

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session
May 10, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:03 p.m. on Monday, May 10, 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 Nicole J. Cannizzaro, Vice Chair
Senator Dallas Harris
Senator James A. Settelmeyer
Senator Ira Hansen
Senator Keith F. Pickard

COMMITTEE MEMBERS ABSENT:

Senator James Ohrenschall, Excused

GUEST LEGISLATORS PRESENT:

Assemblywoman Lisa Krasner, Assembly District No. 26
Assemblywoman Jill Tolles, Assembly District No. 25

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

James Dold, Human Rights for Kids
Ross Armstrong, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Kendra Bertschy, Office of the Public Defender, Washoe County

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John Piro, Office of the Public Defender, Clark County
Katie Ryan, Dignity Health-St. Rose Dominican
Tess Opferman, Nevada Women's Lobby
Erin Wright
Lauren Boitel, Nevada Policy Council on Human Trafficking
Brigid Duffy, Juvenile Division, Office of the District Attorney, Clark County
Michael Willoughby, Reverend, Battle Born Progress
Christine Saunders, Progressive Leadership Alliance of Nevada
Holly Welborn, American Civil Liberties Union of Nevada
Kristina Wildeveld, Nevada Attorneys for Criminal Justice
Adrian Viesca, Eighth Judicial District Court, Clark County
Eric Spratley, Executive Director, Nevada Sheriffs' and Chiefs' Association
Stephanie McCurry, Reno-Sparks National Association for the Advancement of
Colored People, Branch 1112
Susan Klopp
Troyce Krumme, Las Vegas Police Managers and Supervisors Association
Chuck Callaway, Las Vegas Metropolitan Police Department
Annemaire Grant
Matthew Wilkie
Adrian Lowry
Nathaniel Phillipps, Healing Justice Program, American Friends Service
Committee
Kailey Barnett
Bryan Wachter, Retail Association of Nevada
Nathan Chio, Las Vegas Metropolitan Police Department
Jennifer Noble, Washoe County District Attorney's Office
Alissa Engler, Senior Deputy Attorney General, Office of the Attorney General
Cory Solferino, Lieutenant, Washoe County Sheriff's Office

CHAIR SCHEIBLE:

The hearing of the Senate Judiciary is now open. We will start with Assembly Bill (A.B.) 143.

ASSEMBLY BILL 143 (2nd Reprint): Establishes provisions concerning victims of human trafficking. (BDR 16-856)

ASSEMBLYWOMAN LISA KRASNER (Assembly District No. 26):

Human trafficking is a form of modern day slavery impacting the vulnerable populations of Nevada. It is a serious problem that warrants the attention of

State government. Sex trafficking is a brutal, complex and widespread crime where children are used for commercial sex, and adults are targeted through fraud or coercion to engage in activities against their will.

Research republished by University of Nevada, Las Vegas, listed Nevada as the ninth in the Nation for human trafficking cases reported in 2017. Recently, the FBI announced more human trafficking cases were filed in Nevada in 2020 than any previous year. Despite recent efforts to address this issue, more needs to be done.

Human trafficking exists in many forms, including involuntary servitude, individuals assuming ownership of another person, pandering, sex trafficking and forced labor. The most common form of trafficking in Nevada is sex trafficking and is listed at 89 percent. This is significantly higher than the national average of 71 percent.

Assembly Bill 143 will help victims of human trafficking in a more efficient and direct manner. By empowering the Division of Child and Family Services (DCFS) to develop a Statewide plan in cooperation with the Nevada Attorney General's (AG) Office, more attention will be given to helping victims of human trafficking in providing the resources needed. In addition to the development of a Statewide plan, DCFS will be required to form a human trafficking coalition. The coalition will consist of interested parties and stakeholders to assist the Division in carrying out its duties. This Statewide coalition will allow stakeholders to communicate, collaborate and coordinate in sharing information.

The amended version of A.B. 143 requires the DCFS to designate a human trafficking specialist in the Nevada victims of crime compensation program and maintain an online directory of services. The amendment also makes the provisions of the plan detailed in the bill discretionary instead of required. This will remove the fiscal note on the original bill.

The goal of the Statewide plan is to address the delivery of services to victims of human trafficking and may include the identification of victims; assisting victims to access government benefits and services to which they may be entitled; and providing resources for victims, including medical, psychological, housing, education, job training, childcare, victims' compensation, legal and other services. Another part of the plan is developing strategies to increase

awareness of human trafficking and the services available to the victims; including the establishment and maintenance of community-based services.

The bill requires the Administrator of DCFS to periodically review the plan to ensure it complies with the provisions of the bill. This bill will improve the lives of victims from human trafficking and raise awareness to the cause in Nevada.

CHAIR SCHEIBLE:

Are you saying A.B. 143 allows for the creation of a task force in a Statewide plan but does not require it?

ASSEMBLYWOMAN KRASNER:

That is correct. The language in the bill is permissive.

CHAIR SCHEIBLE:

What law prevents DCFS from creating a task force at present?

ASSEMBLYWOMAN KRASNER:

Nothing that I know of prevents DCFS from creating a Statewide coalition. We have a coalition for human trafficking in the northern and southern regions of Nevada, but there is no coordination and cooperation between the regions in being able to communicate. This would be beneficial to the State as a whole as human trafficking is happening in areas other than the north and south regions of Nevada.

