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MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eighty-third Session
March 19, 2025

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The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:22 p.m. on Wednesday, March 19, 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:

Senator Nicole J. Cannizzaro, Senatorial District No. 6

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Michael Scully, Committee Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Aaron Ford, Attorney General
Jacob Villani, Clark County District Attorney's Office
Christopher Ries, Las Vegas Metropolitan Police Department
John T. Jones, Jr., Nevada District Attorneys Association

Nazareth Zerai, University of Nevada, Las Vegas
Jason Woodard, Nevada Sheriffs' and Chiefs' Association
Jason Walker, Washoe County Sheriff's Office
Mike Cathcart, City of Henderson
Brianna Cowan, Douglas County Republican Central Committee; Douglas County
      Republican Women
Angela Knott, Washoe County Public Defender's Office
Paloma Guerrero, Clark County Public Defender's Office
Athar Haseebullah, Executive Director, ACLU of Nevada

CHAIR SCHEIBLE:
We have one bill to be presented by the Senate Majority Leader this afternoon. I will now open the hearing on Senate Bill (S.B.) 263.

SENATE BILL 263: Revises provisions relating to pornography involving minors. (BDR 15-520)

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):
I am sure that you have all heard of deepfake technology and I think you had similar hearings in this committee around the use of artificial intelligence (AI) technology, the same technology used to manipulate audio or video to create a false but very realistic video of individuals doing or saying things they did not actually do or say.

For example, a person's face can be swapped with another person's face, and lip syncing can be added. Machine learning and sophisticated technological tools have made deepfakes relatively easy to create and increasingly commonplace in recent years. These advancements in AI have introduced new challenges for law enforcement. For example, generative AI modules are image-, audio-, video- and text-generating platforms that can generate many types of synthetic media.

Unfortunately, the rapid advances in generative AI have been leveraged to produce what we also refer to as child sexual abuse material. To combat the proliferation of AI-generated child pornography, S.B. 263 modernizes Nevada's existing child pornography statutes to keep Nevada's children safe. This gives law enforcement the tools they need to prosecute and deter the spread of AI-generated child pornography.

<u>Senate Bill 263</u> covers images of actual children and images that are indistinguishable from a child. This type of material certainly victimizes children, and that is the main reason why we are here before you today. It exploits these children for sexual purposes and absolutely should be against the law. I would like to briefly walk the committee through each section of the bill.

Section 1 creates a definition for computer-generated child pornography to include an actual child or an actual person 18 years of age or older, adapted to look like a child, used as a subject of a sexual portrayal engaging in simulating or assisting others to engage in or simulate sexual conduct. The term also includes, for the same activities, any visual representation that appears to depict a child created by the use of AI or computer technology capable of processing and interpreting specific data inputs to create a visual depiction that is indistinguishable from a minor. The term "indistinguishable" is defined as, "virtually indistinguishable, such that an ordinary person viewing the visual depiction would conclude the visual depiction is of an actual minor."

Section 2 of the bill expands the prohibition against the preparation, advertisement or distribution of child pornography to include computer-generated child pornography. This section also revises the applicable criminal penalties by subjecting each person found guilty of violating the prohibition to a term of imprisonment in state prison.

It also includes providing that a person found guilty of a second or a subsequent violation is guilty of a Category A felony punishable by imprisonment in the state prison for a minimum term of not less than ten years and a maximum term of life with the possibility of parole. The person may also further be punished by a fine of up to $15,000.

Section 3 adds computer-generated child pornography to the prohibition against the possession of such material and increases the penalty from a minimum of one year to five years in a state prison for a second or a subsequent offense.

Section 4 makes a conforming change to the definition of sexual offense in regard to the application of the law regarding a person to register as a sex offender.

I would like to turn the presentation over to our Attorney General, Aaron Ford, and I also wanted to note that we have Chief Deputy District Attorney

Jacob Villani available to answer any technical questions as he does practice in this particular type of prosecution.

AARON FORD (Attorney General):
Thank you for allowing me to speak in support of this important bill. It is simple: our laws need to keep up with technology, especially when bad actors are using it to exploit children. Senate Bill 263 closes a very dangerous loophole, and I am here to make sure that we do exactly that.

Creating computer-generated child pornography is not just disturbing; it is predatory, and it should be a crime. Under this bill, it will be. Using AI or any other technology to exploit children by manipulating their likeness is a deliberate act of harm, and there should be no loopholes that let predators get away with it. This bill will ensure that they won't.

This is not a victimless crime. When predators use AI to create child pornography, they are not just breaking the law; they are actually revictimizing real children. No child can consent to this, and no survivor should have to live in fear that their likeness is being used in this way. We've actually already seen how devastating this can be. Let me give you a real-world example of why this bill matters.

A child who was rescued from sexual abuse in 2018 is still being victimized today because predators are using AI to create new fake child pornography with her face. These deepfakes keep the abuse going long after she was saved, and because of advancements in artificial intelligence, it is actually harder to track and remove these images. This bill would put a stop to that. It bans AI-generated child pornography, closing a loophole that predators are exploiting.

Beyond the obvious moral outrage, there's also a practical reason for this, too. Law enforcement has to treat every AI-generated image as if it is a real child that is being harmed. That takes time and resources away from finding actual victims. Right now, investigators are stuck determining whether these images are real instead of focusing on protecting kids who desperately need their help, and that's unacceptable.

Here is the legal reality. Under the current law, prosecutors could struggle to go after offenders creating this material because existing statutes were not written to cover AI-generated images. The law depends on clear definitions, and right

now, terms like "person" and "minor" may not account for this new technology. These are gaps that give predators an out. We can't let that happen. As technology evolves, so do the threats against children. As we stated, this technology is creating problems that we never thought possible. If we do not act, it will only get worse, and our laws have to keep up.

Senate Bill 263 closes this loophole and makes sure that predators can't hide behind AI. It protects children and ensures that law enforcement can focus on what really matters—rescuing victims and putting criminals behind bars. This bill has my full support. I urge this committee to pass it.

SENATOR CANNIZZARO:
The use of AI is fast evolving. That is an important note with respect to this piece of legislation. We do not have the time nor the luxury to wait to address this important issue. The longer we wait to put a stop to computer-generated child pornography, the more it will advance and spread, resulting in harm to children in this and other places.

I urge your support of this vital legislation. I think one of the reasons why this piece of legislation, and why you are seeing the two of us up here, is because this is something we absolutely have the obligation to address. To wait another two years or to wait and see what happens with adaptive AI technology simply allows for the victimization and exploitation of children here in Nevada. Without this tool, I think you will find that law enforcement has their hands tied in being able to address it and to address it in a meaningful fashion.

