

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

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

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:01 a.m. on Tuesday, May 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
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:

Senator Dina Neal, Senate District No. 4
Senator Lisa Krasner, Senate District No. 16



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Bradley A. Wilkinson, Committee Counsel
Devon Kajatt, Committee Manager
Connor Schmitz, Committee Secretary
Ashley Torres, Committee Assistant

OTHERS PRESENT:

Caleb L. Green, Private Citizen, Las Vegas, Nevada
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
Christopher M. Ries, Detective, Las Vegas Metropolitan Police Department
Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County
Public Defender's Office
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office
Mike Cathcart, Business Operations Manager, Finance Department, City of
Henderson
Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe
County Sheriff's Office
Tonja Brown, Private Citizen, Carson City, Nevada
Daniel Purdy, Private Citizen, Rockland, Massachusetts
Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association
Matthew Wilkie, Private Citizen, Carson City, Nevada
Annemarie Grant, Private Citizen, Quincy, Massachusetts
Catherine Nielsen, Executive Director, Nevada Governor's Council on
Developmental Disabilities
Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual
Violence
Stephen Gresko, Supervising Criminalist, State CODIS Administrator, Forensic
Science Division, Washoe County Sheriff's Office
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County
District Attorney's Office; and representing Nevada District Attorneys
Association
Yolanda Knaak, Private Citizen, Incline Village, Nevada
Barry Cole, Private Citizen, Reno, Nevada
John Eppolito, Private Citizen, Incline Village, Nevada
Janine Hansen, State President, Nevada Families for Freedom
Benjamin Lublin, Private Citizen, Las Vegas, Nevada
Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager,
City of Reno
Lisa Lynn Chapman, representing Battle Born Progress
Ashley Spence, Founder, DNA Justice Project

Renee Rezendes, Private Citizen, Reno, Nevada
Dora Martinez, representing Nevada Disability Peer Action Coalition

Chair Miller:

[Roll was called. Rules and protocol of the Committee were reviewed.] I will open our first hearing, Senate Bill 362 (1st Reprint), presented by Senator Neal.

Senate Bill 362 (1st Reprint): Revises provisions relating to public safety. (BDR 15-289)

Senator Dina Neal, Senate District No. 4:

I am here to present Senate Bill 362 (1st Reprint) along with Mr. Green. We are going to split this bill in half. The section that is on the intellectual property piece will be discussed by Mr. Green. He is an intellectual property attorney with Dickinson and Wright. He came to me with his idea on the copyright piece. I will present the rest of the bill.

Why do we have S.B. 362 (R1)? We all watch the media, and we have all watched the stories of individuals who said they could not breathe. They encountered a police stop, and they had a medical emergency. This particular bill does a couple of things. Number one, it says that if there is a situation where a person is saying he cannot breathe, you must immediately call emergency services. This bill lays out that when you have an emergency, bring in an emergency medical attendant; it also deals with the issue of choke holds.

Next, it establishes a policy with the Department of Motor Vehicles (DMV) that if you have a medical condition, you will now have a symbol on your driver's license, identification (ID) card, or permit that says that you have a condition. I created a medical symbol; I wanted to build on what the American Medical Association has in regard to what would be a clear symbol that you could put on the license. [A copy of the symbol was shown but was not provided as an exhibit.] Police officers could then be aware that this person may have a medical condition.

Why is the symbol important? You can have an individual who cannot speak, who cannot address what is going on. What spurred me to have this conversation were the silent diseases such as sickle cell disease and lupus. We had a story where there was a person who had sickle cell and he was running. What he had was a sickle cell experience while he was running from a peace officer. When the peace officer finally got to this young man, he was saying, I cannot breathe. The peace officer said, You were just running; not knowing that he had a sickle cell attack, which means that because of the sickle cell shape, it can move through your body and then literally create asphyxiation. Had this been known, had there been a symbol, the peace officer would have known that there was an underlying condition and that this person was potentially telling the truth—not just I cannot breathe because somehow this has become the statement that will allow you to get out of some kind of police encounter.

This particular section of the bill is an update from 2007 law. This is not a new piece of the law, except for the old law had a six-digit code and it was voluntary in order for you to get it on your license at DMV. Have you seen it? If you have not seen the six-digit code, this is my update to say, okay, the six-digit code would be replaced with the symbol. It is still voluntary to allow an individual to put it on their license. It requires the DMV to advertise that this option exists on their website, and also to place it on their website if somebody chooses to come in and update his driver's license. For me, this is about making sure we have in place a way to identify a medical issue that a person may have. I added a list of diseases, such as schizophrenia, diabetes, and other diseases. When I presented this to the Senate Judiciary, there was a senator who asked me to add hemophilia, which I did.

The goal in this bill is to try to figure out how to present more information when we are being encountered with a police stop, also to make sure that if we find ourselves in an unfortunate circumstance where peace officers encounter someone who is saying he cannot breathe, the peace officer will immediately call for medical attention. It is my understanding this is currently in policy, and it is an actionable thing, but I want to make sure there are no disruptions. We have seen a lot of stories where there is now a distance between the incident and medical personnel showing up.

I will now turn it over to Mr. Green, who will discuss section 2, which is related to copyrights.

Caleb L. Green, Private Citizen, Las Vegas, Nevada:

I am an intellectual property attorney in Las Vegas, Nevada, joining you from the Grant Sawyer Building. I am very grateful to be here to talk about section 2 of the bill. By way of introduction, as an intellectual property attorney, I do a lot with trademark and copyright, intellectual property matters. I am a graduate of the William S. Boyd School of Law, University of Nevada, Las Vegas, where I have a concentration in intellectual property, and I am a member of several intellectual property organizations, including the State Bar of Nevada's Intellectual Property Section, the American Bar Association, and the National Bar Association.

Section 2 of the bill requires all law enforcement agencies to adopt a written policy that would prevent peace officers from engaging in a purposeful act of copyright infringement. You may be asking yourselves, why do we need something like this? Why is this a problem? Well, you have received some exhibits which included several publications of an issue that a lot of copyright and intellectual property scholars call "copyright weaponization" at the hands of particular peace officers. [Due to copyrighted material, exhibits have not been provided.] One example I will give you is the most recent, which happened in Santa Ana, California. A councilman was woken up in the middle of the night, hearing a ton of Disney music being played at about two in the morning. He looked outside and saw several police officers. He walked across the street, and asked, Hey, why are you playing Disney music at two in the

morning? A police officer pointed to an individual citizen who was on the other side of the street with several cameras. He said, That person is a YouTuber and if he tries to post anything he is recording, it will get pulled from the social media site and he will get a copyright infringement. Those were his exact words.

There was another more troubling situation in Ottawa, Illinois, where this particular issue came, not just through reporting, but honestly, through happenstance, through a document that became public record. In that situation, very similar, an individual was recording a police officer and that police officer pulled out his phone and started playing copyrighted music. The only reason we found out about this is because the police officer actually filled out an incident report after that instance. That incident report became a public document. In the incident report, the police officer said, as he has been trained by the sheriff's department, when he became aware that he was being recorded, he pulled out his phone and started playing music, again, to invoke copyright laws so the recording would not be shared.

To give you an understanding of why that is problematic, there is what is called the Digital Millennium Copyright Act (DMCA), which was enacted at the turn of the century and effectively arose because there was a struggle, now that we are entering into the dot-com boom, of who should be liable when it comes to someone uploading particular materials that they do not have a copyright on. Do we go after the particular user? Do we go after that particular social media site, video service, or other Internet service provider? The DMCA was created, and it provides a safe harbor. That safe harbor insulates sites like Facebook and any other social media site or Internet service provider where someone is uploading content from instances of being held liable for that user's copyright infringement if they promptly and swiftly removed that material.

To make this more efficient, a lot of these social media sites have adopted different algorithms and tools to be able to detect them without having to worry about someone actually trying to report them. If you have an Apple phone and have ever used Siri, you say, Hey, what song is this, if you are in a restaurant or somewhere and you are trying to determine what song is playing. You can use an app or you can use Siri, and it will listen to the music and tell you what song it is, the artist, what year it was published, et cetera. The social media sites use a very similar tool, and that is where this becomes a problem and where it has been misused by certain peace officers. When they become aware that someone else is recording them, they start playing the copyright-protected music. That triggers these copyright detection tools, and they are removed from the social media sites.

This is something that we have seen trending since the murder of George Floyd, and largely given because of the widespread sharing of that particular video. It is what scholars call weaponization because it goes beyond copyright's intended use. Copyright is a tool to protect expressive works. It is not a tool to be used in a form of censorship. That effectively is what section 2 addresses. It requires all law enforcement agencies to adopt a policy that would prohibit this particular practice.

Assemblyman Gray:

Was it your intent to only have the symbol on licenses or all ID cards? The bill only says licenses, that I could find. It does not mention anything about driver privilege cards or ID cards.

Senator Neal:

It will apply to everything. When I got the breakdown from DMV and further notes on it, it applies to whatever the DMV can give you.

