

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Ninth Session
March 22, 2017**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 8:04 a.m. on Wednesday, March 22, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblyman James Ohrenschall, Vice Chairman
Assemblyman Elliot T. Anderson
Assemblywoman Lesley E. Cohen
Assemblyman Ozzie Fumo
Assemblyman Ira Hansen
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblyman Tyrone Thompson
Assemblywoman Jill Tolles
Assemblyman Justin Watkins
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Senator Nicole J. Cannizzaro, Senate District No. 6



STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Erin McHam, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Jon Sasser, Statewide Advocacy Coordinator, Washoe Legal Services; and representing Legal Aid Center of Southern Nevada
Lauren A. Peña, Directing Attorney, Civil Law Self-Help Center, Legal Aid Center of Southern Nevada
Kris Bergstrom, Attorney, Nevada Legal Services, Inc.
Susan L. Fisher, representing Nevada State Apartment Association; and Nevada Rural Housing Authority
Eric R. Newmark, General Counsel, Nevada State Apartment Association
John Pettis, Consultant, Nevada Rural Housing Authority
Jenny Reese, representing Nevada Association of Realtors
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's Office
Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada
Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Jennifer Noble, representing Nevada District Attorneys Association
Marlene Lockard, representing Las Vegas Police Protective Association Civilian Employees, Inc.; and Nevada Women's Lobby
Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County
Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada
Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office
John J. Piro, Deputy Public Defender, Clark County Public Defender's Office
Jennifer Howell, Sexual Health Program Coordinator, Washoe County Health District
Melissa Holland, Founder and Executive Director, Awaken Inc., Reno, Nevada
Tom Robinson, Deputy Chief, Reno Police Department
Mike Dyer, Director, Nevada Catholic Conference
Joanna Jacob, representing Dignity Health-St. Rose Dominican
Jason Guinasso, representing Awaken Inc., Reno, Nevada
Kerrie Kramer, representing The Cupcake Girls, Las Vegas, Nevada
Jaron S. Hildebrand, Manager, Government Affairs, Nevada Trucking Association; and representing Truckers Against Trafficking
Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers
Gary K. Landry, Executive Director, State Board of Cosmetology

Pam Korgan, Area Representative and Director, Seeking Your Niche in Christ,
Stonecroft
Curtis Hazlett, Private Citizen, Reno, Nevada
Kimberly Mull, Policy Specialist, Nevada Coalition to END Domestic and Sexual
Violence
Lindsay Bridges, Area Director, Reno/Sparks Young Life
Peter D. Krueger, representing Nevada Petroleum Marketers and Convenience
Store Association
Holly Welborn, Policy Director, American Civil Liberties Union of Nevada

Chairman Yeager:

[The meeting was called to order and Committee protocol was explained.] At this time, I will open the hearing on Assembly Bill 107.

Assembly Bill 107: Provides for the sealing of records relating to eviction under certain circumstances. (BDR 3-689)

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

The purpose of Assembly Bill 107 is to provide the sealing of eviction case court files if eviction proceedings do not result in the tenant being evicted. Under current law, tenant tracking services can obtain eviction case files for a fee. These services will provide the records to prospective landlords, and they are used to deny a rental application. In many cases, the eviction cases filed against the tenant are settled out of court or ultimately not pursued by the landlord. Requiring eviction case court files to be sealed unless the landlord prevails in an action for summary eviction will protect tenants who have not actually been evicted from having action taken against them based on inaccurate information. With me today are Jon Sasser and Lauren Peña.

Jon Sasser, Statewide Advocacy Coordinator, Washoe Legal Services; and representing Legal Aid Center of Southern Nevada:

This bill has been a work in progress since it was first filed. The amendment (Exhibit C) in front of you today is the product of many hours of discussion and negotiations with Justice Melissa Saragosa of the Eighth Judicial District Court, the Nevada Association of Realtors, and the Nevada State Apartment Association. What you have in front of you is something we can all live with. The bill, as first proposed, would have patterned California law and masked evictions, once filed, for 60 days. The Las Vegas Justice Court had a lot of technological problems with that. It would have created an extensive fiscal note. This version of the bill avoids that problem.

What is now in section 1 (Exhibit C) is that an eviction case file will be automatically sealed among one of two circumstances: first, if there is an "entry of a denial or dismissal of a summary eviction . . ."; second, "If the landlord has failed to file the affidavit of complaint as required by NRS 40.253 (6) within 30 days following" the tenant's affidavit. If you are not familiar with the eviction process in Nevada, it is somewhat different from normal court processes in that a landlord serves a notice on a tenant, and the tenant actually files the first

paperwork with the court. If the tenant wants to contest the case, they file an affidavit within five days of the landlord's notice. This tracks with the Justice Court Rules of Civil Procedure (JCRC) in Las Vegas that if the landlord does not respond within 30 days, the case would be sealed.

Next is a set of circumstances ([Exhibit C](#)) in which a case could be sealed upon motion by the tenant to the court: first, if the court finds that "the eviction should be set aside under JCRC 60." Things like fraud, mistakes, and errors fall into that category. Second, you can petition the court to seal the records in "the interests of justice." We have a list of factors that the court would consider "including, but not limited to, the length of time since the eviction order, the extenuating circumstances under which the eviction was granted, and/or circumstances beyond the tenant's control" That could be something such as a major automobile accident that causes the tenant not to have income. When they have gotten their credit cleaned up, they are coming to ask the court to seal that record. Finally, the court can seal a record upon "written stipulation" by the parties to the court where both sides agree it should be sealed and the court approves that. That would not only seal the record, but also it would set aside the original order.

In section 1, subsections 4 and 5 ([Exhibit C](#)), it defines what "sealing" means: as if all proceedings had never occurred. It talks about what is in an eviction file, which is the stuff in the court. There are also some records that the constable or sheriff may have, and this does not involve those since that would need a fiscal note and create administrative problems for others. Sections 2 and 3 are conforming sections.

With the Chairman's permission, I would like to go to Ms. Peña. She can talk about how this plays out in the real world.

Lauren A. Peña, Directing Attorney, Civil Law Self-Help Center, Legal Aid Center of Southern Nevada:

[Read from prepared testimony ([Exhibit D](#)) submitted by Lauren A. Peña.] I am appearing today in support of A.B. 107 as someone who assists low-income Nevadans with landlord-tenant issues on a daily basis. The Civil Law Self-Help Center is operated under a contract between the Legal Aid Center of Southern Nevada and the Clark County courts. We provide a free service to all self-represented parties in Clark County. We provide forms, resources, and legal information. In 2016, we saw over 58,000 customers, with the majority of those having landlord-tenant issues. I know Mr. Sasser gave you a brief background on the summary eviction process. How it works, in a nutshell, is a landlord gives notice to a tenant, whether it is for nonpayment of rent, a lease violation, or a nuisance. A tenant then has the opportunity, within a period of time, to file a response to the notice. The filing of an answer is what triggers a case in the justice court. That is what triggers the association of a tenant's name with an eviction case. The filing of a timely answer guarantees that tenant a hearing and her day in court. In Las Vegas Justice Court, there is a period, 30 days, within which a landlord can file a complaint. If a landlord fails to do that within the period, the case is dismissed. The timely filing by both the tenant and the landlord guarantees a hearing before a judge where an eviction is either granted or denied.

Under Nevada law, a tenant has certain defenses to an eviction notice. For example, with a nonpayment notice, a tenant has the opportunity to defend herself by saying she withheld her rent due to habitability issues or because the landlord failed to provide some kind of essential service (air conditioning in the summer or a working door lock). A tenant can also defend herself against a lease violation notice by saying that she cured that lease violation within the time period. In order to use these defenses properly, a tenant must actually file an answer, thereby triggering a court case and associating her name with an eviction case. The problem with this is that as soon as that tenant's name hits the court record, that tenant's name is marred forever in the eyes of the landlord.

To illustrate: a tenant has been living with mold and a water bubble in her ceiling for weeks and has given notice of the issue to her landlord, but the landlord fails to fix that issue. A tenant under Nevada law can properly withhold her rent and wait for a five-day nonpayment notice. Once she gets that five-day nonpayment notice, she can go to the courthouse, file that answer, deposit her rent with the courthouse, and then wait for her hearing. Let us say that she prevails at that hearing and the judge says she can keep her rent and will not be evicted. The next month, the landlord still does not fix the issue and she goes through the same process again, thereby triggering a second eviction case under her name. She wins that case. At the end of those two months, she decides she no longer wants to put up with that behavior and looks for new housing, but she is greeted by landlords who say that she has two eviction cases on her record. Even though she prevailed on both of them, they now see her as a problematic tenant. A second example of that is a landlord who mistakenly issues notices. We have seen that a landlord has issued a nuisance notice to the victim of the nuisance rather than the person who committed the nuisance. In an abundance of caution, that tenant files an answer, thereby triggering her own case. When it comes time for the landlord to file a complaint, he realizes he mistakenly issued that notice. He never files a complaint and the case is dismissed. However, that case is on that tenant's record for six years. That tenant goes to look for a new place and that landlord says she could be problematic because she was issued a nuisance notice.

Unfortunately, these cases are not extreme. Assembly Bill 107 would help remedy these issues by automatically sealing those cases when either a tenant prevails or a landlord fails to follow through on their own case. The bill also allows for a sealing of records when the interests of justice outweigh the public's knowledge. Take a 23-year-old who has shown great tenant history except for one lapse in judgment during her first tenancy when she was 18 years old. She might be a good candidate for sealing her eviction record. Secondly, take a tenant who was evicted for nonpayment of rent, but a year later wants to come to an arrangement with her landlord and stipulate to have her record sealed so long as she catches up on that past-due rent. That might be an opportunity for an eviction to be sealed as well.

These examples are not extreme. In Nevada, the population reaches nearly 3 million and 44 percent are renters. In Las Vegas Justice Court alone, they saw over 30,000 eviction matters last year. Of those cases, 6,000 were either dismissed for the landlord's failure to file a complaint or denied because the tenant had a meritorious defense. The Las Vegas Justice Court is only 1 of 11 courts in Clark County. Applying these numbers as a whole, you can

see the impact to Nevada citizens would be huge. I have personally spoken with hundreds of customers at the Self-Help Center who have been negatively impacted by an eviction record on cases on which they have prevailed. As you can imagine, having an eviction record can seriously affect someone's ability to find housing. The lack of housing can be crippling to other parts of that person's life. On behalf of all Nevada citizens who would be affected by this bill, I encourage your support of A.B. 107.

Assemblywoman Cohen:

I want to ask about the tracking services. Do the reports on the tracking service affect the cost of monthly insurance payments or similar things?

Lauren Peña:

To be honest, I do not know the effect to the insurance for the landlord. What I do know is that the tracking systems in Las Vegas monitor by checking every time someone's name hits the system. From what I understand, there are remedies in the court that prevent that from happening so quickly because so many tenants are prevailing on their cases. I cannot speak to how it affects their insurance.

Assemblywoman Cohen:

To be clear, I mean the tenant's, not the landlord's insurance.

Lauren Peña:

Do you mean how it affects renters insurance?

Assemblywoman Cohen:

Right, because people's insurance is affected by their credit scores. Are insurance companies looking at these tracking services when they are figuring out the cost they will charge someone for their monthly insurance, even insurance that has nothing to do with rental insurance, like car insurance or health insurance?

Jon Sasser:

There are two types of entities who might get access to this information. One is a tenant or eviction tracking service that landlords tend to subscribe to or become members of. This information can also be reported to a regular credit reporting service. If that happens, it could hurt them there as well.

Lauren Peña:

From our experience, it appears that even when previous tenants are looking to buy homes, sometimes it will show eviction cases they prevailed on in their credit history. Perhaps it does not affect their insurance in that case, but it does affect their credit.

Assemblywoman Cohen:

Credit history does affect the cost of insurance?

Jon Sasser:

I would assume so. I do not know for sure.

Assemblyman Watkins:

This question is for Ms. Peña because I want to play out your two eviction scenarios. Since I do not practice in this area of law, I do not know how this would work. If we automatically seal those records because the tenant prevailed, are we preventing future tenants access to the information of a slumlord?

Lauren Peña:

That is a great question. What we are trying to do is protect the tenant's rights moving forward when looking for other housing. There are certain situations where we hope that a tenant might be able to access a case that has been sealed. For example, if that tenant wishes to share that information with other members of their community, they will have access to their own case. It will automatically seal the record; so yes, certain landlords will not be able to be searched if there are cases in which the tenant continues to prevail.

Assemblyman Pickard:

I appreciate the intent of the bill. I know housing in today's market can be difficult to find. When I practiced in this area, I probably had a clientele who were a little different from who is served by legal aid since they could afford to hire me. In my instance, I ran into cases where a legal argument was made and the summary eviction process would be denied. It would move to the unlawful detainer action where we had to put on evidence and the judge decided. My concern here lies in how we protect landlords in the instance where the tenant prevails on the summary action but is eventually evicted. If we have that automatic stay, does that automatically come off as well?

