MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY

Eighty-third Session
April 30, 2025

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:01 p.m. on Wednesday, April 30, 2025, Room 1214 of the Legislative Building, 401 South Carson Street, Carson City, Nevada and Room 6 of the Nevada Legislature Hearing Rooms, 7120 Amigo Street, Las Vegas, Nevada. Exhibit A is the agenda. Exhibit B is the attendance roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Edgar Flores, Vice Chair
Senator James Ohrenschall
Senator Roberta Lange
Senator Rochelle T. Nguyen
Senator Ira Hansen
Senator Lisa Krasner
Senator John Ellison

GUEST LEGISLATORS PRESENT:

Assemblymember Max Carter, Assembly District No. 12

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Aaron D. Ford, Attorney General
Alissa Engler, Chief Deputy Attorney General, Criminal Prosecution Division, Office of the Attorney General

Jaimie Stilz, Senior Deputy Attorney General, Office of the Attorney General
Heather Procter, Chief Deputy Attorney General, Office of the Attorney General
Jason Frierson, Cornerstone Group on behalf of Marquis Aurbach
Annemarie Grant, Advocates for the Inmates and the Innocent
Tonja Brown, Advocates for the Inmates and the Innocent
Jonathan Norman, Nevada Coalition of Legal Service Providers
Nicholas Haley, Legal Aid Center of Southern Nevada
Ben Iness, Coalition Manager, Nevada Housing Justice Alliance
Maddison Proctor, Nevada Women's Lobby
Tara Webster, Progressive Leadership Alliance of Nevada
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
A'esha Goins, Service Employees International Union Local 1107
Tia Smith, ACLU of Nevada
Emy Miranda, Housing Justice Organizer, Make the Road Nevada
Joung Mini
Nixie Sosa, Make the Road Nevada
Hallery Ferrini, Make the Road Nevada
Lorraine Oliver
Jahira Ramendez
Diana Diaz
Michia Van Collins, Make the Road Nevada
Taisacan Hall
Shawn Best
Drake Macon, Faith in Action Nevada
Brian Harris
Isabel Pastrana
Shaunda Johnson, Faith in Action Nevada
Alejandro Ramos
Mathilda Miller, Native Voters Alliance Nevada
Carissa Pearce, Children's Advocacy Alliance
Isaias Gallegos
Brittany Kemp, State Organizing Manager, Make it Work Nevada
Kristin Aviles, HopeLink of Southern Nevada
John Sande IV, Nevada State Apartment Association
Taylor Avery, Vegas Chamber
Mendy Elliott, Southern Nevada Regional Housing Authority; Reno Housing Authority; Nevada Rural Housing Authority
Cyrus Hojjaty
Melissa Saragosa-Stratton, Nevada Realtors

Kimberly Fergus
Dora Martinez, Nevada Disability Action Coalition

CHAIR SCHEIBLE:
I will open the hearing on Assembly Bill (A.B.) 35.

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

AARON D. FORD (Attorney General):
Assembly Bill 35 will be discussed by my colleague, Alissa Engler, Chief of Prosecutions.

ALISSA ENGLER (Chief Deputy Attorney General, Criminal Prosecution Division, Office of the Attorney General):
As drafted A.B. 35 sought to protect children in the rapidly growing and changing world of artificial intelligence (AI). This bill previously included language that would prohibit the distribution, production and possession of computer-generated images or images altered by AI that depict a child engaging in sexual conduct. These types of images are not currently covered by existing law prohibiting child pornography.

Senate Majority Leader Nicole Cannizzaro sponsored Senate Bill (S.B.) 263 that likewise addresses this topic. Attorney General Ford fully supports the Majority Leader's bill and testified alongside her before this committee. The Senate Judiciary Committee said one component of A.B. 35 that was not addressed in S.B. 263 necessitates a very important language change needed in statute.

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

In that regard, the current statutory scheme in Nevada Revised Statutes (NRS) prohibiting sexually explicit images of minors refers to the crime as either child pornography or pornography and a minor. While all understand what these terms mean, the language does not always accurately reflect the crimes being committed or the harm done to the victims of these crimes. It is necessary to better articulate the crime and the harms it creates to both victims and the community at large, Assembly Bill 35 seeks to change references of child pornography in NRS to child sexual abuse material. This is not just a simple

change in nomenclature. The word pornography connotates constitutionally protected speech containing images or videos of sexual activity between consenting adults. A minor cannot consent to sexual activity. Therefore, the current terms in NRS do not properly underscore the criminal nature of these activities. I want to be clear that images and videos of the sexual abuse of children are crime scene photos. Our statutes need to reflect this. Amending these statutory terms to child sexual abuse material is important to focus on the actual crime against children, to recognize the trauma inflicted upon children by these images and videos and to underscore the absence of consent, control and choice for these child victims.

This change in language is happening across the country. Seven other states—Arkansas, Maine, Montana, New Hampshire, New Mexico, Utah and Vermont—have adopted similar laws, and the United States Department of Justice adopted the language in 2023.

CHAIR SCHEIBLE:
I will close the hearing on A.B. 35 and open the hearing on A.B. 63.

ASSEMBLY BILL 63 (1st Reprint): Revises provisions relating to civil actions for wrongful conviction. (BDR 3-440)

ATTORNEY GENERAL FORD:
I want to say at the outset that we have accepted a friendly amendment from Clark County (Exhibit C). I believe Mr. Frierson is going to come up during testimony and discuss that amendment. The amendment reiterates that this particular cause of action does not endeavor to assign fault or blame relative to any law enforcement officers that were in the underlying actions at issue relative to this type of cause of action.

JAIMIE STILZ (Senior Deputy Attorney General, Office of the Attorney General):
The Legislature created the wrongful conviction compensation statutes codified in NRS 41.900 to NRS 41.970 which authorize a person who is not currently incarcerated for any offense and who was wrongfully convicted and imprisoned in the State to bring an action for damages and other relief in any state district court. Since its creation, the Nevada Attorney General's Office has worked with claimants in balancing the State's obligation to be fair and just with its responsibility to ensure that it is not overwhelmed with enormous monetary liability. To that end, the office ensures every claimant complies with

NRS 41.900 by establishing—by a preponderance of the evidence—that they did not commit the crimes for which they were convicted. The cases are always presented to a state district court that will ultimately decide whether to issue the certificate of innocence, attorneys fees and any monetary awards.

The intent of the wrongful conviction compensation statutes as addressed in the 2019 Legislative History [*sic*] is to provide monetary support for persons recently released from prison or parole to permit them to begin rebuilding their lives and to reenter society and for the State to do what it can to restore their dignity and life after years lost when wrongfully convicted. An award does not place blame or find fault. Rather, the person is provided a chance to live a normal life with a certificate of innocence that allows the claimant to move forward with money and assistance to restart their lives, without the wrongful felony conviction looming in their background and at every traffic stop.

Assembly Bill 63 seeks to clarify the existing law on three points. First, we added a definition for the term incarcerated. The new definition defines incarcerated as a person "confined in a local detention facility, county jail or state prison." This clarifies any confusion for the parties or courts as to the initial qualifications for an applicant to seek wrongful conviction compensation because subsection 1 of NRS 41.900 is a preliminary requirement that a person must meet before filing a wrongful conviction compensation complaint. The reason for this requirement goes to the intent of the statute to permit those wrongfully convicted to resume a normal life outside an in-person custodial situation. A person who is currently incarcerated as now specifically defined does not face the same difficulties as a person who has been released into society and must rebuild normal life. The term incarcerated appears only in this portion of the existing wrongful conviction compensation statutes.

All the references regarding custody status use the term "in prison" which is largely accepted to refer to a person under a sentence in the Nevada Department of Corrections (DOC). The Legislative Counsel Bureau also altered a term in A.B. 63, section 2, subsection 4 to change "imprisoned" to "incarcerated." That alteration is consistent with the new definition found in subsection 1 of NRS 41.900.

Section 1.5 of A.B. 63 addresses the standard a person must meet to qualify for wrongful conviction compensation. *Nevada Revised Statutes* 41.900, subsection 2, paragraph (b) requires a person meet one of three criteria. Under

these provisions, a person must have the judgment of conviction vacated, charges dismissed, and the basis for vacating the judgment was not legal error. The issue we found in litigating these cases, however, is that the requirements in NRS 41.900, subsection 2, paragraph (d), subparagraphs (1) and (2) are not clear. This reading of the current statute is in line with other provisions of NRS 41.900 which require a person to prove that they are actually innocent of the original charged offense and any acts associated with that original offense. If a judgment is reversed for legal error, that does not mean that the person is innocent of those charges. Therefore, in A.B. 63, we seek to amend NRS 41.900, subsection 2, paragraph (d), subparagraphs (1) and (2) to clarify the distinction between the first and second criteria as they exist in the current law. We believe this clarification will assist recently released persons, their attorneys and the courts in understanding the criteria required in order to qualify for compensation.

Finally, the remaining changes to section 2 of the bill seek to amend the awards and benefits a person may seek in a wrongful conviction compensation action. This section has two changes. First, a person who receives an award for wrongful conviction compensation is entitled to a monetary award based on the number of years served in prison and/or on parole. A person may also receive other monetary benefits such as assistance with tuition, housing, counseling and health insurance. Both the damages award and the benefits are paid upon approval of and by the State Board of Examiners. As detailed in NRS 41.950, subsection 2, paragraph (b), the statute specifies the Board provides payment for the cost of these benefits. Section 2 of A.B. 63 alters the term payment to reimbursement. This change reflects the original legislative intent as borne out by the current practice of the Board of Examiners to reimburse for actual expenses, which means the person already paid out for such benefits rather than direct payment to third parties.

The 2021 Legislature created subsection 6 of NRS 41.950 which applies a maximum to the benefits outlined in NRS 41.950 subsection 2, [paragraph] (b). The cap is set at $100,000 per calendar year for a length of time equal to the period the person was wrongfully imprisoned. The cap was intended to include all monetary benefits—in other words, all money reimbursed in such cases other than the initial damages award and attorney fees. However, that amendment contained a clerical error as the miscellaneous provision “any other relief” should have been included in the $100,000 cap under subsection 2, paragraph (b). The 2021 amendment inadvertently created a separate category

of reimbursement. The proposed change now corrects that clerical error by removing the catchall "any other relief" provision under the $100,000 cap for benefits reimbursed in any calendar year.

As Attorney General Ford mentioned, we anticipate Cornerstone Public Affairs is submitting a conceptual amendment, Exhibit C, that the issuance of a certificate of innocence and award does not constitute a finding of wrongdoing. That is a friendly amendment as it is consistent with the no-fault nature of the wrongful conviction proceedings and the issuance of a certificate of innocence and award. That concludes our presentation of A.B. 63.

SENATOR FLORES:
In looking at NRS 41.900 in A.B. 63, section 1.5, subsection 2, paragraph (d), as it reads now, there's three triggering prongs that you could utilize. It sounds like we are collapsing one and two, and we are trying to make that read a little bit more clearly. My concern is—and I will put it together in the way of a hypothetical, just so that I can get to the essence of my concern there—suppose that a Nevada citizen gets convicted of a felony, and they spend the years in jail. Afterward—I am just going to use the word technical error to make it clear that it did not go to the essence of innocence—we find out that there is a technical error. There's a technical error at that time, and there's a reversal and dismissal and not a retrial. In that scenario, my understanding of how A.B. 63 reads, that individual would not be entitled to the remedies of NRS 41.900.

The reason I am making that point is I am concerned that the district attorney will not have any incentive to retry a case if there's a technical error so that we do not open the door to this remedy available under NRS 41.900 through NRS 41.970. Because both can be true. A Nevada citizen could have been convicted of a felony and then had it reversed and dismissed based on technical error, and he or she were innocent. But because we never have a retrial, that person will never get an opportunity to make their case that they were also innocent. I am concerned that we are putting all the power in the district attorney's hands to decide whether we have a retrial. If the district attorney decides not to have a retrial and simply says it was based on technical error, this person will never get an opportunity to get their bite at this apple. So, could you walk me through that? Or maybe I am misreading it and I need a point of clarification on my end.

