

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

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

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:31 a.m. on Friday, March 26, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/81st2021](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 Elaine Marzola  
Assemblyman C.H. Miller  
Assemblyman P.K. O'Neill  
Assemblyman David Orentlicher  
Assemblywoman Shondra Summers-Armstrong  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Lisa Krasner (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Glen Leavitt, Assembly District No. 23  
Assemblyman Tom Roberts, Assembly District No. 13



**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  
Traci Dory, Committee Secretary  
Linda Whimple, Committee Secretary  
Melissa Loomis, Committee Assistant

**OTHERS PRESENT:**

Eric Roy, Attorney, Eric Roy Law Firm, Las Vegas, Nevada  
Leighann Lassiter, Director, Animal Cruelty Policy, Humane Society of the United States  
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  
Annemarie Grant, Private Citizen, Quincy, Massachusetts  
Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada  
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office  
Jamie Rodriguez, Government Affairs Manager, Office of the County Manager, Washoe County  
Daniel Giudici, Attorney, Flynn Giudici, Reno, Nevada  
Layke Martin, Executive Director, Nevada Dispensary Association  
Lewis Lacy, representing Planet 13

**Chairman Yeager:**

[Roll was called. Committee protocol and rules were explained.] The first thing I would like to do—this will probably not come as a surprise—is Committee bill introductions. We have four bill draft requests (BDR).

**BDR 14-374**—Revises provisions relating to pretrial release. (Later introduced as [Assembly Bill 424](#).)

**BDR 14-483**—Establishes provisions relating to the criminal forfeiture of property used in or derived from unlawful acts relating to the possession, distribution, or use of controlled substances. (Later introduced as [Assembly Bill 425](#).)

**BDR 38-516**—Makes various changes relating to the protection of children. (Later introduced as [Assembly Bill 426](#).)

**BDR 43-373**—Revises various provisions relating to driving under the influence of alcohol or a prohibited substance. (Later introduced as [Assembly Bill 427](#).)

I am seeking a motion to introduce these bill draft requests.

ASSEMBLYWOMAN GONZÁLEZ MOVED TO INTRODUCE BILL DRAFT REQUEST 14-374, BILL DRAFT REQUEST 38-516, BILL DRAFT REQUEST 14-483, AND BILL DRAFT REQUEST 43-373.

ASSEMBLYWOMAN KASAMA SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN KRASNER AND MILLER WERE ABSENT FOR THE VOTE.)

We have two bills on the agenda today, and we will be taking the bills in reverse order at the request of one of the sponsors. I will open the hearing on [Assembly Bill 350](#). There are a couple of exhibits on Nevada Electronic Legislative Information System that are proposed amendments to the bill.

**[Assembly Bill 350](#): Revises provisions relating to certain crimes against animals. (BDR 50-977)**

**Assemblywoman Melissa Hardy, Assembly District No. 22:**

The Federal Bureau of Investigation and the National Sheriffs' Association have recognized that animal abuse is an indicator of more serious crimes. For example, dogfighting and cockfighting circles not only hurt the animals, but they also bring drugs and illegal firearms to areas where they operate. Research also shows the strong correlation between animal abuse and domestic violence. Aggressors will control their victims by hurting or threatening to kill their pets. Further, the Federal Bureau of Investigation and other law enforcement agencies report that nearly all serial killers have a history of torturing or killing animals.

Many argue there have been a number of horrific cases of animal abuse in which mandatory assessment or treatment and prison time for the offenders should have been imposed, but the punishment never seemed sufficient. To address these concerns of the public, some counties such as Suffolk County in New York, Hillsborough County in Florida, and Cook County in Illinois have localized offender registries. Currently, Tennessee is the only state to implement a statewide animal abuser registry. Other states like Arizona, Illinois, Missouri, Mississippi, New Jersey, and New York have similar legislative measures pending this year.

It could be argued that implementing an animal abuser registry in our state is not only a worthwhile endeavor to save animals' lives, but an effort to protect human lives as well.

**Assemblyman Glen Leavitt, Assembly District No. 23:**

I would like to share some statistics reported by the Nevada Humane Society to help encourage support for this measure. In 2020, our state saw a more than 20 percent increase in animal welfare complaints. Currently, Washoe County Regional Animal Services has 20 cruelty cases in the adjudication process, 9 of which are felonies. In the previous six years, there were a total of four felony cases. In January 2021, the Nevada Humane Society rescued 70 cats from hoarding situations. Data on domestic violence and child abuse cases reveal that a staggering number of animals are targeted by those who abuse their children or spouses. The Humane Society also reports that in our country, an estimated 10 million animals are neglected or abused each year. Seventy-one percent of domestic violence victims reported their abuser also targeted pets.

During the last year, our nation and our state have seen significant increases in the number of individuals prosecuted for crimes against animals. I believe this bill is a step in the right direction, and I appreciate the input from the stakeholders.

**Eric Roy, Attorney, Eric Roy Law Firm, Las Vegas, Nevada:**

With regard to this bill, section 2 requires a person who is convicted of a felony against an animal to register with an animal abuser registry website within three days of release from jail or three days following sentencing if the individual is not incarcerated. Once a person is registered, he or she cannot own animals, cannot live in the same household with animals, and cannot work with animals. The individual will be required to register on this website for a period of ten years.

Section 3 requires the director of the State Department of Agriculture to select a nonprofit organization to establish and maintain the statewide animal abuser registry website. The nonprofit will make sure that the website offers public access to an offender's full name, most recent photo, and the list of each offense for which the offender was convicted. Additionally, the nonprofit will submit a report to the Legislative Counsel Bureau in every odd-numbered year that includes the number of offenders registered on the website and the number of times the registry has been viewed in each year. There will be some potential fiscal impacts from this bill. The bill will have an effect on local government by increasing terms of imprisonment in county or city jails or detention facilities.

