

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

**Eighty-First Session
April 29, 2021**

The Committee on Judiciary was called to order by Chairman Steve Yeager at 9:04 a.m. on Thursday, April 29, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Steve Yeager, Chairman
Assemblywoman Rochelle T. Nguyen, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Lesley E. Cohen
Assemblywoman Cecelia González
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Heidi Kasama
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman C.H. Miller
Assemblyman P.K. O'Neill
Assemblyman David Orentlicher
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Melanie Scheible, Senate District No. 9
Senator Julia Ratti, Senate District No. 13

STAFF MEMBERS PRESENT:

Diane C. Thornton, Committee Policy Analyst
Ashlee Kalina, Assistant Committee Policy Analyst

Minutes ID: 1001



Bradley A. Wilkinson, Committee Counsel
Bonnie Borda Hoffecker, Committee Manager
Traci Dory, Committee Secretary
Melissa Loomis, Committee Assistant

OTHERS PRESENT:

Marc Ebel, Director of Legislative Affairs, Aladdin Bail Bonds, Carlsbad, California
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office

Holly Welborn, Policy Director, American Civil Liberties Union of Nevada
Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association

Elizabeth Anderlik, Assistant City Attorney, City Attorney's Office, City of Henderson

Helen Foley, Private Citizen, Las Vegas, Nevada

Starrla Cota, Private Citizen, Reno, Nevada

Susan Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence

Liz Ortenburger, CEO, SafeNest

Marlene Lockard, Chair, Board of Directors, Domestic Violence Resource Center

Jessica Adair, Chief of Staff, Office of the Attorney General

Tess Opferman, representing Nevada Women's Lobby

Katherine McKenna, Executive Director, Nevada Outreach Training Organization

Mandi Davis, Deputy Administrator, Administrative Services, Division of Child and Family Services, Department of Health and Human Services

Annemarie Grant, Private Citizen, Quincy, Massachusetts

Chairman Yeager:

[Roll was called. Committee protocol was explained.] We have two bills on the agenda this morning. We are going to take the bills in reverse order as listed on the agenda. I will open the hearing on Senate Bill 369 (1st Reprint). I will let Committee members know that there is a short amendment on the Nevada Electronic Legislative Information System.

**Senate Bill 369 (1st Reprint): Revises provisions relating to criminal procedure.
(BDR 14-375)**

Senator Melanie Scheible, Senate District No. 9:

Senate Bill 369 (1st Reprint) was requested by the interim Committee to Conduct a Study of Issues Relating to Pretrial Release of Defendants in Criminal Cases, also known as the Bail Study. This bill brings together two recommendations brought before the committee by members of both the defense bar and the prosecutorial bar. Jointly, the recommendations address a recent Nevada Supreme Court ruling in *Valdez-Jimenez v. Eighth Judicial District Court*, 460 P.3rd 976 (Nev. 2020), which found various statutory provisions regarding pretrial release unconstitutional. There are two summaries of those recommendations in the Nevada Electronic Legislative Information System (NELIS) attached to this bill's first hearing in the Senate. Those are recommendations five and six. They can also be found on the interim study website or I can email them to you if you need them. They explain the genesis of the bill.

By way of background, one of the holdings in *Valdez-Jimenez* was that requiring a person to show good cause in order to be released without bail violates that person's constitutional right to non-excessive bail for a couple of reasons. One, the court does not have to consider less restrictive conditions of release before deciding bail is necessary; and two, the State of Nevada is effectively relieved of its burden to prove that bail is necessary in order to protect the community and ensure the arrested person will appear in court.

Senate Bill 369 (1st Reprint) seeks to correct this flaw and ensure that Nevada law comports with the *Nevada Constitution*. The sections of the bill as you see them on NELIS in the first reprint reflect that most of these changes occur in section 3 of the bill. I will address section 2 of the bill which is also addressed by the amendment [[Exhibit C](#)]. You may see in section 2 of the bill, beginning on page 6 at line 37, there is a lot of text that has been crossed out in red and essentially deleted from the statute. In an earlier version of the bill, this text was replaced elsewhere in the statute. In a reprint of the bill, we accidentally deleted it from both places. The intention is not to delete it twice, but to delete it once and insert it once. I would like you to read the bill as if section 2, subsection 10 is still there but with a couple of changes that I explain in the amendment. The changes that we are making include requiring the court to utilize the standard set forth by *Valdez-Jimenez*. The standard the court has to meet in order to impose a condition of release on somebody, whether that be bail or a non-money condition, has to be the least restrictive means necessary.

Section 3 makes some other significant and important changes to the bail statute. Section 3 strikes the unconstitutional provision requiring the defendant to show good cause before being released. It also provides a standard procedure for courts to follow when making a pretrial custody determination by consolidating the previously separate procedures.

Section 3, subsection 2 specifies that a prosecutor who seeks to impose a bail or other condition upon release must show clear and convincing evidence that that imposition is the least restrictive means necessary to protect public safety and ensure the person's appearance

in court. It also says that a court is required to consider the prosecutor's request before imposing bail or any other conditions of release; however, the court is not required to receive input from a prosecutor before making a determination.

That is the substance of the bill and I believe this moves us forward toward conforming our law with the changes requested by the Nevada Supreme Court. I would like to point out that in this bill, the majority of the bill does not contain policy choices made by the Legislature, but policy that reflects what the Nevada Supreme Court has decided. There was also another amendment on the Senate side that you will see in section 3, subsection 3, which creates a rebuttable presumption. A rebuttable presumption means that the presumption that it creates is that if a person used a firearm in the commission of the crime, that there is no less restrictive means than either bail or a condition of release. In other words, there are plenty of cases when people come before the court and they are simply released. They are not required to post bail, check in, wear a monitor, abstain from drugs and alcohol, or do anything except return to court. What subsection 3 says is that if you used a firearm in the commission of the crime, you have to overcome a presumption that some conditions are going to be necessary. Usually that condition would be surrender of the firearm, surrender of other firearms in the home, and not having access to or being in possession of any other firearms during the time that you are released before you come back to court again. It is a rebuttal presumption, so that means that if it is a very special case and an individual can overcome that and explain why they should be able to be released with no other conditions, the court is still empowered to make that decision. It moves the standard just a little bit so that a court should assume that if someone before them has utilized a firearm in the commission of the crime, they are going to be imposing some kind of conditions, either monetary bail or non-monetary conditions.

Section 3, subsection 4 addresses first-degree murder charges. Those are the only charges in the State of Nevada that allow for being held without any bail. They are special in that sense and so we have retained that constitutional requirement—again, not a policy choice by the Legislature, but a reflection of the current state of the constitutional law.

That concludes my presentation, and I am glad to take any questions.

Chairman Yeager:

Are there any questions from the Committee?

Assemblyman Orentlicher:

I have a question about the rules for first-degree murder. I follow all of it except for five words in there, where it says they may be admitted to bail under discretion of the court "unless the proof is evident or the presumption great." I am not clear exactly what that means; maybe it needs just a few more words. What is that referring to?

Senator Scheible:

This is lifted directly from the *Nevada Constitution* and it is worded a little backward, if you ask me, because the way that the bail statute works is that actually anybody who is arrested for first-degree murder can be given bail unless they fall into this special category. In order

to show that they fall into this special category, what happens in practice is that a prosecutor will go in front of the court and say, Your Honor, this person is not entitled to bail. Because you are not entitled to bail if you are charged with first-degree murder and the proof is evident and the presumption is great, which basically means that there is excellent proof in the case, that there is a high likelihood of conviction, and that the presumption that they will be held accountable for that murder is great. If a prosecutor sees a case where they believe that these circumstances attend, then they put it before the court and then they have to prove to the court that the proof is evident and the presumption is great that they are not eligible for bail; then, if the court thinks that the prosecutor has met that burden, it ties the court's hands to not allow that person bail.

Assemblyman Orentlicher:

I understand what you are trying to do. Are you saying that we are bound by this confusing language because that is what is in the *Nevada Constitution*? It would be nicer if we spelled it out in the way you just did because it is not clear unless you know all that you know what that means.