Assemblywoman La Rue Hatch:

I have a question about the symbol, and it is kind of a two-part question. One, is it helpful to have different symbols for the different conditions, or was there a reason you chose just the one symbol? I know you showed us a mock-up, but I would imagine it is going to go through DMV and the Department of Health and Human Services (DHHS). Are they going to do the formal design?

Senator Neal:

I think it would be helpful for a single symbol. I think it is super confusing. The only reason I presented the symbol and it got uploaded is I had my graphic artist design this because I had an image in my mind about what I felt was going to be a play on the American Medical Association symbol, so I had him create this. Ultimately, I did it because I am hoping the DMV adopts it and because I did not want it to be theory, I wanted it to be an actual image. I think multiple symbols are confusing, just like the six-digit code, which no one has ever seen. No one is aware that it has existed since 2007. I think that when you look at a six-digit number, more often than not you are thinking, I do not know what these numbers mean. When you see a symbol, I do not think there is going to be a question as to whether you should ask a question about a medical symbol. Ideally there should be training on what that means and how it is applied. No multiple symbols is the simple answer.

Assemblywoman La Rue Hatch:

Just to confirm though, we are not necessarily passing into statute a symbol, right? We are passing into statute that something has to be created, and then it goes through the process and they will take your input. I just want to clarify.

Senator Neal:

That is correct. I cannot legislate a symbol. That is why you do not see this symbol written into the bill. You see a symbol but not this actual image. This image was created because I wanted to give you a visualization of what I had thought in regard to S.B. 362 (R1), that it was not random, and I actually considered what I wanted it to look like.

Assemblywoman Bilbray-Axelrod:

I had a similar bill, dealing with people who have auditory challenges. One of the pushbacks I got from the deaf and hard of hearing community is that they did not want to be identified on their ID. I am not saying that would be your concern. One of the alternatives and what the bill ended up being was that there is an indication on the registration, so if someone is

getting pulled over, the first thing a peace officer would see is that indication. I do not see anything like that in your bill. I know the example you used with someone running away, but a lot of these start with getting pulled over. I was just wondering if you had given that any consideration.

Senator Neal:

That is why it is voluntary. It will be the person making a decision that they would like to share this information. I considered the privacy concerns and whether you want this kind of information. It would be up to the person to say, It is actually in my best interest; or if there is a guardian or someone who is in control, if there is a mental issue, they would make that decision. I would actually prefer for this to be on my license for my safety. We already know that we had an incident in North Las Vegas where a person who was hard of hearing was yanked out of his car, not knowing what the condition of this individual was. That process of removing someone from a vehicle, patting him down, and then pulling an ID, at least there is something in a situation, if a person cannot speak or not being allowed to speak, there will at least be some kind of narrative there where it says, the symbol was on the license. There should have been a trigger for you to pull this up and say, Oh, they have a condition. The idea, in theory, is that when they see that symbol, it should roll those diseases up just the same way as you do a stop for registration and you are pulling up that individual's information.

Assemblyman Yurek:

With respect to that symbol, I think you might have missed your calling. I have tried to design logos before for a business. This is a very creative design and I think it captures, in a very unique way, the state, the color, and the medical symbol. I think that was a great idea. Good job on that.

My question is actually more on the copyright issue. It is very interesting, the cat and mouse game that happens with this technology and stuff like that. I appreciate the copy of the article that came up here. [Article was not provided as an exhibit.] We know what is happening, and I agree this is a poor way to use technology and copyright to try to proactively stop this sort of dissemination of what should be public information. My question is, do we know if this has been a problem in Nevada? Has it been an issue here where we have had incidents of it? Are you aware of any?

Senator Neal:

It is my understanding that we do not have direct cases that have happened here. I think this is more of a proactive policy to try to engage in what has been perceived. We do know that a lot of the incidents that we are seeing around police encounters are being uploaded to Facebook or Instagram or TikTok. If the music is an overlay, and we all see that when we post our happy dance or whatever, this music does not belong to me, and it is taken off the site. That is what this particular piece is seeking to address. I will let Mr. Green further address this, as it is his wheelhouse and his expertise. I am just the ride-along on this piece.

Caleb Green:

I will try to address the question. It is a fair question. To Senator Neal's point, we do not have any recorded instances of this situation. One thing I pointed out to the Senate Judiciary Committee is that it is important to understand this is kind of a fleeting issue. Every instance of where copyright may be weaponized may not necessarily be captured or documented. I like to use this analogy: copyright is kind of like the speed limit. We all break it sometimes, sometimes with consequences and sometimes without. Some people may have broken the speed limit getting to the Capitol building today. We do not need to admit that. But my point is, copyright is very fleeting and sometimes copyright can be legally actionable, but it is not practical.

It is one reason why the United States just passed the Copyright Claims Board, which is a small claims board. Largely, if you want to bring a copyright claim against someone, it is very difficult. You need a lot of money, time, and resources to file a federal claim. They came up with a small claims board to give more people opportunities, because they recognize not every legally actionable copyright infringement is going to see the light of day and be litigated or even be an instance of a takedown.

The other thing that is important to understand is a lot of these social media sites have different policies as it pertains to how they enforce copyright. Some have a three-strike policy; three strikes, you are out; we are going to ban or suspend your account. There may be instances where individuals have a recording that they do not want to upload because they are afraid of those particular measures being levied against them from the social media site. While we have not seen it in Nevada, at least I have not seen any reported incidents of it, it can be a fleeting issue that may not necessarily be captured in a report such as the ones I was able to submit or the ones that have been reported on nationwide.

Chair Miller:

I would like to follow up on that for clarity. Are you saying that we do not have any documented cases of this happening here in Nevada, or do we?

Caleb Green:

To my knowledge, we do not have any documented instances here in Nevada.

Assemblywoman Considine:

My question is to Mr. Green. While we were sitting here, I Googled and I see a lot of these articles, and they all happen to mention Disney. I also know that Disney is seen as a very litigious company. It seems to me that it is a very thoughtful choice for these incidents that Disney music is specifically being played, which to me might be a pattern and practice of training. Are there any rights in this situation for the holder of the copyright to sue for their copyright being used and potentially a pattern and practice policy to play their music in order to have a specific effect?

Caleb Green:

I will answer your question in two parts. There are certain instances that have been captured where it has been Disney music. There are others. There is a Taylor Swift incident and others with country music. It is not just particularly Disney music. These tools can detect a large range of copyright-protected works, not from any particular entity. Also moving on, the bill does not provide any kind of private right that already exists under copyright. For example, to your question, theoretically, Disney could go after someone who was playing their music without a proper license. Again, Disney is litigious; I think that is an accurate representation. When it comes to going after someone or enforcing copyright, it is kind of like that speed limit analogy. Sometimes you have to weigh does it make practical sense for us to go after someone in federal court for a particular infringement? The cost of going to federal court may outweigh the desire for someone else to stop infringing. So that is an aspect.

There are also some cases, moving away from the Disney example, but just in general, sometimes infringement actually helps the author, which is why they may not want to go after them again. Think about the speed limit. Sometimes we have that leeway to go five miles over, and it keeps traffic moving a little faster. Is it technically speeding? Yes, but it does benefit the public a little bit in helping traffic to move a little smoother. Therefore, police officers will likely not enforce that, if you are three to five miles over. The same thing in copyright infringement; there may be instances where it actually may benefit the copyright owner if someone is posting their particular work, posting someone's music. People are going to listen to it and share, and that may actually benefit the author. That also goes into the cat and mouse of, are we going to actually go after someone for infringement or not?

Senator Neal:

I would like to draw your attention to section 2, subsection 2, in regard to the retaliatory or punitive action related to peace officers.

Assemblywoman Considine:

I want to make clear that this could cut both ways. If this is something that is growing in use, the danger could also be that the holder of the copyright becomes aware, through some other algorithms or some other way of tracking it, they could also take some sort of lawful action against somebody using this type of practice in order to stop other things from going online. I just wanted to make sure that was a possibility.

Caleb Green:

Yes, that is a possibility under current copyright laws under the Copyright Act, the federal law. The copyright owner could certainly enforce their copyright.

Assemblywoman Marzola:

My question has to do with section 4, subsection 2(b), the medical condition listing. I want to know how you came up with that list. What was the thought process?

Senator Neal:

I built on the list from existing 2007 statute and added sickle cell, lupus, hemophilia, schizophrenia, depression, or other mental illness.

Assemblywoman Marzola:

Are you open to adding additional medical conditions?

Senator Neal:

Yes, ma'am.

Assemblywoman Cohen:

Going back to the medical list, I think probably everyone on the dais has thought of a different disease that we would add to the list; not even a disease. For instance, I was thinking of people who are paraplegic. We have seen videos of people who are paraplegic who drive, who have been pulled out of a vehicle by an officer, saying, But I am disabled, I am paraplegic, and he does not seem to get the respect of that situation by the officer; not necessarily in Nevada, but I have seen those videos where that has happened. Because we are not all doctors in the Legislature, I am wondering, would it be possible for someone to go to the DMV or to the DHHS and get authorization for whatever they have on the list—maybe not officially on the list, but to be able to get the symbol on their ID card? If there is something that we have not thought of—assuming this makes it out of the Legislature and into statute—so that, four or five years from now, someone has an issue and would like to have this protection, they can go to DMV and get it taken care of.