There are two proposed friendly amendments. The first is by Assemblywoman Hardy, and it removes sections 9, 11, and 12 from the bill [[Exhibit C](#)]. We appreciate Chairman Yeager's guidance with respect to this amendment. The second friendly amendment does four things. It prohibits a person convicted of a misdemeanor for animal cruelty from owning, possessing, residing with, or engaging in employment, whether paid, unpaid, or as a volunteer involving the care of any animal for any period of time not exceeding 5 years from the date of sentencing or any period of time not exceeding 15 years if the conviction involves four or more counts of cruelty to animals [[Exhibit D](#)].

The amendment also prohibits a person convicted of a felony for animal cruelty from owning, possessing, residing with, engaging in employment whether paid, unpaid, or as a volunteer involving the care of any animal for not less than 5 years and not more than 15 years from the date of sentencing. A fine not to exceed \$1,000 may be imposed for a violation of this statute or court order. Any animal involved in a violation described in this section shall be forfeited to the State.

This concludes my overview of A.B. 350. It is our responsibility to keep the animals out of the hands of known abusers. I believe a registry accomplishes this goal; however, we appreciate the amendment presented by the Humane Society and look forward to a policy discussion with this Committee about the preferred way to prevent animal abuse.

**Leighann Lassiter, Director, Animal Cruelty Policy, Humane Society of the United States:**

I want to clarify for the Committee that I am representing the Humane Society of the United States and not your local Nevada Humane Society. We appreciate the opportunity to weigh in on this and Assemblywoman Hardy's support in sponsoring an animal-friendly bill. We are neutral on the majority of the elements of the bill, but very strongly support the idea of limiting or prohibiting future ownership and future contact with the animals. We refer to these bills as prohibiting future ownership, but for many lawmakers it is easier to think of them in terms of no-contact orders, just like you would have in a domestic violence situation or a child abuse situation.

The components of the law that are so important are prohibiting or limiting contact with the animals. Depending on the level of offense and the egregiousness of the offense, we like to give judges discretion based on lower-level offenses, such as neglect, where they can do a maximum of five years, or they can do nothing at all depending on the specific circumstances. It gives judges a very wide range of sentencing options and discretion on those lower-level, neglect-type offenses. The reason it is important to have those misdemeanor offenses addressed is because it typically includes animal cruelty crimes like hoarding. Those typically fall under the neglect-type statutes. Since hoarding has always had a 100 percent recidivism rate, it is incredibly important that judges can stop that cycle of violence, and allow animal control officers to keep an eye on those situations so they do not get out of control again and we do not end up with more animal suffering and hundreds more animals abused from the same individual over and over again.

The felony are the mandatory prohibitions. These include things we consider more violent crimes, such as dogfighting and torture. When people commit these crimes, they are basically telling you that they demonstrated through their actions that they are not responsible animal owners and they could be a danger to animals. We want to make sure we are separating the more dangerous people from potential new victims. I think it is a very important element to any law. Thirty-one states currently have some prohibition or limits on contact, providing authority to the courts to limit contact with other animals for a reasonable period of time. The law does not require more resources. It should not have any fiscal impact. It does not require more animal control officers. It is enforced in their daily activity

and enforcement duties. Most animal control officers know the outcomes of their court cases. They know when there is a court order prohibiting contact, and they can keep an eye on those people in the daily course of their jobs. There are no additional resources that should be needed.

We appreciate the opportunity to provide the language which expands on what is already in the bill, and I am happy to answer any questions.

**Chairman Yeager:**

Would the sentencing judge already have the ability to impose conditions like this as part of their normal judicial powers in a sentencing proceeding?

**Leighann Lassiter:**

You are correct. Judges can order a number of things. The difference here is that they are used to providing no-contact orders in a child abuse case or domestic violence case, but they see a lot more of them. Maybe in some of your larger cities, you have a prosecutor who catches all the animal cases that come into their office. They are very familiar with the law and ways to stop reoffending. Some of the courts that do not get as many animal cases do not think to do this. We think it is important to codify and make sure that especially the more dangerous offenders are not allowed to walk out of a courtroom. Someone who has been convicted of dogfighting three times is not allowed to walk out of a courtroom and buy a pit bull puppy. We feel it reminds the judge and the prosecutor that those things are available to them and it is a reasonable sentence. It also allows the law to be implemented fairly across the state and in every court.

**Chairman Yeager:**

You mentioned that Tennessee is the only state that has enacted this so far, although it sounds like there are a number of states considering similar legislation. How does Tennessee have it structured? Does the state or county run the registry, or is it as specified in A.B. 350 where a nonprofit runs it?

**Assemblywoman Hardy:**

I would like to have Ms. Lassiter clarify that. As she said, there are 31 other states that have this prohibition on contact, so she could clarify the difference between the registry and the no-contact.

**Leighann Lassiter:**

The abuser registry and the prohibiting future ownership language are very separate. The abuser registry here in Tennessee is handled by the clerk of court and the Tennessee Bureau of Investigations, so that database lives with them. It is updated annually through clerks sending that information. It has very few people on it. It is limited to felonies and is one of the reasons we remain neutral on a lot of registries. We focus our attention on prohibiting contact with animals as opposed to the registry. We certainly do not oppose them; we remain neutral and focus our attention in other areas.

**Chairman Yeager:**

Are there any questions from Committee members?

**Assemblywoman Nguyen:**

When I first saw this bill, I did a bit of research and watched some of the previous committee hearings. There was one in 2017 with this similar issue, and I wanted to say that I appreciate the amendments brought forward by Assemblywoman Hardy and Assemblyman Leavitt as well as the proposed amendment from the Humane Society. It gives me a lot of comfort knowing that we are headed on the right track for a good policy in this area.

