

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session  
May 11, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 2:02 p.m. on Thursday, May 11, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Melanie Scheible, Chair  
Senator Dallas Harris, Vice Chair  
Senator James Ohrenschall  
Senator Marilyn Dondero Loop  
Senator Rochelle T. Nguyen  
Senator Ira Hansen  
Senator Lisa Krasner  
Senator Jeff Stone

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Melissa Hardy, Assembly District No. 22  
Assemblywoman Daniele Monroe-Moreno, Assembly District No. 1

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Karly O'Krent, Counsel  
Blain Jensen, Committee Secretary

**OTHERS PRESENT:**

Shad Matheny, Inspector, United States Postal Inspection Service  
Beth Schmidt, Las Vegas Metropolitan Police Department  
Drew Franklin, Nevada Sheriffs' and Chiefs' Association  
John Jones, Jr., Nevada District Attorneys Association

Senate Committee on Judiciary  
May 11, 2023  
Page 2

Nick Schneider, Vegas Chamber  
Jason Walker, Washoe County Sheriff's Office  
Mike Cathcart, City of Henderson  
Melody Judilla, Silver State Voices  
Mary Ramos, All Voting is Local  
Aria Flores, Let Nevadans Vote Coalition  
Daela Gibson, Let Nevadans Vote Coalition  
Leisa Moseley-Sayles, Fines and Fees Justice Center  
Caitlin Gwin  
Erica Roth, Washoe County Public Defender's Office  
John Piro, Clark County Public Defender's Office  
Jimmy Lau, Dignity Health-St. Rose Dominican  
Kimberly Harvey, Nevada Policy Council on Human Trafficking

CHAIR SCHEIBLE:

I will open the hearing on Assembly Bill (A.B.) 272.

**ASSEMBLY BILL 272 (1st Reprint)**: Establishes provisions relating to mail theft.  
(BDR 15-800)

ASSEMBLYWOMAN DANIELE MONROE-MORENO (Assembly District No. 1):

Assembly Bill 272 addresses mail theft, a serious crime that has significant consequences for individuals, businesses and organizations because mail contains sensitive information such as bank account details, credit card statements and social security numbers. If this information falls into the wrong hands, it can be used for identity theft. Mail theft results in financial losses for individuals and businesses through checks and credit card payments stolen to make unauthorized purchases and cashed. This disruption of services for businesses and organizations relying on mail for communications with clients, suppliers and customers can affect operations. Legal documents sent via mail such as contracts, deeds and court documents can be stolen leading to legal disputes and financial losses.

Both federal and State laws play an important role in mail theft by preventing and prosecuting criminals. Federal laws provide a foundation for addressing mail theft issues involving U.S. Postal Service mail while State laws can provide broader coverage to address the mail theft issues involving all mailboxes which is the intent of A.B. 272.

Section 1 provides that:

A person commits the crime of mail theft if the person:  
(a) Knowingly, willfully and with the intent to deprive, injure, damage or defraud another: (1) Takes, destroys, hides or embezzles mail; or (2) Obtains any mail by fraud or deception;  
(b) Buys, receives, conceals or possesses: (1) Mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (2) Personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail in violation of this subsection.

Section 1, subsection 2 establishes a person who commits the crime of mail theft is guilty of a Category D felony which is punishable by imprisonment in State prison for a minimum term of not less than one year and a maximum term of not more than four years, and a fine of not more than \$5,000.

Assembly Bill 272 would become effective on July 1, 2023. I submitted an amendment ([Exhibit C](#)) to strike out the personal identifying information language in section 1, subsection 1, paragraph (b), subparagraph (2) and subsection 3, paragraph (c). The amendment also changes the language “breaks open” to “open” in section 1, subsection 1, paragraph (c).

SHAD MATHENY (Inspector, United States Postal Inspection Service):

I investigate crimes involving the U.S. Postal Service, its employees and delivered mail. One primary focus in Nevada is the theft of mail leading to identity theft and other financial crimes. Nevada is ranked fifth in the Nation for identity theft and third in fraud reports. These combined frauds and scams resulted in more than \$100 million in losses in the State in 2022. Nevada experiences one of the highest incidences of volume mail theft in the Country. Individuals involved in mail theft are also involved directly or indirectly in identity theft.