Senator Scheible:

Yes, that is my understanding.

Bradley A. Wilkinson, Committee Counsel:

That is correct. It is verbatim from the *Constitution* [Article 1, Section 7]. It cannot be changed, and it is in existing law. I think the language has actually moved slightly, but it is the same language that is in the *Constitution* now.

Senator Scheible:

If it helps, there is also case law interpreting this language. I know that sometimes prosecutors, defense attorneys, and courts rely on previous decisions that can help guide us to understand what evident proof is.

Chairman Yeager:

Are there any additional questions from the Committee? [There were none.] Is there anyone who would like to testify in support?

Marc Ebel, Director of Legislative Affairs, Aladdin Bail Bonds, Carlsbad, California:

We have been fortunate to be engaged in these issues going back several sessions and we are in full support of the implementation of the decision in the *Valdez-Jimenez* case. Going forward we want to make sure that the judges still have the ability to do an individualized determination of what is or what is not least restrictive. One quick point on that is that commercial bail often gets characterized as the most restrictive option, and certainly for folks that cannot afford or do not have the economic means to access it, it can be a barrier. However, at time of first appearance, oftentimes if counties do not offer pretrial services at zero cost, it can be just as restrictive as bail and in some cases cost even more than 10 percent of the bond. A surety bond, even at a first appearance, may be the least restrictive option for folks and we want to make sure that is still available.

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?

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

When the bill was in the Senate, we testified in support. Then an amendment was added in section 3, subsection 3, with the firearm and rebuttable presumption language. Now we are in opposition. That bill, we believe, shifts the burden back and takes us back to where we were before *Valdez-Jimenez* passed. As members will recall, we have fought for bail reform in this body for several sessions now and we have lost every time and the bills had to be killed. Then we went to the Nevada Supreme Court and fought for the right and won a favorable decision that actually set everything on the correct course that it needed it to be. It placed the burdens where the burdens needed to be placed—on the prosecution—because liberty is the norm and detention is the carefully limited exception. And now, this bill has taken us a step backward. It does more than just codify the case law, it actually takes us back quite a few steps. We are in opposition and ask that this Committee not support this bill at this time.

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

We are in opposition to S.B. 369 (R1). The first reprint of this bill canceled out the value in codifying *Valdez-Jimenez* as it unconstitutionally shifts the burden to defendants to argue release without conditions. Prior to the *Valdez-Jimenez* case, the burden was placed on defendants to show good cause as to why they should be released without posting bail and without conditions on their release. After that decision, the Nevada Supreme Court changed the default so that defendants will be released without paying bail first unless there is evidence that bail is necessary. It also recognized that there is a substantive due process right to liberty in the *Nevada Constitution*. In practice, courts impose the least restrictive means when imposing conditions on release that do not involve bail. The burden shift back to the defendants for firearm offenses undermines this groundbreaking case law, and for these reasons we oppose this legislation.

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

Due to the rules of the Committee, we are also coming in opposition to S.B. 369 (R1), specifically regarding section 3, subsection 3. I would just note if that subsection was removed, we would be in support of this bill because the rest of it does codify the *Valdez-Jimenez* decision that was reached. Our main concern as indicated is that it just starts to chip away at the individual rights. *Valdez-Jimenez* was very clear that individuals who are charged with anything except first-degree murder have the presumption of release, and we believe that this begins to chip away at that presumption; it shifts burden to the defense, and so we disagree with this subsection. I do want to thank the interim committee for working on these bail bills and for bringing this forward. We just disagree with that section.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

We are in opposition to S.B. 369 (R1). I just want to echo the sentiments of the American Civil Liberties Union of Nevada and the public defenders with the amendment related to firearms, which shifts the burden to defense attorneys and undermines the *Valdez-Jimenez* ruling. We urge that you remove this portion of the bill.

Jim Hoffman, Member, Legislative Committee, Nevada Attorneys for Criminal Justice:

We are in opposition to S.B. 369 (R1) for the reasons mentioned by the previous testimony. I would also add that the term "used a firearm in a crime" is a legal term of art that is defined more broadly than you might expect from just looking in a dictionary. This is not just going to capture instances where a gun is used to shoot someone—some kind of very violent, very serious behavior. But say if someone has a gun in their pocket and they never take it out during the commission of the crime but they have it for protection, then they are arrested; you could make a colorable argument that that is being used in a crime. That is not the kind of serious, violent behavior that necessarily justifies restrictions, so we believe that both on a conceptual level and as drafted, this specific section of the bill is a problem. Again, our objection is limited to this section. If this section were not in it, we would support the bill.

Chairman Yeager:

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

John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County District Attorney's Office; and representing Nevada District Attorneys Association:

Generally speaking, we agree with the language contained in S.B. 369 (R1), but the reason we are not testifying in support at this time is we are waiting to get a complete picture of what the bail reform landscape looks like. There is still Assembly Bill 424 (1st Reprint), which is currently pending in the Senate Committee on Judiciary, and until we get a complete picture, we are in the neutral position. We are working with Senator Scheible, Senator Harris, and Assemblywoman Nguyen on the bail reform bills this session and are hopeful that we will come to some resolution by the end of this session. I also want to briefly state, with respect to the opposition regarding the presumption for firearms offenses, that many states that have enacted bail reform have placed in presumptions for the most serious offenses and it is the district attorneys' belief that Nevada should do so as well. With that, Chairman, we look forward to continuing the discussion on the bail reform efforts in Nevada. If there are any questions about our position, please feel free to reach out.

Chairman Yeager:

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

Elizabeth Anderlik, Assistant City Attorney, City Attorney's Office, City of Henderson:

We are currently neutral on S.B. 369 (R1). We participated in the interim committee on bail and presented to that committee. There we presented about our concerns that victims have a clear voice and mechanism to address the court before bail is determined. Both defendants

and victims have rights enshrined in our *Constitution*. This has been and remains one of our primary concerns regarding bail. We thank the sponsor and the interim committee on their sensitivity on that issue.

With that said, we are in the neutral position today in part because we need to see how S.B. 369 (R1) and A.B. 424 (R1) are resolved together. I also echo many of the statements made by Mr. Jones. We have worked with the Nevada District Attorneys Association regarding bail bills. We are not necessarily opposed to Senate Bill 369 (R1) conceptually. This bill does not include the same strict time requirement of 24 hours for a bail hearing as Assembly Bill 424 (R1) does. We believe that that particular strict time requirement would be problematic for most jurisdictions in Nevada, including ours. Moreover, that strict time frame requirement found in A.B. 424 (R1) is not constitutionally or legally necessary. Since A.B. 424 (R1) and S.B. 369 (R1) are not complementary and do different things, we are neutral on S.B. 369 (R1) until it is determined how the two will be resolved. We look forward to continuing to work with the bill's sponsors and the Committee.

Chairman Yeager:

Is there anyone else who would like to testify in the neutral position? [There was no one.] Senator Scheible has waived concluding remarks as she had to leave for another commitment. I encourage Committee members to reach out to Senator Scheible if you have any additional questions based on the testimony heard this morning. I will close the hearing on S.B. 369 (R1). I will open the hearing on Senate Bill 177.

Senate Bill 177: Revises provisions relating to the Account for Aid for Victims of Domestic Violence. (BDR 16-926)

Senator Julia Ratti, Senate District No. 13:

I am extremely proud to be here on behalf of domestic violence and sexual violence advocates and survivors to present Senate Bill 177. Forty years ago, in 1981, Senate Bill 371 of the 61st Session passed both houses by overwhelming margins, establishing a surcharge on every marriage license sold, to fund domestic violence services [page 2, [Exhibit D](#)]. Former Senator Sue Wagner, who went on to become our Lieutenant Governor, was the sponsor in the Senate and she had an awesome ally in the Assembly who, at that time, was Assemblywoman Helen Foley. Helen went on to become a Senator as well, and many of you know her. I am just going to have her kick off the presentation with just a little bit of history.