MS. STILZ:
The intent of NRS 41.900 and these wrongful convictions is that compensation actions are to compensate folks who were innocent, so it really is not intended to correct or ameliorate any kind of situation where there was a technical error. But a separate function under NRS 34.900 allows for persons who feel that they were wrongfully convicted and who are innocent to pursue an actual innocence petition.

In your scenario, somebody whose conviction was overturned due to a technicality could still pursue an actual innocence petition under NRS 34.900. If they were successful, then they could pursue a chapter 41.900 [of NRS] wrongful conviction action. That would help to make them whole if they were, in fact, actually innocent in addition to the technical error.

SENATOR FLORES:
In reading page 4 of the bill, in NRS 49.950, subsection 2, paragraph (b) where we are changing the word payment to reimbursement, my concern there is: suppose the same hypothetical individual gets convicted for a felony. They've been in prison now for 20 years. It gets overturned. When they get out of that system, wraparound services like money, resources, jobs, everything is out the window. This person is pretty much starting from zero. And then on top of that, for them to get this remedy, if they have the resources and the know-how to find the lawyer to help them get these statutory damages, it is probably going to take anywhere from three to seven years. It depends on how this plays out and how quickly they can make this happen.

I am just trying to figure out how that individual will front all those expenses. They're trying to go to a trade school, they are trying to find additional housing, they are trying to make their life whole again on their own for a few years. And then once they finally get the statutory damages that they are eligible for, they are five years in arrears and expenses. Moving forward, they are still expected to have to front everything and then give the receipts. I am just curious to know what the thought process was there. And then typically, how quickly does it take for an individual after they submit receipts to get reimbursed?

HEATHER PROCTER (Chief Deputy Attorney General, Office of the Attorney General):
I believe there's some confusion. There are a couple of different award components in a wrongful conviction action under NRS 41.950. The first is the

primary award which is based on the length of years served in the DOC and/or on parole. Once the award is approved by the Board of Examiners, that is paid immediately. Then there are attorney's fees, the $100,000 cap, and the reimbursement versus payment is for the additional benefits awarded such as housing and counseling. So, they do have a lump sum that they start with following the receipt of the award. We are changing this to reimbursement versus payment, as the Board of Examiners simply does not have the resources to track and pay direct to the individual vendors for tracking the $100,000 award for these individual benefits and to pay those vendors directly rather than reimbursing the individual for those costs.

SENATOR FLORES:
Since 2019 or 2020 when this was enacted, how many cases are we talking about between 2020 and 2025? Do we have that number for the record?

MS. PROCTER:
I believe we have had 12 applications since 2019 when the wrongful conviction statutes were enacted.

SENATOR FLORES:
The reason I ask that question, if it has been 12 individuals in five years, I just do not know why it would be so incredibly difficult for us to help those 12 individuals. And, assuming that is the same number, we are going to continue moving forward every five years. We're averaging about 12. Just assuming we stay with the numbers we are looking at now, could we not potentially consider allowing them the opportunity to say, "I am going to go to this trade school I have enrolled in, but I need to pay for it. Could you help me with that?" That may be a procedural and technical nightmare internally. Could you just shed some light on why that would be so difficult?

MS. PROCTER:
This change was requested by the Board of Examiners who handles these reimbursements. The process that we have been using since the beginning was the reimbursement process. We have not heard any difficulties from claimants on that point. Beyond that, I would have to defer to the Board of Examiners.

MS. STILZ:
Our understanding with the Board of Examiners is that it would actually be an even longer process, and it would take even longer to pay these if the Board of

Examiners had to do a direct payment to service providers like a school, a therapist, to different people who run literacy programs, to the health insurance that the claimant selects and for housing for that claimant. Trying to process and get all these third-party vendors certified would take a lot longer. I believe reimbursement is currently every quarter. It might be semiannually. I think it is quarterly, and it is a much faster, more expeditious process of doing the reimbursement quarterly than it would be trying to get all these third-party vendors certified and paid. It would just be a much, much bigger logistical nightmare and would take much longer.

The reimbursement rather than direct payment is good for the claimant as well because it does get things done faster.

SENATOR FLORES:
I do appreciate the definition of incarcerated— to make it clear, we're not talking about house arrest or when some individuals may be on parole or whatever it may be. But under this definition, if an individual is wrongfully convicted, they are now released, and then they get placed in a civil detention center afterward—not for criminal matters, but let's say they are in the Henderson detention center on a civil matter—and they are detained. Through this definition, would they be denied the opportunity to seek the NRS 41.900 through NRS 41.970 relief because they are technically in a local detention facility, even if it is unrelated to a criminal matter?

MS. STILZ:
My understanding is that would likely disqualify them. Obviously, it would be case-dependent, and we would have to assess the specific situation, but the whole purpose of NRS 41.900 is to help people who are out in the community to get back on their feet. So, somebody who is detained is not out in the community and would not at that time need assistance such as housing, medical, that type of thing that they would need if they were released. If they are released from the detention facility, then they can pursue a wrongful conviction claim. If they were not incarcerated when their conviction was overturned, they can pursue it at that time. If they were not incarcerated at the time they filed the complaint, then they are fine.

SENATOR FLORES:
The only reason I asked that question is because I know that hypothetical is in fact in the universe now where an individual convicted of felony has the case overturned and then is immediately put in a detention center on a civil matter.

In that scenario, had they been under this definition, what is concerning, or in general, as it reads now in the ideal world, they can immediately pursue this remedy so that upon getting released from detention, they are not starting from zero with no resources. They took advantage of those six or seven months to put themselves in a better situated place. I would appreciate the possibility of maybe—in that definition—excluding a civil hold so that we make it abundantly clear that even if they are in a local detention facility under a contract, a federal contract, they still would be eligible to pursue this relief. This is just food for thought to think about it, process it through the team and not necessarily something that we have to agree to or disagree to now.

BRAD WILKINSON (Committee Counsel):
Yes, I just wanted to point out that sentence in NRS 41.900, [sub]section 1 actually says, "A person who is not currently incarcerated for any offense." Any offense would exclude any kind of civil hold. It has to be for an actual offense for which the person is in detention or in prison.

SENATOR OHRENSCHALL:
I have a quick question on that civil hold to our legal counsel. We have seen an exponential growth in Immigration and Customs Enforcement (ICE) holds in the news. It is all we hear about. Let's say there is someone who is no longer in a local detention facility, county jail or state prison under the language here in subsection 1, but there's an ICE detainer, an ICE hold. Do you think they would be precluded—if they were wrongfully convicted—from pursuing this based on being in ICE custody?

MR. WILKINSON:
I am not really sure how you would characterize that if that were actually more of a civil issue than a criminal offense.

SENATOR OHRENSCHALL:
I do have one question for the Attorney General and his team looking at section 1.5. I am on page 2 of the 1st Reprint of the bill going down to the new language on lines 26 through 31 [32]. The basis for reversing or vacating the

judgment of conviction was not legal error that was unrelated to his or her innocence; the judgment of conviction was reversed or vacated. I am just thinking of a hypothetical. Let us say a judgment of conviction was vacated due to the prosecutor not disclosing some exculpatory evidence to the defendant or there was judicial bias found on the magistrate who presided over the trial. What do you think would happen if A.B. 63 passes as it is under this framework? Do you think that person would still qualify, or would there need to be a new trial? I wonder if someone could discuss that a little bit.

MS. STILZ:
Our position is whether under the current iteration or under this mandatory iteration, they would not qualify for reimbursement under NRS 41.900. This is more of a clarification, but our understanding is that currently, this is how we assess these cases. The overturning of the conviction does have to be related to the person's actual innocence. So, even if this amendment does not pass, that is still our understanding of the language based on the legislative history. One does have to be innocent, and the conviction does have to be overturned based on that innocence in order for them to qualify.

The short answer is that no, they would not qualify under this amendment. But the longer answer is that we believe they would not qualify either under the current iteration of the statutes.

SENATOR NGUYEN:
You have answered quite a few questions that I have had as this bill has been moving through the Assembly and the Senate. I had a chance to review what I think is the only amendment from Cornerstone Group. I know that I—and I am sure members of the committee—have seen some high-profile decisions come down mostly from our federal courts regarding judgments, orders and rulings that were pretty high monetary amounts. Would you see the proposed changes in here being applied retroactively to avoid payment to those people that have already been issued those judgments?

ATTORNEY GENERAL FORD:
The answer is no, it would not apply retroactively.

SENATOR KRASNER:
I did have a question that kind of follows up on my colleague Senator Flores's question as I look at section 2, subsection 2, paragraph (b) on page 4 of the bill

where the word payment is taken out and the word reimbursement is put in. I can't help but look down at lines 21 through 27 on page 4 of the bill regarding programs for reentry into the community. It would seem that we would want to pay somebody in advance who's just being released after being wrongfully imprisoned to take these programs for reentry into the community because it does not just benefit that person. It benefits all society. I am also looking at lines 25 through 27 on page 4 regarding counseling services for the person wrongfully convicted who is being released. Again, that does not just benefit the person, but it benefits all of society. And I think we have brought other bills that address those things, and we have all agreed as a legislative body that benefits not just the person but every member of society. I just wonder what your thoughts were on that, sir.

ATTORNEY GENERAL FORD:
Senator Krasner, we do not disagree with those services. As a member of the Board of Examiners, I can't tell you how difficult it is oftentimes to get things done on the Board because of the bureaucracy required. I have someone in my office and in the audience who I will not put on the spot. But if she would like to come up and tell you about the processes for having someone certified as a vendor for the State in the first instance, that can take months, having that individual go through whatever processes are required to receive payments. This is the type of thing that could, as Ms. Stilz has already indicated, really slow the process down for the person reentering society. As my colleague Ms. Procter indicated, they are going to receive a lump sum of money in the first instance, $100,000 for example, and they can utilize some of that money to pay for these services and immediately submit reimbursement forms to the Board of Examiners, which will be quickly reimbursed. That is the approach we have been taking and the one we would like to codify on a going forward basis because frankly, it is going to take more time for us to pay at the outset for counseling services and reentry programs if we do not go the reimbursement route.

SENATOR HANSEN:
I think this originated in the 2019 Session. You mentioned there have been 12 applications. Does that include DeMarlo Berry, who received compensation in August 2020 after being wrongfully convicted of murder and spending more than 20 years behind bars in Nevada? And of those 12, how many actually ended up being reimbursed?

MS. STILZ:
I believe we now have 13 because we recently had a new case filed. There have been 13 cases, and I believe out of those, 8 have been reimbursed, and that does include DeMarlo Berry.

SENATOR HANSEN:
Do they have to get a certificate of innocence before they can apply?

MS. STILZ:
The certificate of innocence comes through this action. Somebody files a complaint for wrongful conviction compensation under NRS 41.900. If they qualify by meeting all the statutory requirements, then they receive the certificate of innocence, the award and reimbursement.

SENATOR HANSEN:
Okay. But looking at the difficulty if the person wrongfully convicted perhaps has to prove by a preponderance of the evidence—all these steps, going back to Senator Flores's question—how do they afford that? Obviously, they need an attorney. I noticed also in section 1.5, subsection 4 of the bill, a judge may give them an attorney.

I am just wondering about the difficulty of a person who was first convicted improperly. Then, in order to access the fund, they have to go through all these hoops and prove—the State does not have to disprove—that all of the things they were accused of were wrong. I mean, it is a really complicated process to essentially make somebody whole who very likely was improperly convicted.

There's a fairness factor in my mind. A poor person is not going to be able to do these steps. First, they are going to be delighted just to be out of the mess they found themselves in improperly. Second, I bet the majority of them would just like to get as far away from the criminal justice system as possible. They are not going to try to go back and recoup anything. They just want to get away from this mess. But if they do decide to, how the heck can they afford to do it in general? The only people that could actually access this type of a program and these funds would almost have to be wealthy in advance to go through all the steps, get an attorney and fight this thing out in court to prove they were innocent at the time.

