MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eighty-third Session
May 14, 2025

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 10:04 a.m. on Wednesday, May 14, 2025, in Room 1214 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 6 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, 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 Edgar Flores, Vice Chair
Senator James Ohrenschall
Senator Roberta Lange
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator John Ellison

GUEST LEGISLATORS PRESENT:

Assemblymember Joe Dalia, Assembly District No. 29
Assemblymember Melissa Hardy, Assembly District No. 22

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Michael Scully, Committee Counsel
Sally Ramm, Committee Secretary

OTHERS PRESENT:

Robert Kim, Chair, Business Law Section, State Bar of Nevada
Peter Guzman, President, Latin Chamber of Commerce
Keith Bishop

John Sande, Las Vegas Sands
Paul Moradkhan, Vegas Chamber
Emily Osterberg, Henderson Chamber of Commerce
Samantha Barnes, Las Vegas Global Economic Alliance
Benjamin Edwards
Michael Browett
Monica Miller
Ana Bonillas, Nevada Judges of Limited Jurisdiction
Andres Moses, Eighth Judicial District Court, Clark County
John McCormick, Assistant Court Administrator, Supreme Court of Nevada
Angela Knott, Washoe County Public Defender's Office
Paloma Guerrero, Clark County Public Defender's Office
Courtney Cross
Courtney Poe
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Christopher Ries, Las Vegas Metropolitan Police Department
Maddison Proctor, Nevada Women's Lobby

CHAIR SCHEIBLE:
We will open with Assembly Bill (A.B.) 239.

ASSEMBLY BILL 239 (1st Reprint): Revises provisions relating to business entities. (BDR 7-669)

ASSEMBLYMEMBER JOE DALIA (Assembly District No. 29):
It is my pleasure to introduce Assembly Bill 239, a proposal put together by the Business Law Section of the State Bar of Nevada to update and refine our business laws. We believe this bill will strengthen Nevada's business law statutes, ensuring predictability for those that do business in our State. It will clarify our statutes to avoid potential ambiguities and uncertainties and keep Nevada competitive by evolving with trends in corporate law. With me this morning in Carson City is Mr. Robert Kim, chair of the Business Law Section of the Nevada State Bar, as well as Mr. Albert Kovacs, vice chair of the section. At this time, I will turn the presentation of A.B. 239 over to Mr. Kim.

ROBERT KIM (Chair, Business Law Section, State Bar of Nevada):
What I want to do today is to preface that this bill, even though it has been approved to proceed forward by the State Bar of Nevada, does not necessarily

reflect their views or opinions. This is the approval from the State Bar Board of Governors for the committee to proceed and advocate for this bill. That is a point of clarification the State Bar asked us to share with members of the committee. Before you is a memorandum dated May 14, 2025, that provides a bill section to *Nevada Revised Statutes* (NRS) reference and a summary of the bill (Exhibit C). The exhibit contains my testimony. For today's hearing, I will be focusing on what I view to be the more substantive items worth discussing and answer any questions you may have as well as [address] any additional sections that you may think are worthy of discussing at this time.

SENATOR KRASNER:
Does the Securities and Exchange Commission (SEC) have general standards and laws that apply to all 50 states and business that is done with any company regulated by the SEC?

MR. KIM:
The SEC has jurisdiction over those entities that have registered classes of stock with the SEC as well as those that may conduct private placements and other offerings. But I think you are more interested in the former group of companies. That is not state-specific. You could be a publicly traded company domiciled in any one of the 50 states. But when you submit your class of common stock for registration with the SEC, then you are obligated to certain reporting requirements, disclosure requirements and proxy station requirements follow-up.

SENATOR KRASNER:
Does everything you are proposing in this bill conform with the rules of the SEC?

MR. KIM:
When we consider amendments, generally, we take into consideration how they may interact with other laws, and we do not believe that anything we are proposing changes any compliance requirements that exist under other regimes, especially the SEC.

SENATOR KRASNER:
Do 10 percent [of the] principal shareholders of corporations have any specific or special duties?

MR. KIM:
The reason we have put forth the proposed amendments relating to controlling stockholders is to provide some guidance so people understand what the rules are and what the expectations can now be versus ones that are somewhat unclear. That area of law has been changing significantly over the past few years.

SENATOR KRASNER:
So those you are proposing in this legislation are consistent with the Securities and Exchange Commission's guidelines on that.

MR. KIM:
My understanding of stockholder triggers under the securities laws is that typically at 5 percent a stockholder is required to file with the SEC disclosing its beneficial ownership in any publicly traded company, and it does so under DRF [Dematerialization Request Form] depending on whether it is an institutional passive investor or has some other noninstitutional passive investor purpose.

Once that person does file, certain rules and requirements are triggered by virtue of that, and they must act. When they do act with others, it may trigger other disclosure rules if people are viewing them as a group or not as a group. Our statutes are not meant to change those or somehow compete with the current obligations of a reporting company or reporting stockholder under SEC laws. We are trying to provide some guidance.

Stock is personal property for any person or corporation. We are trying to provide some clarification as to what it is that one has when they have shares. When they have shares, they have the right to vote them, but they also have the obligation not to unduly influence existing fiduciaries and have them breach their fiduciary duties for the purposes of some financial interest on their own personal behalf.

SENATOR KRASNER:
Do you have to be physically present or can the shareholder participate virtually?

MR. KIM:
I will speak to publicly traded corporations. As it currently stands, a stockholder meeting, when called, must be convened with a quorum. A quorum is a percentage of stock outstanding, as stated in the bylaws, that must be present for a meeting to be properly convened. And that is for public or private companies. Once that meeting is convened, notice must be provided to the stockholders—this is where it may vary if it is a private company or a public company—because a publicly traded company has very specific requirements as it relates to what the disclosure items have to be for each agenda item being presented to the stockholders. Nevada law was amended three or four sessions ago during some of the COVID sessions because we wanted to make sure that a corporation can conduct its meeting and could choose to do so if the bylaws provided virtual attendance. That is permissible. And, so, people have access to a meeting if they want to attend. It is at the discretion of the corporation for how they want to conduct the meeting.

SENATOR ELLISON:
You mentioned about stockholders and not being able to sell stocks. If that is the case, then could there be a hostile takeover? I might not understand what you were saying because I have got like 12 to 14 limited liability companies under a corporation. Would this create any kind of problem with this bill? I am just wondering if you are talking about stocks, and they will not allow me to sell stocks or whatever. What happens then?

MR. KIM:
Usually, restrictions to the transfer of shares are mostly a federal securities law question, not really a state law question. And from a state law perspective in terms of the shares we are talking about, I think your question relates to the rights that one has with shares and being able to vote them. You should be able to sell them, subject to federal and state securities laws. I do not think anything we are doing or proposing in this bill is meant to hinder one's right to transfer shares. We are just trying to clarify certain rights for certain people who hold the shares, what they might do and what they should be careful of if they try to do something with those shares in terms of voting. I do not recall anything we have in the bill that restricts the transfer of shares.

SENATOR ELLISON:
Thank you, because that is one of my biggest worries, but I did try to get ahold of my attorney to have him look through this to see if anything scared him, and he had not called me back. So that is a good sign.

SENATOR HANSEN:
Section 105 has an unusual carveout here that any, all or certain internal actions to be tried in any court of this State must be tried before the presiding judge as the trier of fact and not before a jury. It is kind of mandatory that they give up their right, whoever, this is internal. You know, my understanding is the Seventh Amendment. You have a right to a jury trial by constitutional law. And here we are kind of saying you are giving that up. Is that an incorrect interpretation?

MR. KIM:
Let me clarify just to make sure what we are proposing first. There's a distinction to be had with the right to jury trial and what we are proposing here. What we are proposing here is we are not actually saying that now all corporations magically cannot have jury trials for their internal actions. We are saying that a corporation may ask the stockholders to vote in favor of an amendment to the articles of a corporation to include a provision where they will in advance be required to waive juries for internal actions when they relate to the corporation. It is a process that we are just empowering the corporation to do if they want to. The vote goes to approve if they think it is appropriate, and actions are limited to the internal governance of the corporation.

I can't really think of anything that would have it fall out of the civil context into the criminal context. These would be disputes between stockholders. Maybe one has a Series A preferred stock, one has a Series B preferred stock. Somebody might think they have a certain right according to their stock holdings, and someone else thinks they do not have this right. That might be an internal action more appropriate for a judge to understand and to rule on because it is very technical. We are trying to give Nevada corporations the ability to just have the judge decide.

SENATOR HANSEN:
When you are dealing with a very complicated matter, to have a presiding judge make the ruling rather than a jury made up of people who do not understand the

subject details, it makes some sense if they agree to give up the right to a jury trial in advance.

CHAIR SCHEIBLE:
In my mind, I was kind of likening it to like when I signed a contract with a contractor. I had some work done on my house, and we agreed in the contract that we would go to mediation first before either one of us could file a claim. It would be a small claims court because it was not a big project. But is that the same idea—we are agreeing upfront that we will use this alternative dispute resolution method?

MR. KIM:
I would agree. That's a great analogy because I have been asked, and other members of the committee have been asked, what is the chance that we have a jury trial on this? And I will tell them just like I mentioned before: In my 20-plus years of practice, that is not something people even wanted to have, or people were even on the brink of having. It gives people clarity, understanding and predictability about the process and what process they can expect. Like you said, when you have anything with a contractor, you have different steps, mediation or arbitration just to streamline it and give predictability.

CHAIR SCHEIBLE:
In [A.B. 239] section 22, I understand that we are introducing a kind of new concept to Nevada law. I think you mentioned that this mirrors something Delaware allows, but I may have confused it with another section and was hoping you could clarify that. Also, if you could just kind of walk us through, in lay terms, what this interaction would look like in [section 22] if you are utilizing this. I do not know if it is unique but this new business structure.

MR. KIM:
You are correct in that. I do believe more states, not just Delaware, have adopted a holding company reorganization statute. It is one that practitioners on the Executive Committee for the State Bar of Nevada's Business Law Section have been asked whether we have that ability or not. We thought it was appropriate to introduce something written in our terms. While we take prompts from other states about different aspects of law or any trends, we want to make sure it works under our statutes. *Nevada Revised Statutes* 92A is unique when you think about combination statutes for entities. Most states have them

embedded in their own entity, specific chapters, whereas we have a combined chapter that handles it for all entities. We necessarily had to craft it specifically to fit our statutes.

