

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session  
May 4, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:00 p.m. on Tuesday, May 4, 2021, Online and in Room 2135 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Melanie Scheible, Chair  
Senator James Ohrenschall  
Senator Dallas Harris  
Senator James A. Settelmeyer  
Senator Ira Hansen  
Senator Keith F. Pickard

**COMMITTEE MEMBERS ABSENT:**

Senator Nicole J. Cannizzaro, Vice Chair (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Alexis Hansen, Assembly District No. 32  
Assemblywoman Melissa Hardy, Assembly District No. 22

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nicolas Anthony, Counsel  
Gina LaCascia, Committee Secretary

**OTHERS PRESENT:**

Gabrielle Boliou  
Bryan Schwartz, Clark County District Attorney's Office  
John Jones, Nevada District Attorneys Association

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Lorrie Olsen, Community Manager, Caughlin Ranch Homeowners' Association  
Garrett Gordon, CAI Nevada  
Adam Clarkson, CAI Nevada  
Marilyn Brainard  
Mike Kosor

Charvez Foger, Ombudsman, Office of the Ombudsman for Owners in  
Common-Interest Communities and Condominium Hotels, Real Estate  
Division, Department of Business and Industry

CHAIR SCHEIBLE:

Today's hearing of the Senate Judiciary Committee is now open. We will start with Assembly Bill (A.B.) 113, which is being presented by Assemblywoman Melissa Hardy.

**ASSEMBLY BILL 113 (1st Reprint)**: Increases the limitation of time within which a criminal prosecution for sex trafficking must be commenced.  
(BDR 14-610)

ASSEMBLYWOMAN MELISSA HARDY (Assembly District No. 22):

This bill extends the statute of limitations for prosecution of sex trafficking. Assisting me in presenting A.B. No. 113 is Gabrielle Boliou, a third-year law student at William S. Boyd School of Law at the University of Nevada, Las Vegas. I also have Bryan Schwartz from the Clark County District Attorney's Office with me today.

This bill started out at a competition with an organization called the Policy and Legislation Society, which took place at Boyd Law School. This was when Ms. Boliou first presented the bill. I now present that same bill to this Committee today.

GABRIELLE BOLIOU:

I wrote my thesis on international human trafficking and chose to attend law school in Las Vegas for the purpose of partnering with local organizations to fight sex trafficking.

I have walked Tropicana Avenue and Flamingo Road in Las Vegas and have seen firsthand traffickers patrol while I hand out water bottles to victim survivors who are still under the control of the traffickers. I have responded to

calls from victim survivors who are desperate to get out of an abusive relationship.

I have also witnessed victim survivors refuse services for help because they do not believe they are victims of sex trafficking.

For the last year, I have mentored young girls who have been through more horrors in their short lives than I could ever imagine. Both my research and my personal experience have taught me that sex trafficking causes many layers of trauma, making it all but impossible for a victim survivor to come forward to law enforcement—at least not until after years of healing. I wrote the original draft of this bill in acknowledgement of that fact. I presented the bill at my law school's Making the Law Competition, where the bill was sponsored by Assemblywoman Hardy. This bill addresses the need for victim survivors to have more time to heal before the statute of limitations passes.

A common misconception of sex trafficking is the thought that it is perpetuated by a stranger in a van. This is not only untrue, but it is a harmful and dangerous misconception. Traffickers do not maintain control of their victims primarily through violence or threats of violence. It is through intense and intentional psychological abuse and manipulation that takes years to undo. Traffickers target the most vulnerable individuals—generally people who lack a support system. They also target people who already have a history of other types of complex trauma and abuse. Traffickers will build a relationship with this individual—manipulating Maslow's hierarchy of needs to make the victim dependent on the trafficker. After that, the traffickers will start alternating between emotional and physical abuse—and rewards. This creates confusion and is known as a trauma bond between the victim and the trafficker. These trauma bonds make the trafficker indispensable in the victim's life, from the victim's own perspective.

Traffickers will blame victims, destroying their sense of self and self-worth. They may threaten the victims' friends and family if the victims ever dare to come forward and report the abuse and their trafficker to law enforcement. There are times sex trafficking is a family enterprise. This means we are asking someone to come forward and report their own family member.