In the Las Vegas area, the United States Postal Inspection Service received more than 3,100 complaints about stolen or missing mail from February 2021 through March 2022. Nationally, mail theft reports increased by 600 percent from 2017 to 2020, and mail theft volume attacks more than doubled from 2019 to 2022. It is projected there will be more than 50,000 mail theft volume

attacks in 2023 across the Nation. The federal system generally does not have the resources to prosecute all federal offenses so they enact thresholds to identify cases appropriate for federal investigative attention.

Since there are no mail theft provisions in *Nevada Revised Statutes* (NRS), individuals encountered by law enforcement in possession of stolen mail may not even be charged if no financial crime has been committed. Passage of A.B. 272 will significantly increase the resources available to address the expansive problem of mail theft in Nevada. Mail theft results in serious financial crimes such as forgery, credit card fraud and identity theft. These crimes create a serious hardship on residents who then need to remedy or repair issues, impacting their financial security or identity.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):

Prior to my current position, I spent three years as a financial crime sergeant with the Las Vegas Metropolitan Police Department (LVMPD). In that role, I saw the result of mail theft daily. The LVMPD Financial Crimes Section investigates between 400 and 500 financial cases per month. A large portion of those cases include identity theft, fraud and forgery stemming from mail theft. We believe A.B. 272 will help address fraud and identity theft.

Because there is NRS for law enforcement to use to charge someone for using personal identifying information, we removed that language from the bill. Assembly Bill 272 focuses on acquiring and possessing stolen mail and mailbox keys.

How does the crime of mail theft work? Criminals target residential community mailboxes, the silver boxes on the street. Perpetrators either pry the box open or commonly use a stolen postal key or homemade postal key to open the community mailbox. In less than one minute, criminals can open the box and remove all the mail, throw it into a vehicle and move to the next box, repeating the same process in broad daylight. Eventually, they sift through the mail to take checks, cash and anything with personal identifying information. For instance, someone sends a check for \$10 to their granddaughter for her birthday and that check is made out in the granddaughter's name. Perpetrators wash that check, put a different name on it and change the dollar amount. When that process is done, criminals will often use the name of someone else who is a victim of identity theft from a previous mail theft.

Other ways criminals use personal identifying information they obtain through mail theft is to create credit cards, identification cards and driver's licenses; take out home and car loans in the victim's name; lease apartments in a victim's name; open bank accounts and utility services. Nevada law enforcement does not track how many mailboxes are broken into each day because breaking into a mailbox is not a crime under NRS. Mail theft is only a federal crime.

Nevada is a large state. In rural communities, U.S. postal inspectors only have a handful of investigators to assist local law enforcement, so A.B. 272 has been brought forward. If law enforcement catches someone in the act of breaking into a mailbox, we do not have an NRS to charge them. If law enforcement stops a vehicle with the backseat full of unopened mail, we do not have an NRS to charge them. If law enforcement recovers bags of unopened mail during the service of a search warrant, we do not have an NRS to charge them.

The only NRS in relation to mail theft is a gross misdemeanor charge for possession of a burglary tool. Law enforcement uses that for the possession of stolen or manufactured mailbox keys. It is important to note that those postal keys—which are part of A.B. 272—are considered so valuable by mail thieves that it is not uncommon for mail delivery personnel to be robbed at gunpoint for that key. Those keys are kept on their person during their working shift and are valuable because it gives criminals access to an unlimited amount of mail which equates to an unlimited amount of personal information. Assembly Bill 272 is a needed tool for law enforcement to combat mail theft and help prevent identity theft, fraud and forgery.

ASSEMBLYWOMAN MONROE-MORENO:

In A.B. 272, the postal service means the U.S. Postal Service or a private common mail carrier.

SENATOR KRASNER:

Is it possible that this could be construed to mean an email letter?

ASSEMBLYWOMAN MONROE-MORENO:

I do not believe so because "mail" in section 1, subsection 3, paragraph (a), means any letter, postal card, parcel, package, bag or other material, along with its contents. Where are you saying it can be construed?

Senate Committee on Judiciary  
May 11, 2023  
Page 6

SENATOR KRASNER:

In subsection 3, paragraph (a), mail means any letter could be an email letter. Then subparagraph (4) reads "the postal service delivers to the postal customer." Are Yahoo and AOL postal services? In paragraph (d), "'Postal service' means the United States Postal Service or a private common mail carrier." I am just wondering if it could be construed that way.

ASSEMBLYWOMAN MONROE-MORENO:

It would mean U.S. Postal Service, FedEx and UPS that deliver packages. But emails via Yahoo, AOL and Gmail are not addressed in this legislation.

