

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

**Eighty-Second Session
March 2, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:01 a.m. on Thursday, March 2, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Brittney Miller, Chair
Assemblywoman Elaine Marzola, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Venicia Considine
Assemblywoman Danielle Gallant
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Selena La Rue Hatch
Assemblywoman Erica Mosca
Assemblywoman Sabra Newby
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

Assemblyman Ken Gray (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman P.K. O'Neill, Assembly District No. 40



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst

Bradley A. Wilkinson, Committee Counsel

Garrett Tamagni, Committee Secretary

OTHERS PRESENT:

Aaron D. Ford, Attorney General

Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence

Teresa Benitez-Thompson, Chief of Staff, Office of the Attorney General

Bryan Wachter, Senior Vice President, Retail Association of Nevada

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department

Alissa C. Engler, Chief Deputy Attorney General, Criminal Prosecution Division, Office of the Attorney General

Tray Abney, representing National Federation of Independent Business

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association

Mike Cathcart, Business Operations Manager, Finance Department, City of Henderson

Jonathan Leleu, representing NAIOP

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

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

Andrew LePeilbet, Chairman, United Veterans Legislative Council

Rebecca Goff, Nevada State Director, Humane Society of the United States

Chair Miller:

[Roll was called.] We welcome everyone. We will go ahead and get started on the agenda. We have three bills we are going to hear. The first two will come from the Office of the Attorney General. I will open the hearing on Assembly Bill 48, which is a measure that revises provisions relating to the privilege of communication between a victim of certain crimes and a victim's advocate.

Assembly Bill 48: Revises provisions relating to the privilege for communication between a victim of certain crimes and a victim's advocate. (BDR 4-417)

Aaron D. Ford, Attorney General:

[Read from written testimony Exhibit C.] I am here today to introduce Assembly Bill 48, which is a bill my office is supporting on behalf of the domestic violence advocate

community. Domestic violence, also known as intimate partner violence, is a serious and widespread problem. In the United States, one in four women and one in nine men experience contact with sexual violence, physical violence, or an issue of stalking by an intimate partner in their lifetime and report negative impacts such as injury, fear, concern for safety, and needing services. That is from the Centers for Disease Control and Prevention's 2017 report.

The domestic violence we are talking about can happen to anyone regardless of employment, educational level, race, ethnicity, religion, marital status, physical ability, age, sex, gender identity, or sexual orientation. However, the burden of domestic violence is not shared equally across all groups, with women and many racial, ethnic, and sexual minority groups being disproportionately affected.

Domestic violence not only affects those who are abused, but it has a substantial effect on family members, friends, coworkers, witnesses, and the community at large. Children who grow up witnessing domestic violence are among those who are seriously affected by this crime. Frequent exposure to violence in the home not only predisposes children to numerous social and physical problems, but it also teaches them that violence is a normal way of life, therefore increasing their risk of becoming society's next generation of victims and abusers. We get that information from the National Domestic Violence Hotline.

The Committee on Domestic Violence is housed in my office, in the Office of the Attorney General. I have the pleasure of serving as the chair. Membership is composed of experienced individuals from various geographic regions throughout our state. Currently, the committee maintains members representing law enforcement, the judiciary, prosecution, victim's services, health care, education, and domestic violence survivors.

On August 25, 2022, the Committee on Domestic Violence began conversations to establish a minimum standard or a minimum set of required training hours in order to become a certified victim's advocate. The committee then voted to submit language for a bill draft request. Over the past six months, the committee has met several times. We deliberated and held workshops on this language. On February 17, a few weeks ago, our committee voted to support the amended version that will be presented to this Committee today. With that, I would like to hand the hearing over to Serena Evans, who is the policy director for the Nevada Coalition to End Domestic and Sexual Violence to talk further about the bill.

Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence:

First, I want to thank you all for allowing me to present today and thank you to Attorney General Ford and his exceptional staff for bringing this bill forward and for their commitment to perfecting it. This bill originated, like the Attorney General said, in the Committee on Domestic Violence. Upon its introduction, Attorney General Chief of Staff, Teresa Benitez-Thompson, and Victims of Domestic Violence ombudsman, Nicole Reilly, committed to working with us, urban and rural service providers, and other stakeholders

statewide to find language that would accommodate each program's needs while meeting its original intent. The proposed amendment [[Exhibit D](#)] that is in front of you today is a true reflection of statewide collaboration and advocacy.

The bill started with a simple idea: to bring Nevada advocates up to the national standard into professionalized victim advocacy. Being a victim advocate takes compassion, empathy, understanding, and patience. It truly takes extraordinary people to be advocates, and our communities could not thrive without them. So often though, victim advocates do not receive the recognition they deserve, and others tend to dismiss the professionalism of advocacy. Victim advocates see their clients and victim-survivors through some of their absolutely worst days, and they do so with grace. Victim-survivors often find great comfort and solace in working with an advocate and having someone they can confidentially confide in when it feels like the rest of their lives are crumbling. Advocates are pillars of stability and support. They are able to serve as such because they have privilege. Because victim-survivors may divulge some aspects of the most intimate parts of their lives, it is imperative advocates can offer a safe and confidential place for them to be vulnerable.

This bill puts into statute which training topics must be covered through a mandatory 20-hour advocate training process. The intent behind naming the topics is to have consistency across all direct service providers on the basics of advocacy and to professionalize the career. We have heard from numerous programs statewide that when their advocates are subpoenaed to court, they are often questioned about what training or certifications they have that allows them to claim privilege. We hope by defining the trainings into statute, it becomes clear why advocates can claim privilege confidentiality. At this time, I am happy to answer any questions the Committee may have.

Attorney General Ford:

We would like to walk you through the amendment [[Exhibit D](#)], and Teresa Benitez-Thompson will do that.

Teresa Benitez-Thompson, Chief of Staff, Office of the Attorney General:

The good news is the amendment [[Exhibit D](#)] is making it a simpler bill, not a more complicated bill. As we walk through this, you will see the gist of it hopefully is plain and easy to capture. If you go to section 1 in the original version of the bill, we contemplated 40 hours of instruction. In the amendment, you will see "at least 20 cumulative hours of instruction." That came from lots of conversation around capacity for the different service organizations, and considering their staffing, this was the level everyone was most comfortable with.

Next, in section 1 of the amendment, under "Relevant training," subsection 4, "Best practices relating to the media," we are taking that out. In the 20 hours we are contemplating, we think the ethics, the civil, criminal laws related to domestic violence, other relevant laws, trauma-informed care, and any other topics that might fit into that were going to be the best. We are looking to remove the best practices regarding media. As well, you are going to see we are

taking out the bottom language in section 1, lines 14 through 17 of the original bill, the reason being is in consideration through all of the different service organizations and their ability to be in compliance with the law on Day One and their capacity.

As you move through to section 2, it is pretty much the same. There are no conforming changes in there. The changes coming in section 1 with 20 hours of minimum cumulative training in these topic areas is what is being proposed. I believe we are open for questions.

Assemblywoman Cohen:

I have a question about the training. These are very sophisticated topics for the training. Who is doing the training? What training is the trainer going to have? You are also touching on legal issues, so how do we know this is proper training?

Serena Evans:

Right now, the trainings are done at each advocacy program. As well, the Nevada Coalition to End Domestic and Sexual Violence offers a virtual training. These trainings are typically done by advocates, executive directors, program directors, and people like that who have been in the field for many years. They are developed by each individual program to meet the needs of their community as well as hitting each of these topics. Many of the discussions we had with the programs statewide as well as with the Office of the Attorney General is that this bill that is being introduced today is the start of a process of professionalizing victim advocacy. There is hope that over the coming years and coming sessions we will have a certifying agency that overlooks these trainings to make sure they are hitting all these competencies. Right now, because of capacity, resources, and funding, that is not realistic. We, as the statewide coalition, do help programs develop these trainings. We are here as a resource. We have numerous amounts of resources to national networks, national databases, best practices, and things like that.

Attorney General Ford:

If I could augment that, I do not want to speak on behalf of the advocates community, so please correct me if I am wrong, but I want to be clear that these things are happening hit or miss in certain places under certain advocacy organizations already. For example, the civil and criminal laws related to domestic violence, sexual assault, and human trafficking: they are spoken about through Ms. Evans' agency. What we are trying to do through this bill is to standardize a core group of items that need to be discussed in all training arenas so we can have the professionalization of victim's advocacy and, again, a minimum of 20 hours of cumulative work in these particular areas.

Assemblywoman Summers-Armstrong:

I am concerned about two things: one is, you are removing the media portion of it, and two is, the training does not have to be supervised by someone with one year of experience. My concern is if you are taking out the media portion, does that mean you are prohibiting the advocate from speaking to the media, so it is no longer necessary to have that in there? I think that is important, and I think the media has a way of finding people or approaching

people, and they need to be prepared for that. If you are going to take it out, I think that should also come with the precursor they do not speak to the media, so they do not inadvertently mess up.

