# MINUTES OF THE
# SENATE COMMITTEE ON JUDICIARY

## Eighty-second Session
## April 3, 2023

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:07 p.m. on Monday, April 3, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Melanie Scheible, Chair
Senator Dallas Harris, Vice Chair
Senator James Ohrenschall
Senator Marilyn Dondero Loop
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator Jeff Stone

**GUEST LEGISLATORS PRESENT:**

Senator Nicole J. Cannizzaro, Senatorial District No. 6

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst
Karly O'Krent, Counsel
Saha Salahi, Intern to Senator Cannizzaro
Blain Jensen, Committee Secretary

**OTHERS PRESENT:**

Jennifer Noble, Nevada District Attorneys Association
Anna Binder
Susan Proffitt
Brigid Duffy, Assistant District Attorney, Clark County District Attorney's Office

Beth Schmidt, Las Vegas Metropolitan Police Department
John Jones, Jr., Nevada District Attorneys Association
Jason Walker, Washoe County Sheriff's Office
Mike Cathcart, City of Henderson
Pamela DelPorto, Executive Director, Nevada Sheriffs' and Chiefs' Association
Erica Roth, Washoe County Public Defender's Office
John Piro, Clark County Public Defender's Office
Garrett Gordon, Community Association Institute Nevada
Adam Clarkson, Director, Community Association Institute Nevada
Carolyn Glaser, President, Red Rock Country Club Homeowners Association
Mindy Martinez, NFP Insurance
Samantha Sato, Community Association Management Executive Officers

CHAIR SCHEIBLE:
I will open the hearing on Senate Bill (S.B.) 309.

**SENATE BILL 309**: Makes various changes relating to health care. (BDR 15-498)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):
Saha Salahi and I are copresenting Senate Bill 309, which creates the crime of fertility fraud and includes additional provisions relating to that crime. This bill was put together by Saha and other individuals in my office before Session to address an ongoing issue that recently gained media attention. This staff worked diligently to create a good policy for the Legislature, since there have been several high-profile cases of fertility fraud reported in the news over the last several years.

Fertility fraud occurs in the field of assisted reproductive health when fertility doctors inseminate patients with their own sperm without the consent of the patients or when donors' eggs are used without the patients' consent. These are the two most common types of fertility fraud, but there are others. I believe the language of S.B. 309 is meant to address additional circumstances that may present when talking about fertility fraud. The heart or core tenet of what we are trying to address is if a person is seeking fertility treatment in any fashion, as the patient you receive the treatment you are seeking, not misrepresentations made or more nefarious means used as reproductive material that was not consented to by the patient. The State from a policy level is making a statement that when someone is seeking fertility treatment, you get the treatment that you as a patient are looking to receive.

SAHA SALAHI (Intern to Senator Cannizzaro):
The 1991 Nevada Physician of the Year was Dr. Quincy Fortier, a Nevada fertility specialist who had been considered an esteemed member in the field as a commander of the medical reserve unit at Nellis Air Force Base. He had been elected to the Southern Nevada Memorial Hospital Board of Trustees and was instrumental in the growth of the Faith Lutheran Academy. Despite his medical expertise and high regard throughout the medical community, the doctor inseminated his patients with his own sperm without their knowledge nor their consent. Recently, through DNA testing kits, dozens of families concluded that decades ago the doctor violated them during one of the most vulnerable visits to his clinic. Lawyers for Dr. Fortier used the defense that Nevada law does not explicitly say doctors cannot use their semen on their patients to aid in fertility treatments.

In the past few years, Indiana, Iowa, Arizona, Arkansas, Colorado, Kentucky, Utah, Texas and Florida have enacted laws on fertility fraud. As of 2019, doctors who use their reproductive material to inseminate patients in Texas are charged with sexual assault and face a felony charge in the second degree. In March 2021, Utah decided the use of a doctor's reproductive material without the patient's consent is a third-degree felony. California had laws enacted since 1996 that constitute fertility fraud, a crime punishable by a sentence of three to five years and a fine up to $50,000.

It is unsettling to find out this human rights violation is legal in our State and doctors have never been charged for participating in such a violation. Nevada has recently been known for being the first State Legislature to have a female majority in the Nation and putting women's rights in the forefront of policy making. However, the lack of recourse for this heinous crime has been shocking.

Until legislation changes are enacted in Nevada, it is feasible that a doctor could continue to violate patients with fertility fraud. My hope is patients in this State never have to experience the violation that patients under the care of Dr. Fortier faced. The doctor’s case ended before a judicial decision was reached due to his death, leaving a loophole in Nevada law open and an opportunity for our Legislature to close it.

SENATOR CANNIZZARO:
Sections 3 and 4 define the terms of "assisted reproduction" and "human reproductive material" for purposes of S.B. 309. Section 5 creates the crime of fertility fraud as a Category B felony, which carries a prison term of 2 to 15 years and a fine up to $10,000. This crime occurs when a healthcare provider knowingly implants his or her human reproductive material in a patient without express consent or when a healthcare provider knowingly uses human reproductive material other than that expressly consented to by the patient.

Section 6 creates the related crime of fertility fraud in the instance of a person other than a healthcare provider knowingly conveying false information to a patient concerning the donor or human reproductive material being provided to the patient. This violation is a Category C felony. Sections 5 and 6 provide notification to the appropriate licensing boards by the Attorney General upon conviction for either of these crimes.

Sections 7 and 8 provide that a civil cause of action may be brought within three years after a victim discovers fertility fraud and provides that a "victim" may also be a spouse, a child or a donor and that each child born as a result of the fraud constitutes a separate cause of action.

Section 9 adds fertility fraud to the list of sexual offenses for which a court is prohibited from ordering a victim to take a psychological or psychiatric exam. Sections 10 and 17 add fertility fraud to the list of sexual offenses for which lifetime supervision is required. Sections 11 and 12 add fertility fraud to the list of sexual offenses for which an offender must undergo a psychosexual evaluation and for which a court is prohibited from granting probation or a suspended sentence until that is completed.

Section 13 provides for victim and witness notifications upon a conviction as is done with other sexual offenses. Section 14 prohibits the sealing of records for this offense.