SENATOR NGUYEN:

Is this a federal crime, and who prosecutes these crimes?

Ms. SCHMIDT:

One of the problems we come up against in Las Vegas is though postal inspectors come to the scene if available, a lot of times they are not. In the rural parts of the State, inspectors are almost never available. My understanding is four postal inspectors cover northern Nevada and northern California. If someone has a mailbox broken into, it is difficult to get an inspector out to prosecute the case.

SENATOR NGUYEN:

If local law enforcement agencies see someone committing that crime or are investigating that crime, officers can refer the case over for federal prosecution. How does that work?

Ms. SCHMIDT:

Yes, officers can. The problem is Las Vegas Metropolitan Police take the majority of those cases because there are so many.

SENATOR NGUYEN:

Ms. Schmidt gave the scenario of law enforcement pulling people over who had a carful of mail that was not theirs. Are officers not able to arrest and charge them with possession of identifying information of another which is a felony?

Ms. SCHMIDT:

Yes. Personal identifying information is the only charge law enforcement would have to use.

SENATOR NGUYEN:  
That is a felony, right?

Ms. SCHMIDT:  
Yes.

MR. MATHENY:  
Sometimes, the district attorney's office will not charge identity theft for unopened mail.

SENATOR NGUYEN:  
When someone from a prosecutor's agency testifies, I would like to hear whether a charge applies and what identity theft would not cover.

SENATOR HANSEN:  
Normally, there is a federal charge for anything dealing with mail. I always thought those are federal issues where a case can push off to federal prosecutors; but if they are not available, then the State court system can be used?

Ms. SCHMIDT:  
It boils down to the thresholds that federal laws have. For law enforcement, if we catch someone breaking into a mailbox who has taken three or four letters, that does not reach the threshold for federal prosecutors.

SENATOR HANSEN:  
With A.B. 272, State district attorneys could prosecute? For example, if I am breaking into a mailbox in a rural area and law enforcement catches me with someone's credit cards or whatever, are there lesser charges in law other than felonies sending people to prison for doing something stupid? If someone is creating a consistent problem, then law enforcement should turn the case over to federal prosecutors where it is a more serious charge. Federal law does not have any misdemeanors on mail that I am aware of. Does the State have any under statute? Would this bill charge criminals with felonies?

Ms. SCHMIDT:  
They would be, but I have concerns with seeing mailbox theft as a dumb mistake because it is a calculated move that someone is doing. What law enforcement sees at the local level is the damage caused to a citizen who does

not even know mail was stolen. The victim may not even realize a credit card or something with personal identifying information was coming in the mail. It could be weeks down the road until one realizes.

SENATOR HANSEN:

I did not mean to trivialize it. I am picturing some stupid high school kid who busts into somebody's mailbox and law enforcement catches the culprit going through the victim's mail looking for something. The kid has not taken credit cards or anything to make a purchase. I do not want kids going to prison for a sentence of one to five years for this crime.

Ms. SCHMIDT:

This crime is not committed by high school kids in my experience. This crime is organized mail theft where criminals are hitting dozens of mailboxes at a time and then sifting through the mail. Often, law enforcement comes across the results of mail theft during a search warrant of an unrelated crime.

SENATOR HANSEN:

The whole purpose of A.B. 272 is to give law enforcement an enhanced ability to go after the bad actors, not the scenario I gave.

SENATOR STONE:

I own several houses where they have a community mailbox. If someone receives a big package, the mail carrier will put a key inside his or her mailbox to unlock one of the larger mailboxes. My tenants cannot even get larger mailboxes, and their packages must be delivered to the office because there is such rampant mail theft. These criminals are professionals coming in with hoodies and masks, making it hard to identify them although we have license readers and cameras for the complex which have provided evidence for local law enforcement.

I had a check sent to a vendor, and his mailbox got broken into. The criminals successfully forged his name and then put a fictitious name in to cash a check for over \$2,000 which took about three months to recover. This is a pervasive problem throughout Nevada, especially southern Nevada in multifamily developments.



SENATOR OHRENSCHALL:

We have all been horrified reading the news accounts, especially on the armed thefts of mail carriers. In the neighborhood I live in, many of us have switched to locking mailboxes because of rising mail theft in the last two years. If A.B. 272 passes, do you envision an overlap with the postal inspectors where there could be federal and State charges, or would one supersede the other? If LVMPD is investigating, would it be a local charge? If so, the postal inspectors would not be charging through the U.S. Attorney's Office.

