

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

**Eighty-First Session
April 16, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:02 a.m. on Friday, April 16, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

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 David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman P.K. O'Neill (excused)

GUEST LEGISLATORS PRESENT:

Senator Nicole J. Cannizzaro, Senate District No. 6

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
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Jessica Adair, Chief of Staff, Office of the Attorney General
Nicole Reilly, Ombudsman, Office of Ombudsman for Victims of Domestic Violence, Office of the Attorney General
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Jennifer P. Noble, Chief Deputy District Attorney, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office
Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice
Jimmy Lau, representing Dignity Health-St. Rose Dominican Hospital
Nathan Chio, Lieutenant, Crisis Negotiation Team, Las Vegas Metropolitan Police Department
Michael Cathcart, Business Operations Manager, Finance Department, City of Henderson
Cadence Matijevich, Administrator, Division of Consumer Equitability, State Department of Agriculture
Tonja Brown, Private Citizen, Carson City, Nevada
Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chairman Yeager:

[Roll was called. Committee rules and protocol were explained.] I will likely take the bills in order, depending on when presenters arrive. We will begin with Senate Bill 45 (1st Reprint).

Senate Bill 45 (1st Reprint): Revises provisions relating to crimes. (BDR 18-421)

Jessica Adair, Chief of Staff, Office of the Attorney General:

I am joined by my colleagues Nicole Reilly, who serves as the Attorney General's Domestic Violence Ombudsman, and Kyle George, First Assistant Attorney General, to present Senate Bill 45 (1st Reprint).

Senate Bill 45 (1st Reprint) is a bill intended to enhance the state's ability to combat domestic violence in the state of Nevada. In 2019, over 30,000 domestic violence offenses were reported to Nevada law enforcement agencies, according to the Department of Public Safety's uniform crime report. This represents one domestic violence offense reported every 17 minutes and 18 seconds. This shocking number does not account for the many domestic violence offenses that go unreported every day.

At the Office of the Attorney General, combating domestic violence and supporting survivors is a key priority that we achieve in several ways. Nicole Reilly has served as the Office's Domestic Violence Ombudsman for several years, managing many statewide programs on domestic violence and assisting individual victims by connecting them with services and sometimes even holding their hands in court.

Attorney General Ford also chairs the statewide Committee on Domestic Violence. This committee is comprised of diverse stakeholders and experts who help lead the way on domestic violence awareness and identify gaps in legislation, services, and systems that support families experiencing domestic violence.

This bill helps strengthen both the services provided by the Ombudsman and the committee. Sections 1 and 2 reflect expanded duties of the Ombudsman to include services provided to victims of sexual assault and human trafficking, in addition to victims of domestic violence. These expanded duties reflect a common reality that many victims of domestic violence also experience sexual assault and trafficking. Service providers, law enforcement, and other stakeholders frequently serve these victims together as well. It is critical that we do not work in silos, but support a more comprehensive approach to victim services. The Office of the Attorney General does not have any victim services staff dedicated to sexual assault or human trafficking. This will allow our office to serve the many different kinds of victims seeking our help during their time of need.

Section 3 clarifies that the Ombudsman will have expanded duties and serve victims of domestic violence, sexual assault, and human trafficking. The account created to serve the Committee on Domestic Violence will still be focused solely on domestic violence programs.

Section 4 makes several changes to the Committee on Domestic Violence to better serve the committee's goals. The bill adds two critical members to the committee. Subsection 9 adds a representative from the Office of Court Administrator within the Nevada Supreme Court. From protective orders to sentencing, the courts are our key partner in a judicial response to domestic violence, and adding this member will facilitate communication and a better understanding of domestic violence. Subsection 10 adds a representative of the Department of Health and Human Services, Division of Public and Behavioral Health (DPBH), who is experienced in the certification of programs for the treatment of people convicted of domestic violence. This section goes hand in hand with subsection 2(b), which removes the committee's statutory responsibility of certifying treatment programs.

Currently, those convicted of domestic violence offenses must attend treatment programs as part of their sentence. These programs are recommended by the committee and then officially certified by the Division of Public and Behavioral Health. This bureaucratic process is inefficient and often leads to a delay in certification for certifying treatment programs because the committee meets quarterly. The bill would place the responsibility for certifying treatment programs solely with the professional staff at the Division of Public and Behavioral Health. By appointing that staff member to the Committee on Domestic Violence, it will maintain the communication and shared expertise between the program

certification staff and the committee. For example, the committee is currently conducting a study on the efficacy of treatment programs. Having the certification staff on the committee will help inform the study and the study results will help inform the work of the staff who certify treatment programs.

Section 4, subsection 2(e) adds a statutory duty to the committee to study and consider the intersection between domestic violence and other issues, such as sexual assault and human trafficking. The remaining changes are technical changes to improve the committee's efficiency.

Sections 5 and 6 make conforming changes.

Section 7, subsection 4(a) makes a correction to the sentence for those convicted of domestic battery against a pregnant victim. In 2019, this Legislature passed Assembly Bill 60 of the 80th Session. Assembly Bill 60 of the 80th Session was sponsored by the Office of the Attorney General and made sweeping changes to the domestic violence statute. I remember working on this bill with many of the members of this Committee now, and I am sure you remember all of the changes we made in that bill for the betterment of the state. One of those changes created a new crime—domestic violence against a pregnant victim when the offender knew or should have known that the victim was pregnant. This is in recognition of research that shows that homicide is one of the leading causes of death of pregnant women. Additionally, pregnant people who experience domestic violence have greater health risks due to their condition. Pregnant people experiencing abuse are also more likely to delay prenatal care.

Nevada Revised Statutes (NRS) 200.481 states that a first offense for domestic battery against a pregnant victim is a gross misdemeanor. The standard sentence for a gross misdemeanor is incarceration from 1 day to 364 days—quite a broad range. In practice, this is leading to absurd and unjust results when compared to the mandatory minimum and maximum sentences for misdemeanor domestic battery if the victim is not pregnant. Under NRS 200.485, a first-time misdemeanor domestic battery is punishable by a minimum of 2 days incarceration and a maximum of 6 months. A second-time misdemeanor domestic battery offense is punishable by a minimum of 20 days incarceration and a maximum of 6 months.

As I stated earlier, because the standard sentence for a gross misdemeanor is incarceration from 1 day to 364 days, a person convicted of the more severe crime of domestic battery against a pregnant victim gross misdemeanor could be incarcerated for a fewer number of days than a person convicted of a standard misdemeanor battery. This is not fair, and it defeats the intent of the statute. On the other hand, punishment of 364 days is heavy-handed for a battery that did not result in substantial bodily harm, particularly considering the maximum for a standard misdemeanor is 6 months.