The second thing is, I would like to know why you took out the one-year requirement. I think time in place and understanding the process helps a trainer be a better trainer. I would be concerned if someone who just came into your agency a couple of months ago, had some training, is now training other people, and they do not have any depth of experience. Could you please address that?

Serena Evans:

First, relating to the media best practices, we had robust conversations about this. Typically what happens, especially in larger agencies—think Washoe County and Clark County—most advocacy organizations have a designated communications person who is specifically trained in speaking to the media. Most requests for media that come through either are directed to the executive director or said communications person. This training is a minimum, so we want to make sure the basics are met. We are not saying advocates cannot have training on media. We did not feel that was needed in this group of core topics that needed to be covered in terms of providing the best care of victim advocacy to survivors. Again, we at the coalition offer a media training, so it can be an additional training that programs go through. We want to make sure advocates are being trained on ethics, best practices, and trauma-informed care. That is what makes an advocate an advocate. Media training is needed, but it is not one of those core training topics.

You can make the argument that best practices relating to media is covered under ethics. When we speak about ethics and confidentiality, you cannot give the name of the victim-survivor you are working with and you cannot disclose intimate details about the case. That is covered under ethics. That was our reasoning behind that.

To answer the second part of your question relating to the training that must be supervised by a victim advocate who has at least one year of experience, this was specifically taken out for our rural agencies. Right now, as I am sure many of you are aware, there are staffing issues across the board in all professions. Our small rural agencies are really seeing the hit with victim advocates. To be honest, victim advocates do not make a whole lot of money. Sometimes, especially in our rural communities, they do not stay there for long periods of time. Most of our training is done by individuals who have been there for many years. To protect our smaller rural programs, we wanted to ensure they would not be noncompliant with the law that we are putting forward. It is best practice that we have someone who has been there for hopefully more than a year doing this training, but we did not want to create something in statute that would create negative consequences for our programs.

Assemblywoman Considine:

Coming off the few things you just said, I wanted to make sure, because I know advocates in this space do not get paid a lot, when does this training happen? Are there any costs to the advocate? Since it looks like what you are trying to do is build a basis for some

standardization, if an advocate works for one entity and then moves across the state or goes to another entity, does this training count, or will they need to go through this training at each individual entity until some future standardization occurs?

Serena Evans:

This training is usually right off the bat. You get hired, and you have to go through this. You cannot work with victim-survivors, be on the call lines, or anything like that until this training is complete. As for the question on it being transferable, that is at the discretion of each program. For instance, Advocates to End Domestic Violence here in Carson City has their own training they have all staff and volunteers go through. I know in Clark County, SafeNest and Safe House each have their own training. They might have you redo parts of it. I think it is at the discretion of the program.

Once you have this training, you are a victim advocate and you can claim privilege. Each program might have you go through different aspects of their training based on the needs of their community and the program itself.

Assemblywoman Considine:

Can I ask about the cost? I did not get the answer.

Serena Evans:

My apologies. There is no cost. The coalition offers it for all our program members free of charge, as well as all programs that I am aware of. It is your onboarding, essentially.

Chair Miller:

To follow up on Assemblywoman Considine's question, that means all providers will deliver this without cost to everyone seeking this training?

Serena Evans:

Correct.

Assemblyman Orentlicher:

I have a question about section 3, subsection 1 and the additional language about the domestic violence, sexual assault, or human trafficking service organizations. I would have thought those would have fit under the existing language for nonprofit programs. Is the goal to allow for for-profit organizations that provide these services? Why the additional language?

Serena Evans:

You are correct. The majority of those organizations defined would fall under nonprofit. I think it was to further define the services in this space, so domestic violence, sexual assault, and human trafficking. We do not see a lot of for-profit organizations offering this, as well as system-based advocates do not qualify for this privilege because their intent is to support the system they are working for.

I think the defining of domestic violence, sexual assault, or human trafficking service organizations was also in part to help the Nevada Coalition to END Domestic and Sexual Violence. We are not a direct service provider. What we do is, we serve program members across the state. I think it was just to clarify and make sure everyone in this movement is encompassed under this language.

Assemblywoman Gallant:

As somebody who has done extensive work in domestic violence and as a former board member of Safe House, I can attest the nonprofit organizations and everybody that works there do not do it for the money; they do it with heart forward. The training, statistics, and research behind everything they provide is phenomenal. However, I am curious with these new standards how there is going to be quality control, that we ensure they are still meeting these benchmarks as it goes on, but also ensuring it is not too much where it ends up costing more for them to continue these programs and then is cost-prohibitive.

Teresa Benitez-Thompson:

I think that is a really good question, and for the past couple of conversations the Committee on Domestic Violence has had, it has been around exactly that. It has been around the goal of professionalization and how much we can do now? The committee is going to continue conversations about what the next steps are. There were hearty conversations around—to Assemblywoman Summers-Armstrong's point—supervision and what that would look like and what it would take for all of us to get there; also, what type of training this will look like.

In our minds, we created kind of a mini university before we realized, Well, we cannot legislate that upon ourselves because we are not ready to do that come October 1, 2023. This is an ongoing project. It is a professionalization of a group that has typically been working with a lot of heart and soul but otherwise not greatly defined. That is the goal to work through and to do it in ways that are reasonable and that keep all organizations functional and in compliance with the law while moving everyone along.

Assemblywoman La Rue Hatch:

My question echoes many of my colleague's questions about the standardization and how we ensure that ethics in one county with one organization means ethics in the same one. Are these programs accredited? Do they have to go through a process to get approved? Do they provide credentials? What measures are in place to make sure it is at least marginally standardized?

Serena Evans:

Building off what Ms. Benitez-Thompson said, this is going to be a slow process of professionalizing this. There is no funding to have an accreditation program. There are national networks. The National Organization of Victim Assistance (NOVA) does accreditation of victim advocate training. The coalition has recently applied to have our training certified through NOVA. I know a few other programs throughout the state—I believe SafeNest—have applied for this as well. There are national ones.

In the conversations we have been having with rural and urban programs statewide, we have been talking about what this looks like in the future. There has been discussion about the coalition maybe becoming a certifying agency. Many of our program members already do go through our basic 20-hour training. We have a 20-hour training for domestic violence as well as 20 hours for sexual assault, so 40 hours cumulative there. Many of those programs utilize our basic training and then have other trainings that build upon that. I can speak specifically for the coalition's training. The certification process is long and lengthy, but eventually we will be certified through this national accreditation program.

Attorney General Ford:

I want to add to what has been said here by my chief of staff and Ms. Evans. It responds to Assemblywoman Gallant's question and yours, Assemblywoman La Rue Hatch. This is about quality control. This is about standardization. Right now, we do not have it. It is different in different parts of the state, different parts of the arena. Serving as chair of the Committee on Domestic Violence, I hear about the different training techniques and practices, and some meet a particular standard, some do not. This is a first step effort at getting to a quality control that everyone could be comfortable with and also a standardization and understanding that ethics in rural Nevada is the same as ethics in frontier Nevada and elsewhere. I wanted to add that as well.

Assemblywoman Hansen:

Attorney General Ford, thank you for your last answer because that was part of one of my questions. This is a beautiful amendment [[Exhibit D](#)]. Those can be tricky, and this is so readable, so thank you. I appreciate we have to have consistency, best practices, and all of that, and you did amend it from 40 hours to 20. Are we concerned we will have any problem with maybe having applicants not be as likely to want to sign up with the hours? What were the hours before? We are at 20, and we had proposed 40.

Serena Evans:

The hours were 20 hours before. It was bumped up to 40, and then we had to have the hard conversation of our programs are not ready for that. Many of our programs do way more than 20 hours. I know some programs have upwards of 90 hours of training before they allow you to work directly with victim-survivors. This was specifically geared for our rural communities who are not there yet, and we do not want to create laws with unintended consequences. The goal is to eventually get to 40 hours. We have a lot of work as a state, as the coalition, to make sure our programs have the capacity before we statutorily mandate that.

Assemblywoman Hansen:

Thank you for clearing that up. I appreciate it.

Chair Miller:

I am at the same place where I feel many members are. I appreciate your last response, Attorney General Ford; that did clarify some of it, but it is still the inconsistency of the training—20 hours to 90 hours. Currently under law, these victim advocates already have the

right to privilege. The bill is not necessary for that. Currently, they were requiring a minimum of 20 hours. The bill is not necessary for that either. We do not need a bill to get the NOVA certification. Once we do, will that be the standard, required, accepted training that will be delivered and received? Again, we are trying to get to consistency, so 20 hours or 90 hours, it should be consistent. If everyone walking into the courts or assisting victims will be expected to deliver the same service and understand the same laws and proceed the same way, then the training should be delivered consistently. Once the certification comes, will that then be the training everyone receives? If that is the case, why are we not now modeling the training the national organizations are already using? Could you speak to that a bit?