Helen Foley, Private Citizen, Las Vegas, Nevada:

It is a pleasure to appear before you today in support of S.B. 177. I thank Senator Ratti for sponsoring this legislation and asking me to share my experience on this issue. In 1981, I had the privilege of serving on this Committee as a new legislator. At that time, there were five women in the Assembly and two in the Senate. As a young feminist, I decided we should create a women's caucus and carefully find issues that we could jointly support. When I asked for suggestions, one of the other female members thought it would be a good idea to give Valentine's suckers to all of the fellas. Well, needless to say, we have come a long way, baby.

Former Senators Sue Wagner and Jean Ford proposed a \$10 fee on all marriage licenses to help fund domestic violence centers. It was an uphill battle until the premier lobbyist at the time, Jim Joyce, decided to throw his support to the cause. He represented the wedding chapels and convinced his clients this was the right thing to do. In the Assembly, I took up the mantle and helped shepherd the bill through our house. The Assembly Committee on Judiciary supported the bill and then we hit a roadblock. Two of our female members wanted to kill the measure and attempted to attach a sunset amendment. Former Senator Sue Wagner had introduced the concept of sunsets to the Nevada Legislature the session before, so it was very tough for her to oppose. We wanted a permanent source of funding and a sunset could threaten that. In the end, I persuaded, cajoled, strong-armed, and everything else I could think of, and we were able to defeat the amendment.

One question you may have and that has been asked is, Why is Clark County the only county where 15 percent of the money collected is diverted to sexual assault rather than domestic violence? Well, there was a woman by the name of Florence McClure, also known as "Hurricane Flo," who was a real powerhouse. She cofounded a rape crisis organization called Community Action Against Rape, now known as the Rape Crisis Center, in southern Nevada. Her advocacy for women in this state is legendary and led to improvements for female prisoners, improved police-community relations, and better investigations of sex crimes. When Nevada was going to build its first women's prison, it was proposed to be built in rural Nevada. In those days, it was kind of crazy; we used prisons as economic development opportunities for the rural areas. Florence fought hard to get it located in North Las Vegas because so many of these women had children and this enabled more frequent visits with their kids. The women's prison was named after this powerful and persistent woman.

Florence was lobbying in the 1981 Session for an appropriation for the Rape Crisis Center. Funding was very tight; we knew we were going into a recession. The Assembly Committee on Ways and Means members asked me in the final days if Florence could have some of our domestic violence money. I said, Of course, and that is how the sexual assault facility in Las Vegas was funded, but not any of the others in the rest of the state.

Senate Bill 177 finally eliminates this inequity and creates opportunities for other counties. The fee was increased from \$10 to \$25 many years ago, but the need is great and a stable funding source has been vital to these programs. I thank you for allowing me to travel back in time and share our experience on this bill and I strongly urge you to support the passage of this important bill.

Chairman Yeager:

Thank you, Ms. Foley. I really appreciate those comments. I had no idea where the name, Florence McClure, came from for our women's prison. Thank you for giving us a little bit of history. It certainly is interesting and thank you for sharing your perspective. As you said, We have come a long way. Now we have the first female majority Legislature, and if you look at this Committee, I think the men are outnumbered 2-to-1. Thank you for laying the groundwork for that.

Helen Foley:

You are so welcome. Florence was persistent, dogged, and she would wear us all down. She would talk so much and be such a strong advocate that everybody would say, Just vote for Florence so that she will be quiet. That is how she got a lot of her votes, but we are so fortunate that she is part of our history.

Senator Ratti:

I really appreciate the indulgence to share a little history. I think it is important. In some ways so many things have changed, and in other ways, if you listen to that story, you had an advocate in one house who had a bill, who then ran up against a powerful lobbyist who decided to throw his weight behind it. Then it went over to the other house and somebody tried to throw an amendment on it and the Assembly Committee on Ways and Means got involved, dear Lord, and 40 years later we still have this program. I think it resonates with maybe where many of us are sitting right here today and some of the things that we are working on as well.

The other thing that resonates is the need has not gone away, and we still to this day have women and men who are victims of domestic violence and sexual violence who need our support. Shifting from maybe a little light-hearted presentation to the very significant importance of this issue, I want to introduce you to Starrla Cota, who is a survivor and is here to share her story with you.

Starrla Cota, Private Citizen, Reno, Nevada:

I am a domestic violence survivor. I wanted to speak in support of S.B. 177 today because I know that domestic violence programs in the state of Nevada truly provide lifesaving and essential support for thousands of victims each year, and the need far outweighs the resources available to them.

I was in my relationship with my abuser for ten years and we have two children together. Prior to meeting my abuser, I was a strong, tough woman raised in a competitive family. Domestic violence does not discriminate. It made me think I was a weak person. I was embarrassed. I lied to myself and everyone around me in hopes that he would change. I was mistreated, beaten, verbally abused, and manipulated, and sadly, I stayed in fear of getting hurt and not being able to survive with my children. I lost myself and my faith while with my abuser. I was alone, and thought it was best for me and my kids to isolate from the outside world. I lost friends and family during the ten years with him. Why did I not just take my kids and leave, is a question that is asked. My car was no longer my car. My keys were taken. He threatened to get me fired from my job. My cell phone was taken and he was always monitoring calls and texts. My clothes were thrown away. Other members of my abuser's circle of friends and family were keeping tabs on me.

I have had horrible things happen while I was in the relationship. One that I replay often is a time when I tried to escape my own home. My ex was drinking early in the morning after having a long night at the casino. He lost money gambling. I knew he was going to take it out on me the rest of the day. I tried to avoid any arguments he threw my way. I even tried

to remove myself by taking a bath. He did not like that I was taking too long in the bath. He unlocked my bathroom door and started throwing water bottles at me, threw the clothes I was going to wear to work in the tub with me, and all of my makeup in the toilet. He urinated on them and then tried flushing everything down. I know this may seem extremely detailed, but it is the reality.

In that moment, all I could think of is how am I going to leave. He already took my cell phone; I cannot call for help. I am naked and cornered in the bathtub. For a split second, he walked into my daughter's room and in that time, I tried to run for the front door. Let me remind you that I was willing to try to escape from my home naked with neighbors all around. I was desperate, I felt. As I ran wet out of the bathtub, he heard me and chased after me. As I ran to the front door, he pushed me and I slipped from being wet, slid, and slammed into the wall. He dragged me by my hair and took me to our room. He hit me in the head and legs several times, places that can easily be covered up. I had no choice but to obey or pay. I could go on with plenty more life experiences I endured but I want to talk about the good in my life and the blessings from the Domestic Violence Resource Center (DVRC).

The DVRC was the savior for my children and me. I had self-doubt at first. I was scared my abuser was going to find out. I learned that everything was confidential. I put my faith in the DVRC, and I never looked back. I was supplied with endless resources that I did not know were available. I received an advocate who helped me with all the necessary paperwork to file a temporary protection order. I was given shelter so that I would not have to live in fear of my abuser coming back to our residence. Since living at the Domestic Violence Resource Center's transitional housing program, I have been able to save money, thanks to an awesome financial advisor who has guided me on how to save and provide for my family. My kids and I are involved actively in sports, countless positive activities that have given my children a positive environment, all supplied by the Domestic Violence Resource Center. I was fortunate enough to receive therapy through DVRC for post-traumatic stress disorder. We were even able to connect with a pet shelter, thanks to DVRC, so our family dog would not be left behind.

If it were not for all the resources available to me, my kids and I would be in the exact same position or perhaps worse. My experience with DVRC has been nothing but exceptional. I want to thank DVRC, which helped me through my battles. It was not easy, but life is definitely easier now. I am free. I never looked back once I committed to the DVRC program. I know that there are more women and men out there still living that life and need the help I received. I am forever grateful for Domestic Violence Resource Center. Thank you once again for the opportunity to share my story in support of S.B. 177.

Chairman Yeager:

Thank you for sharing with us, Ms. Cota. I am certainly sorry for what you went through but delighted to hear that you were able to get out of that situation and get some help. Thank you, again, for having the courage to talk about it openly to the Committee. We really appreciate it.