Jon Sasser:

That would be a separate case of an unlawful detainer. If the landlord prevails in that matter, it would be a matter of public record.

Chairman Yeager:

In a scenario where a summary eviction is denied, maybe you could walk me through the process. Is there a period that the landlord then has to initiate the formal unlawful detainer action? Could you walk me through the process after a summary eviction is denied?

Lauren Peña:

Yes, I can. Under a summary eviction standard, the hearing is treated much like a motion for summary judgment. There have to be no serious factual issues and it is in the interest of speedy justice. These eviction hearings happen quickly once a summary eviction is denied and the eviction judge has informed the parties that there is a factual issue and it needs to move on to formal eviction or an unlawful detainer process. There is no time limit for that. The landlord can initiate a formal eviction or unlawful detainer matter within a year thereafter. There is no time restriction for that. This bill would not affect the record of unlawful detainer cases, so those would remain public.

Chairman Yeager:

The way this bill contemplates the process, after either a summary eviction is denied or the landlord does not file the necessary affidavit and it is dismissed, the automatic sealing process would then start. Whether the landlord chooses to move forward on the more formal process is a separate matter. The eviction information related to the summary eviction would be sealed. Later on, if the person is actually evicted in the more formal process, that would be entered onto the record.

Jon Sasser:

That is correct.

Assemblyman Elliot T. Anderson:

I am looking at your exceptions to sealing the record. Within section 1, subsection 1, paragraphs (a) through (g), some of those look like the exception could end up swallowing the rule. Can you help me understand paragraph (f)? I thought the whole point was to stop those records from being used against a plaintiff who prevails. Why does that not get in the way of your intent?

Jon Sasser:

I believe you are looking at the language that was stricken by the amendment ([Exhibit C](#)). Are you referring to paragraphs (a) through (g)?

Assemblyman Elliot T. Anderson:

Yes. I am a little mixed-up based on the amendment and some other issues. Maybe it is because from my experience I think of legal aid as representing parties who are the plaintiff. Disregard my statement; I did not realize there was an amendment.

Assemblywoman Bilbray-Axelrod:

We have spent a lot of time on this amendment with all of the parties it concerns. With the proposed amendment, the intent is there, and everyone is at least neutral.

Chairman Yeager:

Is there anyone who would like to testify in support?

Kris Bergstrom, Attorney, Nevada Legal Services, Inc.:

We are a statewide nonprofit legal aid organization, primarily funded through the federal Legal Services Corporation. Our attorneys throughout the state provide free legal representation to tenants in eviction proceedings and other areas of housing law. We see firsthand that it can be extremely difficult for tenants with an eviction on their record to find safe and affordable housing. We can also see that there are a lot of unfortunate social consequences to the landlord practice of barring people who have prior evictions from renting. Tenants with past evictions on their record are often forced to rent substandard housing that is unsanitary, unsafe, or may have code violations because those are the only

places that will rent to them with an eviction on their record. This leads these tenants and their children to be exposed to a variety of health risks that they would not otherwise face, including risk of fire or other accidents from substandard construction, lead poisoning, environmentally exacerbated asthma, and any disease transmitted by rodents or vermin.

Additionally, the practice of not renting to a tenant with an eviction can blunt the efficacy of efforts designed to combat homelessness and poverty. We see this frequently with programs designed to help homeless veterans. There is a program called the Veterans Affairs Supportive Housing (VASH) voucher, which provides a housing subsidy voucher to homeless veterans. It is a Housing First program. The idea is to get them off of the streets, into housing, and then provide jobs programs, mental health treatment, addiction counseling, or whatever it is that they need. The problem is that many of these veterans have a prior history of evictions because they do have addictions or mental health problems that led to their being homeless. When they get this VASH voucher, they have money to pay for housing, but the only places they can rent from are weekly motels in the middle of drug corridors or prostitution centers. These veterans, who are trying to get a clean start and turn their lives around, are right back in the middle of the very problems and temptations that led them to become homeless in the first place. It hurts the efficacy of this program when they cannot find decent, affordable housing in other places because of their eviction record.

Additionally, the practice of banning people who have prior evictions from renting discourages tenants from exerting their rights in court. If you know that after filing a tenant's affidavit, even if you win, it is going to put a black mark on your record that will make it harder to find housing again, it is a lot easier to move out than to file in court and try to fight the eviction. You have people who have legitimate defenses—habitability issues, owners retaliating against them for calling code enforcement, or other social goods we should want to encourage—but they are discouraged from raising defenses or going to court to support these things because they know the consequences from getting their name tied to an eviction case, even if they win.

Unfortunately, the consequences of these policies disproportionately affect women of color. They are also disproportionately likely to be the heads of low-income households with children and especially vulnerable to the financial pressures that might lead to evictions. We see examples every day of tenants who are hurt by these policies. We had a client come in who did not know she had an eviction on her record until five years after the fact. She had received a 30-day, no-cause notice, moved out, and found a new place. After she moved out, the landlord went to court and got an eviction against her, just to make sure she could not move back in even though she voluntarily moved out. She had no idea that this was on her record until five years later when she went to look for new housing and was turned down repeatedly because of this five-year-old eviction that she never had notice of, had never answered, and had no idea it existed. Five years is an outlier, but this situation is common. We see it happen frequently where landlords obtain evictions after people move out and they do not know about it until it shows up on their record. It hurts them in some way, whether it prevents them from getting consumer credit or new housing.

We also see this adversely affecting our subsidized housing clients. We have a lot of clients who are on Section 8 vouchers. What will happen is these Section 8 vouchers are abated by the housing authority for substandard housing conditions. The housing authority will stop payment because the landlord is not making repairs or the housing is in some way unsafe or unsanitary. They will give the client a new voucher to move to different housing. As soon as the housing authority stops payment, the landlord will file an eviction action in retaliation against the tenant. We can go to court and defeat that conviction because it is against the federal regulations. The problem is that it is already on the record; that tenant already has a black mark against their name. They are desperately trying to find new housing before their voucher expires, but they are getting turned down because they have this eviction on their record, even though there was no merit to the eviction. It was the landlord's fault for failing to make repairs or provide decent, safe housing.

This bill would help tenants by allowing them to seal those cases in which they have a legitimate defense. We see a lot of tenants who are still suffering the consequences of our housing crisis and the foreclosure crisis in 2008. You have a lot of tenants who were evicted because their landlord was foreclosed upon and they had no idea, they did not get any notices, until they got a 24-hour notice on their door. They would have to go to court to get more time or to assert their rights under the Protecting Tenants at Foreclosure Act of 2009. They had a legitimate defense, they had done nothing wrong, and they were paying rent; it was the landlord who was the problem. Now they are in the system, they are marked as having been in court for an eviction, and they are, even nine or ten years later, still having trouble getting housing because of this. We think this bill is very important toward helping low-income Nevadans access safe, secure, and affordable housing.

Assemblyman Pickard:

Out of a hundred cases, how many would you estimate resulted in a summary eviction being denied?

Kris Bergstrom:

For cases that we handle, we win almost all the time or we would not be going to court. I cannot give you statistics for when a lawyer is not there, but I imagine that would be very different.

Chairman Yeager:

I believe that Ms. Peña indicated in her testimony that there are approximately 30,000 filings for summary evictions and approximately 6,000 of those are either denied or the landlord does not file the affidavit. If my math is still good, I believe that is 20 percent.

Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in the neutral position?

Susan L. Fisher, representing Nevada State Apartment Association; and Nevada Rural Housing Authority:

We would like to thank the bill's sponsor and other proponents for working with us on some concerns we had with the bill initially. We did oppose the bill as it was originally drafted, and we appreciate their efforts in amending the bill. We are now neutral on the bill with the proposed amendment, if you choose to adopt this amendment. I would like to introduce Eric Newmark, who is an attorney specializing in landlord-tenant issues. He is very involved with the Nevada State Apartment Association. I also have John Pettis, who is with the Nevada Rural Housing Authority. They can give you a different perspective on why we appreciate this amendment to the bill.

Eric R. Newmark, General Counsel, Nevada State Apartment Association:

I am in the eviction courts every day all over Clark County. I get to see what is happening with summary evictions on a daily basis. I want to reiterate what Ms. Fisher indicated: we appreciate the sponsor's working with us and all the parties that came in on this. We understand there is a delicate balance between protecting the rights of both tenants and landlords with regard to sealing some records but giving landlords the ability to make a determination as to who has sufficient creditworthiness and demonstrates the ability to pay so they can rent these units. That would be my only concern when it comes to any kind of sealing of judicial records. Under federal fair housing laws, landlords are restricted in some ways but encouraged to look to a tenant's ability to pay rent and their creditworthiness. Any time we are sealing judicial records that demonstrate that there were some problems in the past, we make those unavailable to a landlord, and it makes it difficult for a landlord to judge a person's creditworthiness and their ability to pay.

John Pettis, Consultant, Nevada Rural Housing Authority:

Nevada Rural Housing Authority administers several programs throughout rural Nevada. We administer the rental assistance program known as Section 8, the homeless vouchers assistance program, the veterans permanent supportive housing, and the tenant-based homeless assistance program, just to name a few. These programs are designed to assist limited-income families to pay part of their rent each month to their landlords. These programs are administered throughout rural Nevada. As we all know, affordable housing is at a premium in this state. We assist several thousand families each month in making payments to their landlords. Many of the landlords participating in our program are mom-and-pop landlords, which usually have fewer than five units. These landlords use funds from our programs to maintain their property in decent, safe, and sanitary condition, which helps to stabilize the tax base in the community. It also helps them to augment their fixed income. The proposed amendment to this bill will assist our partners, landlords throughout rural Nevada, to continue to provide decent, safe, and sanitary housing for the limited-income families that we serve.

Assemblyman Thompson:

If things are sealed, landlords will not be able to look at creditworthiness. What in the current evictions would you see that deals with their credit history versus their current credit history? If it were an eviction that occurred two years ago, would a landlord really be concerned about their creditworthiness from two years ago? Would they be looking at the current state of that applicant?

Eric Newmark:

I believe the landlord is going to look to the records to see if they have that ability to pay and if they have sufficient creditworthiness. Not all landlords are bad landlords. There was some testimony to the effect that landlords are slumlords or they are not doing things that they are supposed to under the law. They do look to see if there are issues with tenants where they have not had the ability to pay over several years. Maybe they filed for or were subject to several eviction actions over the course of a year or several years. In the landlord's eyes, that could potentially go to creditworthiness and the ability to pay. At the end of the day, when you sign a lease agreement, it is a binding legal contract. You are basically obtaining credit to live in a place for a certain amount of time for which you have to pay each month. If there is an issue where multiple evictions have been filed and may be granted, they will want to see the complete picture to make a decision.

Assemblyman Thompson:

At what point are people allowed a second chance? At what point are people allowed to get it right for themselves? If they have had previous evictions, when do they get the chance to dig out of that hole?

Eric Newmark:

That is a fantastic question, and I agree with you. They should have the ability to get a second chance. The concern here is not so much the tenant with one eviction on their record, but it is the repeat tenants who, landlord to landlord, are unable to meet their obligations under the lease agreements. The landlords need to have the ability to see the overall picture so they can make an informed decision. Ultimately, if the landlord is looking and the records are sealed so they do not see that, they are going to extend credit—sign a lease agreement—and potentially be in the same situation where they are moving to evict. I can tell you that no landlord wants to evict. At the end of the day, they want a tenant who is paying rent throughout the term and respects the property. Landlords want to evict less than a tenant wants to be evicted.

Assemblyman Elliot T. Anderson:

Do you not require security bonds for these situations? It is not applicable to the bill, but why does the posting of a bond not come into play more to protect a landlord from repeat offenders in terms of not meeting their obligations?

Eric Newmark:

Landlords do require security deposits. That is generally the trend. They will require a deposit from the tenants. In years past, the deposits were a lot less than they are now just because of the way the market was. Now it is different. The standard is usually one month's rent. They are not requiring anything else. There are also landlords who will waive that deposit as a concession of goodwill to get the occupants. They do require the deposit, which acts as security in the event there is an eviction down the road.

Jenny Reese, representing Nevada Association of Realtors:

We would like to echo the comments of the Nevada State Apartment Association, and we greatly appreciate the bill's sponsor for working with us on an amendment on which we can come to the table in neutral.

Chairman Yeager:

Is there anyone else who would like to testify in the neutral position? [There was no one.] I would invite Assemblywoman Bilbray-Axelrod back to make any concluding remarks.

Assemblywoman Bilbray-Axelrod:

Thank you for hearing this bill. Thank you for those who came out in the neutral position and the people at Legal Aid Center of Southern Nevada. We are trying to solve a problem for folks in Nevada.

