MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eighty-third Session
April 8, 2025

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:10 p.m. on Tuesday, April 8, 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

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Mike Morton, Special Assistant Attorney General, Office of the Attorney General
Brenda Sandquist, Executive Director, Xquisite
Marco Rauda, Nevada Policy Council on Human Trafficking
Lauren Boitel, Nevada Policy Council on Human Trafficking
Janine Hansen, State Chair, Independent American Party
Tanya Freeman

CHAIR SCHEIBLE:
I will call the meeting to order. We will start with the work session, and then we will move on to bill hearings. I will now turn it over to Mr. McDonald to walk us through the work session documents starting with Senate Bill (S.B.) 30.

SENATE BILL 30: Revises provisions governing requests for public information relating to parole. (BDR 16-252)

JERED MCDONALD (Committee Policy Analyst):
Senate Bill 30 revises provisions governing requests for public information related to parole. It was sponsored by this committee on behalf of the State Board of Parole Commissioners and heard on March 3. The bill requires the State Board of Parole Commissioners to disseminate records of decisions regarding parole to any person who requests the record of a named prisoner. The one amendment proposed and discussed during the hearing is part of the work session document (Exhibit C). It was presented by Nevada Supreme Court Justice Linda Bell and proposes to amend the bill to clarify that justices are prohibited from providing character witness testimony in parole hearings.

CHAIR SCHEIBLE:
We had some conversations during the hearing about how researchers or academics or individuals working with nongovernmental organizations might still be able to get aggregated data from the Parole Board. The director assured me they are going to be adding some language into their administrative regulations that would clarify that research requests would still be honored that asked for aggregate information. That was satisfactory to me to alleviate any of my concerns about still being able to understand the broader workings of the Parole Board. I wanted to let the committee know that before I called for any questions on S.B. 30. I will entertain a motion to amend and do pass S.B. 30.

SENATOR FLORES MOVED TO AMEND AND DO PASS AS AMENDED S.B. 30.

SENATOR LANGE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:
That takes us to S.B. 87 and its work session document (Exhibit D).

SENATE BILL 87: Revises provisions relating to forensic medical examinations. (BDR 16-498)

MR. MCDONALD:
Senate Bill 87 revises provisions related to forensic medical examinations. It was sponsored by this committee on behalf of the Joint Interim Standing Committee on Judiciary and heard on February 26. This bill requires the State to pay for the cost of a forensic medical examination for a victim of sexual assault from the State General Fund. There is one amendment from Senator Scheible, and it is in two parts. The first part caps the amount the State may pay to reimburse the cost of an examination and limits total payments to the amount of funds in the General Fund appropriated for this purpose. Additionally, the amendment will add the term medical facility to mean a facility at which a forensic medical examination of a victim is performed.

CHAIR SCHEIBLE:
I will accept a motion to amend and do pass.

SENATOR KRASNER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 87.

SENATOR NGUYEN SECONDED THE MOTION.

SENATOR ELLISON:
It looks like there is no fiscal note from the Department of Health and Human Services (DHHS) on this bill. Does that mean it would not have to go to Fiscal? I don't want to see it go to the Finance Committee.

CHAIR SCHEIBLE:
It looks like there is a fiscal note from DHHS of zero fiscal impact, so it will not have to go to the Finance Committee. And with that, all in favor of not sending this to Finance but to amend and do pass.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:
That takes us to S.B. 89 and its work session document (Exhibit E).

SENATE BILL 89: Revises provisions relating to firearms. (BDR 15-174)

MR. MCDONALD:
Senate Bill 89 revises provisions related to firearms. This was sponsored by Senator Julie Pazina and heard at the joint hearing on March 27. This bill prohibits a person from purchasing, owning or having possession, control or custody of a firearm if the person has been convicted in the immediately preceding ten years of committing or attempting to commit an offense that is a gross misdemeanor constituting a hate crime under Nevada law or a similar offense under federal, other state, territory or district law.