Serena Evans:

I want to start with this. Each community is extremely different. We do not want to monopolize training across the state. What might be appropriate training for Clark County probably would not be appropriate training for our Elko communities. In the amendment [\[Exhibit D\]](#), there are these specific lists of topics that each training has to cover, and those are what is required for the core advocacy. That was what you need to claim privilege with your clients. There are differences between the 20 hours and 90 hours. The programs that are doing 90 hours have the staffing to do so. They are much bigger organizations and serve a lot more unique, diverse clients, so they often have more training on specifics of child trauma or working with LGBTQIA survivors, for example. Some of our more rural programs do not have as diverse a clientele, which is not to say they should not have those trainings, but because of staffing issues, it is not realistic at this time.

We do not want to have one training that is required for every program because each program is unique. We hear routinely from victim-survivors that one program might have not been a good fit for them, but another program was because of the differences in advocacy they provide and different ways of handling things. There is beauty in the uniqueness of each program.

What this bill is aiming to do is make sure each program is meeting those basic requirements of victim advocacy, the core topics that are required to be a good victim advocate and claim privilege. I think as we start looking at professionalizing this and working, we might come across in standardizing that, yes, 40 hours is the standard. Here is a blanket training structure that you can build upon to meet the uniqueness of your own program. There were robust conversations of not wanting one entity to be the agency that provides all the training. Once we get the national certification, many programs will use that as a starting place but then build upon in their own programs.

Teresa Benitez-Thompson:

I could add to that quickly. In the conversations we were having around what training would mean, part of that was being begged by the question in some of the local jurisdictions coming from more defense challenges about, You are a victim advocate, but what does that mean? What training have you had? That question is starting to be asked more and more. We want to be able to say, by statute, these are how the folks are trained, and then have all the service

organizations and the coalition be able to push out that training in that manner. That is one of the questions that has been asked and has been driving the definition of what that training is and what that training is going to consist of.

Chair Miller:

I think that is really my question, too, because this is currently happening. Is there a certificate or a credential that somebody has to verify I have completed this, so I have the ability to receive this privilege? If that is the case, and it is already happening, then whoever is doing the training has the ability to say, No, you are not certified because you have not completed this training.

Teresa Benitez-Thompson:

That is a very good question. You are asking really big system questions that are part of the dialogue. We had conversations of, could we create a central repository? Would it be in the Office of the Attorney General? Would it be the coalition? Would it be the courts? Who is going to certify? Who is going to file? What we realized is, we do not have answers for those yet. What we do need is for the coalition to keep working through this committee to grow this and to grow it out, but we did not have consensus for how to stand that up at this juncture. When you come into the certification process and what that means for the courts, you have to be serious about that. You have to have that built up, set up, and ready to go. Those are conversations we are having.

We know we need to spell out what the training is. We know we need to have all the service organizations make this part of the standard for what it means to be called a victim advocate. All of those other conversations, the systemic ones that you are asking, are ones we are having too.

Chair Miller:

I appreciate that. I would love to see it professionalized as well and even offered through our community colleges as a certificate program or something like that. When it comes to the consistency, I appreciate geographical differences and community flexibility to adapt our communities. I also know we do not provide separate training to our attorneys through our law schools. We do not provide separate trainings to our police officers through the Peace Officers' Standards and Training Commission. We do not say, Well, you are an Elko police officer; you are a Clark County police officer. Again, I would like to see some of that consistency.

Attorney General Ford:

What we do provide, Madam Chair, in the attorney realm, for example, is everyone gets a juris doctorate (J.D.). There is a minimum standard we learn about relative to what it takes to practice law. Some of us get a Master of Law, or some of us get specialties in other arenas as well. We augment our understanding about the law based on our particular location. Water law in Nevada is very important. It is not as important in Texas where I come from, where you learn oil and gas law. There are specifics to specific regions in our state that require certain types of additional trainings.

I think what we want to set here is the base level standard for a J.D., so to speak, but allow other programs to augment our own teaching offerings to be sufficient for what a particular arena needs. If a program has the ability, for example, to provide best practices in media training, then have them do that. That is great. Not everyone has the ability to train in the media arena. Requiring them to do that may very well lead to a reduction of people even applying to be victim's advocate because now we require them to take a form of training that is not even offered in their particular locale.

To the points you are making, they make very great points. Sitting as chair of that committee, I have heard all of the different offerings our committee members have. Again, the committee members are people who come from law enforcement, from the judiciary, from prosecutions, from victim services, from health care organizations, from educational entities, and from domestic violence survivors. They have all agreed we need this at a very minimum to begin the standardization, and we can continue to grow from there to add more professionalism to this particular arena.

Assemblywoman Marzola:

I used to work for SafeNest 20 years ago. I was a case manager. Back then, the training was very extensive, from Las Vegas Metropolitan Police Department to doctors to other advocates and things like that. I am glad that, here we are 20 years later, we are now putting it in statute and making it official. I appreciate that. How many victim advocates do we have in our state?

Serena Evans:

I could not tell you off the top of my brain, but I am happy to follow up offline once I can collect that from our database.

Assemblywoman Marzola:

I want to confirm—even though it is not in statute—these trainings are still happening.

Serena Evans:

Correct. All of our programs that are offering training are meeting these requirements that we are defining in statute. We are not creating a hurdle of, Hey, you are going to be noncompliant. We are trying to standardize, professionalize, and put it in statute so there is proof if, let us say, a victim advocate is subpoenaed to court and they are being questioned. They could say, Hey, here is what I have training in. Each program does keep track of the trainings each victim advocate goes through. There are certifications and pieces of paper saying how many hours they have completed and in what topics. While it is not a formal procedure overseen by one entity, each program is overseeing and certifying in their capacity.

Chair Miller:

Are there any other questions? [There were none.] We will go ahead and open it up for testimony in support. Is there anyone wishing to provide testimony in support of A.B. 48? [There was no one.] [A letter in support [Exhibit E](#) was submitted but not discussed and will

become part of the record.] I will open up testimony in opposition of A.B. 48. Is there anyone wishing to testify in opposition? [There was no one.] I will open up for testimony in neutral. Is there anyone wishing to testify in neutral of A.B. 48? [There was no one.] With that, I will welcome Attorney General Ford back up to the table for closing remarks on this. [There were none.] We will go ahead and close the hearing on A.B. 48. We will open the hearing on Assembly Bill 50, which is also coming from the Office of the Attorney General. Assembly Bill 50 revises provisions relating to the prosecution of certain crimes.

**Assembly Bill 50: Revises provisions relating to the prosecution of certain crimes.
(BDR 15-429)**

Aaron D. Ford, Attorney General:

I am here today to testify on and present Assembly Bill 50, which discusses organized retail crime (ORC). Let us start with the basics. What is organized retail crime? To be sure, we are not talking about shoplifters who steal items for personal use. We are talking about organized retail crime or organized retail theft as you may hear it called, which refers to criminal activity in which perpetrators target retailers and retail stores to steal massive amounts of products and then resale the items in different venues such as on the Internet. *Nevada Revised Statutes* 205.08345 defines "organized retail theft" as "committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site." The perpetrators' goal in these crimes is to either return the merchandise to the victimized retailer against their knowledge for value, or to resell, trade, or barter the merchandise for value. The merchandise items stolen include laundry detergent, designer handbags, allergy medicines, razors, and many other things that you can imagine.

The National Retail Federation stated in their 2021 retail security survey that, and I quote, "Retailers report these gangs are more aggressive and violent than in years past. Some 65% of respondents noted the increase in violence, while 37% said ORC gangs were much more aggressive than in the past." The study also names Las Vegas in their top ten cities affected by organized retail crime. You will be hearing more from retail stakeholders and law enforcement about what they are encountering in their day-to-day. It has become obvious more effort is needed to combat organized retail crime and the Office of the Attorney General must be a part of the conversation on how we combat these crimes moving forward.

Assembly Bill 50 seeks to provide the Office of the Attorney General jurisdiction to investigate and prosecute organized retail crime, counterfeit goods, and fraudulent transactions. We also have submitted an amendment to establish within our office the Consumer Law Enforcement and Retail Coalition (CLERC). The CLERC is intended to serve as a bridge between retailers, law enforcement, and federal agencies that will allow us to work together to compile and review information, data, and evidence of organized retail crime occurring here in Nevada.

