

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

**Eighty-Second Session
March 6, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 9 a.m. on Monday, March 6, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/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
Assemblyman Ken Gray
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:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Shea Backus, Assembly District No. 37

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Traci Dory, Committee Secretary
Ashley Torres, Committee Assistant

Minutes ID: 376



OTHERS PRESENT:

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts

Kevin Higgins, Chief Judge, Sparks Justice Court

Lea Case, representing National Alliance on Mental Illness – Nevada Chapter

Jim Hoffman, representing Nevada Attorneys for Criminal Justice

Ernest E. Adler, representing Pyramid Lake Paiute Tribe

Misty Stewart, Outreach Coordinator, Nevada Coalition to End Domestic and Sexual Violence

Jennifer Lanahan, representing Reno-Sparks Indian Colony

Dejalyne Davis, Private Citizen, Pyramid Lake Paiute Tribe

Eztli Amaya, Environmental Justice Organizer, Progressive Leadership Alliance of Nevada; and Co-Founder, Fifth Sun Project

Teresa Melendez, representing Shoshone Paiute Tribes of the Duck Valley Indian Reservation

Randa Deluna, Private Citizen, Reno-Sparks Indian Colony

Tessyn Opferman, representing Nevada Women's Lobby; Human Services Network; and Nevada Association of Social Workers

Karianna Kailani John, Private Citizen, Reno-Sparks Indian Colony

Robin M. Eagle, representing Reno-Sparks Indian Colony

Marla McDade Williams, Private Citizen, Te-Moak Tribe of Western Shoshone

Thalia Marin, Private Citizen, Te-Moak Tribe of Western Shoshone

James Phoenix, Chairman, Pyramid Lake Paiute Tribe

Amber Falgout, Northern Nevada Manager, Battle Born Progress

Nizhoni Widehat, Private Citizen, Northern Arapaho Tribes of Wind River Reservation

Stacey Montooth, Private Citizen, Walker River Paiute Nation

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association

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

Jason Walker, Sergeant, Patrol, Washoe County Sheriff's Office

Ryan Miller, Chief, Investigation Division, Nevada Department of Public Safety

Chair Miller:

[Roll was taken. Committee rules and protocol were explained.] We have two bills to hear. Our first bill will be Assembly Bill 17, which will be presented by Chief Judge Kevin Higgins from the Sparks Justice Court. It is a measure that revises provisions relating to penalties for driving under the influence of alcohol or a controlled substance. We also have John McCormick from the Administrative Office of the Courts. I will open the hearing on Assembly Bill 17.

Assembly Bill 17: Revises provisions relating to penalties for driving under the influence of alcohol or a controlled substance. (BDR 43-465)

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts:

As indicated, my name is John McCormick, and I am the assistant court administrator at the Nevada Supreme Court's Administrative Office of the Courts. Judge Higgins and I are here to present Assembly Bill 17. This is a two-section bill. The first section eliminates the requirement that, when a person is performing community service related to a conviction for a first or second misdemeanor driving under the influence of alcohol or a controlled substance (DUI), they must be dressed in distinctive garb that identifies the person as having violated the provisions of *Nevada Revised Statutes* (NRS) 484C.110 or NRS 484C.120. Those are the two alcohol and drug DUI statutes. That is all the bill does; it removes that distinctive garb requirement.

Kevin Higgins, Chief Judge, Sparks Justice Court:

My name is Kevin Higgins. I am the chief judge at the Sparks Justice Court. I am coming up on 20 years as a judge of the justice court. In a prior life, I was a deputy attorney general and spent many hours in here with Chairman Bernie Anderson being educated as to what we should be doing at the Office of the Attorney General. It is a pleasure to be back.

On behalf of the Nevada lower court judges' association, we are asking what we think is a technical correction to NRS 484C.110 and 484C.120, which requires persons doing community service for DUIs to wear a distinctive garb, identifying them as having been convicted of a DUI. Our problem is that, post COVID-19, it is almost impossible to arrange community service. Many of us had community service programs that ran out of our courthouses in the county or the city. Those were closed during COVID-19 and have not reopened. The Washoe County Sheriff's Office no longer has an out-of-custody community service program. We participated with the Sparks Municipal Court and a park cleanup program that has not been reinstituted post COVID-19. We rely on community partners to do community service: the Boys and Girls Clubs of America, the Food Bank of Northern Nevada, and the Nevada Humane Society.

We have no way to enforce the rule that requires these people to wear a distinctive garb. We are happy if they can find somewhere to do community service. I usually get a blank look when I sentence somebody and I say, "If you go to a church, you can do it there. If you are involved in Little League, are you a coach? Are you involved in any community programs? Do you live somewhere in the general improvement district?" We take almost anything for community service these days. The problem is that some of the partners we use will not take people for DUIs anyway. Many places, like the Humane Society, will only take community service if somebody is there on a traffic ticket. We are stretching, and we are allotting people a lot of time to do community service during this situation. We are at a point where we cannot enforce the rule, even though it says, "shall." Not all of us are quite sure what "distinctive garb" even is. It does seem like an archaic phrase. I understand the intent behind

it, but I have no authority to tell the Methodist Church that, if somebody is going to be there on cleanup day, they must somehow have something distinctive to wear. It is a law we cannot enforce with the situation today.