**Assemblyman Wheeler:**

In the amendment that the Humane Society put in, section 4 says, "Any animal involved in a violation described in this section shall be forfeited to the State." How does that work? Does the animal go to a county shelter in the case of a large animal? What kinds of facilities do they have? Do they have to transfer to another state if the facilities are not ready? What about exotic animals? How do you handle that? I am wondering about the logistics of it.

**Leighann Lassiter:**

You are right. It depends on the species of animal you are dealing with. Typically, we find that 99 percent of the animal cruelty crimes with the higher rates of recidivism—some are around hoarding—are dogs and cats that your local shelters can handle. Because they are forfeited to the State, animal control officers and shelters have the option of taking those animals to their shelter, placing them for adoption, or they have the option of asking the judge to decide where those animals go.

**Assemblyman Wheeler:**

I understand what you are saying. It would not be to the State; it could be to the county or a private sanctuary. In cases where one person in the household was the abuser and the other person was not, and the animal was forfeited, what are the regulations or laws to get the animal back for the person who did not abuse the animal?

**Leighann Lassiter:**

That is a difficult question, and it comes up often. As long as the convicted abuser is not living in the household and does not have access to the animal, the other person should be able to reclaim their animal and, obviously, that is left up to the judge. The key is just like you would not want a child abuser living in the same house, even though only one parent abused the child. You are in a situation where you need to limit access to that animal. It is a difficult situation for someone who is not abusing the animal, but the whole point is to separate the abuser from the animal.

On lower-level offenses, such as neglect or failure to provide care or shelter, the judge has very wide discretion—up to 5 years—but also has discretion not just to prohibit but to limit or provide other restrictions around the ownership or contact with animals. In felony cases, these are more dangerous people. We are talking about dogfighters who continually reoffend and people who torture animals. You definitely do not want those in.

Some of you may remember from a few years ago the animal sexual abuse bill that the Assembly passed in 2017—Assembly Bill 391 of the 79th Session. It includes very similar language that prohibits contact with animals as well.

**Assemblywoman Cohen:**

My question is about section 4 of the bill and the registry. If someone is put on the registry, how do they come off? If they appeal the conviction and they win the appeal, what is the process for coming off the registry?

**Eric Roy:**

The registry requires the individual who has been convicted to be on the registry for a period of ten years. Once they go on the registry, ten years to the date after they go on the registry, whoever controls the registry will remove that name from the registry. Assuming you have a situation where you have an appeal by the convicted individual, if they win that appeal and their conviction is overturned, the onus would be on them to simply submit the court order that overturns the conviction to the registry. At that point in time, the registry can read it, determine the conviction has been overturned, and remove the individual from the registry.

**Assemblywoman Cohen:**

I noticed in section 2, subsection 2, that "A person required to register pursuant to this section shall register not later than 3 business days after." I would ask that if this bill moves forward, could you look at possibly changing that to judicial or calendar days rather than business days?

**Eric Roy:**

We would be agreeable to it. There is no issue with that.

**Assemblywoman González:**

Why are we classifying dogfighters with people who hoard animals who might have a mental illness?

**Eric Roy:**

Both aspects of the bill differentiate the crimes into misdemeanors or felonies. If the state determines that the crime is a misdemeanor, then there is a certain subject penalty, which is less severe. If it is determined to be a felony offense, the requirements are stricter. For example, if you are convicted of a felony, the prohibition against ownership is for a period of no less than 5 and no more than 15 years. If you are convicted of a misdemeanor, you will be prohibited from ownership from a period of zero up to 5 years. It really depends on how the crime is classified—if it is classified as a misdemeanor or as a felony.

With respect to the registry, an individual is not required to submit to the registry unless they are convicted of a felony. Misdemeanor offenses are not required to be in the registry unless the crime that you are convicted of is a felony.



**Assemblywoman González:**

Section 3 establishes and maintains a statewide animal abuse registry website and the director may terminate the authority of a nonprofit and select another nonprofit. I have a lot of reservations about that. If I am the director and I do not like one organization that has the registry, what prevents things like political discourse from my taking this registry from one nonprofit organization and giving it to another if I do not like it?

**Eric Roy:**

Nothing within this statute would prohibit the director of the State Department of Agriculture from doing that. The requirements within this bill are simply that it be a 501(c)3 nonprofit to run the registry and they would have to be bonded. Those are the requirements set forth. We assume there is no financial incentive for a change of ownership of the registry. Beyond that, there is nothing specifically within the proposed legislation that limits the State Department of Agriculture from modifying who controls the registry. If you have any suggestions, we are open to any potential amendments you might have in mind if you think it is an issue.

**Assemblywoman González:**

I find it an issue because it gives a lot of power where this data on people can be. I am also a little reserved for a nonprofit to have data on people that could potentially lead to their being more incarcerated. What is the oversight? What is the security around that? I am having a hard time with this registry being in a nonprofit's hands.

**Eric Roy:**

The information required by this bill to be provided on the registry is simply public record. The registry will be in no greater position than any individual on the street to identify this information. It is public record. Criminal convictions can easily be identified online. The registry is simply going to identify the name of the convicted individual, the crime the felon was convicted of, and a photo of that felon. They will not possess any privileged or confidential information.

**Assemblywoman González:**

Is this not data that organizations can collect and post on their websites if they wanted to? Why is there a need to have someone go on this registry? I could pull up the Internet and say these are the stats on this month's animal abuse information.

Assemblywoman Cohen also touched on the issue of three days. I have reservations about that as well. If someone is incarcerated, they are most likely not going to be able to register in three days, and we are now penalizing that.