This bill seeks to strike a balance that is fair, just, and reflects the intention of the statute. The new sentence proposed for a first offense of domestic battery against a pregnant victim is a minimum of 30 days incarceration and a maximum of 6 months. This statute also clarifies that offenders must also attend the treatment programs like those who are convicted of a standard domestic violence battery. The fines associated with the statute are also equal to fines for a standard domestic violence battery.

Thank you for hearing our bill presentation, and we look forward to answering your questions.

Chairman Yeager:

Committee members, are there any questions for Ms. Adair?

Assemblywoman Nguyen:

Obviously, I am pretty familiar with this from the legislation and working with you last session on trying to salvage some of these bills that had been filed by Attorney General Ford's predecessor. I am curious about a battery domestic violence second offense. I see that some of the mandatory counseling language seems to emulate a battery domestic violence second offense. Was that your intent or was there some sort of information that shows having the one year of counseling as opposed to the six months of counseling is more effective in these circumstances?

Jessica Adair:

The data that you are asking about is something we are currently trying to formulate with our study working with DPBH on the effectiveness of domestic violence counseling. We do believe that the longer treatment programs can be more effective than the shorter treatment programs. However, if you are looking for a study, that is something that we are trying to do currently.

I will also ask my colleague, Nicole Reilly, to speak to that particular section. She is very familiar with these programs with being on the current subcommittee to certify those treatment programs and helping to direct the study I was just speaking about.

**Nicole Reilly, Ombudsman, Office of Ombudsman for Victims of Domestic Violence,
Office of the Attorney General:**

What we are doing right now as a state is we have contracted with University of Nevada, Reno researchers and the Division of Public and Behavioral Health, which is the agency responsible for certifying the programs, to do a full canvas of the state on the efficacy of all of the batterers' intervention treatment programs that we have statewide. As of now, when we are looking at the severity of domestic violence offenders and those, in particular, who are battering or committing violence against pregnant persons, from some of the feedback we already have been able to collect, we believe the longer treatment is going to be much more beneficial for the offender's change of behavior and for the safety of the victim and the child. The safety of the victim and, of course, the unborn child that could potentially be born in the interim of this one-year treatment program has always been the number one purpose of any

legislation or service program. That is why I would say that language is in there, that the treatment programs be for a longer amount of time for persons who are committing domestic violence against persons who are pregnant.

Assemblywoman Nguyen:

With the battery domestic violence second offense, there is a mandatory 20 days of custody. Are offenders eligible for house arrest for a second offense?

Jessica Adair:

For this particular bill, we are not proposing to make any changes to that statute for the standard domestic violence battery. I believe in the current statute under NRS 200.485, section 1(a)(2), I do not see the option for house arrest in the statute, but there is the option for intermittent service of incarceration on weekends.

Assemblywoman Nguyen:

Is that something you would consider for this situation? In the proposed bill, it indicates a 30-day minimum mandatory time. Would there be allowances for house arrest or the weekends?

Jessica Adair:

I would like to speak to some stakeholders and you before committing to that amendment. I think that is something we can certainly explore.

Assemblywoman Nguyen:

I am just wondering if it was ever a part of the conversation. My final question is the requirement for the one year of counseling. I understand we are still working on that data, and I think it will be invaluable for future Legislatures to determine how effective these programs are and how effective this counseling is at reducing recidivism and helping families become whole. If an offender has a misdemeanor, the case can actually stay open for upwards of three years, but for a gross misdemeanor, the probationary period is shorter. Would offenders even be able to complete the term of requirements within the allotted time for probation on a gross misdemeanor, especially if they have to do the first 30 days in custody as a minimum?

Jessica Adair:

That is a very good question. That is not something, when speaking to law enforcement, prosecutors, public defenders, and domestic violence service providers, that we talked about. I need to do a little homework on that to determine if that is possible. Frankly, this clarification in the statute, I personally believe, was something the courts should have been doing already. Further down in NRS Chapter 200, there is a statute that states anyone convicted of a domestic violence battery should also be ordered, as part of their sentence, to attend treatments for persons convicted of domestic violence. However, in practice, because this is a new sentence or new crime, some courts in this state in the past two years have not made that part of an offender's treatment, but some courts have. Some courts have, within

this time period, already made this part of an offender's sentence, but other courts have been resistant because it was not specifically in that section of the statute. That is why we added the clarification in this particular bill.

However, you make a good point in that if we are putting a maximum cap of 6 months, that might make this logistically difficult. I would like to work with you and some of our stakeholders about how that would work in practice.

Assemblywoman Nguyen:

Thank you for all those answers on those questions. I know you have been working really hard. I agree, I do not think our intent, when we were making some of these changes, anticipated the situation we are in today that necessitates this bill. I would happily work on some of those changes as well.

Assemblywoman Hardy:

In my recent experience, I have learned a lot about victims and what they go through. Anytime we can expand services and support to victims, I think it is most needed and very beneficial. I appreciate this bill very much.

On page 8, line 3 of the bill, it states, "If a person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state" Could you give me an example of where we would need that? Do they not have services in rural areas? I am just wondering when we would need to do that.

Jessica Adair:

There are some rural areas in the state where those treatment programs are not readily available. For example, if a treatment program has been certified in Utah or Arizona that is closer to where that person resides, this statute allows the court the flexibility of ordering that offender to attend treatment programs in person in another state, so long as those programs have been certified.

To be clear, we are moving forward with some virtual treatment programs, which is a very exciting development. However, for some offenders attending in person may be more beneficial to their treatment. We want to give courts the flexibility and discretion to take advantage of programs in other states.

Assemblywoman Hardy:

That was my next thought—are these available virtually also? The intent is to have options.

Chairman Yeager:

I am not seeing any additional questions from Committee members. I will open the hearing for testimony in support of S.B. 45 (R1). Is there anyone on Zoom waiting to testify in support? [There was no one.] Are there any callers waiting to testify in support?

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

We are in support of S.B. 45 (R1). It is an honor to be serving on the Committee on Domestic Violence, and I am thankful for this bill being brought to you today. We thank the Committee for considering this bill.

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

We are in support of S.B. 45 (R1). We would like to thank the Attorney General for bringing this important bill forward, which will assist law enforcement, prosecutors, and advocates in providing more effective services to survivors of domestic violence and sex trafficking to help ensure more equity and effective treatment in sentencing and treatment of offenders.