At the risk of making a comment about the requirement in the first place, I did a drug court for a long time, I do bail hearings all the time, and we release people with pretrial services. What we have been told repeatedly is that, for a low-level, low-offense offender, to the extent that you do anything except the minimal supervision, it is counterproductive. If you have a first-time person that is caught with a little bit of drugs, or they have been to court before and you are making them show up to test every day for searches and seizures, the less enforcement you do the better because you cause people to lose respect for the law. You do not get to where you think you are going.

John McCormick and I talked about Hester Prynne briefly, as well. For those of us who were paying attention in high school, you may know what a red letter "A" is. Not everyone does, but I understand the intent. It was a good intent to identify these people, but whether community shaming works is probably a discussion for another day. We have a practical problem now with not being able to enforce the law the way it is written. We are just asking that the mandatory requirement forcing community service providers to have these distinctive garbs on hand would be eliminated from the law.

Chair Miller:

Thank you for your presentation. We have a few questions from Committee members.

Assemblywoman Bilbray-Axelrod:

I cannot believe you said a group like the Humane Society would not let people with DUIs volunteer. Does the Humane Society have so many volunteers that they can say people who made a mistake cannot volunteer? Anyway, I would like to know what the distinctive garb looks like. When I read this bill last night, I was shocked. I wanted to know what distinctive garb looks like, and that is immediately where I went. I want to also make it clear that I cannot believe we do this.

John McCormick:

The distinctive garb depends on the jurisdiction and on the entity. It could be a T-shirt that says, "I violated the provisions of NRS 484C.110." There is no statutory guidance on what exactly the distinctive garb is aside from identifying the individual as having violated the provisions of the statute.

Assemblywoman Summers-Armstrong:

I got a little twisted in your presentation because you first spoke about DUIs, and then you said that this was not enforceable for any community service. I need clarity. Does this change mean that no one doing community service has to wear anything distinctive or just folks with DUIs? I read it and thought this was just for DUI, and then you went on a tangent, and I got lost.

John McCormick:

The current statutory requirement in A.B. 17 is a requirement that they have distinctive garb when performing community service for a DUI conviction. To the best of my knowledge, there is no other statutory requirement that people performing community service wear distinctive garb for having violated provisions of anything.

Assemblywoman Summers-Armstrong:

Thank you for clarifying that. The only thing I would be concerned about is safety attire if they are working on the street or parallel to a road or someplace where they could be interacting with vehicles. Do you ensure that people are, at least, dressed in high resolution clothing if they are doing community service that could put them in harm's way?

Judge Higgins:

That was always the practice when we still had programs that did roadside cleanups. I am not sure—at least in northern Nevada—whether we do that in this situation anymore, but everybody wears an orange vest. The thought was that an orange vest with NRS 484C.110 on it was distinctive garb for the purpose of this statute. Yes, they do wear those safety vests.

Most of our folks are inside a food bank, but the Food Bank of Northern Nevada does not allow violent offenders. That is where my tangent went. They only allow nonviolent offenders to volunteer. They will take DUIs, but they will not take domestic violence.

Assemblyman Orentlicher:

I think this is an important step forward. I would like to pick up on your comments about the archaic nature of the public shaming, the identification, and your reference to *The Scarlet Letter*. That makes sense. However, it is a little bit different from what we heard last week about the value of public shaming in the setting of people who pay for sex. I wonder if you have thoughts about that. Do you think public shaming in general is bad or maybe it does have a role in some settings but not others?

Judge Higgins:

I can speak from my own experience from being a judge and running a drug court that risks putting people into categories. For the proverbial soccer mom that has her first DUI, there is nothing you can do to her that is going to make her more ashamed than the fact that she has to come see me, and she has to tell her family—or the soccer dad since we have soccer dads too. Their only time in the court system is for a DUI that they have, and it is the worst experience of their entire life. The victim impact panel almost does them in, and it is horrible for them. On the flip side, we have people who do not care at all. Sitting on the victim impact panel has no effect on them. They do not have any concern for the rest of the public.

I am not sure the thought that they have to wear an orange vest that says "NRS 484C.110" on it is going to phase them at all. I do not think that they are thinking, upon leaving Bully's Sports Bar & Grill after too many cocktails, that they might have to wear an orange vest if this happens. I understand the original intent, but I do not think it serves that purpose in this case. If you have to stand on the side of the street with a sign that says, "I was arrested for

soliciting prostitution," that is a whole different situation. We are talking for the most part about your everyday citizens that have made one bad decision, and they are already feeling at the lowest point in their lives having to deal with it. I do not think it is appropriate in this case, but in the other case, it may very well be. However, I am not aware of the specifics of that bill, so I will leave it at that.

Assemblyman Gray:

I am right there with you, Assemblyman Orentlicher. I do not know, sir, that I agree with you on your line of thought there. I think soccer moms give a whole lot more care about what they think of each other than a "john" does after soliciting prostitution. Also, the ramifications of driving under the influence are more far-reaching than a guy soliciting a prostitute as far as the community at large is concerned. I had a question, but I think the Assemblyman covered it. Maybe the first time they were not thinking about it, but when they go into court that second time, they are thinking about how they made that same bad decision. I am sure that will definitely be in the forefront of their mind, that they will have to wear that orange vest again.

Assemblywoman Hansen:

I need to clarify whether you said on a first offense that the garb would not be worn or that you are saying there is no garb, period. I am not personally familiar, fortunately, with this statute, but if you are convicted the first time, do you do community service your second time?