Section 20 provides that a healthcare facility shall not provide a patient with human reproductive material except in accordance with an agreement entered between the patient and facility and the donor and facility. A violation of these provisions carries a civil penalty of $10,000 per violation in an action to be brought by the Attorney General on behalf of the State. A facility that violates these provisions is also subject to license suspension or revocation by the

Division of Public and Behavioral Health of the Nevada Department of Health and Human Services.

I recognize S.B. 309 creates a crime that has additional criminal penalties which are quite steep. Undergoing fertility treatment, no matter the reason people find themselves in that position, is already difficult enough for a whole litany of reasons. That person is going to put his or her faith into a healthcare provider who is going to help build a family by having a child or help contribute to another family who is going to have a child. The last thing those patients should be worried about are providers taking advantage of that situation for what I can only articulate as egotistical, narcissistic and nefarious means. It cannot be tolerated in these circumstances. While a lot of providers obviously provide a level of competent care which we can trust, we also know there are and have been in Nevada examples of that trust breached.

To me this is akin to someone who is taking advantage of someone for other types of sexually related offenses. That is why S.B. 309 was created as a sex crime. There are a lot of things that mirror one another and go hand in hand to take advantage of someone who is not only paying a fortune for that treatment, having to be in that difficult situation in the first instance, and then to put patients through fertility fraud warrants a high penalty. I do not think there is an excuse or reason for this to happen. This does not constitute a crime where someone mistakenly is in this position. Senate Bill 309 was intentionally written with stiff penalties because this is something that should be addressed appropriately and should reflect the position of the patients who find themselves victims of this crime. I am hoping this helps to make sure our healthcare providers know this is not the place for that to happen.

Additionally, there are several states that considered this legislation; we did an analysis of bills passed in other states. Our S.B. 309 similarly replicates the version passed in Iowa and many of the similar bills being passed with robust bipartisan support.

SENATOR HARRIS:
During your presentation, you mentioned the defense attorney of Dr. Fortier was able to use an argument that the law does not explicitly prohibit doctors from using their own semen to inseminate. Do you have any idea why that argument worked? If a doctor is to perform surgery on your left leg and they actually perform surgery on your right leg, it does not matter if there is a law that

prohibits not performing surgery in the right place, right? It seems to me that this should fit well within some established form of assault or battery. Any idea why that is not an analogous example?

MS. SALAHI:
When looking at the case, the defense said when it comes to fertility, donations are expensive to get as well as there being a lack of donations in that sector. The argument in this case was the means of an easy way to get semen. Because of Dr. Fortier's death, they closed the case knowing he had so many accolades. It was a horrible instance of what is possible if we do not have laws in place to enact fertility fraud as a crime.

SENATOR CANNIZZARO:
Senator Harris, you said exactly what my question was when this topic was brought to me. I had the exact same reaction—why this did not constitute an assault or battery? Why does this not fall under some other provisions? Certainly, if somebody wanted to sue for medical malpractice, potentially that person might have a case. I do not know because that was not the case presented here in Nevada, and I think a person might be able to make a claim in that regard. But in terms of assault or battery, the hardest part is because a patient is undergoing fertility treatment and that patient did consent to a fertilization or transfer through some in vitro fertilization (IVF) process. It does not quite fit and is where the struggle was with the case here in Nevada as there is not anything that fits this situation. It is a unique circumstance because there are a lot of people who consent to this treatment. It is not as if there was a mistake made like in your example. I think it is a great one in terms of maybe the medical malpractice piece. Something happened that was maybe unintentional or done because someone was not meeting the standard of care under the person's practice. This situation is not necessarily a standard of care issue and not a mistake. This is someone who intentionally took advantage of a vulnerable situation and then arguing, well, this is appropriate because of the cost and lack of available reproductive material, and we are doing the patient a benefit. How that would have come out in Dr. Fortier's case is unknown. Again, there is not a great criminal offense that meets this and from a civil lawsuit standard probably nothing; we wanted to make sure there are pieces of S.B. 309 that allow for civil liability. There was not anything that really fits this appropriately.

SENATOR HARRIS:
Do you know if there was any understanding of whose sperm these women were going to be inseminated with? Was there ever some representation of using the sperm from the sperm bank that was contracted with followed by a bait and switch, or was this not fully disclosed or understood? When consenting to the IVF there might not be specificity on the particular sperm a patient is consenting to for the procedure. Do you have any idea?

MS. SALAHI:
I am not well versed on this to know, but I feel like it was a little bit of both. The way it was described in this specific case is when it came to consent, the patients said, we are now signing the waiver for consent regarding, "Okay, now we are going to get a donation." A wide and vast consent, which is why this clinic was able to go in the back and get the donation through the doctor's own means to make it easy and cost affordable, rather than going through the long wait time of fertility treatments and the cost for clinics to make that process happen.

SENATOR HARRIS:
If you are up for consideration, I would like a requirement that there be a disclosure as to where the sperm donation is coming from and with any consent given for these types of treatments. This should possibly help.

SENATOR CANNIZZARO:
That is a smart idea. I know for the most part there is a lot of paperwork and consent that must come along with these processes. We would be open to provisions to clarify that piece and ensure it is part of S.B. 309 so we are not capturing anything that is not intended to be addressed with this bill.

SENATOR NGUYEN:
This is not probably the first time this case has happened, although it is highlighted by a public case here in Nevada. I am not necessarily opposed to the inclusion in the sexual offense *Nevada Revised Statutes* (NRS). Is there research or something that ties this criminal intention to place it in the sexual offense?

SENATOR CANNIZZARO:
I am not sure if there is a specific study, but I would not be surprised if there was. Several states have implemented it and characterized it as a sex offense because it is like related offenses. My own understanding of what we are trying

to get at here has a lot of similarities. It feels like a sexual assault type of crime and for those reasons, we wanted to include it, but we will do some follow-up and get you information.

SENATOR STONE:
This is important. Not only is this happening in Nevada but has happened in many other states as well. I want to make sure I understand the statute of limitations as far as filing a civil lawsuit. The three years starts when the person finds out that the child is not the father's or mother's from the date of conception is that correct?

SENATOR CANNIZZARO:
I would point to section 7, subsection 3, paragraph (f): "An action pursuant to section 8 of this act, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud." Your understanding of the statute of limitations is correct.