When I look at all this, it looks nice on paper, but I am wondering how the heck an average person who really has truly been convicted unlawfully can use this program.

ATTORNEY GENERAL FORD:
I am going to offer some preparatory remarks and then offer my colleagues an opportunity to chime in.

In the first instance, I just want to reiterate that this is current law. There is nothing that we are attempting to add to the current requirements. That was frankly a policy decision this body made when you enacted the statute, that you require people to apply and go through a process in order to obtain a certificate of innocence.

To your point about the difficulty in and paying for the process, this statute does have an attorney's fees provision so that if they prevail, they can get attorney's fees refunded. And that is an incentive at some level for attorneys who are interested in these forms of actions. As we have seen in the eight actions, I am certain the attorney's fees have been a part of the recovery process unless they've been negotiated out.

It is an issue. That's a policy issue that you all determined early on. This was a process that you want people to undertake because the alternative is to open the floodgates for anyone to make a claim of actual innocence and clog up our systems and me coming to you and asking you to give me 20 more deputy attorney generals to take care of all the caseload that would accompany a process more liberal than the one you have already articulated.

Those are my initial thoughts on the process, and I will say this before I give it back to my colleagues. Back to Senator Flores's point about having 12 in five years, maybe we will have 2 in the next five years, but I do not think so. I think what happened, if you recall when you first passed this, you gave two years for individuals who had been wrongfully convicted to bring the action, irrespective of the statute of limitations. So, we had an onslaught, so to speak, of applications that came in that we have processed or that are being processed. We do not anticipate the same volume in the next five years. These just do not come frequently and, in fact, will be far and few between on a going forward basis. At least that is my estimation.

SENATOR HANSEN:
I just want to make it clear I knew that was existing law. There is not a criticism or anything. I am delighted to hear, though, that we are not going to have 12 more over the next five years. I am glad to hear that those 12 may have been backlog cases from previous situations. That is very rare.

ATTORNEY GENERAL FORD:
We did see a lot of people right up on that statute of limitations. When the two-year statute ran, a lot of people filed right on the deadline. And we have seen a trickle since then of cases coming in on wrongful conviction actions.

SENATOR HANSEN:
Well, that is great. Obviously, we do not want any, but the fact that even one could exist, I want to make it as easy as possible; and when somebody really has a DeMarlo Berry-type situation, we absolutely want to make them whole. But I also want to make sure the policy process we have already set up has a mechanism in it to really allow them to do that.

After hearing Senator Flores's comments, I wonder if there may be some additional policy tweaks we need to do to make sure when these terrible situations happen that we really do have the law favorable toward the person that has in fact been unlawfully convicted.

SENATOR ELLISON:
If something comes forward that is not a technical something, somebody witnesses or whatever comes forward versus DNA, do they still have to go to a full trial to show their innocence, or is there something that says, "DNA proves that he was innocent; he could not have been there. So, therefore, he is probably released." That's my first question. And my second question: is there a cap on the amount of money that somebody that was incarcerated can receive?

MS. PROCTER:
These cases do not have to go to trial if we find in evaluating the case that they have met all of the criteria; then we can enter into an agreement and submit to the court a proposed settlement to issue that certificate of innocence and the award of damages.

In terms of your second question regarding the cap, the amount compensated is found in section 2, subsection 1 of the bill, including how much an individual is

entitled to receive based on the length of their incarceration or time on parole. So that is the initial award. That's that $100,000 applied to the benefits listed in A.B. 63, section 2, subsection 2, paragraph (b).

SENATOR ELLISON:
I think that says a lot because if somebody comes forward or they found DNA, then I think that is a good way to say, "Okay, you are innocent" and move forward.

SENATOR NGUYEN:
I have a follow-up question about the amendment by Cornerstone Group. Would this change in the definition that the entry of the certificate of innocence and that award under NRS 41.950, and that specific distinction? I am assuming what you are going for is that is not a finding of wrongdoing against anyone involved in the investigation, prosecution or conviction of the person. It is not a finding that there was no probable cause to arrest or charge the person. Do you think that is to preclude that individual's ability to continue a civil lawsuit in federal court against those named individuals?

ATTORNEY GENERAL FORD:
The answer is no, it does not preclude. It does not give the presumption that a finding of a certificate of innocence is also a finding of wrongful conduct on behalf of a police officer lacking probable cause to arrest. The plaintiff would still have to prove that case, bring forth evidence to support that particular element of a cause of action. Does that make sense to you?

SENATOR NGUYEN:
It does. I am looking at some of the more high-profile cases like the Lobato case and that $34 million court award jury verdict for that wrongful conviction. In that case, it is my understanding that they did not have to prove these violations by the Las Vegas police officers, it was just assumed in that certificate of innocence. If this law was to pass with this amendment, they would have to prove that there was fabrication of evidence and there were violations of those constitutional rights.

ATTORNEY GENERAL FORD:
Again, feel free to chime in, Ms. Stilz or Ms. Procter. They were the ones who prosecuted—that is not the right phrase—litigated this case, and ultimately, we settled it. When you say Lobato, I want to be certain, are you talking about the

case that we engaged in as the Attorney General's Office as opposed to the 1983 action that took place in federal court?

SENATOR NGUYEN:
I am talking about the federal court 1983 action. I do not know if Mr. Frierson might be able to answer that question because I think the amendment is said to address that.

CHAIR SCHEIBLE:
It is a very interesting conversation, and I think it is a very important conversation. I appreciate that we are going to drill into the details because our job is to get the details right. So, Senator Nguyen, if you want to go ahead and rephrase or reiterate any of your questions …

SENATOR NGUYEN:
Does the amendment as proposed here regarding the distinction that this certificate of innocence include a finding of wrongful action or unconstitutional action? Does it preclude any of those 1983 actions against those same individuals and agencies?

JASON FRIERSON (Cornerstone Group on behalf of Marquis Aurbach):
It does not preclude them. The point of the amendment is to clarify that the intention in issuing a certificate of innocence is to make somebody whole who was wrongfully convicted, independent of a determination of fault. So, it could be fault, and they could seek some remedies based on that fault, but it could be judicial error, or it could be ineffective assistance of counsel. It could be a lot of other reasons. And, so, the point is that the certificate of innocence is intended to make someone whole but does not preclude them from seeking remedies otherwise if there is wrongful conduct.

SENATOR FLORES:
Assuming in the hypothetical that I initiated earlier where there was a technical error, we indicated that it was not the intent of the legislation in 2019. And this correction of language would make it abundantly clear the hypothetical individual would not be entitled to this remedy because they would not be entitled to request a certificate of innocence. I was just curious to know, how would that individual pursue relief under NRS 34.900? What does that look like?

MS. STILZ:
What that would look like is filing an actual innocence petition under NRS 34.900. Those cases are handled by the prosecuting agency. For instance, if it was somebody who was convicted in the Eighth Judicial District, they would file a petition under NRS 34.900. The Clark County District Attorney's Office as the prosecution would handle litigating the issue of the petitioner's actual innocence. If the actual innocence were established and they were awarded, I believe it would be some sort of order from the court establishing actual innocence was proven. That would be something they could then bring to the Attorney General's Office showing their actual innocence and file a wrongful conviction, compensation complaint.

SENATOR FLORES:
How complicated is that process? They now had a case overturned under legal error and then they go down this route. How long does that take? Does it involve a formal trial? Can you just walk us through that?

ATTORNEY GENERAL FORD:
What that process looks like is a little bit beyond our area of expertise in that regard. We know of the statute and have been able to articulate the statute that they could use, but it would be prosecuted or defended by—prosecuting is not the right word—but litigated by a different agency. That said, however long the process would take whether it is quickly or a while, they can immediately file a claim under the wrongful conviction statute and begin that process once they have in their hands a determination from a court that they are actually innocent.

SENATOR FLORES:
Understood. And the only reason I am asking is because as I am reading A.B. 63, section 1.5, subsection 2, paragraph (d). It now says if "Any of the following occurred: The judgment of conviction was reversed or vacated, the charging document was dismissed … and the … judgment of conviction was reversed or vacated and, following a new trial, the person was found not guilty." In my hypothetical with that individual I believe it would be captured because it was legal error. But this one's not differentiating.

Lines 29 to 30 on page 2 of the bill on its own, where it says, "the basis for reversing or vacating the judgment of conviction was not legal error that was unrelated to his or her innocence," is fine because that is the direction we want

to move because we want to make it abundantly clear that this was never intended for legal error. That's the only reason.

And now I am focusing so heavily on NRS 34.900 because I still want to make sure we are creating a pathway for that individual to say, I understand legal error is what I want here, but I know that I am factually innocent, and I still want to make sure that I pursue that route. So rather than forcing us to go through that because I know that was not necessarily what we prepared for today, maybe you could just send me an email saying here is kind of what that process would look like under NRS 34.900. Because I just want to know how complicated it is going to be for that individual in that scenario to get their opportunity at getting a certificate of innocence and making their life whole by having some access to these statutory damages.

I will not put you on the spot on that. I am respectful of what Attorney General Ford said, but I am interested in knowing that because that changes how I see this bill. If that avenue is still there and there's going to be access to the court due process XYZ, then understood. But if not, then I want to know that as well.

MS. PROCTER:
The actual innocence component is found in [section 1.5,] subsection 1.5 [2], paragraph (e) where it says that the person shows that they did not commit the crime and had no actions involving that crime. The actual innocence component is not impacted by subsection [paragraph] (d). It is subsection [paragraph] (e) where that actual innocence component is coming into effect. The technical violation you are referencing would still have to make it through these processes. Also to clarify, we are not saying they must go through an actual innocence petition under NRS 34 in order to apply for a wrongful conviction compensation. They can come direct and file an NRS 41 wrongful conviction action. It is just that they will have to meet all these criteria, including that actual innocence component.

SENATOR FLORES:
Okay. I just realized I forgot to ask one question. And this one, you have already addressed. I just want to make it abundantly clear. In adding the language in NRS 41.950—section 2, page 4 of the bill, "any other relief"—you never intended to capture other reliefs such as the 1983 lawsuit or anything else, right? You were specifically focusing on that catchall for reimbursements, right?

But you weren't trying to cap an individual suing under other legal theories, correct?

MS. PROCTER:
That is absolutely correct. The $100,000 is only for the benefits from a wrongful conviction action.

CHAIR SCHEIBLE:
I know that we expanded a little bit more than just what the bill does, but I do appreciate it, especially because this process is—in the history of the Nevada criminal legal system—newer, and this is one of the first opportunities we have really had to get kind of an update. I am personally fascinated to hear that there have been 12 cases. I am glad that my colleague Senator Hansen clarified it was not 12 cases that all happened at once. It was because we had a backlog because we did not have a process before. I consider this to be a really encouraging update in addition to a bill.

Thank you for indulging us in this impromptu update on the wrongful conviction program or wrongful conviction, factual innocence process.

ATTORNEY GENERAL FORD:
I would like to make one statement before I leave. If you are okay with that, I want to give kudos. What the two seated at the table right now have done is yeoman's work on this program. It was not a program my office was set up to handle. I had to find a place for it. I went to Heather Procter, who works on post-convictions, and I determined it was in the best spot. Someone who knows what she is doing, who I can trust, is going to be able to oversee a process that affects justice. And that goes back to day two on my job as Attorney General. Heather was there when I said our job is justice, and I say it point blank that it is not just about a notch on the belt. Sometimes you gotta get the bad people and put them in jail to be sure, but sometimes systems make mistakes. When you make mistakes, you must exonerate and compensate, and what we have done in this circumstance is effectuated justice 8 times out of the 13 so far that have been presented.

MR. FRIERSON:
I think we have made the point of the amendment in Exhibit C. On behalf of Cornerstone Group and Marquis Auerbach, I want to be on record in support.