I know there are a lot of questions and concerns. I've been having some of these meetings with folks to discuss some of those, and I am sure we will have a very robust discussion about it today. But at the end of the day, the one thing I want to put some emphasis on is that this is a real problem. Where law enforcement is encountering this type of material, if they cannot definitively say that it has not been altered by AI—and to the Attorney General's point, if it has been even a little bit altered by AI—it does not fall within the realm of what we have in current statute. We have to address this. It is going to become a much more widespread problem if we don't, and I think that Senate Bill 263 is a solution.

SENATOR FLORES:
Obviously, this is something that terrifies every single human in this State. So it is a conversation that we have to engage in. I know the landmark case of *Ashcroft* 2002 [*Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002)] is really what we all go back to. And I know there in doing the Ferber test, they focused on actual versus just kind of a human that is created.

I see in section 1 you are using an actual human. I am curious to know—and maybe our technical expert that is joining us can help us—in prosecuting these cases, how do you identify the actual child? I am assuming that may be difficult at times, but imagining that scenario where there's a website or a particular individual who has a lot of content, how do you distinguish in that scenario where the actual child is so that we can identify that victim?

JACOB VILLANI (Clark County District Attorney's Office):
The vast majority of our investigations are launched via what are called NCMEC tips from the National Center for Missing & Exploited Children. They keep a log of all known child pornography images, and they do what is called a "hash function" on them, which is essentially a fingerprint for an image. So when online entities such as Google Drive, X or Facebook, etc., come across one of these hashed images, they report it to NCMEC, and our investigations are launched off of that. We then seek the IP [Internet Protocol] addresses and that sort of thing.

So the way we identify the children right now is they are known images, these have been investigated, these have been confirmed as known children, and these images are hashed there. If you change a single pixel of these images, it hashes differently, which is part of what AI kind of complicates throughout this process.

SENATOR FLORES:
Madam Majority Leader, I know that you were cut off; I don't know if you wanted to add to that.

SENATOR CANNIZZARO:
I think one of the things that you brought up in your question, Mr. Vice Chair, was the *Ashcroft* decision where I think we definitely have discussion. I am sure you will hear from others with respect to that particular decision, so a couple of notes that I want to make for the committee.

First and foremost, protecting and guarding against the exploitation of children for sexual material purposes absolutely is a compelling state interest. That is something that this State has—I would argue—an obligation and a duty to do. In addition to that, I do believe that there is without a doubt a strong case that the State has that very compelling interest.

So when we look at the *Ashcroft* decision, there are a couple of things we want to note. That decision was interpreting a federal statute that made no distinction between an actual child or something that was completely made up. In that decision, the U.S. Supreme Court noted that because that statute was not accompanied with certain parameters from *Ferber* [*New York v. Ferber*, 458 U.S. 747 (1982)] and *Miller* [*Miller v. California*, 413 U.S. 15 (1973)] with respect to obscenity, there were constitutional questions about that particular statute.

I would note that currently in Nevada law—and you will see the text of which in S.B. 263—in section 1, if you go into what would now be under the proposed language in subsections 3, 4, 5 and 6, you actually have those parameters that currently exist within Nevada law for that test so that we are not doing in this bill what was struck down by the *Ashcroft* Court.

I would direct this committee to review the decision in the *United States versus Williams* from 2008 [*United States v. Williams*, 553 U.S. 285 (2008)], subsequent to that *Ashcroft* decision, where they actually make this distinction in noting that because we are now talking about where you are drawing this line, and I know we are going to have some more discussions about where these lines are drawn. I think the difficult part about legislation and the law and lawyers which this committee is very familiar with is that it is very hard to draw clear bright lines on almost anything. So what we have here are the parameters that the court looked to in the *United States v. Williams* decision that the court was looking for in that *Ashcroft* decision to say that we are guarding against First Amendment violations by noting that there are parameters around that when we talk about whether it falls within this category of being obscene material.

I wanted to just note that because I think we are going to have a lot of discussion on that topic area, and I know that your question sort of started from that position. That is what I was going to add before going to Mr. Villani with

respect to the technical pieces of how it is they are conducting these investigations.

SENATOR FLORES:
I know that 2008 case obviously gives a lot of direction. In dissecting section 1 and talking about "indistinguishable," I am trying to understand—and with all respect to some of my friends on social media—when they utilize these AI apps, I know it is that person, but I don't know it is that person. I am like, "that looks so completely different from you." Respectfully, we all see those filters on there, and we joke around and say, "There's 14 filters on that human being." I start with that joke, but then getting to the serious conversation of when we are trying one of these cases, I understand that there's a database, and so that makes it a lot easier to engage in some of these conversations.

But I am trying to figure out how much leeway are we giving an individual who's engaging in this activity that we are trying to prohibit from having those outs? Because I just feel—one filter, two filters, three filters, AI—do we open the door for some of these conversations to say it is not that individual anymore? Do we have the technology to be able to trace it back to the original actual person? I am just curious to know how we see ourselves engaging in that particular type of case where now it is so far removed from the actual person. Or, that filter, if put on 14 different people, all 14 people may look the same with that filter. I am curious to know how we see some of those scenarios playing out?

MR. VILLANI:
As I was mentioning before, these investigations are not launched by just looking at the images. In your scenario, we would be relying more on kind of an AI-generated child. There's a twofold thing we are looking at here—is it an actual child that has been modified with a computer image, or is it an AI-generated child?

In the circumstance of an actual child and the filters you are talking about, that would keep that image from being hashed. In other words, these are how our investigations are proceeding. So if it is an actual child and there's an actual child in the home that resembles that image, that would go down to the investigation. Do these filters go back—even though this is a heavily filtered image—does it go back to that child? I am not sure if that addresses your question, Senator.

SENATOR FLORES:
I think we are probably agreeing that in a lot of instances, it is going to be incredibly difficult to identify the actual child. I was just trying to see if there was an alternative mechanism that I am just not familiar with. Like a technological type of application that you use that can help extract the original image from the alterations. I do not believe that exists, but maybe it does. I was just trying to understand how some of these scenarios are going to play out. That is the reason I was bringing it up.

I get it, you are going to start off asking do we have an actual child? Period. Yes or no. If we are so far removed from that, unfortunately, we're not capturing that in this bill if I am understanding you correctly.

SENATOR CANNIZZARO:
Mr. Vice Chair, I think that is part of what this bill is driving to get at. Under current law, if that were the case and it now no longer can be identified to an actual child in the instance of an investigation where maybe that hash is changed, we are at a loss to address that.