John McCormick:

Currently, the statute applies to both. The first and second convictions are misdemeanors. The first one orders the person to perform not less than 48 hours, but not more than 96 hours, so it is mandatory on the first one. For a second offense the statute reads, "Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service." The first offense, it is mandatory; the second, it can go to offset the mandatory fine.

Assemblywoman Hansen:

For a second offense, they would not have to wear the garb either?

John McCormick:

Currently, the way the bill reads, it would remove that requirement from both iterations.

Chair Miller:

Not seeing any additional questions, we will move into testimony. I will open it up for support testimony. Anyone interested in testifying in support of Assembly Bill 17, you will have up to two minutes.

Lea Case, representing National Alliance on Mental Illness – Nevada Chapter:

We are speaking in support of A.B. 17 because it removes some of the stigma that we see associated with mental illness, including substance use disorders and folks who have alcohol use disorders. Our support on this measure is an effort to decrease stigma and, hopefully, to get more folks into treatment to prevent this from happening in the first place.

Jim Hoffman, representing Nevada Attorneys for Criminal Justice:

We support this bill. Our position is that the most important part of the sentence for a first-time DUI offender is the community service. It is getting out in the community and working to repair the damage they caused. It is developing good habits of thinking about other people. We believe this issue with the clothing is secondary to that. As the judge described, there is a practical problem where we cannot get both. We believe we should focus on having more community service. Therefore, we support this bill.

Chair Miller:

I will open it up for anyone wishing to testify in opposition of Assembly Bill 17. Is there anyone here in Carson City wishing to testify in opposition? Seeing no one, is there anyone on the line? [There was no one.] I will open it up for anyone wishing to testify in neutral on Assembly Bill 17. Is there anyone here in Carson City who would like to testify in neutral? Not seeing anyone, is there anyone on the line who would like to testify in neutral? [There was no one.] I will invite the bill presenters back up if they would like to make any final statements. [They declined.] With that, I will close the hearing on Assembly Bill 17.

We do have a Committee bill draft request (BDR) that I would like to introduce. It is BDR 3-300.

BDR 3-300—Provides for the issuance of certain orders and warrants relating to the protection of certain persons. (Later introduced as [Assembly Bill 254](#).)

Remember that this is not a vote for the bill to proceed in any way other than for it to become a bill so that it can be referred. Do I have any questions? Since there are no questions, I will take a motion now for BDR 3-300.

ASSEMBLYWOMAN MARZOLA MOVED TO INTRODUCE BILL DRAFT REQUEST 3-300.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Backus is presenting Assembly Bill 125, and this revises provisions to public safety.

Assembly Bill 125: Revises provisions relating to public safety. (BDR 43-796)

Assemblywoman Shea Backus, Assembly District No. 37:

I have the pleasure of serving in Assembly District 37. As some of you may already know, I am also a citizen of Cherokee, meaning I am an enrolled tribal member. While I was born and raised in Las Vegas, I spent my summers in eastern Oklahoma on allotted tribal land. I also graduated with a certificate of Indian law from Arizona State University.

It is my pleasure to present Assembly Bill 125, which is intended to address missing and murdered Indigenous persons. Assembly Bill 125 is intended to ensure that Indigenous persons who go missing are captured in the National Crime Information Center (NCIC), which is a computerized index of criminal justice information, including missing persons, that is accessible by federal, state, and local law enforcement, as well as some tribal law enforcement.

Prior to diving into the bill, I would like to spend a few moments to discuss jurisdiction between tribes, federal government, and state government when it comes to crimes occurring in Indian country. Please remember, when a person goes missing, that is not necessarily yet a crime. Nevada law recognizes that our Indian tribes within our state possess the power of self-government to enact their own laws, regulations, and ordinances and to enforce them by their own tribal courts in accordance with the rules and procedures. When a crime occurs within the reservation boundaries or tribal trust lands located partially or wholly within the state of Nevada, three inquiries must be made to determine who has jurisdiction. Those inquiries are: "Who is the offender?", "Who is the victim?", and "What was the crime?"

If the offender is Indian and the victim is Indian, the tribe has jurisdiction, with the exception to all major crimes defined in 18 *U.S. Code* § 1153 [Major Crimes Act], which include murder, kidnapping, assault resulting in serious bodily injury, robbery, and other crimes specifically listed therein. For these defined major crimes, federal jurisdiction exists. Jurisdiction is similar for crimes committed by an Indian against a non-Indian victim, except for crimes that are neither provided under the Major Crimes Act or in tribal law. Then there can be federal jurisdiction that imposes enforcement of state laws as provided for under the Assimilative Crimes Act codified in 18 *U.S. Code* § 13. If the offender is non-Indian and the victim is Indian, then the tribe has jurisdiction over the non-Indian for domestic violence, dating violence, or violation of protective orders when the non-Indian defendant resides or is employed in Indian country, or is a spouse or intimate partner of an Indian residing in Indian country. For all other crimes, there is federal jurisdiction. If the offender is non-Indian and the victim is non-Indian, then the state would have jurisdiction.