The same prohibitions on firearms apply if the person has been convicted of committing or attempting to commit certain violent offenses that constitute a hate crime, and each firearm purchased by a person constitutes a separate violation. Finally, the provisions of the bill do not apply to a person who was convicted of any of these offenses prior to July 1, 2025, and who owns, possesses or has under his or her custody control of firearms that he or she legally owned before that date. We have no amendments on this bill.

CHAIR SCHEIBLE:
I will accept a motion to do pass S.B. 89.

SENATOR LANGE MOVED TO DO PASS S.B. 89.

SENATOR OHRENSCHALL SECONDED THE MOTION.

SENATOR HANSEN:
I will be voting no on this. You guys already heard my feelings on hate crime laws in general. I don't think it's right that we single out some people being more valuable victims than others. Secondly, this penalty on a misdemeanor or gross misdemeanor statute will allow a ten-year prohibition of a constitutional

right, which is extremely excessive. So I don't think you should lose your constitutional rights for misdemeanors or gross misdemeanors. I will definitely be a no on this one.

SENATOR KRASNER:
I appreciate the sponsor's thoughtfulness that went into this bill. There are many portions of the bill that I agree with. I am certainly not in favor of hate crimes. I just think that the penalties are a little bit too harsh. So, unfortunately, I am going to have to vote no.

SENATOR ELLISON:
I go with my colleagues. We talked about this quite a bit, and there is just too much of an issue. So definitely no.

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

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CHAIR SCHEIBLE:
That takes us to S.B. 350.

SENATE BILL 350: Revises provisions relating to the death penalty. (BDR 14-1110)

MR. MCDONALD:
Senate Bill 350 revises provisions relating to the death penalty. This was sponsored by Senator Ohrenschall and heard on April 3. The bill requires a judge, when a judgment of death is pronounced, to issue a warrant appointing a week within which the judgment is to be executed: (1) to be not less than 180 days nor more than 270 days from the latest date appointed for execution of the judgment; or (2) if there is a warrant appointing a week within which the judgment to be executed in force at the time a new warrant is issued, the new warrant is not to be less than 180 days nor more than 270 days from the latest date appointed for execution of the judgment.

The one amendment, sponsored by Senator Ohrenschall, is part of the work session document (Exhibit F). It proposes to amend the bill to clarify that any

district court in any county cannot issue a warrant if there is a pending warrant anywhere else in the State.

SENATOR ELLISON:
I am going to be a no on this because we are allowing too many people to have so many different trials, and it keeps extending this. The ones that suffer are the families. I do not believe in going forward with this spiel because of the time it extends it. So I will be a no.

CHAIR SCHEIBLE:
I would accept a motion to amend and do pass.

> SENATOR NGUYEN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 350.
>
> SENATOR FLORES SECONDED THE MOTION.

SENATOR NGUYEN:
I would just urge my colleagues to support this bill. We are constitutionally mandated to provide due process protections for individuals who have been accused of crimes and are going through this appellate process. I realize it can be slow and that can be traumatic, but I think some of the revisions in this bill will actually lead to quicker outcomes for all parties involved.

SENATOR HANSEN:
I am a definite no on this. As I understand it, it will simply extend out further due process that is being used right now. You know, we had a brief discussion on the death penalty. It has not been used in Nevada since 2006. I really do question whether it is a deterrent anymore. We have basically a cottage industry of attorneys that specialize in making their living from these constant appeals that never end. You and I had a brief discussion before. I would not be surprised that maybe even I would support the idea of abolishing it. I did talk to the district attorneys, and they said they do not want to because their theory is that then that cottage industry will simply go to figure out ways to eliminate the concept of life without possibility of parole. But nevertheless, I do not think this really does anything other than extend the process out even further than it already is.

As Senator Ellison mentioned, the real problem in this whole process of all these endless appeals is it absolutely must be crushing for the families that expect the verdict to be carried out at some point. And it is always being pushed out and pushed out, and they literally are being forced to relive and, in some cases, testify again. It is just inhumane and wrong to do that to the victims of the crime. So, if we are going to abolish it, fine. If we are not going to abolish, we need to come up with a system where this endless appeals process has some reasonable limitations. This bill goes the opposite direction of that, so I am definitely going to vote no.