Ms. SCHMIDT:

At LVMPD, we work closely with the postal inspectors. Mr. Matheny and I worked on numerous cases together, and the decision is made which way to go. Whether to stay at the State or federal level is based on thresholds. Smaller theft charges stay on the State level more often, but that is something we would work on together.

SENATOR OHRENSCHALL:

Statute provides good communication between State and federal authorities as to whether this would be a State prosecution versus going through the U.S. Attorney's Office and federal postal inspectors.

Ms. SCHMIDT:

Nothing would change. What would happen is State prosecutors would have jurisdiction on cases that do not meet federal thresholds.

SENATOR DONDERO LOOP:

Is this a State and federal crime together? For example, if somebody had a person breaking into mailboxes on camera and law enforcement knew this is a person of interest in the neighborhood for some reason, would both those crimes be charged because they are breaking and entering a mailbox while ruining public property?

Ms. SCHMIDT:

If law enforcement catches someone breaking into a mailbox regardless of damage, Nevada does not have an NRS to charge them. Assembly Bill 272 would give law enforcement the tool to charge criminals. The other option is to have the U.S. Postal Service respond, but it is such a common occurrence that it is difficult in the rural communities because they do not have the ability to have federal investigators respond to the scene.

SENATOR DONDERO LOOP:

Even if you as a policewoman saw somebody breaking into a mailbox, would it be a federal crime right now?

Ms. SCHMIDT:

Yes.

SENATOR NGUYEN:

I get nervous when I see State crimes that have additional corresponding federal crimes. Often in my law practice, we will see a State charge of possession of a firearm by a prohibited person or an ex-felon, but there is also a federal crime for that same thing. Under the law, that person could be charged in both places for the same crime; there are no double jeopardy issues because of different jurisdictions. You mentioned the intention of A.B. 272 was because of these mail theft crime rings, but you also said federal prosecutors would not pick up cases unless they were big crime ring situations. Would you envision using this NRS more in the rural jurisdictions or urban areas?

Ms. SCHMIDT:

Speaking from local law enforcement, we will be using it in both areas. We use it in Las Vegas with the smaller cases that federal prosecutors do not pick up. The communication is there today, and there is no intention of prosecuting in both.

SENATOR STONE:

Mail theft is a federal crime; if A.B. 272 passes, it will become a State crime. Through conversations between the U.S. postal inspector and law enforcement, together they decide which prosecution route on the federal or State level. But there is an option for both jurisdictions to file charges if they wanted to. Could both federal and State charges be brought if both parties determined it was appropriate to do so?

Ms. SCHMIDT:

My understanding is yes.

SENATOR HARRIS:

Am I understanding that if law enforcement was called and told, "Hey, there is some mail theft," law enforcement would answer, "Sorry, nothing we can do about it."

Ms. SCHMIDT:

It would depend on the totality of the crime. But if someone said our mailbox was broken into; yeah, there is nothing law enforcement can do about that. Even with the video of someone damaging or breaking into a mailbox, law enforcement would refer that to the U.S. postal inspectors.

SENATOR HARRIS:

Is the problem that U.S. postal inspectors are not responding when law enforcement calls something into them?

Ms. SCHMIDT:

It is not that inspectors are not responding but that the U.S. Postal Service does not have enough inspectors to cover the State. There are a lot of victims, and law enforcement cannot do anything for those victims. Senator Harris may not have heard, but only a handful of U.S. postal inspectors cover the northern part of the State and have jurisdiction over northern California also.

SENATOR HARRIS:

Have there been any discussions between law enforcement agencies and the U.S. Postal Service on attempting to address mail theft in some other way like a memorandum of understanding (MOU) or regulation aside from creating a State crime?

MR. MATHENY:

No, there have not been discussions about a formal MOU or anything of that nature. The result of A.B. 272 would be to plug that gap for mail theft crime that does not rise to a substantial federal interest or meet thresholds that prosecution needs. Smaller crimes of mail theft that do not include a financial component are chargeable in the State.

SENATOR HARRIS:

How many other states have laws similar to A.B. 272?

MR. MATHENY:

I believe 11 other states have state mail theft statutes, including our neighbors California, Oregon, Washington and Utah.

SENATOR HARRIS:

I mentioned the idea of an MOU or some agreement. If implemented, may that be a potential solution to closing this gap?