**Eric Roy:**

It is public information, but pulling up someone's criminal history is not the easiest thing to do and people might not know they have that option. Some organizations may be more privy to that information than others. We want to make sure this information is available for any and all people who may want to look at this. If there is an individual who is trying to sell

puppies and they do not really understand how to log into a court's website and check through the various counties and various crimes, et cetera, they can simply log into the registry, which is very user-friendly, and they can identify the people who are on the registry. The registry makes it very user-friendly and easier to access. We do not want to have barriers in place. Although the information is technically public, we want to make the information easily available so that anyone who wants to access the information can access it easily and quickly. There are a lot of different people—animal control, various shelters, and private citizens—who may want to check this information, and we want to make sure it is easily identifiable information.

With regard to the second part of your question, absolutely I agree. We would not want to have people incarcerated and then not be able to register during that period of incarceration and be penalized. This bill states that if you are incarcerated, you are not required to submit to the registry until three days after your release from the incarceration. The bill protects against that scenario.

**Assemblyman Miller:**

Once they are put on this registry and not allowed to have contact or own an animal, when animal ownership is very easy and having contact with animals is very easy, it seems like offenders could go for years owning animals again without there being any type of check. How does putting them on the registry protect animals in the future?

**Eric Roy:**

Unfortunately, this bill is not a perfect solution. We deem it as a start and the beginning of a good solution. It will provide an easily accessible database that shelters, individuals, police, and animal control can easily log into; within ten seconds they can log in, scan down, and look at every name on the registry to see if a certain individual is on the registry. We do not have a mechanism that requires police or animal control to go to the convicted felon's house to determine if they do or do not have an animal, similar to what a probation officer would do in the case where an individual is on probation or parole. We do not have that in the bill. There would be a large fiscal note attached to it, so we do not have that. We wish we did have it; it would be excellent, but it is not part of this bill. We deem this bill as a good start in that direction.

**Assemblyman O'Neill:**

As I have learned already in my few short days on the Assembly Committee on Judiciary, words have meanings. I do not want to confuse the meanings. In the part about the person convicted shall not live "in the same dwelling as an animal" [section 2, subsection 4(b)], you said "household." When I think of a dwelling, I think of an apartment complex. I want to get it on the record that you are talking specifically about the household, the apartment, or the immediate living place of the individual.

**Eric Roy:**

You are absolutely right. It would be the immediate living facility of the convicted felon. If they live in an apartment complex and there is another animal in the complex, that would

be permissible. With sex offenses against children, there are limitations as to how close or far away the individual has to stay from schools and settings like that. We do not have that in this bill. It does not go that far. We would define dwelling as the immediate four walls and four corners of an individual's living situation, household, or apartment.

**Assemblyman O'Neill:**

I appreciate that. After having worked in the sex offender registry division, that is what I wanted to clarify. Who is paying for the maintenance? From reading the bill, I assume it is the private business. I want to make it clear that the state, county, or city is not responsible for maintenance of the registry. Is that correct?

**Eric Roy:**

At this point, we do have local nonprofits who have already committed and are willing to host and maintain this registry. That being said, the statute states that the Department of Agriculture can appoint a different nonprofit at a certain time to maintain the registry. In the future, if the Department of Agriculture were to modify the nonprofit—I cannot speak to that. Maybe that would require the State to host the website.

As far as the website goes, the only state that has this right now is Tennessee, which is very basic. The website is not extravagant. You scroll down and it lists every individual in the registry. There is the face, name, and the conviction. The onus is on the convicted felon to register. The state does not have to contact the registry. Essentially, at the conclusion of sentencing, the felon is ordered by the court to—based on the statute—register with the local animal registry. At that point in time, the convicted felon has to email or call the registry and say, I was recently convicted for animal abuse; here is my photo and this is what I was convicted of. The felon would email that information in.

Whoever hosts the website would simply receive the email, upload the photo, name, and conviction to the website and maintain it. It would just sit there. They would have to put some type of calendar in—probably the date of conviction—and ten years later, they would have to remove it because that is what it requires. From what I can see, there is not a lot of work to oversee this website. It is basic and does not involve too much state involvement, and the nonprofit really does not have to do that much. If the conviction is appealed and overturned, they would remove it at that point in time. There is no onus on the registry to contact any animal control or the police.

According to this bill, there is one other thing that they need to do. The host of the website submits to the State every other year the number of individuals on the registry and how many times the registry has been viewed each year. So they have that obligation, too. Every other year, they send a letter to the state advising how many people are on the registry and how many times the website has been viewed.

**Assemblyman O'Neill:**

I also want to ask about the procedure. Where does one go to register? You get convicted in White Pine County in Ely. Do I have to drive down to Las Vegas? You are saying they can

call in and then either mail their name and photograph or they email if they have access. Not every place in Nevada has Internet service. So they basically need to make some kind of contact by mail or email to deliver the information. If it takes more than three days for the post office—postal now takes five days for first class—they are not in violation. Do they have any requirement—they being the personnel of the registry—to update their photograph? I know you are going to find this shocking, but over the past ten years I have actually gotten uglier than I am now. What if I have a full beard and I shave it off immediately after I register? There is no onus put on them to update anything? It is just a one-time contact?

**Eric Roy:**

Yes, the registered individual simply emails or sends in their name, conviction, and photo through regular mail. At that point, the registry will upload the information to the website. With regard to the second part of your question, the convicted felon has the duty to contact the registry if they move or change their name. If they grow more gray hair or grow a beard, they have no obligation to do anything. But if they change their name or address, they have to notify the registry of that change.

**Assemblywoman Hardy:**

I wanted to note that in the conceptual amendment from the Humane Society, it does say "residing with" instead of "dwelling." I think that would cover Assemblyman O'Neill's question about it.

**Assemblywoman Kasama:**

If you Google "Tennessee animal abuse registry," it comes up very quickly. It is very simple. I think it would answer a lot of questions. My question is in regard to Petco, PetSmart, or other people who have animals for sale. Would the nonprofit push out information to all those places where you can buy animals so it would be an educational campaign, sending out information—such as a voluntary push that goes out to all these organizations to say, Please check these before selling animals to these people?