SENATOR OHRENSCHALL:
Just to respond to my colleagues: Senator Hansen, I am biased as I am sponsoring the bill. But there was testimony that I earnestly believe this could lead to less litigation.

There was testimony that the status quo does not benefit the person who has been sentenced to death. It does not benefit the family of the victim, and it does not benefit the stakeholders. We heard testimony from the Department of Corrections that very often—under the current status quo—the preparation that is required and the readiness to even try to carry this out is not available. There were references to the prior testimony. The prior Director, Mr. Charles Daniels, said that they are not ready under the status quo. There are many issues that must be considered, and certainly—from the way I understand it—the status quo does not benefit anyone.

I believe that this slight change could lead to less litigation. And I certainly do not believe there is anything in this bill that would lead to more litigation. That was the lion's share of the testimony that we heard during the hearing.

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

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CHAIR SCHIEBLE:
We will now turn to the next bill in our work session, S.B. 407.

SENATE BILL 407: Revises provisions relating to legal representation for indigent persons. (BDR 14-492)

MR. MCDONALD:
Senate Bill 407 is the next bill of your work session document (Exhibit G). It revises provisions related to legal representation for indigent persons and was sponsored by this committee on behalf of the Joint Interim Standing Committee on Judiciary and heard on April 2. The bill creates the Office of Alternate State Public Defender within the Department of Indigent Defense Services to counsel and defend indigent persons under certain circumstances, including—without limitation—if the county public defender or State Public Defender is disqualified or otherwise unable to provide representation. The bill also creates the Office of Postconviction Counsel within the Department to prosecute appeals and other postconviction remedies on behalf of indigent persons under certain circumstances. We have no amendments proposed for this bill.

CHAIR SCHEIBLE:
I would accept a motion to do pass S.B. 407.

SENATOR NGUYEN MOVED TO DO PASS S.B. 407.

SENATOR LANGE SECONDED THE MOTION.

CHAIR SCHEIBLE:
Any questions?

SENATOR ELLISON:
I will vote yes but reserve my right.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:
That concludes our work session for today. I will now open the hearing on S.B. 62. I do want to make sure that our members are looking at the proposed amendment, (Exhibit H), from the Attorney General's Office.

SENATE BILL 62: Revises provisions relating to crimes. (BDR 15-507)

MIKE MORTON (Special Assistant Attorney General, Office of the Attorney General):
I am here today to present S.B. 62. For the purposes of my presentation, I will use the proposed amendment, Exhibit H, submitted by the Attorney General's Office. This Committee has heard several times this session that Attorney General Aaron D. Ford uses five guiding principles in his administration of justice: constitutional rights, criminal justice and reform, consumer protection, client service and community engagement.

All our work at the Attorney General's Office—in the courtroom, here at the Legislature and now in the community—always serves at least one of these principles. Senate Bill 62 ensures that the needs of victims are heard and met in our pursuit of criminal justice and reform while also addressing their constitutional right to live in their communities free from hate, based on constitutionally protected attributes.

As proposed in the amendment, S.B. 62 would be reduced to three sections. The proposed new section 1.3 adds new provisions to *Nevada Revised Statutes* (NRS) 217, which currently governs the Fund for the Compensation of Victims [of Crime]. The new section would authorize payment from the fund to victims of hate crimes, specifically for those victims who experienced property damage during the commission of the crime. The new section 1.6 in the amendment document amends the definition of victim in NRS 217.070 to include those who are subject to a crime where the hate crime enhancement has been imposed pursuant to either NRS 193.1675 or NRS 207.185. This definition of victim is what the administrators of the fund use for eligibility determinations when reviewing applications for compensation from the fund.

Finally, section 5 as drafted in the amendment would appropriate money for three different funds or offices, including $60,000 in the next biennium to the Fund for the Compensation of Victims [of Crime], $40,000 in the next biennium to the Office of the Attorney General and $1 million in the next biennium to the contingency Account for Victims of Human Trafficking.