ANNEMARIE GRANT (Advocates for the Inmates and the Innocent):
I cannot support the bill because it does not go far enough. The Attorney General would not accept our amendment to include those who have suffered the ultimate injustice and died in prison, wrongfully convicted. Therefore, we are not in support of the bill.

TONJA BROWN (Advocates for the Inmates and the Innocent):
We are in opposition of this bill and the amendment as well. Originally, the bill came through Assembly Judiciary. We submitted some amendments on that. We did send them to the Attorney General's Office. They were not in support of the bill [*sic*] even though it was germane to the bill. So, it never got heard. We are bringing it back over this way, and I have spoken with staff.

What we had in our proposed amendment was if the defendant is found factually innocent posthumously, their heirs will receive compensation for the number of years the defendant had been in custody. When the members of the Assembly Judiciary Committee asked Attorney General Ford, "If somebody has been exonerated after death, are they entitled to the compensation?" He said no.

That is a slap in the face to the families whose loved ones have been wrongfully convicted and passed away. You are telling the families we simply do not care. They are the ones who have suffered the most. Not only have their loved ones who have gone through the process of being wrongfully incarcerated and dying, now it is left up to the families to carry on. They are in need of compensation more so because now they've lost that loved one compared to the ones who are out and have been compensated. They are able to spend time with their families. Those who have passed away, those families are left with no closure.

In the amendment we included—and this was kind of the issue that we are having with the Attorney General's Office where they think it should stand alone. And that was like with S.B. 66 as well. Exculpatory evidence had been destroyed, hidden and not turned over to the defense and was not available prior to trial that resulted in a wrongful conviction, or prior to the defendant's death or after the defendant's death, newly discovered evidence is found. We put that in the proposed amendment, and I am hoping that now that we kind of cleared this up, perhaps you will look at our amendment now. But Attorney General Ford's Office has seen the amendment. That's all I really have to say.

SENATE BILL 66: Revises provisions governing certain postconviction petitions for a writ of habeas corpus. (BDR 3-441)

CHAIR SCHEIBLE:
I will close the hearing on A.B. 63. I will now open the hearing on A.B. 283.

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

ASSEMBLYMEMBER MAX CARTER (Assembly District No. 12):
Assembly Bill 283 is a practical, commonsense fix that makes the eviction process fairer without slowing it down. This bill would make our system stronger and more reliable for everyone, including landlords, tenants and the courts at both the federal and state level across the United States. Nearly all civil litigation follows a coherent and sequential order that I would say most Americans believe is the way it is supposed to be. The complaining party files first, and the answering party files second. In Nevada's summary eviction proceedings, it is reversed, so this bill is trying to move forward in reforming eviction summary and eviction processes. We want to bring back some fairness.

I will say that in the Governor's veto message of a very similar bill last session, he sums it up with, "Since this bill makes Nevada an inhospitable environment for residential lessors, I cannot support it." I would argue that Nevada in general is a very, very favorable environment and a very, very sought-after environment for lessors. I grew up on the East Side of Las Vegas in a community that was single-family residential and multifamily apartment complexes. But in the single-family residential areas, most all the houses were owner-occupied. Now we have shifted to probably between 20 percent to 40 percent of single-family residential occupancies in my neighborhoods are owned by out-of-state lessors. What I am getting at is everybody wants into the market. We've got investment companies wanting to buy up the stock. Arguably, we have too hospitable an environment for residential lessors.

JONATHAN NORMAN (Nevada Coalition of Legal Service Providers):
The coalition consists of Northern Nevada Legal Aid, the Volunteer Attorneys for Rural Nevadans, Legal Aid Center of Southern Nevada and the Senior Law Program. We provide direct representation to tenants facing eviction or facing habitability issues. This bill makes a very, very small change. The rest addresses reorganizing of the summary eviction section. Uploaded on Nevada Electronic

Legislative Information System (NELIS) are two flow charts (Exhibit D). One of the flow charts is our current process, and one is if A.B. 283 passes.

The summary eviction process right now, if you just think of a nonpayment of rent case, the tenant does not pay their rent; they get a notice posted on their door that they have seven days to pay their rent, vacate the premises or file an answer, but no lawsuit has been filed. So, the answer to the notice by the tenant is effectively the first pleading. They are being called to sue themselves in court. If they fail to do that on the next judicial day after the landlord files a complaint, the tenant has no opportunity to respond. The complaint comes, and your opportunity to respond is over. And often we see these tenants coming to our office when they get a notice from the constable that they are going to be locked out. At that point, there's nothing we can do. It is really scrambling with social services to rehouse those people and minimize the disruption and chaos to their lives.

If you look at the two flow charts, they are almost identical. That is really what the bill does. It is going to change the eviction filing order. The seven-day notice goes up, and on the eighth day, the landlord must file a complaint, give it to the tenant, and then the tenant has a period of time to respond in court by filing a pleading. That is the fundamental difference. And as you are looking at the flow chart, the change is just these two boxes; everything else in the process is the same. So again, even though it looks like a lot of changes, think of the Legislative Council Bureau reorganizing it because it makes it flow easier with the changes we wanted. We do have a presentation (Exhibit E contains copyrighted material. Original is available upon request from the Research Library.) that was uploaded to NELIS. I am not going to run through it here, but it goes into more detail about the summary eviction process.

There is also a letter (Exhibit F) from the National Housing Law Project. A few things to note there: Nevada is the only state in the nation where a tenant must file a lawsuit to defend themselves against an eviction. Eviction filings in Las Vegas, which is the only jurisdiction in our State tracking evictions, are 30 percent higher than the national average. And when we talk about whether Nevada is conducive to landlords or not, Assemblymember Carter touched on that. The National Housing Law project said if passed, A.B. 283 will ensure that Nevada leaves its outlier status behind and meets due process standards accepted throughout the rest of the country. It is important to think about that. We are an outlier not only in civil practice but in evictions. I will say, other

jurisdictions do have a summary eviction process. What is unique here is that the tenant must sue themselves. If they fail to do so, their case is lost.

Just to paint some context for what Nevada looks like, the Nevada Supreme Court publishes an annual report on the number of cases filed in this State in a variety of areas of law. In summary evictions, you can count on around 85,000 cases filed every year. The vast majority of those cases come from Las Vegas Justice Court, around 75 percent. Some folks who will testify with the Nevada Housing Justice Alliance observed these court hearings throughout the interim since last session.

When a few Legislators and Clark County Commissioner William McCurdy came, we kind of debriefed after watching a full docket of people getting evicted. Commissioner McCurdy said, "a minute and 30 seconds." He was timing the evictions, which I never thought to do. He said evictions on that particular docket were 90 seconds long. That is how long the tenant had in front of that judge.

To tell you why this matters, it is because people having notice ahead of time and being able to prepare a defense matters. There would be people with their cell phones, and they would say, "I had a ton of habitability issues in my unit, and the landlord refused to fix them." The judge looks at them and then grants the eviction because that is how our process works. If they have an opportunity to get to legal aid and talk through the issues, there's a better chance that they can raise a real defense and the consequences of eviction.

We talk about having stability in our neighborhoods, having stability in our schools. When a family is disrupted and is evicted, it is not like that is a moment in time and they are just magically rehoused with the kids in the same school. And you know—like if they lose a neighbor who was the babysitter—it is a total disruption and can take years before that family is back on its feet.

NICHOLAS HALEY (Legal Aid Center of Southern Nevada):
I am focused entirely upon housing and landlord tenant issues. I will reach my one-thousandth case in about a month. I have seen the eviction court more frequently than just about anyone. I am going to walk through this section by section. Assembly Bill 283 amends NRS 40. This is a chapter of law that describes various judicial proceedings, including those for summary eviction. There are two main types of eviction. One is a formal lawsuit, and the other is

summary. Obviously, the summary process is a lot more popular because it is so quick. It is a "possession only" type of action, so no money is typically awarded during such proceedings. This bill is just a change of the order of complaint and answer. The operative parts of this are largely subsection 3 on page 3 and section 6 of the bill text. Those are the ones that describe the complaint and the answer. The rest of this is largely unchanged from the current law that you would find in NRS 40.

Section 2 is the same as before, but it amends language to reflect the new order of events. Going to subsection 3 of the bill, we are looking at the first major change which describes the complaint process. It gives a timeline for filing it. It also describes to some extent the way it must be filed. That, combined with the subsequent subsections 4 and 5, you will see a requirement for service. This is basically a due process change because currently the process begins with a notice that is typically posted on the tenant's door and mailed. This is not regular service like you would get in a lawsuit which is mailed and posted. There is a seven-day window for nonpayment of rent cases. I would note that subsections 3 and 4 are just for nonpayment cases.

A second process is nearly identical but goes for all cases that are not nonpayment. These are things like nuisances, lease violations, anything other than nonpayment. The main change is that there are two notices at the front. So that is why we have these parallel processes for nonpayment and all other types of summary eviction. Going back to the subsections, we have the filing of the complaint. We have a process by which the complaint is served. Now we have service to the tenant, which is a major change here. It is something where before it would just be posted on a door and perhaps mailed and depending upon the circumstances, it may or may not be seen. This would affect something resembling what you would expect of service in a regular lawsuit.

As a side note, I would like to point out what Mr. Norman said earlier. This is the only jurisdiction where the answer precedes the complaint. It is also the only process in any section of law from what we can determine where the answer precedes the complaint. So, the main change here is simply that once the tenant is served, they have seven judicial days to file their answer. And there are some incidental changes regarding the language that the person would be on the notice, on the complaint and on the answer.

Sections 7 through 14 of the bill reflect no changes in the law. The summary eviction process does not apply to commercial premises, and it does not apply to mobile home lots within a mobile home park. So, if a mobile home park is suing somebody to evict them from a lot, it does not apply to that. That's the same as current law.

Going on to section 4 at the top of page 6, a post-eviction process deals with personal property of a tenant. This is a case where the tenant leaves, but perhaps they do not have all their possessions, and they wish to come back to claim them because they were not able to claim them within the timeline of the lockout. There is a process by which tenants can reclaim their personal property. There is also a statutory allowance for landlords to collect a certain amount of money based upon their actual expenses for the inventory, storage and moving of personal property. Section 4 describes that process, which is largely unchanged.

To summarize the change here, first is the order of complaint and answer to be consistent with other jurisdictions, as well as to add requirements regarding how such complaint is served and the ensuing timelines for answering and filing a complaint. There are two main areas where this would potentially affect the due process rights of tenants.

There have been circumstances we have seen in the past where bad timing can affect our client's ability to respond to a nonpayment notice, sometimes even innocently. To give you an example: Most tenants pay their rent at the beginning of the month. Many do so electronically. I will give you a hypothetical. Somebody pays their rent electronically; they believe the process was completed. They have a family emergency and leave town, perhaps even leave the country for a couple of weeks. They could come back and learn that the payment did not go through. They are served a notice after the fifth day. May 5 falls on a Monday. The judicial days do not count weekends. You would be looking at May 12 being their last day. Had they not responded to that notice by that time, there would be nothing they could do to prevent an eviction at that point. And it is very conceivable that a person could leave town for not an extended period but even just ten days thinking that rent has been squared away, come back, and they are evicted, and there's nothing they can do to stop it. Because following that seventh day, the landlord could file a complaint, and nothing in the law would allow the tenant to say, “Wait a minute. I thought I paid my rent. I intended to pay my rent; give me a chance to pay my rent.”

After the seventh day expires under our current system, potentially, they could be locked out and have no means of counteracting that. And this is on an informal notice process that includes mailing and posting. This is not formal process. This is the vulnerability of the system and why such a due process change would be very significant to a lot of people.

CHAIR SCHEIBLE:
We just posted the conceptual amendment (Exhibit G) from the Nevada Coalition of Legal Service Providers to NELIS for those who would like to look it up.