Also, CLERC will aid us in developing additional leads and ideas in combating organized retail crime. They will work with retailers and law enforcement to identify additional resources, including staffing and technological needs for combatting organized retail crime. They will also work with chambers of commerce, retailers, and local law enforcement to discuss and develop needed legislation to combat organized retail crime.

Additionally, CLERC can assist in coordination between the Attorney General's Office, Homeland Security Investigations within the U.S. Department of Homeland Security, and local law enforcement. We hear the need for this office to be more involved in the efforts to combat organized retail crime. While we will not be the boots on the ground force at the outset, we do plan to advocate for resources to ensure we can be a meaningful partner. To that point, we consider the amendment from the Retail Association of Nevada (RAN) [\[Exhibit F\]](#), hopefully in the Nevada Electronic Legislative Information System, to be a friendly amendment.

That concludes my testimony on this, except to say this is not just a Nevada-based conversation. I am in a coalition of attorneys general across the nation, the Attorney General Alliance, that has an organized retail crime working group that is dealing with this issue from coast to coast, from Maine to California. In fact, in April we will be having another convening to discuss the national and international trends that are arising in the organized retail crime arena. You have seen this on TV where folks on Rodeo Drive had broken in, in an organized fashion, and stolen a whole bunch of very expensive items only they can afford because I cannot on Rodeo Drive and then utilized it to sell elsewhere. That was organized. You have seen Internet organized retail crime where folks are now posting on some of the Internet sites—that I will not name right now—to resell items they have stolen from some of our big box stores: hardware, clothing, you name it. These are items that RAN can attest to, as well as our chambers of commerce. We are looking forward to becoming more beneficial partners with them in combating organized retail crime. I would like to invite the Vegas Chamber and the Retail Association of Nevada to come forward with additional testimony.

Bryan Wachter, Senior Vice President, Retail Association of Nevada:

I want to thank the members of the Assembly Committee on Judiciary for the time this morning to speak with you. I also want to thank Attorney General Ford for his leadership on this issue. This is something his office and he, himself, through his task force to the nationals, has been working extensively and helping us to be able to combat.

This is one of the least-discussed but fastest-growing threats to workplace and consumer safety. We have incidences recently in the last four months in North Las Vegas. One of our clerks was stabbed at a hardware store for interacting in the middle of one of these organized thefts. Thankfully, we have not had any of our clerks die, although nationwide we have had several clerks in our stores die as a result of interacting with one of these organized retail threats. It is happening every day across the country. We want to reiterate this is not going after people who are stealing for need. In fact, the retailers in the retail industry have created

diversionary courts and diversionary programs that seek to help and identify people who are stealing for need to be able to get the resources and help they need without creating a criminal background.

Instead, we are talking about very sophisticated units. They fund terrorism and are funding gangs. It is connected through international trade. It is also interjurisdictional. Last year, we had a huge amount, close to a million dollars in products, stolen from California operatives who came into Reno, stole it, and then made their way back across the mountain. Without these types of resources, and without the Attorney General's help, being able to coordinate that kind of activity is increasingly more difficult.

There are three reasons why organized retail crime is something we need to be taking a look at. The first, as I mentioned briefly, is workplace safety. It is standard policy that retailers do not ask, nor do we want, our clerks to engage in private security. We do not want them interacting with criminals who are there, intent on stealing, but they end up in the middle of that anyway, accidentally, as well as sometimes voluntarily. That is a huge workplace safety issue. The second of which is this does drive up the cost of goods. Those goods have to be replaced. More capital needs to be invested in stores to be able to address security. Security guards, as opposed to the operations of retail, have to be brought in. There is a huge cost increase per store to be able to address this issue. Those, of course, are reflected in the cost of those goods. The third is counterfeit goods.

The number one product that is stolen is actually baby formula. If you do not store baby formula correctly, it can lead to the product itself becoming unusable or toxic for children. You get organized crime syndicates that come into our stores and they will steal baby formula. The Attorney General mentioned razors. This is why when you walk into a store, you have maybe a display that causes a loud noise when you take a product off the shelf, or you have to push a button to be able to get an associate to come open a case. All of those things get stolen and then fenced online. You have online marketplaces, craigslist and such, where people who are in distress are looking for deals, especially during the COVID-19 pandemic. People could not find the correct amount of product or the product they were looking for, so they turned to these kinds of alternate sites that are mostly filled with counterfeit goods. This is a huge consumer safety issue.

There are federal actions that are taking place. We want to thank Senator Catherine Cortez Masto for introducing the Combating Organized Retail Crime Act of 2023. That is something that is going to provide more resources to states like Nevada to be able to combat this, which is why A.B. 50 provides the hub for Nevada's organized retail crime actions with the Attorney General to be able to coordinate the activities of our local governments, provide that cross-jurisdictional support, and utilize those federal resources that are coming into the state.

We have looked over the last couple of years—and federal and local law enforcement have been increasing—but what we have significantly found is in your own neighborhoods, there are houses that are being used to store this kind of merchandise. You might have recently

noticed in Las Vegas over \$1 million in good and products were taken out of a neighborhood randomly. These are where they are hiding these types of items. It is going so far that Home Depot has spent and invested enough money that if you purchase their tools without going through a point-of-sale system at Home Depot, the tools will not work. That is how extensive a problem this is.

That is why we are presenting the amendment to A.B. 50 [\[Exhibit F\]](#), and we are grateful it is a friendly amendment. It adds a section 4, which would appropriate \$1.5 million to CLERC to be able to staff the Attorney General's Office with the necessary resources to be able to handle this problem. We would ask your permission to be able to bring that argument to the Assembly Committee on Ways and Means. A lot of these products and millions of dollars are being diverted from our normal tax system, so the state is losing tax money as a result of these thefts and the diversion onto online marketplaces. With the investment this amendment makes, we feel the state will actually recuperate in additional revenue collected.

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:

The Vegas Chamber would also like to thank the Attorney General and his team for the bill brought forward today, and his collaboration and leadership in working with the business community. I think A.B. 50 demonstrates the work that can be done when we focus on these issues on behalf of the state of Nevada.

The Vegas Chamber is in support of A.B. 50. We are also in support of the proposed amendment [\[Exhibit F\]](#) and the appropriation. We think that is a significant signal from the Chamber. We believe it is an important investment in our community. We view this as, first, a public safety issue, and then an economic case, of course. I think my colleague from RAN has demonstrated that retail side of it. From the Chamber's perspective, it is a public safety issue. It does not matter what part of our community you are in, whether it is in Las Vegas or Washoe County. It does not matter if it is the dollar store or high-end retail store. Organized crime is impacting those consumers and those employees, and that is why we view this bill as exceptionally important this session to protect our employees, our families, and our community. That is why we support the amendment and the work that is being done by the Attorney General's Office, and we appreciate his leadership on this issue.

Attorney General Ford:

I would like to indicate we do accept the amendment [\[Exhibit F\]](#) as friendly, and we hope that ultimately it passes. What we have requested in the bill through our proposed amendment [\[Exhibit G\]](#) is simply to receive jurisdiction, the ability to prosecute. We do not have a lot of resources to be able to prosecute, which is the reason why we accept this amendment [\[Exhibit F\]](#) as being friendly.

The CLERC committee that will be set up will have two members representing Las Vegas Metropolitan Police Department, two members representing the district attorney's offices, two members representing other local law enforcement entities, two members representing chambers of commerce in Nevada, and two members representing a retailer association. This organization, CLERC, absent the money, shall serve as an interface to bridge contacts

between retailers, law enforcement, and federal agencies to work together to compile and review information, data, and whatnot, as I indicated in my earlier testimony. I wanted to indicate that, absent the additional funds, we will only be able to serve as a bridge organization at this juncture because of a lack of resources we have in our office. We request the jurisdiction in the event we ultimately get the resources, but I wanted to make that clarification.

Chair Miller:

As a friendly reminder for everyone in the room, this is a policy committee, so we do not speak upon, nor do we ask questions about, funding or any appropriations. Are there any further comments, Attorney General Ford, before we open it up for questions? [There were none.] With that, we will go ahead and open up for questions.

Assemblywoman Mosca:

Can you share more about what happens currently, so we can understand the differences between what is being proposed?

Attorney General Ford:

There are one-off efforts meant to be sure our local law enforcement has jurisdiction to arrest and our local district attorneys have the ability to prosecute crime, whether it is organized retail crime or otherwise. That is happening at the local level, to the extent they have the resources and the ability to be able to do that. What we are seeing is that this is not, generally speaking, a localized issue. What is being stolen in Clark County has been put online and sold in Georgia. We can keep it intrastate and talk about what is happening in Washoe County being sold in Elko. The opportunity for the Office of the Attorney General to be a central hub in working with law enforcement, district attorney's offices, chambers of commerce, and retailers across the state provides us an opportunity to better address some of those issues.