The $60,000 to the Fund for the Compensation of Victims of Crime would specifically be used to compensate victims of hate crimes for the purposes

described in NRS 217, both in existing statutes that address compensation for injuries suffered by the person and the remediation of property that I discussed when explaining the new amendment, section 1.3.

The $40,000 appropriated to the Attorney General's Office would be utilized by our victim advocates to provide support and resources to victims of any crime prosecuted by the Attorney General's Office. In 2023, the Nevada Legislature funded two new victim advocate positions within the Attorney General's Office—which were brand-new positions—to support victims of crime, both during the pendency of a criminal case and afterward. Our victim advocates aid in identifying resources for these victims that help them rebuild their lives. While our victim advocates have done great work in this area over the past two years, there are often large gaps in victim resources, especially while a criminal case is ongoing, that these funds would help close.

The $1 million to the Account for Victims of Human Trafficking would be used for those statutorily authorized purposes of that account to provide programs and services to victims of human trafficking. This appropriation was requested by The Nevada Policy Council on Human Trafficking through Senator Pazina, and our office was happy to use S.B. 62 as a vehicle for that amendment.

SENATOR FLORES:
Do you have any data on how many victims per year you are getting that would fall into these categories? I am curious to know how many humans we are talking about.

MR. MORTON:
I have a couple of years going back. The last full year of statewide data—2024—there were 160 victims. Of that, when the defendant was charged with the hate crime enhancement under either of those two statutes that I referenced, we had 85 in 2023, 98 in 2022 and 110 in 2021.

SENATOR FLORES:
Could you walk us through what the relationship is like presently when you identify these victims and you are working through these cases? Obviously, we are setting up funds to help them. Just walk us through how essential this money is and how it is used, and maybe pick one scenario that you could walk us through.

MR. MORTON:
My examples will be specific to the Attorney General's Office, not those that are pursued by our local district attorneys. The way that the existing Fund for the Compensation of Victims [of Crime] works is in the definition of victim. There are certain people who are eligible to apply to this fund for reimbursement for injuries that were a direct result of the crime, but that fund is only applicable to those victims at the conclusion of the criminal case. At the Attorney General's Office, we have found that for the victims, there are certain needs that the victims present that would not only aid them in continuing their lives at that point but also aid our office because oftentimes those victims are witnesses.

A lot of what our victim advocates would envision using the money for that would be appropriated to the Attorney General's Office under this bill include emergency housing, transportation services to medical appointments, therapy appointments, court, relocation services and [safety] if the crime being prosecuted presents some safety concerns for the victim to be testifying in public in court. Those are some of the needs that our victims have presented and our victim advocates have seen during the pendency of criminal trials.

SENATOR HANSEN:
I have several [questions]. We have had a huge spike just recently of people carving swastikas into Tesla. And there has been a very intense hatred toward Donald Trump to the point where people like me are uncomfortable wearing a MAGA hat in public because we have been threatened with physical violence. Are they protected at all, or is there any kind of enhanced penalty for them for their damaged vehicles and things like that for this type of hate?

MR. MORTON:
That is what section 1.3 in the amendment document seeks to address to a certain extent. Currently, the Fund for Compensation of Victims [of Crime] only covers damages to the person where the person was physically injured or mentally injured, and those costs can be covered. Currently, property crimes are not covered by that fund, and so section 1.3 would add a certain level of compensation that could be applied for remediation of property.
SENATOR HANSEN:

But let's talk about if you have damage to the property of a person. Now, same exact scenario [but] if Elon Musk were Jewish and people were carving swastikas into those vehicles—would that raise the bar to a hate crime?

MR. MORTON:
If the prosecuting attorney in that jurisdiction did seek to add the enhancement under NRS 207.185 and that prosecutor can prove—under your hypothetical—that image was carved into new property based on that person's religion, then yes.