SENATOR STONE:
Section 8, subsection 3 is about actual damages. I would assume if necessary to take into consideration the cost of rearing the child and raising the child. Is that considered part of those damages? If this is found out later, say the kid is 14 years old.

SENATOR CANNIZZARO:
Actual damages would be anything someone may have paid in exchange for accessing this treatment that constitute the fertility fraud would be my understanding. Whether a court would award damages regarding child rearing, I do not know if a court would ultimately award those in terms of actual damages. But I think there is a place where you could make that claim, typically actual damages or anything directly related to whatever offenses or particular actions being brought.

SENATOR STONE:
I have some family members that unfortunately had fertility issues, and these treatments are expensive. These patients are emotionally vulnerable while spending a lot of money, resulting in a betrayal of trust. I think it is an outrageous crime. It is hard for me to believe it is not a crime today.

SENATOR CANNIZZARO:
Senator Stone, you have touched on one of the reasons why we wanted to make sure there were some other penalties on the civil side of this. These treatments can cost anywhere from $10,000 to over $100,000, and people are not only saving but also taking out second mortgages on their homes to try to have a family where they cannot do that for whatever reason. It can take years. When we have been discussing S.B. 309 with the folks who brought this to my desk, we realized this is important because doctors are taking advantage of someone in a precarious position. There is not another option; this treatment can be painful and take lots of time. There are many different pieces of the treatment, having to do some things at home, then traveling to the office for treatments. This can be extremely costly and time-consuming. Giving that extra assurance and making sure we can hold people accountable if they abuse that situation, I think is important.

CHAIR SCHEIBLE:
I want to make sure I understand the pieces with the notification of the Attorney General's Office and boards of licensing. This piece would ensure people looking for a fertility doctor or a clinic that there would be some public facing information about anyone who has been convicted of fertility fraud, is that correct?

SENATOR CANNIZZARO:
That is correct. We want to make sure that if someone is convicted of this offense, there are clear messages to the public because that is something as a patient you should know and be able to make informed decisions about. We also want licensing boards to know because one of the things we discussed was the doctor who had been doing fertility fraud and even once it became known, there were no repercussions from a medical standpoint. This fraud just continues ad infinitum without any notice to patients who might not know they are walking into that circumstance. Especially when it comes to fertility care because there are few healthcare providers that work in this space, there should be good information being presented to patients.

CHAIR SCHEIBLE:
My other question is about the term “fertility fraud.” It seems to me we are using fraud in more of the colloquial sense than the legal sense. Making our record clear that the point is not to say any type of fraud that occurs in a fertility setting falls under this statute but only the specific acts laid out. As an

example, we are not talking about young men who donate their sperm and say they are graduates of University of Nevada, Las Vegas when they are actually graduates of University of Nevada, Reno—we are talking about healthcare providers.

SENATOR CANNIZZARO:
You are correct. Obviously we are trying to describe this in terms that would have some delineation of what exactly it is we are getting at, something like robbery or burglary. Those two things often are used interchangeably and have different elements and are different crimes. I think the fraud piece comes from an understanding on the treatment people are getting as patients or donors for what one is donating to or for. Then, that not being the case can cause serious emotional and physical consequences.

I would note in the sections that discuss this as a crime, specifically in section 5, it does address a provider of health care, and in section 6 are individuals who are in a position to convey to a patient certain false information. It would be those individuals who are involved with these types of treatments, not necessarily people who steal money from fertility clinics or say they have naturally green eyes but maybe have blue eyes. Certainly, those sorts of things exist. How much those fall in the criminal category is a different conversation. What we are trying to do in S.B. 309 is when someone is consenting to a particular treatment that is what they are getting. Someone who seeks to abuse the process to further their own narcissistic or egotistical perspectives should be held accountable.

JENNIFER NOBLE (Nevada District Attorneys Association):
We support S.B. 309. If and when a physician violates a patient in this manner in Nevada, we have clear laws criminalizing the conduct, which is a despicable breach of the patient's trust and bodily autonomy.

ANNA BINDER:
I support S.B. 309. I think the term you guys are searching for is known to some of us as reproductive coercion. Maybe in the future, we could talk about the domestic side of criminalizing this because it is a pandemic in the domestic violence world. I believe that is the proper term. It is basically coercion by taking certain choices away from those seeking these services.

SUSAN PROFFITT:
I oppose S.B. 309. The title of fertility fraud is a misnomer, but the reason I do not back it is because we already have laws covering medical malpractice. I have a problem with bills that are overly litigious as this bill appears to be. We do not need additional regulations because there are already 233 documents that address fraud and 840 statutes. Medical malpractice is sufficient to cover the occasional fertility fraud issues and costs involved are unwarranted. Do not add additional financial burdens and litigation opportunities on behalf of your constituents to make a political point. I do not think we need this additional expense currently.

MS. SALAHI:
I wanted to answer Senator Nguyen's question on sexual offense in other states. Indiana and Texas are known to be the two states having the harshest sort of criminalization against fertility fraud. It is known that in Texas you may be found guilty of sexual assault and face a felony charge in the second degree and similarly in Indiana.

CHAIR SCHEIBLE:
I have received one document (Exhibit C) in opposition to S.B. 309 and will close that hearing. I will open the hearing on S.B. 367.

**SENATE BILL 367**: Revises provisions relating to public safety. (BDR 15-942)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):
Senate Bill 367 makes three separate changes to Nevada law related to firearms. These three separate changes are in the areas of: the possession or use of a firearm during the commission of certain drug trafficking crimes; the way Nevada law treats the prohibition on a convicted felon being in possession of one or more weapons; and the ability of a gun seller to conduct an accurate background check in compliance with federal law when a person under the age of 21 years seeks to purchase a firearm. The reason for S.B. 367 coming forward to the Committee is three separate reasons which all fit together in a way that is presented in this bill.