CHAIR SCHEIBLE:

Does A.B. 143 increase services to victims?

ASSEMBLYWOMAN KRASNER:

The bill provides that there must be resources on a website, and that website will be maintained by the Department of Health and Human Services (DHHS). This part of the bill language is also permissive, providing that there is funding available. The bill also allows for the application of federal funding.

CHAIR SCHEIBLE:

Can you talk about the other work you and the stakeholders have been doing that necessitates this bill in fitting into a larger plan to improvise a response to human trafficking? Who is responsible for doing the work to improve Nevada's response to human trafficking beyond the permissive language in the bill?

ASSEMBLYWOMAN KRASNER:

I have been working with Ross Armstrong, Administrator of the DCFS and the DHHS with its Child and Family Services Division. I included the AG's Office in all discussions as well. Including these parties that all have years of experience in dealing with human trafficking issues was the best route to take with A.B. 143. As far as who can be a member of this coalition, I intentionally left this part open because I do not want to be the person who directs the members. Other people involved with more experience in this area can be a good fit for directing and inviting stakeholders who can make an impact on positive contributions to the goal.

CHAIR SCHEIBLE:

I agree. We have many good stakeholders in this State who are working to end human trafficking.

Are you saying these stakeholders are not communicating, not collaborating or refusing to at present, and this bill will bring everyone together? Is this why A.B. 143 is here?

ASSEMBLYWOMAN KRASNER:

No. That is not why the bill is here. One or two other states have gone to a statewide coalition wherein all actors in the entire state are coordinating, collaborating and communicating with each other on human trafficking.

CHAIR SCHEIBLE:

If stakeholders are not willing to create a coalition without the bill and the bill does not require them to do it, why have a bill that says they may do something when they may already do so?

ASSEMBLYWOMAN KRASNER:

It will allow us to apply for federal funding.

CHAIR SCHEIBLE:

Can you give us more detail on the federal funding available?

ASSEMBLYWOMAN KRASNER:

I am unaware of the specific titles and monies available, but I am informed that having a Statewide coalition does allow Nevada to apply for the federal funding to help address human trafficking in this State.

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CHAIR SCHEIBLE:

Does this task force need to be established in statute?

ASSEMBLYWOMAN KRASNER:

That is correct.

SENATOR SETTELMAYER:

Have you had negative feedback from entities that want to be in the group?
Have any entities reached out to you with concerns or comments?

ASSEMBLYWOMAN KRASNER:

With the amended portion of the bill, all parties are in support.

JAMES DOLD (Human Rights for Kids):

This bill is a carryover provision from 2013 during the Seventy-seventh Session when I worked with then Attorney General Catherine Cortez Masto on the comprehensive overhaul of Nevada's laws to make sure that a strong legal framework was in place to help law enforcement and State officials combat human trafficking. This bill was the most comprehensive bill to be passed in the United States to combat human trafficking, and it followed up on a number of other provisions enacted in 2013. Another bill in 2013 was A.B. No. 146 of the 77th Session sponsored by former Assemblyman William C. Horne and now Speaker of the House Jason Frierson. This bill involved the involuntary servitude of a minor and was important to me because it criminalized what happen to me as a child.

I was a kid who was vulnerable and experienced many adverse childhood involvements that lead to trauma. This included early childhood sexual abuse, which made me particularly vulnerable to an older adult who could prey on my insecurities and vulnerabilities. I was a child abuse victim when I was five or six years old, and I carried a lot of shame and guilt from that experience. When I was 12 years old, I built up the courage to tell my mother about the abuse. She did not respond in a way I felt I needed her to because it was someone in our family who abused me. My mother struggled with how to respond, and that lack of care or regard for what I had experienced was like a slap in the face to me.

Several years later, I joined Boy Scouts of America through Community Christian Life, a church that used to be in a commercial center in the

Las Vegas Valley. There was a Boy Scout fund raiser where I met the mother of a friend in the Boy Scout troop. I had no idea she was a pedophile—she was a skilled predator. Since I did not have the support I needed at home, it was easy for this woman to ingratiate herself into my life.

This friendship started off like any other relationship; she started buying me gifts, taking me to movies, slowly building trust over time. With that trust over time, I started telling her about what happened to me as a child and the anger and resentment I felt for my mother and father. She told me what I needed to hear, she knew exactly what to say. It was through this process that I grew closer and closer, but after several months, she exploited our relationship and the trust that I gave. She started to sexually abuse me and through this time, over the next several months, I began to develop what clinicians call a traumatic bond.

Trauma bond is a dysfunctional attachment that occurs when a victim feels a strong bond with his or her abuser. Oftentimes, this is found in cults, domestic violence situations and in trafficking victims—all who have been abused, neglected and harmed by their abusers and now feel this misplaced sense of loyalty. Trauma bond is accompanied by cycles of violence. For me, this meant emotional violence—belittling and tearing me down, denigrating in calling me horrible names, insulting the way I looked, insulting me in many different ways and accompanied by physical abuse at times, including domestic violence—with an ongoing abusive sexual relationship. Being a 13-or-14-year old boy, I thought this was normal and something I wanted because I felt I loved and thought she loved me—she had my best interest in mind. I thought it was a romantic fairytale.