Chairman Yeager:

Are there any other callers waiting to testify in support? [There were none.] I will close testimony in support and open testimony in opposition. We will start here in the room in Carson City.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office:

We are in opposition today. I do want to thank the Office of the Attorney General and their staff for working very hard on this bill. I really appreciate the work to ensure that we are actually studying the efficacy of the treatment programs. As petitioners, we have learned that what we are doing is not working. As you heard from staff in several other bills, what we are doing in this regard is not working.

Our only objection for this bill is the mandatory minimum 30-day requirement. We disagree with changing the gross misdemeanor offenses. We believe this is what led to the issues with our category B offenses that you heard us discuss earlier. Our main issue is just ensuring we are providing opportunities for these clients to better themselves from the situation. Spending 30 days in custody does not do anything to ensure they will not return and abuse the person again.

For battery on a pregnant person, this could be an offender's first time getting involved in the system. It is not saying that they have already committed a prior domestic battery offense. We believe that giving them options of treatment rather than incarceration, which costs a minimum of \$126 per day in the Washoe County Sheriff's Office at our expense, does not make sense and can, perhaps, have a chilling effect on victims where they will not want to come forward or they do not want to continue with the prosecution. Those are our concerns. Thank you for letting me participate today.

Chairman Yeager:

I do not see anyone else in the room to testify in opposition. Are there any callers waiting to testify in opposition?

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

The Nevada Attorneys for Criminal Justice (NACJ) opposes S.B. 45 (R1), specifically the part of section 7 that increases the mandatory jail time. While of course NACJ opposes domestic violence, including against pregnant people, S.B. 45 (R1) will not actually have the effect of stopping domestic violence. It is likely to actually decrease the system's ability to catch and prosecute abusers.

The problem is that victims of domestic violence are frequently economically dependent on their abuser. This is a major reason why they just do not leave. They would like to, but they cannot afford it. If we put abusers in jail for a mandatory term of 30 days, that runs into the exact same problem. Reporting domestic abuse is disastrous for victims because their partner is going to get fired from his job if he cannot show up for a month, so the victim is going to be put out on the street.

Raising the mandatory minimum to 30 consecutive days will make it so the victims' self-interest lies in keeping their mouths shut and not reporting their abuser. It is also counterproductive to our policy goals. The policy goals for victims to extricate themselves from their abusers are for the abuser to get into treatment and to stop doing this. However, that relies on the person reporting abuse in the first place.

Section 7 of S.B. 45 (R1) would deter reporting of abuse and would ultimately be harmful to the goal of preventing domestic violence. Therefore, NACJ opposes the bill.

Chairman Yeager:

Are there any other callers waiting to testify in opposition? [There were none.] I will close opposition testimony. I neglected to canvas the room for testimony in support. We will go back to support to hear from Mr. Lau.

Jimmy Lau, representing Dignity Health-St. Rose Dominican Hospital:

One of Dignity Health-St. Rose Dominican Hospital's core missions is to end human trafficking. It falls in line with many of their missions, including advocating for those who are disenfranchised in the communities. Back in 2014, Dignity Health launched a program to help identify victims of human trafficking within their facilities and trained all of their staff to do that and use evidence-based interventions. We thank the Attorney General for bringing this bill forward, and thank you for your time.

Chairman Yeager:

Is there anyone else in the room in support of S.B. 45 (R1)? [There was no one.] I will reclose supportive testimony and will now go to neutral testimony. Is there anyone in the room who would like to testify as neutral to the bill? [There was no one.] I do not see anyone on Zoom to testify as neutral. Are there any callers waiting to testify in neutral? [There were none.] Are there any concluding remarks from the presenters?

Jessica Adair:

I will just respond to some of the opposition testimony about how this would be counterproductive to victims coming forward. Currently, the sentence that is available to offenders of this offense is up to nearly 1 year in jail. If we are serious about not wanting to discourage victims, I would encourage folks to take a look at the mandatory maximum of S.B. 45 (R1), which I believe is much more reasonable than the current statute on the books. While I understand they have strong feelings about the mandatory minimum, there is also a mandatory maximum proposed in this bill that does not exist in current statute.

I look forward to working with you and members about your specific concerns. Thank you, again, for hearing this bill.

Chairman Yeager:

I will close the hearing on S.B. 45 (R1). I will open the hearing for Senate Bill 358. We have Senator Cannizzaro and Mr. Chio to present the bill.

Senate Bill 358: Revises provisions relating to wire communications. (BDR 15-1008)

Senator Nicole J. Cannizzaro, Senate District No. 6:

I am here today to present Senate Bill 358, which proposes to establish that it is not unlawful to intercept a wire communication in certain circumstances. By way of background information, I would like to talk a little bit about the reasons for this bill. Telecommunication carriers, of course, maintain facilities that allow law enforcement to intercept communications under a court order, known as what we refer to as a “lawful interception.” Senate Bill 358 proposes to expand the scope of lawful interception to include certain emergency situations involving hostages or an individual who has barricaded himself or herself and law enforcement does not have the ability to timely obtain a warrant.

This bill expands the parameters that allow for the recording of wire communications without consent. Under existing law, the interception or attempt to intercept communications is only allowed in emergency circumstances or if one of the parties involved in the communication has consented. Senate Bill 358 adds another exception to this prohibition by specifying the interception of communications is in fact lawful in two specific situations: first, if the person has barricaded himself or herself and is not complying with requests of law enforcement in circumstances in which there is imminent risk of harm to the person or to others; or, in the second scenario, if the person has created a hostage situation.

Senate Bill 358 is a needed piece of legislation to ensure that law enforcement personnel are not criminally or civilly liable for intercepting or attempting to intercept communications when they are involved in a situation involving a barricaded individual or hostages. The bill simply allows for them to be able to intercept those wire communications to not only allow for better monitoring in those situations, but also to create a record of what has happened in the situations to ensure that law enforcement is in fact doing the job that we believe they should be doing, and to ensure that those situations can be resolved without further risk or harm of injury to others or to the individual who has created either that barricaded or hostage situation.

With me today is Lieutenant Nathan Chio from the Las Vegas Metropolitan Police Department. With your permission, I would like to turn the presentation over to Lieutenant Chio to walk through some of the reasons why this bill is necessary before opening it up to the Committee for any questions you may have for either me or Lieutenant Chio.

