for working with all of the interested stakeholders to make sure we got this bill in a place that it was effective without any unintended consequences that could hurt any business owners. We appreciate all the work from the other existing stakeholders and would love to see bills that evolve over sessions to develop great policy for this state.

**Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

Ditto to all the aforementioned comments. We support the bill.

**Gary K. Landry, Executive Director, State Board of Cosmetology:**

I am speaking in support of A.B. 182. We have had a few cases of prostitution within our licensees over the past several years. We had problems until Assemblywoman Tolles introduced legislation in 2019 to make it easier to prosecute those cases. This bill is another way that will help us when we run into prostitution. By holding the people who run the salons responsible for ensuring prostitution is not being allowed in the salons, it will help us in getting prostitution out of the cosmetology profession. Therefore, I and the State Board of Cosmetology support A.B. 182.

**Nate Chio, Lieutenant, Special Investigations Section, Las Vegas Metropolitan Police Department:**

My section has been involved in numerous cases involving illegal fronts of prostitution being conducted in legitimate businesses. From our practical experience over the past years, there has not been one instance, to my recollection, whether it has been a legitimate property or business owner, who finds out that prostitution is being conducted at their business who has not taken immediate action as a responsible business owner. It is only those businesses that are continuously involved in the sexual exploitation of the prostitutes that I believe this bill targets. I can give real-world examples if you would like.

**Chairman Yeager:**

I do not think we need real-world examples. I would recommend to the Committee if you are interested in it, you can go back and watch last session's hearing as there were some examples given there.

**Nate Chio:**

I have been listening to the meeting and I know there was one lady who wanted some real-world examples and I am here to provide that if necessary. Other than that, I hope you support this legislation.

**Lauren Boitel, Executive Director, Impact NV; and Chair, Nevada Policy Council on Human Trafficking:**

The Nevada Policy Council on Human Trafficking is a diverse cross section of community leaders and survivors from the public, private, and nongovernmental organization sectors coming together to pursue collaborative, long-term, systemic strategies to decrease sex trafficking in our state. On behalf of the Nevada Policy Council, we support A.B. 182. We think it is very important to reduce the burden on law enforcement to prosecute truly bad actors who are hiding behind business licenses to exploit vulnerable women and children and to support victims and get them out of their trafficking situations. We think it is an important step to continue Nevada's leadership in advancing good policies and state laws that combat human trafficking. We are in support and appreciate Assemblywoman Tolles' leadership in this area [[Exhibit G](#)].

**Bryan Wachter, Senior Vice President, Government and Public Affairs, Retail Association of Nevada:**

We want to thank the sponsor for continuing to tackle this problem and to bring needed solutions. We want all business owners and business retailers in the state to act within the law, and this notification will allow them to be better partners. We appreciate and support this effort.

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

I know that Lieutenant Chio expressed our support and I am not trying to take two bites of the apple, but I thought it was important to clarify a couple of issues. I copresented with Assemblywoman Tolles during the last legislative session on this very important piece of legislation that she is now making an effort to tighten and clean up some of the language.

This is not aimed at legitimate businesses. This is aimed at human traffickers who are using businesses as a front to profit off these victims. We have those cases, as she mentioned, such as tax preparation services that have rooms in the back with cots and cash counting machines; hotels that rent rooms by the hour, and they have bowls of condoms in the front where you check in, and they know full well that women are being trafficked out of these rooms; and then when law enforcement steps in, the victims of trafficking are afraid to say anything. They are afraid to come forward. Many times, they are illegal immigrants and they are afraid that they are going to be deported back to their country of origin. They do not

want to go against the business owner, and these business owners are profiting off this. This is not the legitimate businesses that we are targeting. It is traffickers. I appreciate the Committee's consideration of this bill.

**Kimberly Yeager, Director, Marketing and Member Relations, Nevada Trucking Association:**

On behalf of the Nevada Trucking Association and Truckers Against Trafficking (TAT), I am here to testify in support of A.B. 182. The Nevada Trucking Association has made it a priority to help educate not only our members, but the public, law enforcement, and related industries such as the casinos, transit, and real estate on how to identify the signs of victims being trafficked and the steps to take to help rescue the victims. Our efforts began in 2012 when we launched TAT in the state of Nevada, and partnered with Nevada's then-Attorney General Catherine Cortez Masto in a campaign to educate law enforcement and the public about sex and human trafficking within our state, one of the first in the country to successfully adopt an anti-human trafficking program.