I eventually moved in with this woman. As the abuse continued to escalate, I began asking myself what I was doing wrong. No matter what I did, my mind automatically thought about what I could do to get back into this person's good graces. It was through this process that I became willing to do anything, anything that she asked of me. Whatever was asked of me when told to do something, I did. This meant taking care of children, babysitting, cooking and cleaning while other kids my age in eighth or ninth grade were out doing what normal kids do—playing sports or chasing girls or boys, going to movies with their friends. I was going home to this person every day after school, living in a perpetual hell of emotional abuse with the physical and sexual violence

happening to me all the while I was performing what I considered household chores.

This is how many trafficking situations involving children occur. Misinformation exists in society where many people have an idea of human trafficking by kids being kidnapped off the streets—nothing could be further from the truth. Oftentimes, the abusers are people the child already knows. The child may view it as a lover boy or lover girl syndrome where these skilled child predators prey on the securities and vulnerabilities of these children.

With the help from my coaches in high school, I eventually moved back to my parent's home, finished school and later attended law school. It was at this time when I started working in an antihuman trafficking organization called the Polaris Project. This is when I learned how to put the pieces together, understanding what happened to me. It was not a domestic violence situation or just sexual abuse, it was a form of human trafficking. I was exploited for labor and services for two years before I had the strength to break away. It took time—I slowly removed myself from a bad situation, from my abuser's hold on me.

Now, there is more information available about trauma bonding and how most human trafficking situations occur. We can do something about it. It is difficult for victim survivors to self-identify and then find the help he or she desperately needs. This is why A.B. 143 is so important with the development of a Statewide plan for delivery of services to victims and survivors, bringing all the stakeholders throughout Nevada together, on one platform, to share information, communicate and collaborate to better identify survivors and provide services. This will result in a comprehensive legal framework to combat human trafficking. It is with this backdrop that I urge this Committee to pass A.B. 143 and to use it as a bookend to the work going on for many years—starting with former Assemblymen Alex Assefa, John Hambrick and William C. Horne and former Attorney General Catherine Cortez Masto. Nevada needs A.B. 143. I have submitted written testimony ([Exhibit B](#)).

ROSS ARMSTRONG (Administrator, Division of Child and Family Services, Department of Health and Human Services):

With regard to A.B. 143 and section 1, subsection 1, we note that the designation of the human trafficking specialist within the local compensation

program is mandatory, the online directory of services is mandatory, and the development of the coalition and formation of the plan is mandatory. The amendment that helped us remove the fiscal note was in the description of the plan, and that part is permissive in terms of what services are permissive. That is how the Division reads the bill.

The DCFS is the largest funder and coordinator of victim services in Nevada. Through our budgetary process this Session, the money committees have approved a new position within the Division that will allow us to establish the Nevada Office of Victim Assistance which includes funding mechanisms such as the Victims of Crime Act (VOCA) program or marriage license funding for domestic and sexual violence. This Division took over the VOCA program last year. The reason why I say to designate someone within the VOCA program as a human trafficking specialist is because those particular victims have different needs. The VOCA program is like an insurance program—a victim can apply for lost wages due to economic struggles and receive compensation from VOCA. Due to the nature of human trafficking, coming up with documentation for lost wages or medical issues can be difficult. To have someone within our program, designated and trained, who specializes in this field is an advantage.

This State has done some great work with the human trafficking problem. Some of the work is focused on law enforcement and the judicial system response, protecting victims from criminal liability and making sure the penalties for buyers and pimps are substantial. This bill goes toward the part of setting up services for victim survivors, which is still in the maturing stage. These services have been discussed in child and victim services, judiciary and government affairs, but they have not found a home in terms of an umbrella group that focuses only on that part. This bill allows us to create a plan, get all the right people together and produce a package of services, which we already have in Nevada, but streamline the process to make it easier to access those services. This is the bulk of the plan; once set in stone, the services will be accessible throughout the State. Assembly Bill 143 mandates this part as well as the funding sections of the bill, enabling us to move forward. The healing process takes time for these individuals. With this bill, we finally have structure around the services for victims, which will empower the boots on the ground and get services to the victims much quicker.

KENDRA BERTSCHY (Office of the Public Defender, Washoe County):

I served on a human trafficking task force for northern Nevada and saw how important it is to have Statewide services. Many of our clients were victims, including victims of human trafficking, before becoming involved in the criminal justice system. This bill will help break this cycle.

JOHN PIRO (Office of the Public Defender, Clark County):

As Senator Hansen has said many times, we have done a lot in this area to increase penalties, but as Administrator Armstrong said, it is now time to increase services so we can help people get assistance.

KATIE RYAN (Dignity Health-St. Rose Dominican):

We support A.B. 143. All Nevadans deserve to live a life free of violence, exploitation and slavery.

TESS OPFERMAN (Nevada Women's Lobby):

It is a top priority of the Women's Lobby to support legislation that protects survivors of domestic and sexual violence, including survivors of human trafficking. In Nevada, where we are ranked ninth in the Nation for the number of cases of human trafficking, it is critical to come up with a plan to help these survivors access health care, childcare, education, job security and more. This starts with legislation like A.B. 143.

ERIN WRIGHT:

I support A.B. 143. I am a survivor of human trafficking since 2002, but every day is a struggle. This bill is a wonderful asset to have for people who do not know where to go for help. I receive calls daily from other survivor leaders across the United States who have people they are mentoring in Reno and Las Vegas who need access to services such as A.B. 143 will provide. This is a huge step forward in helping these survivors.