Everyone has received a copy of a decision (Exhibit D) *State v. Fourth Judicial District Court in and for the County of Elko*, 481 P3d 848 (2021) from the Nevada Supreme Court dealing with section 2 of the bill. In Nevada, there are a host of statutes that determine if someone is a prohibited person in possession

of a firearm. That generally is a person with a felony or a domestic violence conviction. I believe other legislation is being considered this Session where if a person is convicted of a hate crime, then the person cannot possess a firearm. I want to be clear we are talking about individuals who have already had a determination made, been put on notice and are aware they are not permitted to be in possession of a firearm. What occurred in that 2021 court case was an individual had shot someone, was later tracked down and found to have in possession five different guns. That person was already a convicted felon, a prohibited person, and was aware he was not to possess any firearms, yet he had five separate firearms in his possession. When it was challenged on appeal, one of the arguments made was the statute that prohibits an individual from possessing firearm is unclear as to whether it is one charge or five charges, by one charge for each gun or just one charge in general.

The Supreme Court looked over the language of NRS 202.360 in the court case *State v. Fourth Judicial District Court* and found the language contained within statute was ambiguous as it relates to the term firearms. Until 2021, it had more or less been treated in criminal courts as if the accused had five guns, then there were five charges for each gun because that person is prohibited from possessing each and every one of those firearms. When this case made it to the Nevada Supreme Court, the Justices said, well, that is an interesting argument. The statute was ambiguous as to the term firearms and compared it to other statutes.

After deciding the statute was ambiguous, the court applied the rule of lenity, which is a common way for courts to resolve unclear and ambiguous statutes. The court will provide certain rules and apply those rules to determine what exactly the statute is meant to do. In applying the rule of lenity, which is lenient to the accused, the Court found in favor of the defendant and said since the statute is ambiguous, the rule of lenity applies and therefore found this statute is meant to apply to any possession of any firearm. This would be a fine interpretation if we were not talking about the loophole to individuals who are prohibited from possessing firearms.

There have been policy decisions made not only by this Body but by the courts to say certain individuals cannot possess a firearm. When you cannot possess a firearm, there is a huge difference between having 1 or 2 firearms and having 10 to 50 firearms. This loophole incentivizes the stockpiling of weapons, specifically for individuals who are aware they are not allowed to have one. One

of the things about S.B. 367 is we want to make sure if a person is prohibited from having a firearm, that means you are prohibited from having 1, 2, 10 or 50, and if we are to give full force and effect, I believe we should charge each individual handgun, assault rifle or whatever firearm the case might be as a separate charge because that individual is just as prohibited from possessing 1 as 10 or 50. We should not have a statute that incentivizes individuals who are prohibited persons from finding additional firearms because there is no consequence. There is no difference if you have 50 or 100 than 1 or 5 firearms.

That is an incentive I do not think meets the intent of why certain individuals either because of their dangerousness, record or whatever the policy reason determined should not be possessing firearms and is already a prohibited person. I want to make the point that this is not deeming new individuals to be prohibited from possessing firearms. It is not making new rules about what is expected if an individual has a prior conviction. These are individuals who have already been convicted of a particular crime and prohibited from possessing those firearms. We cannot say to people who are trafficking in guns or to gang members stockpiling them and trying to sell them on the streets that there is not a difference. That to me does not meet the intent of NRS 202.360 and how we should be handling individuals who want to have multiple firearms.

This first piece of S.B. 367 is a State statute offered to mirror what currently exists under federal law if you use a firearm in the course of certain trafficking offenses. To be clear, this is not an offense where someone is in mere possession of a controlled substance like some cocaine or heroin and the accused is a drug user, those kinds of charges. That would not pertain to the statutes listed in S.B. 367. However, all acts in section 2 relating to the offer, manufacture and transport to traffic in a controlled substance in possession with the intent to sell and conspiracy to violate the Uniform Controlled Substance Act are not mere possession. Obviously, trafficking is a possession-based crime, but trafficking laws that exist now are high thresholds on the amount of drugs for trafficking offenses and are much more than a simple user who has drugs for personal use. This is an important point to make because we are not trying to criminalize individuals who might have a drug addiction. That is something this Body has discussed at length.

What we have seen with the Las Vegas Metropolitan Police Department and Clark County is situations where individuals are engaged in the selling, trafficking, transportation and manufacturing of controlled substances using

firearms in the commission of those crimes. When firearms are used in the commission of those crimes, it currently is not a crime but is a more dangerous situation that presents itself with a higher likelihood of injury. When using a firearm to complete a drug deal, that person should be held accountable. There is a federal statute on the books allowing for an additional enhancement, Title 18 USC section 924(c), if a person uses a firearm during and within the commission of one of those types of offenses. In section 2, if an individual uses a firearm in the furtherance of the commission of any of those offenses, that would be an additional charge of a Category B felony and from one year to six years in prison because of the dangerousness that exists when a person is using a firearm.

The first piece of S.B. 367 relates to the dissemination of information on background checks. I am joined by Brigid Duffy who knows more details in terms of the bill summary and will walk through the mirroring of federal law in section 2. That section provides that a person who possesses or uses a gun during the commission of or in furtherance of a drug trafficking crime in violation of NRS 453 is guilty of a Category B felony. This violation is in addition to any other violation committed as part of that crime.

Section 3 of S.B. 367 responds to the Nevada Supreme Court decision that says, basically, no matter how many weapons or how much ammunition you have in your possession when you are arrested, the law is only allowing that person to be charged with one count of a felon in possession of a firearm, a prohibited person in possession of a firearm. This bill instead clarifies that language with how the statute has historically been used. One of the things in this court case, Exhibit D, was there had not been any actual legislative intent submitted to the court, although it was argued by the State. I reached out to our research team and Mr. Guinan, who discovered the statute has been part of Nevada law since 1925. There is just not legislative history that exists in a fashion for us to be able to cite to the Committee. But since then, it has been used in the fashion that is proposed in S.B. 367 up until that Nevada Supreme Court case. This bill would clarify the language the Nevada Supreme Court found to be ambiguous of each “dangerous weapon or metal-penetrating bullet owned, possessed, manufactured, sold, disposed of, handled, used or carried by or otherwise under the custody or control” of a prohibited person constitutes a separate violation of the law.

Sections 5 through 8 address gun purchases by persons 21 years of age and are intended to bring Nevada in line with federal law. These sections allow the courts, juvenile justice agencies and child welfare agencies to share a minor's confidential records with a federal, State or local governmental entity that need to access those records in order to conduct a background check as is required by the federal Bipartisan Safer Communities Act passed in 2022.

I also believe we have received an amendment and will hear about it with respect to the background check information items from Clark County. The amendment appears to be amendable and would make changes to portions of the statute. It is something that we are considering and makes good changes.