Senator Neal:

There is nothing that prohibits someone from bringing in whatever documentation and voluntarily allowing that symbol to be placed on their license. I think the key is this is a voluntary action for you to disclose a medical condition through that symbol. I am not trying to complicate this by saying, You must coordinate with the health department or the physician in order to produce the documentation. A person is well aware, if they are differently abled or if they have a paralysis, he, or his guardian or whoever can go in and say, I would like this symbol added to my license or ID. I am not trying to add any kind of fiscal note to this measure that says the DMV will then coordinate with the DHHS and put a \$500,000 fiscal note over the biennium saying, Because we had to go and talk to the DHHS about identifying this. I already have a fiscal note on this bill. I think that it is up to the individual to bring in documentation and to do it voluntarily. I am also not putting DMV in the position to determine whether it is a legitimacy issue. I do not think that is their role, to challenge the legitimacy of whether someone is saying, I have a disease and I would like this symbol voluntarily placed on my license. If the DMV adopts regulations, which they can, if they want to see the supporting documentation, this bill does not limit that behavior, but it does not put them in the position to challenge it and say, You do not look sick, I do not think you should get this.

Assemblywoman Cohen:

Just to be clear, it is not limited to these on the list.

Senator Neal:

It is limited to the list. Assemblywoman Marzola mentioned, I can add a catchall on page 6. In addition, where we are talking about the ID card on page 8, I can add a catchall for any other diseases as represented by an individual to DMV. That is not a problem.

Assemblywoman Cohen:

One of my colleagues has also mentioned asthma that they were concerned about, and requesting it be on the list.

Senator Neal:

I will just put a catchall that any other disease that an individual decides they would like to have represented by the symbol, instead of having an exhaustive list. The difference is the update from the 2007 law being that it is not a code, it then becomes the symbol, and the catchall language would allow DMV to say, This is now a new thing, let us put the symbol on and then let us put in this particular disease that this citizen has designated they want identified.

Chair Miller:

I would like to follow up on that because there seem to be a lot of questions about this list, and everyone is going on and on about the list. What is the overall purpose of the list?

Senator Neal:

The purpose of the list was, it came from the 2007 law. I believe it was then-Assemblyman Segerblom who had this bill in 2007. I was not trying to erase what he had, I was trying to improve upon what he had. The reason why I placed in sickle cell and lupus is because they are silent diseases; they cannot be seen on the surface. The trigger that is associated with them is not something that you can see. Lupus can demonstrate several subsymptoms. That is why I added it, because I have carried sickle cell and lupus legislation in this building before. With lupus you can have a heart condition; you can have serious inflammation that prevents you from moving; there are several ways in which it shows up in the same way the sickle cell will show up. I put in schizophrenia because it is a common mental health disease that is not understood when you encounter a person who has it. Also, there can be varying ranges in which it is displayed. I put the catchall of depression or mental illness because, one thing I have seen, is that if a person is depressed or has a mental illness, there could be different displays on what they are doing. I have seen a person who is in a depressive state who is acting erratically. At the end of the day, I added to the list to improve upon what was currently in place from 2007.

Chair Miller:

We are familiar with those conditions. My question was, what is the purpose of the list?

Senator Neal:

The purpose of the list was so that when you are pulled over, the peace officer will see the symbol and there will be a list in the DMV system that says, John Williams has depression or John Williams has schizophrenia. It will then trigger that voluntary information that helps

the peace officer know, wait a minute, I am dealing with somebody who has epilepsy and maybe that is why they are having a seizure at this moment. It is further information to help navigate a stop. That is the purpose.

Chair Miller:

The Assemblywoman mentioned a bill that she was part of, and those conditions were communicative conditions, so that the officer knows right away that this person may be responding or not responding in a different way based on a communicative condition. These are physical, that may or may not be triggered or flare up in the actual interaction with a police officer. The bill starts talking about if someone cannot breathe; all of those conditions can demonstrate in ways that are not just, "I cannot breathe"—I could start vomiting, I could go into an episode, or I could pass out. There are a lot of physical things that could happen other than I cannot breathe. Is this bill intended to be just for those who are demonstrating that they cannot breathe, or for anyone having any kind of physical interaction?

My bigger question is, someone trying to pretend that he cannot breathe—which came from very specific instances that have recently happened—a police officer may or may not have an opportunity to see a driver's license. In some of these worst cases, it was not about a driver's license being pulled and records being run. It was about police acting without and before and immediately. Can you talk about how this would prevent those types of incidents?

Senator Neal:

This is my mistake because I just quickly did an overhaul of the bill. Do not conflate section 1 with the other sections. Section 1, independently, is standing on its own with prior law in restricting the airway and monitoring the person. I am adding where it says to place the person in a recovery position if he or she appears to be in distress. What I am adding to the law is that you shall ensure that medical aid is rendered by a person who is an emergency medical attendant, physician, or a physician assistant. That is a standalone in *Nevada Revised Statutes* (NRS) 193.305.

What I am telling you is, do not conflate, because when you go to NRS 483.3485, we are now in a different NRS dealing with a different encounter in a different situation. In my presentation, I conflated; now I am correcting because in my explanation, where I rolled it all in to quickly get through, I merged two chapters. They are actually two different incidents, and I am reversing and correcting my conflation to get a clear record of what section 1 does and what section 4 does. It needs to be absolutely clear that NRS 193.305 is a continuation of existing statute where a peace officer shall not place a person who is in custody in any position which compresses his or her airway or restricts his or her ability to breathe. Then I am adding under that duty that now you must render medical aid through the use of a medical attendant or doctor. I am saying that, although you are laying someone on the sidewalk and you are preventing their airway from being compressed, now you have another duty, which is to call for emergency aid to make sure there is no issue.

Then when you go into NRS 483.3485, I am talking about the DMV and how the Department may adopt regulations establishing a program for imprinting a symbol in relation to a medical condition that is the adopted list to identify incidents that have been occurring where a person has an underlying medical condition; it could be beyond what a peace officer is engaging them with, but that is the common scenario. I can give you an example of one of my neighbors who had an epileptic episode, literally a seizure, and his car went through a red light. He is still living, thank God, but he had a seizure where literally his car rolled into traffic. At that point, he was not able to speak, he was in a seizure. Others came to his aid; clearly police were involved. In that situation, we would have a symbol on the license, so instead of trying to figure out what this individual is going through, now we have a further piece of information that will allow us to identify that this person has just had an epileptic seizure. That is the point of this bill.

Chair Miller:

That would be the assumption, that the officer is supposed to assume that it was based on some health condition when it could, in fact, just be drunk driving or reckless driving.

Senator Neal:

I think that the more information you can have in an encounter is very important. It eliminates guessing, it eliminates assumptions. If a person is drunk and they crossed over the line, a peace officer is wise enough to smell the liquor and to know that, although the symbol is on the license that says a person has a mental illness or whatever, he is now intoxicated. That is an entirely different situation. Here is the difference: now the peace officer has two pieces of information. He has information that the individual not only has a mental health condition, but he has layered alcohol on top of that. How does that help a peace officer further engage and examine and have his own discretion when he is dealing with individual X? I think he is now in a better and wiser position because not only does he understand that the mental health condition is being overlaid with alcohol, now he can take a step back and say, Wait a minute, let me examine and deal with this individual differently. Because the discernment in the five minutes or six minutes has now changed because the information is different. That is the intent of this bill.

Chair Miller:

In these cases where we know officers are not acting appropriately or are acting on other bias or acting on other things, will this impact that?

Senator Neal:

I think it will impact that. One thing we have heard consistently is that lack of information or failure to have information is a very key component in how a stop or encounter is handled. The more information you have, the better decision-making a peace officer will be able to engage in. I have friends who live in my district, on Cheyenne Avenue—it is the hidden stories of peace officers that we do not see. A person was by City View Park, he climbed a light pole, and was hanging from the light pole. Two officers came. He is clearly out of his mind. An officer pulls up in a second vehicle, jumps on the hood of his car, reaches and leaps to hold this person because this person is then dropping down off of the light post. Not

only did this scenario keep the person from dying, but once they had possession of the individual, they could pat him down and see what other identification is on this person. Now, they would have been able to find out this person has an underlying mental health condition and let us talk about this. Yes, he is probably going to be detained, but now the officers can think about what other services they may need to engage in versus just sending him to jail. He might have needed to go to University Medical Center of Southern Nevada because he could have been having a mental health episode.

Now, mind you, the bill from 2007 was in play, but the numbers and the codes were not being used. I am erring on the side that the more information that can be had about our citizens and a condition they are encountering, the better off they are going to be, and everyone else who encounters this individual. Now you have a little bit more knowledge than you did other than looking at somebody just on face value.

Chair Miller:

I appreciate that. It is just I know these interactions are happening at warp speed. Our thinking and our consideration changes during adrenaline.