LAUREN BOITEL (Nevada Policy Council on Human Trafficking):

I echo previous support comments. Statewide collaboration is important if we are to move forward on this issue. I have submitted our letter in support ([Exhibit C](#)).

CHAIR SCHEIBLE:

The hearing on A.B. 143 is now closed. The hearing on A.B. 251 is open.

ASSEMBLY BILL 251 (1st Reprint): Makes various changes relating to juvenile justice. (BDR 5-986)

ASSEMBLYWOMAN LISA KRASNER (Assembly District No. 26):

Assembly Bill 251 will help address the harsh impact a child's juvenile record might have on his or her future success in society. People say to give kids a second chance—a fresh start, but it may never come to pass. This bill, in its amended first reprint, does two things. First, it establishes provisions for a juvenile's record to be automatically sealed once 18 years old. The law now seals records when the child reaches the age of 21. Second, this bill allows someone aged 18 or over to petition the court for the expungement or destruction of his or her juvenile record for any infraction, arrest or crime equal to a misdemeanor or less committed before turning 18 years old.

A child's brain is not fully developed until the age of 22. Until then, young people are not able to make logical informed decisions, especially under stressful situations. A common misconception is once children turn 18 years old, their juvenile record disappears, and they go forth with a clean record. This is untrue. Young offenders may face serious consequences and obstacles as a result of a bad record. A juvenile adjudication can prevent a young person from receiving financial aid for higher education, being admitted to colleges, getting a job, joining the military or gaining admittance into certain licensed professions. It can also affect eligibility for public housing, not only for the delinquent minor but for his or her family as well.

In the last 15 years, many state legislatures have included provisions in juvenile justice statutes to seal, expunge and implement other confidentiality safeguards for juvenile records. Sealing refers to closing records to the public accessible only to court personnel and law enforcement.

Expungement involves the complete physical destruction of a juvenile record. All references to the juvenile's arrest, detention, adjudication, disposition and probation must be deleted from the files of the courts, law enforcement and any other person or agency that provided services to a child under a court order. An expunged record is treated as if it never existed. All states have their procedures to allow juveniles to petition the court to have their court records sealed or expunged in certain cases. These procedures can be confusing and cumbersome. It is time we address this confusion.

Our State needs to update the procedure of juvenile records to give kids a fresh start, a new beginning and a second chance. We are working on the second reprint of A.B. 251 that contains two components. The first one addresses the sealing of juvenile records at the age of 18. There would still be a judicial review in some instances. The second component states that after the age of 18, a youth may petition the court for the expungement or destruction of his or her juvenile court records for any infractions, arrests or crimes committed as a juvenile that were a misdemeanor or less.

If your 17-year-old child is caught drinking a beer for the first time, he or she can be arrested for a misdemeanor, taken to jail and have a criminal record. At the age of 18, many kids are applying for college and on out-of-state applications, the one question that frequently appears of "Have you ever been arrested?" can only have a "yes" or a "no" answer. There is no space for an explanation. College applications are competitive. With a "yes" answer to this question, the review process of the application has ended. Having to wait until 21 years old just to have someone's court record sealed only harms his or her future. Please join me in supporting A.B. 251.

BRIGID DUFFY (Juvenile Division, Office of the District Attorney, Clark County):
A lot of work has gone into A.B. 251, which allows children to make a step forward into young adulthood with a clean record. Part of A.B. 251 would maintain cases that will not close automatically due to continued probation or active warrants. The juvenile court has jurisdiction of these cases until offenders reach the age of 21. For children and young adults who have committed minor misdemeanors and completed all terms and conditions of their cases, we should allow sealing of the records so they can move on with their lives.

MR. PIRO:

This bill was heavily negotiated, and we worked hard to get it to where it is today. It will help children who have made a mistake in the misdemeanor realm move on with their lives in a positive way. Please join us in support of A.B. 251.

MS. BERTSCHY:

We have worked with Assemblywoman Krasner through hours of negotiations in hashing out all the issues important to all parties on this bill to ensure everyone is on the same page in allowing our youth in Nevada to have a second chance. We support A.B. 251.

MICHAEL WILLOUGHBY, REVEREND (Battle Born Progress):

I support A.B. 251. We have the opportunity today to be the people that so many of us needed when we were growing up. This is an opportunity that you should not take lightly—it is extremely important. Personally, and as an organization, we are proud to be in support.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

We support A.B. 251 and urge the Committee's passage of this legislation.

HOLLY WELBORN (American Civil Liberties Union of Nevada):

We support A.B. 251. Increasing the opportunities for young adults to move forward and make a difference in their lives is an important endeavor and should be acknowledged.

Research study completed by Michigan Law found that those who have court records sealed or expunged have less risk of recidivism and a significant improvement in the ability to secure employment, which is critical for our Nevada youths as they move into adulthood. We encourage your support of A.B. 251.

KRISTINA WILDEVELD (Nevada Attorneys for Criminal Justice):

I echo my support in favor of A.B. 251 on behalf of Nevada Attorneys for Criminal Justice and as a private criminal defense attorney.

MS. RYAN:

I support A.B. 251 on behalf of Dignity Health-St. Rose Dominican.