Again, the State has, I think, an obligation, and certainly a compelling interest in ensuring that this sort of exploitive material is not being distributed, generated and/or freely given within and among people. That is one of the issues that I think AI presents and one of the problems that this bill is trying to solve.

If they were to find an investigation where someone has now taken an image of an actual child and changed it such that it is not showing up in these investigations in the way where it was a known item and now no longer is, this bill would allow for law enforcement to still conduct that investigation and if they have the proof that meets all the elements contained within Senate Bill 263, to then prosecute that individual. I think that is part of the problem that we are trying to solve because right now, to the Attorney General's point in his testimony, there is this loophole that exists that is superficial in nature and that ignores the victimization and exploitation of these children. And I think that is part of what the impetus of this bill is, exactly the scenario which you are describing.

SENATOR FLORES:
So this conversation started with actual and then when we move into the [section 1, subsection 1], paragraph (b) section of it, if we show somebody a

picture and we try to play that game of guess the age—17, 18 or 19—how do we foresee those conversations moving in that particular climate in this conversation, whether we are going to cut one way or the other and we are going to pursue it all the way? Have we kind of walked through that hypothetical if we engage in that paragraph (b) part of the bill?

SENATOR CANNIZZARO:
I think that is going to be a lot of the conversation around this bill. And I think you'll hear from folks who have opposition to the portions of the bill, the reason why this language, though, is drafted this way, and I will talk about just a couple of things. Number one, when you look at the decisions from the United States Supreme Court as it regards these sorts of things where we are talking about "indistinguishable from a minor," there is an implicit acknowledgement, and in fact, in *Ashcroft*, the Supreme Court noted that there are not bright lines here, right? There is a very big difference between a three- or four-year-old, where we all acknowledge that is, in fact, a minor; that is a tiny child, and someone who may be of an adolescent age, and whether or not there's a distinction there.

Layered on top of that—and one of the reasons why the statute in *Ashcroft* was found to be unconstitutional—and why they pointed to some of these pieces, whether it meets these obscenity standards, which was not present in that statute, was because they acknowledge that. For example, a film that may show a sexual encounter between two adolescents but that overall has artistic value. When we look at that as a whole, it is a very different scenario than what we are talking about when we are trying to get at and to target material that sexually exploits children and minor children.

If we are looking for bright line tests in legislation where we are going to say "we wrote this bill and exactly this is what is going to happen," there are very few—and I would argue with this committee that you probably know more than most—laws that are bright line tests one way or the other, right? And that is why it is important that when we do draft legislation, that we have parameters around that.

Currently, in Nevada law, when you talk about child pornography and as it relates under *Nevada Revised Statutes* (NRS) 200.700, those subsections that talk about whether it is a sexual portrayal and whether or not it appeals to the prurient interest, whether or not it has any serious artistic, political or scientific,

literary value—those are the kinds of things that when we talk about whether or not this violates a constitutional right to free speech, we can answer those questions.

Some of these cases are going to be on a case-by-case basis. You cannot get around that. Just like we have statutes that say first degree murder includes premeditation and deliberation. What constitutes premeditation and deliberation? If it is instantaneous; if it is long and drawn out, those are the kinds of things that we are accustomed to in this committee hearing and lawyers and investigators and law enforcement are in the business of ferreting out.

So I think when we are looking at a bill and what we are trying to do here, we are not going to solve every particular situation of whether or not somebody is falling within the lines. I think you have to take a holistic approach to it. And in this bill, we are trying to get at instances where you may have someone where that image has been altered and that maybe you are playing that guessing game. But some of this is going to have to reside in what we know are common legal principles of evaluating things. The question is whether or not we are writing a statute that gives some clear directives as to what sort of conduct we are trying to prohibit and whether or not there are enough parameters such that we are not infringing upon constitutional rights.

SENATOR FLORES:
I have heard from the opposition as well, but I think just in the exercise of focusing on an actual person, we pulled out and dissected that even there, it could be very complex, and it's not clear-cut where we're going to be prosecuting every single individual that potentially falls in this gray area. It is going to be difficult. There are going to be a lot of resources that need to be utilized in every one of these cases.

SENATOR HANSEN:
Thank you, Majority Leader and Attorney General for bringing the bill. I think this is definitely bipartisan in scope. We heard a bill yesterday from Senator Jeff Stone on a very similar related topic. I sincerely hope that you guys all get together and we can have a bipartisan bill on this issue.

Listening to the discussion, I was reminded of something Maggie Carlton told me a long time ago, and that was, "Do not let the perfect stand in the way of the good." And I think the bill overall is very good. And when I think of

Senator Stone's interests, and I know the Governor with his strong law enforcement background undoubtedly is very supportive of the concept.

However, there is a proposed amendment from the public defenders. I want to find out if you guys are familiar with it and if you consider it a friendly amendment because a lot of the issues that are raised over First Amendment protections and things like that, I think, they are trying to address. I am just curious as to whether or not you guys had a chance to look at that and whether or not you are going to consider incorporating it into the bill?

SENATOR CANNIZZARO:
I want to first thank the Public Defender's Offices from both Clark and Washoe. They did come and meet with me, and we talked through some of these questions and concerns. At this point in time, the amendment (Exhibit C) is not what I would characterize as a friendly amendment. It is not what I am presenting here. Obviously, we are still engaged in conversations. I understand the concerns, and I think they are probably the same concerns that this committee rightfully should have—whether or not what we are putting forward makes sense and whether or not it violates the Constitution.

I would start first by saying S.B. 263 does not constitute a constitutional violation. Certainly, in their letter, there are concerns raised as to the constitutionality of S.B. 263 and a lot of relation back to that *Ashcroft* case that we have discussed a bit. Under *Ashcroft*, there was a federal statute that was designed to get at addressing issues relating altered images of child pornography. There's also a citation to an Illinois case as well that is different in nature. In that case, the specific instance involved cutouts from a parenting magazine and then sort of a makeshift pornography playout with those images from the defendant and whether or not that itself would constitute child pornography.

I think there are differences in those two cases. One subsequent to *Ashcroft,* the U.S. Supreme Court heard the [*United States v.*] *Williams* case which interpreted a federal statute, [Title] 18 U.S.C 2252A, which was specifically passed in response to the *Ashcroft* decision. That is very similar to language we have here. Not exactly, but I think that we are achieving the same thing. So with respect to the constitutionality concerns, I do not believe that those exist with S.B. 263 because we are not just flat-out saying any sort of possession of

something that could be considered minor pornography or child pornography constitutes a violation.