Nathan Chio, Lieutenant, Crisis Negotiation Team, Las Vegas Metropolitan Police Department:

I am a police officer with the Las Vegas Metropolitan Police Department (LVMPD), and have been employed here for the last 25 years. I am currently a lieutenant supervising the Crisis Negotiation Team. I was actually a member of the Crisis Negotiation Team for several years prior to my promotion as a lieutenant in 2017.

For those who are not familiar with our Crisis Negotiation Team, or CNT, it is an auxiliary position to each member's full-time assignment. The CNT members are detectives, officers, investigator specialists, and sergeants from across our department. The CNT is on call 24/7 to respond to barricaded suspects, hostage crisis situations, armed suicidal suspects, jumper situations, and terrorist threats. We typically respond to an average of 50 to 70 events per year. This year, since January 2021, we have already responded to approximately 24 events. In November 2020, I took over supervision of the negotiation team as a team leader.

Senate Bill 358 was introduced this legislative session at the request of LVMPD for several reasons. First and foremost is to provide transparency and accountability for the LVMPD during these high-risk events. Recorded conversations can be reviewed to ensure the public and the courts that the CNT is operating appropriately to de-escalate the situation. This protects not only the suspect, but the officers, similar to how a body-worn camera does.

Second is to remove a roadblock for negotiators to establish initial communication and rapport with the subject. Establishing initial communication and rapport is our most difficult objective on every one of our missions. The vast majority of the subjects we encounter are in some form of crisis, whether it is from a traumatic event, mental illness, drug induced, criminal intent, or fear of incarceration. Notifying an individual in crisis at the beginning that their conversation is being recorded to comply with current Nevada law can be problematic to establish rapport.

Third is to improve the quality and ability of the CNT. Recorded negotiations are a valuable tool for us as we continuously strive to get better at our craft. The LVMPD, as a whole, has shown to be a learning agency striving to always improve. Our CNT is no different under our leadership.

Lastly, it is to clarify the emergency situation in section 1, subsection 1, paragraph (b). In *Nevada Revised Statutes* (NRS) 179.460, wiretap interceptions are only allowed in a very specific set of crimes. Barricaded suspects are not listed in those crimes that are allowed. Is the emergency situation only for those specific crimes or for any emergency situation?

A couple of statistics I did want to share. During a RAND Corporation study, 79 percent of hostages were killed during a rescuing operation. When police assault a hostage taker, 75 percent are killed. That casualty rate and order is usually the hostage, suspect, and police. When trained negotiators are able to establish contact and rapport with a hostage taker and it is used as part of a team response during a police assault, there is a less than 5 percent casualty rate. The casualty rate in that order is suspect, hostage, and police.

According to the Federal Bureau of Investigation (FBI), the national FBI database, when negotiators are used in conjunction with a tactical team, there is a 58 percent chance of a peaceful surrender during a barricade or hostage situation. For the LVMPD, our rate is much higher—approximately 80 percent. Although that is a good number for our agency, it is not good enough. Our goal is always to improve.

One of the things I do want to point out is in 2015 there was a law already passed, NRS 179.463. The problem with that law is that it is in conflict with this existing law and according to our district attorney's office, because of the conflict, we abide by the law we are trying to amend. I can take any questions from the Committee.

Chairman Yeager:

We do have a couple of questions.

Assemblywoman Bilbray-Axelrod:

I guess I am a little confused. This is not typically my wheelhouse, but in these interceptions, is there a point where the court is involved, even retroactively? I understand it is a high-pressure situation, but I am wondering if at any point a judge is asked.

Senator Cannizzaro:

Currently under the statute, and I think Lieutenant Chio can speak more to this particular circumstance, there are emergency request provisions that deal with specific types of crimes. However, these barricade and hostage situations are not included. For example, if one of these interceptions were to be used as some form of evidence in a court of law, then the court would be involved in whether or not that evidence is admissible or not admissible if for some reason there were motions made by the parties to exclude that evidence. The court is not involved at the initial onset. The reason for that, not only in the emergency exceptions that are provided but also in this language, is because of the nature of the actual event; obtaining

a warrant and then having to have that warrant executed every time. One of the examples we discussed when this bill was heard in the Senate was in instances where there may be someone involved in a hostage or barricade situation who continues to cut off the communications between themselves and law enforcement, requiring yet another warrant to be drafted and approved by going through the judicial process. Because of the nature of these particular situations, the idea is that we would want to have those wire intercepts so there is good communication between the tactical teams, law enforcement, the negotiators, and the individuals in the hostage and barricade situation due to the dangerousness of that particular response.

At some point, the court could become involved if, for example, they were charged with a crime and this was offered as evidence to be introduced. The court could then make a decision about whether to include or exclude that evidence. The purpose of this bill is to allow one of the exceptions where law enforcement would not have to go through a judge to obtain that warrant or obtain a warrant every time those communications were cut off between law enforcement, the individual, and the hostage or barricade situation.

I do not know if Lieutenant Chio wants to add to that at all.

Nathan Chio:

One of the concerns we have in the way the language is written is there is an emergency exception where we have to have a ratification order within 72 hours. For us, as the largest police agency in the state, it is problematic. As I stated earlier, this is an auxiliary position. All of us who are a part of the Crisis Negotiation Team have full-time assignments. The 72-hour time frame includes having an affiant draft the affidavit for a wiretap, have a district attorney (DA) review it, and a judge then sign it within that 72 hours. It is from 72 hours of the event, not 72-hour business days or anything like that.

For us, even with our large agency, it is problematic because we all have full-time jobs. I would think smaller agencies would have an even more difficult time. I can think of one instance where we had an armed, barricaded suspect on Christmas Eve. We declared an emergency. We were able to find a DA to get it reviewed, but trying to find a judge who was available within that 72 hours became very problematic for us.

It is a step that I do not think is necessary because we are trying to not only limit the exceptions to these particular instances, but also the emergency provision in current language, as Senator Cannizzaro pointed out, does not include barricaded suspects.

Assemblywoman González:

Are there any examples where this would have prevented a death or any recent examples where this particular non-warrant type of theme would really have made a difference?

Nathan Chio:

As I said, I just took over about six months ago. However, it happened to me several years ago when I was a member of the Crisis Negotiation Team. I was the primary negotiator with an armed suspect barricaded inside a house. We did not know if he had a hostage at the time I made contact with him. There was a concern there was another person in there, but it turned out it was just a lone barricade.

This particular person was suffering from some mental illness issues, and paranoia was one of the things he was suffering from. As I tried to establish rapport and contact with him, I informed him the conversation was being recorded in as low-key manner as possible. At that point, he cut off contact. We tried to warrant that event for several hours. I think we called in over 50 times trying to establish contact, trying to get him to answer the phone by using a loudspeaker. Finally, we were able to resolve that situation by using gas to gas him out. We eventually had to go in and take him into custody.