Senator Ratti:

My gratitude to Ms. Cota for the bravery it takes to do this in this setting. I think it is incredibly important, and you are making a difference.

Let us talk about the successes [page 3, [Exhibit D](#)]. The funds started accruing into the Account for Aid for Victims of Domestic Violence. It is administered by the Division of Child and Family Services, Department of Health and Human Services. The grants that were given fostered the growth and development of domestic violence programs from 5 in 1981 to 14 in 2021. This base funding allows programs to develop basic infrastructure and it is the really important general fund leverage that they can use to draw down other federal dollars as well as generate philanthropic dollars. If any of you have ever been on the board of a nonprofit or run a nonprofit, you know how critical it is to have that pot of money that allows you to do what you need to get all the other money that helps you accomplish your mission.

There are many survivors who are still in need of support [page 4]. If you look at the 2019 Nevada Uniform Crime Report by the Department of Public Safety, Records, Communications and Compliance Division, there is still a domestic violence offense every 17 minutes, 18 seconds; a protection order is issued every 37 minutes, 37 seconds; one rape every 4 hours, 8 minutes; and 2,116 rape cases, just 27.6 percent, were cleared—meaning the offender was taken into custody. That is the lowest clearance rate of any felony reported in the Uniform Crime Report.

It is not just the victims, but it is the overall impact on society [page 5]. We know that officers were shot responding to domestic violence calls. We know that 16 percent of the murders that happened in Nevada were intimate partners. We know that Nevada has the seventh-highest rate of murders of women by men. In 2020, the cities of Las Vegas, North Las Vegas, and Henderson alone had 7,000 domestic violence court cases.

Here are our challenges: the need continues to grow [page 6]. Our population grows, the need has grown, and you all know, in the last year of the pandemic, families have been under tremendous stress and people have been locked in isolation in ways that we have never experienced before. As Ms. Foley pointed out, 16 of the 17 counties do not have any of the funding for sexual violence services. That dates all the way back to an amendment in the last hours of a session in 1981. We still have not corrected that.

If you want to talk about the growth of domestic violence, between 2012 and 2019, the domestic violence crimes rose by 21 percent [page 7]. And those are just the reported cases. We know that many cases go unreported. This chart [page 8] compares the number of primary victims served to the reported number of cases. These are the people who are showing up to services, the top line, versus the number of cases that are actually reported. We know just by that fact that not every case is getting reported.

There is unmet need. The way that the domestic violence programs do a snapshot for need, every year around the same time, they do an assessment. They have that trend going year in and year out. The last snapshot was done on September 10, 2020 [page 9]. In Nevada, on

that one-day count, there were 501 victims served, 321 of whom found refuge in emergency shelters; 180 received non-residential supportive services; and 177 hotline calls were answered. Unfortunately, on that same day, there were 32 unmet requests for services and 29 of those were for shelter. If you can just put yourselves in the place of the victim who is working to become a survivor, who has made the decision on that day that they are going to get away, and they show up at the shelter, and there is a waiting list and they cannot get in. I will tell you that those nonprofits go to all lengths to make sure that there is a temporary situation to try to manage that. But this is the reality of the situation: we have waiting lists and unmet need.

In 2018, Nevada programs were unable to meet 50 percent of the shelter requests. In 2019, it was 37 percent, so we are getting better, and 22 percent in 2020 [page 10, [Exhibit D](#)]. They are making progress, but we want to close that gap so there is no waiting list. The programs have a significant cost increase if they cannot use the shelter and have to place somebody in a motel. It is just exponentially more expensive. When they are in the shelter, they step onto the path of becoming a survivor and breaking the cycle.

Between 2010 and 2019, the number of cases of rape reported to law enforcement in Nevada rose 93 percent [page 11]. And again, 16 of the 17 counties receive no funding for sexual violence support services [page 12]. I love Clark County; I really do, even though I am from northern Nevada. But there are a lot of folks out there that really need our help.

The funding source is marriage licenses and marriage has plateaued. If you look at 2010 to about 2016 [page 13], you can see that it is going down and has sort of leveled out. We get a bump in 2017, which is generally attributed to the legalization of same-sex marriage, where we had a new population who was getting marriage licenses. And then there was some unmet demand and then it sort of leveled back out to the plateau.

Obviously, 2020 is going to be an unusual year [page 14]. In 2020, you can see the huge drop-off in April, and everybody knows what was happening in April. Then it climbs back up and, surprisingly, the issuing of marriage licenses just goes right back to normal starting around October or November.

At the same time, these nonprofits are losing purchasing power [page 15]. They have not had an increase in this fee for 11 years. Over those 11 years we all know that inflation has increased and the cost to do business has increased, but their revenue from this source has remained static.

What is the solution? We want to increase the surcharge on marriage licenses by \$25 [page 15]. That seems like a big increase; we are doubling it. And I will acknowledge that straightforward; it is going from \$25 now to \$50. The reason for that is that is the amount of money we need to give the existing domestic violence centers a raise to make up for that 11 years of purchasing power and to give them some breathing room into the future; because you know we will not have this conversation every session. They are going to need a little breathing room into the future. It allows us to expand the sexual violence services to the

16 counties that currently do not benefit from those services. That is why. And I want to point out, it is not doubling the marriage license fee, because these services only get a portion of the marriage license fee, but it is doubling the portion that goes to domestic violence and sexual violence programs. With that, we will be able to have 75 percent of the revenue go to domestic violence services and 25 percent to sexual violence in every county [page 15, [Exhibit D](#)].

On a walkthrough of the bill [sections 1 to 6], it updates the definitions a bit to be more in-line with current terminology. We have changed it from "victim of sexual assault" to "victim of sexual violence." We have updated the name of the account to the "Account for Aid to Victims of Domestic or Sexual Violence." There is a \$25 fee increase [page 17].

Section 2 requires that in urban counties the funding goes "exclusively" to victims of domestic violence or sexual violence, and in rural counties "primarily" to victims of domestic violence or sexual violence [page 18]. This is important because the way this was set up before is, we do not want an abundance of agencies who are all getting a little piece. We want to make sure that there is a primary provider in every county. In the urban counties, it is typically a domestic violence agency and a sexual violence agency. In the rural counties, they are often the same agency, if that makes sense.

It makes changes that allow for some programs for agencies that do not provide shelter [page 19]. You can imagine the range of services that are across the 17 counties—requiring shelter is a barrier to some agencies, but those services are still important. We also changed the language from "spouses" to "partners" and from "children" to "family members," recognizing the diversity of the families that we serve today, and it adds prevention programs as an eligible use because often as we are working in this space, a small amount of money going to prevention pays great dividends moving forward.

Section 4 is about that dilution piece, making sure that it is one program or two programs in each county, depending on the size of the county, and it makes sure that we have this split of the 75 percent to domestic violence services and the 25 percent to sexual violence services [page 20].

It is a relatively simple bill, and I know you are never supposed to say that, but it actually is, and it has the opportunity to have tremendous impact. I will just end by saying, in 40 years, we have not figured out a better way to do this. People have tried. I strongly believe that the best path forward is to use the mechanism that is already in law and make sure that it is enough of a resource to get the job done. Thank you for taking the time to hear the history, hear from a survivor, and hear the details of the bill. I stand ready for questions.

Chairman Yeager:

Committee members, looking at some of this language in the bill, you may think it looks familiar and that is because some of it is familiar. We heard [Assembly Bill 30](#) in this Committee, which we passed out. It made some of the same changes you see in this bill in terms of renaming accounts and the grants that are provided to the counties. I think,

however, as Senator Ratti has mentioned, the real difference in this bill is the increase of the funding from \$25 to \$50. If you are looking at the bill and it looks familiar, that is why. I know that A.B. 30 was months ago at this point, but if it looks familiar, that is why. Are there any questions from the Committee?