Assemblywoman La Rue Hatch:

My question goes to jurisdiction, which you touched on a little bit. You are mentioning national or international organizations. Would that mean the Federal Bureau of Investigation (FBI) would be investigating, or other agencies that deal with international crime?

Attorney General Ford:

The answer is absolutely, which is one of the reasons why Senator Cortez Masto is running a bill at the federal level to address some of these issues. What we are running are parallel tracks in trying to address this issue. It is a dynamic issue that requires a dynamic solution, and one in which the state of Nevada should be an integral part of. Yes, the international components might have international investigators involved and national components to be sure as well, but there are still opportunities to work together. This will provide my office the ability to be the central hub in Nevada that can coordinate with what is happening nationally and internationally.

Assemblywoman Considine:

I like the bill and taking the jurisdiction and having the jurisdiction for this. My hesitation is the amendment. I am wondering why we need to put something that ideally would be temporary into statute where it could be a task force over time. Why does it need to be in statute? Why does it not include people who are familiar with the Internet, such as those in information technology, or people across state lines, or the Federal Trade Commission? My long-term worry is every time there is a spike in crime in different areas, I do not want to see new groups being put into statute for those future things.

Attorney General Ford:

I can understand that concern. My office is on several task forces right now, some of which have been created outside of statute and some are created because of statute. The Technological Crimes Advisory Board, the Committee on Domestic violence, and all of these things are created by statute because of particular issues this body determines are specific and important enough to put in the statute. We think, under the organized retail crime arena we are seeing right now, CLERC is one that should be codified into statute.

To your question about why it does not include other folks. I am open to that. I am open to a catchall that says, And other representatives as the body sees fit, or something along those lines. You are right; maybe we should have some Internet folks in here to help us deal with that issue. To be sure, I could set up a task force within my office that would have no resources. With the amendment [[Exhibit F](#)], I know you are not talking about money in this Committee—but assuming this passes and hopefully it does pass—we do intend to have that conversation about money to allow CLERC to have resources that are more than a task force would have, that I will create to be able to effectuate more of an approach to addressing this consumer issue.

Assemblywoman Gallant:

I am happy that you guys are addressing this issue. I guess we have had more media on San Francisco and Rodeo Drive because those have been big issues. That makes the media. I am curious about how pervasive it has been in this state and if we have an estimate on the loss in sales tax so we can really conceptualize how big of an issue this is.

Attorney General Ford:

We gave examples of what made the national news. I try not to mention specific locales and big box stores, but you heard an example of a local big box hardware store that encountered actual violence through an organized retail crime group locally down in southern Nevada. It is happening here to be sure. It may not make the national news. Sometimes it makes our local news, but it is certainly happening, and it is something I have heard enough from either RAN, the chambers of commerce, or others that this office should get engaged on that. Let me be clear, we have enough jurisdiction to last us a lifetime in my office. For me to come and ask for additional jurisdiction should reveal the importance of this topic and the relevance it has to what is happening here in this state. Let me offer the mic to my colleagues here to see if they have anything further to add.

Bryan Wachter:

Certainly, from one of our big box stores or from a national brand, on average, there is about a million dollars a year that will go lost per store in organized retail theft. We are looking somewhere along the lines of \$50 million to \$100 million on average that could be diverted. The state would be looking at a significant loss of that sales tax to be about \$20 million. I will get you exact figures. I certainly was not prepared for the money discussion here, but I am happy to provide you with why we think this is an investment the state will make its money back on offline.

Chair Miller:

Could you provide that to the Committee?

Assemblywoman Hansen:

Thank you for addressing this issue. I have a question, but a little background: I am glad we are talking about theft. To me, it is at the bedrock of such a disrespect issue, absent need. I think in our state you can steal \$950 and not have a whole lot of ramifications. I had a son who was a manager of one of my favorite big box retailers while he was working on his master's degree. The information he shared was so disturbing about organized retail crime and even that \$950 threshold—people are stealing. That is not need. I was raised by a single mom, eating pancakes for days on end and having our power shut off. I know what need is. I know we are not talking about that \$950.

With organized retail crime, I think you said Las Vegas was one of the top ten cities. Could we maybe get the list of what those other cities are? You might not have it with you today, but if we could get that list of the other top ten cities. What was the genesis, particularly in Nevada? When did we start to see this organized retail crime take off? Could we have that information offline? Those are my questions for offline.

I hope we can continue to have conversations about theft, whether it is at the organized retail level or even in those lower levels because, to me, it is a foundational issue that we need to address in our society and have ramifications.

Paul Moradkhan:

There definitely was a correlation with the COVID-19 pandemic where you saw more prevalent and more public awareness of this issue. Organized crime has been going on for decades. You saw the more brazen attacks on employees, more crash-and-grab, and so forth. You definitely saw that in the last three to four years. It has been where you see more highlights occurring in cities the Attorney General referred to, but also in our communities. You see more local reporting on those, and we can definitely follow up on some of those news articles for you that are Nevada-based, of course.

Assemblywoman Newby:

I do not expect you have this information right now, but I would be curious to know, of the number of thefts, how many of those have charges filed? Of those charges filed, how many of those are prosecuted currently? This is so we can get an idea of how many of those get through the process to prosecution, as we are talking about upping that level of prosecution.

Attorney General Ford:

I would have to work with our local partners on that. Currently, my office does not operate with jurisdiction in this particular arena, so I would not have that handy. I can certainly reach out to some of our local law enforcement agencies and ask these questions.

Bryan Wachter:

Madam Chair, if I might add, a lot of times these cases can be very labor intensive and require tracking. I know at one point, for an issue we were having at Smith's in Las Vegas, they actually started chopping up their pallets and putting tracking devices in the pallets because the pallets themselves were being stolen. We are doing the types of things that take months to be able to investigate and to be able to hand over. A lot of that is done in-house. When we get you those answers, because a lot of times our law enforcement agencies do not have the resources it takes to have those long investigations, especially because you have to coordinate and hit the accumulative amounts, I think you are going to find the number of prosecutions is low. We are hoping that A.B. 50 is going to help change that.

Attorney General Ford:

I understand Las Vegas Metropolitan Police Department (Metro) is here from Las Vegas and may very well be able to offer some insight on that when they come up.

Chair Miller:

I will call Metro up after the next question or so.

Assemblywoman Cohen:

Attorney General Ford, you refer to this as an intrastate hub, and you made reference to having some other programs like this where your office acts as the intrastate hub. Can you give us some other examples on how those programs are working?

Attorney General Ford:

Yes, I am trying to reflect back on the content of me saying that. What I can say is, we work with other attorneys general across the nation on various issues, if that is what you are asking.

Assemblywoman Cohen:

I asked about intrastate.

Attorney General Ford:

My apologies. The great example is the bill we just heard. I am the chair of the Committee on Domestic Violence. There is an opportunity to bring folks from different arenas of

different parts of our state to come on a particular topic to talk about things we need to talk about, to have addressed at a statewide level. Then we can come to this body, for example, and disseminate it as purportedly on behalf of the entirety of a particular industry or particular activity. Comparably, we are asking that CLERC be able to serve as a clearinghouse of sorts, of ideas on these issues, so we can work in concert in order to improve the entirety of this situation across the state. I also sit on several other committees, whether it relates to sexual assault, technological crimes, or even when I serve as chair of the Prosecuting Attorneys Council. That is where we serve as an opportunity to come together as prosecutors throughout the state, talk about different issues, and even present bills as prosecutors to this body. Those are a handful of examples, and I am happy to talk to you offline about others if you have more specific questions around that, but those are some examples I can provide off the top of my head.

Assemblywoman Hardy:

Unfortunately, we have talked about people always finding ways to go around the legal system and finding new ways to steal or whatever they are intent on doing. We have to address these things to try and deter that and to catch the people who are doing it. I appreciate this bill and the intent. You did mention other states. Could you just talk a little bit about the other states' attorneys general that have this jurisdiction, the ability to do longer investigations, and how is that working? Are they able to get some of these organized crime units and prosecute them? That is how I would hope this would work, that other states, as these groups are moving around, they would be able to work together to catch them. Could you talk about that in other states?

Attorney General Ford:

I am happy to talk about that. The Attorney General Alliance is a bipartisan organization of attorneys general all throughout the states and our territories. There are 56 attorneys general who get together on a frequent basis and talk about different issues. That organization created a bipartisan organized retail crime working group that is chaired in a bipartisan fashion, one by the Democratic Attorney General in Illinois, Kwame Raoul, and Republican Attorney General in Georgia, Chris Carr. They cochair that and have held several working groups. My office is a part of the working group. We convened in Tennessee maybe three or four months ago to talk about what is happening across the country in this area. Illinois was able to pass a bill that gives Kwame Raoul not only jurisdiction but funds in order to be able to prosecute. I can get you more details on what his legislation looks like.