Through our continued efforts to help combat this horrific crime, we provide an in-depth law enforcement training through TAT on human trafficking with an emphasis on a victim-centered approach and the social attitudes that contribute to a misunderstanding of prostitution. This training is central to a powerful survivor's testimony with her perspectives on interactions with law enforcement that she encountered. During COVID-19, many agencies have been utilizing TAT's training video for law enforcement. In fact, the Las Vegas Metropolitan Police Department will be training an estimated 3,000 officers at their next in-service.

In addition to TAT, Busing on the Lookout was launched in 2019 in Las Vegas and in Reno in January 2021. In Reno, we trained over 149 individuals from the casinos, transit, and real estate industries. With our efforts, we ask that you please support and help us put an end to this horrific crime by passing A.B. 182 and stop the illegal prostitution that is happening in our local businesses [[Exhibit H](#)].

**Chairman Yeager:**

I will note, for the record, that there are some letters in support on the Nevada Electronic Legislative Information System (NELIS). We heard from a few of those individuals, but one we did not hear from, and I wanted to flag, is a letter in support from Dignity Health-St. Rose Dominican that is uploaded on NELIS [[Exhibit I](#)].

I will close support testimony. Is there anyone who would like to give opposition testimony?

**Dayvid Figler, Private Citizen, Las Vegas, Nevada:**

I am a criminal law practitioner and a former municipal court judge for the City of Las Vegas. I appreciate that I might be the only person here in opposition of what I deem to be a very troubling measure. I am hoping I do not go over my two minutes, but if I do, given the amount of support, I hope to get a little leeway to point out those provisions that are

particularly distressing given where we are with criminal justice reform in this country and this day right now.

I would like to commend Assemblywoman Tolles and this Committee for striking the clearly problematic provisions of NRS 201.395. Specifically, the "known" or "should have known" language, as was raised in A.B. 166 of the 80th Session, is particularly problematic with regard to due process and constitutionality. I am glad to see that is gone and I hope that whatever happens, it gets stricken.

The problem with this particular statute is twofold. I appreciate that most, if not all, of the testimony talks about trafficking, which is a serious concern, and exploitation is a serious concern. Neither of those words appear in this statute. This statute, as proposed under A.B. 182, is far more broad, and that is where it becomes problematic. It essentially creates criminal liability for those who are passive or indirect participants by either giving a place or managing a business where the police unilaterally claim, without any merit of vetting, that a single act of prostitution has occurred.

I appreciate some of the testimony about it being a certified letter and thoughtful investigation and arrest reports, but none of it is required in this particular statute. Indeed, it just says "notice." Now, I can tell you anecdotally as a municipal court judge that I heard many cases where the police alleged that there were acts of prostitution in adult cabarets. Most of the time—an inordinate amount of time—those allegations turned out to be false. The problem with this statute is it has no threshold of proof. There is no procedure to challenge that particular notice. What is required in that notice is not provided for, and there is no penalty to law enforcement if that notice is either false or below whatever threshold of proof people are considering. Additionally, it creates liability at a category C felony level, which is really outrageous, considering that active participants under other provisions of NRS Chapter 201, the nonviolent person who lives from the earnings or derives proceeds, the person who places a person in a house of prostitution—these are only category D felonies. Of course, the act of prostitution itself is only a misdemeanor, and then there are some provisions that only provide for administrative clients.

The second issue is the vast and inordinate amount of discretion given to law enforcement with the power to coerce these individuals, who are otherwise potentially law-abiding citizens, into cooperating, and I take colluding with the police in a manner that is akin to conscription. Essentially, you do not have a limitation that mom-and-pop landlords, who are informed there is a sex worker who is utilizing the apartment, have a choice. They can either kick that person out to the street or they can engage in whatever this ambiguous cooperation with unrestricted undercover operations and surveillance amounts to. In essence, this is essentially a workaround for warrants and other protections of the *U.S. Constitution*, especially as it relates to the Fourth Amendment, to allow law enforcement to engage in activities to conscript otherwise law-abiding citizens into cooperation in ways there is no control, there is no vetting, and there certainly are no statistics as to whether or not this is disproportionately impacting communities of color.