SENATOR HANSEN:
My question is on the juvenile part because we have been working hard to protect juveniles to a certain extent. If they make a mistake when under the age of 18, ideally, we do not want those to follow them into the adult world. I am disturbed about section 6, subsection 3, paragraph (d), "Regardless of whether or not they have been sealed." The purposes of sealing those records are to help protect people from having that criminal cloud hanging over their head going forward. Why are we changing that in this case?

BRIGID DUFFY (Assistant District Attorney, Clark County District Attorney Office):
Sections 5 through 8 are all in response to the Bipartisan Safer Communities Act passed in 2022. In Nevada, it is legal at the age of 18 to purchase a rifle including an AR-15 and semiautomatic rifles. Look at some of the mass casualty attacks we have had by young adults at age 18: the Parkland shooter was 18 years old when he legally purchased an AR-15 firearm that he used to shoot up the school; the Robb Elementary school shooter in Uvalde, Texas, purchased his rifle on his 18th birthday or the day after; and the Buffalo supermarket shooter was 18 years old, and he cleared a background check with a history of mental health illness and making threats to his school.

The federal law requires that we go back only to ages 16 and 17. Because we sealed juvenile records, I could walk into a store at age 18 and they would have no idea that the day before I was released from a mental hospital or the day before I had just gotten off probation for a violent offense. If I am 40 years old and I walk in, you will know all my history and that could exclude me from making that purchase.

In my opinion, this is not about keeping guns away from 18- to 21-year-olds, and S.B. 367 does not change that. It just extends the background check to make sure we catch an 18-year-old who walked in and is potentially a risk while still a senior in high school. You can be in high school until you are 21 years old, legally able to purchase that firearm. It gives a better background check to ensure they have the best information available.

SENATOR HANSEN:
It bothers me if they already have mental health issues and things like that on record. Are you saying the records were sealed and the people who sold the firearm to the shooter when he was 18 years old could not find that information in Uvalde, Texas, or wherever?

MS. DUFFY:
I do not know what would have been caught in Buffalo, New York, for this individual, but I have found some background red flags through studying these three shootings by 18-year-olds. I do not know ultimately if it would make a difference, but to me it is not responsible if we have that information somewhere and do not share. That child or young adult who has an undeveloped brain and is still a senior in high school could legally purchase a firearm, then walk into a school. That history we have somewhere should be allowed for background check agencies to know.

SENATOR HANSEN:
The development of the brain, we know, goes to age 25. My problem is that these are sealed records you can go back and get into. Why would they be sealed if the individual has mental health issues in the first place?

MS. DUFFY:
The sealed records are the juvenile delinquency history, which was Senator Krasner's bill from the Eighty-first Session. Juvenile records used to automatically seal at 21 years old and all these things would have been able to be caught. But during the Eighty-first Session, it changed to 18 years old for most offenses and now records are automatically sealing at 18 years of age. The federal act passed in 2022 allows and is only for offenses that were committed at ages 16 and 17, not an entire juvenile history. Additionally, it is limited to those same offenses people would be looking at if an adult is trying to purchase a firearm, not every petty larceny or marijuana charge. It is only those

same offenses that they look for when a 40-year-old walks in to purchase a firearm and are only limited to ages 16 and 17.

The mental health history goes into the child welfare records for foster children. In NRS 433A, which is our mental health statute, anybody involuntarily committed by a court order to a mental hospital requires a court order to be automatically sent to the Central Repository for Nevada Records of Criminal History for background checks. If a child out in the community is involuntarily committed, officials will catch that for ages 16 and 17, not younger. We have a whole system of children in foster care who can go through a process in front of a court to be committed into a mental institution for issues. Section 8 allows those records or court orders to be transmitted to the Central Repository. But without S.B. 367, people do not even know the whole system.

SENATOR HANSEN:
I am confused on the part of mental health records are not included right now because they are sealed. If a 19-year-old is going to buy an AR-15 in the example you gave but has mental health issues that have been charted in their sixteenth, seventeenth or eighteenth year, those things right now would be sealed absent this bill?

MS. DUFFY:
They are not sealed; they are confidential except when it relates to an involuntary commitment. If a juvenile is involuntarily committed by a court-ordered admission, not just walk in and seek mental health treatment in the community. If I am involuntarily committed by court order and I am aged 16, 17 or 18 years old, that information is sent over to the Central Repository. However, we have a group of 16- and 17-year-old children in our foster care system who may need residential treatment facilities and must go through a whole court process including second opinions. They have lawyers and go to trials, then the court says, "Yes, you need to go to a residential mental health treatment facility." That information is confidential; I cannot turn that over to anybody without S.B. 367.

SENATOR NGUYEN:
Do you know what other states have similar statutes for possession of a firearm by a prohibited person? Do you know if other jurisdictions trend on whether or not they treat this as an individual offense or stacked charges? I do not know if you know that information, but if you do, can you explain?

SENATOR CANNIZZARO:
I do not have that information but would be happy to get that to you. This stems from how a statute has been interpreted up until two years ago and then changed because there was ambiguity found. Aside from the ambiguity, what S.B. 367 is designed to do is ensure there is not some loophole or incentive for individuals to have multiple weapons when they are not entitled to possess or own firearms.

SENATOR KRASNER:
Say a 17-year-old high school student has been bullied mercilessly because the individual is gay or trans, feels so angry and is maybe suicidal or depressed. This person talks with the school counselor or another counselor. Now that person is older and since he or she got help from a counselor to better the situation, is the student now going to be on this list and the records made public? Just because the student was bullied and did the right thing by seeking therapy and telling the truth about feelings toward the bullies, would the student be included in S.B. 367?

MS. DUFFY:
The answer is no. In today's climate, we have thousands of children who seek counseling and outpatient counseling because they need help. This bill would impact court-ordered admissions to residential treatment facilities. A child has a psychologist or psychiatrist who made the recommendation that this child needs inpatient mental health treatment. In Clark County, that averages about eight children a year where S.B. 367 would impact the court order being transmitted to the Central Repository. For thousands of children, nobody is going to know their personal information; those who are court-ordered will be impacted.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):
We support S.B. 367 because it will align Nevada statute with federal law and treats drug dealers with firearms the same as felons in possession of a firearm. This bill will also establish that each firearm owned by a prohibited person constitutes a separate violation for purposes by the unit of prosecution. We believe these changes will have a positive impact on our community by curbing the violence associated with illegal narcotics trade and act as a deterrent for suspects involved in the illegal narcotics trade to be armed. In Las Vegas Metropolitan Police Department's (LVMPD) jurisdiction, we have seen a steady number of firearms and violence associated with illegal narcotics sales.