In terms of how it would work: As I mentioned before, one example I had is a growing, very successful company, a Nevada corporation that may start to build widgets. As we know, widgets are always the example they tell us to use in law school, and we still use it even decades later. The corporation starts selling widgets domestically and internationally, and they are at a point where it really makes sense to structure the company so that not all the eggs are in one basket. They decide to reorganize so we have a parent company that holds this operating company. Then, they may think it appropriate to expand into a different market like Africa, South America. Maybe they get into a different aspect of the business like a widget plus, something that is even better but yet has its own unique liabilities and obligations—something they want to just make sure is done separately, perhaps with its own research and development.

Instead of having the company form new entities and obtain stockholder approval, they want to introduce the ability for that corporation to have a filing where they can, in one swoop, just create a new entity that will serve as a holding company and then preserve the existing company as a subsidiary of that new holding company. The stockholders of the original operating company would have shares, mirror image, as they did before, but the holding company now owns 100 percent of the former operating company.

CHAIR SCHEIBLE:
And that holding company could acquire or later create additional subsidiary companies.

MR. KIM:
So, that operating company, or even the parent holding company, could create sister organizations or they can create other subsidiaries. The point is to allow the board of directors to use its fiduciary duties to make those decisions.

Again, like I noted in my testimony, we are very cognizant of the fact that we do not want additional features to be abused or somehow portrayed as great. The next day they could somehow empty the coffer of the company's assets. We have a provision that there's a two-year look-back on any items that would

have required approval of the stockholders, and if they had not done this transaction, would still need to be approved by stockholders during that two-year window just to make sure there's some level of protection.

CHAIR SCHEIBLE:
I feel like I am back in law school, but now the consequences are greater because it is an actual statute. So, I am hoping that you can explain the example that you gave, which I think is great. You have the Widget Company; and I have invested my $100 in Widget Company, and then Widget Corporation now becomes the holding company for Widget Company. And you said that the Widget Holding Company would have the mirror image stocks of the Widget Company. So, my $100 stocks are now in Widget Holding Company. So then when you create that Widgets Plus Company, do I have an interest in Widgets Plus, or does my share of the Widget Holding Company decrease?

MR. KIM:
In that example where you have $100 in Widget Company, now you have $100 in Widget Holding Company. Even though additional subsidiaries might be foreign, it all rolls up into the Widget Holding Company in terms of economics because it is the sole stockholder of the original Widget Company, the new Widget Plus Company and any other company that might be formed.

CHAIR SCHEIBLE:
And so then there is no such thing as just a Widget Plus stock holding. Anybody who wants a piece of any of the subsidiaries can only buy Widget Holding Company stock.

MR. KIM:
That is correct. The only stockholder of the Widget Plus Company would be the new Widget Holding Company.

CHAIR SCHEIBLE:
Okay. I think I understand it now.

SENATOR FLORES:
There's been a movement in the State saying we are open for business. We're trying to diversify our economy, we are trying to bring in big players, we are doing XYZ. Just to re-emphasize, for us to achieve that, be a real contender

with Delaware and bring some of these huge multinational corporations to the State, this is a move in that direction. Ultimately, bottom line, we are moving in that direction.

MR. KIM:
I would cautiously say yes to that. Our mindset on the executive committee is to be mindful of trends in corporate law generally and to keep Nevada competitive. This force is from all different directions. Obviously, Delaware is in the news, we can't help but hear it. But we do not reflexively adopt things just because we think it is the next new shiny object that we need to include in our list of things that we talk about. We think we are deliberate and thoughtful about what we do and introduce. As long as I have been chair, what we are trying to do for Nevada is to create a model of laws that people can use to build their businesses and attract new businesses. I think that is our mindset. To your question, I say the answer is yes, but I want to just elaborate a little bit. We are not just there to focus on one constituent. We want to make sure the laws work for everybody.

SENATOR KRASNER:
In [A.B. 239], section 22, subsection 1, it just says that "unless otherwise expressly required by the articles of incorporation of a constituent corporation, no submission to and no vote of the stockholders … are necessary to authorize a restructuring merger." And I understand that means no vote, unless it is expressly required by the articles of incorporation. But do the shareholders—the stockholders—still receive notice of what is going on?

MR. KIM:
I would expect the corporation to provide notice of a material transaction. Obviously, when one owns shares of one company and now you are going to own shares in another company, there's going to be an exchange of shares process. Usually that occurs where you are notified that you now own shares in Widget Holdings versus just the Widget Operating Company, for example. I would 100 percent expect notice for that transaction to be provided to the stockholders.

SENATOR KRASNER:
Would the notice come before the reorganization, or would it be after the fact?

MR. KIM:
I might defer to my vice chair on this for context. I have not worked on one of these transactions. We do not have this in Nevada, but I would imagine that it would be done concurrently with it happening. So, not necessarily before because maybe it would be up to management if they wanted to preview the transaction or let people know. But I guess they could wait till it is already done, which would not be different from other actions that board could do if they wanted to.

SENATOR HANSEN:
We had a conversation with Assemblymember Dalia. It was very interesting, kind of following up on what Senator Flores was suggesting back when we had a significant change in tax policy. In 2015, we kind of drove our resident agent businesses out, and they went to Delaware, and I recall Wyoming or some other state with these changes. Is one of the goals trying to help once again bring back that type of a business arrangement? Here in Carson City that was a huge, huge thing. And for Nevada, it was essentially basically like free money. You had all these corporations in Nevada that really had no presence in Nevada. Yet they pay those fees but have no kids in schools, nobody on the roads. And hundreds of millions of dollars came into the State [via] the tax revenue from doing policies like this.

If this passes, is that one of the goals that we are trying to get to? I see Assemblymember Dalia saying, yes, but I wanted to have you also confirm that.

MR. KIM:
I will also ask my vice chair Albert Kovac to speak to this point as well. We are very aware of the dynamic with those that choose to use Nevada corporate law that all they need is a registered agent office and may not otherwise impact our resources. Part of what we want to do is make sure it is attractive to all constituents because we feel as though we have—over the years—developed laws that people truly like to use and appreciate. I would hope that what we are doing is consistent with that, and we will again maintain the interest of people to use and obviously help bring funds in for the State.

SENATOR HANSEN:
This will make us competitive with Delaware, for example.

MR. KIM:
For the State Bar, it is definitely meant to keep us competitive and make sure that we are current with the other jurisdictions that vie for this business.

PETER GUZMAN (President, Latin Chamber of Commerce):
The Latin Chamber of Commerce is here in support of A.B. 239. The Latin Chamber always encourages its members to incorporate in Nevada. This bill will make that even easier, and I do not want to dance around it. I am hoping that we do it bigger and better than Delaware and any state in the United States. This is a business we should have here in Nevada, and the Latin Chamber of Commerce asks for your support in order to achieve that goal.

KEITH BISHOP:
I am a resident of Carson City. I have, in the past, taught classes in corporate and securities law in law school. About 30-plus years ago, I wrote the first treatise on the corporate law of Nevada. And in the ensuing decades, I have written and followed Nevada corporate law and the developments of Nevada corporate law closely. I believe that Nevada has benefited from past legislation in attracting corporations to come to Nevada and incorporate here. And recently, we have seen companies like Madison Square Garden Sports, Dropbox and other big companies reincorporating from Delaware into Nevada.

I support A.B. 239. I believe that Nevada is in competition with the states of Delaware and Texas. Given that Nevada only has a legislative session every other year, it is important that it keep up and not fall behind, particularly Texas, which is aggressively moving to attract corporations into that state. With that, I urge you to vote in favor of the bill.

JOHN SANDE (Las Vegas Sands):
We express our strong support for A.B. 239, and I wish to thank the Business Law Section and the Assemblymember for all their work on this. The general counsel for Las Vegas Sands also played a role in helping craft and modernize our State's corporate laws as a company. Las Vegas Sands is committed to Nevada's economic growth, and we believe that this will foster a more competitive business climate, encouraging investment and innovation within the State. Las Vegas Sands is one of the very few publicly traded companies incorporated in Nevada. We'd really like to see that change and think that there's a lot of economic opportunity for us in the future.

PAUL MORADKHAN (Vegas Chamber):
The Vegas Chamber is also in support of A.B. 239. We view this bill as a modernization bill that would also increase efficiencies for those businesses that wish to incorporate or reincorporate in Nevada. We appreciate the efforts brought forward by the Business Law Section in the presentation. Today, we also believe as a secondary benefit to the State as more businesses incorporate or reincorporate in Nevada, you will see potentially increased revenue in those Business License Fees. As this committee knows, Business License Fees for registrations for a corporation are $500 annually along with fees for articles of incorporation registration. So, you have a compounding effect also for potential revenue to the state budget.

EMILY OSTERBERG (Henderson Chamber of Commerce):
I am here on behalf of the Henderson Chamber of Commerce and over 2,000 members. For the sake of time, I will echo the previous comments and say we are also in support of A.B. 239.

SAMANTHA BARNES (Las Vegas Global Economic Alliance):
We are here in full support of A.B. 239.

BENJAMIN EDWARDS:
My comments here are in personal capacity and not on behalf of the University of Nevada, Las Vegas. I would like to support the legislation. I also want to pause and praise the work that the State Bar Executive Committee has done here. Keith Paul Bishop [corporate securities lawyer] has famously said that you can read Delaware's statute and come away not understanding Delaware law. But if you read the Nevada statute, you have a pretty good idea of what it means. You see this reality echoed in public company proxy filings. When a company is looking to move to Nevada, they appreciate the clarity of our statute. This legislation advances that, and I urge you to support it.

CHAIR SCHEIBLE:
I will now close the hearing on A.B. 239. At this time, we will go ahead into our work session.

SENATOR HANSEN:
Madame Chair, before we do, I want to introduce a young man named Wyatt Fry. Wyatt is one of those amazing interns that Dr. Amber Joyner gave to us

from the University of Nevada, Reno (UNR). He came by way of Benicia, California. Tomorrow, he will be graduating from UNR with a major in political science and a minor in environmental science. Then he is going to New York University, I understand, to do further graduate work. I would like to give him a little shout-out today and thank the university for providing us with such excellent quality people. And maybe since he is getting a degree in political science, he will be returning to Nevada, hopefully, to join us or do something in the State in the future.