MR. MATHENY:

The issue is the threshold set by federal law. An MOU would not allow a federal crime to be charged in the State through a few dozen or hundred-some pieces of mail stolen. Therefore, an MOU would not plug the hole I am speaking of.

SENATOR HARRIS:

Does federal law have a higher threshold on the amount of mail stolen, or are we talking about how much mail has to be stolen to make it worth a federal prosecutor's time?

MR. MATHENY:

I cannot speak for the U.S. Attorney's Office in that regard. All I can say is federal thresholds determine whether the case will be pursued. The calculus of that threshold includes the number and type of victims, whether the crime is a sophisticated scheme by a criminal enterprise or gang-related, the volume of mail theft, method used and other things of that nature. I cannot speak to the exact number of pieces of mail or what components go into that threshold.

SENATOR HARRIS:

My question was more about whether that calculus is in statute where we shall consider these factors or if it is at the prosecutor's discretion.

MR. MATHENY:

To answer your question specifically, it is by the prosecutor's discretion and not in statute.

SENATOR OHRENSCHALL:

Mr. Matheny, could you provide the Committee with statistical data on the amount of mail theft? I would like to know any recent statistics in the last year or past years on the amount of mail thefts the postal inspector's office has investigated either in southern Nevada or Statewide. How many of those referrals to the U.S. Attorney's Office for prosecution led to a prosecution versus did not?

MR. MATHENY:

No, I do not have access to that data right now. One important thing to remember about mail theft is that in many instances, it goes completely unreported or unnoticed by victims. Therefore, the scale of the problem is not accurately reflected in either State or federal charges prosecuted and declined for prosecution. The mail theft problem in Nevada is quite large and much larger than would be reflected by data.

SENATOR OHRENSCHALL:

I would be interested in any data on how many referrals for prosecution were made from the postal inspection office.

ASSEMBLYWOMAN MONROE-MORENO:

We have talked a lot about larger organized crimes, but we need to think about it like an incident that happened to a senior citizens community in my district. The residents of the community saw a gentleman at the mailboxes who looked like a mail carrier delivering mail. The victims did not know until the next month that credit cards or important mail had been taken because the person at that mailbox had dressed up to look like a U.S. Postal Service employee. The residents did not report it to the police because they did not know they were victims of mail theft until much later.

When senior citizens are on a fixed income, someone deprives them by taking their information and entire life savings because they are caught unaware. I want the Committee to think on both a small and large scale because on that small scale where someone has \$5,000 taken through mail theft, all that person may have is \$6,000. Sometimes, it is that organized of a crime where criminals go through all those mailboxes and the \$5,000 issue adds up, along with people's lives being interrupted and devastated.

That is my reason for bringing A.B. 272. As a former law enforcement officer at a corrections facility, I saw people incarcerated for crimes they had not committed. Others who stole their identities committed the crimes and the victims had to go through a lot to prove it was not them because their identity was stolen through mail theft.

CHAIR SCHEIBLE:

I am struggling to think of a case on a small scale where prosecutors would have another prosecutorial tool like theft, embezzlement, possession of personal

identifying information or impersonating another person. All I can think of is somebody broke into my mailbox and all that person got was Bed Bath & Beyond coupons. I have not lost anything financially. If I called LVMPD and said, "Hey, someone stole Bed Bath & Beyond coupons from my mailbox," A.B. 272 would fix that gap of the person who cannot be prosecuted right now.

People should not be breaking into mailboxes regardless, but I do not see a proliferation of missing Bed Bath & Beyond coupons; I want to understand the victim who is falling through the cracks because it is not possession of personal identifying information, not theft, not fraud and not embezzlement—but it is mail theft.

Ms. SCHMIDT:

When someone opens the mailbox by either breaking in or using a key, the intent is not to get the Bed Bath & Beyond coupons; he or she is looking for personal identifying information and credit cards to use that come via mail. That criminal just got unlucky with you, but the intent is to steal something of value.

CHAIR SCHEIBLE:

That makes sense. You are saying there are enough instances where people see others in the act of breaking into a mailbox and are prevented from having law enforcement respond to stop a crime in progress because no law prevents the criminalizing behavior of mail theft: NRS only addresses the results of that crime.