Since 2021, the LVMPD narcotics unit has made 145 narcotics-related arrests that involved firearms; in these arrests, 593 firearms were seized along with narcotics. That is an average of 4.09 firearms per arrest. During the same time period, LVMPD narcotics unit has arrested 33 prohibited persons in possession of multiple firearms while engaged in illegal narcotics sales.

JOHN JONES, JR. (Nevada District Attorneys Association):
We support S.B. 367. Our position is that we do not want to encourage those who are prohibited from possessing firearms to go big. The unit of prosecution for these types of offenses should charge for each firearm possessed. Sections of the bill prohibit the possession of firearms while engaged in trafficking level offenses and other sections put us in compliance with the federal Safer Communities Act.

SENATOR HANSEN:
As for the go big concept, are you telling me that when you prosecute a drug dealer and the suspect has a single or 500 firearms, the judge does not make any distinguishment in punishment?

MR. JONES:
If the suspect is not a prohibited person, then he or she would not be charged with the firearm under current law. If the individual is a prohibited person, then he or she would be charged for one count no matter how many firearms that person has. I believe LVMPD officials indicated they were averaging almost five firearms in their trafficking level offenses, so there would be one charge in those situations. We are arguing that it should be at least four charges.

SENATOR HANSEN:
When it comes to actual punishment by the judge upon conviction, the judge is not allowed to take into account that this guy was not supposed to have any firearms and on average had five? I have a hard time believing that judges are saying "Well, we are going to ignore that when it comes to punishment side."

MR. JONES:
You are saying that could be used to enhance the trafficking level offense the defendant is in front of the judge for. Potentially a judge could consider that, but the person is not getting any extra punishment on top of the mandatory minimum or maximum the person is facing for drug charges. In this instance there would be extra punishment for the firearms specifically.

JASON WALKER (Washoe County Sheriff's Office):
We support S.B. 367. More often, we are encountering drug traffickers with guns as well as people prohibited from being in possession of weapons with multiple firearms. Moving this bill forward enhances our legal teeth to hopefully get a better grasp on these offenses.

MIKE CATHCART (City of Henderson):
We support S.B. 367. I believe this is a good public safety policy.

PAMELA DELPORTO (Executive Director, Nevada Sheriffs' and Chiefs' Association):
We support S.B. 367.

ERICA ROTH (Washoe County Public Defender's Office):
We oppose S.B. 367. On sections 1 and 2, we understand the policy directive when we are thinking about mirroring the federal statute. I do not want it to be lost when we are looking to Title 18 USC section 924(c) that this statute is mirroring. In 2018, former President Donald Trump passed the First Step Act, which addressed what the U.S. Sentencing Commission has termed stacking of charges, and the Commission directly referenced Title 18 USC section 924(c). In 2019, the First Step Act said we need to readdress how we are sentencing and stacking charges for multiple offenses, or in this case it would be somebody who is alleged to be trafficking in drugs.

Now we can stack on one, two or three additional firearm offenses, ending up forcing a plea deal and deterring people from going to trial. In 2018, the federal government said this practice is not ideal and we want to take a step back from it. In January 2023, the U.S. Sentencing Commission reaffirmed that notion in the proposed rules, reaffirming what was put forth by former President Trump in the First Step Act. Our concern is we do not want to mirror the federal statute by a policy perspective when consensus is we should be moving away from that practice. Ensuring everyone is given the opportunity for a fair trial and not basing those practices on something we understand can be detrimental to the system.

JOHN PIRO (Clark County Public Defender's Office):
Regarding a couple of things with the incentivizes talk the district attorney used, I have never heard a client say, "You know what, I watch those hearings on the legislative thing and this penalty is not steep enough, so I am definitely going to

do this crime more often." Now, maybe we should pipe these hearings into the Nevada Department of Corrections, but we do not currently. The *Nevada Independent* published a fact check saying raising penalties does not deter crime. What does, though, is when the police catch people faster and the immediacy of punishment, not necessarily stacking it up. The case that is referenced in *State v. Fourth Judicial District Court*, Exhibit D, when a gentleman went to trial and there were 10 felony convictions instead of 15, prosecutors had to give up 5. He is sitting in the Nevada Department of Corrections for 28 to 70 years. There is no loss of harsh sentencing when offensive crimes occur.

With the stacking of charges, yes it will incentivize plea deals rather than taking a case to trial and fighting it. There are some statutes in here that make sense. Some portions like NRS 202.257 prohibit being under the influence of alcohol and possessing a firearm. Now, take the person who is under the influence of alcohol and possesses a firearm: if he owns a lot of firearms and is a legal firearm owner but commits a crime, we are going to stack charges up against him. This is our concern with stacking of charges, and we hope to work out a resolution.

SENATOR HANSEN:
The stacking issue that has been around for a long time and consequently for public defenders especially. If a person is wealthy enough to hire a full-blown attorney, a reasonable plea bargain can be worked out with the prosecutors. The issue you raise is a red flag for me because poor people have the most difficult times and turn to public defenders. When there is a stacking problem in a plea bargain negotiation, like you said 15 charges down to 10 charges, you still have 10 counts this guy is going to be sentenced on, limiting the public defender's abilities. If someone was charged with 5 counts, maybe the public defender could plea it down to 3 counts and that person would serve 20 years instead of 27 to 70 years. I wonder about the laws we pass like this, especially for indigent, poor minority communities who are disproportionate when it comes to some of the drug issues. The criminals that police are catching are often the ones that need your services the most and who will be hurt the most if there is constant stacking, which really prevents the public defender's ability to make a reasonable plea bargain arrangement.

MR. PIRO:
Eighty-five percent of the people charged with crimes cannot afford a lawyer, so we do represent the majority. When it comes to charge stacking, yes, it greatly limits the willingness of a client to take a case to trial and others the ability to negotiate what we would deem a reasonable settlement.