We are acknowledging that it also has to pass these obscenity tests, right? Whether or not it appeals to the prurient interests; whether or not it has literary, artistic, political, scientific value; whether something as a whole falls within those commonly known and regularly used constitutional protections. That is current Nevada law that applies to this particular expansion of the definition. What Senate Bill 263 is seeking to get at, I also think, is broader than the amendment that was presented from the Public Defender's Offices, which mirrors some federal language, but not that that was upheld in the [*United States v.*] *Williams* case, necessarily.

Anyway, they are trying to get at some language that would have to relate back to an actual child. As you have heard today, some of the uses of AI technology make that virtually impossible to do, even if it does relate back to an actual child. And so that is complication number one, and complication number two is that a lot of this is being done for the same purposes but it's using and overutilizing that AI technology. I believe that if we were to accept that definition that was presented from the Public Defender's Offices, we solve maybe part of the problem as long as you can still get back to that same identified child that Mr. Villani was talking about with respect to those investigations. This maybe solves a small piece of this problem but doesn't solve the problem that we are seeing with AI technology which is that you can alter that image so that you cannot trace it back to a real child, but that it does stem from that or is intended to exhibit the same features as a real child and is still sexually exploitive of minors, and it still is within the parameters of this body and this State to police that sort of conduct.

I think the harms still exist under their proposed amendment, Exhibit C. I don't think that the constitutional concerns necessarily meet when you look at S.B. 263 as compared with some of the cases that they have cited. I think we have addressed those constitutional concerns. I don't think that we solve the entire problem. So at this point, that amendment is not something that I am putting into Senate Bill 263 but definitely want to thank them for coming to me and for talking, and we have definitely had those conversations.

SENATOR HANSEN:
Great. Actually, I was not pushing the amendment. I just wonder if you guys have actually had a chance to discuss it. The constitutionality, I will leave that back to Mr. Wilkinson. He and I had an interesting discussion about that. This is my eighth session on Judiciary, and this is the first time I recall this in-depth of a discussion on a scientific technology that has such almost bizarre potentials. So we do expect in the not-too-distant future that the United States Supreme Court will address some of the issues you just brought up.

But obviously, if the issue is you have to have a real child to start the whole process, then we do not even need to discuss this issue. We already have laws against that. We obviously need to go forward on the artificial intelligence ability to actually create such a realistic image that you can't tell it is not a live child. So I'm totally on board. I do hope that as we go forward, this is recognized more as a bipartisan effort. I can guarantee you everyone from the Governor on down wants to have this addressed. Like I said, this is the first time in my 16 years of being in this place that we have had to deal with this gray area of law. No serious constitutional decisions by the United States Supreme Court. So there are a lot of areas moving forward. But again, I think the bill is right on the money as far as we need to go. If we can work out some of the potential constitutional bugs in advance, that would be wise. But like I said, like Maggie always said, you know, this is a very good bill, maybe not perfect, but we need to move this idea forward.

SENATOR CANNIZZARO:
Obviously, we have seen a lot of bills that are sort of within and around this vein. I want to thank the Attorney General because we were both independently working on this issue. As we know, and certainly him, being in our top law enforcement spot for the State, as folks who work on this sort of issue, this is something that was brought to me from law enforcement as well. I think you have seen there are a number of Assembly bills. We have added some Assemblymembers on this bill as well. It is a bipartisan piece of legislation because I think there's a recognition that this is an issue we have to address. I think 16 years on this committee certainly makes you a bit of a seasoned professional, if you will, on judicial issues.

I think the fact that there are so many bills that exist certainly speak to why it is we do need to update our laws here in Nevada. I just wanted to take a minute to note that there were a number of people who were very gracious in helping

to come up with Senate Bill 263 and who have been working on this issue, and we recognize those concerns. It includes our Attorney General. It includes our Assemblymembers who signed on to this—Assemblymember Melissa Hardy and Assemblymember Joe Dalia also were working on some similar legislation and we have sort of combined our forces if you will to all the sponsors on this bill and hopefully move something meaningful and balanced forward.

SENATOR HANSEN:
Madam Chair, full agreement with that. So let's move forward in a bipartisan fashion.

SENATOR NGUYEN:
I think this legislation is very forward thinking and adapting to this scary technology that is out there. Mr. Villani, you had indicated a lot of your investigations and your cases arise from hits from this database that are hashed. Do you have an idea of how many AI-altered images that you don't get access to, or are they available on the database as well? Or would you have to develop a new database that also incorporates some of these either AI-altered images of real individuals or some of these AI images that are so like real life that you would not be able to distinguish between the two of them?

MR. VILLANI:
So our investigations are launched by the NCMEC hash matches that you mentioned. Once those hashes are matched and the IPs are identified and the location is identified, there are then search warrants executed for various devices. Now, I have come across a couple cases so far where when those devices are examined, there is real and generated child pornography on these devices. As far as NCMEC database and whether or not they are hashing AI images, I can't speak to that. I honestly do not know if they are or not, but I have just come across it in a couple of my own cases.

SENATOR NGUYEN:
So is it fair to say that potentially there's even more of this child pornography that is out there that we just do not have the technology to keep up with, utilizing other technology and identifying potential victims that are out there?

MR. VILLANI:
Yes, that is absolutely fair to say with regard to both real and AI-generated child pornography.

SENATOR NGUYEN:
What I actually appreciate about this bill is that it does expand this to visual representations that appear to depict a child. I know there were some questions, and there is some concern over a situation where you have someone that is like 17 years old, or it is depicted to be someone that is older. At the end of the day, if this law was to pass, prosecutors like yourself would still have to make a call on whether or not they were able to prove beyond a reasonable doubt the allegations that you are bringing in charges like this. Is that correct? Is that my correct understanding?

MR. VILLANI:
Yes, that is absolutely correct. We are overly careful with regard to age when it comes to that. The cases we prosecute are clearly children from toddler age to young adolescent age. They are clearly children; there's nothing that you would look at and say, "well that is kind of on the line."

SENATOR NGUYEN:
And then, even when you have identifiable victims, it is still a challenge to find those identifiable children when you are bringing these cases. If this bill was to pass, would it allow you to protect more children that perhaps you are not able to identify, but it is clear that they are minors?