The Department of Interior openly recognizes that, for decades, Native Americans and Alaskan Native communities have struggled with high rates of assault, abduction, and murder of women. Community advocates describe the crisis as a legacy of generations of government policies of forced removal, land seizures, and violence inflicted on native peoples. When looking at missing and murdered cases, data shows that Native-American and Alaskan-Native women make up a significant portion of missing and murdered

individuals. According to a 2008 report titled "Violence Against American Indian and Alaska Native Women and the Criminal Justice Response; What Is Known," national rates of homicide victimization against American-Indian and Alaskan-Native women are second to those of their African-American counterparts. However, the federal government has recognized that reports indicate that there is no reliable count on how many native women go missing or killed each year. Specifically, researchers have found that women are often misclassified as Hispanic or Asian or other racial categories on missing person forms and that thousands have been left off federal missing persons.

I recall sitting in a Missing and Murdered Indigenous Women (MMIW) seminar hosted by the Council of State Governments West in 2019 and looking at a map of the United States highlighting various MMIW cases. I noticed that Nevada was in a different color and asked why that was. The answer was that there was no data. At that point, I realized we had to do better as a state to capture this data. Most importantly, we need to find a way to address this crisis.

For the last year, I noticed that it was not only Indian women and children who go missing, but also young males. Frequently you will see a shared Facebook posting of missing Indigenous persons in Indigenous community pages. While Facebook can be effective, we need to do better than social media when Indigenous persons go missing. Missing Indigenous persons are not a silo in Indian country. An example of this is Anna Scott, who is a member of the Pyramid Lake Indian Reservation and whose body was discovered on February 3, 2022, in the trunk of a car set on fire on Interstate 580 between Reno and Carson. Over a year and a month later, her murder has not been resolved. When 15-year-old Nomi Armendariz went missing from Snow Mountain Reservation—for those who do not know, it is on the border of the northwest part of Las Vegas close to my district—tribal police and the Federal Bureau of Investigation (FBI) worked together to notify the public of this missing teenager. She ultimately was found safe a few days later. At the time a person goes missing, a crime may not have yet happened, but we know that time is of the essence and the person needs to be reported as missing.

Traditionally, when there is a missing person, an investigation follows. I believe this is where the mindset of jurisdictional hurdles creates a delay in ensuring that missing persons get inputted into a national database. While some tribal police officers have access to the National Crime Information Center, not all tribes have tribal police or NCIC. Typically, tribes will rely upon the Bureau of Indian Affairs (BIA) or the FBI for the report of missing persons. Currently, there is one BIA agent designated to address missing and murdered Indigenous persons in three different states, including Nevada.

Assembly Bill 125 is a hope to provide additional resources to ensure that when an Indian goes missing, it can be reported to state or local law enforcement for the purpose of input into NCIC. This bill does not seek for local or state law enforcement to go onto the tribal lands to do an investigation, as Nevada respects the tribes' sovereignty. Currently, Nevada law provides that a law enforcement agency is to accept a report of a missing child submitted to it. The agency is to enter such information into NCIC under *Nevada Revised Statutes*

(NRS) 432.200. This law contemplates that a law enforcement agency may or may not have jurisdiction over where the child went missing. Nevada law also provides for law enforcement to receive a report of a missing person over the age of 18 years of age and to enter that information into NCIC pursuant to NRS 480.500.

Section 3 of A.B. 125 permits law enforcement to accept a report of an adult who goes missing from an Indian reservation or colony that is in part or whole in Nevada and to enter that information into NCIC. *Nevada Revised Statutes* 233A.260, subsection 4, sets forth that "Each state agency that communicates with Indian tribes on a regular basis shall designate a tribal liaison who reports directly to the office of the head of that agency." and provides the duties for that tribal liaison.

Section 2 of A.B. 125 provides that the tribal liaison for the Department of Public Safety is also to maintain communication related to missing or murdered Indigenous persons between the Department and Indian tribes and tribal communities in our state, tribal organizations, urban Indian organizations, other tribal liaisons designated by state agencies, and nongovernmental entities that provide services to women who are members of Indian tribes.

Lastly, section 4 includes a provision for peace officers to receive training in taking reports and the handling of cases related to missing Indigenous persons. These peace officers are not tribal police, as Nevada law does not govern training over a separate sovereign police department. While I understand that most officers already know how to take reports, the importance of this training could be understanding the importance of tribal sovereignty and navigating working with tribal officers with respect to the reporting and other investigation that would fall within the jurisdiction of the law enforcement agency that may not be within the tribal reservation borders. If this language is too broad, I am open to drafting a narrow scope for those who take reports and/or investigate missing persons.

I also want to thank those who came in. I truly appreciate everyone that came out to support this bill, as it is really important. With that, I am ready to take questions from the Committee.

Chair Miller:

Thank you, Assemblywoman Backus. We do have a few questions from Committee members.

Assemblywoman Mosca:

I think I understand the bill, but if you could explain, on the record, how this helps. What is the process that this adds to?

Assemblywoman Backus:

Basically, this bill is an aid and adds an extra layer of help. There are tribes with their own tribal police who obviously are able to take reports for those that have NCIC or a connection to the BIA or FBI. The problem is that we also have tribes that may not have tribal officers, and a lot of tribes actually do not have access to NCIC directly. Therefore, I see this as that extra layer to immediately get a missing person's name into the national database.