[A letter to the Committee ([Exhibit E](#)) in support of the amendment to Assembly Bill 107 was submitted by the Honorable Melissa A. Saragosa, Justice of the Peace, Department 4, Las Vegas Township; and Chairman, Las Vegas Justice Court Legislative Committee.]

Chairman Yeager:

We will now close the hearing on A.B. 107. At this time, we will open the hearing on Assembly Bill 132.

Assembly Bill 132: Provides for enhanced penalties for committing assault or battery against certain civilian employees and volunteers of law enforcement agencies. (BDR 15-111)

Assemblyman Elliot T. Anderson, Assembly District No. 15:

I would like to start with a little background on Assembly Bill 132 and the associated crimes that exist already in a lot of other states. In most states, crimes committed against certain personnel qualify for enhanced penalties. According to an October 2016 report by the National Conference of State Legislatures entitled *Enhanced Penalties for Specified Personnel*, 42 states include peace officers or law enforcement officers in the protected class for enhanced penalties due to the nature of their work. In the state of Florida, law enforcement officers include law enforcement staff of the Department of

Law Enforcement (*Florida Statutes* § 784.07). In Virginia, law enforcement officer means any full-time or part-time employee of a police department or sheriff's office who is responsible for the prevention or detection of crime and the enforcement of penal, traffic, or highway laws (*Code of Virginia* § 18.2-57).

In the state of Nevada, assault and battery against certain categories of persons, much broader than law enforcement, qualify for enhanced penalties. The penalty is dependent upon the type of assault or battery and whether or not a deadly weapon was used by the offender. The categories of persons include officers, providers of health care, school employees, sporting event personnel or officials, and taxicab drivers or operators. In Nevada, an "officer" includes a peace officer; a firefighter; a jailer, guard, or other correctional officer; a justice or judge; or an employee who makes home visits.

As for A.B. 132, it is a narrow addition to that category. It does not change any existing laws or penalties except for adding a separate subset of personnel. Sections 1 and 2 revise the definition of "officer" to include certain civilian employees and volunteers of law enforcement agencies in the class of persons for which enhanced penalties for assault and battery would be authorized. In order to be included, the employee or volunteer must have duties that require the person to interact with the public; perform tasks related to law enforcement; and wear identification, clothing, or a uniform that identifies the person as working or volunteering for the law enforcement agency.

According to the United States Department of Justice, there were approximately 8,800 law enforcement employees in the state of Nevada in 2013. Of these, approximately 3,400, or 39 percent, were civilian employees. Civilian law enforcement personnel include crime scene investigators; crime analysts; community outreach personnel; dispatchers and call takers; fleet management; forensic technicians; intelligence analysts; parking enforcement; and public information officers.

In closing, I urge your support of this legislation that will provide enhanced penalties for the assault and battery of civilian employees and volunteers of law enforcement agencies.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We want to thank Assemblyman Anderson for listening to our desire to update the statute to protect our civilian employees. Like many large police departments across the country, we are giving more and more tasks to civilian employees that in the past might have been performed by commissioned officers. There are a variety of reasons for that. In some cases, civilians are more trained and better qualified to handle those tasks, like in the area of forensic science, our crime scene investigators. In other areas, it is because it is more prudent for spending the taxpayers' dollars. We have a number of civilians and volunteers who work for the Las Vegas Metropolitan Police Department (LVMPD). We have a very robust volunteer program. These folks are readily identifiable as employees or volunteers of

a law enforcement agency. Our patrol services representatives wear a uniform that is very similar to a police officer's uniform, minus the gun belt and gun. Our crime scene investigation (CSI) staff wear a black vest that readily identifies them. It has the department badge embroidered on it and says "CSI." These folks are at crime scenes.

I am going back a few years ago to when our agency employed crossing guards. To be clear, this bill does not cover them because we now subcontract to a private company for crossing guards. Several years ago, we did employ crossing guards. They wore an outfit that said "LVMPD Crossing Guard." We had a case that made the news and was a serious incident. A motorist jumped out of a vehicle and severely beat a crossing guard at an intersection. We have also had a number of cases involving our volunteers who do our handicapped parking enforcement; you might have seen them in parking lots and shopping centers. We had a number of cases where motorists assaulted those individuals. We had one volunteer who was assaulted on the Strip while manning a post that provides information to tourists. We had another case where a CSI person was at a crime scene. The officers had cleared the crime scene and thought that it was safe. They had left or were outside in their vehicles. The suspect was still hiding within the residence. In an effort to escape, the suspect used force, or pushed the investigator, in order to get out. When that person was captured, the interesting thing they said was that they thought, by the way they were dressed, that the crime scene investigator was a police officer because he had a gun belt and uniform on.

Across the country, attacks on officers are on the rise right now. Often, because these folks wear a uniform or something that identifies them as working for a law enforcement agency, they become a target. People think that they are commissioned officers. I think it is important to protect these folks because if you look at the current statute, as Assemblyman Anderson said, volunteer firefighters, dental students, chiropractors, soccer referees, football referees, taxicab drivers, and bus drivers are all protected. We hope that this Committee will consider protecting our civilian employees who are out doing this risky job to the same level.

Assemblyman Thompson:

In section 1, subsection 1, paragraph (b), subparagraphs (6) and (7), does this mean a civilian employee in law enforcement or just any civilian employee? For example, on the county or city level, there are code enforcement officers who are making contact and putting their lives at risk, even just going to a social worker, and who do not have the proper arms to defend themselves. In subparagraph (6), it says any state employee making home visits. I would love to have them covered as well.

Assemblyman Elliot T. Anderson:

I am looking at section 1, subsection 1, paragraph (b), subparagraph (6), and I read "An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits . . ." to encompass a fair portion of those employees. That seems broad to me. I do not know how it applies in effect; I will leave that to the district attorney's office who would have to enforce that statute to answer, if they are willing,

under neutral testimony. That seems very broad. Specificity is always better in law, when you are talking about crimes, to make it more clear on its face. I have heard that there are some amendments coming forth that would protect other personnel. In general, when you talk about a code enforcement agency, that is a dangerous job right now because of a lot of the squatters that this Committee has heard about in previous sessions. I support those types of amendments because I know how dangerous it is out there; even real estate agents have to bring weapons to protect themselves.

Assemblywoman Jauregui:

I really appreciate this bill because I have a brother in law enforcement. Thank you for bringing it forward. Anything we can do to strengthen and protect our law enforcement officers or those who are acting in the capacity of promoting public safety, we should.

Assemblyman Wheeler:

I want to thank the Assemblyman for bringing this bill forward. I know that there is also a financial aspect to this. When you can hire civilian employees, it allows a sworn officer to go do something else. A lot of times, you cannot hire a civilian employee because of safety concerns. Something like this would go a long way.

Assemblyman Elliot T. Anderson:

Thank you. It is important to the standard of proof that juries seem to require these days because of the "CSI effect." They want to be dazzled by physical evidence. That requires a specialized skill set. We need civilian officers who have special qualifications to do these types of functions. It is a very complicated job they are doing, and so we need to be able to recruit these people and give them the same protection. In addition to the financial aspect, we have to attract people with good qualifications into these positions. I think it is a small thing that we can do to give them the same protections as officers.

Assemblyman Wheeler:

You mean there is no tennis shoe database to take the shoeprint off of the door as they show us on TV?

Assemblywoman Cohen:

Can you tell us a bit about the volunteer programs or those who volunteer for your agency that this would cover?

Chuck Callaway:

As you might remember, when I did my presentation before this body at the beginning of the legislative session, I talked briefly about our volunteer program. We have one of the largest volunteer programs this side of the Mississippi River. These are the most selfless folks I know. They do not get paid; they work at substations and assist with paperwork; they work in our headquarters building; they go to community events; they participate in career days and fairs; they man booths on the Strip to provide information to tourists; they assist with handicapped parking citations in shopping malls; they are selfless folks. They would be protected. You have probably seen them out there: they wear the yellow jackets that say

"Police Volunteer." They get patches for how many hours they volunteer, and they are very proud of the work they do. A lot of them look like generals because they have so many patches on their lapel for the hours they put in. I cannot say enough about how great those folks are.

In addition, we have our regular civilian employees who do get paid for their duties, such as the CSI folks who handle crime scene investigations. We have other civilian employees who are out there day to day who are readily identifiable as working for a law enforcement agency. They are interacting with the public. Our patrol service representatives are one example. Several years ago, we started hiring people and put them through a portion of the police academy to give them training on report writing. Maybe they were people who did not want to be full-fledged police officers, but wanted to have a decent job with some benefits and get out and make a difference in the public. They take reports, they respond to crime scenes where the suspects have left or where people have been gone for a week and they find out their house has been broken into. They have a level of training that is significant, but it does not meet the level of an officer. You may see them out in the public, but their uniform looks a lot like a regular police officer's uniform. They are sometimes mistaken as cadets or LVMPD Explorers. Those folks would be covered.

Assemblywoman Cohen:

Does the bill also cover the Explorers when they are out at events?

Chuck Callaway:

It was not my intent to cover the Explorers with this program, but I would be open if the Committee decides to include them. They are more of a volunteer group of kids similar to a Boy Scouts group, who get into the Explorers so they can learn more about policing. They are not employees of our agency. I suppose you could classify them as volunteers in the fact that they are volunteering for the Explorer program. I do not think they are included here because their tasks do not involve them going out and interacting with the public like our CSI people or actual volunteers. They are more involved in an Explorer program that is designed to train them so that down the road, they can become officers if they want to. Under that, I do not think they would qualify.

Assemblywoman Cohen:

It would be something I think we should consider. I have seen them at big public events. For instance, you are at a big concert, there is a large fight, and one of the Explorers is injured while trying to help protect the public. It might be something where it is worth a conversation.

Assemblyman Elliot T. Anderson:

If you have seen them interacting with the public at a concert and that is the understanding of the district attorney's offices in the various counties, under the facts as you have described, they would qualify. That would be a fact-specific scenario. If you want to make that more clear and provide for that, I do not have any objection to that.

Chairman Yeager:

Is there anyone who would like to testify in support?

Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's Office:

I did want to point out that the Washoe County Sheriff's Office relies heavily on volunteers and civilian employees. We simply could not function without them. I want to point out the fact that our search and rescue folks are some of the best in the nation, along with the LVMPD as well. Our search and rescue for 2016 did 171 missions for a total of 10,400 mission hours, 10,600 training hours, and 3,400 community service hours for a total savings of \$1.6 million in public service. That is just search and rescue alone. We also have Citizen's Academy and Community Emergency Response Team. These people work events like the Great Reno Balloon Race and make sure everything is safe there. We simply would not have enough law enforcement personnel to do that. Sometimes that is a contentious environment, if you can believe it, at a balloon race. Take the Red, White and Tahoe Blue celebration up at the lake. There is usually a bit of alcohol consumption at the lake, but our volunteers go up, work traffic posts, manage crowds, and things like that. We certainly appreciate the protections that this bill offers and offer our full support for it.

Ronald P. Dreher, Government Affairs Director, Peace Officers Research Association of Nevada:

Our code enforcement officers in Reno do wear uniforms, and we have a senior auxiliary volunteer effort program called "SAVE" and this would cover them as well. They go out in uniforms in small cars and write tickets; they interact with the public quite a bit. It would include them, and that is a good thing. We ask the Committee to support this and thank Assemblyman Anderson for bringing this forward.

Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada:

We are in support of A.B. 132 as well. With the permission of the bill sponsor as well as Mr. Callaway, we have brought forward a friendly amendment to this bill ([Exhibit F](#)), which does clarify one of Assemblyman Thompson's questions with regard to civilian code enforcement employees. What our amendment does is to add firefighting agencies to the bill and provides another clarification in "performs tasks related to firefighting or fire prevention or code enforcement" The intent of that friendly amendment is to recognize the fact that our civilian employees do drive marked department vehicles. They provide numerous services whether that is code enforcement, police and fire chaplains, and other ancillary duties that include the all-risk services that our civilian employees provide to multijurisdictional and multihazard incidents.

Chairman Yeager:

I want to let the members know that the friendly amendment is on the Nevada Electronic Legislative Information System (NELIS).

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We would also like to thank Assemblyman Anderson for sponsoring this bill, and we do support A.B. 132. Although some of the smaller agencies may not have the numbers of volunteers that you heard from Las Vegas or Washoe County, they are an integral part of Nevada law enforcement assisting rural agencies.

Jennifer Noble, representing Nevada District Attorneys Association:

We would like to thank Assemblyman Anderson for bringing forth this bill, which affords those protections that officers have to the critical employees and volunteers who make those agencies be able to function. They should be protected in the same way.

Marlene Lockard, representing Las Vegas Police Protective Association Civilian Employees, Inc.:

We strongly support this legislation.