Assemblywoman Hansen:

You have sold me on the idea of the symbol. I am quite impressed, not that it will be the symbol, but I can see logically speaking that this could be a big help. I have encountered, with my young children, somebody on the side of the road and trying to find his ID. He had fallen in a ditch, and to see a symbol would even trigger something for the public to know that perhaps there is a situation. We are not familiar with the six-digit code. As I fumbled through this guy's personal belongings, if there had been a symbol there, I would have maybe known that indeed there was a medical condition. I can see the need for this.

My question is about section 2. I had no idea about this sort of situation. It leads me to think, you are putting it in NRS Chapter 289, which deals specifically with peace officers. I am thinking about the public in general using this kind of weaponization of intellectual property to inhibit things. For instance, I had a situation in one of the schools in my district where a 210-pound 10-year-old was beating up his younger brother on a school bus. It was captured by the camera. The school principal came on and was assaulted 150 times during this interaction; it was all captured on the camera. What if students did something like this, if this becomes something that is more known, and maybe it is where private citizens tried to impede information, viral videos that might betray a certain situation? I am thinking about maybe there is a peaceful protest somewhere, and the counter side to that protest would then maybe try to interrupt a live video feed they are doing on Facebook and overlay it with intellectual property. I am just curious that perhaps maybe this is something in general. I know we are getting into free speech and it gets very complicated, but rather than just peace officers, maybe there is an issue at large.

Senator Neal:

I think that is a good point. I wanted to make sure this was narrowly tailored to just this issue, but I will let Mr. Green answer and add on because this is his bailiwick. I get what you are saying, but I do not know. I will let him address that because I think that opens it up to a wider space when we are talking about when we have fights on the school campus. We are talking about the copyright infringement and the layers of administration that goes through. When we talk about children, they are not consenting adults. I think that puts in another layer of what is consent, what is knowledge, what is understanding that they engaged in copyright infringement, which is a very complex area of law; also, whether the school districts themselves in their administrative capacity have a role and duty to stop that behavior. What does that mean in the identification within a school setting to manufacture that policy, prevent it, and enforce it?

I think it opens up the door for a lot of other conversations when we talk about the relationship to the adults who are the parent of the child and what we get into when we start with consent, parental consent, and a minor's consent. I think that it opens up several other areas that might not be controllable in this particular bill. It is a larger conversation that would need a lot more research to examine all of the unintended consequences of it.

Caleb Green:

I agree with what Senator Neal mentioned. I would only add and underscore the fact that we wanted to narrowly tailor this bill. The scenario that you suggested, that hypothetical, could happen. I do agree that we would have to do more digging if we are going to expand this out to the public in general. One big issue is that we do not want to get into preemption. The Copyright Act is a federal law. We wanted to present something to you that would not preempt the federal law, but we wanted to try to carve out and see what the state Legislature can do. What bills can we actually present that will not face a federal preemption challenge? That is a very fair observation and concern that you raise, but I think we need to do some more digging to make sure expanding the bill or bringing some form of legislation that would apply to just the public in general would not encroach and deal with some kind of preemption with the Copyright Act.

Chair Miller:

I would like to ask about section 2, subsection 1(b)(3). Will you give us an example of that? It is basically saying with the copyright that peace officers cannot exercise or use this unless they are undercover or basically off duty, but as necessary to ensure the safety of the peace officer. Will you give us a quick example of what you believe that would look like?

Caleb Green:

That was kind of a catchall. We wanted to ensure it rolls into being undercover. There could be scenarios where a police officer—I would use the undercover example, it is more of a catchall—is undercover and they need to play some music, and they may be recorded at the time. We did not want that impeding, we want to make this clear. This is a narrower area that we are trying to address, which is when they become aware they are being recorded, they start playing this music. If there is a threat or jeopardy to a police officer's life, I do not have

a specific scenario, but it is something that we were cautious of, especially in our conversations with law enforcement. I do not have a specific example for you, but the idea there was more of a catchall.

Senator Neal:

I believe this was part of the amendment in working with peace officers who came and said, What if we are on the playground? What if there is an incident where you could have your phone on, music is playing, and you are encountered with a stop that has turned into a violent situation? What am I supposed to do? This would be the elimination of saying that, if it was necessary to ensure your safety, you are now exempt. There could be scenarios where this situation turns deadly, or it changes quickly, and there is music playing.

Chair Miller:

Okay. Thank you. That clarifies it. If the police officer is being attacked or worse and this is to prevent. That does clear that up because we know the nature of the public when they like to see certain things that other people would not have a taste for. To support Assemblywoman Hansen, I wish we could get the kids to stop posting stuff like school fights, school violence, school attacks, and school anything.

Assemblywoman Marzola:

Senator Neal, I just wanted to confirm that all of your amendments have been included in this first reprint.

Senator Neal:

It is my understanding that all of the amendments we accepted and adopted were included. If there is an amendment that is not in here and it passed the Senate floor and no one drew attention to it, I was not made aware of it. When I read the reprint and the amendment on the floor, it looked and appeared to have exactly the language that we adopted.

Assemblyman Yurek:

As I was listening to the questions in your testimony earlier on section 4 dealing with the symbol, I was reminded of an incident I encountered as a law enforcement officer. This would have been super helpful. I encountered an individual who gave me every indication that he was under the influence and driving—all of his mannerisms, behaviors. There was even a sweet odor about him that I was convinced was alcohol. I took him to jail because he failed all of his field sobriety tests, but blew a zero. We then got medical there and realized he was in diabetic shock. This would have been an amazing tool to help me.

I would like to clarify and get on the record to assist, and maybe provide some clarification here. You are not offering this symbol as a get-out-of-jail-free card to people. It is intended to give well-meaning, well-intended officers the information they need to make the best possible decision on the scene. I think it is under section 4, subsection 2(c), and this is the point of my question. As law enforcement officers, we did not always have the opportunity—somebody might not have their ID on them. Perhaps the encounter at this stage did not give me the opportunity to see their ID. As I understand section 4, subsection 2(c), it

would require DMV to have in the computer system that indication. A good dispatcher typically runs that information, and an officer who is out on the scene encountering an individual could be tipped off by the dispatcher. We have codes for that; the dispatcher could give a code to indicate and help these officers make good decisions. Can you clarify that is the intent?

Senator Neal:

That is correct, because it does not make sense to have the symbol and then you cannot pull the record. It is also my intent to add information to the stop. It is not a get-out-of-jail-free card. I would never write legislation that does that. I want to allow for more information to be available when there is an encounter.

Assemblywoman Summers-Armstrong:

I have two things, if I may. Assemblyman Yurek just gave me a thought. I was going to ask you, is this information available on the phone of a police person when they are responding? He mentioned a good dispatcher would be able to also indicate some of this information. Barring a good dispatcher, is this information available on a police person's phone if they are responding to a situation? Also, we know that a lot of the incidents that we have seen, George Floyd to be exact, the police person was not working in good behavior. Those folks have been prosecuted. If a police officer runs into someone who says they cannot breathe and this law is in place and help is not called immediately, what would be the consequences for the police officer?

Senator Neal:

The existing law does not have a consequence. At the end of the day if a peace officer does not follow the existing law under NRS 193.305, which is to prevent the restriction of an airway, prevent the restriction of their ability to breathe, ultimately, we may have a situation that is not the one that we desire. I have not put in this bill anything that penalizes an officer for failing to call for medical aid. I think there are a couple of points here. I think a lot of officers intend to do the right thing. I think there are some officers who fail to do the right thing. The bill speaks to what should happen for the officers who are intending to keep a citizen alive. I do not think most officers, when a person is saying that their airway is constricted or they cannot breathe, will continue to further exacerbate the situation.

Have we seen dangerous situations in this nation? Yes. Have we seen way too many stories? Absolutely. I stopped myself from putting in a punishment because the question is, what is the punishment? People have claimed that there is a citizen review board that should examine this. There are also internal reviews through internal affairs (IA) in the police department to determine whether a stop was appropriate or inappropriate or whether they fell outside of the scope of the policy. In this regard, this would then become a part of the police policy, which would determine, I believe, in an IA review—I will let the police or whoever wants to come and counter it—to determine, did they fall out of the policy? I think that has been the check, and that is the only check that I put in this bill.

The first question you asked, about the phone, I have friends who are peace officers, and when I see them, their computer is sitting right there in the car. When the officer tells the dispatcher such and such stop is coming, this information rolls onto the screen, giving them location, who they may encounter, and what kind of scenario they could be driving into. That is the only time there is information from the dispatcher, because someone has called. When the officer is on the scene, they are able to further identify and figure out what is going on. I have never seen them get on the phone, although they have a phone. I do not know if this information is correct. They would call the dispatcher. They could engage witnesses, but their phone is used, once they get on the site, if there is a need beyond the radio, to say, I am here; this is the scenario I have backup; we are trying to discern this situation. If they get on the phone, I have not seen it. Maybe Assemblyman Yurek can explain that, but I have only seen them get on their radio, look at their computer, and then try to gather information from what they understood when they got on the scene. I am not a cop; that is not my job. I have just seen what they have done over and over again.