I am sure you have heard a lot of bills this session about it, but we live in a state where human trafficking is a pandemic. Let us say that an economic development center for a tribe is a gas station, a trucking station. I know there are issues with trucking stations where people do go missing. If that person who goes missing ends up in Las Vegas, but they are not in a national database, and a cop runs across that person and runs her name, they will not be in that missing person's database. This is a key to getting that person in the database as soon as possible. The sooner someone missing is put into a national database and someone comes across them, the more likely we can prevent other crimes from occurring.

Assemblywoman Newby:

I noticed in section 3 of A.B. 125 that it refers to accepting a report on a person who is 18 years or older. What is the remedy for someone who is less than 18 years old?

Assemblywoman Backus:

I did not know this existed until I submitted my bill. I did this for adults and children, but I learned during this that we already have a provision under NRS 480.500 which already contemplates that law enforcement can take a report of a missing person under the age of 18 and jurisdiction is not a concern.

I want to touch on that because for me it is a visual that I use to explain this bill to people to have them really understand it. An example of this issue would be me. I live in Las Vegas and, say that I need to report a crime because someone broke into my house. I call my county law enforcement, but the county says that I need to call the Las Vegas Metropolitan Police Department. That is where these jurisdictional mindsets go, and we need to take that down when it comes to reporting missing individuals.

Assemblywoman La Rue Hatch:

My question is on the training. On the last page of the bill [page 4] in section 4, subsection 2, paragraph (c), it speaks to requiring training for peace officers in the taking of reports. However, I noticed on page 3 of the bill, section 4, subsection 1, paragraph (c), subparagraph (3) that there is another section on training that says there is a requirement for 12 hours of continuing education in the listed topics. I wonder whether adding missing and murdered Indigenous women, or persons, training might be good there as well and whether that is something that you have considered?

Assemblywoman Backus:

I am open. This is an area where I have probably had the most discussions with people who may appear today in opposition of this bill. Yes, I am definitely open to the best way to

make training efficient and not necessarily overburdensome for those that may not be in this field. If this is a better place that folks believe it to be, I would always be open to that change.

Assemblywoman La Rue Hatch:

As a follow-up, I know we are not necessarily putting it in statute, but I would like to know who would be involved in that training. I think it is important that members of the community are involved in putting that training together. I just wondered if you have given any thought to that.

Assemblywoman Backus:

I have given a lot of thought on this section because this is probably the most questionable section since it puts burdens on individuals. With respect to those who would be doing the training, in order to get this moving in the right direction, I am at the point where I would be fine with it being computerized. I think on one of the fiscal notes—although this Committee does not consider the fiscal notes—someone suggested an online webinar. I would be fine with that.

I cannot believe I basically gave you "Federal Indian Law 101" on criminal jurisdiction in less than two minutes. That is a very complicated area, but there are ways to do it, and I want to be efficient. I want to make sure people are aware of the tribes' sovereignty, but also that we are addressing this crisis, and how there could be an interplay. I have talked with a former FBI agent who indicated at one point that there was a crisis in the eighties or early nineties where they had a task force available so they could work together. I am open to any ideas. I do not want to make it too overburdensome for our departments but want to ensure there is some sort of training to respect the tribal sovereignty and to make sure we are addressing the concerns at issue.

Assemblywoman Cohen:

We have talked in this Committee about trafficking, and we hear a lot about that. We also talk in the community about missing Indigenous girls and women, especially. I never thought about where those two come together. Do we have any idea how many Indigenous women from other states are trafficked into Nevada?

Assemblywoman Backus:

That I do not know. The problem is that a lot of the data that does get entered into databases tend to have errors. Obviously, Indigenous women sometimes could be noted as being White, Asian, or Hispanic and may not be correctly identified. It has been a struggle. On that end, that is probably bigger than our purview here. There has also been a big push for the federal government—who is also supporting this—to address these concerns. That would obviously be the responsibility of whatever state they are coming in from to get their information into the database, and then they would be arrested here. That would be interesting. I am meeting with some people that deal with NCIC later today, and I will make sure to see if they can answer that question.

Chair Miller:

I do not see any additional questions, so I would like to open it up for testimony. You will have up to two minutes to testify. We will start with support of Assembly Bill 125.

Ernest E. Adler, representing Pyramid Lake Paiute Tribe:

As a matter of background, I originally came to Nevada in 1976 to work for Nevada Indian Legal Services. Following that, I went to work with the Office of the Attorney General where I was chief criminal deputy and dealt with several Indian law issues. In the nineties, I served as a tribal judge with the Fallon Paiute Tribe, so I am very familiar with all these issues.

What has happened over the years is that there has been a lack of resources in Indian country for enforcement of criminal laws. Being able to enter names and so forth of missing persons on a national database is of critical importance because it is a situation where the tribes need all the assistance they can get from the State of Nevada and other officials in investigating these types of cases, which are many times not able to be investigated properly. I would strongly urge you to support this legislation because it is extremely important. I think this situation is one that really needs to be addressed and all the resources we can provide for the tribes to investigate these cases are of critical importance.

Misty Stewart, Outreach Coordinator, Nevada Coalition to End Domestic and Sexual Violence:

In my role, I have the pleasure of partnering and working with Indigenous communities across this great state. While I get to celebrate the resiliency and growth, I also observe undeniable decades of systemic abuse and neglect that they have experienced and the generational trauma that follows. The Nevada Coalition to End Domestic and Sexual Violence is here today to support A.B. 125 as this measure is long overdue. According to the Centers for Disease Control and Prevention, Native-American women face murder rates more than ten times the national average. Additionally, Indigenous people face higher rates of abuse and abduction. So often missing and murdered Indigenous people do not receive the media and law enforcement attention that their white or nonnative counterparts do and are often marked incorrectly by law enforcement as runaways.