ADRIAN VIESCA (Eighth Judicial District Court, Clark County):

We are in limited opposition to A.B. 251 solely regarding section 4, subsection 5, paragraph (c), subparagraph (1), which requires the court to destroy certain court records. We have emailed the Committee members with our concerns.

Modern case management systems for court records are designed to prevent the destruction or erasure of any court records. In the Second Judicial District Court, Washoe County, the case management system does not allow for the destruction of documents. If an individual attempted to enforce an expungement order, there would be no proof of such an order.

We are happy to work with Assemblywoman Krasner and suggest using language that mirrors the adoption statute. In this way, records are protected; anyone seeking to obtain the records has an intensified burden to do so.

ASSEMBLYWOMAN KRASNER:

This is the first I have heard from anyone not in support of this bill. As the other testifiers indicated, we worked for many weeks, having discussions with all interested parties—including the District Attorneys Association, law enforcement, sheriffs, police, school police, public defenders and the American Civil Liberties Union (ACLU)—to ensure everyone was in a position of support, including juvenile services in Clark County and Washoe County. I am still committed to do whatever it takes to get all parties in a position of support.

ERIC SPRATLEY (Executive Director, Nevada Sheriffs' and Chiefs' Association):

It was stated that our Association supported A.B. 251 and the changes to juvenile justice; this Association does not support this bill. Juveniles should be held accountable for their actions. We stayed out of any testimony on this bill as a courtesy to the presenter. Since we were inappropriately claimed to be in support, we want it on the record that despite repeated questions to be in support of certain legislation, we do not support A.B. 251.

CHAIR SCHEIBLE:

The hearing on A.B. 251 is closed. I now open the hearing on A.B. 268.

ASSEMBLY BILL 268 (1st Reprint): Establishes provisions relating to peace officers. (BDR 23-234)

ASSEMBLYWOMAN LISA KRASNER (Assembly District No. 26):

Assembly Bill 268 can be referred to as Miciah's law. On January 5, 2020, 18-year-old Miciah told his mother he wanted to commit suicide before leaving in his car. His mother called 911 and asked the police for help, saying her son had a history of mental illness and now was suicidal and armed. The police responded and located Miciah driving his car, but he would not stop. Later that night, Miciah was shot seven times and died.

Six months later on June 29, I was with my own two sons when the decision of the Washoe County District Attorney was announced, concluding the shooting was justified. My two sons and I watched the bodycam video footage of the shooting on the television news. My own two sons are about the same

age of Miciah, and this had a profound impact on me. I wondered if there was a better way to handle this type of situation. This was when I decided to begin this legislation.

The goal of A.B. 268 is to accomplish four things. The first is to ensure every law enforcement agency in this State adopts a written policy regarding the use of force and these policies are posted on a website. The second goal is that each policy requires police officers utilize de-escalation techniques, crisis intervention and other alternatives to force, if feasible.

The third goal requires law enforcement agencies to respond to a call by sending an officer who has been trained in crisis intervention, if feasible. In carrying out his or her duties, a peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer believes that the person does not pose an imminent threat of death or serious bodily harm to the peace officer or another person.

Before bringing this legislation forward, I worked with the Washoe County Sheriff's Office (WCSO), Las Vegas Metropolitan Police Department (LVMPD), the National Association for the Advancement of Colored People (NAACP) and the ACLU.

I have great respect for law enforcement that place their lives on the line every day to protect all Nevadans. We all want to call 911 when someone is breaking into our home at 3:00 a.m. and have a law enforcement officer come to the rescue. Law enforcement officers do so many good things for our communities that go unnoticed.

Community engagement is a top priority for the WCSO, with programs such as Shop with the Sheriff, Coffee with a Cop, elementary school Outreach Deputy Program, Community Resource Fairs and Christmas in July—free backpacks for back to school. The LVMPD also has many community outreach programs, such as Hope for Prisoners, First Tuesday, Every 15 Minutes, Explorers, Homeless Outreach Team and Multi-Cultural Advisory Council just to name a few. These programs will not bring Miciah back to his mother. There must have been a different approach that could have been taken on the evening of January 5, 2020, when law enforcement officers knew they were dealing with a person who was mentally disturbed and suicidal. De-escalation techniques and crisis intervention by trained officers would have yielded a different outcome.

There are two studies on de-escalation techniques and outcomes. The first is a study of patients with mental disabilities titled *Strategies to De-escalate Aggressive Behavior in Psychiatric Patients*. The study showed that staff training in de-escalation techniques and other interventions to prevent or de-escalate aggressive behavior led to fewer incidents.

Another study—titled *Examining the Impact of Integrating Communications, Assessment, and Tactics (ICAT) De-escalation Training for the Louisville Metro Police Department: Initial Findings*—found that de-escalation training dramatically cut use-of-force incidents and injuries to citizens and to officers. Not only was there a decline in use of force with citizen injuries, the biggest decline was to officers and officer injuries.

By putting de-escalation and crisis intervention policies into law and into action, we can prevent scenarios such as with Miciah from happening in the future.

STEPHANIE MCCURRY (Reno-Sparks National Association for the Advancement of Colored People, Branch 1112):

We at the NAACP express our support for A.B. 268 and have submitted our written testimony ([Exhibit D](#)) for this Committee to consider. We urge you to pass A.B. 268.