CHAIR SCHEIBLE:
We will go ahead into our work session. I suggest we take a couple of these on a consent calendar and ask anybody to speak up who opposes a consent calendar on Senate Bill (S.B.) 459, A.B. 35, A.B. 89, A.B. 217, A.B. 369 and A.B. 451. Senator Krasner has asked to take A.B. 217 separately, which we will do. Mr. McDonald will go through the bills, and then we will need a motion to do pass or amend and do pass as necessary.

SENATOR HANSEN:
So moved if you like. I don't know if we have to have a motion, but I am fine with all those bills being on a consent calendar.

CHAIR SCHEIBLE:
I don't think we need a motion to put them on a consent calendar. I will let Mr. McDonald go through them, and then we will need a motion to do pass or amend and do pass as necessary.

JERED MCDONALD (Committee Policy Analyst):
The first bill on your work session today is Senate Bill 459 as summarized in the work session document (Exhibit D) that includes one amendment.

SENATE BILL 459: Revises provisions relating to gaming salons. (BDR 41-1164)

This bill was sponsored by Senator Nicole Cannizzaro and heard on May 9. It authorizes the Gaming Control Board to adopt regulations governing standards of operation for a gaming salon to allow for table games, slot machines and other gambling games. We had one amendment proposed during the hearing that would change the effective date to "upon passage and approval."

The next bill is A.B. 35 as summarized in the work session document (Exhibit E).

ASSEMBLY BILL 35 (1st Reprint): Revises provisions relating to pornography involving minors. (BDR 15-448)

It was sponsored by the Attorney General and heard on April 30. It establishes the preferred manner for referring to items or materials that depict or describe a minor engaging in certain sexual conduct. There were no amendments.

The next bill is A.B. 89 with the work session document (Exhibit F).

ASSEMBLY BILL 89 (1st Reprint): Imposes certain requirements relating to unclothed searches of children at certain juvenile justice facilities. (BDR 5-496)

This bill was sponsored by the Joint Interim Standing Committee on the Judiciary and heard on May 5. It requires local and regional facilities used for the detention, treatment or rehabilitation of children to adopt and implement policies and procedures prohibiting unclothed searches of children except under certain circumstances. There were no amendments.

MR. MCDONALD:
The next bill is A.B. 369 with the work session document (Exhibit G).

ASSEMBLY BILL 369: Revises provisions governing certain orders for protection against domestic violence. (BDR 3-824)

This bill was sponsored by Assemblymember Shea Backus and heard on May 1. It expands the type of evidence law enforcement officers may rely on to enforce an order of protection against domestic violence issued by the court of another state, territory or Indian tribe. There is one amendment on this bill.

The final bill on your consent agenda is A.B. 451 as summarized in the work session document (Exhibit H).

ASSEMBLY BILL 451 (1st Reprint): Provides immunity from civil liability to certain persons returning a firearm under certain circumstances. (BDR 3-1057)

CHAIR SCHEIBLE:
At this time, I am going to remove A.B. 451 from the consent calendar.

SENATOR HANSEN:
Can we do the same with A.B. 89?

CHAIR SCHEIBLE:
How about at this time, I will take a motion to amend and do pass S.B. 459 and A.B. 369?

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED S.B. 459 AND A.B. 369.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
Since we did already go over A.B. 35, I would accept a motion to do pass A.B. 35 as well.

SENATOR NGUYEN MOVED DO PASS A.B. 35.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
That takes us to discussion on A.B. 89. We already heard a description of the bill from Mr. McDonald.

SENATOR HANSEN:
Yeah, there were some issues with this one, particularly how some of these searches could be conducted. And the concern was, as I recall, especially making sure that the highest priority would be the safety of the people who need to conduct the search. They all have policies in place now about how to do all this stuff, but because of the ability to hide contraband and weapons in some very unusual places, I just want to make sure that we have policies in place that protect the law enforcement people that are responsible to do this. At this point, I am going to vote no on this bill. My apologies for not having more details as to why, though, but I am trying to refresh my memory. But anyway, thank you for removing it from the consent calendar because I had a recollection a little late in the process. My apologies.

CHAIR SCHEIBLE:
It is no problem. We encourage a thoughtful consideration and discussion in this committee—so always happy to do that. I think we are ready for a motion to do pass A.B. 89.

SENATOR NGUYEN MOVED TO DO PASS A.B. 89.

SENATOR OHRENSCHALL SECONDED THE MOTION.

SENATOR KRASNER:
I appreciate that the bill has been amended since the vote in the Assembly. So, I will be voting yes but reserving my right to change prior to floor.

SENATOR ELLISON:
I was a no on this bill for the reasons my colleague talked about and there were a couple of other things—I do not have my notes here—but I will be voting no unless I can get the answers, and then I will come back and change my vote.

THE MOTION CARRIED. (SENATORS ELLISON AND HANSEN VOTED NO.)

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CHAIR SCHEIBLE:
That takes us to A.B. 90, Mr. McDonald.

ASSEMBLY BILL 90: Revises provisions relating to juvenile justice. (BDR 5-497)

MR. MCDONALD:
Assembly Bill 90 was sponsored on behalf of the Joint Interim Standing Committee on the Judiciary and heard on April 24. It expands the definition of a detention facility to include regional facilities for the treatment and rehabilitation of children for the purposes of the Juvenile Justice Bill of Rights. There are no amendments to this bill. I submitted the work session document (Exhibit I).

SENATOR NGUYEN MOVED TO DO PASS A.B. 90.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS ELLISON, HANSEN AND KRASNER VOTED NO.)

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CHAIR SCHEIBLE:
That takes us to A.B. 201.

ASSEMBLY BILL 201 (1st Reprint): Revises provisions relating to the sealing of certain records. (BDR-3-843)

MR. MCDONALD:
The bill A.B. 201 as summarized in the work session document (Exhibit J), was sponsored by Assemblymember Erica Roth and heard on May 7. It expands the circumstances under which a summary eviction case court file is sealed automatically. There were no amendments.

CHAIR SCHEIBLE:
Not seeing any questions, I would accept a motion to do pass.

SENATOR OHRENSCHALL MOVED TO DO PASS A.B. 201.

SENATOR NGUYEN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS ELLISON, HANSON AND KRASNER VOTED NO.)

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CHAIR SCHEIBLE:
That takes us to A.B. 217.

ASSEMBLY BILL 217 (1st Reprint): Revises provisions relating to law enforcement on school property. (BDR 34-201)

MR. MCDONALD:
This bill was sponsored by Assemblymember Cecelia Gonzales and heard on May 15. As summarized in the work session document (Exhibit K), A.B. 217 prohibits a school district, public school, or district or school employee from granting access to the grounds, facilities, or buildings of a school district or public school —and from disclosing certain information about a pupil or a pupil's family—to specified officials engaging in the investigation or enforcement of immigration laws without a lawfully issued warrant or court order. There are no amendments on this bill.

SENATOR NGUYEN MOVED TO DO PASS A.B. 217.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS ELLISON AND KRASNER VOTED NO).

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CHAIR SCHEIBLE:
That takes us to A.B. 283.

ASSEMBLY BILL 283: Revises provisions governing certain actions and proceedings relating to real property. (BDR 3-819)

MR. MCDONALD:
Assembly Bill 283 was sponsored by Assemblymember Max Carter and heard on April 30. The bill repeals, reenacts, reorganizes and revises procedures for the summary eviction of tenants. There is one amendment. I have submitted the work session document (Exhibit L).

SENATOR NGUYEN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 283.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS ELLISON, HANSEN AND KRASNER VOTED NO.)

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CHAIR SCHEIBLE:
This takes us to A.B. 451.

MR. MCDONALD:
This bill was sponsored by Assemblymembers Sandra Jauregui and PK O'Neill and heard on May 7. It extends immunity from civil liability to licensed firearm dealers and local law enforcement agencies that, under a firearm hold agreement, take possession of a lawfully-owned firearm at the owner's request, hold it for at least 21 days, and return it to the owner in accordance with the agreement's terms. There is one amendment for this bill.

SENATOR HANSEN:
I have not so much a question as a comment. I thought this is an excellent bill. It's a voluntary agreement. It protects people who agree to take a firearm from somebody that may be having some serious issues. In fact, I even like the 21-day hold period. As amended, I am fine with it. I am glad to support the bill. I think it is a good step in the right direction.

SENATOR KRASNER:
I still have some concerns about the fact that the store or law enforcement agency that you leave the firearm with would have the discretion of whether to give it back to you if they thought you were exhibiting any signs that they could construe as suicidal, so I'll be a no.

SENATOR NGUYEN MOVED TO AMEND AND DO PASS AS AMENDED A.B. 451.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR KRASNER VOTED NO.)

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CHAIR SCHEIBLE:
That brings us to the last bill on our work session today, A.B. 480.

ASSEMBLY BILL 480 (1st Reprint): Revises provisions relating to discrimination in housing. (BDR 10-1101)

MR. MCDONALD:
Assembly Bill 480 was sponsored by Assemblymembers Steve Yeager, Sandra Jauregui, Daniele Monroe-Moreno, and others, and was heard on May 1. It adopts the disparate impact standard for the Nevada Fair Housing Law. I have submitted the work session document (Exhibit M). There are no amendments for this bill.

SENATOR NGUYEN MOVED TO DO PASS A.B. 480.

SENATOR OHRENSCHALL SECONDED THE MOTION.

SENATOR HANSEN:
Obviously, nobody wants to encourage discriminatory practices. This goes way beyond that. This removes even the necessity of intent before this should be enforced. Therefore, I am going to have to be a no today.

SENATOR KRASNER:
I appreciate that we're still talking about long-standing federal laws such as the Civil Rights Act of 1968, otherwise known as the Fair Housing Act, right here today in 2025. And I will be a yes.

THE MOTION CARRIED. (SENATORS ELLISON AND HANSEN VOTED NO.)

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CHAIR SCHEIBLE:
With that we conclude our work session, so I will now open the hearing on A.B. 302.