Alex Ortiz, Assistant Director, Department of Administrative Services, Clark County:

We support this legislation and appreciate Assemblyman Thompson's comments regarding code enforcement. We agree wholeheartedly to include them as well. They have a tough task out there on a daily basis—knocking on doors and trying to connect with residents about issues that may pertain to code enforcement. We appreciate the Committee's indulgence to approve this bill.

Assemblyman Thompson:

I could do a laundry list. We have to include animal control and so many others that deserve to be covered.

Chairman Yeager:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition?

Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:

[Read from prepared testimony ([Exhibit G](#)).] The Libertarian Party of Nevada believes that increasing criminal penalties for potential assaults or batteries against a wider category of civilian employees and law enforcement volunteers is inequitable and counterproductive to successful community policing. Many individuals are already frightened to interact with law enforcement officers because a single misunderstanding or mistake can have tremendous consequences, ruining a person's life. Expanding the category of individuals with whom such interactions are so weighty risks frightening communities into not reporting crimes at all. Fear of increased penalties will decrease cooperation from those on the margins of society, including sex workers, undocumented immigrants, or even minorities fearing profiling under the new federal regime. In fact, the change in deportation policy offers a perfect example of what happens when innocent people are frightened to come into contact with law enforcement officers.

Los Angeles Police Chief Charlie Beck said Tuesday that reports of sexual assault and domestic violence made by the city's Latino residents have plummeted this year amid concerns that immigrants in the country illegally could risk deportation by interacting with police or testifying in court. Beck said reports of sexual assault have dropped 25% among the city's Latino population since the beginning of 2017 compared with the same period last year, adding that reports of domestic violence have fallen by 10%. Similar decreases were not seen in reports of those crimes by other ethnic groups, Beck said.

"Imagine, a young woman, imagine your daughter, your sister, your mother . . . not reporting a sexual assault, because they are afraid that their family will be torn apart," Beck said.

[From the *Los Angeles Times*, March 21, 2017.]

We are concerned that A.B. 132 may have consequences similar to a Louisiana law passed earlier this year which made resisting arrest a hate crime. While these laws seem, on their faces, to protect law enforcement officers, they foment an atmosphere of mistrust and result in lower rates of crime reporting. They make both officers and communities less safe. The Libertarian Party of Nevada therefore opposes A.B. 132.

Chairman Yeager:

I am trying to understand the gist of the opposition. Is it that adding additional protections will somehow prevent folks from reporting crimes to law enforcement?

Wendy Stolyarov:

Our concern is that if people are fearful about interacting with a volunteer or individual who appears to be a police officer, they will be less likely to interact with that individual. A person could think, I bump into this volunteer and now I am charged with assault and my life is ruined.

Chairman Yeager:

Is there anyone who would like to testify in the neutral position?

Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:

We believe our concerns have been met. Those were twofold; that the individual who would be protected by this bill must be readily identifiable—I believe the language in the bill does support that—and that they must be acting within the official course and scope of their duties. That is the reason we wanted to register as neutral. We did have a chance to speak to the stakeholders, and we believe our concerns have been well vetted.

John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:

My testimony would have been the same.

Chairman Yeager:

Is there anyone else who would like to testify in the neutral position? [There was no one.]
Assemblyman Anderson, would you like to make some concluding remarks?

Assemblyman Elliot T. Anderson:

I want to respond to some of the issues that we heard in opposition as to not reporting crimes to police among Latino residents in Los Angeles. Those are real issues, but they have nothing to do with this bill whatsoever. We have had officers under this protection for quite a while, and that recent decrease in reports is a result of federal actions that are not up for a hearing here today. I would ask the Committee to stay focused on what this bill actually does. In terms of not reporting crimes, there are a lot of issues and reasons why people do not report crimes, and they have nothing to do with someone battering a civilian who works for a law enforcement agency, a volunteer, or even an officer. We ask officers to go out into harm's way to protect us all, and they have an extremely dangerous job. Because of what we ask them to do, we have the obligation to ensure they have extra protection and that assailants can be put in jail under a gross misdemeanor. As a matter of course, they would go under a regular misdemeanor now and would probably not be going to jail. If you hit a CSI officer while he is documenting a crime scene, then you deserve to go to jail.

Chuck Callaway:

I forgot to mention our search and rescue people. When Mr. Spratley came up and mentioned theirs I thought, Oh no, I just left a whole chunk of our folks out. I want to make sure it is on the record that they be protected as well.

Chairman Yeager:

We will now close the hearing on A.B. 132. That brings us to our last bill on the agenda today, Assembly Bill 260.

**Assembly Bill 260: Revises provisions relating to the crime of prostitution.
(BDR 18-821)**

Assemblywoman Jill Tolles, Assembly District No. 25:

I would like to start by giving some background on the problem. I know that the issue of sex trafficking has come up a number of times in this Committee, and I thought it might be beneficial to look at some more information on the importance of this issue. I then want to address one specific aspect of the solution toward this problem which this bill hopes to address. Then I want to walk through the sections of the bill. With the Chairman's permission, I would ask Senator Cannizzaro to join me in presenting. I would also ask Melissa Holland from Awaken to speak to the background of this issue, Jennifer Howell from Washoe County Health District, and Tom Robinson from the Reno Police Department. Before we begin, I also want to say thank you to my attaché, Marissa Crook, who is amazing and has helped with many of the technicalities of this presentation, along with Mia Mallette and Morgan Hultz who helped put together some of the statistics for our presentation.

I want to start with some of the statistics [slide 2, ([Exhibit H](#))]. Human trafficking is the fastest growing global criminal industry, bringing in roughly \$150 billion annually. There were 26,727 calls to the National Human Trafficking Hotline that occurred in 2016 alone according to Polaris. Nevada, in particular, had the highest number of calls per capita in 2015.

On slide 3 is a heat map of the number of advertisements that were posted on Backpage.com in one month's time in northern Nevada alone. There were over 1,500 advertisements for the illegal solicitation of sex of women and children—900 of which were in Reno. The second highest hits were in Virginia City and Incline Village. This is definitely an issue that is alive and active in the state of Nevada.

We often think of prostitution as a victimless crime [slide 4, ([Exhibit H](#))], but the statistics show us otherwise. Consider the following statistics: 70 percent of women in prostitution were victims of childhood sexual assault; 70 percent of women suffered rape in prostitution with 65 percent having been physically assaulted by customers and 66 percent assaulted by pimps. The death rate of women in prostitution was 40 times higher than that of the general population. Additionally, we have learned from research [slide 5] that on average, 84 percent of women in prostitution are under third-party control or pimped out or trafficked; and 81 percent of prostitutes interviewed in a study claimed that they wanted to escape that life. This is not a victimless crime, but it is often seen as just a business transaction between consenting adults.

A week before we entered into this legislative session, I accompanied the Reno Police Department on an undercover sting. They had a decoy officer who would lure the customers in. I was on the ride-along from 4 p.m. to 6 p.m., which is a high traffic time as individuals are leaving work and on their way home. I walked away with a few observations from that experience. I was surprised at how the customers lined up, one after another; it was one sedan or one truck on a street corner and stacked up. Along with Melissa Holland from Awaken, I had a chance to interview the johns after they were arrested. As I asked them questions about how long they had been buying sex illegally, if they are aware of the cycles of violence that come along with this industry and trade, and why they go to a street corner instead of a legal brothel. I was struck by some of the answers. The johns came in all shapes and sizes, from a 30-year-old dad with two babies at home who said that his wife was too tired, to an attendant from the establishment where I get my car washed, to 60-year-old men who had been buying sex illegally since their teens. Many of them said they did not go to a legal brothel because of inconvenience and cost. They were somewhat aware of the issues related to violence and abuse in regard to prostitution; however, they did not seem to see how their participation in the process contributed to these cycles of violence and exploitation. It caused me to look into this issue further and ask, What are the causes of this burgeoning industry in our state? I found some research on the cycles of exploitation.

When we are talking about the issue of human trafficking, it is important to recognize that there are three main elements [slide 6, ([Exhibit H](#))]. There is the seller, also known as the trafficker; there is the victim; and then there is the buyer, commonly referred to as the "john." Nevada has done more in recent years in addressing increasing penalties and enforcement in regard to the traffickers, and in increasing the resources available to support the victims and to spread awareness on this issue. I cannot emphasize enough that far more needs to be done in both of those categories. However, as I looked at scholarly research and looked at our laws, I found a gap in an area we had not been addressing: the demand side of the equation, which is addressing increasing penalties for the buyers. Until we address the demand side of this issue, we will continue to be putting Band-Aids on the problem, and we will not be addressing it in a holistic way.

I also looked into what has been written about the psychology of the demand side of this issue [slide 7, ([Exhibit H](#))]. What researchers have proposed is that as the probability of being caught increases, as the penalty or fine for being caught increases, then the participants in this activity will see that the benefit is not worth the cost. A comprehensive approach including reverse stings reduced prostitution by 75 percent in a controlled experiment in Jersey City, New Jersey. There are other research studies I would be happy to provide to the Committee after this hearing.

I would like to propose one targeted aspect to the solution of addressing this overall issue of sex trafficking. That is addressing the demand side of the equation by increasing fines and penalties [slide 8], taking the revenue from those penalties and using them for programs and enforcement, and offering offender programs to reduce recidivism when and if available to the municipalities.

I would now like to walk you through the bill. You have the mock-up version ([Exhibit I](#)), and we will go through that together. We took out the first section, which created a committee. The reason for that was that the focus of this bill was to take a targeted approach to addressing the demand side of the sex trafficking issue and to support local law enforcement agencies to enforce and reduce recidivism. Because we wanted that to be the main focus of this bill, we decided to remove the committee aspect and focus only on johns to keep it as simple as possible. We will now look at sections 2 and 3 of the bill. Section 2 would amend *Nevada Revised Statutes* (NRS) 4.373. Section 2, subsection 3, says "If a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 3 years upon the condition that the person: (a) Actively participate in a program for the treatment of persons who solicit prostitution and (b) Comply with any other condition of suspension ordered by the justice of the peace." You will see that section 3 repeats that language.

When we refer to treatment programs [slide 10, ([Exhibit H](#))], we looked at programs that were not only available here in Nevada, but also around the nation. One of the most common treatment programs that has been employed by other communities seeking to address this issue is what is referred to as a "john school." John schools would be applied to the buyer as a treatment program for them to participate in. It is usually a one-day class, an online class, or multiple-session counseling over a period. Typically, the curricula address issues of health consequences, impact on communities, impact on survivors, victimization risks, and legal consequences. It is similar to the way we use a driving under the influence (DUI) impact panel in order to address the issues of driving under the influence. One case study that is commonly referred to is a john school in San Francisco that operated over a period of about ten years. The studies showed that they were able to reduce recidivism by over 40 percent. Some other enforcement options [slide 11, ([Exhibit H](#))] that communities utilize are seizing automobiles and requiring that the fine be paid in order to release that automobile; community service; posting pictures as a deterrent; or "Dear John" letters—letters that are sent by law enforcement to the home of the individual. Section 4 deals with the increase in fines and penalties. I want to point out that because of this discussion, we originally just increased the fines under solicitation of prostitution.

We received feedback that there were no distinguishing factors between the buyer and the victim. One of the side benefits of having this discussion is we now have a new category in the NRS that distinguishes the buyer from the victim. This would apply solely to the buyer. If we look at section 4, subsection 3, it states, "A person who violates subsection 1 by offering to pay another person a fee, monetary consideration or other thing of value with the intent to engage in sexual conduct . . ." will then receive the following penalties in a graduated fashion. A first time offense would be a misdemeanor of not less than \$400. Until now, the current law has not had a minimum, and so it is easy for the buyer to be let off without any consequence. We felt it was important to put in a minimum fee. It graduates from there. For a second offense, it steps up to being guilty of a gross misdemeanor with a fine of not less than \$800. For a third or subsequent offense, they would also be guilty of a gross misdemeanor and punished with a fine of not less than \$1,300. There was a question in regard to what it means to offer a person a fee, monetary consideration, or other thing of value. I hope to address that in question and answer time.

Moving down to section 4, subsection 6, there is also a "civil penalty collected by a district attorney or city attorney pursuant to subsection 4 . . ." and that penalty "must be deposited in the county or city treasury, as applicable, to be used for: (a) The enforcement of this section; and (b) Programs of treatment for persons who solicit prostitution . . ." The reason we divided out the fines from the penalties is that in NRS, it is required that fines are used to fund K-12 education. One side benefit is that we might have some increased funding for education because of this program. The original intention of this program was to also find a funding mechanism to help pay for the enforcement or programs that would be utilized in addressing this issue. The penalties that would be applied would be \$200 [slide 13, ([Exhibit H](#))] in addition to the fines for each of those graduations. That would be used by the local municipalities per their discretion to help pay for law enforcement. We will be hearing from some members of law enforcement here today. In our

Reno Police Department, a very small segment of funding is dedicated to a police officer addressing sex trafficking issues. That local enforcement agency could help use these penalties to help pay for more "boots on the ground," if you will. If they choose to use a reduction in treatment program, they could use it for the administration of either an online program, a one-day program, or a multi-session counseling program.