SENATOR PICKARD:

Section 3, subsection 1 talks about deadly force. Are you saying there is not policy addressing the use of deadly force if there is no risk?

ASSEMBLYWOMAN KRASNER:

Before I submitted anything to the Legislative Counsel Bureau on this bill, I reached out to the WCSO and the LVMPD, and they assisted me in drafting this legislation. This policy is already in place.

SENATOR PICKARD:

It sounds like this bill would codify law already in place—it does not change anything, it just moves it to statute. Is that correct?

ASSEMBLYWOMAN KRASNER:

That is correct. This takes language already in place being used by law enforcement, codifies it and places it into statute with one change that it also be listed on law enforcement websites, if feasible.

SUSAN KLOPP:

I am Miciah's mom. I am in support of A.B. 268. When my son was shot and killed, the officers knew he was mentally unstable with a history of mental illness. I told dispatch during my 911 call that my son was mentally unstable, manic depressive and bipolar. When officers located Miciah on January 5, 2020, it only took ten seconds for them to shoot and kill him—he was no threat to them. And there was no effort to save his life.

The officers should have utilized time, remaining in a safe covered position while attempting to talk in a manner designed to lessen Miciah's anxiety. This would have lead Miciah to reasonably believe he would be safe and could peacefully surrender. The police should have immediately initiated a tactical plan to contain him and initiate a dialogue, speaking in a low conciliatory voice, letting Miciah know that he was not in trouble and that they were there to help him. Instead, the officers yelled and used loud voices which provoked confusion, and this only accelerated Miciah's anxiety.

Training in de-escalation and crisis intervention could have saved my son's life. I urge this Committee to pass A.B. 268.

MS. BERTSCHY:

I urge your support for A.B. 268, not only for Miciah's family but for all community members. Mental health is a public health crisis, not a police crisis. It should not require police intervention. We are not there yet, and we task the law on our police officers to include requiring them to respond to mental health calls without providing the appropriate tools. This bill will ensure if officers are asked to be on the scene with someone who is suffering from a mental health crisis, they will have the tools necessary to de-escalate the situation to have a positive outcome. If this bill does nothing but save one life, then it will be worth it.

MR. PIRO:

Mental illness is a flaw in chemistry, not in character. Taking the time to address how to respond to someone in a mental health crisis will go a long way toward protecting that person, our communities and the officers who are responding.

TROYCE KRUMME (Las Vegas Police Managers and Supervisors Association):

I represent the sergeants, lieutenants and captains of LVMPD in supporting A.B. 268. The authority provided to police by law in the community to use force, from the lowest level to deadly force level, is a responsibility that should not be taken lightly. All police agencies should have a responsibility to have written policies in place that outline clear guidelines regarding the application of force. The requirement for de-escalation practices should be the standard. Making every possible attempt for a safe outcome for all parties should be the goal of every law enforcement agency. A vast majority of police agencies in our State are already meeting this mandate. The purpose of this bill is to memorialize those practices in the law for those persons who come behind us to continue to meet this mandate.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

The LVMPD has had a written use-of-force policy long before I was hired in 1989. Constantly updated and adapted to meet best practices, the policy is available on our website along with related use-of-force information regarding our agency.

Every officer who goes through our police academy receives crisis intervention team training, and LVMPD was one of the first in the Country to have de-escalation as part of our use-of-force policy. This bill does not change anything for our agency, and this has placed our Department in support of A.B. 268.

REVEREND WILLOUGHBY:

Battle Born Progress supports A.B. 268. No mother should ever have to go through what Miciah's mother has endured. This is another chance to step up and do something unequivocally good. Members of this Committee, please do something for the most vulnerable.

ANNEMARIE GRANT:

My brother, Thomas Purdy, was murdered by the police at WCSO during a mental health crisis. I support A.B. 268. Each agency should have accountability. Miciah Lee and my brother would be alive today if officers were trained in crisis intervention and use-of-force techniques. I support the bill moving forward—not because I believe it will stop police from murdering without consequence or that it would reduce deaths at the hands of police.

MS. WELBORN:

The ACLU supports A.B. 268. This body has come far since Assemblywoman Krasner's bill during the Interim addressing choke holds by law enforcements.

MATTHEW WILKIE:

We have heard from many Nevadans who have lost family members due to senseless violence. If A.B. 268 was in effect years prior, and with the proper training for the police officers, Miciah could be alive today. Thomas Purdy could be alive as well. I urge this Committee's support to pass A.B. 268.

MR. SPRATLEY:

The Nevada Sheriffs' and Chiefs' Association opposes A.B. 268 due to the presentation of it and the mischaracterization of our excellent law enforcement officers of Nevada, as well as the admission of material facts in an effort to disparage the actions of good officers who find themselves in critical circumstances.

We oppose the language in section 3 of the bill. "A reasonable peace officer" sitting in a noncritical environment is reviewing and deciding the imminent threat of the officer in that moment and what he or she has determined. We do support good policies; we do support de-escalation, and we do support crisis intervention training for all officers and the use of it. Law enforcement officers themselves spend the rest of their lives playing the "should of" game after a critical incident. Anyone could say there were many ways a critical incident should have been handled, and it probably seems clear after the event to everyone second-guessing the actions of police officers. The officer facing the life-and-death situation should be held accountable for his or her actions, yes—but legislating policy like A.B. 268, can place Nevada law enforcement officers in an improper response situation. This will place innocent people and officers in harm's way. For these reasons, we oppose A.B. 268.