ASSEMBLY BILL 302 (1st Reprint): Establishes provisions relating to facility dogs. (BDR 4-489)

MICHAEL BROWETT:
I am here representing myself, but I think it is also instructive to note that I am a police officer with the City of Reno Police Department and current handler of the facility dog based out of the Reno Police Department. Before I move on, I just want to say what an eye-opening process this has been for me—quite a learning curve. And I thank the people I ended up getting paired to work with. They are Keith Lee, Andres Moses, John McCormick representing courts and judges; Angela Knott and Paloma Guerrero from the public defenders' offices; and countless other individuals. I have to say it has been an absolute pleasure. Obviously, a lot of thoughts did not align originally, but they have been nothing but constructive and helpful in getting this bill to where it is today.

To dive into the bill a little bit, basically, A.B. 302 would establish a legal framework for the use of facility dogs to provide support to certain witnesses during testimony and legal proceedings within courtrooms in Nevada per my caselaw summary (Exhibit N). The bill ensures proper training, proper access for the dogs to enter buildings and liability protections for the counties and municipalities allowing the dogs into buildings. Most importantly, this bill maintains judicial discretion when deciding whether a dog like this should be used in any given hearing.

For those who are not familiar with a facility dog, these very highly, specially trained dogs are trained to provide a quiet, calming companionship during stressful moments via trained tasks they perform. This can help witnesses, especially children and individuals with intellectual disabilities. The focus of this bill is to provide clear, competent and accurate testimony. I will dive into some of the sections of the bill and the key components. I have submitted one amendment (Exhibit O) to A.B. 302.

Section 1.2 is the bulk of the bill. It addresses the judicial discretion and motion requirements. The use of a facility dog would require a motion by the party wishing to use the dog. They would have to present clear and convincing evidence that the dog would assist the witness in their testimony. The court, as written in the amended bill, Exhibit O, can consider a range of factors including but not limited to the witness's age, disability status, relationship to other parties in the case and the potential impact on the proceeding, whether positive or negative. The courts would also evaluate the standards for the dog—which appear later in the bill—essentially assuring that the dog meets the standards set forth in the definitions.

This is essentially that facility dogs must be certified by an accrediting organization such as Assistance Dogs International or an equivalent body whose sole purpose is to basically accredit organizations that train service animals to the highest standards when it comes to their training and their behavior. The handlers themselves must be certified as well. An important thing to point out here is cost factors. Courts would not be responsible for providing or maintaining these dogs. Various government entities across our State—whether it be a police department, district attorney's office, child advocacy center—can onboard these dogs into their operation, and then they can be incorporated into court work as necessary.

Another responsibility of the judges laid out in the bill would be to limit the disruption and ensure the fairness of the trial. When these dogs are used, they are kept out of the jury's view as much as is practicable. The dogs are to remain unobtrusive and not disrupt the proceeding. That goes back to their level of training. I know it is maybe hard to believe that a dog could lay at a witness's feet for two hours and not make itself known, but it is very common and very doable.

The amendment provides that judges must also issue a written order stating their findings, which reinforces the transparency when it comes to all these questions as to why they may grant or not grant any motion that is made.

The access to the courts and related facilities is covered in section 2. Basically, if a judge does approve the use of a facility dog, it would require municipalities and counties to allow the dogs to enter the courthouse during those proceedings—or district attorneys' offices or other locations as needed—to prepare the witness as well as provide support during trial.

Counties and municipalities would be granted immunity from liability for any injury or loss caused by a facility dog. Part of the requirements is that the facility dog handler and dog be covered by at least $500,000, if not more, of liability insurance, Exhibit O. In my case, my dog is from an organization called Canine Companions, and they maintain a $1 million liability policy on her that covers her anytime she is engaged in work.

A big question is preserving constitutional rights. I think the bill [and the amendment] as written, provide a number of safeguards to ensure that defendants' rights are not infringed upon. The bill [and the amendment] utilize the discretion of judges on a case-by-case basis to ensure that the presence of a facility dog is not going to cause any undue prejudice.

That is an issue I want to dive into a little bit more deeply. Right now, the question is of bias and—in particular—jury bias. Some concerns have been brought to the table regarding that. There is some caselaw, Exhibit N, across the United States regarding the use of facility dogs in courtrooms. Based on my research, courts do not typically presume prejudice. It is something that has to be proven. To exclude facility dogs from jury trials is essentially saying that we are presuming they are going to present a prejudice in any given hearing.

There is a case out of Michigan: *People v. Chenault,* 845 N.W.2d 731 (Mich. Ct. App. 2013) where a facility dog accompanied a sexual assault victim while testifying, and the use of that dog was challenged. The court upheld the conviction, stating the dog was not prejudicial and was used in a neutral and unobtrusive manner. The court emphasized the manner of presentation of the dog is what truly matters, not just the presence of the dog.

Judicial discretion obviously has been identified as another key factor. Courts have reaffirmed that trial judges have broad discretion to manage their courtrooms, including the use of facility dogs, particularly when it does not impair the fairness of a trial.

In *State v. Dye*, 309 P.3d 1192/178 Wash.2d 541 (Wash. 2013), Exhibit N, out of Washington State, a facility dog's presence was ruled to have not violated the defendant's right to a fair trial. They found that the court took steps to minimize the dog's visibility to the jury. And they also specifically noted that dogs have no inherent tendency to inflame jurors.

Jury instructions can help mitigate any bias in a lot of different situations. I think we are all probably familiar with cases where juries receive instructions on any given topic as to how they are to handle testimony and/or evidence presented. And this use of a facility dog is no different. Allowances in this bill allow those jury instructions to occur. And I think it is important to note that in *People v. Tohom,* 969 N.Y.S.2d 123/109 A.D.3d 253 (N.Y. App. Div. 2013), Exhibit N*.* this was the specific question addressed, and the courts found that there should be an opportunity to give those instructions before, after or during the trial. We have mirrored that exact language in this bill. And the court found that those cautionary jury instructions do a lot to mitigate any potential bias. They also have noted that we trust juries with far more complex concepts than the presence of a facility dog.

MONICA MILLER:
I am here representing myself as a researcher. I would like to note that I am a full foundation professor at the University of Nevada, Reno. I have a Ph.D. in psychology, a law degree, and my area of research is legal psychology. I have three areas of research relevant to this topic. One is the use of facility dogs in various legal settings. One is the topic of stress and well-being from a psychological perspective. And the third is jury decision-making and bias specifically.

I am currently studying the facility dog at the Carson City Juvenile Detention Center, as well as studying facility and therapy dogs in an educational setting. I have conducted laboratory studies investigating the effects of a dog's presence in a child abuse case. I believe from this research; the drawbacks of a facility dog far outweigh the numerous benefits. Humans and dogs have shared bonds

and working relationships from farms to hospitals, school situations and crisis situations. Overwhelmingly, the research demonstrates that specially trained dogs can ease stress and anxiety. My position is that we should trust judges, juries and the appeal processes to rule out any possible biases. I did do a study myself that found facility dogs do work to reduce stress in general in an educational setting. Even more specific to this, there are three concerns about facility dogs I would like to address briefly.

The first is that facility dogs might make the child too calm. The jurors become prodefense and do not believe that the victim is actually a victim because she is so calm because of the presence of a dog. The second is that jurors would become prosecution and believe that she has been victimized so badly that she needs a dog. And the third area of my research is whether jurors can follow the judge's instructions to ignore the dog.

As to the first and second concerns, there's no evidence in the literature for these fears. There have been three experimental studies conducted to determine whether the presence of a facility dog will influence jurors one way or another. I was personally involved in a study in which we intentionally tried to bias jurors. We brought a therapy dog, and we made a video of the dog interacting with a child who is testifying in a courtroom. This was an actress, not a real witness, but we videotaped this and went above and beyond to try to create bias. We showed the dog, the dog looked at her, she looked at the dog, she interacted. It was way more than what would ever happen in a real court.

As he was just talking about when the dog in real life would normally just sit there and the jurors might not even know the dog is there, but we were trying to create bias in jurors. And in three studies, we were not able to produce any kind of bias either for the defense or for the prosecution because of the presence of a dog versus that same video without the dog. One of those studies also compared it to a teddy bear and did find that actually did bias jurors to believe that she was more victimized. In terms of the research, there is no evidence that the presence of a dog would bias the jurors.

As for the third concern that jurors cannot follow instructions to ignore the dog, jurors are expected to follow instructions in all kinds of situations. They're supposed to put aside their biases about race or biases about the death penalty. And we trust jurors to put aside any of those big biases. If they have an LGBTQ

victim or offender, they are supposed to set aside those biases, and a lot of those are very strongly ingrained biases—big biases as compared to a bias about a dog, right? I am confident that jurors can follow the instructions to tell them to ignore the dog and not let it affect them. In many common procedures, the jurors will not even know the dog is there.

My opinion based on the research and the science is that we should trust juries and the constitution. The right assumes that we have juries that are fair and unbiased and that juries can set aside those biases. And the research does support that we should not assume some bias toward the dog that research cannot even produce when we try. And so my position is that based on the research, we should allow judges discretion and their role in courtroom management to properly handle this issue.

MR. BROWETT:
Section 3 of the bill obviously gets into the definitions. They are either already existing in NRS or pretty straightforward as they pertain to this bill. I think all the parties I have had the pleasure of working with are pretty consistently on board with all of the language in this bill as being presented to you today by amendment, with the exception of the jury trial issue, which I think you will hear about.

In summary, this bill does an excellent job of ensuring that the courts maintain their discretion to make these decisions. I think it would be instructive to stick with the legal concept that a prejudice as it affects a hearing needs to be proven, not assumed. The bill includes provisions to minimize the visibility of the dog and includes cautionary jury instructions. Those have been shown to be effective safeguards. In general, facility dogs—when properly certified and properly handled—are not inherently prejudicial.

Putting in law a decision to exclude a resource from a jury trial suggests that we may not have faith in jurors to carry out their abilities in an unbiased manner. That seems somewhat risky because that is obviously a pivotal kingpin of our judicial system, which is a right to a jury trial.

SENATOR FLORES:
I will start off with where my mind is that as Legislators, we all go canvassing. One of my secret weapons, for those of you that have gone canvassing with

me, is I take my dogs. The reason is when I knock on the door—and I do not want anybody who ever runs against me to use my own strategy against me—I usually get about five more minutes out of them. And sometimes they do not even listen to anything I am saying, but it works. And in fact, it is a great way to connect with my neighbors. I start with the comment made that we just have a huge bond with the animals, and I agree with that 100 percent. Particularly dogs, we just gravitate toward them. If I go canvassing with my dog or not with a dog, it becomes a completely different day when comparing the number of contacts I will make.