In essence, if this is about massage parlors as indicated, provisions in NRS Chapter 640C and *Nevada Administrative Code* Chapter 640C allow for additional measures to be presented, and certainly every municipality has massage parlor regulations which would hold accountable those bad actors who are engaging in the type of activities that people who testified here today have mentioned.

Ultimately, under this particular statute, I would recommend that it be revoked and repealed altogether. Under this, you are providing yet another unnecessary tool ostensibly to end sex trafficking and exploitation, but really it is a measure targeting sex work and prostitution. It is a measure to give more discretion to the police to coerce or conscript citizens into aiding law enforcement to continue to engage in all the entrenched and systemically challenged methods that police have been criticized for which lead to calls for reform, defunding, and rare greater oversight which invariably affects communities of color in an absolutely disproportionate way. I understand the preoccupation with sex trafficking and exploitation. This statute, at least in this current form, is not simply narrowly tailored for that, but for a much broader purpose, which runs completely counter to what we are trying to do—especially given that our vice departments in southern Nevada and throughout the state are not transparent in their methods or how they use surveillance.

This is not the approach to accomplish the goal. While it is claimed to be more narrow, I agree with some of the comments of the Committee that this is actually much broader and capable of greater exploitation by the police department. When we look at the ambiguous language of the notice and we look at the ambiguous language of cooperation or abatement, which could mean that you have to throw people out to the street or, in the cabarets example, fire that individual even if they did not commit an act of illegal prostitution, because it is more expedient to avoid the harsh penalties of a category C felony. I would implore that even if none of what I am saying resonates with you, that you reduce the criminal liability here from a high category C to either a gross misdemeanor, wobbler, or a category E felony. It should not be more than those who directly participate in the actual ills that you are seeking to redress. I appreciate the extra time.

**Chairman Yeager:**

In recognition that you may be the only one in opposition, I gave you quite a bit more time than two minutes, so hopefully you were able to make your points and, if not, I encourage you to communicate with the Committee in writing.

Is there anyone else who would like to give opposition testimony? [There was no one.] I will close opposition testimony and open neutral testimony.

**Caitlin Gwin, representing The Sex Worker Alliance of Nevada:**

We are neutral on this bill, so I wanted to take some time to add some general context. First, I would like to thank Assemblywoman Tolles for changes that indicate she heard our concerns from A.B. 166 of the 80th Session. I think this bill is an improvement, but I still disagree with the general spirit of the bill. Assemblywoman Tolles and I have the same goal.

We want to protect exploitation of vulnerable workers. I think we just have different ideas on how to do this.

We know that many people doing sex work are doing it because it is their best or only option for work. This sort of circumstantial sex work is an indication of problems with unemployment, our immigration system, and poverty in general. Instead of addressing this problem with arrests and raids—which we know are traumatic and often end up in the arrest and deportation of unwitting workers—let us put the power in the hands of the workers who you identify as victims. Let us prioritize, and retrain law enforcement to have a nuanced perspective to understand the difference between consensual work and nonconsensual sex trafficking. There is a lot of work that needs to be done in this regard.

In a recent meeting with Las Vegas Metropolitan Police Department, a researcher asked how they identify the differences between consensual sex workers and trafficking victims. They said, I do not understand the question. Let us allow the workers to make decisions about their own lives. Let us make sure we are focusing on stopping acts of violence rather than acts of desperation. If they are victims, let us give them the resources to report their traffickers. Let us protect them from arrest and deportation, and let us trust what they say.

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

It was a pleasure to have a thoughtful conversation with Assemblywoman Tolles about this legislation and we appreciate her commitment to this issue and to building consensus. We are neutral on the bill as it takes some steps to mitigate harm to consensual sex workers, such as requiring any actual knowledge and providing an opportunity to abate. We remain concerned about the ongoing trend toward third-party criminalization and its impact on consensual sex workers. The American Civil Liberties Union (ACLU) of Nevada and The Sex Worker Alliance of Nevada submitted a letter with data for the Committee to consider when addressing these issues [[Exhibit J](#)]. We look forward to continuing a broader conversation on the issue with Assemblywoman Tolles, with each of you, and the Legislature.