**Eric Roy:**

The bill does not require it. The nonprofit is not under any obligation to contact various pet stores, shelters, animal control, et cetera. If the bill passes, we are going to reach out to these various institutions and advise them of the fact that the registry does exist so they are on notice of it. We could write into the bill that it is suggested that the nonprofits disseminate the information far and wide within the state.

**Assemblywoman Kasama:**

Yes, probably just a suggestion. I do not want to make it overly burdensome.

**Chairman Yeager:**

I realize there may be additional questions, but in the interest of time, we will have to move on to testimony. Committee members, if you have additional questions, I encourage you to reach out to the sponsors and presenters after today's hearing.

At this time, I will open up testimony in support of A.B. 350.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

I would like to thank the sponsors for bringing this bill forward. I support this bill and the amendment. I would like to see a change to section 4, paragraph (c), dealing with working with an animal. I would like to see it include public servants who are canine handlers. The reason I say this is because I do not know if you have seen any video over the past several weeks, but there have been canine handlers throughout the country who have been abusing their dogs. One video recently is from Carolina. It shows the officer who picked the dog up by its collar or choke chain, choking him, body slamming him, pushing him up against the car, throwing him in the car, and hitting him. There was another vehicle—and I believe them to have been officers as well because inside, they were recording and they made comments such as, "We are good," "No witnesses," "Is your camera on?" The other person says, "Power off," and he says, "I think mine is on." The officer has been placed on administrative leave.

I am an animal lover, and I will tell you that I witnessed horrific abuse six years ago last Christmas. I was heading home and I came across an apartment complex. I could see up ahead that there was a man and two women, a child, and probably a six-month-old German shepherd. This man had him on a choke chain and was trying to get him to sit. As I got closer to him, I saw him take him by the choke chain and pull him up off the ground. He picks him up, raises him above his head, and then body-slammed him to the ground. My friend and I thought that guy broke the dog's back. I told my friend, Hang on. I flipped the car around and I blocked that driveway, got out of my car, and we had some heated words, mostly on my part. Then this man tells me to mind my own business, I am a cop. That was the wrong thing to say to me.

**Chairman Yeager:**

Ms. Brown, we are beyond two minutes. Would you please begin to wrap up?

**Tonja Brown:**

Yes. I am just saying that with domestic violence, he had a child with him and I looked at the mother and I made the comment that if he is doing this to his animal, this dog, in public, what is he doing behind closed doors? I think this should include canine handlers as well. If you take a look at the Reno Cop Watch, there is an incident on video where a Reno police officer handler has an individual on the ground and the suspect is on his knees.

**Chairman Yeager:**

I need you to wrap up, please.

**Tonja Brown:**

I am sorry. Thank you. I support this bill and the amendment.

**Chairman Yeager:**

When you see these things in the community here in Nevada, I encourage you to report what you witness to the local authorities.

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

In the interest of brevity, I will say that we are supportive of A.B. 350 and both the amendments currently on Nevada Electronic Legislative Information System—the one provided by Assemblywoman Hardy keeping the current penalties in place, and the one provided by the Humane Society giving judges discretion in ordering the defendant to the registry in misdemeanor cases and mandating a defendant register in felony cases.

If anyone has any questions about how the district attorney's offices handle animal abuse cases, I would be more than happy to take those questions offline.

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

I support the bill and I echo the previous callers and comments by Ms. Brown. I, too, believe in equal justice for all and I believe the bill should apply to public officials, law enforcement officers, and canine handlers. If you go to the Reno Cop Watch page, there are pop-up videos of local Nevada deputies using and abusing their canines.

**Chairman Yeager:**

Is there anyone else who would like to provide testimony in support of A.B. 350? [There was no one.] Is there anyone who would like to provide testimony in opposition to A.B. 350?

**Nicholas Shepack, Program and Policy Associate, American Civil Liberties Union of Nevada:**

I very much enjoy testifying; however, this is not a bill I am happy to testify against. We very much appreciate Assemblywoman Hardy's amendment; however, while our organization understands the well-intentioned goals of A.B. 350, which would create a public animal abuse registry, our organization has deep concerns about the extensive negative implications of this type of registry. As a result, we oppose the passage of this legislation.

This bill proposes to create a registry under which an individual in Nevada, who is convicted of a felony related to animal cruelty, is required to register for ten years and have their information made publicly accessible on a website. Evidence strongly suggests the ineffectiveness of registries like this, which only serve to criminalize and marginalize behavior of those with mental health disorders, making reintegration and rehabilitation difficult for ex-offenders and imposing further penalties on individuals who fail to follow proper registration procedures.

Animal abuse registries are not supported by some leading animal welfare organizations, such as the American Society for the Prevention of Cruelty to Animals (ASPCA) and the American Kennel Club, in recognition that these registries are ineffective, show no evidence of having an impact on incidences of animal cruelty, and waste limited financial resources dedicated to animal welfare. I sent the ASPCA position statement to this Committee yesterday, but for some reason it was not uploaded. I will try to do that again so you can read it.

We also have major concerns that a person with a felony would not be able to live in a home that has a pet, such as a bird or lizard, and could end up homeless for that reason. If the person's felony was for cockfighting or rooster fighting or something we definitely oppose, but they pose no actual threat to a lizard or a parakeet, it is unclear if they would be able to live in the house with a family member who has one of those pets. It is also unclear if something like a fish tank in a family member's house would bar them from living there. We hope to get some clarity on that section of the bill.