Other states across the nation have likewise been able to go to the legislative bodies for this type of jurisdiction, receive it, and then be able to work intrastate—to Assemblywoman Cohen's question—but also interstate to address these issues as they occur across state lines because they are occurring across state lines.

I do not know if that is fully responsive to your question, but I do know of at least one that I can speak of specifically, and that is Illinois that recently got this jurisdiction because he is one of the cochairs of that organized retail working group that we have at the Attorney General Alliance.

Chair Miller:

At this time, I would like to call Metro up. Attorney General Ford, can you stay in case there are questions both of you can answer? Right now, I think members want to see the distinction between what is happening with Metro and what is being requested to happen with the jurisdiction through the Office of the Attorney General.

Assemblywoman Mosca:

My question was about what is currently happening so we can understand the context of the proposed changes.

**Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

The Attorney General talked about how they are not the boots on the ground. Las Vegas Metropolitan Police Department is the boots on the ground in southern Nevada. I want to point out first that \$850 million is the loss for last year for Nevada retailers. That is retail theft: \$850 million. That goes to the question about taxes. What is happening is that is being stolen and then it is either being returned without a receipt and they are getting money for it, or more often than not, it is being sold on online outlets, primarily Amazon. One of the things I want to talk about is, we lack the resources. We do not have enough people to help us combat this growing crime.

We work very closely with Homeland Security Investigations because many of these cases are international. When we look at how these cases come to Metro, our retailers work very closely with us. They do not bring a case to us, typically, until they have multiple cases of this particular crew of stealing, say from a big pharmacy store or from a home improvement store. They have it all on video and have multiple cases of this, or there is such a substantial loss from a few cases.

What is the big picture? In 2021, we investigated 477 cases. That is the tip of the iceberg. Remember, our Nevada retailers are only bringing us the cases where they have a significant number of repeat offenses and/or a substantial loss. There were 477 cases in 2021; 302 of those were either arrest or arrest warrant submitted on our part. Last year, it rose to 522 cases with 349 either resulting in arrest or an arrest warrant submitted. The charges we typically will use would be theft, burglary of a business, and participating in organized retail theft.

I do want to say this. We currently partner with a group called the Nevada Organized Retail Crime Association. This is made up of approximately 500 retailers and law enforcement investigators. Because we do not have a statewide task force, that group has come together. We have an online platform we use to share information on these cases. We are working together, but we do not have the resources, and we do not have the people.

Assemblywoman La Rue Hatch:

My question is similar to the one I asked previously to the Attorney General. Are you working with these other agencies such as the FBI and other groups when these are crossing state lines? How would shifting this jurisdiction to the Office of the Attorney General assist your efforts in combating this?

Beth Schmidt:

As I mentioned, our primary federal partner in Las Vegas on these crimes is Homeland Security Investigations. That is who we use. They are the most appropriate one for us to use. How would forming this task force help us? It would improve the synergy among the stakeholders. It would help us with providing joint jurisdiction and improving communication. All of those are critical. If a financial component comes along with that, we are able to add investigators at the local level and add the assistance of an attorney general investigator. All of that will help us with those numbers of how many of these crimes we are investigating. We would be able to address more of those.

Attorney General Ford:

If I could, Madam Chair, I have two responses. First of which—and I am always cautious about talking about investigations and results because I do not want to mess up an investigation, but I do believe it has been in the headlines—is a joint operation between my office, Metro, Homeland Security Investigations, and a few others where there were a number of pharmacies in southern Nevada that were promulgating counterfeit pharmaceutical products. This was recent. I want to say it was in the last six months or so; probably more recent than that. We do work together quite a bit on things when we can do that. This presents us a more formalistic approach to be able to do that, which leads me to my second point. It is not a shift in jurisdiction; it is an addition of jurisdiction. I am not replacing the jurisdiction a local district attorney would have in prosecuting this or a local law enforcement would have in investigating it. I am getting concurrent jurisdiction in order to be able to assist or to do our own investigations and prosecutions as well.

I have my colleague here, Chief of Prosecutions, Alissa Engler.

Alissa C. Engler, Chief Deputy Attorney General, Criminal Prosecution Division, Office of the Attorney General:

I made a note earlier when you were talking about prosecutions at the federal level. The prosecutions at the federal level usually have a threshold for dollar loss. If we are talking about perhaps less than \$1 million, but maybe \$750,000 in loss, the Feds are likely not going to take that as a prosecution, so that falls on the state level. While we do have partners with the Feds, and we work with joint task forces and those types of things, the prosecution of what we would consider smaller dollar loss but still large falls on the state.

Assemblywoman Considine:

I think maybe you partially answered this, but I got a little bit confused. With Metro, you were saying you are already working with over 500 retail folks. With this bill giving

jurisdiction to the Attorney General, would that bring them into that, or can something like this be scaled up? I am wondering if that already exists and if that is working. Could that help? I do not know if you are thinking about retail gang units.

And then, are you saying there are two entities that need funding for more staff, or just the one entity. That might not be proper to ask, so I will ask that offline.

Teresa Benitez-Thompson, Chief of Staff, Office of the Attorney General:

To your question about why there is a need for the CLERC, and can the Attorney General assemble a task force with that legislation, ultimately, we can. One of the things CLERC does and will do well that we are replicating from, for example, what other agreements we have, is it is a place to catch resources; then, among all of the entities and players in the state, we can decide how those resources go out.

We know there are lots of conversations happening at the national level. You heard reference to Senator Cortez Masto's bill where she is setting up an organized retail crime center at the federal level. That is still a work in progress, but there is that federal effort to say, We need to find a better way to identify and work with states. The question will be, What entity at the state level will be that one easily identifiable partner to go to find all of the conversations happening in the state? You heard Attorney General Ford talk about the Attorney General Alliance and those conversations that are happening out there.

From the retailer side as well, they are talking about what other resources can be out there and how they can support. We need a defined place to be able to, over time, accept these resources as they become available and have consensus among this group around where those resources are going to go. Is it going to be grants for more investigators down to Metro? Is it going to be grants in our staffing capacity to grow it out? Is it going to be grants for more hardware and equipment in order to combat this? Is it an information technology or storage piece that is missing?

There is a lot of work to do out there, and we do need that centralized place to have that conversation. It is also going to be an easily identifiable point to where this conversation is happening in the state. Then they can say, Oh, that is in the Office of the Attorney General and CLERC. This is in the same way when you say, Where is the conversation happening around trafficking? You do not want to have to go dig through every county, every city, and every nonprofit to figure out where your stakeholders are. You want one easily identifiable group that by statute is having the conversation and organizing with public minutes, public testimony, and full transparency in daylight conversations to work around the problem. I do not know if that answers your question in its entirety. That was a piece of it.

Assemblywoman Considine:

Yes, I guess it did answer a portion of my question. Since Metro came up and they were talking about how they work together, I did not know if there were already relationships

involved, especially with retail—I know Clark County is probably one of the biggest ones, as well as Washoe County—if those were already there, building upon those instead of creating a new thing. You answered a portion of that already.

Beth Schmidt:

What we have done out of necessity is, we have come together with our retailers and our law enforcement in southern Nevada. It is more of an informal process that we have come together. We have built this from the ground up. We are in support of formalizing this and running this through the Attorney General's Office, so we can potentially grow this and improve the communication. What we are seeing at that grassroots, county level is that bringing stakeholders together in an informal process is very successful and it is working. We would like to grow that, and we need help to grow that.

Attorney General Ford:

I would also like to remind the body this is not the first time you have heard a bill related to organized retail crime. Two years ago, if you were here, your colleague, Dina Neal, brought the bill because the community was asking that the Attorney General's Office get engaged and get involved in this particular arena for this exact purpose—to be a centralized, focused locus point for conversation around this and to organize individuals in this particular arena. We were unable to facilitate that two years ago. We have learned a way to do it going forward, and that is why we presented it on my own behalf this go around.

Chair Miller:

I would also like to ask a clarifying question. Director Schmidt, when you mentioned those statistics, were you specifically speaking of Las Vegas or for Nevada as a whole?

Beth Schmidt:

The statistics of the cases we have investigated and our arrests? That is Las Vegas Metropolitan Police Department. That is one squad.

Chair Miller:

And those dollar amounts are for what?

Beth Schmidt:

The \$850 million dollar loss for Nevada retailers is for the state. That was for last year.

Chair Miller:

I have a question, and this would be directed to the Attorney General. I understand what the intent of this is and asking for the increased jurisdiction. We have talked about terrorism and all this kind of stuff, and it makes it sound very large and fantastic. When we think of organized crime, we think of these huge, sophisticated networks and millions of dollars of theft. In that case, absolutely, we need more resources and more collaboration. According to existing law and the bill, we are talking about thefts of even less than \$1,000.