MR. NORMAN:
In discussions with the housing authorities, they said that they are required to give a longer period than we have in Nevada statute. This conceptual amendment, Exhibit G, is to accommodate their ability to still evict. We currently have it reading that after the seventh judicial day following service, the amendment will add a longer notice period if that period is prescribed by federal law or regulation. And then we also shifted the time the landlord has to serve to 21 calendar days from 15, and again, that was at the request of the housing authorities. Now, I do not want to say that this gets them to neutral because I believe they'll be here in opposition. But these were the changes that we thought made sense from those discussions.

ASSEMBLYMEMBER CARTER:
I just wanted to sum up by talking briefly about the experience of going to eviction courts in Las Vegas.

You can see two different ways that it is done. One is very rigid and structured. There is accommodation made for landlords and their agents, meaning they can come in remotely, where the tenants must take a day off work, must pay for parking, must get into the courthouse. And that is where you see the 90-second processes happen. There's another jurisdiction where either party is allowed to come in remotely and the judge uses judicial discretion, which is appropriate to work out a way to find a compromise to get things resolved. The difference is we have got an elected judge in one jurisdiction. We've got hearing masters in another jurisdiction that are hired and must be responsible to their employer on whether they continue their employment or not. It is very obvious, and what I see in this bill is it takes and moves some of that discretion out, puts

it into the process and helps make the system more fair and also helps our court systems operate in a more fair system, in a more fair manner.

SENATOR ELLISON:
It used to be when they'd post the door, somebody would go over there and post the door with the witness, and they'd sign it. Now, everything's gotta go to the sheriff or constable. Is that right?

MR. HALEY:
There are multiple parties that may potentially serve orders. The eviction notice is served by the constable, but the notices can be served by other parties. So, it is not just the constable.

ASSEMBLYMEMBER CARTER:
Typically, it is a contract company. It is all done online, and it is an employee of that company that goes out, puts a sticker on the door, verifies it, sends you a picture that they dropped the notice in the mail, and that is all that is required to satisfy the current system.

SENATOR HANSEN:
Let's start with the time frames in this thing. I have been trying to figure it out. You're the landlord; you give a seven-day notice; then there are 30 days for the tenant to respond, it looks like in section 2; then 15 days after that, the landlord, after the 30 days, I think, or during the 30 days, the landlord has to post another something for the tenant. Then there's an additional matter, seven judicial days after that. Then when you jump to page 4, line 9 of the bill, the tenant may request the court to save the execution. That's another ten-day window. The strangest one to me is page 9, line 7 of the bill if a tenant files a written answer pursuant to subsection 6, "the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction," but there's no time frame. How quickly do you guys get into court to have a hearing like that?

MR. NORMAN:
I will just start by saying the only thing we are adding is those seven judicial days for the tenant to file an answer. Any other timelines in there, like some of the longer timelines, are at the discretion of the landlord. For example, the landlord has a certain number of days to serve that complaint. Otherwise, their notice is no longer good, right? The landlord can do it on day one, and I imagine

most of them will. So that is not a change we are making that is causing more time for our tenants. And then if you can restate the last part of your question?

SENATOR HANSEN:
The question was the time frame to get to a court hearing. You've got it on page 9, line 7. I think it is "If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness," but there's no time for it. I noticed that some of the others you say within ten days; in this one, it is open-ended. What is the window there?

MR. NORMAN:
The courts get prickly when we tell them they must have a hearing in a certain amount of time, so we do not have it in there. I think when we presented in the Assembly, these summary eviction hearings were happening from start to finish within 30 days for the total action. I know that coming out of the pandemic, the courts were backed up with cases, and that time period was pushing 65 to 70 days. That's not the case right now. I know the Las Vegas Justice Court, which is the busiest, just added more dockets to the calendar, and we can get it down to under 30 days.

SENATOR HANSEN:
Okay. The landlord has not been paid his rent, obviously, whether it was accidental because the guy ran off to another country and then his check did not clear or whatever. But I suspect that is an exceptionally rare case. I would imagine most people can't pay the rent for some reason. The landlord understandably is trying to collect, and the way this thing reads, it seems like you could delay the summary eviction process for a couple of months by the tenant getting … After a certain number of times, they have 30 days to respond to it. And then you got a court hearing. What is the absolute minimum time that somebody who is a landlord could legitimately remove an unpaid tenant? It looks to me like if somebody is a sharp character, they can use these time frames to stay in a property for months before they could have a summary eviction.

MR. NORMAN:
My reading of the bill reveals that the tenant has no later than seven judicial days after service of the affidavit for complaint for summary eviction to file a response within that period. They do not have 30 days to file a response.

SENATOR HANSEN:
You know, I am confused on the time frames in all this.

MR. NORMAN:
That section is how long the landlord must file the complaint. I am assuming landlords are going to do it on day one. They're not going to wait 30 days, but they have up to 30 days to file.

SENATOR HANSEN:
They gave the seven-day thing, they put the notice on, they got seven days. Then following those 7 days, they got up to 30 days, and the landlord—not the tenant—can file it on day 8.

MR. NORMAN:
The reason for that is sometimes landlords and tenants are in communication and getting along, and maybe they are trying to work things out. There's a reason landlords would not file on that eighth day, and I am not going to tell them they have to file on the eighth day or they lose their ability to file. So, they have that period of time, and if they said they needed more time, I guess I would not mind giving it. I think that in Las Vegas Justice Court if there's no action, they'll kick those cases out after 30 days.

SENATOR HANSEN:
I think I got the answer. That is kind of where I was going with it because the landlords are the bad guys in this whole scenario. But most of the time, all the landlords really want is to get paid. I do not think that is unreasonable. And then all these steps to delay the payment—I went through something very similar in 2010, 2011 when we had the whole situation, people being evicted from their homes—Assemblymember Jason Frierson, myself, Senator Scott Hammond—the Legislature set us up to meet with the Supreme Court to come up with a way to keep people from being evicted from their homes even more significantly than that. I think it became a rental situation, and we came up with all sorts of hoops to jump through. But when the whole smoke cleared a couple of years later, we went back and looked at it. The people were still getting evicted. All what happened was just a significant delay in time. Ultimately, that was paid for by the next person who purchased the home because the banks added that cost into the thing.

All right, quickly. Section 2, subsection 13, you guys have in there, "A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice." So, they go and serve the notice on the tenant. But in the meantime, the landlord has collection fees, attorney's fees, costs other than rent, a reasonable charge for late payments or dishonored checks or security deposit that he may have incurred as debt himself. But the way you guys have this thing structured, the landlord is forced to just simply eat that apparently, or is the tenant at any point supposed to make that right if they have not paid their rent and the landlord has to go through all these processes to try to collect the rent?

MR. HALEY:
The reason we split this is nonpayment notices are for an uncontested amount. Nobody disputes that rent is owed. These other fees can be contested. And until they are adjudicated, it would be unjust to evict somebody who's disputing whether these fees ever should have been applied. This is why we bifurcate those two costs. They are still recoverable, just under a different process. If in fact these fees are determined to be legitimate, then they can be recovered as potentially a lease violation or, subsequent to an eviction, be recovered in small claims. But in a time when the tenant may be disputing whether these charges are legitimate in the first place, we believe it would be unjust to evict them for not basically paying under duress, something that they may or may not even be able to afford, given that the landlord could say "you owe me $5,000 in fees." You know, "You damaged the property, so you owe me for my attorneys. Potentially, the nonpayment process could be used as a weapon to enforce that even when it is still in dispute.

SENATOR HANSEN:
I was just informed by Legal this may be existing law anyway. All right. Jump to section 5, subsection 4, paragraph (c). You guys actually have a thing in here that allows the tenant to sue the landlord for damages. Then section 5, subsection 4, paragraph (c) says one of the determining factors for the judge is "The degree of harm to the tenant caused by the landlord's conduct." Is there anything in here that provides an opportunity for the landlords also allowed the degree of harm to the landlord caused by the tenants' conduct?

MR. NORMAN:
I believe this is in the current law. This is about recovering property and retrieving his or her essential personal effects. So that can be things like

essential medicine or tools. If you are a contractor that needs specific tools for your job, your livelihood, and if the landlord blocks your ability to access that, then this is that mechanism. But generally, summary eviction is about possession. Generally, it is not dealing with money, and the way that a landlord could recover money would be to initiate a small claims action.

SENATOR HANSEN:
After the summary eviction process has been completed, you are allowing the tenant to go back. By then, I would assume he would take his tools or medicines or something like that. I mean, the summary eviction process is not like overnight. Even now it is a week or so. I am kind of wondering, you know, the way this and our legal council whispered in my ear that some of this is already existing law. So, I am a little confused because normally when it is in blue, it is new law, but this is like repeating existing law. I am sorry if I am reinventing the wheel here a little bit. But I do not know. As I look at it, it just seems so remarkably one-sided.

With Assemblymember Carter, I am in totally—I signed on to Senator Dina Neal's bill by limiting the number of housing and rental units that these giant corporations have taken over. I agree. I think it is a huge problem. We should have dealt with it two years ago. We had the same bill. You know, what the heck's going on there in that market? I do not know, but I am highly suspicious. It is people with incredible sums of frankly trade dollars, the balance of trade that those monies are coming back in our country, and they are using those things to buy up all the rental housing and make brand-new housing tracts exclusively for renting. Very unusual circumstance. I am very sympathetic to that concept.

On the other hand, there's the average landlord out there who has three rentals or whatever. And then you get some really sharp tenant who starts playing these legal time frame things, and it can be weeks, months before they can be evicted. In the meantime, they trash the place, and then he said, "Well, you can take them to small claims." Yeah. Well, get blood from a turnip kind of a situation. Obviously, if they can't pay the rent, it is highly unlikely you are going to get a summary judgment or a judgment at all in the small claims action that you can legitimately collect on.

Looking at the whole bill—some of it—I obviously do not want to see people who go on vacation or to another country and have been gone for a couple of

weeks, have their check bounce and have all their possessions locked up and be treated like they are criminals because their check bounced or whatever. But on the other hand, I suspect that is rare. I think most of these situations are people that are struggling or just simply gamble the money away. I mean, there are a lot of potential things that people do with monies other than pay their legitimate costs. And I do not think it is always fair to hold the landlord. He has no legitimate recourse to try to collect what was legitimately a contract between himself and a tenant. So, with that, thank you, Madam Chair, for letting me ramble on a little bit. But you know, some elements of this seem exceptionally one-sided.

MR. NORMAN:
This bill boils down to do you think it is fair to make someone sue themselves or lose their rights. Because that is the change. I am happy to swing by, and we can walk through the flow chart showing you how little we are actually changing in this law.

Think about any other area of law. Imagine if you are walking in a grocery store and you have a slip and fall. What if the plaintiff's attorney just has to give notice to the store that they are being sued, and if the store does not file a pleading to start the case, then they lose and they get damages against them? How these cases end up being adjudicated is almost irrelevant because we believe in due process in our country. We believe that complaints come first. This is the process, and the idea that it is one-sided forgets that looking at every other state in the country, we are the outlier. We are the oddball out. Correcting that and saying, “Hey, if you want to sue somebody, you actually have to file a complaint,” feels like a very normal, noncontroversial thing to say. I mean, this is the second time we have brought this bill.

I have answered these questions twice. I know it is controversial, but it is, to me, just about fundamental fairness. I will give you an example. We have a habitability bill working through [the Senate Committee on] Commerce and Labor. And I would never suggest when a tenant is facing a habitability issue that they just post a notice on the landlord's door, and if the landlord does not respond, the tenant wins, right? Because we believe in the fundamental fairness that if you want to sue somebody, you need to sue them; you can't say, “Sue yourself, or you lose.”

ASSEMBLYMEMBER CARTER:
Senator Hansen, I would like to point out that the overwhelming majority of renters are not going through a summary eviction process. This is a minority. It has even changed since two years ago where evictions on your record have been totally weaponized just like credit ratings have been weaponized in the rental world. We've seen it come to light in the last two years that there are national databases. If you get evicted in Las Vegas and try to start your life new in Alabama, good luck finding a rental if you have an eviction on your record. There's been too much weaponization of this. That is what this is about, making sure that something being overly weaponized only happens when it should. There's due process.