ADRIAN LOWRY:

I am in neutral of A.B. 268. The bill needs to speak more to accountability. We have seen instances where policy does not produce the outcome we are looking for, but it is a good start.

NATHANIEL PHILLIPPS (Healing Justice Program, American Friends Service Committee):

Our organization works on alternatives to incarceration and police accountability. Legislation like A.B. 268 is important. Nevada is the fourth-highest in the Nation for the rate of fatal encounters between citizens and police officers. On a national scale, people who experience a mental health crisis like Miciah and myself are 16 times more likely to be killed by police officers. Police officers should not be responding to individuals who are experiencing a mental health crisis in the first place. There should be other systems in place that can send trained and professional mental health experts who can interact with people compassionately and with care. At the very least, it should be mandated across the State that officers be trained with clear guidelines on how to interact with all people. The ultimate goal of this mandate should be to uphold the dignity of each individual's life.

To truly honor Miciah's life and his mother for the pain and anguish she has endured would take more than this piece of legislation. It would take a transformed approach to public safety and justice. The police involved with Miciah's killing were involved in other killings too. One was an active duty soldier, Kenneth Stafford, who suffered from post-traumatic stress disorder and was having an episode in his own backyard when his wife called for help. The police showed up and ended his life.

It is important for Legislators to be aware that after Miciah's killing, communities engaged in raising the alarm about the lack of justice and accountability of our police officers. District Attorney Chris Hicks was not going to release any of the bodycam footage, and it took months for the officer-involved shooting report to be released. I implore Legislators to hold not only killer cops accountable but district attorneys and the criminal legal system as well. The lack of accountability and justice in this State is reprehensible.

KAILEY BARNETT:

Mental illness should be prioritized when a police officer is being called to a scene. Kenneth Stafford and Miciah Lee were both suffering from mental illness when they were killed. This bill is not enough, but it is a step in the right direction.

ASSEMBLYWOMAN KRASNER:

My testimony has been the same in the Assembly as today in the Senate, except we are asking the use-of-force policy be on a website, if feasible. Although this bill is a small step, a step in the right direction is called progress.

CHAIR SCHEIBLE:

That concludes the hearing on A.B. 268, and I open the hearing on A.B. 182.

ASSEMBLY BILL 182 (1st Reprint): Revises the elements of the crime of advancing prostitution. (BDR 15-744)

ASSEMBLYWOMAN JILL TOLLES (Assembly District No. 25):

Last Session, the Legislature passed A.B. No. 166 of the 80th Session, which created the definition for advancing prostitution and established penalties for the crime. The purpose of this bill is to hold people accountable who knowingly exploit individuals involved in sex trafficking. Assembly Bill 182 makes technical changes in the implementation as requested by the Southern Nevada Human Trafficking Task Force and other stakeholders.

Assembly Bill No. 166 of the 80th Session addressed a loophole in the law concerning certain establishments such as massage parlors or spas and in one case a tax preparation service. This business did not have computers or files to be found but had 8 beds and 11 women hiding in a back storage room. We have had cases and heard testimony of these individuals forced into inhumane conditions, having their shoes locked in cabinets and their identifications held. Some of these conditions were the worst human rights violations that can be imagined. These women were under threat and coercion to perform sex acts where the business owner knowingly ran these establishments but just said the women were independent contractors. This is where we lacked the ability to prosecute without victim testimony under the law.

Assembly Bill 182 will provide a mechanism to hold the establishment owners accountable, and we will be able to convict them under this law. The Southern Nevada Human Trafficking Task Force and other stakeholders from the Office of the Attorney General, law enforcement, criminal justice representatives, victims, advocates and business owners reached out and asked for this language being presented today, and I have incorporated some of the language from the

proposed amendment ([Exhibit E](#)) presented by the Senate Committee on Judiciary as well.

This bill refines the enforcement language of *Nevada Revised Statutes* 201.395 while maintaining the protection for those unknowingly engaged in these illegal activities. Section 1, subsection 1, paragraph (a) clarifies that a person knows this illegal activity is being conducted if he or she has received written notice by law enforcement of at least one incident. This part also removes the section pertaining to victims of involuntary servitude because that is a Category B felony, which is a higher standard than the crime of advancing prostitution at a Category C felony.

Section 1, subsection 3 removes the requirement of law enforcement having to notify the individual three times, reducing it to one written notice. The three-incident requirement was too resource-intensive for law enforcement to implement.

Section 1, subsection 3, paragraph (c) removes the abatement step of promoting ongoing education about illegal prostitution. This step made it too easy for a business to simply hang a poster as a defense for taking steps to abate this illegal activity.

The focus of A.B. 182 is not to arrest the victims or sex workers. We have made a substantial effort to promote victim-centered training for law enforcement.

I plan on submitting an amendment to add Senator Pat Spearman to this legislation as a cosponsor, and I would welcome any other members of this Committee.

With me today are Alissa Engler, Senior Deputy Attorney General, and Jennifer Noble with the Washoe County District Attorney's Office, who can answer any questions the Committee may have.