And then I will share another story. We were doing leadership training. We were talking about the First World War, and they showed a collection of slides. In the first ten slides, it was dead humans, and we were all watching it. And then, when they got to the final slide, it was mules, donkeys and horses slaughtered. It was the first time humans reacted. The entire group gasped. The presenter said, "Why is it that you did not do that when you saw the images of thousands of dead humans?" And then we went back and forth— the popcorn kind of conversation—and the reality was, we just see an animal as innocent. We always hold that animal harmless.

I am telling you that to get into the conversation about prejudice. Obviously, it is the biggest concern you have as well, which is why you have been working with so many stakeholders. You started the conversation there because you understand that there is a fear. The first thing I will ask is right now, are service animals allowed in a courtroom?

MR. BROWETT:
Yes. Under the Americans with Disabilities Act (ADA), as long as a dog is paired with someone who has a disability and that dog is trained to perform a task for that individual, it would be a violation of the ADA if they were not allowed to enter.

SENATOR FLORES:
If somebody has anxiety or any type of a diagnosis, they technically could utilize a service animal now, is that correct?

MR. BROWETT:
Yes and no. My understanding of that, and I am certainly not purporting myself to be an ADA expert, typically service dogs—when paired with someone with a disability—are a whole process. It is not just a one-time thing. Something else the ADA does allow for is if the dog is disruptive, causes a disturbance or anything like that, they can be excluded from any place if they are disrupting the operations of that place. And so, a twofold answer. Yes, if they had their own service dog, certainly they could bring it in. I will tell you, in my experience, those are very limited resources out there, especially properly trained, certified service dogs. The chances of witnesses having their own are pretty slim.

This resource is so valuable because it essentially becomes that individual's service dog for that moment in time. They do not have a permanent disability. They do not have any type of doctor's note that says they are disabled because of the anxiety they might be experiencing as they navigate this case that they are involved in. However, I think researchers support that all of those things can be disabling. And dogs like these do serve in that moment in time to help eliminate some of those symptoms. Regarding the canvassing with the dog: Smart strategy, first of all. Secondly, do not forget this is a highly structured methodology of how these dogs are utilized in a courtroom. It is not just: "Witness, meet this dog, Winter. She is going to sit on the stand with you." A relationship will be built prior to that. We are going to see that the dog has a positive effect that the person is more able to collect thoughts, relay thoughts, formulate sentences, stuff like that. And that is what has to be presented in those motion hearings to grant the use of the dog.

During the actual trial, best practices bring the witness and dog in outside the presence of the jury and get to the testimony. If there's been a discussion of jury instructions or not, that is where those can be given. And then the dog is largely out of sight. I have heard from other handlers across the country who utilize these dogs that the only thing that ever gives the dog away is sometimes they have a propensity to fall into a little bit of a dream. And as we all know, they will make dreaming noises. That is more the reason for the jury instructions in case the jury hears those noises so they remember we were told there might be a dog in here. That makes sense.

Never would you see a dog up in someone's lap or all over them in practice. As Professor Miller was trying to say, they went over the top in that experiment to produce the bias by doing worst practices and still could not produce evidence of juror bias in that study.

SENATOR FLORES:
I was thinking about the service animal. With a facility dog, you are very limited in scope in what you can even ask. I do appreciate a facility dog. There's a requirement of training you must demonstrate. A whole host of paper trail will follow that facility dog versus a service animal. I think if you say you have a service animal, you are really limited in scope, and you can't even ask for documentation to prove that under the current rules. I understand and appreciate the facility dog language. But in that kind of narrow scope we are talking about, talk to me a little bit about the training. I suspect this is going to be a widely used strategy now. And I do not mean in a negative way. I think if you are trying to get as complete of a story as possible and a dog is going to help every single time, I suspect we will use it widely because it just makes it easier for people to testify and participate.

I know it is hard to get people to appear on the witness stand to want to participate. I get the importance of doing that if we really open the scope, and we do not know how far this kind of net we are going to cast now that we open this avenue. But talk to me about the training. How are we to create uniformity across the board? How do we see that playing out?

MR. BROWETT:
The training uniformity comes from the accrediting organization. Assistance Dogs International—not to say that another organization will not come along—is the global authority on service dog training standards, performance standards, facilities that raise these dogs, the standards for veterinary care, the handlers. It is a book, a very large book. The standards are established by them, which is why we reference Assistance Dogs International or a similar organization. Just briefly, most of these dogs are purpose-bred for this task. And when I am saying these dogs, I am referring to facility dogs and service dogs because facility dogs typically come from organizations that train service dogs, so they are typically purpose bred for that purpose. At about eight weeks, they get assigned to volunteers who spend a year and a half exposing them to the world and teaching them basic dog things. That is a whole science in and of itself.

They are very carefully introduced to the world and different stimulus—things like noises or different ages of people at very specific times. There is a lot of dog science behind that if you will.

It is very meticulous raising. Then at about a year and a half, all the dogs return usually to the organization raising them to get with professional dog trainers who further hone the training. Does the dog have what it takes? If so, what type of service dog? These organizations trade a lot of dogs. You have Guide Dogs for the Blind that only provides seeing eye dogs. But if they have a dog that is not going to be a good match for a seeing eye dog, they might transfer it to Canine Companions because the dog might be an excellent match for a facility dog. They do a lot of assessing at that point.

There is a two-week school once they've determined what the dog specialty could be. They also look into now pairing that dog with a human, an extremely complex process, where they are trying to pair—in the case of a service animal—that animal with a person who has a specific disability and lifestyle.

In the case of a facility dog, they are trying to pair the dog with an organization. It is not just criminal justice, hospitals, schools. All kinds of professional organizations utilize these dogs, and they are trying to pair the desirable traits with that organization for that organization's needs. Facility dogs in particular need to interact with a very wide range of individuals, from children to elderly or stinky to not stinky. I do not say that jokingly. My dog interacts with such a wide variety of people that I know my pet dogs would never have the tolerance range that she does.

That is sort of the training the handlers also undergo whether it be for a service dog or facility dog. They receive two weeks of training and then ongoing support for the working life of that dog from the accredited organization to ensure the dog continues to perform to standards and any problems have the support of the organization to work through those from a training perspective.

SENATOR FLORES:
I know for a fact, and I appreciate what you said previously prior to this question, that we do expect there to be a relationship and multiple meetings prior to the actual hearing date to make sure the relationship works. I see it with my own son where we have two dogs; he has a relationship with one and for

whatever reason does not connect with the other. It is weird and funny to see it play out. I share that story only to make this point. Do you foresee in those scenarios where you may have to switch? This dog really is not doing much in the way we expect it to be. So, we are going to try different dogs.

Do you see a scenario where a facility dog relationship turns into a service dog relationship? Do you ever see that happening where we start the relationship with the service dog you have met four or five times? There's clearly a great attachment; it is making this child's life or this vulnerable human's life better.

Should we consider now maybe transitioning that facility dog into a service dog? I only ask that question because I think you mentioned that the same facility or the same folk laying the standards of training are usually the same. It is not that we have one group of people that train service dogs and one group of people that train facility dogs. It sounds like they are going to come from the same hub. Do you see them utilizing this as a mechanism to say maybe this is a good mix for little Edgar? Maybe we could set up that relationship. Do you see that ever happening?

MR. BROWETT:
A couple of things on that, when these dogs are placed, they are placed with their handler. They are not generally transitioned into anything else. The process to get a service dog from most organizations currently is anywhere from a year and a half to two and a half years. That is because of the volume and the specificity with which they evaluate the dog and recipient relationships. It would not even be consistent with what they do to have any singular dog transition to a new human, so to speak, at any given point.

I have seen situations where someone has met my dog, for instance, and the benefit is seen so much that the parents or guardians may go on to seek a service animal through any of these organizations on their own. But again, you are looking at, on average, a two-year wait, so it is not necessarily something conducive to the judicial process. But as far as making a child's life better—who has presumptively suffered something catastrophic in their life to be in the situation in the first place—might be a legitimate need now. And I cannot speak to what certifications an organization would require from doctors or whatever to show a disability that would qualify them to have a service dog. I am not familiar with those.

The other thing I want to speak to is just from the volume point. It is important to note on the handler side of this, right now as far as I am aware, probably three dogs in the State hold this certification, and one of them just arrived Monday to the Washoe County District Attorney's Office. We are all acutely aware that even if this bill were to pass, it does not mean that there's going to be dogs in every courtroom in Nevada tomorrow. This is a slow process. However, caselaw has shown that you need to have some of these rules to standardize practices and what judges will consider when they are exercising their discretion because otherwise you end up with exactly what the caselaw talks about, which is everybody making all kinds of decisions all over the place that are not aligned with best practices as they've already been established through cases.

On the handler side, I think we are all very acutely aware that we are not just going to go diving into courtrooms with dogs. It takes the right case. It is probably not even my dog but the dog with Teri Salter at the Washoe County District Attorney's Office. She will probably be spending more time getting her dog adapted to use in a courtroom. But we are still months if not years from seeing that. And then I do not see it becoming so widespread because it will be limited by the availability of this resource. Our department has a policy to evaluate need based on a hierarchy of different areas of performance. Also, in the case of a victim or a witness, they will evaluate that on a case-by-case basis as to where the greater benefit might be, depending on the circumstances of any case. It is pretty standard to have those types of policies to essentially triage requests for the dog and then try to situate that limited resource right now the best we can, where it is going to do the most good.

SENATOR FLORES:
In the states where we have seen this already occur, have you had scenarios where you introduce a facility dog to a potential victim where you end up not utilizing it? Or do you typically just transition to find the perfect kind of fit, based on my experiences?

MR. BROWETT:
Based on my experience, it falls into a couple of different categories. Either there's an interest in the dog or there's not. Typically, if it is offered, some people say, "Yeah, that is not my thing. I do not like dogs." And we are done. There are individuals who meet the dog and find it may be somewhat helpful

but not anything particularly noteworthy. The cases where I think you would see a dog potentially going all the way to a courtroom environment are ones where you have someone involved in a case—and it is easy to always say victim, but I want to make clear this is not just victims, this could be a defendant that utilizes the dogs—getting to a space where they can talk about their story and give their testimony in the clearest and most concise manner.