SENATOR HANSEN:
I appreciate that. I would say—on the other hand—that if you came to rent my property, I had no record of your past history and then I find out you have, in the last 12 months, dodged out on paying 6 months' worth of rent, I would love to get that information. Ultimately, whenever we have a situation where somebody does not pay the rent, somebody else down the road is going to get stuck with that bill. You pass the costs on, and that is why rents also go up when you are in areas where people are not paying their bills and slipping out. Somebody's got to make up the difference. The payments must be made; the insurance is still to be paid.

I do not like the weaponization, although I do not know if that is the right word. Just like when I have employees that come to my plumbing company, I do a background check on them, and I find out that they've had some serious issues with the law, they do not get a clean start because they could impact my customers to whom I am sending these employees into those homes. Ditto for renting. I have one rental, my grandparents' old house, and I am very careful who I put in there because I have had several situations where being a nice guy cost me six months' worth of rent.

SENATOR OHRENSCHALL:
Assemblymember Carter and I both grew up in Southern Nevada, and I think it is shocking and heartbreaking to see how many unhoused are on our streets now. I am just wondering if you think the changes in A.B 283 might help tenants who are on the edge of becoming homeless to be able to get caught up, get the rent paid, and try to not fall through that net and now join the growing

ranks of our unhoused in Southern Nevada, Northern Nevada and all over the State.

MR. NORMAN:
I can't think of our homeless population without thinking about evictions because I think it is a direct pipeline. The earlier our social services agencies can get upstream on these cases, the better. When a tenant is at risk for eviction, for example, I think outcomes are changed if the court has more time to work. And that could be in the context of rental assistance. Las Vegas Justice Court has a pilot rental assistance or eviction diversion program. It is limited to seniors and adults with disabilities. We have the form answers on our website so a person can check their age or that they have a disability, and it gets routed to a court where we are assessing for rental assistance. We are also assessing for sustainability of that home. If it is somebody on a fixed income and rent—which, you know, in Clark County has gone up 40 percent in the last five years—and they cannot sustain, then that group starts pivoting to where we can rehouse this senior where they are safe and stable.

Legal Aid has advocates who review those cases, and if there's a legitimate defense, we will step in and represent that person but also just help them navigate to a sustainable home.

Having the complaint come with the official court stamp lets tenants know that this is something serious. I will just give you an example of why having the court stamp on there matters. There are some multifamily units that paper every unit with a nonpayment of rent on the first of the month. People are habituated to not understanding that this is serious. And I think having something from the court that says, "Go to the Civil Law Self-Help Center at Las Vegas Justice Court and make sure you file an answer within seven judicial days" is really important, versus something your landlord just posted that does not have a court stamp on it. I think we definitely can't deal with our homeless crisis if we do not deal with evictions and with housing.

ASSEMBLYMEMBER CARTER:
I would like to say that the core of what you asked ties into what we were having a discussion with momentarily before. This bill is not about protecting bad actors. This bill is about making sure that eviction on the record of those who end up on those lists has been done appropriately, and we are not [just] putting people on there. If they are bad actors, they deserve it. This is just

taking and making the process to where we make sure that it is the bad actors on those lists, not unfortunate people who have run into an unfortunate circumstance.

SENATOR ELLISON:
I see this every day, and it has got to the point where it has become a scam. I have had senior citizens come to my office just recently. They've tried for four months to get people out of their rental house that they rented to a man and a woman. Apparently, she had four kids, and they moved in with them which the landlord did not know. The landlord went over there, and you should see this house. It is destroyed. They filed for an eviction. They're almost into a third month of trying to get the rent and get them out of there. Next thing you know, guess what? There is not a window left in that house, period. It is a beautiful old house. They busted every window out of that house. Then she goes in the backyard. They finally let a policeman walk them into the backyard to see what kind of damage is back there. And they were getting subsidy food. They never ate it. They just take it into the backyard and pile it up, and it was piled up massively. By the time they finally got them out of there, it took four months, and I hear this all the time. These landlords are paying the water, the sewer and garbage. They're also paying house payment, and you think it is easy on the landlords. It is crazy. It has become a renter's paradise for people that do not want to pay, and that is what it has come to.

You are going to see more and more and more landlords who are going to put these places up for sale because of this kind of problem. You can't get people out once you get them in, and I do not care what you say. I see it all the time, and you get an eviction posted on their door that day. And from that day, under the current system, they would have potentially nine days to respond to that. Good luck. By then they'll have another place to rent. They got to have some kind of notice that, hey, this is a common thing with some of these people.

State Assemblymember John Carpenter was here for years. COVID hits. They almost lost everything they owned on a trailer park with a big casino next door. They all worked at the mines making $100,000 a year. They are getting money from subsidies, and they are going to the casinos every night, not paying one drop of rental payments. They almost lost everything because of that trailer park. I see the other side.

You know, if somebody comes to me and says, hey, I can't pay my rent for two weeks, fine. I do not have a problem with that. We will work it out. But the next month you'll see the same thing, the next same thing. But I feel sorry for the people with children. But I tell you what. It has gotten to the point that once you get them in there, you can't get them out, and then you have to get a sheriff, go to the court, go post the door. That's another seven days. I do not have this problem, but I tell you what, the older people are the ones that are getting scammed. This woman worked at the hospital till she was 80. They can't afford it. They've got major problems. I feel sorry for the seniors that own property. I tell them, if I was you, I would put these places up for sale and let somebody buy them as a house, and to heck with the rentals; that is what I do, and that is what is happening today. People are going to start putting these places up for sale, and then there will be no rentals. That's what is going to happen. And it is mostly the seniors that are getting scammed. I hate to say that, but it is the truth.

MR. NORMAN:
Senator, I appreciate the sentiment. I can't speak to those specific cases. But I will say that mobile home parks are not governed by this chapter. We are not changing that. And then I would also just say that for seniors who have terrible tenants in their home, the Legal Aid Center and Civil Law Self-Help Center on our website have all the forms and the tutorials for landlords to properly do an eviction and make sure that they stay on track. Legislators call me, asking questions about an eviction form that they can't find. They are landlords, and they have a problem tenant. We have all those forms. We have really developed things for people to follow along to make sure that they do the steps in the eviction right.

I think our legal process, whether it is for landlords or tenants, is often very confusing. And you know, we hope there's an opportunity in a future session to work through whether it is NRS 118A, NRS 118B or NRS 40 to make it more accessible because I am assuming those folks are representing themselves. They do not have an attorney, and they should be able to read the law and know what they need to do and not get lost in a maze where it takes three months. Because if you follow the eviction process, there's no eviction in the state that should take three months. I appreciate the sentiment.

BEN INESS (Coalition Manager, Nevada Housing Justice Alliance):
We are a statewide coalition of grassroots organizers and community advocates. We fight with tenants across the State for meaningful tenant protections and housing stability. All of our supporting partners will keep their remarks short today. We believe in order to address our state's housing crisis, that includes establishing a long-term foundation for a tenant bill of rights for folks in Nevada. This includes starting with eviction reform. I think for the case of eviction reform, that is not a foundation. It is kind of filling in the gap where there's deficit. We're not starting at zero. We're in the negative with how the system works with our high cost of living and historically high rents. About 60 percent of Nevadans are cost-burdened. This was put out last year by the University of Nevada, Las Vegas, Lied Center. So that means each and every month, they're precariously juggling high rents and other essentials or risk facing becoming unhoused and displaced. We're the only state to use this process. I wish that was the only sufficient argument to put this to bed.

Nevada has some of the highest eviction rates in the country, particularly in Las Vegas, which was highlighted. And this means that thousands of Nevadans must navigate an unclear and unjust process while trying to remain stably housed. This conversation is not about good or bad tenants, and it is not about good or bad landlords. It is about due process—a clear and fair system—and we believe it is time for Nevada to match that national standard and give tenants that due process they deserve. I will leave it at that.

MADDISON PROCTOR (Nevada Women's Lobby);
I am here in support of A.B. 283. Just to keep it short, we are dittoing. This bill improves fairness in the eviction process rather than placing the burden on the tenant to respond before the case is officially filed. This promotes due process and greater equality in housing. We urge your support.

TARA WEBSTER (Progressive Leadership Alliance of Nevada):
I am here in support of A.B. 283. This bill is a crucial step forward in tenant protections in our State, promoting long-term stability and safeguarding tenants from unfair eviction. These protections are especially vital for those who are at a higher risk of losing their housing, including low-income households, seniors and children. Every year, over 80,000 Nevadans face eviction, and these evictions have negative cascading impacts on families. I want to focus on children because they are not just losing a home, they are losing educational opportunities. Children facing eviction and relocation outside of their district

experience reduced funding and access to resources, increased poverty, poor academic performance, higher rates of absenteeism and more frequent suspensions.

Housing instability and summary eviction are not solely the result of individual financial irresponsibility or poor tenant behavior. Sometimes, families are just struggling. Rather, these problems are systemic and stemming from discriminatory practices and policies. These issues place all renters at risk of eviction and create significant challenges in navigating the summary eviction process. The Progressive Leadership Alliance of Nevada (PLAN) views A.B. 283 as a commonsense bill that will make Nevada's eviction process more equitable and in line with how the majority of other states operate. We urge your support.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):
Housing access and tenant rights are proven violence intervention and prevention measures. When folks are unhoused or experiencing evictions, they are at increased risk for violence. This also plays into the cycle of violence. This is a victim-centered prevention effort, and we support this bill.

A'ESHA GOINS (Service Employees International Union Local 1107):
This bill is consistently concerning, especially since we are the only state that does not offer due process. Our members come from all over, and the laws are different all over. Oftentimes, we find ourselves in situations where they just did not understand the law. Something was posted on their door and they moved—this happens all the time. So, on behalf of our 20,000 members, we ask you to consider this bill.

TIA SMITH (ACLU of Nevada):
We are so appreciative to Assemblymember Carter for bringing this bill and sponsoring it, championing summary eviction reform. We very much support this bill, and we hope the committee will as well.

EMY MIRANDA (Housing Justice Organizer, Make the Road Nevada):
I am here in support of A.B. 283 which corrects Nevada's unusual and harmful summary eviction process. This bill would reverse that and ensure tenants get a fair and just due process. Please support A.B. 283.

JOUNG MINI:
I ditto what others said.

NIXIE SOSA (Make the Road Nevada):
As a member of the housing committee, I am just here to ditto.

HALLERY FERRINI (Make the Road Nevada):
We want to urge you to support A.B. 283 because all Nevadans deserve to have a chance for an eviction hearing. Tenants should have access to resources and interventions when coming to court and should have time to find new housing. By reversing the filing order, tenants can ensure they are afforded a basic level of due process in the eviction process.

LORRAINE OLIVER:
I am a proud retiree member of Service Employees International Union. I would like to say that my career involved maternal child health for most of it. It was the kind of thing that was very hard to see when mothers and babies and older people were being evicted really fast from place to place. It was very disorienting, and they were unable to secure a place and a way forward for their lives. I agree with Senator Ellison in his comments, but it is such that a lot of people are indeed struggling. I urge full support for A.B. 283 as it relates to tenants.

JAHIRA RAMENDEZ:
I can fully support A.B. 283 presented by Assemblymember Carter. This will reverse the summary eviction process for tenants in the noncommercial properties, requiring the landlord to file first with the courts when requesting an eviction order for tenants. This will make it clear and fair while having the court process. This is the impact story of my eviction. I live in a former residence of two years. On November 26, 2023, I received an eviction letter saying I only had 48 hours to move because the former landlord had been running an illegal RV encampment and she had eight RVs parked on the property. She was fined by the city as well as zoning issues and residential. I am struggling with cancer as well as financially. I packed up my RV and—also in a residential area—found a new parking spot. I also did not have any food as well as skyrocketing medical bills, and I was either paying for rent or food. Right now, Make the Road Nevada has given me resources to help me and have a new RV home. I now say that I have a stable, safe and secure place to call home in a living environment. This is my eviction story.