SENATOR HANSEN:
In other words, if you do the exact same crime to the exact same vehicle—but simply because of the difference of either the religious or whatever characteristic—in one case it is an enhanced penalty, but the exact same act for anybody else would not be an enhanced penalty. Is that what you are saying?

MR. MORTON:
What I am saying is that under either NRS 193.1675 or NRS 207.185, there are certain classes that constitute hate crimes. If the prosecuting agency can prove that damage to the property was done because of hate as listed out in those two statutes, then the enhanced penalty would apply and, under this bill, that victim would be eligible to apply for compensation to remediate that property.

SENATOR HANSEN:
Okay. No, that is my whole point with this whole hate crime thing. Here, you are acknowledging that it is hate in both cases. But because you are not a member of the specified class, you do not get any enhanced penalty, even though you have the exact same acts done to you—the exact same types of hatred described and directed in your way and physical damage to your property because of an intense form of hatred of Elon Musk in this case—or Donald Trump, but there are no enhanced penalties in that case. You can have the exact same thing, and if the individual was one of the protected classes, then you have an enhanced penalty. Totally wrong. If hate is wrong, it is always wrong in every case. And to single out certain people is like, well these are special classes, so when you do a violation to them, they should have an enhanced penalty. That means all the other people that do not fit in those classes are somehow second-class citizens; and therefore, they are not going to

have the same level of protection of the law. I mean, we are supposed to have equal protection of the laws for everybody.

So I got a real problem with that. Last question. The definition that you are striking out [*sic*], as used in this section—gender identity [or] expression has the meaning ascribed to it—we had a brief discussion about it. I had conflicting comments. Is misogyny considered a hate crime under current Nevada law or under this law? Because we have some, you know—if a man knowingly attacks a woman because she is a woman, my understanding is that it is not currently considered a hate crime. Mr. Wilkinson and I had a discussion on it. What is your understanding of that or vice versa? If a woman attacks a man because she hates men—I do not know what the term is for women that hate men— but it must be something like misogyny. I do not know what the word is. Funny, we do not even know the words. It shows the bias in our own thinking. But anyway, is misogyny considered a hate crime under Nevada statute now? If I attacked a woman because she was a woman, is that a crime currently or an enhanced crime?

MR. MORTAN:
I can point you to the statistics in 2024 on the publicly available statistics that are aggregated for the entire State. As I mentioned before, the hate crime enhancement was applied 160 times statewide. When that number is broken down by the type of bias, gender bias was used twice.

SENATOR HANSEN:
Gender bias, as I understand it, is people who attack people who identify as they are biologically male and identify as female or along those kind of lines.

BRAD WILKINSON (Committee Counsel):
The word for hatred or contempt for males is misandry.

SENATOR HANSEN:
Misandry. Thank you. Now we know. So anyway, it is funny that we do not even know that one occurs too.

So right now, you have had two cases that you said are gender identity hate crimes.

MR. MORTON:
That is incorrect. I said gender bias. Gender identity bias was used once in 2024. So they are separate.

SENATOR HANSEN:
Okay. That is really strange because there are a whole lot of cases of men attacking women—acts of violence toward women—who were clearly motivated because they were mad at women. So I'm wondering why that category is not much higher. When I did some research on this, one of the reasons I understood that gender is not included is because it would almost make hate crimes so common as to lose any distinction to them.

So anyway, now I got some real, real, real issues with this whole concept of making certain classes of citizens somehow more valuable victims than others. Everybody who gets attacked for any kind of hate should be treated uniformly in our system of justice, equal protection of laws. But we have constantly been escalating these certain categories that are singled out for special enhanced penalties, which means that those who are not in those categories are second-class citizens. This is how I look at it.