Assemblywoman Krasner:

I am shocked that Nevada still has the seventh-highest rate of women murdered by men in the United States. This has been going on for the last ten years. We have either been in the first through tenth position of the highest rate of women murdered by men in the United States. That is shocking. I did a little research here. The average cost of a wedding in the United States is \$33,900 including the ring but not including the honeymoon. That is probably another \$10,000 or \$15,000. We spend so much money on a wedding with fancy dinners, open bars, a beautiful cake, a band, and on and on. And we cannot increase the fee for victims of sexual assault in 16 of our counties. It is really shocking to me. I guess it is just more of a comment than a question. I just want to say thank you for bringing this bill and figuring out a way to do this.

Assemblywoman González:

For folks that know, I began my career in sexual assault and domestic violence as an advocate and have been impacted by both issues unfortunately. This is something very near and dear to my heart. Ms. Cota, thank you for sharing your story. It is impactful and powerful. I know that it is very difficult for those of us to do. Could you go into more detail about how little resources rural counties have to combat this issue?

Senator Ratti:

I am lucky to have a crack team behind me and I think that question is most appropriate for Susan Meuschke, who is the executive director of the coalition that works with the agencies from across the state.

Susan Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence:

The amount of money that goes to rural communities is extremely limited. There is some base funding that comes out of marriage license fees, which I think right now is about \$28,000 a year that programs in the smallest rural counties can use to provide services. Obviously, that is not enough. Every program that receives this money is engaged in grant writing and fundraising, oftentimes in begging, and whatever way that they can raise funds to make sure that services are provided. We also rely quite heavily on volunteers. Last year, over 100,000 hours of volunteer time were donated across the state to make sure that these services are available 24-7. Again, without the support of our communities and without the support of amazing individuals in those communities, we would not be able to do what we currently do. A few rural programs have figured out how to put together some funding, whether it is federal or private dollars, to initiate sexual assault services. In Carson City, Advocates to End Domestic Violence has sexual assault response advocates who have done a phenomenal job over the last ten years to pull this together and provide these services. But

without some base funding, we are not going to see the same services being provided in other counties. So this bill is critical. I hope that answered your question.

Assemblywoman González:

It did. Thank you so much.

Assemblyman Wheeler:

I was going to follow up on what Assemblywoman González asked. I know that two of the three counties that I represent—Douglas and Lyon Counties—have domestic violence services and do an extremely good job. They take absolutely no funding from the state. It is all done privately and through the county a little bit. There is no funding coming out of the marriage license portion that we know of. When we say they do not have services, I think that we should say they do have services, but I understand what you are trying to do here. They do have services, and they do have really good services. These funds that we are using now through the marriage licenses coming from the state, are they audited by the Legislative Counsel Bureau (LCB) at any time?

Senator Ratti:

First off, I would like to acknowledge that many communities have been scrappy, and I think you know that better than many; the issues in rural counties are even more challenging because everybody knows everybody. When you start talking about sexual violence or domestic violence, how you help victims becomes incredibly challenging. I am proud of the scrappiness. I do have a list that I can provide of all the agencies that do receive funding in each of the counties. We can distribute that to the Committee if that is helpful. In terms of whether there has been a legislative audit, I cannot answer that question. I do not know if anyone from the Division of Child and Family Services is on the line today who may be able to answer that question. I can certainly get back to you. I am unfamiliar if we have had a recent legislative audit.

Assemblyman Wheeler:

Thank you very much. Like I said, the ones in Douglas County and another one in one of my other counties, I have actually donated to them myself and taken a tour. They do an incredible job.

Assemblywoman Bilbray-Axelrod:

I have had quite a nice time going down memory lane and looking at [Senate Bill 371 of the 61st Session](#); the father of one of our members was the chair of the Senate Committee on Judiciary, former Senator Melvin Close, Jr.

I was looking back to see when the last time the marriage license fee was increased. I think it was \$14 in 2015. I looked at your numbers, it shows that our marriage licenses went up in 2015, so we know that those dollars actually make a difference. That time, it was for marriage tourism, I believe. Is that correct? I am happy that you chose the \$25. I think there is nothing more powerful than knowing that you are getting a license, you are coming to the marriage capital of the world, and you are doing good things with that money besides just

getting married. I was wondering if you got any pushback from any folks saying that this would make people not come to Las Vegas to get married. I think that if \$25 is going to make the difference, maybe you should probably not get married. I was just wondering if you had heard anything like that.

Senator Ratti:

I had no idea that a member of this Committee's dad was also the chair of the committee at that point. This state is just amazing sometimes. Never burn bridges, let me just say that.

It was last raised for these programs 11 years ago. I believe it was the 2017 Session where it was raised by \$14, and it was not raised across the board. There is a base amount that goes to all, across the board. Then, counties have been enabled to do other things, and so the legislation enabled Clark County, and only Clark County, to raise the fee by \$14. That entire \$14 was dedicated to marriage tourism. My understanding with the theory behind it—you saw the plateauing of marriage licenses—is eighty percent of the marriage licenses that we issue in the state of Nevada are actually to people who do not live here. It is actually a very small number of the percentages of folks who are Nevadans living in Nevada and getting married, and then 80 percent are folks who are marriage tourism.

I believe that if the experience follows through from the Senate, you will hear some folks in opposition to this bill for those very reasons. There is a concern that we could impact marriage tourism and if we impact marriage tourism, will the overall dollars going to domestic violence and sexual violence go down because we are not getting that 80 percent that is coming. I tend to agree with you. While not everybody has a wedding, I certainly did not have a wedding. I did not pay tens of thousands of dollars for my wedding; we eloped and then had a party later, so we spent a little bit more money. I do not believe that the marriage license fee is the decision-making factor if you are choosing to travel for your wedding. If you are choosing to travel for your wedding, even if you are just coming from Los Angeles to Las Vegas, the mileage and the cost of gas alone is a more significant cost than the marriage license fee. The hotel room that you need to book, the meals that you need to buy, and the chapel you need to book are all going to add up to significantly more than \$25. I do not believe that there is any evidence that this fee will change the decision-making process for somebody who is going to choose to come to Nevada versus Arizona or anywhere else. If they are going any farther afield, it just gets more expensive.

I do not think it is going to impact wedding tourism, but there certainly is that concern out there. If we raise it by \$25, it would make us the most expensive in the surrounding area. By comparison, I think that would get us to \$100 in Clark County and California is \$93. We will be a little more expensive. There are some other states that are cheaper, but again, the farther you are traveling, the more expensive your marriage tourism wedding is going to be. So I think the value that we get from this bill will more than offset the cost. Also, as you saw in the chart, marriage license and the number of marriage licenses being pulled has recovered and there was pent-up demand. While many industries have been kicked in the teeth during the pandemic and are still on a less stable road to recovery, the issuing of marriage licenses is

already right back where it was pre-pandemic. This should be an industry that is recovering and recovering well.

Assemblywoman Bilbray-Axelrod:

I tend to agree with you. Just for the record, in Clark County it is \$77 currently, so it would go to \$102. Is that correct?

Senator Ratti:

That sounds right.

Assemblywoman Bilbray-Axelrod:

I think that is a fair amount for spending the rest of your life with someone.

Senator Ratti:

Hopefully, a fee you will only pay once. Some folks may pay it more often. In Clark County, it is \$77 and would go up to \$102. In Carson City, it is \$75 and would go to \$100, as an example. The lowest ones are a number of the more rural counties that are at \$60 and it would go up to \$85.

Assemblywoman Hardy:

I am going to take a moment to tell Helen Foley, I did not realize that this was your bill. I have known Helen since I was five years old, and I remember very well when she first ran and was elected in 1981. As has been said, my dad was chair of the Senate Committee on Judiciary. To know that my father and one of my dearest friends who helped raise me was behind the beginning of this whole process is something that has just really moved me today. That was the last session my dad served, and so she went on and was in the Senate in his Senate seat. This is just a full circle of all good things. I cannot think of a better cause that this money could go to. I wanted to thank Ms. Cota for sharing her story, for being brave to share her story and to get out of the situation that she was in. If you have never been involved in domestic violence, you have no idea what those victims go through and how hard it is sometimes for them to seek help and get out and better their lives. Thank you for being here to share your story.