Senator Nicole J. Cannizzaro, Senate District No. 6:

By way of introduction, I wanted to talk about how I became involved with this legislation. I am currently employed at the Clark County District Attorney's Office. When I took on the role of appearing in court and working on cases, my first assignment was in the Juvenile Division. I was assigned to a specialty calendar called the vice calendar. The vice calendar was all females under the age of 18 who are arrested for prostitution-related offenses. I had never delved into this particular area of law before. I had never dealt with anything like this in my life before I stepped into my first vice calendar. What was most shocking to me was that in that capacity, what you see most often is young girls even as young as 11 years old who are making statements like, "This man loves me and I want to do this." I was honestly shell-shocked by the whole experience. Prior to that particular assignment, I would have likely been someone who said if you are engaging in prostitution, it is something you might be doing of free will; it might be something that you are interested in; or something you are doing to make some money. What that particular assignment opened my eyes to was that this is something that comes as the result of children who meet someone who tells them they will give them the world if they will just go out and make a little bit of money.

The concept for this bill struck me mostly because this is a real problem. The crime of prostitution is inherently linked to sex trafficking, which is something that is a problem we cannot sit by and ignore. I understand that there may be some concerns about increasing fines and penalties for individuals who are offering to purchase illegal sex, but the problem of sex trafficking does not go away unless we begin to address it in some capacity. When Assemblywoman Tolles and I first started speaking about this, I told her that I would be very much interested in helping to craft this legislation and come up with a way that we can utilize this as a tool to help those young girls who often find themselves in these situations and find it very difficult to escape. This is one side of that equation that is unaddressed. Even as a prosecutor, it is something that we do not deal with in the same fashion. We often charge the women who are engaging in prostitution, but it is very rare that we would charge someone who is offering to buy the prostitution. Frankly, one does not exist without the other. I think that this is one way for us to strike at the heart of this. It is certainly not a solution that is going to solve the entire problem of sex trafficking, but I do think it is important to hold the other part of that equation accountable for that contribution to this underlying problem. This bill does create a different definition for individuals who are offering to purchase the sex. For the first offense, it is a misdemeanor, and for graduated offenses, it is a gross misdemeanor. In the litany of criminal acts you can commit, I think that is a good graduated scheme.

There was some conversation that we may be working on ways to make sure that we are not unintentionally targeting individuals who might come to places like Las Vegas—my hometown. I have grown up there. I have spent my whole life telling people about how I do not live in a casino, my parents sent me to a real school, and I do real things with my friends like go to the movies. I do not think the perception of Las Vegas being a place where you can come and have fun is an excuse for us to turn a blind eye to sex trafficking in our community. It certainly is not a reason for us to avoid addressing this issue. This piece of legislation is going to be a small step in that direction. I know there was an issue raised about unintentionally targeting people who come to Las Vegas who are not aware that prostitution is illegal. To some extent, that may happen. We are working with some interested individuals to see if there are ways we can either create a diversion program, or if it is a first offense and they are unaware that it is illegal and it is a mistake, I think to continue to let it always be a mistake would be a mistake on our part. We would create some place where there would be diversion. From my practical experience at the Clark County District Attorney's Office, there are rarely instances where individuals are first-time offenders, especially on misdemeanor cases, where we are not offering for them to clear their record through either a stayed adjudication or dismissal after they complete some requirements. I do not think this would be an exception to that. There are ways for us to work toward making this something that is not unintentionally targeting individuals who are unaware, while also allowing us a tool to combat sex trafficking in our communities. This is where it exists. This is where it lives, and we have to do something to get at this problem.

Chairman Yeager:

Assemblywoman Tolles, if I am correct, you had three other presenters with you this morning?

Assemblywoman Tolles:

That is correct.

Chairman Yeager:

Let us go ahead and hear from those three presenters, and open it up for questions afterward.

Jennifer Howell, Sexual Health Program Coordinator, Washoe County Health District:

[Read from written testimony ([Exhibit J](#)).] Thank you Assemblywoman Tolles, Chairman Yeager, and members of the Committee for supporting efforts to combat human trafficking with particular focus on the customer, or "john," perspective. Washoe County Health District (WCHD) is in support of A.B. 260. Washoe County Health District is guided by the mission "to protect and enhance the well-being and quality of life for all in Washoe County." Health promotion and disease prevention activities within the sexual health program provide testing, clinical, and prevention services for sexually transmitted diseases (STDs), including HIV as well as family planning services.

Supporting our mission is the Centers for Disease Control and Prevention (CDC), which recommends that each individual between the ages of 13-64 have at least one HIV test in their lifetime. If a person is at higher risk due to engaging in behaviors such as unprotected sex or injection drug use, more frequent testing is suggested depending on the frequency of the behavior. *Nevada Revised Statutes* 201.356 requires that a person arrested for prostitution or solicitation submit to an HIV test and provide proof of the test to the court. To further the goal of reaching high-risk people for testing who may not access services, WCHD has partnerships with the Regional Street Enforcement Team (SET) and the Reno Municipal Court to provide mandated HIV testing along with offering testing for other STDs during prostitution and solicitation stings. Referrals to additional services often occur as we are a point of access for health care and social services.

In addition, a sexual health course providing information on common STDs, HIV, and prevention methods are provided if ordered by a judge. We have provided this course, for a fee to recover costs, to commercial sex workers, customers, and persons mandated by parole and probation. Washoe County Health District began providing the class when a community provider discontinued their involvement around 2005. Referrals to the course have been limited. Since 2005, 20 females and 13 males that have been involved in prostitution or solicitation have completed the course.

Experiences with the customers (johns) have been varied. Most, however, indicate that they were not fully aware of the prevalence and risk of STDs including HIV. Some have mentioned that they had little or no sexual health education in school or from their families. They have mentioned that medically accurate information would be useful over the course of their lives. Most often, the potential impact of transmitting a disease to a spouse or partner is concerning to the customer. When information on the potential for further transmission from a pregnant female to a baby is provided, class participants report a higher concern for disease prevention. Providing this information appears to have at least a short-term impact on perception of risk and the desire to prevent disease transmission.

Prostitution and solicitation of prostitution have a direct and indirect impact on the health of our community. Sexually transmitted disease transmission, including HIV, as well as unintended pregnancies and the respective consequences are far-reaching. Some complications of untreated infection may include infertility, ectopic pregnancies, transmission of disease to others, high medical costs, and fatal outcomes. Washoe County Health District supports a requirement for programs for the treatment of persons who solicit prostitution. This requirement will provide information that the customer may not have considered about the impact of prostitution on the community, to the individual, and to their partners. A mandated course would provide education to a larger number of people, thus contributing to a change in community norms. We ask that public health continue to be involved in this endeavor.

Melissa Holland, Founder and Executive Director, Awaken Inc., Reno, Nevada:

Jen Robinson and I cofounded Awaken a few years ago. Awaken is a nonprofit in northern Nevada that works with women and children affected by sex trafficking and commercial sexual exploitation in all areas of that endeavor. Anecdotally, it is important to understand the relevance and significance of this bill, and I could not be happier to see this piece of legislation before our Legislature. This is an area with three points: you have a trafficker, you have a woman being bought, and you have the buyer. Globally, the antitrafficking movement has recognized these three components. In basic economics, when you increase the demand for something, you will increase the supply. To go after something as big of an issue as sex trafficking, it is vitally important to address the demand to have significant impact, not just those other two components. I have been on these reverse stings. I have sat there while these men say, "So, under current law what happens?" The officer says, "It is a misdemeanor and the judge may have you pay a fine." The potential john responds, "Okay, well, what is that fine?" The officer tells him, "In Reno it is usually about \$500." The john says, "Can I just give you \$1,000 now? If I do it again, what happens?" It is the same thing over and over again. There is nothing in our structure now to reduce recidivism for this crime. There is no incentive to make a change of behavior. From a standpoint of what this is introducing, it will have profound impact on the reduction of recidivism for the demand, which also reduces the supply of women and children being trafficked into our communities. There are great results in other cities and nations that have already introduced this kind of legislation.

To give you another level of importance on this picture, I would like to share a couple of stories of women who we have worked with. It is highly unlikely that, if you are parents, you will have your 17-year-old daughter turn 18, look at you, and say, "I am ready to have my body be bought and sold by other people's wishes." That is a very unlikely scenario for us to have. The awful reality is that our culture is not waiting until they are 18. The average age of entry into prostitution in our country is 14. Most of them were already introduced by age 11. The face and the life of the victim that is being bought and sold by this demand that has been driven up without any incentive to reduce the buying and selling of these women, who were once children when first brought into this, is important to understand. There is a woman we work with whom I met when she was 49 years old. She had no intervention skills yet and no cultural reason for men to stop purchasing her. There was no incentive or understanding for men to stop. The sad truth is that at age five, her father was putting vodka in her Kool-Aid; at age eight, she was being bet in poker games; and that is how she was introduced to being trafficked. At age 49, we would likely dismiss her and say it is probably okay that she is being bought and sold. At least it puts food on her table; at least it allows her to find shelter and numb-out from life. I do not think that is appropriate, and she does not either. At the age of 49 she was able to get intervention and able to get help and is still in our program at 52.

Another woman I met was in a residential facility; we will call her "Julie." She was getting sober and was in hiding from her trafficker. While she was being trafficked, she was exposed to a great amount of violence. She witnessed her trafficker do intense violence upon other people. If you understand this world, you know that that is an intentional act—to expose these girls to violence—because you want them to believe your threats. You want them to believe the power and control you have over them. They often use that psychological tactic. She was exposed to that and in hiding in a treatment facility. She was doing really well in the treatment facility and she was graduating out and being placed into a program. If you know the Reno community, she was placed somewhere we would not recommend—it was downtown Reno. Knowing her background and that she was in hiding, it was all that was available at the time and so that was where she was brought. A couple of days later she went missing and we were worried because we knew that part of her story. A few days after that, another woman we will call "Rachel" comes to me and says, "I found Julie. She was on 4th Street. When I saw her, her elbow was swollen, she had burn marks on her body, and a broken arm. Her trafficker had found her, raped her, and beaten her." Rachel, as you can imagine, desperately tried to get Julie to come with her to get help. Already having been exposed to violence, the reality of the threats, and knowing that this trafficker was serious—as much as we want to believe this is a voluntary choice and a victimless crime, we can understand it is not—Julie looks at Rachel, and in a perfect world with choice, she would leave, except this time she could not. He had recent photos of her children. Julie did not even have recent photos of her children—he did. She was told, "If you leave, I will kill your children."

This is the face of the woman being bought in our community. This is the legal system that does not have any impact to say, Please do not buy these women, or to make that emphasis or structure in our system. That is the face of the woman being bought and sold. I cannot encourage you enough on how important this legislation is because the majority of these men do not know that. They do not know that that is the face of the woman they are buying. I will assure you that when these girls are being bought, they are not telling them that version of themselves; they are telling them a fantasy. Julie was also told that she had a quota to meet and if she did not meet it that this would happen, this would happen, and this would happen. Under the fear of that, do you think she is likely to tell the reality of her story to any man buying her? No.

What the john school does, by giving that victim impact panel piece, is it lets them know that, "When you are buying me, the fantasy you came in with and that I let you buy into was a requirement for my life. I had to make you believe that. I want to tell you the reality of what I was encountering." Let them see that real face. It has fantastic results in reducing sex trafficking and reducing illegal prostitution in communities. The increase of penalties has fantastic results, but the john school in combination with it allows these men not just to be criminalized for what they do not know, but also be taught the reality of this situation.

As Assemblywoman Tolles said, this is the fastest growing criminal enterprise in the world today. This is something we do take issue with. It is something on which we want to start to become progressive. We need to face this and say, What can we do within our jurisdiction or within our ability as a state to start protecting these marginalized women and children to take a stand on this? I applaud the Committee for looking at this piece, and I am honored to be here. When Jen and I or anyone with Awaken do talks and trainings, we spend three hours on this information and come with the disclaimer, we can ruin your day with the information we have. The reason for that is that most people walk away thinking, What can I do? What is special to this is that the Legislature already has the answer to that question; you know what you can do to make an impact on this.

Chairman Yeager:

Assemblywoman Tolles, did you have another presenter or can we open it up for questions?

Assemblywoman Tolles:

Our third presenter is in the building looking for the room. We do have other members of law enforcement here.