Ms. SCHMIDT:

At LVMPD, we are getting a lot of crimes captured on the Ring Video Doorbells because people will go out in the morning and see the mailbox pried open. The instance Senator Stone mentioned, is common in large apartment complexes and communal living communities where repeated mail theft crimes occur because the potential to get something of value is so high. That is where mailbox keys come in as they do not have to damage the community mailbox. I have seen someone in my neighborhood I thought was a genuine contracted mail carrier but not in uniform and found out weeks later that person stole the mail that day.

CHAIR SCHEIBLE:

What was the thought process behind casting this wide net as opposed to creating thresholds to target criminalized mail theft organizations on a large or

medium scale that are consistently breaking into mailboxes, even if they fail and get old coupons or fake credit card offers? What was the calculus to land on this method instead of pursuing mail theft rings?

Ms. SCHMIDT:

Given the crime rings you are talking about, the LVMPD would call the postal inspectors who would respond. With so many instances of people becoming victims of mail theft, A.B. 272 looks to capture and assist in rural jurisdictions that do not have postal inspectors who can come out.

DREW FRANKLIN (Nevada Sheriffs' and Chiefs' Association):

We support A.B. 272. Mail theft continues to be a significant challenge for law enforcement throughout the State, leaving behind a tremendous negative impact on those victimized. Mail theft often leads to identity theft, account takeovers and credit card fraud among other crimes. Victims often face severe credit damage and spend months or years fixing the damage done. This bill gives local law enforcement the ability to go after mail thieves with local charges rather than relying on postal inspectors who are often stretched thin attempting to cover a large territory to investigate. This is especially challenging in the rural counties in Nevada because a postal inspector is not able to make it to some locations. This local problem affects the citizens and businesses of Nevada.

JOHN JONES, JR. (Nevada District Attorneys Association):

We support A.B. 272. The amendment, Exhibit C, strikes some language that references personal identifying information because that is its own statute.

Senator Nguyen asked why we cannot always prosecute possession of personal identifying information in every case. A generic way of defining personal identifying information is basically any information that can be used to identify a person. If someone possesses that information, prosecutors have to show that the accused had a purpose of establishing a false status, occupation, membership, license or identity for oneself or somebody else which would be a Category E felony. If the accused had the intent to commit financial crimes while possessing the personal identifying information, then the penalty is enhanced.

In the case of unopened mail when not clear what is in the envelopes, the individual would have the argument of, "How could I be establishing a false identity when I did not know what was inside the envelopes?" That is the issue

we are running into on that specific set of circumstances. Assembly Bill 272 allows district attorneys to prosecute those possessing mail who know or reasonably should know that the mail was unlawfully taken or obtained in a fact-specific scenario. If someone has lots of mail with many different names, that would be evidence on the fact he or she should have known it was unlawfully taken.

NICK SCHNEIDER (Vegas Chamber):

We support A.B. 272, especially for small and micro-sized businesses. Mail theft represents a risk not only to revenue but to businesses' reputations.

JASON WALKER (Washoe County Sheriff's Office):

We support A.B. 272. Mail theft comes up quite often in Washoe County, and there is no NRS to charge criminals for possession of stolen mail, unlawful access to mailbox keys or community mailboxes.

MIKE CATHCART (City of Henderson):

We support A.B. 272.

MELODY JUDILLA (Silver State Voices):

We support A.B. 272 and submitted testimony ([Exhibit D](#)). Every day the U.S. Postal Service and private mail carriers handle sensitive information, including ballots during election cycles. While the majority of mail is successfully delivered to its intended recipients, mail theft remains a significant issue which can lead to serious consequences for individuals and businesses. In Nevada last October, the LVMPD northwest area command issued a warning via Twitter stating,

Mail theft is once again on the rise. Thieves are going after mail-in ballots, credit cards, etc., so please pick-up your mail ASAP every day!

Mail theft is already a serious concern, but it is especially troubling during election cycles. In the 2022 general election, over 50 percent of Nevadans voted via mail ballots. Assembly Bill 272 is a positive step toward addressing these concerns.



MARY RAMOS (All Voting is Local):

Our organization exists to expose and dismantle threats to our freedom in order to make voting, safe, fair and accessible for all voters. This local action group is a member of the Let Nevadans Vote Coalition, an organization composed of voter organizations. It is concerning that our State lacks a mail theft statute to prosecute those responsible for such crimes. Mail theft, as stated throughout the presentation, can have negative consequences and could result in identity theft, financial losses and legal disputes. While there have been no recorded incidents of ballots being stolen, we believe that A.B. 272 will provide added protections for mail-in ballots to ensure they are received by the intended voter. This policy proposal is necessary to bring some peace of mind and discourage bad actors from committing these crimes. We support A.B. 272.