Chair Miller:

I think Assemblywoman Summers-Armstrong was getting to the technological ability. Do we have the ability on a cell phone? Again, we know not every instance if an officer is near their car or near that laptop to pull up a record. Would there be the capability to pull up that same information on a phone as you would if you were on a laptop? I see the police are shaking their heads and talking behind papers. Ms. Schmidt, if you would like to come up and offer some information. We appreciate the fact that there are many scenarios, countless scenarios where the officer is not near his laptop or near his car but needs to know information. I think we all believe that we are living in a day and age where there is not much I cannot do on my phone. The ability for a police officer to run that same information on an app on a phone, not their personal phone but an issued phone—could you respond to that?

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

We at Las Vegas Metropolitan Police Department are issued iPhones by our agency. We do not use them in that capacity for a number of reasons. One is an officer safety issue. One is the radio is our connection. It is true that when we are responding, if we run a plate, if we make a car stop, it is possible that information would come up on one of our screens. We function off of one screen. It is very small; the font is small, but yes, we have information, as Senator Neal said, that would explain the stop, the location, if it was called in by a citizen, and what we think we are coming into. In addition, if a license plate was run, the information on who the registered owner is would come up. Potentially, yes, if we had that symbol that was put in by DMV, that information would come up depending on the timing of how quickly all of this unfolded. The officer may or may not see that on their screen, but they would not utilize a phone, whether it was personal or a work phone. We do not have that capacity; that would be more the dispatcher who could potentially see that and give us that extra information.

Chair Miller:

I am appreciating situations where an officer may be chasing, or running, not a traffic incident, and not being able to—I guess it does not matter, it would be the same with the phone, although there is no way to consider all the different scenarios. I do not see any additional questions from members. I will open it up for testimony and will start in Carson City. Is there anyone who would like to testify in support of Senate Bill 362 (1st Reprint)?

Christopher M. Ries, Detective, Las Vegas Metropolitan Police Department:

We are in support of S.B. 362 (R1). Las Vegas Metropolitan Police Department's use of force policy can be viewed online on our department's website as well as our five-year use of force report. Our policy is clear on summoning medical attention whenever an officer applies the use of force to include "a use of force option upon a subject that results in either observable signs or complaints of injury or difficulty breathing." We also recognize the importance of continuing to monitor the subject and update medical personnel with any changes in the subject's condition. Persons who have a prolonged struggle with an officer are at an increased risk of medical distress, and we will proactively request medical attention even if the person does not ask for it or advise us of their difficulty breathing. Even more, we will place a person in the recovery or seated position once it is safe to do so. We greatly appreciate Senator Neal and Mr. Green's efforts on this legislation and are in support of Senate Bill 362 (1st Reprint).

Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:

I am testifying in support this morning. I think this is one issue where both sides really come together because more information makes everyone safer. I operate in this world with a lot of privilege when I am driving especially, but I know the way I feel when I get pulled over and see those lights go on in my rear-view mirror, not that it happens very often. If you have a medical condition, this is also a way for someone to communicate, to know that they are able to communicate that information to a police officer in addition to that police officer having that information. This cannot address every possible scenario that will come up inevitably in police interactions, but it will ensure that, inevitably, when there are those interactions, all parties are able to both communicate and have as much information as they can have.

As far as the copyright issue, I think this is an opportunity for Nevada to be a leader. I think it is good that we have not had documented incidents of this, but we want to ensure that, as this becomes more widespread, Nevada says that our law enforcement is not going to engage in this activity.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

I think this is a good bill. I thank Senator Neal and Mr. Green for working on this bill. I do wish section 2, the copyright section, would have been put into law rather than policy, but we still support the bill, nonetheless.

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

We would first like to say thanks to Senator Neal and Mr. Green for their time on hearing our concerns with section 2 and offering the amended language that we support. We now support the entire bill. Specifically, we support section 1; rendering medical aid is common practice and operating policy of the Henderson Police Department. The department's current policies on transporting arrests, tactical incident response, and use of force all have medical aid components. The City of Henderson is supportive of S.B. 362 (R1).

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

We are in support of Senate Bill 362 (R1) and, tagging on to Detective Ries, Washoe County also has policies for duty to render aid and duty to intercede. Oftentimes we request medical calls for service as well as traffic stops. I agree with Ms. Roth that any additional factor we have in communication is always best.

Chair Miller:

Is there anyone else here in Carson City who would like to testify in support? I am not going to Las Vegas because it has been confirmed, there is no one in the room to physically testify. Is there anyone on the phone?

Tonja Brown, Private Citizen, Carson City, Nevada:

Advocates for the Inmates and the Innocent is in support of this bill. I would like to see under section 4—

Chair Miller:

Ms. Brown, remember the rules of the Committee are that you have to support it in its entirety.

Tonja Brown:

I am in support with this bill. Absolutely. I just want to say that just because a person has an issue, it is not always recognizable. Having section 4 is great. I believe it will possibly save people's lives, and interactions with officers such as that. I would like to talk to the sponsor because I think there are some issues—

Chair Miller:

I think it is an excellent idea to reach out to the sponsor. I do not want to move you to neutral or opposition.

Tonja Brown:

I am definitely in support of this.

Chair Miller:

Great, then reach out to Senator Neal, and she will be happy to hear your additional thoughts. That way I can leave you in support.

Tonja Brown:

Yes, we are in strong support of this bill. I think it is going to be a good bill. It is going to help a lot of people in the future, particularly those who are in custody. You have heard Ms. Grant over the years talk about issues with Washoe County, and I think this will possibly cut down future deaths.

Daniel Purdy, Private Citizen, Rockland, Massachusetts:

I am the brother of Thomas Purdy who was murdered by Reno Police Department and Washoe County Sheriff's Office; he was hogtied and asphyxiated to death. I am calling in support of S.B. 362 (R1). Had it been in place in 2015 and had the police chosen to follow it, my brother would be alive today. Though there should not be a need to have a law, it is called common sense, compassion, and humanity. But police chose to ignore all that with my brother.

I would like to speak on the copyright portion of the bill. I can personally attest to the ugly tactics of officers using copyright material to stifle community members. My sister and I fly out every year in protest at the Washoe County jail. In the summer of 2022, my sister was filming a deputy as he entered the front of the building. He immediately turned his phone music on blasting the song at my sister filming in hopes that when she posted it on social media, it would be removed from social media due to copyright. Bad acts do occur in your state, and it is disingenuous to pretend it does not happen, just like you refuse to acknowledge the inhumane, unconstitutional actions at the Washoe County jail are and have been occurring.

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

We are in support of Senate Bill 362 (1st Reprint). I would like to thank Senator Neal for bringing this bill forward. We also strongly believe that a symbol on the DMV identification card is a positive step in helping law enforcement quickly identify the presence of a medical condition. We would also like to thank Mr. Green for the discussion. I am not sure if this was brought up in the presentation, but he was kind enough to offer his expertise in providing us with some policy language which we plan on circulating through Nevada Sheriffs' and Chiefs' Association to provide consistency for law enforcement throughout Nevada.

Matthew Wilkie, Private Citizen, Carson City, Nevada:

I fully support Senate Bill 362 (1st Reprint), that we require peace officers to ensure medical aid is provided to those who indicate they cannot breathe. Sorry, I am a little short of breath myself. Time and time again, we have seen tragic incidents where individuals have died due to lack of timely medical attention. This bill would help prevent such needless deaths. I ditto the support of Mr. Purdy and thank you for your time.

Annemarie Grant, Private Citizen, Quincy Massachusetts:

I am calling in support of S.B. 362 (R1). I thank the sponsor and remind the Committee that policy is not law. Had this bill been codified into law in 2015, my brother would hopefully be alive today. Sadly, it certainly was not the policy or practice at the Washoe County jail in

2015 to get medical attention for someone who indicates he cannot breathe. I say this because Thomas was one of three men asphyxiated by Washoe deputies within a year.

Chair Miller:

Ms. Grant, I need you to speak specifically to the bill.

Annemarie Grant:

The bill is about people who cannot breathe, and none of the deputies themselves attempted to render medical aid to my brother once his heart stopped when four deputies got on his back, neck, and legs while he was still hogtied going on 40 minutes. He had pleaded and begged for decency from the deputies for an ambulance and told them he could not breathe. They thought it was objectionably reasonable to smother my brother, and not one of the multiple deputies intervened. They had all the lifesaving equipment; they willfully chose not to use it. They were all gung ho to go hands-on, but not one attempted CPR in the ten minutes they all stood around Thomas lying there having been asphyxiated to death.

Please support this bill because there is no consequence for them; those who act maliciously and end a life need a consequence. It is called prison. I remember so vividly walking into the intensive care unit to see my brother laying lifeless in a hospital bed connected to all kinds of machines and wires keeping his heart pumping. I remember becoming physically ill at the condition my brother was in: contusions on his head, arms, legs, and hands; unrecognizable to me due to the swelling from the handcuffs that had been placed on him and connected to his legs like a wild animal instead of a human being in a medical crisis. I remember seeing my dad crying, worst of all questioning what he had done wrong for this to happen, when in actuality, those who claim to protect us were to blame. The guilt and grief each and every one of my family carries because we could not save Thomas from law enforcement. Too many other families in Nevada—

Chair Miller:

Thank you, Ms. Grant. Can you wrap up your testimony, please?