Chairman Yeager:

I want to be sensitive to Senator Cannizzaro's time, and I know we have some questions from the Committee about the technical content of the bill itself. If you do not mind, perhaps we can open up for those kinds of questions and then continue to take testimony.

Assemblyman Elliot T. Anderson:

These things can often have some technical issues that need to be cleared up. I am glad we have Senator Cannizzaro in the room, and we can rely on her experience with how these things play out in actuality. I noticed that this was not defined in statute in terms of elements before. What are the elements as interpreted? I am sure there is something on point that is not on the face of existing law in terms of what the elements of prostitution are. Do you have any idea what those elements are?

Senator Cannizzaro:

I would direct you to section 4. *Nevada Revised Statutes* 201.354, subsection 1 is what we currently use: soliciting or engaging in prostitution. The elements for that particular crime, if it is charged for someone who is prostituting, would be that they are offering sex in exchange for money or some other thing of value. That portion of the statute equally applies to individuals who might be buying sex. It would be that they are offering something of value in exchange for some sort of sexual act. It does not necessarily have to be one type of sexual act, it could be any number of them and generally for a fee.

Assemblyman Elliot T. Anderson:

That seems a lot different from what is proposed to be added to subsection 3. I worry that it might be too inclusive of conduct that we are not looking to criminalize based upon the way it is written. I am wondering if there might be a better way to go about that because I do not see a requirement of an exchange. The way it is written, I am not sure of the situations in which this would apply.

Senator Cannizzaro:

The way this statute is written is more precise; however, it is capturing the same type of conduct that subsection 1 of NRS 201.354 is capturing. The solicitation, even if the act of the transaction is not complete, is enough to constitute the buy. Section 4, subsection 3 is more precise in terms of the language because it is offering to pay with the intent to engage in some sort of sexual act; however, that particular conduct is also covered by the current statute. By way of example, when we are talking about stings or undercover operations involving officers who are targeting johns, it is not as though that undercover officer is engaging in some sort of sexual act; they are posing as a prostitute. The individual who is looking to buy sex will often say, "Can you do X, Y, and Z for X amount of money?" Once that transaction right there is complete, the offer to exchange money for sex is a violation of the statute. This particular language, while more precise, is covering the same type of conduct.

Assemblyman Elliot T. Anderson:

To be clear for the record, I am not worried about it not capturing that conduct. I think it is too inclusive of conduct that people do not think of as prostitution. There is a possibility that that could be interpreted to mean bad relationship expectations. I am not saying they are a good thing, but I am also not saying that is what we are trying to target when we think of prostitution.

Assemblywoman Tolles:

If I understand correctly, your main area of concern was not necessarily offering to pay another fee or the monetary consideration, but more specifically, an "other thing of value" was the language that was of particular concern.

Assemblyman Elliot T. Anderson:

I have less of a problem with that than wanting to see more of a requirement of an explicit exchange. Using the word "exchange" would be helpful in drilling down into what the act of prostitution is thought of. That would allow courts to know that there has to be an exchange. I may not understand the elements correctly. We need to be precise with defining crimes and I want to make sure that is clear, that there has to be an exchange. The language seems a bit nebulous to me and that is why I thought it would be helpful to have Senator Cannizzaro come up. If I am wrong on how that is reading, please correct me.

Assemblywoman Tolles:

I am happy to receive your feedback and the feedback of others. If there is a way to clarify the language while maintaining the intent that law enforcement can operate in a way that can help to identify the customers of illicit sex and illegal prostitution and to be able to enforce that, I am happy to continue that conversation and look for ways that might help address your concerns about clarifying language.

Assemblyman Watkins:

If somebody were to film a pornographic movie in the state, I think it would fit into this definition, but that is currently legal, and I do not think the intent of the bill is to make it illegal. Maybe I am technically wrong. Senator Cannizzaro, would you agree that, under that definition, a pornographic film would be included?

Senator Cannizzaro:

I understand where that may be construed; however, I would note that this particular definition as proposed in section 4, subsection 3 is very similar, although not exact, to the same conduct currently covered under our statutes for solicitation of prostitution. Offering to pay money for sex is currently something that is illegal in Nevada. There may be someone who has more information on that. It is legal in Nevada for someone to film or produce a pornographic film, and there may be some exceptions in the law for that. I would be happy to get that information so that is clear on the record. We are not intending to capture that. This is designed to get at individuals who are buying illegal sex.

Assemblyman Watkins:

From a policy standpoint, the research that was cited in the presentation may be lacking in two regards. The heat map [slide 3, ([Exhibit H](#))] was only for Washoe County and not Clark County, which everybody acknowledges is the epicenter for human trafficking in the United States. If we have that data, I would love to see what that looks like. In comparison to other states and the successes of these programs, I wonder if that would translate to a state that is divided on itself as to whether legal prostitution is okay. By all accounts, every poll or data set I have seen on this shows that most visitors to Las Vegas do not think it is illegal. We are sending a mixed message to the world saying "what happens in Vegas stays in Vegas" while at the same time trying to solve a demand problem that I am not sure can be solved in this state using a scenario from other states. I know we have talked about it offline, but I want to have it out there so that maybe we can have a broader conversation. I know it is not the conversation this bill is intended to have, but it is a platform for it.

Senator Cannizzaro:

I do not know if that was more of a question or if I can lend a comment. I think you touch on what makes this inherently a very difficult issue to address and to solve. A reason we do see it as such a pervasive problem in Nevada, specifically in Clark County, is that on the one hand, we want this to be a tourist destination where folks can come, drink, and have fun with their friends. As a prosecutor, we hear "I thought I could do X, Y, and Z" a lot. We have to say, We want you come here, we want you to drink with your friends, we want you to go to shows, we want you to let your worries leave you for a weekend, visit our casinos and

gamble, and do all these things that Nevada is unique in terms of promoting. There are a number of things that people do when they come to Las Vegas and believe could be completely legal because "what happens in Vegas stays in Vegas." Unfortunately, there are things that, just because you do them in Las Vegas, does not make them legal. To ignore that completely allows for unintended consequences. I do agree that it creates an issue where there is some confusion. As mentioned before, this is not a bill that is attempting to target unwitting individuals, and we are working on ways to ensure that this is something that does not unnecessarily punish individuals who are coming to our state to have a good time and engage in the tourism industry. At the same time, that is not an excuse not to address it.

Assemblyman Watkins:

I know it is not the intent of the bill, but it is the elephant in the room, so let us talk about it. Amnesty International has called on the state of Nevada to legalize prostitution in Clark County and throughout the state. Do you see that as a potential solution to trafficking, or do you see that as creating a bigger problem? I am interested to hear your thoughts on it since you have dug into the information.

Tom Robinson, Deputy Chief, Reno Police Department:

I want to give a law enforcement context to that question. I think the concern we would have with legalizing prostitution is that there are certain controls in place with brothels that would not be available with street prostitution. You would have to create a whole industry around street prostitution. The difference between street-level prostitution and the type of prostitution that occurs in brothels is that those in brothels are professionals, while many involved in street-level prostitution are unwilling victims of trafficking and profit by pimps.

Assemblyman Watkins:

What I meant was that Amnesty International has asked us to look at legalizing prostitution in Clark County or Washoe County in the brothel form—the form that is legal throughout the rest of the state. Does that help us with the human trafficking problem or does that make it worse? I have seen conflicting results on that. In some of the European countries, they say it has helped, but in others, they say it has hurt. You have all dug into this stuff, so I just wanted to get a record of what that research shows.

Assemblywoman Tolles:

I think that is an important question and one on which we should spend a significant amount of time. There are different sets of data and different complexities in regard to that. You can find one position in one group of scholarly research and then you can find conflicting positions on the other. I am looking at a meta-analysis of 150 countries around the United States that shows that in the countries and areas where they legalize prostitution, the illegal sex trade flourishes. I would be happy to have that conversation at another time. For the sake of this bill, we want to focus on the illegal sex trade and exploitation of women that is currently happening, not just as the heat map showed in northern Nevada, but also in Clark County as well as rural counties around our state. I would point back to that heat map.

One of the counties that was represented does have legal brothels, and you could see it had the second highest hits of advertisement for the illegal exploitation of women and children. For the sake of this bill, it is important that we look at the targeted approach of dealing with the demand side of the equation by increasing those penalties.

I would also like to point out that the defense attorneys are going to present today. We have had conversations in regard to programs that could be used as diversion and potential dismissal for those first-time offenders. We are currently in the process of having the conversations to work out the technicalities of that in order to address your concerns. What do you do with a state that advertises a certain image and misconceptions about it being legal here, where it is and where it is not, and in what ways it is and what ways it is not? We have an opportunity as a body to utilize A.B. 260 to help send a message that we do not endorse the illegal purchase that contributes to globalized organized crime and to the cycles of abuse and exploitation of these victims.

We have had conversations about gender in this Committee and in this session. Not just women are victims. There are men who are victims, there are children—boys and girls—and the transgender community is victimized as well. It is important to state that on the record. There are other bills being proposed that specifically identify the trafficking of minors. This bill is specific to adults. I have had many from the survivor community thank me for recognizing that just because you turn 18 does not mean that you are no longer a victim of this crime and that it does not have an impact on you. Senator Cannizzaro pointed out, speaking to some of the discrepancies in arrests, that the United States Department of Justice in 2010 reported that there were 19,000 arrests of traffickers and customers—primarily traffickers—over a ten-year period. However, there were over 43,000 arrests of the women. Twice as many times, we arrest the victims instead of the buyers or traffickers. The purpose of this bill is to address that missing link. If we are going to address this issue holistically, we need to address the demand side of this equation and help to end these cycles of violence, exploitation, and organized crime that do exist. They get in the way of the goals of our state to be a tourist-friendly state, a safe state, a place where you can leave your cares behind and have fun. They get in the way of economic development goals, to change the image of our state, as well as to be a safe place to raise your family, grow old, and enjoy all the things this great state has to offer.

Chairman Yeager:

There are two parts to the punishment. We have the fine part and the \$200 fee as well. If a defendant were indigent and unable to pay, would there be an option to do community service for both the fine and the fee? Would it just be the fine but the fee would have to be paid? I think we have an intersection of a criminal penalty as well as a civil penalty.

Senator Cannizzaro:

I think you make an excellent point in that regard. The way that I am looking at this statute, the fine associated with the criminal offense is something that, if that court allows community service, that is in line for allowing for community service. Courts that do allow community service give the offender a certain amount of credit for community service per

\$1 or per \$10 of the fine so that he can work off the fine if he is indigent. I am not sure that the civil penalty would relate back to community service, but Assemblywoman Tolles and I would be happy to discuss ways we could work around that for individuals who might be indigent. This particular type of crime lends itself differently than other crimes in terms of who would be charged with these types of crimes and what they are engaging in. I would be happy to work on that civil part so that it is not inadvertently affecting individuals who are indigent.

Chairman Yeager:

I do not want to get too hung up on it, but I do think it is a question we might want to loop the courts in on. I do not know that we have another scenario where someone assesses a criminal and a civil penalty in the context of a criminal case. I do have some technical questions about who would collect, how it would be collected, how payments are made and that sort of thing. We can talk about that offline.

Assemblyman Thompson:

I want to be clear on the subpopulations you are looking to target. You use the terms "one that is being trafficked" and "prostitution." I look at a person who is being trafficked as someone involuntarily caught up. Regardless of how we look at it, sometimes prostitution is seen as a career. Which are we looking at, or are we looking at the combination?

Assemblywoman Tolles:

The overall approach here is to address the demand side, which we know does feed into the all-encompassing illegal sex trade. Whether or not the individual who is providing or offering the services is distinguished as a trafficked victim, either way, it is illegal in our current statute. Either way, we are addressing the buyer, which is something we need to focus more on, and traditionally we have not as much as we could be.

Assemblyman Thompson:

I appreciate you bringing out the gender issue about males and transgender individuals and so forth because it is all-inclusive. I want to ask questions about the section that talks about actively participating in a program for the treatment of persons who solicit prostitution. I have been looking online at the john school to which you referred. Is it an evidence-based curriculum? I know you showed the statistics of the 40 percent recidivism, but how can we really say that after taking a six- to eight-hour class involving testimonies and speakers? When you are trying to get a behavioral change, you have to have the commitment from the person that they want to be rehabilitated. Can you share with us what type of curriculum this is—is it evidence-based, is it online, is it classroom, and so on?

Tom Robinson:

The unique thing about this bill is that it addresses something that has not been addressed before. Whether or not the treatment or training is effective, we will be able to quantify that after the program is in place. The bill addresses something that is not addressed now. The johns are not aware of the impact they are having when they solicit prostitutes; whereas, if they are provided training such as this, they will get a better understanding of the illegal sex trade, human trafficking, and those kinds of issues that they are not aware of now.

Assemblyman Thompson:

How do you measure the change? How do you anticipate measuring the change, how are you going to measure the recidivism and be able to attribute whatever reduction there may be to this john school?