The current lack of communication between tribal and non-tribal law enforcement agencies further harms missing and murdered Indigenous people and truly puts the burden on the grieving tribal communities. Allowing all law enforcement agencies to accept reports about missing and murdered Indigenous people and to enter the information into the NCIC and the National Missing and Unidentified Persons System will help increase the chances of finding and solving these cases. Many families are forced to live without knowing what happened to their loved ones, and the cases often have no resolution. Unfortunately, this adds a layer of trauma for Native-American families. It is time for us to band together and work towards stopping this crisis. Our native families, friends and communities deserve the dignity of having their reports of missing and murdered people validated and taken seriously.

Jennifer Lanahan, representing Reno-Sparks Indian Colony:

I think it is extremely important to get the data into the system so that we have some baseline for us to be able to track this issue and solve it going forward.

Dejalyne Davis, Private Citizen, Pyramid Lake Paiute Tribe:

I am a member of the Pyramid Lake Paiute Tribe and a player on the Pyramid Lake High School girls' basketball team. My team and I are here today in support of A.B. 125. Throughout our season, our team has strived to bring awareness to the issue of missing and murdered Indigenous people. We believe Indigenous people should have the same rights and access to justice as all Nevadans. We are asking our state legislators to help close the loopholes to access for justice for native people. In closing, this issue of missing and murdered Indigenous women affects me directly as I am giving testimony in honor of my mother, Amanda Davis, who was murdered in December 2020. Again, we are here in support of A.B. 125, and we hope you will support it too.

Chair Miller:

Thank you, Deja, for your testimony and your courage. We are deeply sorry about your mother.

Eztli Amaya, Environmental Justice Organizer, Progressive Leadership Alliance of Nevada; and Co-Founder, Fifth Sun Project:

I am the environmental justice organizer with the Progressive Leadership Alliance of Nevada and the co-founder of the Fifth Sun Project, here in support of Assembly Bill 125. As a local Indigenous person in Las Vegas working with Native-American communities, I have my own lived experience with violence as many other people in our communities have had. In gathering our members together for storytelling, all Indigenous persons in that circle experienced sexual violence and have had family or friends go missing or murdered. Assault on Indigenous bodies is so common, yet overlooked and never properly addressed, nor is the public told what this truly is: an epidemic. As we protect our children, who are our future, from living the same experiences, we need protection and justice for ourselves and our communities.

Nevada has a substantial number of extractive industries in the state, including potential lithium mining. Reports have shown that this leads to an increase of missing and murdered Indigenous people. When the population grows with outsiders coming into these rural areas, native communities, service organizations, and law enforcement are not equipped to handle the sudden influx of violence that these projects could bring. This relationship is something that Indigenous people know closely and the reason a bill such as A.B. 125 is so critical and that the reports of someone missing from a reservation or colony are accepted by all agencies and entered into the National Missing and Unidentified Persons database.

Indigenous women and girls are murdered at a rate ten times higher than all other ethnicities. Murder is also recognized as the third leading cause of death for Indigenous women. We know that the outcomes of missing Indigenous persons cases are often made worse by delayed response time from law enforcement over questions of jurisdiction. Progressive

Leadership Alliance of Nevada and Fifth Sun Project support this bill because of the goal to streamline agency processes and to outline proper communication practices in instances of missing native community members. The crisis of missing and murdered Indigenous people needs to be addressed in both local and federal law. We encourage the members of this Committee to stand with native communities and support Assembly Bill 125.

Teresa Melendez, representing Shoshone Paiute Tribes of the Duck Valley Indian Reservation:

I am here in support of A.B. 125, and it really feels good to see so much support from the Indigenous community here today in support of this bill. We have not had the presence that we need in the State Legislature in the past. It is beautiful to see the Indigenous people in the tribe stepping up and looking to uplift Indigenous issues and solutions and to find ways that we can together govern the state more effectively through the 28 federally recognized tribes and the state and local governments. We know that there is a huge disparity in justice in tribal communities with the complications of multiple levels of jurisdiction, the confusion, complications, and nuances they cause. This is one area that has received a lot of national attention—the issue of missing and murdered Indigenous people. It is an issue that affects all of us directly.

As young people and women in our communities, you grow up knowing that the chances of crimes against you are so much higher than for other folks. You also know that oftentimes crimes are committed in your community and nobody is ever prosecuted. I am grateful to Assemblywoman Shea Backus for taking on leadership and helping to close a loophole on this one issue of missing and murdered Indigenous people because data is important. One thing we know as Indigenous people is that invisibility is a form of racism. We are often told our numbers are too small and that we are insignificant, that our things are of the past and do not matter now. However, these things are happening now. We need the data so that we can communicate with the FBI, the U.S. Attorney General's Office, and local law enforcement officials so we can hold people accountable. This bill is really important to us. I am here in support of A.B. 125.