If all this is not enough to prove why these individuals need more time to heal, studies have shown that victim survivors of sex trafficking experience

posttraumatic stress disorder (PTSD) at levels comparable to war veterans. These symptoms do not decrease over time. This is problematic because one common symptom of PTSD is avoiding coping mechanisms. This is when someone copes with their trauma by avoiding it. This has been defined as cognitive and emotional orientation away from the threat or the memory of a threat. Studies show that people with avoiding coping mechanisms find it almost impossible to talk about their trauma in a timely manner. These mechanisms are likely to reoccur and are heightened by factors endemic to sex trafficking. The physical trauma coupled with severe psychological manipulation over an extended period of time is all repeated at a high intensity.

We need to consider the unique factors that make it difficult for victim survivors to come forward and talk to police. Police departments and law enforcement are still a male-dominated field, and these individuals have been abused primarily by men. Most of the survivors have also had a history of bad experiences with police—as children and as adults. Finally, we must remember the lies and manipulations of the traffickers—because the last thing the traffickers want is for their victims to trust law enforcement or anyone else trying to help them. Traffickers do everything they can to make sure their victims feel alone in the world, except for their traffickers.

For these reasons, we, as Nevadans, must recognize the needs of victim survivors of sex trafficking—for their sake and for the sake of a more just society, we must extend the statute of limitations for sex trafficking offenses.

BRYAN SCHWARTZ (Clark County District Attorney's Office):

I am one of the two deputies working in the Special Victims Unit of the District Attorney's Office (DA). I can echo everything that Ms. Boliou testified to because I deal with it every day. Extending the statute of limitations is important because we see many cases where it does take more time for victims to feel comfortable and get to a place where they are ready to talk about their abuse and being involved in the prosecution process. We definitely see the fear and manipulation that occurs with these victims and the control that Ms. Boliou spoke about.

The amendment to the bill in section 3 would extend the statute of limitations to six years for sex trafficking. Section 3, subsection 3 changes to: "sex trafficking must be found, or an information or complaint filed, within 6 years

after the commission of the offense." That statute would be extended to six years from the current four years.

SENATOR HANSEN:

How many cases does the DA handle in a year in Clark County?

MR. SCHWARTZ:

I do not have the statistics in front of me but as far as sex trafficking cases, we are receiving new cases on a weekly basis, about ten new cases a month at the very least.

SENATOR HANSEN:

That would be about 120 new cases a year then. How many could you have prosecuted with the exception of the statute of limitations?

MR. SCHWARTZ:

We typically do not receive cases where the statute of limitations has already run—it does not get to us at that point.

SENATOR HANSEN:

How did you come up with the extension of two years to make it six years?

MR. SCHWARTZ:

All of us in support of the bill did want more time, but we landed on the extra two years based on some pushback from having the statute too long. We had to figure out where the middle ground would be, and this was what everyone could agree to.

ASSEMBLYWOMAN HARDY:

The bill was originally set to remove the statute of limitations entirely, but as Mr. Schwartz indicated, this was the middle ground. In time, maybe it can be extended or removed altogether.

CHAIR SCHEIBLE:

Section 3 of A.B. 113 applies to other felonies as well, but sex trafficking is the only one listed that would be considered an ongoing offense. Can you explain how that changes the calculus when you are counting back to the statute of limitations and whether that makes the six years more or less significant for a sex trafficking prosecution?

MR. SCHWARTZ:

The statute of limitations would be ongoing for sex trafficking and begin at the conclusion of the sex trafficking offense. Oftentimes when these victim survivors get away from their situation, they are not ready to talk about it right away. The six years would be important for them to get their affairs and lives in order first. This allows the survivors more time to get to a place where they comprehend that they were the victims. Many times, they do not fully understand how bad the situation was once they are out of it. This is the benefit of having more time to prosecute once the statute of limitations begins and the offense has ended.

CHAIR SCHEIBLE:

To clarify, if a survivor had been trafficked from the age of 10 to 15 years old, that means when he or she turns 21 years old—and chooses to disclose this information—the prosecuting agency would be able to prosecute the trafficker for all those years, assuming the offense was ongoing through the entire period of time?

MR. SCHWARTZ:

That is correct. But, it would be different because there is a different statute of limitations for minors. If a person is sex trafficked under the age of 18 years, there is a completely different statute of limitations. Given the scenario you described, the statute of limitations would be 36 years because the sex trafficking was while the individual was under 18 years old. This amendment focuses on adult victims over 18 years of age.