MR. VILLANI:
It would enable us to protect it in that it would help to quell the demand for this type of material, which is really what we are kind of guarding against. When you talk about actual victims, we have circumstances where there's somebody in the home who is being videotaped, right? And so that is an actual physical person that we would have as a victim or survivor of this type of conduct. But there are actual Lolita-type series of well-known child pornography. These people live across the nation, and it is just a well-known actual person, but it is not somebody that is necessarily like a survivor of this possession of these images that this bill addresses. Does that make sense?

SENATOR NGUYEN:
It does. I appreciate this forward-thinking piece of legislation. I do not have the same constitutional concerns; I think that this is very much distinguishable from those. Quite honestly, I think that the Supreme Court in 2002 and 2008 probably never anticipated that our AI technology would be able to produce

images quite like they do now and, in particular, that you could have individuals out there creating child pornography without the impact of an identifiable child.

But I would agree with you. I think that the fact that these images exist out there and that people are possessing those images harms all children.

That brings me to another question, and this is probably for the bill sponsors. Do you anticipate, or did you have any indication that the possession of these images and videos would also hold liable these platforms that post and distribute on a level that we have never seen before?

SENATOR CANNIZZARO:
Obviously, this piece of legislation is really seeking to modernize what is currently illegal here in Nevada, which is the possession, dissemination and production of child pornography, and this bill was very much tailored to that specific issue. This bill doesn't touch on liability parameters or other different things that we could do to hold social media platforms or other internet-based platforms or other places that certainly have this content. I think that is a very interesting idea. Certainly, we should be doing everything we can to protect and guard against the sexual exploitation of children, but this bill was pretty tailored to focusing on giving that additional law enforcement tool as they're encountering this and trying to adapt to that AI technology in the field. I don't know if our Attorney General has anything else to add, but I think that that is a very interesting and valid point.

ATTORNEY GENERAL FORD:
I had my own bill in this regard, Senate Bill 35 [Assembly Bill 35].

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

Brilliant minds thinking alike, forward-thinking, as you say, Senator Nguyen, trying to address issues that were brought to our attention. I am running this bill with Senator Cannizzaro, and it is most appropriate that we do that. I can say, specific to your question, is that among the AG circles, both Democrats and Republicans, there are questions around liability in that regard. But frankly, I think it opens up a different can of worms from a federal level relative to liability—changes to federal legislation and things of that sort.

Even the bill that I ran did not touch on that either. It attempts to do exactly what the Senator is doing, and I must commend her on addressing the constitutional issues upfront. My chief of prosecutions, Alissa Engler, came to me with this idea, and she literally went through the elements as laid out in the statute in the cases to ensure that the bill that we put forward was going to qualify and survive constitutional muster.

So I, likewise, have no concerns with this Senate bill relative to the constitutionality issue and wanted to mention that as well, even though it was not directly responsive to your question.

SENATOR NGUYEN:
I just wanted to clarify that. Like I said, I am very supportive of this bill. I think it takes us in a step in the right direction, and I am sure that we will be forward-thinking in the future on how we continue to protect our children against predators like this.

SENATOR KRASNER:
I am looking at the bill and I am looking particularly at section 2, and it says that it only relates to computer-generated child pornography, which is disgusting, and a person who violates the provisions of section 1, subsection 1 for the first offense is guilty of a Category B felony. For subsequent events, the offense is Category A.

What about somebody who actually rapes a child? I want to make sure that the actual rape of a child has serious or even more serious penalties than a computer-generated image. I am just wondering what the current law is on that, please.

SENATOR CANNIZZARO:
Where you are talking about in section 2, that addition of the computer-generated child pornography is allowing for the prosecution under current law to also include this additional definition where we are talking about this AI-generated child pornography.

We currently have laws on the books that prohibit the possession, use, distribution and production of child pornography. Section 2 is accommodating this new definition. It also increases some penalties. But this particular statute under NRS 200.700 and NRS 200.725, which provides the penalty piece for

that violation of the statute, purely applies to the possession, production and distribution of child pornography.

There are other statutes on our books in NRS 200 that deal with sexual assault as it regards minors. I think in one of the examples given by Mr. Villani where the child pornography stems from actual acts that are taking place in, let's say, someone's home, there are other charges, right? We wouldn't just charge a child pornography violation because that individual has violated multiple Nevada statutes. They would also be charged to the extent that there is obviously evidence and—an investigation conducted and so on and so forth—charges for sexual assault of a minor. Those do carry very hefty penalties, including the potential for life in prison depending on different circumstances. But that type of offense is currently covered under existing Nevada statutes.

SENATOR KRASNER:
I appreciate that. Maybe my question is for Mr. Villani or for legal then behind me, because also in here in section 1 subsection 5, it does talk about sexual intercourse. What are the penalties today for the first time somebody rapes a child and for the subsequent time that they rape a child? Is it a Category A felony?

MR. VILLANI:
If the child is under 14 years of age, it is currently 35 to life for the first offense. The second offense is life without the possibility of parole. If the child is under 16 years of age, 14, 15 or 16 years of age, the penalty is 25 years to life. We also have lewdness with a minor which carries a ten years to life if there's no penetration, such that the statute, NRS 200.366, is what that's under.

SENATOR KRASNER:
So the first offense, is it a Category B felony? And if a there is a subsequent offense, is it a Category A felony for the actual rape of an actual child?

MR. VILLANI:
They are all Category A felonies. So, the 35 to life, the 25 to life, those are both Category A felonies. The subsequent offenses are also Category A felonies.

CHAIR SCHEIBLE:
It has been a while since I have had the misfortune of handling one of these cases. I was hoping that one of you could clarify: currently when we prosecute child pornography cases, do we have to identify the child by initials or by name? And if the case were to proceed to trial, does somebody have to come in and testify to the identity and the age of the child in the depiction?

SENATOR CANNIZZARO:
It has been a while since I had one of these sorts within that special victims unit cases. I believe that your question was whether or not these victims are coming into court to testify, which was maybe the last part of your question.

CHAIR SCHEIBLE:
The victims themselves or an expert from NCMEC coming in to identify them.

SENATOR CANNIZZARO:
From what I recall—and again, that is why I will sort of phone a friend here with Mr. Villani—any trial for this sort of thing is always very sensitive just given some of the content. We do not, I believe, have law enforcement agencies that are charging actual victim names and having those individuals come into court.

I think why this bill is necessary is that, yes, they have to identify it to being an actual child for a variety of reasons, but it does not require, under the statute in a charging document, to actually list that child. This statute was obviously written well before the use of AI technology, so that is part of the reason I do think a bill like S.B. 263 is so necessary because this law was written at a time where this was just not something anybody could even have thought of.