I think this is great that we can expand this to other counties; that it has taken 40 years to do seems like a long time. Is the money going to be divided up by county population or how is that determined?

Senator Ratti:

Currently, in all counties besides Clark County, 100 percent of the money goes to the designated domestic violence program. In Clark County, 85 percent goes to the domestic violence program and 15 percent goes to the sexual violence program. This bill shifts this to acknowledge the growing challenges that we have in sexual violence. The way the bill is currently construed, in the designated counties 75 percent will go to domestic violence and 25 percent will go to sexual violence, but all counties will benefit from sexual violence. Again, perhaps to a prior question, just to be clear, yes, we have had domestic violence

services in all counties. We have not necessarily had sexual violence services in all counties and certainly have not had funding for sexual violence programs. In terms of how the whole pie is divided by population, I will turn it over to Sue Meuschke in the hope that she can answer that question.

Sue Meuschke:

There is a brilliant formula that is contained within the legislation which creates a base amount for every county. It differentiates between larger counties and smaller counties. There is a multiplier as the money increases. That base amount is \$7,000 for rural communities and \$35,000 for Clark and Washoe Counties. Those amounts have been multiplied as the money has increased. Then any county over 14,000 in population shares in a per capita distribution. It tries to balance the fact that you need some base funding to be able to provide any services—a phone line is going to cost the same, no matter where you are—but also takes into account the need to have funding address the population centers as well. I hope that answered your question.

Senator Ratti:

We have been working on this bill for almost the entire two years of the interim to make sure that we got it right and that we did not accidentally reduce anybody's funding by doing the 75-25 split. I want to thank the coalition for working with all the partners to make sure that all the agencies were on board and we did not show up here today with different agencies having different arguments about how the formula should work. There is general consensus about how the formula should work.

Chairman Yeager:

I am going to take three more questions and then we are going to go to testimony. I have Assemblywoman Hansen, Assemblyman O'Neill, and Assemblywoman Cohen.

Assemblywoman Hansen:

I am grateful to all of you who have worked so hard to protect victims of violence and sexual assaults. It is not lost on any of us the great work that has been done. I am a fan of the purpose. I am not a fan of the funding mechanism. Correct me if my statistics are wrong. Domestic violence numbers are less in marriage than they are in dating relationships, is that true?

Senator Ratti:

We had some debate over this in the Senate, and I do not have the data nor feel qualified. It is not really part of the bill, so I did not weigh in. In the Senate, we had a Senator who you may know and a Senator on the other side, who both cited different data that showed different results. I just cannot weigh in on the answer to that question because I do not know that I have the most relevant data. Ms. Meuschke or Ms. Ortenburger, do either of you know the data between whether you are married or not married in terms of both domestic violence or sexual violence?

Liz Ortenburger, CEO, SafeNest:

We can cite our own data and tell you that of the 25,000 clients we work with every year, 61 percent are married. That is Clark County data for SafeNest.

Assemblywoman Hansen:

Thank you for that. You know how the Internet is—you go to different studies, different states, different research. I tended to go to research. Certainly, I think we are still going to maybe have to agree to disagree, but those are the Nevada numbers. I take you at your word.

From that, though, thinking about marriage licenses plateauing even before the pandemic, people are getting married later in life and more people are cohabitating. If we are looking for a funding mechanism such as marriage, there is still some discussion about are marriages better for relationships than dating relationships as far as domestic violence goes. I remember attending a crime and law enforcement seminar that was offered in 2012 with about 300 or 400 people there, and this statistic was emblazoned in my brain: 89 percent of all crime was related to or had some component of drug and alcohol abuse. I am just curious why we do not look for a funding mechanism to help support domestic violence at the root. I would be interested to know what the statistics are in alcohol and drug abuse in relationship to domestic violence and go after that rather, even though I understand your reasoning behind the marriage fee. To me that is plateauing, alcohol use is not. In fact, it spiked in the pandemic. It just seems you would have a broader base in having liquor sales have a fee involved.

Senator Ratti:

I appreciate the question and the thinking behind it. There were definitely some members of the Senate who were—I will use the word "squeamish"—about creating what they called a nexus between marriage licenses and domestic violence and sexual violence. I do not see it as a nexus. There is nothing in the bill that is implying or saying that somehow getting married leads to domestic violence or sexual violence. I have had so many people come up to me since those conversations in the Senate and say, I am so pleased that my happiness and my big day leads to other folks having this resource. I think there is another side to that. But we are in no way, shape, or form trying to equate or connect marriage to domestic violence or sexual violence. It is not the premise of the bill.

This funding source has been a stable, though plateauing, funding source for 40 years. Over those 40 years, there have been many efforts to get to the two-thirds vote to figure out how we fund this differently, and we have not been able to get there. To liquor specifically, our current liquor tax funds our General Fund. When I am considering policy, we have to consider it on the day that we have the bill in front of us with the circumstances and the environment that we are living in at that time. The circumstances and the environment we are living in right now is a pandemic with an economic impact that has reduced our budget capacity where we are currently, every morning in our finance committees, making 12 percent cuts across the board to our budget. The concept of coming in and raising a General Fund funding source and not having it backfill the 12 percent cuts for all the other critically important services that we are cutting right now, and instead increasing services for

something else, I do not think that I can get to the two-thirds vote necessary in both chambers to get that done. It is not that I think it is a bad idea, it is just that I do not think it is viable in the middle of a pandemic economy when our hospitality industry, restaurants, wholesalers, distributors, producers of alcohol have all literally been kicked in the teeth and are trying to recover. If future legislators and future legislatures want to get together and come to the place where they can get the two-thirds to replace this with another stable funding source, I will be on that team. But in this session, this pandemic, and this economy, I do not think it is viable. I have spent a lot of time on it.

I will say that I also investigated cigarette taxes and divorce. The good news is that a lot fewer people are getting divorced in Nevada than are getting married in Nevada, so it was not a sufficient funding source. And our cigarette taxes are already the highest in the region. I spent a significant amount of time trying to work with the folks on the Senate side who were looking for a different way to do this, and we just could not get there this session. I think this is the right solution at this moment in time and I would encourage others, if they do not like this funding source, to come together to figure out a better option. But I think it is probably not this session.

Assemblyman O'Neill:

As you were mentioning, we are coming out of a pandemic and we are cutting funding at the state to various services, and our sources of funding have decreased tremendously. I guess that is the same question. Is it fair, coming out of a pandemic when people have not had jobs, to go to a 100 percent increase? Although you say it is insignificant in the overall of what a wedding may cost. But not everybody is spending \$30,000 for a wedding. Is there any consideration for a lower amount? As I understand the bill, this is not required by each county to institute; is it their choice or is it a requirement?

Senator Ratti:

It is required; it is a statewide mandate, and I just want to make sure that is very clear. There are other portions, like the \$14 of marriage tourism, that is optional to counties. For example, if Clark County was concerned that this dollar amount was too high, they could roll back the \$14 for marriage tourism. They have some things that they have done locally that they could lower it. But this would be a mandate across the board. I do not think it is an insignificant increase. If you look at Clark County, it doubles the portion that goes to domestic violence and sexual violence, but if you look at Clark County where the marriage license fee goes from \$77 to \$102, that is a 32 percent increase. It is not very often that we do 32 percent increases to anything. I will walk right into that conversation, because the reason that it needs to be \$25 is \$25 is the dollar amount that makes up for the 11 years of inflation, the reduction in purchasing power that these agencies have experienced over the last 11 years, and frankly, I blame us, because we are not very good at getting to a two-thirds vote on a regular basis to give people a regular increase. So then when we do, we have to make it bigger.

Secondly, it allows us to give them a bump for a while so that, because we are probably not going to do this again next session or the session after that, it gives them a little breathing

room going forward, and then, critically, it allows us to include the 16 of 17 counties that have never had any of this funding going for sexual violence. If I back off of \$25, I cannot accomplish all three of those things.

Assemblyman O'Neill:

Also, if I understand you correctly, 80 percent of our marriage licenses issued in the state are to out-of-staters. Was that correct?

Senator Ratti:

That is my understanding. No, apparently only in Clark County.