ASSEMBLYWOMAN HARDY:

If the victim is a minor, the statutes are longer. If someone is over 18 years old, we want that person to have additional time; this bill addresses that.

No matter what the age someone is when sex trafficked, it can take many years to come to terms with the abuse and have the courage to want to come forward and talk about the abuse.

JOHN JONES (Nevada District Attorneys Association):  
We support A.B. 113.

ASSEMBLYWOMAN HARDY:

Assembly Bill 113 is a step forward in helping the victims of human trafficking by giving them the opportunity to seek justice. Their stories are heartbreaking. We cannot imagine what they go through and how it affects their lives. The emotional and physical wounds they endure take years to heal. Victim advocates and victims themselves will tell you that long after the physical injuries have faded, the mental and emotional scars remain and can have lasting effects. This bill will give victims the time needed for healing, to feel safe and empowered, and to come forward and confront their abusers. This is justice—this is righting a wrong. These young men and women deserve the opportunity to stand up and seek justice and maybe save others from a similar fate.

CHAIR SCHEIBLE:

That concludes the hearing on A.B. 113. The hearing on A.B. 313 is now open and is being presented by Assemblywoman Alexa Hansen.

**ASSEMBLY BILL 313 (1st Reprint)**: Revises various provisions governing common-interest communities and condominium hotels. (BDR 10-228)

ASSEMBLYWOMAN ALEXIS HANSEN (Assembly District No. 32):

I was asked by a constituent to bring A.B. 313 forward. I do not live in a homeowners' association (HOA), but I know what good business looks like. This bill and what it attempts to do is good business, good for the HOAs and the homeowners.

Sections 1 through 4 of the bill deal with the opt-in for electronic voting. Sections 7 through 9 cover bookkeeping issues that need to be streamlined.

I have copresenters with me today, Lorrie Olsen, a community manager, Garrett Gordon and Adam Clarkson who are representing the HOAs.

LORRIE OLSEN (Community Manager, Caughlin Ranch Homeowners' Association): With nearly 3,000 HOAs in this State, it is critical we support efforts in maximizing services for the HOAs and its members, while keeping costs to a minimum.

Nevada requires two envelopes and a paper ballot be returned to a designated address for board member elections, which is antiquated and time-consuming,

not to mention costly. Nevada is one of a few states that does not allow board member elections to be conducted electronically. The cost to the Caughlin Ranch HOA to mail the annual meeting and election packet, which is over 70 pages, exceeds \$11,000 annually. Less than 20 percent of the 2,400 ballots mailed are returned. This means the community is not voting; only a few people are involved.

Larger HOAs utilize the services of a mailing house to provide envelopes, copy, collate, stuff and mail their annual meeting packets. It is more costly to manually stuff the two envelopes and secret ballot into the mailing envelope. Most management companies require HOAs to utilize a mailing house regardless of the size since reproducing the annual packet puts a strain on office machines, copy supplies and support staff. The 2020 board member election cost my HOA over \$13,000. Due to Covid-19, we were required to send envelopes with prepaid postage containing the secret ballots, which were directed to be returned to our CPA firm. We had less than 20 percent returned, and that was with prepaid postage. The burden is greater for smaller HOAs as postage rates have increased.

Management companies are not in the business to lose money. Understandably, the charges to HOAs will exceed the management company's actual costs. The HOAs are charged for every piece of paper, envelope, copy and postage. Nevada HOAs have experienced fraud associated with the two envelopes and paper ballot system. Protecting and maintaining the chain of custody of these ballots is critical. Returned ballots are misplaced, lost, thrown away or mistakenly destroyed.

A few national companies have been conducting confidential, secure and affordable online elections for HOAs. The process and protocols have been established and proven safe and reliable. Offering an electronic voting option will save HOAs thousands of dollars each year. Not every homeowner will opt to vote electronically, and those who still prefer a paper ballot, will receive a paper ballot. This will decrease the cost exponentially.

GARRETT GORDON (CAI Nevada):

The purpose of Proposed Amendment 3332 to A.B. 313 ([Exhibit B](#)) is to make it easier for HOA members to vote. More options for homeowners are better because the HOA will end up with more votes. The amendment also cleans up some HOA processes not updated for quite some time.



About 20 other states have codified electronic voting for HOAs. Seven states have electronic voting pending, including Nevada. Virginia just passed its bill earlier this year.