During my debrief with that suspect as the primary negotiator, he flat out told me that because I was recording the conversation, he was not going to talk to us. That is one practical situation that happened to me several years ago. After that, I never used the emergency wiretap provision or tried to get consent because, as a negotiator, that is our primary goal. We know we are successful if we can establish contact and if we can establish rapport. If we can do that, there is a high likelihood we can de-escalate that situation and get a peaceful surrender as the result.

Having this bill—and hopefully it passes—will not only help us to learn from each of these events as a training tool, but also provide the transparency that the Nevada public is demanding right now of the police departments, that we are doing everything we can do to de-escalate a situation and the CNT is giving every opportunity for the suspects to peacefully surrender.

Assemblywoman González:

If a member of the public wanted to receive a copy of the recording, would they have to go through a public records request and would it be available, or would it be confidential to the case?

Nathan Chio:

All these recordings, just like every other recording and similar to body-worn cameras, in my opinion, are subject to public records requests. They are evidence of the event. Anytime a recording is made, it is evidence of the event, so I do not see why it would be an exception to the public records request.

Assemblywoman Summers-Armstrong:

I do not see anything in the proposed language that says these recordings are mandatory. Am I missing something?

Nathan Chio:

You are absolutely correct. There is no language saying it is mandatory. Since I have taken over for the CNT, if this bill passes, we are going to put it in our policy that all recordings will be reported when possible. That does not take into account equipment failures or things of that nature. However, for us, we really want this bill to pass because we do not want any questions about how we do business not being answered. We want to be fully transparent as a unit and as a department during these high-risk events, for citizens to see that we are trying to de-escalate and trying to get a peaceful surrender.

Assemblywoman Summers-Armstrong:

The reason I ask about mandatory is because we have situations now where body-worn cameras are not turned on or are turned off during events. It gives me pause when I do not see that it is mandatory. That is a big concern for me. The proposition that we cannot get judges to give you the warrants you need is also very questionable. It is a big question for me.

Senator Cannizzaro:

I think the Assemblywoman brings up an excellent point. One of the reasons Lieutenant Chio reached out to me about finding a vehicle for this was specifically for that purpose. Currently, in order to have these communications, there has to be a warrant in place or another exception that would allow for it to fall into the emergency provisions. One of the reasons I did want to work with him on this bill was so there can be those recordings, so we know exactly what is happening with law enforcement in those situations. Obviously, it is one way to help hold everyone accountable. That is the hang-up on this as to why it is not mandatory and that it is currently prohibited unless there is consent or unless there is a warrant or, for some other reason, it falls under those emergency provisions. This would allow for those to be recorded. To Lieutenant Chio's point, their intention is to ensure that happens in every one of these situations.

Assemblywoman Nguyen:

I always find this interesting because I feel it is an exception to an exception already because you are conducting these without a warrant and then you get the warrant after the fact. This appears to be asking that you do not want to be able to get it after the fact anyway. My concern is I am worried about the transparency in that respect because, if you have to file the warrant after the fact, at least you know what the justification is for what precipitated having to do this warrantless thing.

I am curious to know how we would ever know if the law was ever violated if there was never anything after the fact. I recognize it might be difficult to get that done within the 72 hours, as is currently in statute. Is there another time frame that would still allow for that record of what the justification and reasoning for doing the warrantless search was in the first place? Would additional time be needed to ensure that?

Nathan Chio:

That is a great question. I am not educated enough to know exactly what a reasonable time frame for that ratification period would be. Should it be one week, should it be two weeks, should it be several weeks? What I do know is if the justification for that emergency provision includes barricaded suspects with the current language that is already in place, if there is already oversight, as Senator Cannizzaro already pointed out, through the court system because it is going to be offered as evidence, then the built-in oversight that is of concern has already been built into the judicial system. At any point, if there is not a barricaded suspect or a hostage situation that, for any reason, a recording is made, then that is a violation of the law and the police department and the negotiator team is held liable.

I can assure you from my several years as a negotiator and as a current team leader, we do not take that lightly. The only time we would be doing this is when there is an actual hostage or a barricade situation. Those barricade situations are very readily recognizable as a barricade situation. We give them every opportunity before we are even deployed by the patrol officers to come out or to have a peaceful surrender. The usual time frame from the time of an initial call coming out to the time of our deployment as negotiators and as a tactical team is usually about 30 to 45 minutes. That is with the patrol officers initially responding and already asking that particular person to come out of the residence and have a peaceful surrender.

Assemblywoman Nguyen:

I still have concerns. Without that after-the-fact ratification, I do not know how anyone would ever know if the law was violated. I also recognize that things are dynamic and obviously, from the testimony, there are current struggles with being able to get that within the 72 hours, as currently in statute. I am curious if there is any information you can get back to the Committee regarding how much time would be necessary to be able to get those reports—as you said, is it an extra day, an extra week, an extra two weeks? Can you tell us what those circumstances might be?

Assemblyman Wheeler:

I want to revisit the Assemblywoman's question about being mandatory. I do not know a lot about the equipment, so maybe you can fill me in on this. Would there not be circumstances, for instance, where a negotiator would arrive on scene and need to immediately contact the suspect or whomever they are talking to where the equipment would not be available, and if it were mandatory, it could actually delay that communication?

Nathan Chio:

You are absolutely correct. If it does become mandatory in law, there are times when we absolutely need to get on the phone with that suspect, especially in a hostage situation. We have a very young police department in our patrol force. I think the average tenure of our police officers right now is about six years in patrol. Hostage crisis situations, as you can imagine, are very dynamic situations. An inexperienced patrol officer, who may have just

gotten out of field training or has not dealt with something like that, could well be the initial contact. We try to get there as soon as possible on hostage situations—as soon as a negotiator can get on the phone, that is what our standard operating procedure is.

Assemblyman Wheeler:

I am worried about saving lives more than anything else. Making something mandatory may possibly cost a life. I just want to say thank you.

Chairman Yeager:

Lieutenant Chio, I know you can only speak for Clark County, but under the current setup, I believe judges are typically available by phone for warrants. I do not know if there is an electronic means to submit a warrant. I believe that was something that was being worked on. In your experience in this field, if you needed to get a telephonic warrant approved or an electronic warrant approved, what kind of time would we be talking about from the time you start preparing the affidavit for the warrant to the time a judge might actually approve it?