Assemblyman O'Neill:

That is what I was going to ask. Do you have that broken down? Because I know of several chapels here in Carson City, even Reno within your district and in Douglas County, that have closed down prior to the pandemic, due to the lack of tourism marriages.

Senator Ratti:

Marriage tourism is a phenomenon in Clark County more than it is anywhere else in the state. I think we all know why. Yes, while there was a heyday in Reno where folks came to Reno for marriages because of changes in law that have occurred, we do not have the same marriage tourism industry, and I do not think it was the cost of the marriage license fee that was the impact on those industries. I think it was just a change in marriage tourism generally for our area, as well as the overall changes in how people chose to get married. I think in the northern Nevada area and the rurals, the trend toward outdoor weddings has had a significant impact on the wedding industry, just generally. While I agree with you that that industry has been struggling elsewhere than Clark County, I do not believe it had anything to do with the cost of the marriage license fee.

Assemblyman O'Neill:

I agree with you on that. It did not have to do with the cost, but I just wanted to make sure we understood this was not across the state—it was unique to Las Vegas or Clark County.

Chairman Yeager:

Assemblywoman Cohen has agreed to ask her question offline so we can get to some testimony. Members, if you have additional questions, please feel free to ask offline. We do have a floor session today, so I am going to be limiting testimony to allow for 20 minutes of support testimony, 20 minutes of opposition testimony, and we will look at neutral when we get there. To our speakers, it is perfectly fine to say "I agree" or try to keep your remarks short so we can get in as many people as possible. Is there anyone who would like to testify in support?

Marlene Lockard, Chair, Board of Directors, Domestic Violence Resource Center:

The proposed increase to the marriage license fee would provide critical support to our organization and many others across the state, and I urge you to support this bill. Since the last increase to the fee in 2009, we have seen significant growth in the demand for domestic

violence services in Washoe County. Unfortunately, we have recently seen a decline in the amount of marriage license funding available and severe cuts this year due to COVID-19. Marriage license funding allows the Domestic Violence Resource Center to fulfill our mission to rebuild safe and hopeful futures for victims of family violence. An increase to this funding would sustain the essential services we provide such as an emergency center and shelter, free bilingual counseling, a 24-hour hotline, transitional housing, temporary protection order assistance, and financial literacy coaching, which has resulted in amazing results for getting our survivors on track to live a sustainable life after domestic violence.

This funding is crucial not only for support of our services, but also because it serves as a match mandated by many of our federal grants. Additionally, the Domestic Violence Resource Center depends on the flexibility of the marriage license funding. Unlike federal dollars, we can use these precious funds to support the administrative and operational expenses that keep our lights on and doors open on a daily basis. Once again, I would like to thank you for your consideration of this bill. It is extremely important to our organization, to provide these services.

Jessica Adair, Chief of Staff, Office of the Attorney General:

I wanted to address two specific points as they relate to the Office of the Attorney General. We wholeheartedly urge your support of this bill. First, the Chairman himself sponsored a bill last legislative session, Assembly Bill 176 of the 80th Session, that required our office to chair an advisory committee on the rights of sexual assault survivors. In our duties, we were required to create a recommendations report for funding of sexual assault advocates. We did a county-by-county analysis of the number of sexual assault advocates across the state, regardless of how they are funded. We looked at the number of sexual assault nurse examiners in each county and the number of existing advocates. There was a question about rural services that I want to specifically address. In six counties in Nevada, we have absolutely no sexual assault advocates. That includes Douglas County, to your question earlier, Assemblyman Wheeler. We also have five counties where there is only one part-time advocate, and that includes Lyon County. If you would like, I provided a copy of that report [[Exhibit E](#)] to the Committee and we have a breakdown per county that also looks at the number of sexual assaults that are reported per capita in each county.

I also wanted to address federal funding. When this bill was heard in the Senate, it seems like there was a misapprehension that there is a great amount of federal funding available to domestic violence and sexual assault service providers. I cannot speak to the federal funds that are administered by the Department of Health and Human Services, but the Attorney General's Office administers Violence Against Women Act (VAWA) funding. There are two specific program grants—the Services-Training-Officers-Prosecutors (STOP) and Sexual Assault Services Program (SASP)—that are most relevant to victim providers. Last year we administered \$1.9 million in STOP and SASP funding. That is about 62 cents per Nevadan. However, only 30 percent of those funds are earmarked for victim service providers. The rest of the funds are earmarked for law enforcement, prosecution agencies, courts, and other discretionary funds. I am happy to answer your questions about VAWA funding and the report that the advisory committee issued in terms of sexual assault advocates and

availability. In sum, we estimate over 2,000 more advocates are needed across the state to ensure that every survivor of sexual assault has access to an advocate.

Tess Opferman, representing Nevada Women's Lobby:

I wanted to rehash a couple of things that were discussed. One aspect is that COVID-19 did send many men, women and families home and potentially into an abusive situation. Because of that, police departments' emergency call lines, domestic violence shelters, and hospitals have all reported increased rates of domestic violence. That, along with an increased population in the state and 11 years of inflation, we really do need more resources. This is not something that can wait another two years to figure out a new funding source or another funding source. I also want to be clear that this is not a new funding source. Domestic violence resource programs have been funded by this marriage license fee and we merely want to increase that so that we can support our state and support victims here. With that, I thank you for your time, and the Nevada Women's Lobby urges you to support this important piece of legislation.

Chairman Yeager:

Is there anyone else who would like to testify in support?

Sue Meuschke:

We are in support of this legislation. You have heard, I think, fairly significant and amazing testimony from the bill's sponsor. I really want to say thank you to Ms. Foley for being here and providing history. Too often, I think we forget where our history is, and I think that is a detriment. I mostly want to say to Ms. Cota, thank you. We know how hard this is, and we so appreciate your willingness to come and to talk about not only your experience but also letting folks know about the experience of so many other people who have gone through programs here in Washoe County, Clark County, Lander County, Churchill County, and who have received services that have allowed them to move on with their lives and to develop safe, loving homes for themselves and their children.

I want to encourage folks to understand that this funding is critical. If we do not have this funding, services will start to go away. When we experienced the decrease in funding during the pandemic, people were very creative in how they were able to pull it together and to change how they provided services in just a moment and be able to be there for all the folks that needed them.

I know there are many questions about other funding sources, and I would be happy to work with anyone during the interim to come up with a new and better funding source. But right now, we need to increase this funding source and move on. I just want to end this by letting folks know that, according to the Centers for Disease Control and Prevention, the lifetime economic costs associated with medical services, lost productivity from paid work, criminal justice, and other costs for a victim of domestic violence was \$103,000, and for a victim of rape was \$122,000. If our services can prevent or mitigate the harm to victims, we stand to save Nevada millions of dollars. Thank you for your time and questions, and please support this bill.

Liz Ortenburger:

We serve approximately 25,000 clients a year. We serve survivors, batterers, children, and pets affected by the epidemic of domestic violence. But S.B. 177 is not about our size or our successes. It is about the 504 victims and children that were not admitted into a shelter in the year prior to the pandemic. It is about a victim like Martha, who was beaten in front of her three children but because her abuse did not include a weapon or strangulation and it happened three weeks before and she had not had additional contact with the batterer, her lethality index score was not high enough—we were already operating at 120 percent—to secure her a bed. Senate Bill 177 is about the 500 callers a year that roll over to our answering service because our three full-time [staff], 24-7 call center is already impacted taking other calls. It is about the 20 percent of those who are never able to be reached back, like Ashley, who explained she had been strangled the night before; when we tried to call her back, we got no answer. When a victim is strangled as part of their domestic violence, their homicide rate goes up by 750 percent.

Most importantly, Senate Bill 177 is about ending the epidemic of domestic violence. Seventy-six percent of children growing up in domestic violence households will repeat this cycle as a victim or as a batterer. It is programs like what we run in juvenile detention, working with 10- and 11-year-old boys who are already showing signs of violence, that will end this epidemic. Marriage licenses fund those programs. We had a homicide here on Friday night, a young woman exchanging items with her boyfriend in a parking lot. She was stabbed to death while her mother and ten-month-old infant looked on. What keeps me up at night is that if I had more awareness, marketing, and support dollars, would she have known that SafeNest could have facilitated that exchange for her. For \$25 you can be part of ending the epidemic of generational violence—housing victims like Martha and her three children and answering the phone the first time a victim of strangulation calls.