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

We would like to thank Assemblywoman Hardy and Assemblyman Leavitt for bringing this bill forward and making some of the changes that have already been made. We oppose, and one of the reasons why has been talked about many times in this hearing, which is hoarding. Hoarding is a type of mental health disorder that has been recognized in the *DSM* [*Diagnostic and Statistical Manual of Mental Disorders*] and this can subject people with mental illness to do things. Mental illness is a chemistry flaw, not a character flaw. We would be getting on this registration with a lot of people with mental illness. Part of the problem I have with the registration—I understand there was some talk that people would just hop online, but a lot of people with mental illness often wind up homeless. So to be able to hop online, put their own information and their own picture up on a website—I think would probably not occur. That would subject them to a never-ending position of being a misdemeanor and coming back to court, recycling them over and over again. When you have the sex offender registry and the person knows—or hopefully they know—that they can go to the police department and register there where they live and their address and keep that current. However, most of those people do not even wind up doing that, so I do not think there would be better compliance with this as well. Those are some of our concerns—continued criminalization of mentally ill people failing to properly register on this website. We do thank Assemblywoman Hardy for some of the changes she has already made.

**Chairman Yeager:**

Is there anyone else who would like to give opposition testimony? [There was no one.] Is there anyone who would like to testify in the neutral position on A.B. 350?

**Jamie Rodriguez, Government Affairs Manager, Office of the County Manager, Washoe County:**

We are neutral on A.B. 350. I reached out to Assemblywoman Hardy, and we were not able to touch base before the hearing today. We have one piece of clarification that we were hoping could be addressed, and Assemblyman O'Neill touched on this in his questioning. Section 2 requires that anyone on the registry update their residential address; however, in section 4 where it talks about the information that the registered individual would need to provide for the registration, it does not include providing their address. We feel there is a bit of a disconnect; we either need to add the residential address when they are first put on the registry or remove that they would have to update their residential address over the course of the ten years while they are on the registry. Otherwise, we think that might be a little difficult to manage. That is our only question or clarification that we are seeking on the bill.

We appreciate the bill sponsors in hopefully finding a way forward on this. I know this is a topic that has been discussed for a multitude of sessions, appreciating the increase in animal cruelty cases statewide, specifically in Washoe County.

**Chairman Yeager:**

Is there anyone else who would like to give neutral testimony on A.B. 350? [There was no one.] Assemblywoman Hardy, would you like to give any concluding remarks?

**Assemblywoman Hardy:**

I want to thank the Committee for hearing this bill and for all the good and thoughtful questions, and thank those who presented with me for all their information in this area. I would like to touch on one thing that was brought up a few times about the employment. In the amendment from the Humane Society, it says, "engaging in employment whether paid or unpaid." That would cover the issues that were brought up in some of the comments.

I wanted to take on this legislation because I am soft-hearted, and I am very sensitive to those abused, whether it is children, animals, or anyone in our society who are defenseless and really have no other way to protect themselves. I feel it is our responsibility to keep animals out of the hands of abusers and neglecters. We need to protect the poor, defenseless, little creatures from torture, serious abuse, and being involved in the gambling events that encourage fighting and simple neglect. We have spent quite a bit of time in the past 24 hours discussing this and the best way to approach it so we capture those people who are committing these atrocities. We are looking to work with the stakeholders and all those on the Committee so we can get to the best place we can to accomplish that goal.

**Assemblyman Leavitt:**

I would like to acknowledge my corgi Jeeter and thank him for all the companionship he has given me.

**Eric Roy:**

The reason why we bring this bill is because we want to protect animals. They cannot protect themselves. In Nevada and other states, on a federal level—for example, an elderly



or disabled person who is abused, beaten up, attacked, or killed—there are criminal enhancements attached to that type of behavior. The reason why we decided we needed to enhance those criminal statutes related to those types of crimes is because the elderly, disabled, and people who cannot defend or speak up for themselves have little ability to protect themselves. That is why we need to have a statute to protect animals. Animals essentially have no voice. They cannot leave a situation where they are being abused. They are subject to the oppression of their owner. It is up to us to protect them the best we can. That is why we want a registry.

The American Civil Liberties Union (ACLU) has spoken and stated they find registries to be ineffective. I guess that is their argument for why we do not want to have a registry, and they are not as effective as they could be. I do not know if that is a compelling argument. If you are saying something is effective, then it is effective. Maybe it is not as effective as other things, but it is a step in the right direction. At this point in time, there is no other legislation in place that is protecting these animals, so we have to do what we can by creating a simple website that allows us to find and identify abusers. It is not an overly burdensome task. It is something that can be done, we can do it, and it is something that should be done.

We have the same type of registry for sex offenders and pedophiles—there is no reason to believe it will work in that type of circumstance—but not for animals that are being abused. It is the exact same mechanism that is being used to provide the same type of protections for individuals.

Mr. John Piro spoke about the issue with hoarders who have mental disorders. I am sure that is true. It is not an issue because hoarding is typically a misdemeanor offense. Misdemeanor offenses are not required to submit to the registry—only felonies. People with mental issues who are hoarders will not be required to report to the registry, so they will not be detrimentally impacted by this bill.

**Leighann Lassiter:**

I will briefly address the comments from the ACLU about leaving someone homeless. It is impossible to legislate for every species of animal that could possibly live in a home, such as a fish or a bird. He used the example of cockfighting. Cockfighting is a violent blood sport. Just as a convicted child abuser abuses a 3-year-old but not the 10-year-old in the house, you are not going to leave one kid there for that person. When it comes to animals, those pets are typically and easily rehomed. The other members in the household can choose to have the convicted offender live in their home, whether that is a spouse, partner, parent, or sibling. If they want that person to live in their home with them, then they can rehome all the other animals that reside in the same house or dwelling. I just wanted to clarify that.

**Chairman Yeager:**

I appreciate the four of you being with us this morning to present A.B. 350. I will now close the hearing on A.B. 350 and open the hearing on Assembly Bill 326.