If this happens, what will be that baseline or that trigger for that? What is organized? We know what conspiracy is, but what is organized? There is no mayhem I have ever caused in my life I did not organize with someone. There is a plan. There is some kind of, We got to get this done. We have two kids. Are they organized? Eight hundred dollars' worth of shoes is a different story. Before, we heard testimony about need-based stuff. Who determines that? I guess once the arrest and everything happens before we go into prosecution, we can decide if it is need-based. Again, what triggers this collaboration? Could we have a specific definition of what "organized" would look like? Also, what would the threshold be for these felony thefts? We are hearing \$850 million, but I do not want people getting caught up in \$800 worth of stealing. Could we get an idea of what we are really looking at?

Attorney General Ford:

I am trying to find the statute. The statute defines organized retail theft already, and it is defined in the bill in section 1, subsection 6, paragraph (c).

"Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

- (1) Return the merchandise to the merchant for value; or
- (2) Resell, trade or barter the merchandise for value in any manner, including, without limitation, through the use of an Internet or network site.

I have read you the definition of what "organized retail theft" means.

I believe you may be asking even further, what dollar amount are we talking about relative to what organizational crime is going to be going after. I think that is also spoken to, and I have my prosecutor here with me who can chime in as well. In section 1, subsection 1, paragraph (a), it talks about "aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is at least \$3,500 but less than \$10,000." A minimum term is set for that, and there is a minimum term set for an amount that is \$10,000 or more. There are dollar figures set to delineate what the punishment is for organized retail theft as defined under the statute already.

Chair Miller:

I am asking for this collaboration or the CLERC program. When do they jump in? Even by this definition, organized crime could include—if I am at a fair, a bizarre, or something like that, each vendor would be considered their own individual business. If I steal a necklace from this vendor, walk three stands down and grab something else, is this where CLERC is going to jump in? These are still smaller dollar amounts, but we have been talking about terrorism and all this big, organized, interstate kind of stuff. I am asking when CLERC jumps in.

Attorney General Ford:

Let me be clear, CLERC is not going to be performing the investigations and prosecutions. It is the clearinghouse or the meeting space for members of Metro, district attorneys, local enforcement agencies, chambers of commerce, and retail associations to talk about these issues. The prosecutions will take place at the Attorney General level through my prosecutions division. It will not be CLERC that will be prosecuting. I want to be clear about that.

Chair Miller:

You were, and I understand that. When is CLERC going to sit down and talk about it? Is CLERC saying, Oh, and today we have a case where someone stole \$4,000 from the store?

Attorney General Ford:

The CLERC will be meeting at least twice a year to talk about organized retail crime and our efforts among the state and ways which we can combat it. I do not envision CLERC sitting down determining, you have someone who sold \$3,500 worth of stuff and who is going to get it. That may very well come up in the conversation over one of the two, but that is not the primary purpose of CLERC. It is to serve as the clearinghouse to talk about soliciting funds and accepting grants and resources that can go elsewhere for the investigative and prosecutorial components of organized retail crime.

Chair Miller:

I appreciate that because I do not think I heard that earlier. I understand it is to disseminate resources, but I did not hear that you are planning to meet twice a year.

Attorney General Ford:

They would meet quarterly.

Beth Schmidt:

We would continue to do the investigations. The value of having a task force is that organized retail theft does not obey county boundaries and city line boundaries. As we get together with the Nevada Organized Retail Crime Association, we are talking about, Hey, such and such retailer brought us this case. They have a million-dollar loss. All of a sudden, we start hearing from another jurisdiction or another retailer that sees the photos and says, That is the same group that hit our stores. What it does is it gives us that opportunity to come together. As I said before, as we were talking about that joint jurisdiction, maybe it is happening up in Reno and Washoe County, but those same folks do not obey county lines and city lines. We also see them committing the crimes down south. They will go wherever they can make the money. That is the value of bringing people together. We will still continue investigating the majority of these cases ourselves.

Alissa Engler:

Because we are statewide prosecutors, the Attorney General's Office can prosecute in any jurisdiction within the state. When we do have a situation where this organized retail theft is happening in multiple jurisdictions throughout the state, the Attorney General's Office would potentially be the best prosecuting agency to handle that because of our jurisdictional ability.

Chair Miller:

Are there any additional questions? [There were none.] We are going to open it up for testimony. Is there anyone who would like to testify in support of A.B. 50?

Beth Schmidt:

We want to thank the Office of the Attorney General for bringing this bill forward. We support A.B. 50 and the Attorney General's amendment [\[Exhibit G\]](#) to create a task force. I know I have spoken about many of the points I wanted to make, but I want to talk about two specific things. We have seen an increase in stolen retail products that are being sold, or "fenced," under the guise of legitimate online businesses, such as Amazon and eBay. If you have shopped on either of those platforms, you probably have unknowingly been a victim, and I will explain why. In 2022, Metro executed search warrants at two large e-commerce fences, and at the time I was a supervisor in that unit and was involved. We had our partners Homeland Security Investigations there. We also had numerous retailers there, so they could recover their property.

The first business we served a warrant on had \$4.7 million dollars in sales of stolen merchandise during a five-year period. In the second investigation, detectives recovered almost \$2 million dollars in stolen retail property from a residential home.

Now, much of this stolen merchandise was over-the-counter products that require temperature controls and that you would buy at a typical large pharmacy. Consumers were unknowingly purchasing these products, things like eye drops and allergy medicine, on Amazon and eBay. Those products require temperature control. This was summer in Las Vegas. These products were being stolen. The people who were stealing it were given drugs in return. The products were coming into the organized group, and they were stored and sold on online platforms.

Tray Abney, representing National Federation of Independent Business:

I will not belabor the point that was made, but I do want to thank my friend, Attorney General Ford, for bringing this bill, and my friends at RAN and Vegas Chamber for their hard work on this. The average employee size of our members is about 48 employees. I do not represent the big box stores here. They do not have the sophisticated security systems that some of the big folks have. They cannot get supplies or goods from the other store down the street. They cannot send their customers to the other branch down the street when something else happens. Obviously, this drives up the cost to all of our business owners and our employees. Again, I appreciate the Attorney General. This is a very important issue to small businesses.

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:

I am testifying in support of A.B. 50.

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association:

I want to thank Attorney General Ford and his office for leading the charge on this. This brings a valuable resource, especially to the rurals that do not necessarily have the resources. As a former member of Attorney General Ford's High Technology Crime Task Force, I know that this works, so we are in full support.

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

The City of Henderson is in support of A.B. 50 and we believe it will be an important partnership between the state and local jurisdictions to combat this growing crime.

Jonathan Leleu, representing NAIOP:

I am testifying in support of A.B. 50. We would like to thank Attorney General Ford for bringing this important measure to your attention, and we would urge your support. I would ditto everything that has been said so far.

Chair Miller:

Is there anyone else wishing to testify in support? [There was no one.] I will open it up for testimony in opposition of A.B. 50. Is there anyone who would like to testify in opposition? [There was no one.] I will open up testimony neutral to A.B. 50. Is there anyone who would like to testify in neutral?

Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:

While there are some good actions to the bill, I wish the Attorney General would clarify exactly why these increasing steps are happening. When he pointed out the state of California, the reason it is happening there and is crossing state lines is because the state of California has released a lot of prisoners. There is also Proposition 47 in 2014, which decriminalizes retail theft. That may encourage a lot of people to come here to do so.

One of the other things is, he is talking about an increase in retail theft. A lot of this has been a result of the antipolice sentiment, where many cities have chosen to reduce their police funding. Many of them have officers who have decided to leave the force. In fact, in many cities, there are shortages of police officers, and when you see that, you are likely to see an increase in crime.

Chair Miller:

Are you testifying in neutral on the bill?

Cyrus Hojjaty:

Yes.

Chair Miller:

Can we keep it specific to the policy that was presented?

Cyrus Hojjaty:

I wish the people who are supporting this bill would understand the supply chain issues and other factors that are responsible for this bill. It is one thing that we can address the issue, but we are not addressing the root causes of the problem—not to mention the inflation that is caused by the supply chain issue.

Chair Miller:

Is there anyone else wishing to testify in neutral? [There was no one.] Attorney General Ford, would you like to make some final remarks? [There were none.] With that, I will go ahead and close the hearing on A.B. 50. We will open the hearing on our last bill, Assembly Bill 159. This revises provisions relating to cruelty to animals.