Nathan Chio:

A typical telephonic search warrant is rather easily obtained. In fact, whenever we do any of these missions, we always get a telephonic warrant for the body of the suspect or the hostage taker or whatever. That is not the issue of getting an actual telephone search warrant. I have never heard of a telephonic wiretap warrant. There is no template and I have never heard of an instance in 25 years where that could actually be done. I have done wiretap warrants in my career. It is a lengthy process in a traditional sense. During the ratification within the 72 hours, the process does not change. There has to be a detective, or an affiant, write out the affidavit which may take some time to do, depending on the length of the event, the complexity of the event, and the characteristics of the event. It is not an easy process. Not every detective that knows how to do a search warrant knows how to do a wiretap warrant. It is a very specific skill set. That is the challenge we have. Telephone search warrants are easy; ratifications and wire intercept warrants are quite difficult to do.

Chairman Yeager:

Thank you for that clarification; it does help. I was thinking a typical search warrant but, of course, it is a little more involved than that.

Senator Cannizzaro:

Lieutenant Chio brings up a good point. From the approval process on anything that is a wire intercept, it falls into that nature. It is required for it to have certain documentation that goes along with it. There is a bill pending that will hopefully make this process a little smoother, but currently, they are all wet-ink signatures required from any prosecutorial office that may be approving those and also the judges who may approve those. It is currently limited to only specific judges, I believe. District courts would ordinarily go for those particular approvals. These are a little different than just the regular telephone search warrants. If an apartment needed to be searched, those approval processes are a little different. There are additional hoops and restrictions on things like wire intercepts.

Chairman Yeager:

Are there any additional questions from members? [There were none.] I will open the hearing for testimony in support of S.B. 358. Is there anyone in the room here in Carson City who would like to testify in support? [There was no one.] Is there anyone on Zoom? [There was no one.] Are there any callers waiting to testify in support?

Michael Cathcart, Business Operations Manager, Finance Department, City of Henderson:

We are in support of S.B. 358 and want to thank Senator Cannizzaro for sponsoring the bill. I also want to thank the LVMPD for assisting with the presentation. We believe this will be a very useful tool in very difficult situations. We are fully supportive.

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

We are here in support of S.B. 358. We appreciate Senator Cannizzaro bringing this important bill today. We thank LVMPD for the great presentation and information, and the Committee for considering this bill.

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

We are in support of S.B. 358. We would like to thank Senator Cannizzaro for bringing this bill forward, which we fully support. We believe it will assist law enforcement negotiators to work more effectively, efficiently, and safely in very limited, narrow, and extremely dangerous scenarios where every second counts. We urge you to support this important bill.

Chairman Yeager:

Are there any other callers waiting to testify in support? [There were none.] I will close testimony in support and open the hearing for testimony in opposition. We will start here in Carson City.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office; and representing Clark County Public Defender's Office:

I want to first start by apologizing to Senator Cannizzaro. We did not notice this issue when it was before the Senate. When we first reviewed the bill, we believed that the procedural safeguards for the ratification process that are set forth in section 1, subsection 3 would also apply to this new exception. However, in our review yesterday, we realized that because it specifies "emergency," it does not apply to this new exception. That is our concern.

We do agree that there may be instances where obtaining a wiretap without the warrant for barricade and hostage situations may be necessary. However, we want to ensure there is a procedural safeguard. We did propose an amendment that is uploaded on the Nevada Electronic Legislative Information System [[Exhibit C](#)]. We briefly had conversations with the sponsor, and we want to continue those conversations.

I recognize from the testimony that there are some issues, specifically with the 72 hours. Our proposed amendment was just copying and pasting that language in section 3. I will note,

there is interesting language regarding who they can go to, where it could only be the district court or the Supreme Court. That is something we could look into as well, because I do know, based off the bills that were passed in the last legislative session for the high-risk behavior temporary protective orders, the justice court is available 24/7.

I look forward to working with Senator Cannizzaro to see if there are ways we can make this bill better to ensure we do have the procedural safeguards.

Chairman Yeager:

Is there anyone else in the room in Carson City who would like to testify in opposition? [There was no one.] Is there anyone on Zoom in opposition? [There was no one.] Are there any callers waiting to testify in opposition?

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

The Nevada Attorneys for Criminal Justice opposes S.B. 358 in one specific aspect. Our concern echoes the concerns that several Assemblymembers raised, as well as those in Ms. Bertschy's testimony.

The bill's proponents talked about accountability a lot, but the warrant is the accountability. Many of these cases never result in criminal charges. For instance, the common fact pattern is that a mentally ill person has barricaded themselves, and only themselves, and is threatening suicide. That person is not going to be charged with a crime afterwards. They are going to be sent off to get treatment, so that wiretap is never going to be litigated. There will never be any evidence of whether it was justified. There will never be any other oversight of whether the *Nevada Constitution* was followed. However, mentally ill people still have constitutional rights that need to be protected.

The after-the-fact warrant process is the only chance for accountability and transparency. If we remove that, we are removing transparency and accountability from the situation. If those values are the point of the bill, then we believe the existing after-the-fact warrant process should be carried over to this new wiretap authority. That is the best way to provide accountability and transparency.

We oppose the bill as currently drafted, but we would not oppose it with the amendment proposed by Ms. Bertschy and Mr. Piro [[Exhibit C](#)].

Chairman Yeager:

Are there any other callers waiting to testify in opposition? [There were none.] I will close opposition testimony. Is there anyone in the room here in Carson City who would like to offer neutral testimony? [There was no one.] Is there anyone on Zoom who would like to offer neutral testimony? [There was no one.] Are there any callers waiting to testify in neutral? [There were none.] I will close neutral testimony. Are there any concluding remarks regarding S.B. 358?

Senator Cannizzaro:

I would like to thank the Committee for your thoughtful consideration of S.B. 358. Obviously, as Ms. Bertschy mentioned, she and Mr. Piro had reached out this morning to discuss the bill. I did advise them that I would be happy to talk to them about the bill and see where we can get to. I remain committed to that and will certainly keep the Committee updated as to those conversations. I do think this is an important piece of legislation to better ensure that law enforcement in those hostage and barricade situations not only has some accountability, but also has the means to rectify those situations without further injury to anyone involved. I think Lieutenant Chio summed it up perfectly in his opening remarks that, when we can increase those communications and can allow them that space to do that and to negotiate, we end up with safer results.

I will keep the Committee updated and will continue to reach out to those who have expressed some concerns and hopefully come up with a good resolution where this policy can make sense and provide the tools necessary in these situations.