**Assembly Bill 326: Revises provisions governing cannabis. (BDR 56-641)**

**Assemblyman Tom Roberts, Assembly District No. 13:**

I am here to present Assembly Bill 326. Copresenting with me is Daniel Giudici, who is part of the industry and will be working with me on this piece of legislation. Thirty-six states have legalized marijuana, and 15 of those states have regulated adult-use programs. Despite this, the illegal market for marijuana is still thriving. The reason is simple economics. The Las Vegas Metropolitan Police Department (LVMPD) announced last April that it made its largest indoor marijuana grow operation bust of 5,700 individual plants, weighing more than 860 pounds and valued at nearly \$9 million.

There are consequences to the black market. Unlicensed cannabis producers and retailers compete against legal dispensaries, which lowers tax collection and impacts state revenue. In fiscal years 2019 and 2020, state sales tax on cannabis products in Nevada amounted to \$53 million. The illegal operation that I just mentioned above was producing close to \$20 million a year tax free. It has also been my experience that there are a lot of violent crimes associated with black market sales. Homicides and robberies occur on a frequent basis in LVMPD's jurisdiction.

I first started talking with dispensary owners who were frustrated with the lack of prosecution in the illegal market. I met with several of them, talked with the district attorney's office, prosecutors who were involved in it, and law enforcement. Basically, they said there is prosecution going on and there are still criminal statutes on the books; however, it lacks [unintelligible]. They have taken some of these cases to jury. They are hesitant to convict based on the legalized side of the market. One of the prosecutors whom I talked to suggested I contact the State Contractors' Board, which has a similar program that they believed would relate to the marijuana industry. I checked with the State Contractors' Board and the enforcement agent is an ex-DEA [Drug Enforcement Administration] agent, which brought some insight to this problem.

They basically have a two-part system—the criminal path, where they can go after unlicensed contractors; they also have the ability to go after unlicensed advertisers. In the marijuana market, you can dial up anything on Google or any app—such as Weedmaps and websites like that—and you can find tons of unlicensed sellers who are routinely advertising for illicit marijuana sales. I thought this fit well into that. They gave me two statutes: *Nevada Revised Statutes* (NRS) 624.720 and NRS 624.700, which were enacted a couple of sessions ago that allow them to give civil citations to people in the contractors' industry who either conduct contracting without a license or advertise without a license.

I gave that language to the Legislative Counsel Bureau and what you see before you today came out of that. I will tell you that the intent of this bill is not to add regulations to licensed dealers. It is not even part of the intent of what I wanted to do. I really wanted to give an extra tool to law enforcement and code enforcement officials—other than criminal prosecution—that would allow them to fine some of these people civilly and bring money back in for enforcement efforts, which is exactly what the State Contractors' Board does.

I have had some people reach out to me, including the Cannabis Compliance Board (CCB). In the way the bill was drafted, they do not have the authority or mechanism to do that. Mr. Giudici will touch more on that as he presents the bill. We also need to do some cleanup language in the advertising portion requiring the license number in advertising. We believe it would be best left up to the CCB to put those regulations into place so we could go after people who are not licensed.

**Daniel Giudici, Attorney, Flynn Giudici, Reno, Nevada:**

Assembly Bill 326 reiterates laws that are already on the books regarding the sale of cannabis without a license. Specifically, section 1 provides the CCB with more teeth to go after those selling cannabis without a license. After comments from government agencies as touched on by Assemblyman Roberts earlier, we understood that the CCB may not have the proper infrastructure in place to enforce this, so perhaps this will be amended. We will likely kick it to the courts with local jurisdiction, maybe on the basis of a CCB recommendation.

Section 2 deals with advertising, specifically asking that advertisements contain the name of the cannabis establishment and their license number or other unique identification assigned to the cannabis establishment by the CCB. There are a number of people who are advertising cannabis illegally. Another thing going on is there are a number of brands operating under cannabis establishments. It can be difficult to ascertain exactly who is creating products. Section 2 does a good job of putting that unique identification number on there so those individuals can specifically be identified by the cannabis establishments who are putting out those advertisements.

That is basically the mechanics of the two amendments made to this bill, and I will turn it back over to Assemblyman Roberts.

**Assemblyman Roberts:**

This bill needs a little bit of work. The intent is to add some civil statutes to accompany the criminal statutes in the proper court of jurisdiction.

**Chairman Yeager:**

Are there any questions from Committee members?

**Assemblywoman Nguyen:**

Is this just enabling language that would allow the CCB to do this if they chose to do it, or is it mandatory?

**Assemblyman Roberts:**

The intent was to allow enabling language either at the local court of jurisdiction or at the CCB, the way it is written today. In talking with the executive director of the CCB, they do not have the hearing officer or other things in place to facilitate this. It would be an issue for them.

**Assemblywoman Nguyen:**

I appreciate the creativity of this. I know the resources law enforcement is using walk a fine line between the decriminalization statewide and nationally, arresting people for selling marijuana; they also want to protect this growing industry and get that revenue. I know the city attorney in San Francisco started enacting civil injunctions against people because they wanted to avoid arresting them and they have looked at crafting this creative way to do that. Is this something you considered putting in this bill as well, giving the opportunity to sue drug dealers who are street dealers civilly?

**Assemblyman Roberts:**

I think that is a great idea, and I would certainly be open to it. While I was at LVMPD, we hired a civil attorney to do just that for problem businesses and apartment complexes, so I am sure it is a tool that could be used with law enforcement. Municipalities around the state could also go after these people who are profiting from illegal drug sales.

**Assemblywoman Summers-Armstrong:**

It seems like the person you mentioned in regard to that large drug bust had a substantial operation. Have there been any moves to expand the pathways for licensure for people so we have fewer instances of large grow houses that are illegal? Is there any movement in that direction?

**Assemblyman Roberts:**

I believe there has been a move to increase the number of licenses issued in the state. I know that was a challenge in the past. We heard a bill yesterday in the Assembly Committee on Revenue that talked about licensing promoters and vendors at events. I believe there are a number of different ideas out there to promote this industry and cut off the illegal portion of it.