ARIA FLORES (Let Nevadans Vote Coalition):

We support A.B. 272. This bill serves as a vital step toward safeguarding the democratic process and protecting the rights of our citizens. The consequences of mail theft, particularly when it targets mail-in ballots, are far-reaching and profoundly impact our democracy by tampering with mail-in ballots. Perpetrators aim to undermine the voices and choices of individuals, effectively silencing their votes. This not only robs citizens of their rightful participation but also erodes public trust and confidence in the integrity of the electoral system. Assembly Bill 272 addresses this urgent issue by recognizing the severity of mail theft, proposing measures to combat it effectively and ensuring that those who commit mail theft face consequences by reinforcing penalties for the intentional and willful destruction, damage or theft of mail. The bill sends a strong message that these acts will not be tolerated.

DAELA GIBSON (Let Nevadans Vote Coalition):

We support A.B. 272.

CHAIR SCHEIBLE:

The Committee has received one letter ([Exhibit E](#)) in opposition to A.B. 272. I will close the hearing on A.B. 272 and move into the Senate Judiciary Committee's work session beginning with A.B. 35.

**[ASSEMBLY BILL 35 \(1st Reprint\)](#)**: Revises provisions governing the access of offenders to telecommunications devices. (BDR 16-261)

Senate Committee on Judiciary  
May 11, 2023  
Page 18

PATRICK GUINAN (Policy Analyst):

Assembly Bill 35 was heard by the Committee on May 3, 2023, and is summarized with the amendment on the work session document ([Exhibit F](#)).

SENATOR OHRENSCHALL MOVED TO AMEND AND DO PASS AS AMENDED A.B. 35.

SENATOR NGUYEN SECONDED THE MOTION.

SENATOR STONE:

I received several emails on A.B. 35 and want to clarify for the record that these devices are not being provided to inmates at taxpayer expense. These devices are in 40 out of 50 states, and inmates will not have unfettered access to the Internet, only to websites approved and monitored by staff within the prison system. This will allow them to link to certain educational modules, allowing a convict to leave prison with a bachelor's degree or some trade education. They also cannot just communicate with anybody they want, especially forbidden parties. Only people who are approved by the warden or prison officials can receive communications and are monitored the same as telephone calls are monitored by prison staff.

SENATOR KRASNER:

I received numerous emails on A.B. 35. I spoke to multiple people who said inmates do not have anything to do all day except spend their time doing something they should not be allowed to like rig up these devices to get Internet access because some inmates have easily rigged a child's Game Boy to get Internet access. Constituents said they had a real problem with giving free electronic devices to inmates. Why not give them to children in the rural communities? Constituents also said they did not like the idea of helping people who were incarcerated for felonies to get bachelor's degrees and had concerns about inmates finding a way, maybe through a third-party call, to harass a victim or a witness. For all these reasons, I will be voting No.

SENATOR OHRENSCHALL:

I support A.B. 35 with the amendment. The Committee heard a lot of testimony about the potential not only for inmates to make progress toward their education but also receive therapy. We have all seen commercials that talk about people being able to see a therapist through the Internet on an application to help some inmates. We heard testimony about inmates who are physically

not well enough to leave their cell but may have therapy sessions and even perhaps telemedicine. There was a lot of testimony from Director James Dzurenda about supervision over these devices. If our goal is to see folks who are incarcerated serve their sentence or be released on parole and become successful, these devices will help inmates with education and telemedicine therapy. There are a lot of positive things that will help lead inmates to be successful and not end up back in a Nevada Department of Corrections facility.

SENATOR NGUYEN:

I echo my colleagues in their support of A.B. 35 as well. I see this as a correctional officer safety issue by putting them at less risk because inmates are getting the resources, therapy, educational training and using their minds for something positive. The bill is promoting inmates to not get into trouble, fight and put our officers who are already overworked and understaffed in our prison systems at risk. For those reasons and statements made, I support A.B. 35.

SENATOR DONDERO LOOP:

I am going to put the education spin on it because I worked for a company that had a literacy product that helped K-12 students increase their literacy skills and be able to read news articles. Many people in the prison system may gain some knowledge and get their GED. There are all kinds of opportunities to get educational skills so when inmates get released, they can go into another profession rather than the one they were in. I suggest that these are helpful in the education space, and it is important those inmates have that opportunity.