Assembly Bill 159: Revises provisions relating to cruelty to animals. (BDR 16-71)

Assemblyman P.K. O'Neill, Assembly District No. 40:

I am here today to introduce Assembly Bill 159. The impetus of this bill is the case of Jason Brown. In 2014, Mr. Brown tortured and killed small dogs from a list he attained or bought from Craigslist at a motel in Reno, Nevada. I will spare you some of the details, but this is probably one of the most disturbing cases of animal abuse ever encountered in Nevada. In 2015, Mr. Brown was convicted of seven counts of torturing and/or killing an animal and sentenced to a minimum aggregate term of 11 years in prison.

In 2022, Mr. Brown was already up for early parole because his crimes are classified as nonviolent under our current statute. Assembly Bill 159 seeks to change the classification of animal torture, killing, or mutilation from a nonviolent offense to a crime of violence for the purpose of early parole eligibility.

With me today to assist in presenting this bill is Jennifer Noble, Chief Deputy District Attorney in the Washoe County District Attorney's Office. I will ask now to turn it over to Ms. Noble.

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

I want to start by acknowledging that this is a crime. This type of crime is undoubtedly underreported because, of course, animals have no voice. They have no way to seek help when they are being abused. They are at our mercy, quite frankly, and no matter how our current statute reads, the malicious torture, maiming, or mutilation of an animal is an act of violence.

Many of the most infamous serial killers have a history of stark animal abuse. Past animal abuse is such a strong indicator of future violent behavior that the Federal Bureau of Investigation (FBI) uses it as a predictor when profiling particularly dangerous and violent criminals. Studies have shown that people who severely abuse animals are likely to harm human beings. For example, there is a strong correlation between abuse of animals and the cycle of domestic violence. Companion animals can be a source of comfort to victims of domestic abuse, but abusers often exploit and manipulate, control and punish victims by hurting their animals.

All that said, I want to make clear to this Committee this bill does not increase the penalty for this crime. Under current law, offenders can earn credits to reduce their minimum sentence and make them eligible for parole sooner. Our current statutes carve out a subset of offenders who are not eligible for these early release credits. Right now, that subset consists of: felony sexual offenses; crimes of violence; category A or B felonies, such as sexual assault, murder, attempted murder, high-level drug possession; and felony driving under the influence.

Section 1, page 3 of the bill provides the willful and malicious killing, torture, or mutilation of an animal will be added to the list of offenses not eligible for early release credits, along with the current subset of offenders I just mentioned.

Section 2, page 5 of the bill would make persons who commit this crime ineligible for diversion and the automatic sealing that comes with it. Section 3, page 6 adds the willful and malicious torture, killing, or mutilation of an animal to the list of offenses that are not eligible for early termination of probation in the context of a specialty court setting.

I want to make clear this is not simply the torture, maiming, mutilation, or killing of an animal we are talking about. We are specifically talking about subsection 6 of *Nevada Revised Statutes* 574.100. We have to prove not only that they did that, but it was with evil intent, wish, or design. That is the definition of maliciousness under our current statute.

Section 4 of the bill removes the Department of Public Safety, Division of Parole and Probation's mandatory obligation to seek early release of these offenders. I would like to emphasize, again, we are not increasing penalties here. They are still eligible for probation. It is a category B felony. When they are sentenced to prison or they are revoked, it prevents them from being released prior to the minimum end of their sentence. The reason we wanted to get them out of the diversion statute is because diversion comes with automatic sealing. They can still take advantage of specialty courts as a condition of probation. The current automatic sealing option means people like Jason Brown could get out of prison and work with vulnerable populations, such as the elderly, children, people who experience developmental delays, or animals, and there would not be any way for an employer to know or find out they have this offense in their history.

When someone willfully and maliciously kills, mutilates, or tortures an animal, our statutes should recognize the seriousness of that crime for purposes of early parole, probation, and sealing. That is what we are seeking to do with A.B. 159. I appreciate this Committee's time. With that, I am happy to try to answer any questions you may have.

Chair Miller:

Thank you for clarifying what was certainly going to be a question about increasing the penalties on that. Are there any questions? [There were none.] With that, I will go ahead and open it up for testimony. Is there anyone who would like to testify in support of A.B. 159?

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

While these animal cruelty crimes are investigated by city and county animal control in our jurisdiction, the Las Vegas Metropolitan Police Department supports this measure as it strengthens penalties for animal cruelty crimes, which can be a positive aspect of trying to deter this crime.

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:

I am testifying in support of A.B. 159.

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association:

I want to thank Assemblyman O'Neill and Chief Deputy Noble for bringing this forward. We stand in full support of this bill.

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

The City of Henderson is in support of A.B. 159 and believe this is appropriate public policy. I want to thank the sponsor and Ms. Noble for all their work on this issue.

Andrew LePeilbet, Chairman, United Veterans Legislative Council:

I may be the last person you think would be in this hearing. However, resources are being consumed because there is not a high enough penalty for these activities. The resources in our community end up taking away dollars from our veterans, believe it or not. It costs \$1,000 to \$1,500 to train each of these veteran dogs. We are highly in favor of this. It has a direct impact on our veterans. When you think some of our veterans—especially our guard who has been deployed as many as eight times—we want them to be normal. We need these dollars to create more service dogs for our veterans.

Rebecca Goff, Nevada State Director, Humane Society of the United States:

[Read from written testimony, [Exhibit H](#).] The Humane Society of the United States supports A.B. 159, which would add animal torture to the list of offenses that are not eligible

for a reduction in sentence. Crimes against animals must be taken seriously. They are really crimes against society. The relationship between harmed animals and harm to others is well established.

Because of this connection between human violence and animal cruelty, the FBI began collecting data on animal cruelty crimes through its national incident-based reporting system in 2016. Torture is tracked and classified as a crime against society, the same category as rape and murder.

Animal cruelty could range from unintentional neglect to premeditated violence. The latter can be a predictor of harm to the most vulnerable: children, intimate partners, and elders. Studies from the United States Secret Service links animal abuse to mass attacks in public spaces. Those animal crimes do not receive sentences that include incarceration. When they do, it typically involves the most heinous acts, or the defendants are habitual offenders. I appreciate the Committee's attention to protecting the most vulnerable in our state, including our animals, and respectfully ask you to support A.B. 159. [A supporting document [Exhibit I](#) and letters in support [Exhibit J](#) and [Exhibit K](#) were submitted but not discussed and will become part of the record.]

Chair Miller:

Is there anyone else who would like to testify in support? [There was no one.] I would like to open it up for testimony in opposition of A.B. 159. Is there anyone who would like to testify in opposition? [There was no one.] I will open it up for testimony neutral to A.B. 159. Is there anyone who would like to testify in neutral? [There was no one.] I welcome our bill presenters back up for any final comments. [There were none.] With that, I will go ahead and close the hearing on A.B. 159.

The last item on our agenda is public comment. Is there anyone who would like to make public comment? [There was no one.] I would like to remind everyone we have a training in the morning at 8 a.m., so the Judiciary Committee will begin at 9 a.m. tomorrow morning. With that, this meeting is adjourned [at 10:01 a.m.].

RESPECTFULLY SUBMITTED:

Garrett Tamagni
Recording Secretary

RESPECTFULLY SUBMITTED:

Julie Axelson
Transcribing Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony dated February 28, 2023, presented by Aaron D. Ford, Attorney General, regarding Assembly Bill 48.

[Exhibit D](#) is a proposed amendment to Assembly Bill 48, presented by Aaron D. Ford, Attorney General.

[Exhibit E](#) is a letter dated February 28, 2023, signed by Kristen Kennedy, Executive Director, Domestic Violence Resource Center, in support of Assembly Bill 48.

[Exhibit F](#) is a proposed amendment to Assembly Bill 50, presented and submitted by Bryan Wachter, Senior Vice President, Retail Association of Nevada.

[Exhibit G](#) is a proposed amendment to Assembly Bill 50, dated March 1, 2023, submitted by Aaron D. Ford, Attorney General.

[Exhibit H](#) is written testimony dated March 1, 2023, presented by Rebecca Goff, Nevada State Director, Humane Society of the United States, regarding Assembly Bill 159.

[Exhibit I](#) is a document titled "Animal Cruelty: A Possible Warning Behavior for Terrorism and Other Premeditated Violence Against Humans Which Needs Reporting and Further Vetting," dated July 18, 2018, produced by the Joint Counterterrorism Team, submitted by Rebecca Goff, Nevada State Director, The Humane Society of the United States, regarding Assembly Bill 159.

[Exhibit J](#) is a letter dated March 6, 2023, signed by Gregory J. Hall, Chief Executive Officer, Nevada Humane Society, in support of Assembly Bill 159.

[Exhibit K](#) is a letter dated March 6, 2023, signed by Ann Sweder, Private Citizen, Sparks, Nevada, in support of Assembly Bill 159.