SENATOR ELLISON:
I did not get to talk to Ira [Senator Hansen] about this. But I do have a problem when they go into these big stores, and there are large numbers of people, and they go in and usually beat the people that are in the stores, either with bats or sticks or whatever they can get their hands on. They actually do a lot of physical damage to these people, but they are not tried as a hate crime, and they are not going after the people that attacked them under a hate crime. According to the statistics, most of the people in the store working were white. The people that broke in are big gangs, and that is wrong; and when I read this, that is what I am thinking of. Look how many of them have happened. They have had them all over the country, but you know that you are singling out groups. I believe different. I believe God created everybody equal, no matter what you wear, what you do. No such thing as color, but this separates everybody. I believe if groups go in and in massive numbers and beat people for robbery, they should be tried as a hate crime or anything else that you can try them for, but they are not doing that. That was a problem I had with this bill, and I just think it is ridiculous. I just believe everybody is created equal under God, and that is the way it should be.

CHAIR SCHEIBLE:
It is a very interesting discussion, and part of the reason that I find it interesting is that I am not sure that what happens in practice always reflects what we expect to happen with these bills as we discuss them. I think you said that last year there were 160 people you identified as victims of hate crimes, right?

MR. MORTON:
I apologize if I misspoke. One hundred and sixty individuals were charged with the hate crime enhancement.

CHAIR SCHEIBLE:
How many were convicted with a hate crime enhancement?

MR. MORTON:
These statistics are at the finality of cases, so it was 160 convictions of underlying crimes where the hate crime enhancement was added statewide.

CHAIR SCHEIBLE:
Do you have a list of those convictions?

MR. MORTON:
The Nevada Crime Statistics website aggregates the data in different ways. If you are looking for a list of the actual cases, I am sure that could be obtained. It would take a bit to go to all the different jurisdictions and obtain those cases, but the Nevada Crime Statistics website does break it down by how many of those 160 cases were property crimes, how many crimes were against the person, then an aggregate breakdown of the victim of that hate crime also.

CHAIR SCHEIBLE:
That is exactly my concern. The Nevada Crime Statistics website is supposed to be aggregating this data. I talked to the Department of Sentencing Policy about this, and I understand that they do not provide the data to the Nevada Crime Statistics. I was just looking at this, and I would like to see a list of the cases. I find it hard to believe that 160 people had judgments of convictions filed in cases in Nevada with a hate crime enhancement in 2024. I am especially looking at the Nevada Crime Statistics website where there are only 105 in Clark County, supposedly. So that means that there were 55 people across the

16 counties outside of Clark that were convicted of hate crimes. And can you name one of them? Can you name one case?

MR. MORTON:
I cannot name one case. I am very happy to get that information for the committee. The way that these statistics are reported to Nevada Crime Statistics is from each individual jurisdiction—for instance the Attorney General's Office, the 17 counties, the various cities and municipalities, the Department of Corrections. So there is a plethora of reporters to that aggregation, but I am happy to get a number of those specific cases for you and for the committee.

CHAIR SCHEIBLE:
I would appreciate that. I am not disputing that we should be providing compensation to victims of hate crimes. Here is the reason I am concerned about it. I am not trying to put you on the spot. I am not trying to impugn the integrity of any of our law enforcement agencies or prosecutorial agencies. My concern is that—and this is to my colleague's point—let us say across the State, you have a number of Jewish folks who are experiencing hate, who are victims of violence against them because of their religion. There are certain communities where the person who perpetrates a crime against them is more likely to be convicted with the hate crime enhancement and other places where they are more likely to be convicted without the hate crime enhancement. You might be setting up, on accident, this inequality where if you happen to live in a jurisdiction where the hate crime enhancement was sought and achieved, you get the $1,000 to repair your home or your car or your personal possessions.

But somebody else who is exactly similarly situated—because the person who could perpetrate the crime against them enters some different kind of negotiations—would not be entitled to the same compensation. That is my concern. And it could be alleviated by knowing that the hate crime enhancement penalties do in fact attach equally with the perpetration of hate crimes. And then I just wanted to also clarify that in section 5 of the bill [amendment], I appreciate that this is a series of three different appropriations. Is that correct?

MR. MORTON:
That is correct.

CHAIR SCHEIBLE:
We appreciate you answering all our questions. I put you on the spot there, and you are not the crime statistician for Nevada.