Annemarie Grant:

That is okay, you can cut me off.

Chair Miller:

Thank you for your testimony. Is there anyone else on the phone wishing to testify in support? Hearing no one, I will open it up for testimony in opposition to S.B. 362 (R1), starting in Carson City. Not seeing anyone, is there anyone on the phone?

Catherine Nielsen, Executive Director, Nevada Governor's Council on Developmental Disabilities:

I am speaking today both as a constituent and in my professional role. First as a constituent, both my husband and I have epilepsy. After a seizure, it is very likely that we will get aggressive, be unsteady on our feet, may try to run, may try to fight. To others, it may appear

that we are under the influence of something. I wear a seatbelt cover that states I have epilepsy and may have a seizure. We both already have on our driver's licenses that we have epilepsy. I do not believe officers truly look at this prior to interaction with the public.

I am torn because as of right now, this designation would be voluntary. However, there are certain medical conditions that do not have voluntary reporting needs such as my own, such as epilepsy, and other things such as visual impairments. This reporting is mandatory for medical providers to report an individual who has a cognitive or medically impairing disability to the DMV. It is only a short step before it is mandatory to report all medical conditions that could impair a person's ability to communicate even if it does not appear to impair their cognitive abilities, thus making this a non-voluntary measure.

The intent behind this bill is to decrease negative interactions with police and first responders, but to also allow the individual the right to disclose their disability or medical condition to the people they choose by placing a symbol or other indicator of a medical condition on a driver's license. Concerns arise about the unintentional discrimination that may take place. Equal access to services and supports is really the end goal in ensuring safety.

In Nevada, businesses have a right to refuse service to anyone. By placing a label or a symbol in plain sight, this patron's protected health information is no longer protected. Should a business owner choose to refuse service to that individual, they can and they will. We also want you to consider employment. It is not mandatory that we disclose our disability or medical condition, but many employers require a driver's license when you apply for some sort of employment. Therefore, you are then requiring this individual to disclose information that is placed on their driver's license that may otherwise be protected. We ask you to consider this as you move forward on this legislation.

Chair Miller:

Is there anyone else on the phone in opposition? Hearing no one, is there anyone in Carson City who would like to testify neutral on S.B. 362 (R1)? Not seeing anyone, is there anyone on the phone? Hearing no one, I will welcome Senator Neal back up for any final remarks.

Senator Neal:

I want to make mention that the bill is voluntary. I am not mandating anyone to do anything. You choose to disclose your private health or mental information; that will be your sole choice to allow that information to be on your driver's license, ID, or permit. I want to thank the Assembly Committee on Judiciary for your thoughtful questions. I think there was good dialogue and hopefully in your wisdom, you see the need to pass S.B. 362 (R1), and I seek your support to make this policy part of the NRS in Nevada.

Chair Miller:

Thank you, Senator Neal. I will go ahead and close the hearing on S.B. 362 (R1). The second bill we will hear this morning is Senate Bill 321 (1st Reprint). This bill is sponsored and presented by Senator Krasner. Senator, your hearing is officially open. Please proceed when you are ready.

Senate Bill 321 (1st Reprint): Revises provisions relating to crimes. (BDR 14-550)

Senator Lisa Krasner, Senate District No. 16:

I appreciate the opportunity to present Senate Bill 321 (1st Reprint), which expands protections for survivors of sexual assault in relation to DNA evidence that is gathered from a victim's rape kit or part of an investigation of a sexual assault. I want to make sure that each of you has this article. [Article was not provided as an exhibit.] Sadly, many rapes and other forms of sexual assault go unreported. It is estimated that only one-fourth of all rapes in the United States are reported. When I first gave this presentation, I said one-third, and I was corrected. I was informed that it is even lower than that, that are thought to be reported to law enforcement. There are various reasons for this, including fear of reprisal by the offender, fear of not being believed, fear of being blamed or victim shamed, fear of having to relive the trauma of a rape in court; and the list goes on.

Another reason that a victim may not come forward to report a sexual assault is fear of what their personal DNA from their sexual assault investigation or rape kit will be used for without their knowledge or consent. It is the fear of having one's personal DNA information shared by law enforcement with another agency or another entity once it is stored in a laboratory or database that is created when a victim reports a sexual assault.

According to the Federal Bureau of Investigation, in 2019 Nevada ranked fifth in the nation in reported rapes per capita. Since 2019, we have seen a small but steady decline in reported rapes in our state. For example, according to Nevada Crime Statistics, Department of Public Safety, in 2021 there were 1,884 rapes reported to law enforcement. Over the past five years, Nevada has seen a decrease in reported rapes. We have to wonder if that just means that victim-survivors are choosing not to come forward and report the rape to law enforcement. I want to mention one other statistic that is especially troubling. In 2022, the clearance rate for reported rapes in Nevada was just under 20 percent. That means that only one in five rapes reported in Nevada resulted in an arrest.

We have to do better; and collecting and properly processing sexual assault crime evidence and rape kits is vital to that effort. We must do everything we can to help victims feel safe in coming forward and reporting rape. I believe the way to move us in that direction is to guarantee a rape victim-survivor that their DNA will not be used for any other purpose except to solve the crime or apprehend the perpetrator; and that their DNA will be safely stored and not shared unless that sharing assists in arresting the perpetrator of their assault.

I will now go through some of the sections of the bill. Section 3 provides that unless it is required by state or federal law, no law enforcement agency or forensic laboratory will store a survivor's DNA profile in any database that allows for the storage or exchange of such records. This includes but is not limited to the State DNA Database, the Combined DNA Index System (CODIS), and any other similar database. Nor may a law enforcement agency share or disclose to any other agency or entity a survivor's DNA profile or other forensic evidence, identifying the survivor except pursuant to a court order or if sharing this information is necessary to identify or prosecute the perpetrator of the survivor's sexual assault or for discovery purposes.

Section 6 expands the rights of the survivor by prohibiting an agency from using the DNA forensic evidence taken from the survivor of sexual assault and the rape kit to prosecute the survivor for any crime, or for any other purpose not directly related to the sexual assault of the survivor unless doing so is required by state or federal law.

Finally, section 7 of the bill provides that to the extent money is available, the Central Repository for Nevada Records of Criminal History, the State DNA Database, and each forensic laboratory will conduct an audit of the DNA information they store or maintain to analyze their compliance with current state law on preservation of such evidence and identify the number of DNA profiles that should have been collected in the year 2021 but were not.

I do have a tiny amendment to section 6 of the bill that I would like to read to you. [Amendment was not provided as an exhibit.] Section 6 should read as follows: *Nevada Revised Statutes* (NRS) 178A.260 is hereby amended to read as follows: A law enforcement agency shall not use any biological evidence obtained from a sexual assault investigation or a rape kit of a survivor to prosecute the survivor for any crime. Section 6, subsections 2 and 3 remain the same. This concludes my discussion of S.B. 321 (R1). I would like to thank the people who worked with me on creating this bill language: Washoe County Sheriff's Office, Las Vegas Metropolitan Police Department, the Nevada District Attorneys Association, the Washoe and Clark County Public Defender's Office, the Nevada Coalition to End Sexual and Domestic Violence, and the American Civil Liberties Union (ACLU), as well as all of the other people who helped me with this bill and who will testify in support today.

We have a solemn responsibility to do everything we can to protect victims and ensure that sexual assault victims feel safe coming forward to report sexual assault. A sexual assault victim's DNA should only be used for two purposes: to solve the crime and to apprehend the perpetrator. I hope you will join me in supporting S.B. 321 (R1). I would now like to introduce Ms. Evans from the Nevada Coalition to End Sexual and Domestic Violence.

Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence: Nevada Coalition to End Domestic and Sexual Violence represents 13 programs statewide, all of which serve victim-survivors of domestic and sexual violence. They, as well as we, are in strong support of this bill. We want to thank Senator Krasner for bringing this legislation forward. You all have that article in front of you about the case out of San Francisco, and we know it is horrendous, and we fear that this story making national headlines will have a

chilling effect on victim-survivors nationwide. [Article was not provided as an exhibit.] Enduring a sexual assault is extremely painful and we need a process that does not further traumatize or alienate victim-survivors. When a victim-survivor consents to receiving a sexual assault forensic exam, also referred to as a Sexual Assault Nurse Examiner (SANE) exam, they do so under the trust and belief that their DNA will be used to seek justice in their case and other sexual assault crimes. Any other use of evidence collected from a survivor's body goes against the spirit and intent of the Sexual Assault Survivors' Bill of Rights.