Chairman Yeager:

Is there anyone else who would like to testify in support?

Kendra G. Bertschy, Deputy Public Defender, Washoe County Public Defender's Office:

We believe, and have found unfortunately, that our clients have been involved in these situations which, if they had been provided support earlier on, then maybe they would not have been victimizers themselves. We appreciate this bill and urge your support.

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

We, too, wanted to register our support. At the public defender's office, we are not only committed to protecting the constitutional rights of all Nevadans, but also stopping the cycle of trauma. This bill brought forward by Senator Ratti provides a solution that can get people away from bad situations and hopefully fix some of the problems that we have in this state. We urge the Committee's support.

Katherine McKenna, Executive Director, Nevada Outreach Training Organization:

We have a No To Abuse program that has served victims of domestic violence for over 20 years in our communities, and we serve the communities of Nye and Esmeralda Counties with offices in Pahrump and Tonopah. These funds that we receive from marriage licenses are very crucial to keep our operation going. We have seen over a 52 percent decrease of funding in the past two years, as well as with COVID-19, things like fundraisers have all but ended. We would greatly appreciate your support of this bill.

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

Mandi Davis, Deputy Administrator, Administrative Services, Division of Child and Family Services, Department of Health and Human Services:

We oversee the administration and awarding of funds received through the Account for Aid for Victims of Domestic Violence. No new staff are needed to accommodate the changes in this bill, and we will be able to distribute any funds received in the account in accordance with our current procedures.

I also wanted to respond to the question earlier from Assemblyman Wheeler regarding whether LCB has ever audited these funds. Pre-pandemic, we received approximately \$3 million per year from this funding source. I am not sure if it was ever enough to reach the threshold to warrant an LCB audit. To my knowledge, LCB has not audited this funding source over the past several years.

I would note that this is the only source of non-federal funding that supports domestic violence programs and sexual violence programs in the state. Many of the agencies that we fund with this funding source use these funds as the required non-federal match that is required to receive all the federal funds that they receive. We are supportive of any assistance for this vulnerable population that we are able to provide. I am happy to stay on the line for any questions.

Chairman Yeager:

Ms. Davis, were you in support or neutral on S.B. 177?

Mandi Davis:

The neutral position.

Chairman Yeager:

I wanted to make sure the record was clear. If the Committee has any questions, please follow up with Ms. Davis offline. Is there anyone else who would like to testify in the neutral position? [There was no one.] I would invite Senator Ratti back for any concluding remarks on S.B. 177.

Senator Ratti:

I just wanted to express my gratitude to the Committee. I know we are at a busy time in session and you were gracious with your time to hear some storytelling today. I think the bill itself is not complicated, but I think the stories were powerful and important. I wanted to note that there are several letters in support [[Exhibit F](#), [Exhibit G](#), [Exhibit H](#), [Exhibit I](#), and [Exhibit J](#)] on the Nevada Electronic Legislative Information System, along with the Attorney General's report [[Exhibit E](#)]. We also provided some other data [[Exhibit K](#), [Exhibit L](#), and [Exhibit M](#)] if you are looking for additional details.

Beyond that, I hope that the stories you have heard today, paired with the data that demonstrates the need, will get you to a place where you can push that green button when it comes time. I think that we do a lot of work here in the legislative sessions and we all do everything we can to make a difference, but this is one that I am absolutely confident, if we can get it across the finish line, will impact people's lives and help them in ways that I would only hope, if I were in the same situation, that I would have access to the same help. With that, I ask for your support. I have also had a couple of requests to add sponsors. I am always terrible about distributing my bills for sponsors and I do not know how to do that in the Assembly. If you would like to be a sponsor, please email me and I will figure that out.

Chairman Yeager:

Thank you, Senator Ratti. I will close the hearing on S.B. 177. I will open it up for public comment.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother Thomas Purdy was murdered by Reno Police and Washoe County Sheriff's Office during a mental health crisis, hog-tied and asphyxiated to death. Today I would like to talk about 25-year-old Josha Scott "Mac" Lehman. He was killed on April 24, 2002, during a mental health crisis. He was killed by Reno police officers Tom Robinson and Robert Tygard. They shot and killed Josha as he sat in his car with all the tires shot out, surrounded by at least ten armed police officers and numerous police vehicles. Robinson was the last one to arrive on the scene and the only officer to shoot his gun. Other officers on the scene had instructed all present to hold their fire, and Reno Police Department officers Robinson and Tygard knew that Josha was not armed with a gun. One of them testified that he knew Josha did not have a gun but only had a pocketknife. Another officer present described that knife as "a little folding knife." Officer Tom Robinson is now a Deputy Chief for the Reno Police Department. He would go on to kill William Barton less than three months after he killed Josha Lehman. Please keep Josha's family and all families impacted by police violence in your thoughts. Please support bills that promote transparency and accountability from law enforcement.

Chairman Yeager:

Is there anyone else who would like to provide public comment? [There was no one.] Are there any questions or comments from the Committee? [There were none.] I have some announcements this morning, a couple of which I think you will find interesting and hopefully receive as good news. The first, we do not have a meeting tomorrow. The other

piece of news is we will not be having a meeting on Monday morning either. Some of you may recall that we had originally scheduled our Committee photo to be taken on Monday, so we are going to move that to Wednesday of next week. We will get a reminder to you for that. Tuesday we will be meeting at 9 a.m., and we will see about the rest of the week. Thank you for your hard work and attention. We will see you back in this room at 9 a.m. on Tuesday, May 4, 2021.

The meeting is adjourned [at 10:58 a.m.].

RESPECTFULLY SUBMITTED:

Traci Dory
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 conceptual amendment dated April 28, 2021, to Senate Bill 369 (1st Reprint), submitted and presented by Senator Melanie Scheible, Senate District No. 9

[Exhibit D](#) is a copy of a PowerPoint presentation titled "SB177," dated March 16, 2021, presented by Senator Julia Ratti, Senate District No. 13.

[Exhibit E](#) is a report titled "Advisory Committee on the Rights of Survivors of Sexual Assault, Legislative Report," dated September 1, 2020, submitted and presented by Jessica Adair, Chief of Staff, Office of the Attorney General.

[Exhibit F](#) is a letter dated April 28, 2021, submitted by Julie K. Proctor, Executive Director, S.A.F.E. House, in support of Senate Bill 177.

[Exhibit G](#) is a letter dated April 28, 2021, submitted by Elizabeth Flory, Private Citizen, in support of Senate Bill 177.

[Exhibit H](#) is a letter dated April 27, 2021, submitted by Lisa Lee, Executive Director, Advocates to End Domestic Violence, in support of Senate Bill 177.

[Exhibit I](#) is written testimony dated April 27, 2021, submitted by Bonnie Barber, Chair, and Wendy Boszak, Vice Chair, Nevada Coalition for Women's Equity, in support of Senate Bill 177.

[Exhibit J](#) is a letter dated April 29, 2021, submitted by Paul Bancroft, Executive Director, Sierra Community House, in support of Senate Bill 177.

[Exhibit K](#) is a document titled "Increase Funding for Domestic Violence Services and Create Funding for Statewide Sexual Violence Services," submitted by Sarah Adler, representing Nevada Coalition to End Domestic and Sexual Violence, in support of Senate Bill 177.

[Exhibit L](#) is a document titled "SB177 Enabling Real Progress on the Promise of the Sexual Assault Survivor's Bill of Rights," submitted by Sarah Adler, representing Nevada Coalition to End Domestic and Sexual Violence, in support of Senate Bill 177.

[Exhibit M](#) is a policy brief titled "Domestic/Sexual Violence Funding," submitted by Edith Gonzalez Duarte, representing SafeNest.