SENATOR HANSEN:
My question for Legal is in section 4 where we are setting up an account that is going to go in the State General Fund. But the Attorney General is to administer the account. I have been watching this tendency growing where law enforcement agencies are actually being able to keep the fines or penalties in certain circumstances. The problem I have with that is it kind of gives an incentive, like we had situations where the police pull you over and they find you have a briefcase in your trunk with $50,000 in it that the law enforcement agencies are able to keep. I am just kind of wondering, is this common in Nevada law? And is there any question about the danger of setting up an account like this? Are there other accounts that are like this where you have them actually controlled—even though they are in the State General Fund—by a law enforcement agency?

MR. WILKINSON:
That is kind of a hard question. I really would not know off the top of my head. I do not know if Mr. Morton would have any idea about the Attorney General's Office specifically. I am not really aware of law enforcement managing different accounts. I do not think it is entirely rare for the Attorney General to do that. There are some other accounts managed by the Attorney General's Office, but Mr. Morton would know better than I do.

MR. MORTON:
I will start my answer to that question by noting that the amendment deletes section 4. The first line of the amendment deletes sections 1, 2, 3, 4 and 6 of the bill. And even if the account were still being sought to be created, that account was specifically just for General Fund appropriations to aid victims of crime. No fines or fees would have gone into that account.

SENATOR HANSEN:
Well, thank you. My question was superfluous. My apologies for not seeing the amendment, although it is something that the committee may consider in the future. There are several examples where I know of law enforcement being allowed to keep certain things that if somebody is convicted, it should go to the

State's General Fund or into some sort of a fund that does not create some sort of a kind of a perverse incentive for them to try to prosecute people based on potential financial rewards. I do not think we should ever encourage that.

There are several examples I know of right now where law enforcement agencies do get to keep certain penalties, especially financial things that they find during their investigations. That should go to the State's General Fund. I do not want to encourage any kind of law enforcement issue where they actually may have an incentive to go after somebody because they get to keep $50,000 that they found in the trunk of some drug dealer's car or something like that.

CHAIR SCHEIBLE:
We will move now into testimony in support of S.B. 62.

BRENDA SANDQUIST (Executive Director, Xquisite):
As the Executive Director of Xquisite, which is a nonprofit here in Carson City, I wanted to personally thank you for the funds that we received from the Contingency Account for Victims of Human Trafficking allocation from the last session. This fund provided much needed support, and we were able to provide for the victims and survivors that we serve. On behalf of those victims and survivors of human trafficking in Nevada, I am requesting consideration to be made to replenish those funds in this account to support the continued trauma-informed care that victims and survivors really need.

The goal of Xquisite and all the survivor service providers in our State is to help survivors move forward on this journey to freedom from the hate-filled atrocities that they have to endure on a daily basis. These funds are vital to continue to serve the victims and survivors here in our State.

MARCO RAUDA (Nevada Policy Council on Human Trafficking):
I want to thank this body for the continued commitment to victims, especially victims of human trafficking, and helping these humans find a way out of their current lives and helping them in their new path forward. [We are] also hoping that you can pass this bill and help these victims.

LAUREN BOITEL (Nevada Policy Council on Human Trafficking):
I am the cofounder of the Nevada Policy Council on Human Trafficking. I am here to express our strong support for S.B. 62, particularly the amendment to

allocate $1 million from the General Fund to the victims of human trafficking fund. This fund is essential to continue the critical work being done across our State to support survivors and enhance our human trafficking response system. First, I want to take a moment to applaud Senator Scheible for her leadership in securing the funding in the 2023 Legislative Session through S.B. No. 389 of the 82nd Session.

The funds have been well-utilized, benefiting both service providers and law enforcement throughout Nevada. Organizations like Awaken, The Embracing Project, Xquisite—as you have heard from—and the Washoe County Sheriff's Office have made significant strides in supporting survivors of trafficking from providing trauma-informed case management and advocacy to expanding direct services in the State. These funds were used by these entities to expand trauma-informed services for adult and youth victims of sex trafficking and commercial sexual exploitation with crisis intervention, case management and education as well as vital support like medical care and survivor advocacy.