From my experience, there will be someone who does not even want to talk. I mean, they will not talk to a deputy district attorney, they will not talk to a victim advocate, they will not talk to anyone. We've introduced the dog, played some games with the dog, because through all these trained tasks they can literally play games and take turns within that game. And then there are a lot of other tasks they can perform that just kind of help someone calm down. In those instances, they [witnesses] begin to talk. It might not be about the case or anything else, but they at least begin to talk, and then you can slowly segue into what you are really there to talk about. I do not think anybody quite understands the secret sauce of it, but it does work.

Ultimately, I have seen instances where someone was not willing to talk and ended up talking for over an hour about their experience and their case after the dog was introduced in the situation. Obviously, we document that along the way. That is where a party requesting the dog would have to present that kind of information, that kind of storyline of here is where we are at. This dog was introduced. Here's how it enhanced this person's ability to formulate thoughts, speak, stuff like that. And this is why we believe that in this setting, if they are to testify, it would be useful for them to have this dog.

The other thing is because the dogs are so well trained. I can pretty much give a leash to anybody, and the dog's going to do what it is supposed to do, even if you do not know what you are doing. And that gives people a huge sense of control because if they can have that leash and the dog is—by training and nature—calm, cool and collected, they feel a lot of empowerment through that to just be calm, cool and collected themselves, and they kind of mirror that.

Hopefully that answers what that kind of looks like. Where I would see facility dogs being utilized most is where you bring them into situations like that. And there is a notable, observable shift in the way the case and this person's interaction with the case is going.

SENATOR HANSEN:
This is definitely an interesting new area, that is for sure. Right now, you have the right to use a dog like this in normal questioning. We're only talking about using that dog in a courtroom setting with the change in this law. Correct?

MR. BROWETT:
That is correct. Nothing governs the use of these dogs in our State right now.

SENATOR HANSEN:
Let me elaborate a little bit because I am trying to get at a couple of things. One, kind of like Senator Flores was saying, we all have an inherent love of dogs, right? Like I paid $5,000 many years ago to an expert on advertising in the yellow pages. So far back we are going here, and I paid him to basically tell me to put a picture of a golden retriever in my plumbing ad in the phone book, and it worked. So, there is this inherent concern I have. We are talking criminal law. We are not talking that the person accused of the crime gets to bring the dog into the courtroom. We're only talking about the person that may be the witness against the defendant. Is that correct? If I am accused of a crime, can I also bring a dog into the court?

MR. BROWETT:
That's the way we are trying to structure this and what I was alluding to earlier when I said, "I keep saying victim, but I want to make it clear that any party in the case can request the use of a facility dog." The only caveat, and this is not something we would do by design, is that you would never want to use the same dog for both a defendant and a victim in the same case.

SENATOR HANSEN:
I am glad to hear that because there's a huge bias if the person making the accusation gets the dog and the person who's accused of the crime does not get the dog. I have to admit, this is like a brave new world. I mean, I do not see how it is possible to introduce a dog into a courtroom without biasing people. Okay, I understand the argument about juries, but the reality is right now we have problems with biases in juries. This is adding an additional new potential bias in jurors that, yes, we are trying to screen them out. But you can tell me right now. You are going to be a juror. What are your feelings about dogs? I am fine with dogs. You bring some little cute puppy in there and put it in there, and it would definitely impact me, man. I just do not see how I could get around

that. I guess it boils down to this. To me, we already have enough problems with biases in courtroom proceedings. If you have the right now to use that dog to do questioning outside of the courtroom, fine and dandy.

When you bring that into a courtroom setting, I am concerned that it is going to potentially bias people against somebody who right now is innocent until proven guilty. And it is hard for me to believe that if a dog is present in that courtroom and, like you said, it is making dreaming noises or whatever, that is for a guy like me even kind of cutesy pie, right? I mean, wow, that is kind of nice having that dog keeping the individual comfortable. There's just an inherent problem with this whole idea of allowing an animal into a courtroom other than a seeing eye dog or something. I just have a real problem with that.

The undue prejudice against the defendant is mentioned in the law. I mean, that almost implies an automatic potential for prejudice against the defendant by having an animal like that in the court. And then, a little further down, "dog may cause undue sympathy for the witness." Again, that is a bias the judge or defense people perhaps would have to try to fight. Well, right now you do not have that. And so to me, it is introducing kind of an unusual new aspect to courtrooms. I understand it is being practiced elsewhere, but I gotta say I am just really uncomfortable with the idea of allowing any animals other than a seeing eye dog into a court.

I know you are a psychologist and all that, but I just do not see how you can possibly do this without creating a prejudice one way or the other in a court setting.

MR. BROWETT:
Obviously, that is a big question with the use of these dogs. I can tell you that programs like this have existed across the United States for over 20 years, and of all the cases taken to the appellate level on this very question, not a single one has been successful where a court has decided that the dog did unfairly bias or prejudice the proceedings. I know it is a new concept in Nevada. It is not a new concept in a lot of other jurisdictions across the United States where it has been in use for decades.

SENATOR HANSEN:
I guess right now if you had a cute little puppy sitting there, and you guys were petting it because you are nervous to testify in front of a committee and all that, it would prejudice me. That cute dog. Oh, go ahead. I am more likely to vote for the bill because you would have a dog sitting there. Obviously, he did not, and I do not want to see that here, but people are nervous here as well.

I think this is a strange new world kind of wondering too for those of you who have legal degrees around here. In the future, in law school, is there going to be whatever the modern version of Roscoe Pound is basically saying, "Our class today is how to deal with facility dogs in the courtroom." Right now, I do not think they have any training in that. I am very uncomfortable with the whole concept. I love the idea of making people more comfortable, but I am also really concerned about introducing a new element that has potential biases that could impact a person who should be considered innocent until proven guilty because sympathy is generated by an animal in the courtroom.

SENATOR KRASNER:
I see that the bill applies to children, child abuse victims, maybe a child that has been beaten or sexually assaulted. Is there any proof in the other jurisdictions or states that allow this or in clinical trials that this actually helps the child to feel calm enough so that they can testify in a courtroom? Because that is a scary place for a child.

MS. MILLER:
There are a number of clinical trials done by either clinicians or social psychologists that represent this. Last year, I did a study in which we brought in trained therapy dogs. These dogs are not trained nearly as much as Mr. Browett was talking about, but they are certified by a local group a therapy dogs to bring into educational settings and hospitals and things like that. They are not nearly as trained, but the idea is the same in that it provides some kind of comfort to them.

We provided our participants with some stressors, some educational problems that were not solvable. We asked them to think about things that are really embarrassing to them, to write them down and to admit them. We created this stress, and then we either asked them to interact with this therapy dog, or we asked them to just do some other neutral tasks. And then we measured their

heart rate, anxiety and stress on a clinical measure, and then also a self-report measure asking if they feel better now? Afterward, we did find that interacting with the therapy dog did reduce stress and improve some of their performance on some little logic tasks. Most importantly, they stated in their self-report that they felt calmer and less stressed out and that the dog interaction did reduce their stress. That was just one of my studies, but many studies from other universities and in educational settings involving people with intellectual disabilities, children, all kinds of settings show that the presence of the dogs does reduce stress.

MR. BROWETT:
If I can just add to that too. There are other studies, without getting too deep into it, specifically with facility dogs, not in a courtroom setting but in interviews particularly in child advocacy centers and forensic interviews. They have done blood draws before, during and after the interview with and without a facility dog present and the level of cortisol—the stress hormone—present when the dogs were not present was far higher.

Then you can branch off into psychology and how cortisol affects the way our brain works. It activates that fight, flight or freeze part of our brain which affects our thinking. Now we are thinking with a lizard brain, to use common terms, versus our much more powerful full brain. And so if we can shut that hormone off, then we are allowing for that better brain function and, therefore, not only just a better common experience but quite literally better thought, storytelling, and relaying of facts and information.

The idea in a courtroom is that the goal is to find the truth. If you can get all that information out, because you are combating all these other things that would normally be a hindrance to especially a child or someone with an intellectual disability, you are enhancing the criminal justice process. The other thing, since you did mention it too, that is important to point out is the use of these dogs with children and those with intellectual disabilities who are often suffering violent or sexual offenses as defined in the NRS. It is not every single case or every type of crime out there. We're talking very serious crimes as they are defined in NRS but certainly crimes of a sexual nature and murder. It is pretty limited in scope.

ANA BONILLAS (Nevada Judges of Limited Jurisdiction):
We support A.B. 302 and the amendment. We sincerely appreciate the efforts of Mr. Browett and other stakeholders who collaborated with us to address our concerns regarding the original bill, particularly with respect to the separation of powers. However, it is also to our understanding that the public defenders introduced an amendment that in our view raises similar separation of powers issues. And for that reason, we must voice a respectful opposition to the proposed amendment at this time.

ANDRES MOSES (Eighth Judicial District Court, Clark County):
On behalf of the Eighth Judicial District Court, I want to register our support. Thanks to Lieutenant Browett for working with us and addressing all of the concerns that we had with the original draft of the bill. We believe that the bill does provide good guidelines for the judges and guardrails on how to do this but also maintains judicial discretion on whether to approve or deny a motion to have a facility dog in the courtrooms.

JOHN MCCORMICK (Assistant Court Administrator, Supreme Court of Nevada):
Ditto to what Mr. Moses said.

ANGELA KNOTT (Washoe County Public Defender's Office):
Ms. Guerrero and I submitted an amendment (Exhibit P) in this case. I want to start with the fact that we did work with the sponsors on this bill in many aspects of the amendment brought to you today. And we are very thankful we were able to have a say and have some of these guardrails and safety checks put into place.

Our opposition is still with criminal jury trials. I think anyone who's done a criminal jury trial knows how intense they are, even without a dog, even without a victim, being part of the scenario. You get a victim on the stand to testify, and we are already calling them a victim, right? It is the defendant who has the presumption of innocence, but you put the victim on the stand, and you have the dog on their lap. You are already sympathizing. Even if you do not want to, even if you heard the judge tell you that you can't take any consideration of the dog being there. You're still going to, you are still going to wonder why that child needs a dog in the first place. So now we are not even talking about the facts of the case. We're talking about a dog. That's what is going on in your brain if you are a juror. "Why is there a dog? Why do we need

a dog?" I think the dog in a jury trial distracts from what we are trying to accomplish in a criminal jury trial.