**Assemblywoman Summers-Armstrong:**

I am concerned that we are regressing back to some of the other things that were happening previously with going after people who are selling marijuana. This is not my area; I am not the pro in this. I am concerned that we had significant discussions and I have heard many complaints about the inability of people from diverse backgrounds to get involved in this industry, and then when they become entrepreneurial, we want to go after them—your words. If we are not opening up pathways for more diverse participation in this industry, we need to be a little concerned about the aggressive nature of trying to go after people.

**Chairman Yeager:**

Are there additional questions for Assemblyman Roberts? [There were none.] Is there anyone who would like to testify in support of the bill?

**Layke Martin, Executive Director, Nevada Dispensary Association:**

We would like to thank Assemblyman Roberts for seeking to provide additional tools to combat the illicit market, particularly organized crime. We are grateful that Assemblyman Roberts has been flexible in working with the industry to ensure that requiring the type of

identification on advertising would not be overly burdensome, and we look forward to continuing the conversation.

**Lewis Lacy, representing Planet 13:**

We support A.B. 326, especially the intent. We understand it is very difficult to generate a comprehensive change to the prosecution for marijuana. The industry strongly supports the need to put something in place to be able to go after bad actors who try to infiltrate this market. We are more than happy to work with the industry and the sponsors on this bill.

**Chairman Yeager:**

Is there anyone else who would like to provide support testimony? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 326? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] Assemblyman Roberts, would you like to provide any concluding remarks?

**Assemblyman Roberts:**

I appreciate the Committee's time today. I apologize to Assemblywoman Summers-Armstrong. We are on the Growth and Infrastructure Committee together and yesterday it ran together with all the hearings, so I thought she was on the same Committee on Revenue. I am willing to work with the industry to make the needed adjustments. The intent to go after civilly is just a regulatory issue. It is no different than doing business without a license or anything else. I agree that we need to open up other opportunities as well so you have a dual-track system to reduce the amount of black market activity. Currently, law enforcement lacks all the tools. Criminal prosecution, as we know, you cannot arrest your way out of issues, and some civil fines would definitely go after the advertisers who are falsely luring tourists and some of our community people into purchasing on the illegal market. I would urge support. I will bring an amendment back as soon as I can and urge support for passage.

**Daniel Giudici:**

I want to reiterate Assemblyman Roberts' comments. There is a large cost of compliance for these licensees and they just want to know that their interests are being protected. I appreciate everyone's time.

**Chairman Yeager:**

I will close the hearing on A.B. 326. Is there anyone who would like to provide public comment?

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

My brother, Thomas Purdy, was 38 years old when he suffered a mental health crisis at the Peppermill Casino. He asked security for help, and they called the Reno police, who provided help by hog-tying my mentally ill brother—non-combative, non-assaultive—and brought him to the Washoe County jail where he was asphyxiated to death.

I have heard the Washoe County jail testify in different committees this session and recently, on Assembly Bill 268 that was being heard, they think they are doing a great job of not killing mentally ill people. I would think otherwise as someone who has personally had a loved one asphyxiated to death by them. There are two other people.

Watered-down bills are not designed to prosecute the police, but rather to restore public confidence in the police. They are used to diffuse demand in prosecuting police brutality and minimize punishment for guilty cops. What families really want is true change so no other families have to know this pain, and for our loved ones' killers to be held accountable as anyone not wearing a badge would be. Can you imagine if four men grabbed my brother and put him facedown and got on his neck and back and he died? There would be outrage. But because the men who killed him were wearing a uniform, that negates all culpability.

I would like to use the rest of my time to read the names of those killed in Washoe County: September 23, 1994, Wayne Ronald Bunch; October 29, 1988, Ben Hull; 1999, Jay Street; January 17, 2000, Daniel Millan Lopez; June 4, 2001, Jairo Rodriguez; December 20, 2001, Jeffrey Violet; December 24, 2001, Michael Wellborn; April 24, 2002, Josha Scot Lehman; November 22, 2002, Steven A. Jarosz; January 28, 2003, Ian Pace Dunwoodie; December 9, 2003, John McCoy; June 9, 2004, Jacob Lair; July 22, 2004, William Barton Lewis; March 16, 2005, Kyle Melendez.

**Tonja Brown, Private Citizen, Carson City, Nevada:**

I want to clarify something that Chairman Yeager said when I was finished speaking on the one bill. When I had my conversation with this individual, I informed him that I was going to call the sheriff's department. He then approached me with his dog. The person in my car yelled at me to get into the car, Let us get out of here, which I did. I then went home, called Sheriff Furlong at home, informed him, and called the sheriff's office. I did take the appropriate steps to see that something was done.

**Chairman Yeager:**

Is there anyone else who would like to provide public comment? [There was no one.] Is there anything else from Committee members? [There was none.] Before I make concluding remarks, I want to point out that I am wearing this donut pin that my mother sent me. She watches the Judiciary Committee meeting almost every morning, so I wanted to say, thanks for the donut pin, Mom. As many of you know, we try to bring donuts on Friday for members of the Committee. I appreciate your time and attention this week. Please get some rest this weekend as next week will be busy for sure. The meeting is adjourned [at 10:16 a.m.].

RESPECTFULLY SUBMITTED:

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Traci Dory  
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 350, dated March 26, 2021, and presented by Eric Roy, Attorney, Eric Roy Law Firm, Las Vegas, Nevada; and submitted by Assemblywoman Melissa Hardy, Assembly District No. 22.

[Exhibit D](#) is a proposed amendment to Assembly Bill 350, presented by Eric Roy, Attorney, Eric Roy Law Firm, Las Vegas, Nevada; and submitted by the Humane Society of the United States.