These funds served 291 clients and victims the first two quarters of fiscal year 2024-2025 alone. These are just a few examples of the immediate and crucial work these funds support for our most vulnerable Nevadans.

They also underscore a larger need. The funds allocated through S.B. No. 389 of the 82nd Session are already nearly exhausted, and continued support is crucial. Replenishing the [Account for] Victims of Human Trafficking fund through S.B. 62 will allow these organizations and many others to continue their important work, protect victims and build on the momentum we have seen in combating human trafficking in the Silver State. At the Nevada Policy Council, our mission is to advocate for just and equitable policy solutions, and funding like the allocation in S.B. 62 is a vital part of that effort. It enables the State to not only support survivors but to demonstrate a commitment to tackling human trafficking as a critical social issue in Nevada. We firmly believe that this funding is a necessary investment in the safety, dignity and future of Nevadans. We urge your support for S.B. 62.

JANINE HANSEN (State Chair, Independent American Party):
We were here to testify against the original bill, and we see that section 1 and many other sections have been deleted. I would just make a couple of comments. When I read section 1, it talks about substantially annoy or

inconvenience another person. I thought about growing up with four brothers and how many times they had done that to me. So that definition was very vague, and I am very glad it has been taken out of the bill. The other thing we are concerned with is thought crimes. All hate crimes, and this as a biased crime, include thought crimes.

The bill also mandated that information regarding crimes be reported to the central Nevada records repository [Central Repository for Nevada Records of Criminal History] and to the FBI, which is troublesome. Those reports pave the way for gun owners with convictions under S.B. 62 thought crimes to lose their Second Amendment rights because those hate crimes come within a ten-year look-back period at any bias or hate crime convictions anywhere in the country in the past ten years.

The other issue we have with this continued move toward bias and hate crimes is that people can be charged for things like psychological distress. Equal enforcement of the law is thrown out with bias window and special classes becoming more equal than others. The Fourteenth Amendment's Equal Protection Clause prohibits [each] state from denying any person within its jurisdiction the equal protection of the law, ensuring equal treatment under the law for its citizens. We appreciate the fact that these items have been removed from the original bill and wanted to make our position on the bill known.

TANYA FREEMAN:
I agree with what Jeanine Hansen has said. I also agree with what Senator Hansen said and Senator Ellison's comments. You know, as [to] the original bill, if I called the law enforcement on any of this, I would be in court today, tomorrow and next week. This is crazy to me.

MR. MORTON:
I thank the Chair and the committee for hearing this bill and [want] to remind the committee that nothing in this amendment changes, restricts or expands the current hate crime statute. This bill would now give more opportunities for victims of crime to receive compensation in order to rebuild whatever was lost. This committee before has been frustrated with how restitution is never paid. This in no way will make somebody whole, but it is a start. And I also remind the committee that for the hate crime enhancement to be applied to a crime, a prosecutor must show that but for the person's status, the underlying crime

would have never happened. So this hate crime enhancement is not attached to everything just to see if it will stick. The prosecutor must prove that but for that hate, the crime would not have happened.

CHAIR SCHEIBLE:
The hearing on S.B. 62 is now closed. We received letters in opposition from Duncan Rand Mackie (Exhibit I) and J.S. McElhinney (Exhibit J) that I am submitting. Hearing no public comment, this meeting is adjourned at 2:03 p.m.

RESPECTFULLY SUBMITTED:

_____
Sally Ramm,
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. 30	C	2	Jered McDonald	Work Session Document
S.B. 87	D	3	Jered McDonald	Work Session Document
S.B. 89	E	4	Jered McDonald	Work Session Document
S.B. 350	F	5	Jered McDonald	Work Session Document
S.B. 407	G	8	Jered McDonald	Work Session Document
S.B. 62	H	8	Office of Attorney General	Amendment
S.B. 62	I	21	Senator Melanie Scheible	Duncan Rand Mackie Opposition Letter
S.B. 62	J	21	Senator Melanie Scheible	J.S. McElhinney Opposition Letter