Because of that, it is not that we are having the actual children themselves continue to come into court. You heard from Mr. Villani that some of this is well-documented child pornography that exists across many states and different places that is being identified and therefore is within this database to be searched.

What we are talking about in this statute—an actual child—is not because we are dragging that child into a variety of courtrooms across the United States to have them come and testify and to provide testimony. Maybe we are talking about cases where someone is charged with other crimes but then also is engaging in the production of this. You may have some of that testimony, and

you may have that existing within a charging document. So it's probably a little bit more complex than it is or it isn't, but I think that Mr. Villani maybe can add any additional context that I may have missed in that question.

MR. VILLANI:
When we charge these child pornography cases, generally we are charging them by device at the state level. There are no children's names or initials. It is, "You possess child pornography on such and such device." So we would plead, say, an iPhone or an SD [Secure Digital] card or something along those lines. The only time when initials are going to come into it is when there is an actual child victim, such that they are in the home, they are being videotaped, there are sexual assault charges that go along with that. Then we start being more specific about, "Hey, it's this person we are talking about," and those are always used with initials with minor victims.

CHAIR SCHEIBLE:
That does answer my question, and it leads me to my next question, which is how do you anticipate initiating these cases where there is no original child victim without the technology it seems we have been relying on, which is those hashes on those pictures that get shared without being altered? And I'm sure they're already being altered to avoid detection. Is there new technology being developed, or do you anticipate there is some other mechanism by which we will start to find people who are possessing the AI or computer-generated images?

MR. VILLANI:
The database is constantly growing, so I expect if a bill like this is passed, they are going to start adding—and as they get passed around the nation—they are going to start adding AI child pornography to that as well. Where this bill really helps us is, I expect to find regular child pornography along with AI child pornography, so the hashed images are what kick off the investigation.

What I'd like to be able to do then is if we find additional devices pursuant to that kicked-off investigation during the search and those devices contain only AI-generated child pornography where it is clearly a child, I would like to be able to prosecute that, and current law does not allow that.

CHAIR SCHEIBLE:
Okay, that makes sense to me, and I have two more questions. I am not trying to be flip or anything; I think that we are living in a very strange time and a brave new world where people can manipulate images in ways that we might not expect. So I am wondering if this bill would capture, or is it intended to capture, adults who consensually allow their images to be manipulated to make it look like they're children.

SENATOR CANNIZZARO:
First of all, if you are taking an image of an adult and you are purposefully making this into a minor child which then is depicted in some sort of sexual conduct in a sexual portrayal that does not meet the criteria of having some sort of artistic, scientific, literary value, you are generating and creating child pornography. That is absolutely an issue, and I think it is something that this bill is designed to get at.

Now, I think really where this question lies, given some of my discussions on this bill, is somebody who is 18 who is trying to make themselves look a little bit younger. And I think that is really the question, right? We're not talking about maybe somebody who is a 45-year-old adult who is AI generating themselves into some sort of six- or seven-year-old child.

That question, I think, is where we get into this discussion about, "Are you somebody who is of age but is trying to make yourself look a little bit younger because maybe you have an OnlyFans page and that is the sort of folks who are attracted to your page," as an example that was brought to me. I think that is where this discussion then centers on whether or not we are creating a statute that is addressing the issue of child exploitation while also having sufficient constitutional protections that if somebody is just trying to make themselves look a little bit younger does not fall within the parameters of child pornography.

What's helpful in all of this is that as you read some of these Supreme Court cases, they talk specifically about instances that are very similar to that particular and particularized example. That example, first and foremost, should not dictate whether or not we pass this bill or whether or not we choose to address this problem. There is never going to be a law that is going to give us a bright line test that says, "This is in and this is out." Part of this requires the judiciary, law enforcement, prosecutors and defense attorneys to make those kinds of calls.

I would argue that a situation like that is not something that is going to find itself within the parameters of this bill. But let's say that there is someone who makes themselves look a bit younger in order to attract an OnlyFans page, and that is the sort of imagery that we are talking about. Whether or not that falls within the descriptions of this bill is highlighted by the parameters—whether or not this applies to the prurient interest, whether or not this is something that has one of those redeeming qualities, and whether or not the work as a whole if this is part of a brand—is really going to require a very fact-intensive question.

I know that is maybe not the answer that folks want to hear. They want to hear that yes, if you are 18 and you have an OnlyFans page, you can do whatever you like. Sometimes when we are writing laws, they may capture those incidences, and that is where we do have to make those sorts of calls. That is where we have to have faith in our judiciary. We have to have faith in our system of government.

And I think when we are looking at whether or not we should pass this bill, whether or not it's going to pertain to every one of those instances, the answer is there's not going to be a bright line that is going to exist in this bill. I would argue that even with some of the amendments that have been proposed that particular situation is not remedied by that language.

MR. VILLANI:
I completely agree. The "indistinguishable" language here really makes it clear. Like I said, when we are prosecuting these cases, it is clearly children. We have a burden of proof beyond a reasonable doubt to bring these cases. It is hard to distinguish when you are around that line of 18 years old, and those are not the type of cases we're taking; those are not the type of prosecutions we are going forward with at this point in time.

CHAIR SCHEIBLE:
Thank you. I appreciate your explanations. We will move now into testimony in support of S.B. 263.

CHRISTOPHER RIES (Las Vegas Metropolitan Police Department):
First, I want to thank the bill's sponsor for this important and forward-thinking piece of legislation that will help keep our children safe and hold dangerous perpetrators accountable. We support S.B. 263.

We are all becoming aware of generative artificial intelligence or GAI and its ability to positively impact aspects of our lives. However, we as law enforcement are also becoming more and more aware of GAI being capable of impacting very serious things very negatively. Specifically, GAI is being used to depict realistic images indiscernible from actual people, and shockingly, this includes sexually explicit child pornography of what appear to be toddlers, prepubescent children and other minors, referred to as child sexual abuse material or CSAM.

However, there is currently not a law in NRS where a person could be charged with AI-generated CSAM. Child pornography makes lasting harmful negative impacts to survivors and victims. The GAI child pornography is no different— GAI CSAM is CSAM. We are deeply concerned with this harm when GAI creates child pornography for children and society as a whole.

This bill will close a dangerous gap in Nevada CSAM laws, and the Las Vegas Metropolitan Police Department supports S.B. 263.

JOHN T. JONES, JR. (Nevada District Attorneys Association):
We are in support of S.B. 263. As already has been testified, we need laws to keep pace with technology, especially technology that facilitates child exploitation. I want to say that we appreciate majority leader Cannizzaro and Attorney General Ford, both of whom reached out to law enforcement during the preparation behind this bill, and we are strongly in support.