When A.B. 313 was still on the Assembly side, we included the right to vote through a voting machine because some of the larger HOAs felt it would be efficient because it is similar to the voting machines for general elections. We did get some pushback from the Department of Business and Industry's Real Estate Division (NRED). It was requested that this section be removed from the bill.

Section 1 of the bill allows for electronic voting for the election of a board member or removal of a board member. The same provisions for ballots apply for paper ballots—opened and counted by secret ballot. The electronic votes must be reviewed and counted into the record at the location of the HOA.

Section 2 of the bill deals with removing a board member. This part was not in the original bill until Assemblywoman Selena Torres asked us to add additional due process rights for removal of a board member. Section 2 now deals with any removal of a board member. We added that a board member has the right to request a hearing before the board if voted to be removed.

Section 3 deals with opting-in and opting-out of a paper ballot versus electronic ballots. If the homeowner provides an email address to the HOA asking for electronic correspondence, he or she will receive an electronic ballot. Before an election, the homeowner has the right to opt out. This means in order to receive an electronic ballot, the homeowner must opt in and provide an email for this purpose.

Section 3 also deals with how the electronic voting will be conducted. In gathering information from other states with similar bills, we have added the language "conflict of interest." The Assembly wanted to have a third-party vendor in charge of the electronic voting. This section of the amendment adds this for the purpose of any conflict of interest issues. This will ensure that no one associated with the HOA or the homeowners will be in charge of the electronic voting or the process of tallies.

Section 7 of A.B. 313 deals with the homeowners making automatic payments including reoccurring payments. Anything billed on a monthly basis that is

approved by the HOA can now be made automatically through the homeowners' banking institution. This includes payments to the Ombudsman's Office.

There is some ambiguity in statute as to what happens when a management company either quits or is terminated and another management company takes over. Having all the books and records of an association or a management company is critical to be efficient and to provide good service to the homeowners. The language in statute indicates everything must be turned over within 30 days but also provides a gap, which can be confusing.

The provision in A.B. 313 gives authority to NRED to hold workshops and bring in industry professionals and homeowners to codify this part in regulation as to the process when there is a change in management.

ADAM CLARKSON (CAI Nevada):

Mr. Gordon has covered everything in the bill discussed previously with the Assembly before today's hearing. I have nothing further to add.

MARILYN BRAINARD:

I support A.B. 313. This bill is a longtime coming. I served six years on the Commission for Common-Interest Communities and Condominium Hotels, and this bill will be good to improve the management company changes because people do not follow through and provide required information. When this happens, it creates a terrible impact on the HOA because they are suspended, waiting for the management agreements to be completed and all the records to be turned over.

I have been involved in counting ballots and can attest it is appalling how many ballots are returned when an HOA has mailed out hundreds and receives back a small percentage. The electronic system will be a benefit to everyone, and HOAs will have more participation by the homeowners.

MIKE KOSOR:

I am in opposition to A.B. 313, primarily due to section 8, and have submitted my written statement ([Exhibit C](#)). There are regulations relating to the transfer of books, records and other papers of an association. The existing management agreement should not be allowed to subvert or override that criteria—and that will occur. If this part were to be deleted, I would support A.B. 313.

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CHARVEZ FOGER (Ombudsman, Office of the Ombudsman for Owners in  
Common-Interest Communities and Condominium Hotels, Real Estate  
Division, Department of Business and Industry):

Our office is in neutral to A.B. 313 but will continue to be available to provide  
input if changes are required or proposed.

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CHAIR SCHEIBLE:

The hearing on A.B. 313 is now closed. Not seeing any public comment, we are adjourned at 1:50 p.m.

RESPECTFULLY SUBMITTED:

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Gina LaCascia,  
Committee Secretary

APPROVED BY:

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Senator Melanie Scheible, Chair

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

| EXHIBIT SUMMARY |                |                |                               |                         |
|-----------------|----------------|----------------|-------------------------------|-------------------------|
| Bill            | Exhibit Letter | Begins on Page | Witness / Entity              | Description             |
|                 | A              | 1              |                               | Agenda                  |
| A.B. 313        | B              | 1              | Assemblywoman<br>Alexa Hansen | Proposed Amendment 3332 |
| A.B. 313        | C              | 1              | Mike Kosor                    | Opposition Statement    |