We do not have opposition to any other courtroom setting. We really like the idea of having them in the juvenile system. I think that could do incredible work for all our youth offenders. But when it comes to jury trials, I am not sure about the separation of powers argument as I do not see that connection. But for those reasons, our amendment is very straightforward. Just not in a criminal jury trial.

CHAIR SCHEIBLE:
I had the same kind of response you are expressing right now. It is interesting to me to hear this. We have not been provided yet, but I am sure we will be provided with the caselaw as well as the clinical trial data on this issue. But I was surprised to learn that cases have been appealed where a facility dog was utilized. And apparently there's been some kind of finding by the courts that there was not bias. And I was wondering if you could speak to whether those findings apply in Nevada and what kind of threshold or standard of proof is for demonstrating bias once the jury trial has already been conducted and the accused has already been convicted.

PALOMA GUERRERO (Clark County Public Defender's Office):
In most of the states where these facility dogs have been allowed, there's been tons of litigation which I think shows that obviously the people involved in those trials found something to appeal on.

Nothing has been done in the Ninth Circuit. There's nothing that will affect us directly. Most of the cases closest to us are in California. But I think as you alluded to, the standard on appeal is much, much higher. The standard on appeal is whether these biases are enough to overturn a conviction. Even the cases in California—they still acknowledge some harm, they still acknowledge prejudice, but they are just saying that that prejudice does not rise to the level to overturn the entire conviction.

MS. KNOTT:
When I was listening to the presentation today, one of the cases Mr. Browett talked about came down to manner of presentation. One thing we are missing from this bill is the manner of presentation. There is no framework on what we

are going to do with these dogs. And I think Florida has it in statute where the dog and the handler remain out in the gallery, and that the dog does not come into the well in any form. It is not at the witness stand. I am not sure how the different jurisdictions in our State are going to handle having a dog in the courtroom. Are we to have any kind of uniformity of how the dog is underneath and hidden from everybody? But then we are to address it in jury instructions. I am not sure, and when you get to this high level of appeals, it is too late by that point. I mean, you really must have something happen for it to be overturned on an appeal.

MS. GUERRERO:
So even in the presentation of this bill, there's some acknowledgement of real harms in doing this. It just now becomes a balancing test between the prejudice against the defendant and how a facility dog will assist the witness in providing testimony. And, as I briefly mentioned, there has been tons of litigation on this. So, on top of all the legal arguments we are still making, we would now be adding litigation about the presence of a facility dog to the mix of appeals.

Texas A&M University looked specifically at how judges view the presence of a dog during testimony, and judges themselves expressed a worry of how the presence of a dog could increase sympathy for a victim. And a researcher, Kayla Byrd at Arizona State University, conducted an experiment to examine how facility dogs would be prejudicial and unduly sway jurors. The study did find juries were more likely to find a defendant guilty when a child testified with a facility dog. We do appreciate Lieutenant Browett's commitment in allowing anyone in the courtroom to have a dog. But requirements in the bill are that person still has to be under 18 or have some sort of disability and that it [the dog] will assist them in their testimony.

But our clients have a right not to testify on a trial, and they often do not. This will still be used in an imbalanced way. Jury trials can decide someone's liberty, they can decide decades of imprisonment for someone. Jury trials can even decide life or death, and every single accused person in this country is innocent until proven guilty. We cannot let facility dogs in jury trials sit with witnesses because that implies to the jury that the witness is a victim and needs that dog because of some underlying trauma. It implies that that accused person is guilty.

SENATOR HANSEN:
No, the question is not in the trial but before you can use a dog, if you have a defendant or whoever the witness is and you want to calm them down, can they use a dog right now outside of the courtroom to basically allow them to get to take a deep breath, pet the dog and then answer some of the questions leading up to trial? Is that completely legal right now?

MS. KNOTT:
Outside the courtroom? I think that is based on the courthouse itself. Do they let the dog in? And if so, absolutely, that has no impact on what we are doing inside the courtroom in front of a jury. So, I mean, I can see it right now.

SENATOR HANSEN:
This is a very legitimate use of an animal if you have a child that has been traumatized and they want to, you know, question them and make them comfortable so they can kind of describe it as the officer mentioned, but that is allowed already. This law, as I understand it, is almost exclusively to allow dogs into a courtroom setting, including a criminal trial with a jury present. And that is where I was like, oh, wait a minute. Have you guys ever heard of anybody in the public defender world or a defense attorney who has used an animal to calm down a potential witness? It is kind of like all new ground. I am just kind of wondering where this has been used because it sounds like a good thing.

Frankly, if I had an individual and I am bringing them to trial, and you want to try to make the jury more sympathetic to somebody accused of a crime, certainly having a puppy in their lap or if you are allowed to do it for the people accused of a crime as well as the people maybe making the accusations, that would seem perhaps advantageous to you as well. But my overall thinking is if they want to use them to allow questioning outside the courtroom, good idea. Inside the courtroom raises the bar to a whole new level. So as far as the law goes right now, you can use a dog if you wish in a situation where you are questioning somebody. My point is you can use those types of things. Any thoughts on that from your perspective as a public defender.

MS. KNOTT:
First off, no, I have never heard of using a dog in the courtroom until we heard the presentation in Assembly Judiciary [Committee]. So, this is a unique idea from our perspective. But you also raised a part of your question which I think is

interesting, which popped into my head is how we jump to a jury trial. You know what I heard from Lieutenant Browett was we need to have a relationship with this animal. The child must have a relationship with the animal, and I can see that starting maybe when the child is brought into the Children's Advocacy Center. They get in there. It helps them calm; they can speak now with the victim advocate.

But then what is the next step? Does that jump right into a jury trial? Or should we also see how this relationship is in other court hearings with this child? Because I think that is a large step to go from the Children's Advocate Center right into a jury trial. There should be steps before that to make sure this dog and this witness can interact together in a great way in a courtroom setting outside of a jury to ensure that there will be no prejudice, that they work together, that there will not be any distraction. I have some concerns. There also is to make sure we do not jump from A to Z without anything else in between.

SENATOR HANSEN:
It is a brave new world, that is for sure. And it definitely raises a lot of logistical questions like you are describing there.

MR. BROWETT:
I just want to clarify a couple of things. There were references continually to the dog on the lap. That is not a practice you would see in the courtroom. These dogs are typically behind the wall. If there is no wall in a courtroom, screens are used. They do try to keep them shielded from view as much as possible. The one thing important to point out is the public defenders are taking this tool away from their defendants as well. I understand that defendants are often unlikely to get up and testify and give their side of the story. But if they wanted to, I would hate to think the anxiety they can't overcome would prevent them from being able to tell their story on a stand and that they would be opposed to utilization of a tool that would help their clients accomplish that.

As to the comments of the tons of litigation, I would love to see that litigation. I listed the cases I can find across the United States, Exhibit N. One case out of the Ninth Circuit regarding Idaho's facility dog law is a lot different. In fact, it is what I came out of the gate with here, which basically says if there's a request for a facility dog, a judge shall grant it. That was upheld in the Ninth Circuit as

being a lawful law. So there is a little bit of caselaw in the Ninth Circuit regarding the use of facility dogs.

I can't disagree. It is all about striking balance, and that is where the judge's discretion comes in. This is what judges do day in and day out. They run balanced courtrooms. To unilaterally take that discretion away from them, as you heard from the [Nevada] Judges of Limited Jurisdiction, is improper. Senator Hansen, I would be happy to share some contact information with you about people from other states, whether it be public defenders, judges and prosecutors who had all of these same skepticisms about this type of program. And now most of them will tell you that they can't imagine doing some of these cases without this resource. I certainly would be more than happy to share that with you so you could talk to some of those people.

I can only say what I know and have experienced, and it is a huge mind twist. I think in every jurisdiction that considers this, the same thing has been faced. But over time, it has been shown that all these concerns do not necessarily materialize the way we fear they are going to. And I know Professor Miller wanted to comment on some of the Texas A&M research.

MS. MILLER:
This is not a new thing. It is widespread. Forty states allow this according to the National Center for State Courts research, and there are not a lot of appeals. It is not like we are going to have tons and tons more appeals because of this. There have not been a lot, and none have overturned the verdict specifically because of the dog. I have done some of that research myself that I have published. Mr. Browett just brought up that the defense would also be undercutting their own defendant's right to have the dog as well, and one of the concerns other people have brought up is what if the dogs calm the victim so much that they do not look like a victim? There's that concern as well if we have expectations of how a victim should act and what if that victim does not act as upset or as scared because they have the dog. That concern would undercut their arguments as well.

The last people who testified talked about judges having concerns. Several studies out there have talked to judges, including a study I did with the National Judicial College in Reno. My study also found some concerns, but,

overwhelmingly, judges were supportive of this in my study, as long as there were cautions [to use] best practices, which is what the bill is proposing.

My final point is they have referenced the study by Kayla Bird in Wyoming [*sic*], two of the studies I also was reviewing, including a third, a study I did myself. All three studies found no prejudice in the Kayla Bird study they were quoting. This is from the article itself. It says across two studies utilizing mock trial paradigms involving child witness, we explored the impact of courtroom accommodations on mock jurors' judgments about the defendant and child witness. In experiment one, teddy bears but not facility dogs were prejudicial to the defendants. In experiment two, neither facility dogs nor teddy bears were prejudicial. I am not sure how they came to the conclusion that the facility dog was prejudicial to the defendant because that is not present in the abstract I just read you for that published article.

And then the other study that I conducted with Christine McDermott, who now works for the National Judicial College, found no prejudice for the defendant or for the prosecution even though we took those extreme steps of a big fluffy, happy teddy bear. She is petting it and kissing it, and we tried really hard to create that prejudice, and we could not find it affected verdicts one way or the other.

CHAIR SCHEIBLE:
I will now close the hearing [on A.B. 302] and open the hearing on A.B. 309.