Jennifer Howell:

There was a very robust evaluation done of the First Offender Prostitution Program (FOPP) in San Francisco. It was retrospective and looked at process evaluation as well as outcome evaluation. It looked over not only the San Francisco program, but also all of the related programs across the country. They found that recidivism was very low across the board. While they are homegrown programs, and not necessarily evidence-based or borne out of research, that robust evaluation was conducted to validate the programs and the outcomes they have. As far as measurement, like the evaluation did, it looks at recidivism and not necessarily long-term outcomes.

Assemblywoman Cohen:

I have some questions about data, and I am worried that we do not have a lot of data. Do we have data about arrests of johns in Nevada as far as tourists versus Nevadans? Likewise, I understand that there are women who come to Nevada to do weekend gigs in the legal brothels and illegally. Obviously, the women in the legal brothels are not being arrested. Regarding the ones who come in from out of state to work illegally in prostitution, do we have data about those arrests?

Assemblywoman Tolles:

I do know we have data gathered by the district attorneys, and they will be speaking here. You are correct that it is limited, and perhaps we can add into the scope of this bill that data collection would be a part of this moving forward. It has been collected to some extent, but not comprehensively or consistently across the jurisdictions. Some jurisdictions are gathering data on straight arrests and others are gathering others.

Tom Robinson:

I did not bring any statistics with me. Anecdotally, in Reno on the john side it is more local while on the prostitute side it is usually people brought in from out of state. I imagine that demographic would be different in southern Nevada than it is up north.

Assemblywoman Cohen:

Do women go back and forth between the streets and the brothels, or is it mostly if you work in the brothels, you work in the brothels, and if you work in the streets, you work in the streets?

Tom Robinson:

That is usually not the case in Reno. They are usually brought in from out of state and there is usually a drug tie-in somewhere. Either the prostitute is on drugs and using this way of life to fund that habit, or the network that the john is tied into has some kind of drug nexus. In Reno, it is rare if you have a prostitute working in a brothel and in the street: it is typically one or the other.

Chairman Yeager:

If you do have data from Reno or Clark County, that would be of interest. Many of you remember Assembly Bill 67 of the 77th Session, which was the Attorney General's landmark sex trafficking legislation. If we have any data that might suggest whether that piece of legislation helped and what the situation looks like now, after the meeting, anything you can provide to the Committee would be helpful.

Assemblywoman Jauregui:

I noticed you chose to highlight San Francisco for the john school, but many other states have them. Seattle, Washington, has one called Organization for Prostitution Survivors (OPS) and they are in a state more similar to Nevada as opposed to San Francisco, California. Do you have any statistics on what that program looks like there?

Jennifer Howell:

I do not have statistics on that one. I became familiar with the FOPP through a colleague at the Clark County Health District. They were doing a hybrid of that program for a while. I believe it ceased due to a funding issue. The evaluation I mentioned before may include the Washington program as well.

Assemblywoman Tolles:

There are programs across the United States and there is some data. The Legislative Counsel Bureau (LCB) provided me with some reports on that as well as a comprehensive website, Demandforum.net, that actually lists the programs and more information about them. I would be happy to provide that to the Committee.

Assemblywoman Jauregui:

When you structured the fees—\$200 for the first offense, \$400 for the second offense, and \$800 for subsequent offenses—how did you come up with that, and do you think they are high enough to be effective? In earlier testimony, it was said that a cop might tell a john it is \$500 and the john offers \$1000. Do you think that a \$400 fee is going to be an effective deterrent?

Assemblywoman Tolles:

We modeled it after the fees in other jurisdictions across the United States and what was comparable for a graduated step approach to the issue. We were cognizant of the fact that we had the fine plus the penalty on top of that. Keep in mind too, that is just a minimum. We were setting a minimum, and the courts can most definitely fine up to the maximum. Right now, we do not have a minimum at all.

Assemblywoman Miller:

Assemblywoman Tolles, I was intrigued by the comment about some of these fines going to fund K-12 schools. Can you explain how and where that is happening and what the actual funding mechanism is for the school districts?

Assemblywoman Tolles:

That is in statute that fines go into the State General Fund for use by K-12 and then the Assembly Committee on Ways and Means decides how we divvy that up.

Assemblywoman Miller:

So then, it is in statute but it is not actually happening?

Assemblywoman Tolles:

By statute, fines are dedicated to K-12 education across the board, not just on this particular bill.

Assemblywoman Miller:

So when you said that it funds K-12, there are no actual statistics on those amounts?

Chairman Yeager:

Maybe we will take that offline. Assemblywoman Tolles, maybe you could provide the statute and we can have a discussion about where that money goes. I want to make sure we talk more about some of the areas of the bill.

Assemblyman Fumo:

I think the root of what you are trying to get at is the trafficking issue. We seem to agree that as a state, we are sending mixed messages to the visitors to the state—"what happens in Vegas stays in Vegas" and we call it "Sin City"—yet the bill does not address that issue for a person who comes in for a convention, thinks it is legal, makes a mistake, and gets arrested. If he pays the fine and goes through all the steps, there is no dismissal for him at the end? There is no chance to get this off his record even though he has made an honest mistake?

Assemblywoman Tolles:

Not currently, but we are having discussions with the defense attorneys in regard to that. We were not able to get the amendment language to bring forward to the Committee. We were just discussing some of the details in particular regard to how you graduate penalties if it is dismissed after the first-time offense. We are looking at the logistics of that.

Assemblyman Fumo:

The definition really does need to be hashed out; otherwise it is going to broaden into things that are legal such as pornography. I had this discussion with Senator Cannizzaro yesterday. She has had this problem in the Senate as well. If you do not specifically state it in the law, then it can be an overbroad reach by a prosecutor or police officer. We want to tailor that too, so I am glad you are open to the amendments.

Assemblywoman Tolles:

I welcome any clarification to make it more specific so that it does not get confused as to the direct, targeted intent of A.B. 260.

Assemblyman Hansen:

I am in 100 percent support of the bill; I think it is a great idea. In Reno and Washoe County, our vice folks are aggressive, and we do not have a huge problem with that. I had an experience in Clark County in the '90s. While walking down the main drag with my children, people were coming up and handing me newspapers with photos. Here I am with my children and my wife. It is very open. One of the big aspects, even if we pass the law, is enforcement. Years ago, they would put the pictures of the johns in the paper after they were arrested along with their names. I think that is much more effective if you are really trying to get a solid deterrent. When you are publically exposed for doing that type of thing, that would have a greater deterrent even than a fine of \$500. Is that legal? Is it something you have considered? I do not know why they stopped that program. I would be curious if you would consider incorporating that in so we could really humiliate some people. The idea that they do not know is a lot of nonsense. Most people do know whether prostitution and solicitation of prostitution is legal.

Tom Robinson:

Specifically regarding photographs: anytime we do a prostitution operation in Reno, we withhold the names of the prostitutes because we take a victim approach with them, but with johns, we do release their names, and their photographs are available. Once you are arrested, that is a matter of public record. We do not provide the pictures, they are available, but the media does not seem to be interested in collecting and putting it in the papers or on the news.

Assemblyman Hansen:

That is a shame. If they were sincere, that would help a lot. When I talk about the perpetrator, I mean the john. I grew up in northern Nevada next to one of the most famous brothels in the world, the Mustang Ranch. We have always had a "wink, wink, nod, nod" attitude, and it is not surprising that people do come from out of town. From your testimony, most of the johns are local people who absolutely do know better and have access to legal brothels if they wanted to do that. There is clearly a disconnect between the law and the enforcement of it.

Assemblyman Elliot T. Anderson:

I do not recall the exact judicial holding, but there is something on point as to shoplifters and publicizing their information. There is a Supreme Court of the United States case that talks about whether there is a liberty interest protected under the Fourteenth Amendment [*Paul v. Davis*, 424 U.S. 693 (1976)]. If you were to consider amending the language to include publication, it would be worth looking at that case and its holding. It would be applicable in this discussion.

Assemblyman Ohrenschall:

I assume the john school will be funded by fines once that is established, but in the beginning, how do you envision it being funded here in Nevada?

Assemblywoman Tolles:

I apologize if I did not make this clear. The language is "may" not "shall," so it is up to the local municipalities if, when, and how they want to implement those programs and to what extent. I keep referring back to the San Francisco model and their model was self-funded. Their fees were \$400. I will let the health department speak to what the fees are that cover the programs in Washoe County. Not only were they able to cover all the costs, but also they were able to bring in \$3 million in additional revenue over the time they were tracking the program. I was able to confirm that it started in 1995 and is still running today. It would be up to the local municipalities to decide how they get the programs up and running.

Jennifer Howell:

Our fee model is a cost-recovery model. We did accounting of time and materials for the course and charged that to the offenders. It goes up based on our administrative health officer's assessment of inflation. It was purchasing the materials and we were reimbursed for that once we had participants.

Assemblyman Ohrenschall:

If this bill passes, do you think you would be able to get it started up in the near future?

Jennifer Howell:

Yes, we would. We are already providing the classes. It is up to the courts to order a participant to attend.

Chairman Yeager:

May I have a show of hands: who is here in support of A.B. 260? Do we have anyone in opposition? Do we have any neutral testimony? We have a lot of people so what we are going to do is take as many as we can. I would ask all of you to be mindful that there are a lot of people who came here to testify. If you would keep your comments as brief as possible that would be appreciated. If they have been covered, a "me, too" would also be adequate. At this time, we will open it up for supporting testimony.

Marlene Lockard, representing Nevada Women's Lobby:

We are a very strong "me, too."

Mike Dyer, Director, Nevada Catholic Conference:

The Nevada Catholic Conference is the way the Catholic bishops in the state speak on matters of statewide interest. In its raw form, human trafficking is slavery. When we want to stop slavery, we have to stop the economic cause. This bill goes a long way to do that. We would urge that you consider it strongly.

Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We are here in support. I want to make a comment in regard to the discussion concerning tourists who come to town thinking it is legal. Under the current statute, any offense for soliciting prostitution is a misdemeanor. If this law were to pass and create that graduated process, their first offense would still be a misdemeanor. There is a potential to educate visitors as they come into town on this issue. I do not think the penalty, aside from the civil penalty proposed in this bill, would be any stricter moving forward.

Eric Spratley, Lieutenant, Intergovernmental Services, Washoe County Sheriff's Office:

I am here to express our support of A.B. 260.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We also support A.B. 260.

Joanna Jacob, representing Dignity Health-St. Rose Dominican:

Sex trafficking has become an important issue for our hospital system. We are the fifth-largest health system in the nation. It is important not only for our hospitals in southern Nevada, but also for our hospitals in California and Arizona. We have instituted protocols within our emergency room, and the second phase has been in the maternity and child units in the hospital, to help to identify victims. Anything we can do to help reduce the prevalence of sex trafficking in this state is something that we support. [A letter ([Exhibit K](#)) in support of Assembly Bill 260 was also submitted.]

Jason Guinasso, representing Awaken Inc., Reno, Nevada:

I rise in support of A.B. 260 because the purposes of the criminal justice system are accomplished through this bill. The three purposes as I discern them are accountability, rehabilitation, and restitution. This bill accomplishes two of those three broad policy purposes. It increases the accountability for men who are caught soliciting prostitution and provides a rehabilitative mechanism, and the provisions of the john school are self-funded. For those reasons, I support the bill and urge the Committee to do the same.

Jennifer Noble, representing Nevada District Attorneys Association:

We would like to thank Assemblywoman Tolles and the other sponsors for this effort to address a critical but often overlooked party to this exploitative process—the customer or the john. We are in support of this bill.

Kerrie Kramer, representing The Cupcake Girls, Las Vegas, Nevada:

We would echo the sentiments of everyone here and thank the sponsors for bringing this bill to address the supply and demand issue that Assemblywoman Tolles has brought up, as well as the education component with the rehabilitation portion. That is one of the most important pieces of this, and we would like to thank her for this bill.

**Jaron S. Hildebrand, Manager, Government Affairs, Nevada Trucking Association;
and representing Truckers Against Trafficking:**

We are in strong support of this bill.

Richard P. McCann, Executive Director, Nevada Association of Public Safety Officers:

We are in true support of A.B. 260. We thank Assemblywoman Tolles and the other sponsors for bringing this forward. On behalf of our Clark County juvenile justice probation officers, we look forward to being involved in the discussion about the Committee that was part of section 1 and deleted by the amendment. We think that is a good discussion to have in the future, and we want to be part of that as well.

Gary K. Landry, Executive Director, State Board of Cosmetology:

We are in support of A.B. 260. In light of the recent cases of prostitution we found in some salons, we are in support of this bill.