DIANA DIAZ:
I am a resident of Las Vegas, a senior citizen and a proud leader with PLAN. I am here to express my strong support for A.B. 283. I believe this bill should be passed by this committee because it is designed to benefit the people, not just landlords. America was built for the people, not solely for business interests. I have personally experienced eviction seven times in the past. Every time I did my best to pay my rent and keep a roof over my head. It is not fair to tenants who are expected to bear all the burden. If the landlord wants to remove someone from their home, they should be the ones responsible for filing the proper paperwork, not the tenant. There are far too many people unhoused in Las Vegas, Reno and across the United States. We need to do better. I urge you to support this bill and take a step toward reducing homelessness and fixing our broken housing system. Please help us help the people. Pass A.B. 283.

MICHIA VAN COLLINS (Make the Road Nevada):
I am a housing representative of Make the Road Nevada. I have lived in an apartment for over five years in Las Vegas. When I started to note mold problems, I immediately contacted the landlord to make repairs, but the repairs never took place. When they finally did respond, they told me I had to vacate the apartment and find another place to stay with a promise to reimburse me later. Being that this property is a government-assistive property that has certain rules and regulations, me moving to another unit or just moving out would be a violation of federal law and local city law as well. I was not going to risk my record criminally or my ability to rent based on their manipulation of their tenant type of rules for me to find some place to live. When I did not have the funds to move, they reiterated for me to try to move to another apartment. I was confirmed by going to another government agency that would be illegal.

I came home one day, and I noticed an eviction notice on the door. Without me having time to prepare for the case, I went to the court, and it was barely a minute before a summary eviction was granted and judged against me. It is important that this bill is passed. We need to put a stop to the bullying and the manipulation of eviction laws toward tenants such as myself. It was merely an issue of making repairs due to their neglect of handling their property. I do reiterate that I am in support of this bill.

TAISACAN HALL:
I am a housing justice advocate and a renter here in Las Vegas. I am testifying in support of A.B. 283 because this bill is not just about improving legal

procedures, it is about protecting the rights, dignity and stability of our most vulnerable residents. The current system forces tenants to navigate a confusing, unfair and disorienting system during a time that is undoubtedly already stressful. In 2018, I saw the devastating effects of the system firsthand when I was evicted with my mother and my two-year-old brother at 8:00 a.m. We were told there was an eviction notice on the door even though we are certain there was not. We were given 30 minutes to gather our belongings, and without a car it was impossible to carry everything we needed. The emotional toll of that day was immeasurable, and we lost precious memories, personal belongings and some of our vital documents. This began a cycle of instability bouncing from one temporary situation to another, and it would be two years before I would have a place to call home again. This is one story of the thousands of Nevadans that face similar circumstances on a daily basis as we face an ongoing housing crisis in Nevada.

Assembly Bill 283 represents a much-needed step toward creating a fairer and more just eviction process. I urge this committee to vote in favor of A.B. 283 and take meaningful steps to reform a system that has left too many Nevadans struggling to survive.

SHAWN BEST:
I work as a cook on the Las Vegas Strip, and I am a Culinary Union member. I was evicted in September 2020 from a place called Westland Real Estate, which is one of the many corporate-owned apartment complexes, after they served a five-day notice for a summary eviction. When I got that eviction notice on my door, I felt frightened. It was during the COVID-19 pandemic. While I was working full time, there was a lot of uncertainty from closures and no hope of a vaccine. At that time, I worked with lawyers to file a motion to stay and a motion to set aside. Both were denied by David Brown, who was the hearing master, about two days after I filed them. I felt like he did not even look at my motions and just rubber-stamped the eviction.

I was evicted in September 2020 when there was an eviction moratorium. When I got the 24-hour notice from the constable, I moved as much of my stuff as I could in my car, started living in hotels, and then I contacted Attorney General Aaron Ford's Office to help. A week after I was evicted, I got a call and an email from the landlord. They said they confirmed with their corporate that they made a mistake in evicting me. They said I could move back to the same

unit, I could pick up the keys, and they had changed the locks already. No apology.

I am thankful that I had the help from Attorney General Ford's Office. It really helped me during a difficult time. This was the first time I was evicted. So, I felt scared going through the process. I did not know where I was going to go or what I was going to do with my stuff. I was scared of becoming homeless or having to live in my car. I am a diabetic, so I was especially worried about how I was going to store my insulin. Remember, in September, there was no vaccine access yet. It was stressful going through the summary eviction process myself. It felt like there was no compassion at all. I felt like landlords have the upper hand, and they just want you out, and if they do, that is what happens. I am sharing my story today to encourage the Nevada Legislature to please end summary evictions.

DRAKE MACON (Faith in Action Nevada):
I am here with Faith in Action Nevada, to support A.B. 283. I ditto everything that has been said, but I would like to also add a circumstance with my mother who had been a good-paying tenant for years with her apartment. Because her units were sold to a new company, she immediately got a notice to move out. The rent went up $500 instantly, and they gave her less than 30 days to get out. She called me, and we had to gather her things and try to find her somewhere else to live. I think we just need a little bit more fairness with this change in this law so that people will have time to have recourse to take care of their business properly.

BRIAN HARRIS:
I am here in support of A.B. 283. I would like to ditto the comments made before me, and I would urge you all to please support this bill.

ISABEL PASTRANA:
I am here for Make the Road Nevada. I support A.B. 283.

SHAUNDA JOHNSON (Faith in Action Nevada):
Our organization works with faith communities to build a more just and equitable Nevada. I feel compelled to speak in support of A.B. 283. I ditto all the sentiments shared already, especially because summary evictions have a ripple effect, not just on individuals but on society as a whole. As has been said, housing instability is a major contributor to student truancy and absence,

lack of health care, job loss, community connectivity and homelessness. And I think it is important that as policymakers, your policies are just and fair for all. I think that being a landlord is a privilege, not a right, and we need to make sure that it is a balanced process for our communities to all be made whole.

ALEJANDRO RAMOS:
I support A.B. 283.

MATHILDA MILLER (Native Voters Alliance Nevada):
We are in strong, unwavering support of A.B. 283. We're also proud members of the Nevada Housing Justice Alliance. Last summer while in court-watching with the coalition, I witnessed 262 families lose their homes. I watched mothers cry while standing there with their children. I saw elders beg for more time. I witnessed working people try to explain how they missed the deadline that they did not even understand. Those 262 families were gone in minutes—sometimes even seconds—without ever really being heard. And they were told, "I wish you the best" before the court moved on to the next name on the list. That's why we are urging the committee to support this measure because no one should lose their home without a chance to be seen, to be heard and to be treated with dignity and due process.

CARISSA PEARCE (Children's Advocacy Alliance):
I just want to emphasize that the current summary eviction system in Nevada is extremely punitive because it places the burden on tenants to initiate the legal proceedings against themselves. That is something that no other civil process in our State requires. So, for families with children, this means that they are being forced out of their homes, likely without ever stepping into a courtroom. And because of that, we are seeing some severe consequences. In 2023, nearly 30,000 children in Clark County were identified as experiencing homelessness or housing instability. And of those, approximately 7,000 young children between the ages of zero and three were experiencing homelessness and not connected to any age-appropriate support services. So A.B. 283 is essential because it ensures that families have the opportunity for a hearing for due process before they lose their homes. Thank you so much for the opportunity to provide testimony. We are in strong support of A.B. 283.

ISAIAS GALLEGOS:
I am a resident of Las Vegas, I am here in support of A.B. 283, and I ditto all that has been said before me. Our eviction system needs reformation and protections for tenants.

BRITTANY KEMP (State Organizing Manager, Make it Work Nevada):
We are a reproductive justice policy organization. We place housing as a reproductive issue as it affects the quality of life for individuals and their families. We believe Nevada renters deserve not only safe and stable housing but also fair eviction proceedings if they are faced with that harsh reality.

Assembly Bill 283 will strengthen tenants' rights, giving them a better chance at due process in the face of an eviction. We urge the committee today to support A.B. 283 and this critical piece of legislation or reform.

KRISTIN AVILES (HopeLink of Southern Nevada):
HopeLink of Southern Nevada provides rental assistance to tenants facing immediate risk of eviction. We support A.B. 283 as it grants us additional time to collaborate with landlords and tenants to assess rental assistance needs effectively. This extended time frame ensures that qualifying landlords receive the back rent owed to them while preventing further homelessness in our community.

When evictions are expedited, both landlords and tenants may lose access to critical financial assistance that could benefit both parties.

JOHN SANDE IV (Nevada State Apartment Association):
Before getting into it, my clients did ask me to recognize that evictions, whether they are summary or formal, are very stressful times. It is a very human experience, and it is not something lost on landlords. It is stressful and a difficult process for them as well. With that, I would like to begin by taking a step back and discussing how Nevada's existing summary eviction law process works.

In Nevada, there is a summary procedure, as we have heard a lot about; there's also a formal eviction procedure. A formal eviction follows much the same process we discussed. A landlord will file a complaint which will be answered by the tenant. There's a distinction between those two cases. In a summary case, the only dispute is the return of the property to the landlord. I mean, they

are not filing for money damages. In most civil cases, you have to have a threshold to even have jurisdiction within a case. That's not the same type of procedure followed in an eviction proceeding because these are naturally different types of processes. Because the inquiry is limited to monetary damages, the law does not require landlords to initiate a full lawsuit at the outset. Instead, the process is designed to be simple, efficient and accessible for both parties without the need for expensive legal representation. In fact, landlords and tenants often resolve rent disputes without any court intervention because of the system and the way that it works.

Under the current law, if a tenant fails to pay rent, a landlord must file a seven-day notice to pay or quit. This notice informs the tenant that they must either pay the outstanding rent or vacate the premise within seven judicial days, or if they believe they have a defense that they have rightfully withheld the rent for a purpose, they may file an answer with the court to trigger the summary eviction process. They would then have the due process to go before a judge and adjudicate that claim that they have a legal defense. Now, if the tenant does file this answer, the court schedules the hearing, and depending on the court's efficiency, that hearing may occur within a few weeks—although at times, especially in high-volume instances, it may take much, much longer, often several months. At the hearing, the tenant has a full opportunity to present defenses. If the court finds a valid defense, the eviction will be denied. If not, the court authorizes the constable to perform the lockout.

Now, let us compare this existing process with the changes proposed under A.B. 283 which would require the landlord—after posting the initial notice—to make an additional step, filing a formal complaint with the court. This adds another mandatory waiting period of at least 7 more judicial days, which in real-world terms mean about 10 to 13 calendar days. So, after you include service of process and everything, you are probably well over two weeks. And I did want to mention something about service of process.

The gentleman who was testifying from Las Vegas did correctly point out that the initial notice is posted on the door and mailed to the tenant to ensure that they get it. The way I read it that's also the same process for the summons and complaint. But they did reference that the summons and complaint would be done by a process server. Now, the big concern about that obviously is it adds a lot of time and expense to the process. But if somebody knows that a process server is coming—they know they did not pay rent, they know that the notice

has been posted—It is much easier to evade that notice. And under this bill, if the landlord does not serve them within 15 days, the eviction goes away and they must refile. If you have—I think there's been talk—if somebody is very shrewd, knows the laws and knows how to do it, they avoid service and they could perpetually stay in that property for a long time. Now, I am not sure that is exactly what this bill says, but I did want to put that on the record in case my reading of that was incorrect. In essence, under A.B. 283 we are adding quite substantial time and cost to a landlord to go through a process that already does take quite a bit of time and already does cost quite a bit of money.