Chairman Yeager:

Lieutenant Chio, do you have any concluding remarks before we close the hearing?

Nathan Chio:

I just want to thank you for your consideration of this bill. It is a very important piece of legislation. One thing I did forget to mention during my testimony is during long missions, long barricades, and long events, some can last several hours. I think the longest one I was involved in with a hostage situation went over 28 hours. Communication was established and for some time the suspect did not communicate. One of the biggest tools this bill will give us is the ability to record a conversation and review what was said, including what was said by the past negotiator during the previous conversations that were had with the suspect to see what worked and what did not work. That review of audio recordings is huge for our effectiveness on these long barricades.

Chairman Yeager:

I will close the hearing on Senate Bill 358. That takes us to the final bill on the agenda this morning. I will open the hearing on Senate Bill 400. Ms. Matijevich, welcome to the Assembly Committee on Judiciary. It has been a while since we have seen you here. I believe this may be a first that we have ever had a bill dealing with *Nevada Revised Statutes* Chapters 581, 582, and 590 in this Committee. We will give you time to present, and then I am sure we will have some questions.

Senate Bill 400: Makes various changes to certain unlawful acts relating to consumer protection. (BDR 51-1101)

Cadence Matijevich, Administrator, Division of Consumer Equitability, State Department of Agriculture:

Thank you for the opportunity to present Senate Bill 400 to you this morning. One of the goals of the State Department of Agriculture's strategic plan is to modernize our statutory and regulatory framework. Senate Bill 400 is the result of a review of *Nevada Revised Statutes* (NRS) Chapters 581, 582, and 590. These chapters govern weights and measures, public weighmasters, petroleum products, and advertisement of motor vehicle fuel and other petroleum products.

Within these chapters, the State Board of Agriculture and the State Sealer of Consumer Equitability are granted authority to establish certain standards and regulations to ensure equity in Nevada's commercial marketplace and to provide protections for consumers of petroleum products and products purchased on the basis of weight or measure.

During our review, we identified that there was not uniformity in the criminal penalties for violation of these chapters, nor was there uniformity in the persons that these penalties applied to, including somewhat outdated language that refers to a person being a "servant" of another person. Additionally, we found that the authority of the State Sealer of Consumer Equitability to establish civil penalties for violations of NRS Chapter 590 does not currently include all of the portions of the chapter the Department of Agriculture is charged with enforcing.

We found that the existing criminal penalties did not provide any exception for unintentional violations, nor do they provide for issuance of a warning for a first violation. While we feel it is necessary to hold people who violate these statutes accountable, we also believe that the imposition of a gross misdemeanor for a first or second violation of these laws may be too severe a punishment. Conversely, we believe that serious penalties are appropriate for those who repeatedly violate these statutes.

The bill is intended to address the items identified in our review by:

- providing uniformity in the penalties for violations of NRS Chapters 581, 582, and the portions of Chapter 590 that are within the authority of the Board of Agriculture and the State Sealer of Consumer Equitability;
- specifying that violations for which criminal penalties will be imposed must be willful;
- eliminating the gross misdemeanor penalty for a first or second violation;
- authorizing the State Sealer of Consumer Equitability to establish a schedule of civil penalties for violations of NRS 590.010 to 590.150.

I would also note that we believe this bill aligns with recommendation 3 from the Legislative Audit 20-08 [LA20-08 Division of Consumer Equitability Report] that the Division of Consumer Equitability establish a graduated and equitable system of sanctions for violation of the laws and regulations it is charged with enforcing.

The Legislative Counsel's Digest does an excellent job of summarizing the various sections of the bill, and while I am prepared to provide the Committee with a section-by-section overview of the bill, in the interest of time, I will defer to you as to whether you would like me to do so or not. Thank you for the opportunity to present S.B. 400 to the Committee. I will await your instruction on whether you would like a section-by-section presentation or just have the Committee ask questions.

Chairman Yeager:

I do not think we will need a section-by-section breakdown. It looks to me that we are essentially adopting the same revised penalty system for the three different chapters. I will open the hearing for questions at this time. I looked at these statutes last night and, obviously, I am not very familiar with these, spending most of my time in the Assembly Committee on Judiciary. I am just wondering how frequent these violations are. I noticed NRS Chapters 581 and 582 are about weights and measures and Chapter 590 deals with gasoline. Based on your time at the Department of Agriculture, could you share with the Committee whether we see a lot of this or does it not really happen all that often?

Cadence Matijevich:

I would say we certainly see unintentional violations of the statutes and the regulations adopted pursuant thereto fairly regularly. In most cases, they are minor violations and, again, unintentional. In the vast majority of cases, we are able to work with business owners or individuals to have corrective action taken and no further follow-up is needed in those cases. We really do not feel like a gross misdemeanor needs to happen and would like to be able to issue a warning, along with civil penalties. I would note, in all of our civil penalties, we do provide that an unintentional violation would also just include a warning.

Unfortunately, there is a small portion of the cases that we deal with where an individual or a business is attempting to defraud their customers or gain a competitive advantage over their commercial competition—a couple of cases a year, perhaps. The day-to-day infractions, again, we always take the perspective of trying to bring the violator into compliance rather than penalizing them straightaway. We have been very successful in doing that, and we think these changes in the bill align with that practice more accurately than what the statute currently requests.

Chairman Yeager:

Are there any questions from the Committee?

Assemblywoman Nguyen:

I appreciate the intent. I think it is always good when we give people the benefit of the doubt with some of these violations. Could you give me an example of a violation, innocently or otherwise? This is just so far outside of my wheelhouse.

Cadence Matijevich:

An example for NRS Chapter 581, which relates to weights and measures, is someone may be using a device which is outside the tolerance. A scale may be outside the tolerance. It may be weighing heavy or light. The owner/operator of that scale may simply be unaware of it. It could be that a scale gets bumped or dropped and gets out of tolerance. While there is prudence and the owner/operator should have that scale inspected, sometimes it does not happen.

In NRS Chapter 582, which relates to public weighmasters, there may be a violation in the record keeping with the weighmaster failing to keep a copy of a weight ticket or is unable to provide the copy when we conduct an audit.

In NRS Chapter 590, it may be that an employee at a gas station makes a mistake when posting their roadside signage and transposes the numbers in the cents. If a gallon of gasoline is \$3.23 and they post it as \$3.32, it is different than what is at the pump. These are unintentional violations.

Again, there is the repeat offender who is intentionally adjusting their weighing or measuring device or intentionally not keeping copies of weight tickets that may not be accurate, or someone who is purposely posting prices at the curbside that are different than what is on the pump. I hope that is helpful.