We know that sexual assault is one of the most underreported crimes. If a victim-survivor is fearful that their DNA will be used for other purposes, they may be dissuaded from reporting or receiving a SANE exam altogether. This piece of legislation is important not only for ensuring that victim-survivors feel safe to come forward and report, but that they have access to receive a SANE exam, which offers so much more than just evidence collection. It allows the victim-survivor to receive prophylactic medications, emergency contraception, sexually transmitted infections testing, and connections to critical resources and follow-up care. Fear of their DNA being used elsewhere or their lack of privacy may leave victim-survivors without the necessary care they need. All victims of sexual assault should feel safe in pursuing justice and that their privacy and autonomy are protected. Healing is about restoring power and agency after it has been taken away during an assault. This bill will do just that.

Senator Krasner:

I am happy to answer any questions the Committee may have.

Chair Miller:

Besides the humanity and sensitivity of this issue, it is also a Fourth Amendment issue. Even if you cannot extend yourself to the humanity and the sensitivity, it is a strong constitutional issue, and I thank you for that. Our first question will be from Assemblywoman Cohen.

Assemblywoman Cohen:

I am not even exactly sure how to ask the question I want to ask because it is technical. I want to make sure I am understanding the sharing of the DNA evidence. I certainly do not want to see the victim's DNA used against them in a possible prosecution. I want to make that very clear, but I want to make sure that because the DNA evidence is not just on the victim, it is also on the perpetrator. Also, we know that victims of one rape are often victims of multiple rapes by different perpetrators. I want to make sure this is not missing out on an opportunity to have that data so that it can be used in a different prosecution, because we are not utilizing it. Can you address that please?

Serena Evans:

I do not know if I am the right person to address that. I know Senator Krasner has been working with the folks who run CODIS. I do not know if they are here today, but we can follow up offline because they have the really technical understanding of how that separation and logging works.

Senator Krasner:

Mr. Gresko with the Washoe County Sheriff's Office is here. He may be able to answer you.

Stephen Gresko, Supervising Criminalist, State CODIS Administrator, Forensic Science Division, Washoe County Sheriff's Office:

I manage the CODIS database. To answer your question, the rules of CODIS searching forbid us from putting victim profiles into the database. The scenario that you brought up, where you have a victim who has been sexually assaulted by multiple different assailants, there would be no way for CODIS to connect that she was this specific victim. Law enforcement would obviously be aware of that, but CODIS would be looking for the perpetrators, not for the victim, and trying to associate a victim with multiple incidents. It is only looking for the suspect who committed the crime.

Assemblywoman Cohen:

You were very clear, but I want to make sure I understand. With CODIS, it is just the perpetrator's DNA, not the victim's DNA?

Steve Gresko:

That is correct.

Assemblywoman Hansen:

In section 6, subsection 3, I am wondering about this caveat. It says you are not allowed to use this information "For any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor, unless such action is otherwise required by state or federal law." Maybe I am just reading it wrong, because I have a lay mind, I am not an attorney. I was thinking we are trying to not let information be used for other purposes, so what does that mean?

Senator Krasner:

I had the Nevada District Attorneys Association and law enforcement work together with me on this. I am going to ask Mr. Jones to come up and answer this question.

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:

In terms of what actions would be required by state or federal law, I actually do not have the answer to that question. It is our intent not to use any victim's DNA for purposes of any other prosecution against the survivor.

Assemblywoman Hansen:

I appreciate that; this might have caught all of us off guard. I am trying to clarify because in my mind, the very thing we are trying to avoid seems like it has been captured in that little section. Maybe our Legal counsel could follow up and try to get some understanding of why we need that caveat in there?

Senator Krasner:

Thank you for bringing that up. Your recommendation would be, on section 6, subsection 3, to strike everything after the comma; to strike the words "unless such action is otherwise required by state or federal law." Is that correct?

Assemblywoman Hansen:

Yes. Except there could be a circumstance that I am not seeing, and there could be a very good reason for that. I guess I would want an explanation before we strike it. Maybe there is some sort of use for this DNA that is a good thing, not to be used against the victim in another crime, but maybe that DNA being there is used for something that is very helpful to law enforcement and crime.

Senator Krasner:

Good news, because Mr. Jones said, yes, he agrees that we can strike, in section 6, subsection 3, everything after the comma. We can strike the words "unless such action as otherwise required by state or federal law." That will be part of the amendment. Thank you very much for caring about victims.

Chair Miller:

Regarding the amendment, I would like to remind you that before we can consider the amendment, even the one you mentioned before, we need it submitted to the Committee. I mention that because it sounds like you are considering additional amendments right now. For everyone's sake, when we are presenting our bills, the questions and suggestions do lead us to start thinking of adjustments and amendments. I just want to clarify, are you saying that you believe there are other good reasons to use this DNA?

Senator Krasner:

No, I am not saying that. As I always do, my bills are bipartisan, and I like to work together with all stakeholders regardless of their political party affiliation, regardless if it is the Nevada District Attorneys Association, the public defenders, the law enforcement, or the ACLU. Everybody was brought in. Everybody was invited to offer any suggestions or amendments. That is how this bill was compiled, because I think the best law is created when you accept ideas from everyone who feels they have an idea or information or is a stakeholder.

Chair Miller:

I appreciate that. I am just trying to get clarity on whether that amendment or possible amendment that you just mentioned would include using DNA for anything other than.

Senator Krasner:

No. Again, sometimes when a bill is amended, it is not exactly what you intended; it may capture 99 percent of what you intended, but there might be something that is just a tiny bit different. Section 6, including that the sexual assault investigation as well as the rape kit, that should be there as I mentioned. If Assemblywoman Hansen would like, I am happy to

take that out because Mr. Jones said that it is fine to remove the words "unless such action is otherwise required by state or federal law." I will submit that in writing immediately after the hearing.

Chair Miller:

I need clarification from Mr. Jones then. What are these other purposes that are not related directly to the investigation?

John Jones:

We are striking it because we are not aware of any. Section 6, subsection 3 would basically just ban the use of the evidence for any purpose not related to the sexual assault prosecution.

Assemblywoman Hardy:

Thank you for your work to support victims. I, too, appreciate legislation that helps those individuals. In the article that you gave us, it says, specifically in California, unrelated investigations could be violating California's crime victims' bill of rights. Nevada also has the Sexual Assault Survivors' Bill of Rights that says they have the right to not have forensic evidence from a sexual assault used for other prosecutions and such. Since we already have that bill of rights, is this ensuring that it cannot be used or adding to those rights and protections they already have?

Senator Krasner:

Yes. That is exactly right. It adds to the Nevada Sexual Assault Survivors' Bill of Rights. It adds more protections for the victim, and it says they cannot be prosecuted for any crime based on the DNA from their sexual assault investigation or the DNA from the rape kit.

Serena Evans:

The existing Sexual Assault Survivors' Bill of Rights says that the forensic evidence cannot be used for the prosecution of a misdemeanor or any crime relating to controlled substance. This proposed bill will take it a step further; the forensic evidence cannot be used for the prosecution of any crime.

Senator Krasner:

The rationale is because this is their DNA. This is the most personal thing any of us have. This is your individual identifying marker. Chair Miller brought it up; there is an old book; it is called the *Constitution of the United States*. Some of you might have seen it or read it, but there is the Fourth Amendment. The Fourth Amendment guarantees the right to privacy, and what is more private than your DNA? Nothing. Nothing is more private than our DNA.

Chair Miller:

I will now open it for testimony in support of Senate Bill 321 (1st Reprint). Is there anyone in Carson City who would like to testify in support?

Yolanda Knaak, Private Citizen, Incline Village, Nevada:

I appreciate Senator Krasner bringing this bill forward. I think that when a person has been raped, this is really sensitive, and it is very difficult to come forward. I think this will make some improvement. Also, I am a big believer in our constitutional rights, and I agree with Chair Miller that it brings the current practice in compliance with our Fourth Amendment rights.

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office:

We would like to thank Senator Krasner and all the people who worked on this bill to bring it forward. We are in support of this bill. It protects survivors from having their DNA used against them, which I applaud Senator Krasner for bringing that. When you report a crime as sensitive as this, you should never have to worry that something is going to happen with your DNA thereafter. Also, it does not interfere with our criminal discovery. Senator Krasner went out of her way to make sure to protect that, as did the district attorneys. We are in strong support of this bill.

Erica Roth, Government Affairs Liaison, Deputy Public Defender, Washoe County Public Defender's Office:

I will just echo the sentiments of my colleague from the south.

Steve Gresko:

I want to take an opportunity to answer the question that was posed earlier. There is one good reason to use the victim's DNA. It would be to identify them in the case that they ever become a missing person. I would not say frequently, but occasionally, it does happen that the victim in the case becomes a missing person and there is no DNA reference sample to identify them. If we find out they were a part of a sexual assault, the only opportunity to identify them is through that DNA profile that was collected during their sexual assault case. That would be one legitimate purpose for using the DNA profile that has nothing to do with prosecution, but it would be to identify them. The Forensic Science Division of the Washoe County Sheriff's Office is in support of this.

John Jones:

I am in support of S.B. 321 (R1). I want to thank Senator Krasner and all the other members of the working group for working with us on this bill, and we are here in support.