SENATOR HANSEN:
When I look at S.B. 367, a person could literally get a felony charge for every metal penetrating bullet you have. If someone has 25 bullets in his arsenal or whatever they call it, technically the suspect could have 25 separate charges for a felony conviction to now have to plea bargain against rather than just one for weapons or two for different weapons, something like that.

MR. PIRO:
Senator, you are correct, that would be 25 separate 1- to 6-year penalties that person would be facing. The question you reference to Mr. Jones as well, the judge could and should take all that into account when sentencing somebody, even if the person is not charged with 25 separate counts.

SENATOR HANSEN:
That is what I understood, too. We seem to be missing that judges are part of this process as well and are supposed to come up with a reasonable punishment. Yet, when you stack the deck so strongly against a person, especially a poor defendant who has to use public defender's services, the odds are greater the defendant is going to receive excessive punishment compared to somebody who can hire a first-class criminal defense attorney.

MS. PROFFITT:
I would like you to rewrite S.B. 367 or scrap it, because it is ambiguous. We need to stop the violent drug traffickers, but the way this bill is written could open people to malicious prosecution for political purposes and could overly penalize poor communities. A criminal can always find a way to get a gun. We need to know who gets to determine who is mentally sound and will this be addressed by a clinical psychologist to determine who is too dangerous to possess a gun? Recently, our President labeled parents at school board meetings and Trump supporters domestic terrorists. We have a problem, and I do not understand why you would bail Black Lives Matter antifa citizens out of jail, yet come up with a bill like this meant to take the guns out of law-abiding citizens' hands. That is not okay and is against our civil rights.

SENATOR CANNIZZARO:
With respect to the case *State v. Fourth Judicial District Court*, the convicted person shot somebody, so he did get a lengthy prison sentence more so than the firearms. This case stemmed from someone with five guns committing crimes and shooting people. I think he should be charged for all five guns because they are prohibited.

This is not stacking. Stacking is when you committed one act, but that one act may constitute several crimes which might be a burglary and robbery and another charge. I want to make a differentiation because this is not stacking in that a person has committed one offense but somehow meets the criteria of several offenses and the individual might be charged with multiple felony offenses for doing one thing. These are different felony offenses. Hypothetically, if you are a prohibited person and have a gun in your car and you are stopped for whatever reason, the police search the car and find a gun. Since you are a prohibited person, that is a felony because you are prohibited to possess a firearm. The next day the police search your house and find a firearm which is also a felony because you are a prohibited person in possession of a firearm.

What S.B. 367 is seeking to do is if you happen to be somebody who has five or ten guns in your car or house, you are equally prohibited from possessing every single one of those guns under the law, and that is how this statute has been read. This is not stacking because there is a differentiation. Whether this Committee thinks a prohibited person should be charged for each and every illegal gun a person has in possession is the policy decision to make and exists in this bill. There are several reasons that were discussed today as to why I believe a person should be charged for each one of those guns, but it is not a stacking situation. A person is committing multiple illegal, impermissible offenses that up until two years ago the individual would have been charged. There is a difference between someone who is a felon and has one gun than someone who has ten guns. We should be treating them differently under the law because it is equally illegal to have each and every one of those guns.

The other thing to point out is the people who are impacted by that portion of S.B. 367 are already prohibited. They have already been convicted of a crime that prohibits them from possessing a firearm. This is something to which these people are aware and already prohibited. That is the balance in S.B. 367 and why I thought it was appropriate to bring forward. I am not trying to create

something where suddenly, someone who previously had the right to possess firearms or to possess ammunition cannot do that. This is already something a prohibited person knows: he or she cannot have firearms. We should be addressing it appropriately.

I admire the job that our public defenders do, and some of them are the best attorneys in this State, Mr. Piro being one. I have known and practiced with him for a long time, and he is an excellent defense attorney. I know public defenders can handle these types of cases because they have been doing so for many years. We should treat that appropriately when someone has a litany of firearms versus one. It is a different situation, and they are equally as prohibited from possessing 1 as they are 5 to 10 or 50.

CHAIR SCHEIBLE:
I have received three documents in opposition of S.B. 367 (Exhibit E) and will close that hearing. I will open the hearing on S.B. 378.

**SENATE BILL 378**: Revises provisions relating to common-interest communities. (BDR 10-1059)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):
Senate Bill 378 revises provisions relating to common-interest communities when providing a website or online portal for their association, establishing guidelines for homeowners' associations (HOA) to follow if they allow unit owners to make payments electronically through a website or online portal and allows an association in limited circumstances to purchase a unit at a foreclosure sale.

GARRETT GORDON (Community Association Institution Nevada):
This bill stems from S.B. No. 186 of the 81st Session that passed. There were some unintended consequences as a result of that bill, so S.B. 378 is a cleanup. During the last Session, we discussed and approved the ability for associations to accept electronic payments from homeowners as an efficient process. There were concerns we heard from our association and homeowners if that option was available and taken, now the associations have personal information from their homeowners regarding a credit card or debit card payment, among other issues. Section 1 of this bill makes sure the association has ample insurance to accommodate and ensure any potential data breach now that it has a homeowner's personal information.

Section 2 deals with electronic communications. Many homeowners and maybe Committee members who get agendas, budgets and lots of paper documents in their mail opt into an email form of documents and information. Last Session, as a result of unintended consequence, the language said associations had to send both mail and electronic mail for some of these documents. The Senate Majority Leader and many Senators heard from constituents saying, "I do not want this mail because it clogs up my mailbox." It also costs money every time associations do a massive mailing because of mailing costs. The goal here is to minimize that cost which gets passed down to all homeowners.

Senate Bill No. 186 of the 81st Session took some language from other states that dealt with who was prohibited from buying a home at a HOA foreclosure sale as a conflict-of-interest policy. That language was pulled from many different states and is a good conflict-of-interest section in regard to that bill. However, there were unintended consequences from pulling out that section as it relates to credit bids and the rare circumstance that no one bids on the property. The association ends up with the property and works with the homeowner moving forward. That language was stricken, and we are adding it back in section 3.