SENATOR HANSEN:

We had a similar bill earlier, Senate Bill 203, which has a 200-room cap to protect the bigger resorts throughout the State. Is there a cap in A.B. 182?

SENATE BILL 203 (1st Reprint): Revises provisions relating to civil actions involving certain sexual offenses. (BDR 2-577)

ASSEMBLYWOMAN TOLLES:

There is no cap. The Nevada Resort Association came forward in support of A.B. 182 and helped with this legislation.

SENATOR HANSEN:

That surprises me because prostitution is very open in the bigger casinos in Clark County. Representatives used to pass out brochures for this type of entertainment. If it is still going on, could Caesar's Entertainment and MGM-type resorts be prosecuted under this law?

ASSEMBLYWOMAN TOLLES:

I am not sure if I can speak to advertisements because that might be a First Amendment issue. I would defer to legal counsel. I am proud to see the shift across our State in recognizing that this is an issue and something we need to tackle. There are gross injustices and abuses occurring, and I am happy that resorts are getting on board with this legislation and making it a priority.

SENATOR HANSEN:

This is good to know because I resented that the other bill had a 200-room cap to protect some of these same people that seem to be okay with your bill. I would like to see A.B. 182 pass and be enforced, especially on the bigger properties.

MR. SPRATLEY:

The Nevada Sheriffs and Chiefs' Association supports A.B. 182.

BRYAN WACHTER (Retail Association of Nevada):

We are in favor of the bill and urge your support of A.B. 182.

MS. RYAN:

I have provided a letter ([Exhibit F](#)) in support of A.B. 182 on behalf of Dignity Health-St. Rose Dominican.

NATHAN CHIO (Las Vegas Metropolitan Police Department):

We are in support of A.B. 182. The Special Investigations Section battles human trafficking by targeting commercial businesses that operate as fronts for

illegal brothels. We have been involved with numerous investigations with businesses that advertise as massage parlors, massage outcall services, reflexology, party supply stores and nail salons that in reality are illegal brothels. One of our biggest challenges is the plausible deniability that the business owners invoke as they place the blame squarely on the human trafficking victims. This happens even though the business owners have a history of operating illegal-type businesses. The business owners receive the monetary gains from the illegal activities but share none of the risk of prosecution.

This bill will dissuade store owners from allowing bad actors to use their information to open a place of business or lease a property without knowing what is really going on at that business or property. We have several cases in which the listed owner has no idea what the manager or employees are doing at the business but continues to open businesses in this manner just the same. Assembly Bill 182 will give Nevada law enforcement effective tools to hold persons responsible who perpetuate the cycle of victimization of human trafficking. We urge this Committee to support A.B. 182.

MS. BOITEL:

I echo previous support comments for A.B. 182. The Nevada Policy Council on Human Trafficking has provided a letter ([Exhibit G](#)) in support with further comments.

JENNIFER NOBLE (Washoe County District Attorney's Office):
We support A.B. 182.

ALISSA ENGLER (Senior Deputy Attorney General, Office of the Attorney General):
On behalf of Attorney General Aaron Ford and myself, we offer our support for A.B. 182.

CORY SOLFERINO (Lieutenant, Washoe County Sheriff's Office):
Washoe County Sheriff's Office is in support of A.B. 182.

MR. LOWRY:

I am in opposition to A.B. 182 because it will have a negative effect on women who choose to engage in sex work. There is no societal benefit to putting women in jail or prison for engaging in sex work. Some cannot do other work due to disabilities, discrimination or economic condition. Instead of punishing

women in sex work and putting them in jail where they will experience more trauma and violence, there should be more opportunities for these women.

This bill requires people to assist the police in criminalizing women in sex work, and this is an immoral thing to do. How can we ask hundreds of businesses to subject women to the violence of criminal arrests and prison?

This law does not prevent women from doing sex work. The only thing it will achieve is to drive these women from their environment into doing their work in more dangerous locations. If we care about the health and safety of these women, we should make it so they can do their work in safety and not under conditions where they are likely to be attacked or killed.

CHAIR SCHEIBLE:

The hearing on A.B. 182 is now closed. We can now move to public comment.

MS. GRANT:

My brother, Thomas Purdy, was murdered by Reno police at the WCSO during a mental health crisis when he was hog-tied for over 40 minutes and then asphyxiated.

Sergeant Jason Wood is on administrative leave for his second DUI which occurred on April 30. He was arrested previously for a DUI in March 2016 and sentenced to complete nine hours of DUI school and attend a victim impact panel. He faced no apparent repercussions from the Sheriff's Office in August of the same year. Please support bills that promote transparency and accountability.

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CHAIR SCHEIBLE:

This concludes our meeting for today, we are adjourned at 3:12 p.m.

RESPECTFULLY SUBMITTED:

Gina LaCascia,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 143	B	1	James Dold / Human Rights for Kids	Support Statement
A.B. 143	C	1	Lauren Boitel / Nevada Policy Council on Human Trafficking	Support Statement
A.B. 268	D	1	Stephanie McCurry / Reno-Sparks NAACP Branch 1112	Support Statement
A.B. 182	E	1	Senate Committee on Judiciary	Proposed Amendment
A.B. 182	F	1	Katie Ryan / Dignity Health-St. Rose Dominican	Support Statement
A.B. 182	G	1	Lauren Boitel / Nevada Policy Council on Human Trafficking	Support Statement