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

I want to thank Senator Krasner for working with us on this legislation, and we are in support of S.B. 321 (R1). To be clear, Metro does not put DNA samples of known victims into CODIS. We appreciate codifying this into statute and the work that Senator Krasner has put into this issue. We support S.B. 321 (R1).

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

I am testifying in support of Senate Bill 321 (1st Reprint) on behalf of the Washoe County Sheriff's Office. I would like to thank Senator Krasner as well as Washoe County Crime Lab Director, Steve Johnson, and CODIS Administrator, Mr. Gresko, for their scientific expertise in ensuring that we get the language correct.

Barry Cole, Private Citizen, Reno, Nevada:

I, too, am in support of S.B. 321 (R1). Anything to reduce the chilling effect of victim survivorship is a great thing. Sadly, from the perspective of being a psychiatrist and a pain specialist, I would estimate a third of all my patients have, at some point in time, had a sexual assault. It is the number one common denominator. Taking the chill out of this and getting more reporting is necessary.

John Eppolito, Private Citizen, Incline Village, Nevada:

I support S.B. 321 (R1). This bill reminds me of two other things: one, the digital medical records bill that was heard a month or so ago. I am not sure where and I am not sure if that bill died or not. Hopefully it did. The other thing this reminds me of is all the student data collected, stored forever, and shared on all public and public charter school students in the state of Nevada in both Infinite Campus and SANE. The most incriminating data collected, stored, and shared on these kids are the medical and psychiatric data. That data is stored forever, and parents cannot do anything about it. Maybe at some point we can double back and deal with that. I definitely support S.B. 321 (R1).

Janine Hansen, State President, Nevada Families for Freedom:

We support this very reasonable and necessary bill. I think it is important to remember that not only do we have the Fourth Amendment in the *U.S. Constitution*, but in Article 1, Section 18 of the *Constitution of the State of Nevada*, we have almost identical Fourth Amendment language in our own constitution. It is very important for us to support that preservation of privacy. We know every day it is being jeopardized in this building, in the United States Congress, and in many law enforcement agencies. We appreciate the fact that law enforcement got up here in such support of this very reasonable bill. I thank Senator Krasner for bringing it forward. Thank you.

Chair Miller:

Is there anyone else in Carson City who would like to testify in support? Not seeing anyone, is there anyone in Las Vegas? Seeing no one, is there anyone on the phone?

Tonja Brown, Private Citizen, Carson City, Nevada:

We are in support of this bill. In the beginning, we were in opposition, but since you are going to put the amendment in to take out section 6, subsection 3, we are in support. I want to say when I first read that section, the first thing that I thought, I actually had an issue with that part of the bill. I looked at it as a way for law enforcement or district attorneys to circumvent the law to use it against the victim. I will give you an example: If the police or

the district attorney would have information on the victim who was involved in a crime, but they did not have any DNA to tie them to that crime, this would give them an avenue to get the DNA and tie it to that crime. I am glad that it is being removed.

Benjamin Lublin, Private Citizen, Las Vegas, Nevada:

I am born and raised in Las Vegas, Nevada, and I am also here in support of S.B. 321 (R1). Survivors of sexual assault and rape have many things going through their mind, not only dealing with the trauma of being raped and sexually assaulted, but also dealing with the raw guilt of being blamed for what happened. That survivor put her trust in the system. She believed there would be some kind of justice for herself. To use the survivor's DNA against her is the ultimate betrayal. There will be survivors who choose not to have a rape kit processed due to the fact that their own DNA could be used against them years down the road. It is an important step to reassure survivors of sexual assault that the system they put their hopes and trust in will not weaponize their own DNA against them.

I urge the Assembly Committee on Judiciary to pass S.B. 321 (R1) and allow the Assembly to vote on this much-needed bill that helps strengthen survivors' rights. I also want to thank Senator Krasner for bringing the bill forward and appreciate her for all her hard work that she has done for sexual assault and rape survivors.

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

We are in support of Senate Bill 321 (1st Reprint). We would like to thank Senator Krasner for all her work on this bill and also for including us in the discussions.

Nic Ciccone, Legislative Relations Program Manager, Office of the City Manager, City of Reno:

I want to thank Senator Krasner and say ditto and echo the comments from the rest of the callers.

Lisa Lynn Chapman, representing Battle Born Progress:

I am here in support of S.B. 321 (R1). Sexual assault is one of the least-reported crimes. According to the Rape, Abuse & Incest National Network, about 31 percent of all sexual assaults are reported. Additionally, about 6 percent of the reported cases ever go to trial. There are several reasons why someone does not report, including fear of retaliation, fear of not being believed by friends and family, fear that law enforcement will not do anything to help, and fear that they will be arrested for other reasons. In Nevada when somebody reports, they are encouraged to have a sexual assault forensic exam. This means a victim must travel to a location where the exam is given, in some cases more than five hours. The victim must wait until the nurse arrives and then undergo a very invasive exam. After going through all of this, a victim should not have her body used against her, him, or them, and be arrested for previous criminal behavior. Currently, the Sexual Assault Survivors' Bill of Rights prohibits law enforcement from using the results of a sexual assault forensic exam to prosecute a victim for substance abuse or misdemeanors. Senate Bill 321 (1st Reprint) extends this protection to include any crime. I urge you to support and pass S.B. 321 (R1).

Ashley Spence, Founder, DNA Justice Project:

I am in support of S.B. 321 (R1). At 19 years old, I was the victim of a brutal home invasion rape that nearly took my life. He got away and I never saw his face. There were no leads, and the fear was paralyzing. After seven years, I received the shocking news that there was a DNA match to my case. When they arrested him, they found a handful of women's underwear and ID cards from all over the world. Through the power of forensic DNA, he is now in prison for nearly 138 years, unable to harm another person again. I am fortunate; I have justice—but all victims deserve justice.

Specifically, I am here testifying on behalf of the audit of uncollected offender DNA. There has been remarkable work on rape kit reform, and I want to acknowledge Senator Krasner for all of her efforts, and also our partner in support of this bill, Joyful Heart Foundation, leading the way to test, track, and count every rape kit. Yet many victims will continue to have justice withheld because of loopholes in the system. As a country, we are facing a nationwide crisis of uncollected offender DNA samples that are required under state law for inclusion in the DNA database. The Department of Justice estimates between 40,000 to 50,000 samples of uncollected offender DNA profiles per state are missing. These are not just samples; in many cases they are violent, repeat serial offenders free to roam the streets of our communities. These missing DNA samples can be due to ignored court orders, unclear status, and manual and flawed intake systems. Missed collections means missed opportunities to match these offenders to other unsolved crimes in the database. We need to uncover the scale and scope of the problem in each state so we can work to create solutions to shut down the loopholes in the future. When we enhance the DNA database in a just way, we will not only provide justice, but we will exonerate the innocent and prevent victims of tomorrow.

Renee Rezentes, Private Citizen, Reno, Nevada:

I am calling in support of Senator Krasner's bill to protect our privacy for anyone who is a victim of the crime of rape. Also, I definitely acknowledge the amendment in our constitution, our Fourth Amendment.

Matthew Wilkie, Private Citizen, Carson City, Nevada:

I am in full support of Senate Bill 321 (1st Reprint). I want to thank Senator Krasner for bringing this bill forward. This bill is an important step in protecting the privacy and dignity of survivors of sexual assault. By prohibiting law enforcement agencies from using biological evidence obtained from a survivor for purposes other than the investigation or prosecution of the alleged sexual assault and from sharing or disclosing such evidence, this bill ensures that survivors' rights are respected and their personal information is not misused or mishandled. Additionally, by prohibiting the DNA profile in any database that allows for the storage is a crucial safeguard against the potential misuse of this sensitive data. Overall, this bill is a very important step towards ensuring that survivors of sexual assault are treated with respect and dignity throughout the entire legal process.

Dora Martinez, representing Nevada Disability Peer Action Coalition:

We are people with disabilities. We unfortunately are victims too. This is very valuable to our population as well. We thank you so much for all that you do.

[[Exhibit C](#) was submitted in support of Senate Bill 321 (1st Reprint) and is included as an exhibit.]

Chair Miller:

Hearing no other callers, I will open up for testimony in opposition to Senate Bill 321 (R1). Is there anyone in Carson City or Las Vegas who is in opposition? Seeing no one, is there anyone on the phone? Hearing no one, is there anyone in Carson City or Las Vegas who would like to testify in neutral on S.B. 321(R1)? Not seeing anyone, is there anyone on the phone? Hearing no one, would the bill sponsor like to make any closing remarks? Senator Krasner is waiving her final remarks. I will close the hearing on S.B. 321 (R1). Our last order of business today is public comment. Is there anyone in Carson City or Las Vegas who would like to make public comment? Seeing no one, is there anyone on the phone? [Public comment was heard.] I will see everyone at 8 a.m. tomorrow. With that, this meeting is adjourned [at 10:18 a.m.].

RESPECTFULLY SUBMITTED:

Connor Schmitz
Recording Secretary

Nancy Davis
Transcribing Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a compilation of statements submitted by Patricia Moser Morris, et al., in support of Senate Bill 321 (1st Reprint).