ADAM CLARKSON (Director, Community Association Institute Nevada):
We are the voice of homeowners, homeowner associations and other industry professionals at the Legislature looking at these issues. The changes that occurred last Session added a provision requiring community associations to allow electronic payments making things easier. However, it did not have any information about proper data security or addressing insurance for cyber theft and other issues that occur when associations deal with electronic payment systems. We are proposing requirements for a minimum level of $5 million of insurance coverage, either for an association or a third-party management company, a bank or anyone else processing payments because they are dealing with people's private bank information. Similarly, if associations contract out to a third party, we still want certain minimums set according to the size. As associations become smaller, they are looking at $250,000; anything over 250 units is going to be $1 million in cyber insurance that the association itself needs to carry. The portal does have to allow the unit owner to suspend the ability in making payments if the obligation goes to a third party for collections because all the collection provisions and collection laws go into effect. The person would need to deal with those individuals and not be processing on the association site. This incorporates NRS 603A.010 to NRS 603A.290, which

include the data security provisions the Legislature passed several years ago to protect personal information of individuals for Internet sites. An association board is required to make a determination under a cost-benefit analysis as to whether the association wants to have this portal because it does cost money. Associations have to pay for insurance and the cost of having this service. For some associations that cost may exceed the benefit because it may cost a few thousand dollars and the association has a small budget.

Section 2 provides this act applies to associations more than six units in size.

Section 3 is largely a cleanup with respect to communications. To understand, NRS 116.31068 is a catchall provision for communications that are required under the law. The provisions in NRS 116 provide how an association must make a communication but do not provide the manner of that communication, which then falls on this catchall for how that communication is sent. Things like the annual meeting notice, the regular board meeting notice and updated budget information would go through this process. Items like collection notices where somebody is delinquent in assessments, homeowners are still going to get via certified mail because such items are excluded from this catchall process, and there is a specific process for that.

This language clarifies that everything will go through email if the homeowner designates an email address to send those catchall notices. Of course, homeowners are allowed to opt out at any time. We eliminated some language that was overbroad, stating it required all communications or information to be done in an email, which does not make sense. Sometimes a person needs to call somebody who left keys at the clubhouse. If a person knows who the keys belong to, that person should be able to call and let the person know. We should not have a statute that dictates that you have to send an email or letter. The bill clarifies that statute applies to legally required notices and not every communication that may occur at a community association.

Section 4 clarifies the documents required on the association's portal. Last Session, there was an addition that required associations to have an online portal for folks to look at information about their community association. Some of the information in the statute was broad and did not clarify exactly what was needed. Some associations are over 100 years old with banker's boxes of documents, and we want to clarify the information that is important for homeowners to get. Homeowners can get copies of the governing documents,

get annual or proposed budgets, and receive notices and agendas for the upcoming meetings through an online portal. They are going to get relevant information about their community association but not put their personal information at risk and not have an endless question mark over what information should be there.

There was a provision in the statute that was changed, following those of other states, to preclude folks who had a conflict of interest from purchasing an association foreclosure sale. Inadvertently, the provision that allowed community associations to purchase through a credit bid was eliminated in that process. We presume it was an error and would like to see it put back in for clarification on that rare circumstance.

SENATOR STONE:
This is an opt-out, otherwise you are going to get electronic notices except for the ones required to go by mail if they are going to be leaned on. Is that correct?

MR. CLARKSON:
Yes, it is an opt-out. You are going to get electronic mail if you designate an email address. If a person has never used an email address or designated one, the association is not going to have one to utilize.

SENATOR STONE:
If an HOA puts a website up where homeowners have payment options in order to pay their homeowners' association dues, are there any prohibitions on charging fees? Like a credit card service charge with a third party is $1.99 for a transfer. Is that allowable?

MR. CLARKSON:
This provision does not preclude that and presumably would be discretionary as far as cost.

SENATOR STONE:
I think S.B. 378 is great, coming from a person who owns dozens of units that are a part of an HOA. I get a stack of papers every time there is a meeting and literally hundreds of dollars' worth of postage every year. I request many times to please send it by email. At a time when people are crying because their HOA dues are going up, this is a way to reduce their dues and paperwork for those

paying their dues on time. With deadlines to pay dues, this allows somebody at 11:59 p.m. the day before the deadline to pay them online and not incur a late fee.

SENATOR CANNIZZARO:
We are always trying to make sure that folks living in HOAs and owners have sufficient notice of communication, and certainly any legal requirements need to be sent by certified mail to make sure you are getting proper notice.

Legislation from last Session created some unintended consequences, and I represent an area where there are several HOAs, one of which is in the Sun City Summerlin area. The residents were receiving mail postage and associated costs to get information on activities going on at the community center, when the health clinic might be open and things they routinely go to and participate in.

This was an unintended consequence of how that bill came through, and this is an attempt to fix that, making it easier to communicate. For things that associations do not necessarily need to send by mail, the provision would allow homeowners to receive them electronically to make sure people are getting the right information.

CAROLYN GLASER (President, Red Rock Country Club Homeowners Association):
I am a volunteer board president of Red Rock Country Club HOA, which has 1,118 homes, and I have been active on various homeowners' associations boards for 20 years. I support S.B. 378 because it clarifies and corrects problems from S.B. No. 186 of the 81st Session, specifically section 3.

MINDY MARTINEZ (NFP Insurance):
We support S.B. 378 and are happy there is required coverage for the cyber exposure because we specialize in insuring homeowners' associations.

SAMANTHA SATO (Community Association Management Executive Officers):
We oppose S.B. 378 as written. But we are getting our questions answered and clarification.

CHAIR SCHEIBLE:
I will close the hearing on S.B. 378 and adjourn the Senate Judiciary Committee at 2:55 p.m.

RESPECTFULLY SUBMITTED:

Blain Jensen,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE:

| EXHIBIT SUMMARY | | | | |
|---|---|---|---|---|
| **Bill** | **Exhibit Letter** | **Introduced on Minute Report Page No.** | **Witness / Entity** | **Description** |
| | A | 1 | | Agenda |
| | B | 1 | | Attendance Roster |
| S.B. 309 | C | 11 | Senator Melanie Scheible | One Document in Opposition |
| S.B. 367 | D | 11 | Senator Nicole J. Cannizzaro | Court Decision, *State v. Fourth Judicial District Court* |
| S.B. 367 | E | 24 | Senator Melanie Scheible | Three Documents in Opposition |