ASSEMBLY BILL 309 (1st Reprint): Revises provisions relating to certain orders for protection against domestic violence. (BDR 3-885)

ASSEMBLYMEMBER MELISSA HARDY (Assembly District No. 22):
Assembly Bill 309 seeks to clarify the process surrounding temporary protective orders (TPO) involving incarcerated adverse parties under current procedures. When an incarcerated individual is served with a TPO, there is an ambiguity regarding the steps required for that individual to respond to an application for an extended protection order. This ambiguity has led to varied interpretations of what constitutes adequate notice, affecting both the due process rights of incarcerated adverse parties and the efficiency of court proceedings. It also creates uncertainty and stress for survivors who may face delays and multiple court appearances before obtaining necessary protections to remedy this.

Assembly Bill 309 amends NRS 33.030 to clearly specify that a temporary protection order served upon an incarcerated adverse party must include explicit instructions. The revised bill consists solely of a statement indicating whether the incarcerated adverse party contests the issuance of an extended order that it would be filed with the court in accordance with the procedures established by the facility where the incarcerated adverse party is in custody. It would notify the incarcerated adverse party that if the incarcerated party does not file within 14 calendar days after the date of which they receive service, the court may hold a hearing or grant the extended order. We also addressed the concern in the original bill. It originally said affidavit, and we changed that to written response.

To further discuss this bill, my copresenters are joining us on Zoom. We have Professor Courtney Cross, who's with the Boyd School of Law, and Courtney Poe, an attorney at Holland and Hart. They will elaborate further on the important legal services they provide, answer your questions, and go through how we got to this point and why we brought this bill forward.

COURTNEY CROSS:
I serve as the director of the Survivor Representation and Advocacy Clinic. We provide critical legal services to survivors of intimate partner violence by assisting them in securing temporary and extended orders. And I want to stop for a second and be really clear. I am testifying today in my personal capacity. I am not speaking on behalf of UNLV [University of Nevada, Las Vegas] or Boyd Law School or the Thomas and Mack Legal Clinic. But I do hope that in my personal capacity as an attorney, I can provide hopeful context and expertise for the bill. The good thing is that since I am not here in my capacity as a law professor, this discussion will have no talk of widgets.

I have been an attorney in Nevada for about a year and a half. I have devoted my career to working with domestic violence survivors and spent the last 15 years in Domestic Violence Protection Order Court in Washington, DC; Denver, Colorado; Tuscaloosa, Alabama; and now here in Clark County. I hope to provide you with hopeful insights and context based on what I have observed during my career as an attorney on behalf of domestic violence survivors.

One significant issue I have encountered here in Clark County involves cases where the adverse party is being held in jail when a TPO is issued and served.

Currently, the law does not clearly define how these incarcerated individuals may appropriately respond to applications for extended protection orders when they remain in custody at the time of an extension hearing. The ambiguity has led to procedural uncertainties about adequate notice for proceeding with extension hearings without the incarcerated individual present. They do not have a right to be transported to court for these hearings. What we have found in Clark County is they are generally not brought to these hearings, and I have never had an adverse party appear remotely either when they are incarcerated at Clark County Detention Center. This procedural uncertainty regarding how to move forward can lead to multiple continuances while hearing masters decide whether and if they can proceed with an extension hearing without the adverse party.

As a result, survivors can face multiple court appearances which can create additional challenges related to transportation, childcare, employment and schooling. I have had a client tell me they were thinking about dropping the case because they just could not keep going back to court. Additionally, adverse parties may have extended protection orders put in place against them without their ability to weigh in or contest them. The substance of this bill is similar to a procedure used by at least one Clark County hearing master in these cases. And in that case—and I have seen this I think two to three times—the hearing master extended the temporary protection order, then she continued it and then set a date by which the adverse party had to respond. And if the adverse party did not respond by that date, then the hearing master could decide to move forward as you heard from the beginning.

Based on the amendments, we are not asking the adverse party to respond substantively. The idea in this bill would just be to let the court know if they did want to contest the hearing. This approach can provide clarity for both parties and for the hearing master who can feel satisfied that the adverse party has been afforded an opportunity to weigh in.

COURTNEY POE:
I will be providing a brief walkthrough of A.B. 309. Section 1, subsection 6 amends NRS 33.030. This bill specifies that TPO issued against incarcerated adverse parties must include clear instructions outlining the process by which these individuals may respond specifically. The adverse party is informed that the incarcerated adverse party can contest the extended order by filing a written

response with the court within 14 calendar days of being served. The temporary order, the written response, as Professor Cross said, will only consist of a statement indicating whether the incarcerated individual contests the issuance of the extended order rather than providing details about the case. Failure to submit this written response within the provided time frame may result in the hearing proceeding in their absence, allowing the court to grant the extended order without further input. Subsection [Section] 2 simply states that these changes will apply to all protective orders issued after October 1, 2025. And then that concludes the section by section of the bill.

SENATOR KRASNER:
We are creating law that advises the person in jail that the victim they allegedly raped is trying to get an extended protection order against them. Is that correct?

MS. CROSS:
When an applicant for a temporary protection order receives that temporary protection order, whether an extension hearing on whether to extend the order for up to two years is granted, what has to happen for this to go into effect is that the adverse party gets served. That's already happening. So, what this bill would do is for folks who are incarcerated at the time of service and who anticipate, likely due to bail issues or bond issues, that they will remain incarcerated through an extension hearing if one has been set, this simply allows a way for them to indicate to the court that they wish to contest the protection order. The point of this is so that a hearing master will know, once the adverse party has been served, whether they should proceed with an extension hearing. The notice of an extension hearing is already built in. This bill is trying to address the ambiguities of what a hearing master is supposed to do if at the time of the extension hearing, the adverse party remains incarcerated. The goal of this bill is sort of a technical solution that would provide more clarity to the hearing master and to the parties about moving forward with possibly extending the protection order.

SENATOR KRASNER:
Are we talking about somebody who's already been accused of sexual assault, had a hearing on the sexual assault and found guilty or responsible for the sexual assault? And now they are incarcerated. We're talking about that person or a person that is just briefly incarcerated for a couple of hours.

MS. CROSS:
I will tell you what we are typically talking about, bearing in mind that these civil protection orders could be sought at sort of different points in a violent relationship. But when this has often come into play, it has been that the adverse party has been arrested for domestic violence against the person who then goes to apply for the TPO or the emergency TPO. Typically, this would be in sort of a period of pretrial detention, although I suppose there are universes that are less frequent where an applicant would be seeking a TPO against someone who is already serving a sentence. Most of the time they would be seeking a TPO against someone who is being held pretrial, or post arrest. And usually, they are being held on the same set of facts that make up the most recent event listed in a TPO application, although there may be outlying experiences where that is not the case.

SENATOR KRASNER:
I am just thinking of a scenario now where a person has sexually assaulted someone, they've gone to trial, they've found that the person is guilty. And this person, the perpetrator, is now incarcerated because they've been found guilty of the sexual assault. The victim applies for an extended protection order. Now with this, it is going to allow the person who is incarcerated to come to jail, or it is going to cause the victim to have to go to court again to make sure they get that extended protection order against the person who's already been found guilty of raping them. Is that right?

MS. CROSS:
The more common set of facts, though I will address what you have proposed, is in a domestic violence situation, so physical violence, threats, harassment, which obviously, physical violence can include sexual assault. But most folks who are filing for a protection order are filing relatively close in time to when the incident has happened. What you would imagine is that this proceeding would be sort of parallel to an open criminal case. And obviously, this civil remedy typically moves faster than most criminal cases. What you have suggested, which is someone filing once their abusive partner has been found guilty and incarcerated, is a lot less likely than someone filing in sort of the hours, days, maybe weeks after that incident has happened and that person has been arrested. The point here is of a more technical service issue, which is a lot of times what I have seen in Clark County; hearing masters are understandably unclear on whether they can proceed with an extension hearing if the adverse

party is not there because the adverse party is still being detained, typically pretrial.

The bill would attempt to provide some clarity through the use of this pretty perfunctory written statement to allow a hearing master to go forward at the time of the extension hearing, as opposed to issuing several continuances until the hearing. Masters are satisfied that their own process of notifying the adverse party has been sufficient. The applicant in a domestic violence protection order hearing is always going to have to go to court to get that extension. Now, they may file a motion to appear telephonically or over Zoom. But if they want an extension, there is always going to be a court appearance in front of the hearing master for the hearing master to decide whether to extend that protection order. I hope that that helps.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):
This bill will help reduce barriers in the number of times that a victim survivor has to appear before a judge in order to receive their extended protection order, and we are in strong support.

CHRISTOPHER RIES (Las Vegas Metropolitan Police Department):
I would like to thank Assemblymember Hardy for taking our concerns and allowing us to be in a position of support. I would also like to thank John Jones from the Clark County District Attorney's Office who also helped with this bill of for his efforts. He sends his apologies that he can't be here in person.

MADDISON PROCTOR (Nevada Women's Lobby):
I am here in support, and we just want to say ditto.

ASSEMBLYMEMBER HARDY:
Thank you for hearing this bill. We hope that you will support it. It will help victims and give a clear understanding of the process for TPO and extended hearings.

CHAIR SCHEIBLE:
I will close the bill hearing on A.B. 309. That takes us to the final item on our agenda for this afternoon, which is public comment. Seeing nobody wishing to provide public comment, this meeting is adjourned at 12:50 p.m.

RESPECTFULLY SUBMITTED:

_____
Sally Ramm,
Committee Secretary

APPROVED BY:

_____
Senator Melanie Scheible, Chair

DATE: _____

Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 239	C	3	Robert C. Kim / Business Law Section, State Bar of Nevada	Summary
S.B. 459	D	14	Jered McDonald	Work Session Document
A.B. 35	E	15	Jered McDonald	Work Session Document
A.B. 89	F	15	Jered McDonald	Work Session Document
A.B. 369	G	15	Jered McDonald	Work Session Document
A.B. 451	H	15	Jered McDonald	Work Session Document
A.B. 90	I	18	Jered McDonald	Work Session Document
A.B. 201	J	18	Jered McDonald	Work Session Document
A.B. 217	K	19	Jered McDonald	Work Session Document
A.B. 283	L	20	Jered McDonald	Work Session Document
A.B. 480	M	21	Jered McDonald	Work Session Document
A.B. 302	N	22	Michael Browett	Caselaw Summary
A.B. 302	O	23	Michael Browett	Proposed Amendment
A.B. 302	P	39	Paloma Guerrero / Clark County Public Defender's Office and Angela Knott / Washoe County Public Defender's Office	Proposed Amendment