Assemblywoman Nguyen:

That is helpful.

Assemblywoman Hardy:

This is also something I was not familiar with at all, so it was interesting to read this bill. I assume there are inspectors who go out to check these things. How often are these weights and measures tested?

Cadence Matijevich:

We do have inspectors. I know we are a division that is a little under the radar and not a lot of people think about us. The work we do really involves things that Nevadans use in their daily life, such as grocery store scales and gas station pumps. For any member of the Committee who is interested in learning more about weights and measures and petroleum technology, we would welcome the opportunity for you to come along on an inspection and learn a little bit more. We do have inspectors in the field. They are out in the field every workday. We have inspectors stationed all across the state.

For all of our licensed weighing and measuring equipment, we endeavor to inspect all of those devices at least once every two years. Certain devices, such as retail motor fuel dispensers, we try to get to even more frequently than that. Livestock scales we inspect annually because it is a federal requirement. We are out in the field every day, sometimes on the weekends as well, doing routine inspections intended to be sure the devices and other transactions that are based on weights and measures are being perfected in accordance with the laws and statutes.

Assemblywoman Hardy:

That is very interesting. If someone is in violation, do you then go back more than once every two years to make sure they are in compliance?

Cadence Matijevich:

That is correct. If we find a violation, depending upon the nature of the violation—I will give an example of a scale that is out of tolerance—depending on how far out of tolerance it is and whether it is out of tolerance in favor of the business owner or the consumer, we may simply tag it as being in need of repairs but allow it to continue to be used while those repairs are undertaken. If the tolerance is so severe that the effect to the business owner or the consumer would be significant, we would actually place it out of service. Following that repair, we get a notice that the device has been placed back into service and we go back to immediately reinspect to be sure the adjustment was appropriate and the device is working properly. We do not have a set date per se, but we would likely follow up in another three to six months again to be sure that the device is being properly maintained and used if we were not going to get there on a routine schedule more frequently than that.

Chairman Yeager:

I will let Committee members know as well, the next time you are at the gas pump here in Nevada, just take a look at the gas pump and you will see a sticker from the Department of Agriculture on that gas pump. If you have never noticed it before, you are going to notice it every single time you go to the gas pump now because you are supposed to make sure that sticker is not broken in any way to ensure it has not been tampered with. I do not know how many thousands of those there must be around the state, but there are a lot of them.

Are there any additional questions for Ms. Matijevich? [There were none.] I will open the hearing for testimony in support of S.B. 400. Is there anyone in the room here in Carson City who would like to testify in support? [There was no one.] Is there anyone on Zoom who would like to testify in support? [There was no one.] Are there any callers waiting to testify in support? [There were none.] I will close testimony in support. I will open the hearing for testimony in opposition. Is there anyone here in Carson City who would like to testify in opposition to S.B. 400? [There was no one.] Is there anyone on Zoom who would like to testify in opposition? [There was no one.] Are there any callers waiting to testify in opposition? [There were none.] I will close testimony in opposition and open testimony in neutral. Is there anyone in the room in Carson City who would like to testify as neutral?

[There was no one.] Is there anyone on Zoom who would like to testify as neutral? [There was no one.] Are there any callers waiting to testify as neutral? [There were none.] I will close neutral testimony. Are there any concluding remarks, Ms. Matijevich?

Cadence Matijevich:

I am not quite sure if it was a question, but I will share with the Committee that we have over 47,000 licensed commercial weight and measuring devices in the state of Nevada. Our inspectors are, indeed, busy in the field. I would extend an invitation to all of the Committee members again to come see the work that our chemists, metrologists, and mathematicians do in the lab or the field at any time. We would love to share the work they do on behalf of Nevada's commercial marketplace and consumers. Thank you for the opportunity to present S.B. 400 to the Committee today.

Chairman Yeager:

I will close the hearing on S.B. 400. That takes us to the last item on the agenda, which is public comment. By way of reminder, we reserve up to 30 minutes at the end of each meeting for public comment. Public commentators will have two minutes to provide public comment. Public comment is a time to raise matters of a general nature within the jurisdiction of the Assembly Committee on Judiciary. I will open the meeting for public comment. Would anyone here in Carson City like to give public comment?

Tonja Brown, Private Citizen, Carson City, Nevada:

I am an advocate for the inmates and the innocent. I just want to say welcome back to the building. I love being in the building, and it is really nice not to have one eye on my dogs while I am speaking and pointing my finger. Yesterday was a blast. I thoroughly enjoyed that it was someone else's dog carrying on and not mine. It is nice to see you, and I hope to see a lot of you this legislative session. Have a wonderful day.

Chairman Yeager:

Is there anyone else here in the room who would like to give public comment? [There was no one.] Are there any callers waiting to give public comment?

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother, Thomas Purdy, was killed by Reno police and the Washoe County Sheriff's Office during a mental health crisis—asphyxiated. I am just sitting here today watching the fact-finding hearing in the murder of 25-year-old Jorge Antonio Gomez by the Las Vegas Metropolitan Police Department on June 1, 2020. It really is making me sick to my stomach. It is the typical tactics they use to justify an innocent young man being gunned down. My heart goes out to his family today and always.

I did not realize that one of your Assembly persons is actually representing the family. That really makes me happy to hear that we have some people making laws who understand and are fighting for the rights of these families. I appreciate that. Please support bills that promote transparency and accountability.

Chairman Yeager:

Are there any additional callers waiting to give public comment? [There were none.] I will close public comment. Is there anything else from our very hard-working Committee members this morning? [There was nothing.]

Again, Committee, thank you for getting us through three meetings and nine bills this week. I think that is going to make things a little bit easier for us down the stretch. We are not going to have a meeting on Monday or Tuesday, as I anticipate we are going to have long floor sessions. The logical question is, What about Wednesday morning? The answer is, I do not know. Hopefully, if we have a meeting on Wednesday, it likely will not be at 8 a.m. because I think we will probably be on the floor very late Tuesday night. Stay tuned to your agendas.

The other thing I want to remind Committee members of is now that we are back in person, some of you will be asked to present bills in the Senate in the morning. Just let me know ahead of time if you are going to have to step out of the Assembly Committee on Judiciary to present in the Senate. Everyone, have a great weekend. I am not sure when we are going to see you back here in the Judiciary Committee, but we will let you know as soon as we know.

The meeting is adjourned [at 10:38 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment submitted by John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office, regarding Senate Bill 358.