Randa Deluna, Private Citizen, Reno-Sparks Indian Colony:

[Introduction was spoken in Ms. Deluna's native language.] I am a Paiute from the Reno-Sparks Indian Colony. I am here in support of A.B. 125. It is important for, not only the current generation, but also for our future generation. Although I have no children of my own, I cannot imagine losing any of my nieces or nephews or anybody in my family and not knowing where they are. I did not even know we were not in a database or anything else until Assemblywoman Backus brought this to our attention. I believe this is a good bill, and it is really important.

Tessyn Opferman, representing Nevada Women's Lobby; Human Services Network; and National Association of Social Workers:

I will keep my comments brief because I know there are some important testimonies that we have heard. I do want to get on the record that all three organizations that I represent, which include the Nevada Women's Lobby, the National Association of Social Workers, and the

Human Services Network, are in full support of this bill. All three organizations represent marginalized populations throughout Nevada, and that includes Indigenous people. We have heard some stats this morning, and we know that crime rates are significantly higher than the national average. Rates of sexual violence, human trafficking, and murder are all higher. We need to somehow address that in our legal structure to ensure that we are following these cases, we are solving these cases, and we are working hard to protect that population. I want to be on the record for all three organizations.

Chair Miller:

Ms. Davis, could you have your teammates and coach stand up again, please? If you are a part of the Pyramid High School girls' basketball team, please stand up because we will document you all in support of the bill.

[The coach and seven members of the Pyramid High School girls' basketball team stood up and were recognized for their support of Assembly Bill 125.]

Karianna Kailani John, Private Citizen, Reno-Sparks Indian Colony:

[Introduction was spoken in Ms. John's native language.] I am from the Reno-Sparks Indian Colony. I am nine years old.

Robin M. Eagle, representing Reno-Sparks Indian Colony:

[Introduction was spoken in Mr. Eagle's native language.] I have brought my unity youth membership here today, Karianna being the youngest of our Native-American group. I am so proud of her to be at the table. It is very important to have our youth sit in on this Assembly bill to see what we are doing. They are not our futures of tomorrow, they are our leaders of today. As we get through it this morning, I am so proud to have Pyramid Lake here by our side as we collaborate to move forward to make awareness in our community. These young individuals serve as a governing body just like the tribal council does within their community. I am very proud that they can sit here, even if they do not have words to say. These tears are very powerful, and they really hold it sacred to them. Thank you for having us in attendance because they will walk away today knowing, whether the support is there or not, it is still important for them to be at the table.

I want to thank you again for listening to us. We have my parents who came with us today and a grandmother who got up at 6:30 a.m. to bring them here. Having that issue at the table reminds me that we always talk about, "If you are not at the table, then you are on the menu." Thank you for having us at the table, letting us hear your side, and letting us hear everybody's testimony.

Marla McDade Williams, Private Citizen, Te-Moak Tribe of Western Shoshone:

I grew up on the South Fork Indian Reservation in Elko County. I want to go on record in support of A.B. 125. I appreciate Assemblywoman Backus bringing this measure, and it is another testament to how important it is to have representation in this body. The cross-jurisdictional issues between states, tribes, and the federal government make solving

crimes and having access to systems very difficult. I support the training requirements to help open the lines of communication between law enforcement agencies.

Thalia Marin, Private Citizen, Te-Moak Tribe of Western Shoshone:

I am a member of the Te-Moak Tribe of Western Shoshone Indians, and I am in support of A.B. 125. I am the director of a Shoshone women's group here in Elko, Nevada. We are a Missing and Murdered Indigenous Women awareness group, and we support the training part of the bill. Currently, we are working on a tribal community response plan for missing and murdered individuals. Hopefully we can get it out to all 28 tribes in Nevada, and their tribal councils would be able to adopt it. Everyone spoke of everything that I wanted to cover, but jurisdiction is also important. We have 28 tribes with all the same struggles but are so different in each reservation and each colony, so this is a very important issue. Again, I am in support of the bill.

James Phoenix, Chairman, Pyramid Lake Paiute Tribe:

[Introduction was spoken in Mr. Phoenix's native language.] I am the chairman of the Pyramid Lake Paiute Tribe in northern Nevada. I am also a retired police officer from the Reno Police Department and a lieutenant colonel of the Nevada Army National Guard. I support A.B. 125. Why? To bring awareness and maintain ongoing communication relating to missing and murdered Indigenous persons between law enforcement agencies, including state, federal, tribal, and local; to make agencies aware of the ongoing issues in Indian country and for Native Americans who reside in the urban areas as well, not just here in the great state of Nevada, but across the entire nation; to require Nevada Peace Officers' Standards and Training to adopt certain training; to understand the jurisdictional issues and reporting; to find a way forward in finding a solution to close the gap in these communications; and to turn this bill into action so we can have these things happen. This request is in addition to a missing person report in general that is entered into NCIC. The MMIP database logs cases of all genders and ages from 1900 to present.

Please take the time to commit to our Native-American population here in the Great Basin so it does not go unnoticed or become less of a priority. As you have heard sensitive and very important testimony today, this is very sensitive to our people. Your commitment to our people today by accepting this bill and approving it would be appreciated.

Amber Falgout, Northern Nevada Manager, Battle Born Progress:

We are in strong support of Assembly Bill 125 and are encouraged to see our Legislature taking action to address the crisis of missing and murdered Indigenous women in our country and our state. I, personally, have been married into an Indigenous family for several years, and I am ecstatic to see that this bill is moving forward. I have seen the impact of this crisis on my in-laws and family members. We can no longer allow this crisis to go unreported and unaddressed, and we must no longer put the burden of investigating these cases on grieving families and communities. Indigenous women across our state and country are far more likely to be victims of violence. With this bill, our state will finally address this crisis with the focus that these women deserve.