NAZARETH ZERAI (University of Nevada, Las Vegas):
I am actually with the University of Nevada, Las Vegas (UNLV), honors college here to represent all the students of UNLV. I would like to share my personal experience of using AI; considering that I am a CS [computer science] student and an art student, I have used a generative AI (GAI) for professional projects as well. I think GAI is extremely beneficial.

However, considering that there's this huge controversy surrounding AI for giving no compensation for what images it used to train their AI models, it is, to me, very disgusting that the work that I produce, as well as the work of my friends and other artists, can be used to generate something that is extremely vulgar. Therefore, I am completely in support of a bill like this. I can't imagine the families who are innocently posting pictures of their children who are then

victimized just because somebody decided to go and put it through an AI filter just to produce pornography.

For anybody who decides to question if this goes against the First Amendment, I hope to point toward the *Miller v. California* case. It is mentioned time and time again that this is not content that is used artistically; this is content that is absolutely disgusting and used for gratification, and I think we can all come to agree with that.

My only real concern is just what was already talked about as to how you are going to be able to track this sort of thing. Realistically, the only way I could see that is maybe if you are going to these companies themselves and trying to go look into the accounts of people who have generated these images. But then that comes into the question of privacy, and that could be cause for a huge concern as well for people who might protest against that.

I really appreciate everybody's presence in this meeting. It shows your dedication to protecting our children. In passing this bill, I hope that protection extends to those who are using AI for a benefit to our society, especially given our enrichment.

JASON WOODARD (Nevada Sheriffs' and Chiefs' Association):
First off, we'd like to thank the bill's presenters and also the sponsors on what is a very important piece of legislation. I would just like to remind the committee, or at least talk about the fact that we know in law enforcement that when this type of material is generated, it has multiple impacts. One of the more significant impacts is it creates a relatively indelible record, and the more that particular image is distributed, the harder it is to capture it and bring it back, so the victim is ultimately victimized or re-victimized because of the distribution of this type of material.

Artificial Intelligence just further magnifies that distribution capability, and as has already been discussed in this hearing today, it also magnifies the ability for that image to continue to be morphed. The morphing of that image makes it more difficult for us to essentially capture that and hold those in possession of it accountable.

I believe this bill which was, I think, laid out and articulated very well helps to close the gap that has been mentioned several times and gives us more tools to

try and limit the distribution and impact that such generated images have. We strongly support the bill and ask that you do the same.

JASON WALKER (Washoe County Sheriff's Office):
This bill addresses the growing concerns regarding the use of technology to create visual representations that exploit children. This is significant, as advancements in technology make it easier to produce highly realistic images that can be indistinguishable from actual photos of minors. I feel it also makes it important to adapt laws to keep pace with the tech advancements. Law enforcement needs to stay up, as well, with artificial intelligence to better thwart and/or combat these situations.

MIKE CATHCART (City of Henderson):
The City of Henderson is supportive of the definition additions, the penalty updates and all the conforming changes, and we believe they will be useful with the ever-changing world of technology. We believe this is important public policy and urge the committee to process this bill.

BRIANNA COWAN (Douglas County Republican Central Committee; Douglas County Republican Women):
We strongly support S.B. 263. Child pornography causes severe lifelong harm to children, and expanding these laws is crucial to protecting vulnerable minors. The AI-generated pornography depicting children normalizes harmful behaviors and perpetuates the exploitation of children. The AI models must be trained. They are done so by submitting real images, acts and content from which AI models then extrapolate common themes and content which is then used to produce new content.

The AI trainers must then refine the AI output to produce a more accurate response. This is extraordinary and corrupt. This exponentially exploits and victimizes our children because AI pornography is not a victimless crime. It begins with a victim or victims and perpetuates their abuse continually. We strongly support this bill.

CHAIR SCHEIBLE:
We did receive two letters of support (Exhibit D and Exhibit E). I will now take opposition testimony to S.B. 263.

ANGELA KNOTT (Washoe County Public Defender's Office):
We are testifying today in opposition to S.B. 263. Currently, the Supreme Court of the United States holds that you must be an identifiable minor in order for these computer-generated statutes to meet constitutional standards. The use and function of AI has expanded and advanced all over the world, widely being used by not only tech companies but by the general public, including children.

Artificial intelligence (AI) is used in everyday life from something simple like autocorrect in our text messages to developing complex computer-generated images for movies and television. Given the fast pace that AI is changing our lives, we see and understand the need to amend our laws to keep up with these changes.

Senate Bill 263 seeks to close a loophole to ensure that those people who use AI or other computer-generated images to create child pornography are held accountable for their actions. However, when changing or amending laws, we should do so carefully. We should attempt to ensure that new or amended laws are constitutionally sound and do not violate people's constitutional rights to free speech.

We oppose S.B. 263 because the language violates the U.S. Constitution, and we are specifically talking about section 1, [subsection 1, paragraph] (a), [subparagraph] (2) and section 1, [subsection 1, paragraph] (b). These are unconstitutional under the First Amendment.

First, with [section 1, subsection] 1, [paragraph] (a), [subparagraph] (2), it is the way the language reads. It is any person who is 18 years of age or older. This is not a minor that we are talking about; 18 years or older is not a minor; they are not a child.

Second, when it comes to [section 1, subsection] 1, [paragraph] (b), while we can agree that mixing different pictures of real minors together and creating a sexual image should be considered child porn, the image should be of an identifiable minor and not an animation or a cartoon. This language appears to depict animated images, which seems to be against the intent which is to help actual children.

Additionally, we fear that S.B. 263 will negatively impact juveniles who may share naked selfies or use AI to alter their body parts. There is no carveout for

these juveniles. We believe that this statute—because other statutes provide a carveout for juveniles—that there should be an exception for these juveniles. No one in this room supports child pornography. We are all against it. But given the importance of this topic and its sensitive nature, we should have an increased duty to make sure that we get this bill right.

PALOMA GUERRERO (Clark County Public Defender's Office):
We are not up here saying don't do this. All we are saying is that the bill needs clearer, better language because it can all be left up to discretion. Thankfully, we have Mr. Villani in Clark County who is making those important calls on when to prosecute, but that is just not the case everywhere in the rest of Nevada.

As a solution, we submitted an amendment, [Exhibit C](), that mirrors the federal language which courts have been analyzing and upheld convictions under. And if that federal language is adopted, we will remove our opposition. Our amendment is pretty simple. It changes the definition of computer-generated child pornography, again, to mimic that federal statute.