**Pam Korgan, Area Representative and Director, Seeking Your Niche in Christ,
Stonecroft:**

Stonecroft is an 80-year-old 501(c)(3) organization that encourages women in 43 countries around the world. We are here to say we strongly support A.B. 260.

Curtis Hazlett, Private Citizen, Reno, Nevada:

I am a third-year political science major at the University of Nevada, Reno, the policy director for the Associated Students of the University of Nevada, as well as a member of the Sigma Phi Epsilon fraternity. I am here in complete support of A.B. 260. A majority of what I wanted to say has already been articulated, so for the sake of time I want to add a few points from the perspective of the university. Many of us have a stereotyped image of who a prostitute is, what they look like, and where they are from. The sad truth is there are students from the University of Nevada, Reno (UNR) who are being sexually exploited right now. In a 2000 study, Melissa Farley found that in contrast to students from other parts of the United States where prostitution is illegal, students at UNR were significantly more accepting of prostitution as well as more accepting of several kinds of violence against not only women who are in prostitution but also women who are not. By increasing penalties, this bill can help develop a culture within Reno and within the university that does not tolerate the exploitation of violence against women.

Students who are sexually trafficked face the same daily responsibilities as any other student. They work part-time or full-time jobs, they have relationships, they have full-time class schedules, they are involved on campus, and they have hours of homework every night. The only difference is that after a full day of work or school, while a lot of us get to come home and go to sleep every night, they have to hit the streets and put their lives and bodies at risk. That is not what students should be worried about. They should be worried about finals, who they are taking to formal, and their March Madness brackets. Assembly Bill 260 is another step closer to eradicating this damaging and embarrassing tradition of our state. I want to reiterate that they are not criminals—they are mothers, they are daughters, they are sisters, they are classmates, and they are victims.

Kimberly Mull, Policy Specialist, Nevada Coalition to END Domestic and Sexual Violence:

By now, all of you on this Committee know that I am a survivor of domestic minor sex trafficking. Part of my experience to get to where I am today on the policy side of the issue was that I work, have worked, and continue to know many girls and guys and transgender members who are still in this lifestyle. At last count, I know well over 400 whom I regularly have contact with around the country, many of whom are travelling through Clark County on a regular basis. We keep using the word "prostitute," "victim," and "trafficking" and it gets confusing. There are prostitutes. It is a legal definition. There are people who choose to do this. I admit that I know someone who makes hundreds of thousands of dollars a year. She flies specifically to Japan and works there and then flies home. She makes so much money it is unbelievable. That is what she chooses to do, but she also started in this lifestyle when she was 12. The average age is about 13 to 14 years old. That is the same age I was when I was brought into this, and that is the age she was when she started this. You have a prostitute like her, but then you have those who are prostituting. It is something they are doing, usually as a means to an end: to feed an addiction, to make money to buy drugs, to make money to buy alcohol. It is an act that they are doing. They are still being exploited through that, but it is not who they are. You then have those who are being prostituted and they are the victims. That is someone who, like me, did not have a choice. It was something that was done to you and continues to be done to you. Of those 400 individuals I know who are currently in this lifestyle, many of them make \$30,000 to \$40,000 a month. That money goes to their pimps or traffickers. They might get their nails done and once a month get to pick where to go out to eat, but they share bedrooms with other girls. They might drive nice cars that are in their names, but that is because their pimp is also trafficking drugs in that car. If they get pulled over, guess who is going to jail. It is not him—that car is in her name.

There are many aspects of this. As a victim myself, as a survivor, the person I have nightmares about, the person I despise in this world, is the buyer. They are the ones who physically did things to me. The trafficker put me in that situation, but the buyer, whether as a child or an adult, is the one who is doing things to you. They all say it is their first time, that they have never done it before. Studies will show you that is not true. This is not a romantic "quickie" by any means. They are paying to have power and control over you, because somebody else already has power and control over you. They are paying for that 20 minutes to one hour to have power and control over you. It is not a romantic situation.

It is not an enjoyable situation. For that time, you do what they say, how they say it, and you feed into that fantasy because your life depends on it. I mean literally. I have been to funerals. I know girls who did not make it out. I have been to too many funerals for my age because of this situation.

Buyers have to be held accountable. If it is their first time, it will not be their last, statistically. Unless we start addressing the demand issue, unless we start doing things like john schools and holding these individuals accountable, whether we legalize prostitution as a whole state or not, you are just going to feed more individuals—either out-of-state or Nevada girls, boys, children, mothers, sisters, and daughters—into that cycle to be victimized. We ask you today to support A.B. 260 and other measures that hold buyers accountable.

Lindsay Bridges, Area Director, Reno/Sparks Young Life:

Young Life is an international 501(c)(3) that focuses on middle school, high school, and college students. I also volunteer with Awaken because we know the average age of entry is approximately 14, which is a freshman in high school, and that is under the students I focus on. I want to support A.B. 260, and I affirm Assemblywoman Tolles in this. We would like to restore faith in humanity because, as she said, buyers come in all shapes and sizes. That includes doctors, lawyers, coaches, parental figures, and all across the board. If we can hold people accountable, we can show our children that we are advocating for them and we are restoring their faith in humanity.

Peter D. Krueger, representing Nevada Petroleum Marketers and Convenience Store Association:

We are absolutely in support of this bill. As you know, truck stops and convenience stores are often used as locations for this activity as our members do their best to curtail, patrol, and be involved in what goes on their property. This is a difficult issue. We are in support of this bill as it would put some of the law enforcement on the johns where we believe it ought to be.

Assemblywoman Cohen:

In the last couple of sessions, we passed some legislation having to do with signage at the truck stops. Do you know to what I am referring?

Peter Krueger:

No madam, I do not.

Assemblywoman Cohen:

I am talking about the signage for people who are being trafficked, with information about how to get help if they are being trafficked. [Assembly Bill 338 of the 77th Session.]

Peter Krueger:

Yes, now I recall. That goes back two sessions.

Assemblywoman Cohen:

Can you get us information about how that program is going and general information about what we have seen in the last few years regarding how that is working?

Peter Krueger:

I will do my best.

Chairman Yeager:

Is there anyone who would like to testify in opposition?

Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada:

One of the Libertarian Party's core principles is respect for individual autonomy, including sexual autonomy. Sexual autonomy is a fundamental human right and a core principal of both feminism and libertarianism. While we support measures that generally punish human trafficking, as we agree with the sponsors that it is a serious issue and a fundamental violation of human rights, we believe that A.B. 260 does not target traffickers or trafficking effectively, and merely further criminalizes consensual sex work.

We trust men, women, and transgender people to decide for themselves what to do with their bodies and refuse to assume that all sex work is coerced. We absolutely support measures that directly target the traffickers who violate human rights. However, A.B. 260 would sweep up consenting individuals as well, and it is not the government's role to tell consenting individuals what they can and cannot do with their bodies. The Libertarian Party of Nevada therefore opposes A.B. 260 and concurs with Amnesty International that the best way to protect sex workers is to legalize their industry in Washoe and Clark Counties.

Assemblyman Watkins:

Do you have any data that I had previously asked for from the bill sponsors about the impact that legalizing prostitution has in regard to the sex trafficking industry?

Wendy Stolyarov:

I believe Amnesty International has something on that. I will see if I can find it and send it to you.

Chairman Yeager:

Is there anyone who would like to testify in the neutral position?

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada:

Generally, we would be opposed to a piece of legislation like this. We would agree with our colleagues at the Libertarian Party of Nevada and echo those sentiments. However, this particular bill provides for a rehabilitative aspect for individuals. It provides for an opportunity for those solicitors, people engaged in solicitation, to clear their record. We have a commitment from the bill sponsor that we will work on language for dismissing a first-time offense from that individual's record. Laws against prostitution violate the right to individual autonomy, especially when we are talking about sexual acts between two consenting adults.

We also take the position that sex trafficking is highly dangerous for minority communities in particular. Women, minorities, and transgender individuals are often subject to forced sex acts, and that is something that we, as an organization, advocate against and support laws that protect these individuals. For these reasons, we are currently neutral on this bill.

Sean B. Sullivan, Deputy Public Defender, Washoe County Public Defender's Office:

Many of my comments have already been covered. In section 2, we had concerns about extending jurisdiction for that first misdemeanor offense to three years. Historically, most misdemeanors except for domestic battery would be up to two years jurisdiction. A gross misdemeanor is up to three years in district court pursuant to applicable statutes. We would ask that the jurisdiction for the first misdemeanor be two years. My points concerning diversion or a stayed adjudication have already been addressed. Chairman Yeager has already addressed the issue about criminal and civil fees: how they would be paid and whether they could be converted to community service if that offender is truly indigent.

John J. Piro, Deputy Public Defender, Clark County Public Defender's Office:

We are neutral as well, for the same reasons that have been stated, some of which have been brought up from the Committee. If this bill is to go in place, we would like to see an effective treatment program, about which Assemblywoman Tolles has spoken. What we do not have are those types of programs for these types of crimes. I am not going to mention any organizations by name, but some of the court places where we send individuals when they commit a crime cost \$300 for a one-day class. It is expensive, and I have yet to meet a client in my five years of experience who has come back and said that class has changed their life. I do think a victim impact panel would be more effective in this type of crime. I would like to see something structured similarly to the victim impact panels in DUI crimes. That would do a service and accomplish the spirit and intent of this bill. We appreciate that Assemblywoman Tolles has met with us on several occasions, been willing to work with us, and is still willing to work with us.

Chairman Yeager:

For anyone who testified and had more that you wanted to say, you may submit that in writing. I felt it was important to allow everyone to come up and put his or her name on the record. Assemblywoman Tolles, I would invite you back to the table for any concluding remarks. My recollection might be hazy on this, but I thought that five or six years ago, the City of Las Vegas offered some kind of john school or class. My recollection is that for some reason that program ceased to exist, and I do not know why. That information may help us going forward in trying to understand what issues they had and why that program was not successful.

Assemblywoman Tolles:

I am heartened by the discussion today. I am truly grateful to this body for spending so much time thinking through the issue, asking excellent questions, and demonstrating an engagement with how we address this topic. I know that I speak for many behind me who are not here in this room who appreciate that Nevada is taking this issue seriously. I will follow up with the Committee in regard to the data requests, the explanation of the fine

structure, and some statistics. I would ask that the other agencies help to provide some of those statistics. I am looking forward to working with other Committee members on clarification of language and reaching out to other interested parties in regard to the implementation of the program. More than anything, I am very grateful for this discussion today, and thank you for your commitment.

Chairman Yeager:

We had a lively discussion today, and I think that is good policy-wise. I appreciate your willingness to keep working on this. Thank you to everyone here today for your time and for remaining brief at the microphone. We will now close the hearing on A.B. 260. We will open up for public comment. [There was none.]

The meeting is adjourned [at 11:06 a.m.].

RESPECTFULLY SUBMITTED:

Erin McHam
Committee Secretary

APPROVED BY:

Assemblyman Steve Yeager, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to [Assembly Bill 107](#) presented by Jon Sasser, Statewide Advocacy Coordinator, Washoe Legal Services; and representing Legal Aid Center of Southern Nevada

[Exhibit D](#) is written testimony dated March 17, 2017, presented by Lauren A. Peña, Directing Attorney, Civil Law Self-Help Center, Legal Aid Center of Southern Nevada, in support of [Assembly Bill 107](#).

[Exhibit E](#) is a letter dated March 21, 2017, in support of the proposed amendment to [Assembly Bill 107](#) to Chairman Yeager and members of the Assembly Committee on Judiciary, authored and submitted by The Honorable Melissa A. Saragosa, Justice of the Peace, Department 4, Las Vegas Township; and Chairman, Las Vegas Justice Court Legislative Committee.

[Exhibit F](#) is a proposed amendment to [Assembly Bill 132](#) presented by Thomas D. Dunn, District Vice President, Professional Fire Fighters of Nevada.

[Exhibit G](#) is written testimony dated March 22, 2017, in opposition to [Assembly Bill 132](#) presented by Wendy Stolyarov, Legislative Director, Libertarian Party of Nevada.

[Exhibit H](#) is a copy of a PowerPoint presentation titled "AB 260 Revises Provisions Relating to the Crime of Prostitution," presented by Assemblywoman Jill Tolles, Assembly District No. 25.

[Exhibit I](#) is a proposed amendment to [Assembly Bill 260](#) presented by Assemblywoman Jill Tolles, Assembly District No. 25.

[Exhibit J](#) is written testimony dated March 22, 2017, presented by Jennifer Howell, Sexual Health Program Coordinator, Washoe County Health District, in support of [Assembly Bill 260](#).

[Exhibit K](#) is a letter dated March 22, 2017, to Chairman Yeager and members of the Assembly Committee on Judiciary, authored by Katie Ryan, Director, Communications and Public Policy, Dignity Health-St. Rose Dominican, in support of [Assembly Bill 260](#).