Nizhoni Widehat, Private Citizen, Northern Arapaho Tribes of Wind River Reservation:

I am Navajo Rosebud Lakota, an enrolled member of the Northern Arapaho Tribes of Wind River Reservation. I am also the Northern Community Organizer for Native Voters Alliance Nevada. This bill is very important, however, gravely concerning that it needs to be stated so plainly in the first place. The necessity of tribal liaisons and involvement of nongovernmental agencies can be the key factor in bringing home our missing relatives. This bill opens the lines of communication and makes it hard to misunderstand what role law enforcement plays, as well as holding them accountable. Seeing accountability and transparency helps to ease my community experiences with government agencies. I encourage this Committee to pass this bill to better serve my people and to pave the way for future infrastructure to protect other communities in this state.

Thank you to all the relatives who have come to support and speak on this bill. It takes a great strength to do this, and to bring up our trauma in order to fight this fight is difficult. Please find time to nurture yourselves.

Stacey Montooth, Private Citizen, Walker River Paiute Nation:

I am a citizen of the Walker River Paiute Nation, and I urgently ask that you support A.B. 125.

[[Exhibit C](#) and [Exhibit D](#) are letters submitted but not discussed and will become part of the record in support of A.B. 125.]

Chair Miller:

We will go ahead and close the testimony in support of A.B. 125, and I will open it up for anyone in opposition of Assembly Bill 125.

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

I am with R&R Partners and currently representing the Nevada Sheriffs' and Chiefs' Association. We are opposed to A.B. 125, but only as written today. We want to thank Assemblywoman Backus for bringing this legislation forward. Her knowledge and passion on this topic were readily apparent and well respected immediately upon speaking with her. We are committed to continue working with her to identify and close any gaps we have or may have in Nevada for reporting missing Indigenous persons. As a former investigator, I know how important it is to make sure that these cases are entered immediately into NCIC for success. Also, I would like to give a shout-out to the girls' Pyramid Lake basketball team, whom you recognized earlier, as they have just secured their first state championship in a while. We are all proud of them.

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

We too are in opposition to the bill as submitted pursuant to Committee rules. But let me be clear, we support timely reports being taken and NCIC entries being completed for missing Indigenous persons. Our concerns with the bill as written are technical reporting issues

regarding local law enforcement compliance with federal law and tribal sovereignty. We look forward to working with Assemblywoman Backus.

Jason Walker, Sergeant, Patrol, Washoe County Sheriff's Office:

I echo the words of my colleagues. It is important. We have soft opposition at this point as introduced but are hopeful that conversations will continue so that we can move to a position of support.

Chair Miller:

Is there anyone else here in Carson City or on the phones that would like to testify in opposition of A.B. 125? Not seeing anyone else in opposition, I will close opposition testimony and open it up for testimony in neutral.

Ryan Miller, Chief, Investigation Division, Nevada Department of Public Safety:

We are testifying neutral as it relates to this bill. We feel that we need to highlight a couple of factors that I think have already been hit upon as they relate to jurisdiction. I am not an expert by any means in tribal law; as we have heard, it is a complex issue. As I understand it, as it comes to the investigation part, we could certainly take the reports just like we would under the current law for anybody who reports. However, in terms of the jurisdiction in the investigation, if it came to us and it was on tribal land and involved an Indigenous person, we would ultimately take that report, basically enter it, do a courtesy report, and then send it to the agency that has jurisdiction, which in that instance would be tribal police, BIA, or the FBI.

Alternatively, the laws surrounding state law enforcement are well defined. As it relates to the Investigation Division and *Nevada Revised Statutes* 480.460 related to these types of things, we must have a request from the local jurisdiction, sheriff, or chief to conduct an investigation. If it was determined that the state and locals had investigative authority, we could still take the report but ultimately, we would be doing a courtesy report for the locals unless they requested us to conduct the investigation. Lastly, as it relates to the communication, we can certainly have that ongoing communication, but if we are not conducting the investigation, we may or may not have any information as it relates to those cases unless that is provided to us.

Chair Miller:

Is there anyone else in Carson City or on the phones wishing to testify in neutral on A.B. 125? [There was no one.] With that, I will welcome Assemblywoman Backus back up to make some final remarks.

Assemblywoman Backus:

This bill is being brought for the generations that preceded me and those that will follow. I will always work with people to make sure we have the best bill. It is a crisis that needs to be addressed. I would ask for the support to pass Assembly Bill 125.

Chair Miller:

With that, I will close the hearing on Assembly Bill 125. Our last order of business today is public comment.

[Public comment was heard.]

I will close public comment. This is the end of our business for this meeting today, and I would like to thank everyone who participated. This meeting is adjourned.

The meeting adjourned [at 10:18 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
Recording Secretary

Aaron Klatt
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 in support of Assembly Bill 125, submitted by Amber Falgout, Northern Nevada Manager, Battle Born Progress.

[Exhibit D](#) is a copy of an email dated February 28, 2023, signed by Shantel D. Haynes, Private Citizen, Oglala Lakota Sioux Tribe, in support of Assembly Bill 125.