**Chairman Yeager:**

I will note there is a letter that was referenced by Vice Chairwoman Nguyen in the neutral position that is uploaded on NELIS [[Exhibit F](#)] as well as the referenced letter from the ACLU [[Exhibit J](#)]. [[Exhibit K](#) was also submitted in the neutral position.] Members, you can check there for more information if you are interested. I will close neutral testimony and invite Assemblywoman Tolles to make any concluding remarks.

**Assemblywoman Tolles:**

Thank you again for allowing me to bring forward this legislation. Thank you to all the stakeholders over the interim who brought this to my attention and requested this bill and helped me refine it, and the individuals who called in and offered their thoughts, comments, and suggestions today. I always appreciate this dialogue and appreciate the larger conversation that individuals are attempting to address.

I want to respond to the comment that this is very broad. There was so much effort put into this particular language and legislation to ensure that it is not broad. It has very specific language about what constitutes a violation, what written notice needs to be involved, and a series of steps and options of steps that businesses can take to help ensure that they would not fall into this category of being guilty of this felony charge.

I want to thank all the cosponsors who have signed on. I know a couple of members of this Committee have also asked if they could potentially sign on. I am open to adding any other cosponsors. As always, I am open to collaborating and seeing if there are ways we can continue to perfect and refine this language. I appreciate all the questions of this Committee so I can make my intent and the intent of the supporters of this bill as clear as possible on record of exactly what it is we are trying to accomplish. In this process, there is always room for improvement.

**Chairman Yeager:**

I will close the hearing on A.B. 182. Is there any public comment?

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

My brother, Thomas Purdy, was 38 years old when he was killed by a Reno police officer, hog-tied during a mental health crisis, and asphyxiated to death. I want to remind you to please do not support bills that promote bad policing and that protect bad police, and to support bills that promote transparency and accountability.

**Chairman Yeager:**

I will close public comment. Are there any Committee members who want to add anything? [There was no one.] I do not know if we will have the luxury of taking any Judiciary Committee meetings off from this point on, but we will see how things develop. This meeting is adjourned [at 10:06 a.m.].

RESPECTFULLY SUBMITTED:

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Karyn Werner  
Recording Secretary

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Linda Whimple  
Transcribing Secretary

APPROVED BY:

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Assemblyman Steve Yeager, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 33](#), submitted and presented by Dagny Stapleton, Executive Director, Nevada Association of Counties.

[Exhibit D](#) is a letter dated March 4, 2021, written and submitted by Joanna Jacob, Government Affairs Manager, Department of Administrative Services, Clark County, in support of [Assembly Bill 33](#).

[Exhibit E](#) is a statement prepared by Sheri Russell, Chief Financial Officer, Carson City, regarding [Assembly Bill 33](#).

[Exhibit F](#) is a letter dated March 5, 2021, written and submitted by Barbara Brents, Professor, Department of Sociology, University of Nevada, Las Vegas, regarding [Assembly Bill 182](#).

[Exhibit G](#) is a letter dated March 4, 2021, written and submitted by Lauren Boitel, Executive Director, Impact NV; and Chair, Nevada Policy Council on Human Trafficking, in support of [Assembly Bill 182](#).

[Exhibit H](#) is a letter dated March 4, 2021, written and submitted by Kimberly Yaeger, Director, Marketing and Member Relations, Nevada Trucking Association, in support of [Assembly Bill 182](#).

[Exhibit I](#) is a letter dated March 5, 2021, written and submitted by Katie Roe Ryan, System Director, Nevada Government Relations, Dignity Health-St. Rose Dominican, in support of [Assembly Bill 182](#).

[Exhibit J](#) is a letter dated March 4, 2021, signed and submitted by Holly Welborn, Policy Director, American Civil Liberties Union of Nevada; Caitlin Gwin and Stephanie Tucker, representing The Sex Worker Alliance of Nevada, regarding [Assembly Bill 182](#).

[Exhibit K](#) is a letter dated March 5, 2021, written and submitted by Melissa S. Broudo, Co-Director, SOAR Institute, Brooklyn, New York, regarding [Assembly Bill 182](#).