We also want to use the term, "identifiable minor," to avoid the concerns that my colleague from Washoe addressed. The last part of our amendment just changes the penalties for subsequent offenses, changing it from 10 years to life in prison down to 5 years to 20 years in prison, which is still a very long time, and it is a similar sentence to the charge of attempted murder.

We can't have the only solution for this issue just be more incarceration. The focus should also be on preventing AI systems from being able to generate child pornography in the first place.

ATHAR HASEEBULLAH (Executive Director, ACLU of Nevada):
We oppose this bill specifically because of the issues that were outlined surrounding section 1, subsection 1, paragraph (b), and subsection 2. I want to share that I am well aware of the concerns that are addressed here. I spent my first three years as a juvenile sex crimes prosecutor in New York City. I spent the next several years as an attorney for people who are survivors of domestic and sexual violence here in Nevada. And I ran the ACLU for the better part of the last four years.

As you are well aware, we have been at the forefront of most First Amendment issues. This falls right within that progeny. Section 1, subsection 1, paragraph (b) and subsection 2 overreach by expanding severe criminal penalties to include computer-generated images and AI-generated depictions when no real child is involved. This broad expansion raises constitutional concerns and risks criminalizing protected expression as addressed by the public defender's offices.

"Indistinguishable" here is largely vague. A judge could simply make a determination that one looks indistinguishable from a minor and with no clear standard involved, a bevy of constitutional issues exist.

The *Miller* [*v. California*] test I know was mentioned a few times. That case was decided in 1973. There was no construction or consideration of AI-generated imaging at the time. That's why the Supreme Court precedent that exists turns on existing identifiable minors.

I want to explain how this approach, while seeking to end an AI-related child pornography loophole, actually creates a prosecutorial loophole that can be weaponized in a nefarious way, undercutting the First Amendment. While I can appreciate that this bill is bipartisan, I am simply not one that is going to trust the government. Most of my membership is not going to trust the government. I do not generally encourage people to do that. So I do not take the government at their word when they say this will not be misused.

There is the ability within this bill for someone who is over the age of 18, let's say someone who's 25, who is an OnlyFans model who has decided to make themselves look younger. If that is through pigtails, a plaid skirt or through filters to make themselves look younger, theoretically, they would fall into the gambit of a Category B felony subject to prosecution under the statute because of the vagueness surrounding it, despite the fact that they consent.

Moreover, OnlyFans themselves or another tech platform that allows for such a category to exist, that owner would also fall under the gambit of this. So a person who screenshots an image and says, "I can't believe so and so looks like this in an ad," they, too, could be subject to a Category B felony through this protocol. As we mentioned, with respect to juveniles, another area that pops up, they also would be subject to a provision of this despite being of the same age.

There's not an artistic value that's associated with child pornography under the federal statute that's been made clear. But what there is is a clear definition of identifiable minors. For that reason, you can't consent to being in child porn if you are a child—you are being exploited at that point; there is no ability to do that. For something like this, where it is AI-generated, the constitutional issues abound.

So I would encourage this committee to vote no. Obviously, there's conflicting law on this. I am sure it will end up going up if it's passed. But for those reasons and the reasons outlined by our colleagues at the public defender's offices, we're opposed to this bill in its current iteration, again, based on those specific subsections that I have cited.

CHAIR SCHEIBLE:
We did receive two letters of opposition (Exhibit F and Exhibit G). I will take neutral testimony on S.B. 263 now. Seeing none, I will invite the presenters back to give closing remarks.

SENATOR CANNIZZARO:
First and foremost, this is an issue that I believe very strongly we have to address. If left unaddressed, I think we are going to find ourselves in a much more precarious situation in the next legislative session. That would be the next opportunity we would have to create a law designed to get at what we are seeing in real time—adapting current exploitative material of children in a way that is designed to simply go around current existing law to find a loophole, to find a way in which what we have already determined is criminal conduct and a harm to our society, which we have decided to address.

I would urge this committee's support. Obviously, I want to thank everyone who came in opposition for having discussions with, I think, myself and also with the Attorney General's Office about their concerns. We will continue to have conversations with them. But I do believe that we have to find a solution here.

There are one or two things that I wanted to address that we did not address in our conversations, but which came up in opposition, and I remain committed to continuing conversations on this bill. When it comes to the focus on the "indistinguishable" piece of this and whether or not that then opens up an avenue for a constitutional challenge, I think the important piece to note is that

the language as it exists within <u>Senate Bill 263</u> is definitely designed to meet that constitutional scrutiny. We're talking about realistic depictions, and that's what that language is focused on. So this is an objective standard that courts have routinely applied, and when we are talking about these obscenity tests, I know we sort of touched on that during the discussion, but I wanted to just make that one note for the record.

Inasmuch as it concerns juvenile offenders, there's already current law that addresses whether minors are using electronic means and devices for sexual conduct; that is NRS 200.737, so we do have laws on the books that talk about these sorts of things. We are able to address these issues and to craft a statute that is workable. I do believe that <u>S.B. 263</u> does do that.

Again, we will continue those conversations and hopefully continue conversations with the folks on this committee, but I wanted to make those notes for just our record here.

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CHAIR SCHEIBLE:
This is an important bill, it is an important issue to address, and it is timely. The longer we wait, the more complicated the landscape becomes with the advances in technology. I will close the hearing on S.B. 263 and open the last item on our agenda which is public comment. Seeing none, we are adjourned at 2:52 p.m.

RESPECTFULLY SUBMITTED:

_____
Linda Hiller,
Committee Secretary

APPROVED BY:

_____
Senator Melanie Scheible, Chair

DATE:_____

		EXHIBIT SUMMARY		
Bill	**Exhibit Letter**	**Introduced on Minute Report Page No.**	**Witness / Entity**	**Description**
	A	1		Agenda
	B	1		Attendance Roster
S.B. 263	C	12	Senator Nicole Cannizzaro	Proposed Amendment from Paloma Guerrero, and Angela Knott / Clark County Defender's Office and Washoe County Public Defender's Office
S.B. 263	D	26	Senator Melanie Scheible	Letter of Support from Jose Torres
S.B. 263	E	26	Senator Melanie Scheible	Letter of Support from Bruce Sparks
S.B. 263	F	30	Senator Melanie Scheible	Letter of Opposition from Paloma Guerrero, and Angela Knott / Clark County Defender's Office and Washoe County Public Defender's Office
S.B. 263	G	30	Senator Melanie Scheible	Letter of Opposition from Carl Segerbloom