In theory, the benefit to the tenant under this bill will be that second notice. In reality, the tenant already received the notice through that original posting. This new filing requirement simply just adds delay. It does not create new rights for the tenant or materially enhance their opportunity to assert defenses that they already have today. Meanwhile, the burden of this delay falls heavily on the landlords, especially small landlords who rely on rental income to meet mortgage payments, maintain properties and keep housing available. More importantly, these additional burdens will inevitably be passed on to tenants in the form of higher rents and reduced housing supply. Now, it is critical to understand the streamline eviction process benefits tenants and increases our housing supply.

To conclude, I did want to mention that the eviction process itself does not cause evictions. The real drivers are the broader economic pressures, especially the rising cost of housing. Adopting policies that increase costs and administrative burdens on housing providers will only worsen those pressures, leading to even more instability for renters across our State. We understand and support the goal of ensuring tenants are treated fairly, but A.B. 283 is not the answer. It introduces new costs and delays without providing any meaningful new protections, and it undermines the process that already is balanced and accessible. For those reasons, we urge the committee to reject A.B. 283.

TAYLOR AVERY (Vegas Chamber):
The Chamber is in opposition of A.B. 283. Although we appreciate efforts to reform the summary eviction process, this bill will make the process more confusing and burdensome on both tenants and landlords. The bill requires landlords to file with the court regardless of whether the tenant plans to contest the eviction, which could burden the court system with unnecessary filings. The bill also lengthens the summary evictions process, putting small landlords on the

hook for months of lost income and limiting their ability to curb potentially dangerous behavior in a timely manner. The Chamber supports modernizing the eviction process in a way that does not impose unnecessary burdens on businesses and property owners, which we feel that this bill does not do [*sic*].

MENDY ELLIOT (Southern Nevada Regional Housing Authority; Reno Housing Authority, Nevada Rural Housing Authority):
I am speaking on behalf of the public housing authorities (PHA) in Southern Nevada and Reno as well as rural housing authorities. These are the largest landlords in Nevada. I would like to thank Mr. Norman and his team for allowing the housing authorities the opportunity to explain our concerns. You saw there was an amendment that he shared with you today that has been dismissed by the housing authorities in the previous House.

While we appreciate the intent of A.B. 283, we respectfully request that the three housing authorities be exempt from this bill. Public Housing Authorities are already governed by federal law. The United States Department of Housing and Urban Development already requires a 30-day notice before eviction of nonpayment of rent. These protections are codified in federal regulation and include structured repayment plans as well as due process through grievance procedures. We also have uploaded a letter (Exhibit H), signed by all three entities, to NELIS for your reference. Assembly Bill 283 would require PHAs to implement parallel processes, creating costly and conflicting requirements with no added benefits to the tenants. Existing federal law already provides strong protections while ensuring program accountability. For these reasons, unless amended to exempt PHAs, we must oppose A.B. 283. For reference, PHAs are exempt from other states as far as eviction processes are concerned.

CYRUS HOJJATY:
I will speak in opposition. I will ditto all the comments.

MELISSA SARAGOSA-STRATTON (Nevada Realtors):
I am very familiar with the summary eviction process, having recently retired from the Las Vegas Justice Court where I served as a justice of the peace for 18 years. As stated, they handle about 75 percent of the State's summary evictions.

The Nevada Realtors are opposed to A.B. 283, and I would echo the comments of those before me and try to steer toward separate areas. The realtors do desire a fair and balanced summary eviction process. We understand that the current summary eviction process may not be perfect, but it has been in place for nearly 40 years. The Landlord and Tenant Act was adopted in 1985. Turning this system on its head is more likely to add to the confusion rather than aid in a party's understanding of the process, even if we are an outlier at this point.

While I was with the Las Vegas Justice Court, I was the person who wrote, presented and was awarded the grant for the eviction diversion program that the Las Vegas Justice Court has in place. At this point, it currently boasts a zero recidivism for future evictions for those who go through the process successfully with the current procedure in place. Due process requires notice and an opportunity to be heard that exists in the current statutory scheme. The notice is given to the tenant. They have the opportunity to provide what has been referred to as an answer. But in current statute, it is actually referred to as an affidavit contesting the notice to pay. It is not filing a complaint against themselves. It is opposing the notice that was served. We fail to see how lengthening the process with more legal paperwork and significantly increasing the burden on the courts and the landlords with more document filings, more procedural requirements and a proposal that would impose tracking of those cases upon the court would be an improvement upon the existing framework.

We've heard many today say they did not understand a tenant who fails to heed the notices currently provided. Those notices are prepared in conjunction with the Las Vegas Justice Court and Legal Aid of Southern Nevada, who is in contract with the courts to operate the Civil Law Self-Help Center. Those notices are drafted in conjunction with them. They are very clear, and a tenant who does not read them and does not heed the notice telling them what to do is no more likely going to heed an unfamiliar language of a civil summons.

Also, this bill goes well beyond the nonpayment of rent scenario. We have heard a lot of comments today about the nonpayment of rent, but this bill extends that same process and gives the notice period. And then again, the complaint waiting periods for all other types of evictions—a tenant who violates the lease or statutory provision in a manner that causes a legal or safety issue should be addressed in an expedited timely manner—for example, drug-related offenses, operating illegal businesses, subleasing property where it is not authorized by the landlord, committing waste, nuisance, hold over tenants who

have no right to remain or tenants at will. All these evictions are wrapped into this bill, and it extends the current timeline. What this bill does is actually remove and eliminate the entire summary eviction process. It does not just modify it a little bit; it completely removes it. It turns it into a formal civil proceeding. We firmly believe that any legislation should better the process, especially one that has worked since it was implemented 40 years ago. The three-largest Southern Nevada Justice Courts successfully process about 5,000 evictions a month. It does nothing to better the known system in place. Despite what several individuals stated, it does not give every tenant a hearing. The current system only presents a hearing or offers a hearing when the tenant files an affidavit contesting the notice. The same is true of this construct. Even if this was adopted, every tenant would not get a hearing. Only those that heed the summons and file an answer with the court would be afforded a hearing. Just like any other civil action, there are default proceedings when the respondent does not respond. Landlords who routinely work with tenants to get caught up in rent when payments are missed will likely be discouraged from working with the tenant to find a solution or an opportunity to get caught up because the longer process will leave them with not just one month of delinquent rent but now multiple months of delinquency and no legal recourse to collect that delinquency without raising security deposits. A summary eviction is only about possession.

I had one other comment to make with respect to Senator Hansen's comment or question earlier about the service of the notice. About three legislative sessions ago—maybe four—NRS 40.280 was amended. It used to be that any agent of a landlord, to include any property manager, could serve a notice. That notice could be served by personally serving it to the tenant in the presence of a witness who would sign to the tenant or to a person of suitable age and discretion who was home. If the tenant was not home, the notice was also mailed on top of that, or if no one was there, it could be posted and mailed. That construct still exists. What changed several years ago [in the 2023 Legislative Session] was that an agent of the landlord may not serve anymore. It must be served by a constable or a licensed process server in this State or an agent who works for an attorney who's representing the landlord. So that is the notice procedure in place today.

KIMBERLY FERGUS:
I rise in strong opposition of A.B. 283. This bill continues the dangerous trend we saw during COVID, handing all the power to the tenants while stripping

landlords of basic property rights. During the pandemic, landlords were forced to house people for free. No rent, no relief and no recourse. Many small property owners never recovered. Assembly Bill 283 revives that same failed model—just repackaged. This bill makes it harder, longer and more expensive to remove tenants who refuse to pay rent. It requires landlords to jump through more legal hoops, delay justice, add excessive notice periods and encourage abuse of the system. Meanwhile, responsible landlords must still pay mortgage, insurance, property taxes on units that they can't even access.

Let's be clear. Eviction is not punishment. It is a remedy for a breach of contract. I am going to say it again. Eviction is not punishment. It is a remedy for a breach of contract. But A.B. 283 treats landlords like villains for enforcing leases. This is no different than soft on crime where criminals are out before the ink dries. Here, nonpaying tenants stay while the owners foot the bill. This bill invites freeloading, discourages investment and kills affordable housing. Vote no on A.B. 283. And I would like to thank Senators Hansen and Ellison. I echo everything that they were asking questions and making statements.

DORA MARTINEZ (Nevada Disability Action Coalition):
I am in neutral. We are a coalition of people with disabilities, and we know that when we signed a contract to stay in an apartment or a home, that we need—it is our responsibility—to pay rent. The only thing that I hope that Assemblymember Carter will put in that bill is accommodations. We all know how the Department of Justice is being with the Americans with Disability Act. It is a battle just trying to get equitable accommodations for people who are deaf who use American Sign Language or are blind, and who prefer electronic and accessible lease agreements. I hope that is included in the bill, and we appreciate everything that you all do.

CHAIR SCHEIBLE:
I will now close the hearing on A.B. 283. We will hear public comment.

MS. BROWN:
I want you to take this into consideration: On March 13, Nevada Supreme Court Retired Chief Justice Michael Cherry appeared on a talk show, and he was questioned about the Fred Steese case, and Justice Cherry had some information that was very telling. He agreed that it is a crime to withhold exculpatory evidence in a criminal case and that prosecutors will not prosecute other prosecutors and that the State Bar will not go against their own. And I see

that because when you are dealing with people, and this is what we were going to present to you today, but we will save it for a different day. We've got instances where prosecutors have withheld exculpatory evidence and nothing happens to them.

We were going to present to you on April 18; I filed a complaint with the Attorney General's Office on their pattern or practice. And what it deals with is that in 2022 I filed a complaint with the Sparks Police Department, the Reno Police Department and the Washoe County Sheriff's Office. It was to do an investigation or lack of investigation. The practice and policy of the District Attorney's Office in Washoe County is that if you want a review of your wrongful conviction and you claim a Brady violation, you will get no review. But if you do not claim a Brady violation, you get a thorough review, and that goes against their policy. This was submitted to the police; the law enforcement agencies in turn submitted to the Attorney General's Office in 2022. And for nearly two years, it had been sitting there, and finally, I got a decision. Well, kind of a decision, and basically what they did was they said go back to the Washoe County Sheriffs. Well, under NRS 289.110, you can't. The district attorney's office cannot investigate their own. It is the Attorney General's Office.

So, I filed a complaint with all the documents which I will present to the committee. And I want you to take a look at it. It is the struggle that people like me, of loved ones who have had wrongful convictions and what they do. And I will tell you that a local news station is very interested in looking into the Washoe County District Attorney's Office, and they are getting other cases and it is an ongoing thing. You will hear prosecutors even to this day come to you and lie to you about my case and other things, and it is all documented, and I have videos of this on how they manipulate the system.

When you are making these kinds of decisions, please think about what I and others who have been wrongfully convicted, the families, go through and how we still struggle to this day and the laws that the district attorneys will give their narrative. It is not right. Some of that is inaccurate, but they want you to believe what they tell you.

CHAIR SCHEIBLE:
The Senate Committee on Judiciary will accept and include one letter of support (Exhibit I) and two letters in opposition (Exhibit J and Exhibit K) of A.B. 283 as part of the record.

That brings us to the conclusion of our meeting today at 3:56 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
A.B.63	C	4	Jason Frierson/ Cornerstone	Conceptual Amendment
A.B. 283	D	24	Jonathan Norman/ Coalition of Legal Service Providers	Flow Charts
A.B. 283	E	24	Jonathan Norman/ Coalition of Legal Service Providers	Presentation
A.B. 283	F	24	National Housing Law Project	Letter in Support
A.B. 283	G	28	Senator Melanie Scheible	Conceptual Amendment: Jonathan Norman/Coalition of Legal Service Providers
A.B. 283	H	49	Mendy Elliot / Southern Nevada Regional Housing Authority, Reno Housing Authority, Nevada Rural Housing Authority	Letter in Opposition
A.B. 283	I	54	Senator Melanie Scheible	Letter in Support: Children's Advocacy Alliance
A.B. 283	J	54	Senator Melanie Scheible	Letter in Opposition: Nevada State Apartment Association
A.B. 283	K	54	Senator Melanie Scheible	Letter in Opposition: Ron M. Aryel