THE MOTION CARRIED. (SENATOR KRASNER VOTED NO.)

\* \* \* \* \*

MR. GUINAN:

The next three bills in the work session have no amendments: A.B. 17, A.B. 68 and A.B. 183.

ASSEMBLY BILL 17: Revises provisions relating to penalties for driving under the influence of alcohol or a controlled substance. (BDR 43-465)

ASSEMBLY BILL 68: Revises provisions governing the assessment imposed on certain counties for the operation of a regional facility for the treatment and rehabilitation of children. (BDR 5-438)

**ASSEMBLY BILL 183 (1st Reprint)**: Revises provisions relating to the protection of children from commercial sexual exploitation. (BDR 5-321)

The respective bill descriptions are in work session documents ([Exhibit G](#), [Exhibit H](#) and [Exhibit I](#)).

SENATOR STONE MOVED TO DO PASS A.B. 17, A.B. 68 AND A.B. 183.

SENATOR OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHEIBLE:

That concludes our work session, and I will open the hearing on A.B. 275.

**ASSEMBLY BILL 275 (1st Reprint)**: Revises provisions governing the sealing of criminal records. (BDR 14-204)

ASSEMBLYWOMAN MELISSA HARDY (Assembly District No. 22):

Assembly Bill 275 revises provisions governing the sealing of criminal records relating to victims of sex trafficking. Early in my time as a lawmaker, I had the opportunity to hear the stories of victims whose bravery and strength astounded me. I was struck by some of the more modern inconveniences visited upon them as they work to build new lives.

Last Session, I worked on A.B. No. 113 of the 81st Session which extended the statute of limitations for prosecution of sex trafficking crimes. It is my belief that good policy knows no party affiliation, and we can tackle these issues as lawmakers with no daylight between us. In preparation for the Eighty-second Legislative Session, I wanted to build on the work that I had done in this area in 2021. I worked with several coalitions to discuss and determine what policy recommendations would be beneficial and what advocates wanted to see brought forward; A.B. 275 is a result of that.

Section 1, subsection 9 creates the provision:

... no fee may be charged by any court or agency of criminal justice in this State related to a petition for the sealing of records pursuant to this section if, at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300.

During the Assembly bill hearing, questions were asked regarding the victim of sex trafficking making a statement. This is reflected in the first reprint in section 1, subsection 2, paragraph (e):

If applicable, include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300.

To give the Committee some context, it is estimated that 3.8 million adults and 1 million children are trafficked for forced sexual exploitation per year. That is larger than the entire population of Nevada. Of those statistics, women and girls are disproportionately affected by human trafficking representing more than 70 percent of all victims. According to the U.S. Department of State, there are as many as 27.6 million victims worldwide at any given time. The number of perpetrators facing punishment for this crime increases every year, but the number of victims show less fluctuation. Many of the victims may not have homes or communities to return to and need necessities like food and clothing.

Their trauma is prolonged. Resulting disabilities of post-traumatic stress disorder, anxiety, depression, alienation, disorientation, aggression and more psychological disturbances are common. These victims have been robbed of their confidence and self-worth. The road to recovery is long and largely unimaginable for those who have not lived it. As a society, we are learning more every day, but much work remains. Assembly Bill 275 is one step down that path toward justice for victims.

LEISA MOSELEY-SAYLES (Fines and Fees Justice Center):

I have had the opportunity to work closely with people who have fees levied against them in the criminal legal system for various crimes including sex trafficking. The Fines and Fees Justice Center has seen firsthand what fees can

do to people who are trying to get their life back on track as many victims of sex trafficking are working to do today. Fees in the criminal legal system present all kinds of obstacles as Assemblywoman Hardy mentioned.

Criminal records can prevent individuals from getting jobs and housing in many cases. Prior to 2013, Nevada had no laws related to sex trafficking. Anyone accused or suspected of engaging in illegal sex work was turned over to federal law enforcement for prosecution; unfortunately, that included people who were being trafficked. The result of that is that many people who are victims now have criminal records. Though Nevada now has stricter laws to protect people, particularly women, girls and also boys who have been victims of sex trafficking are victims again who have criminal records.

Recently, Nevada has committed resources. We have task force grant funding coming into the State, going to law enforcement and all kinds of educational and community resources, educating people on the perils of sex trafficking. We are making great strides to end this practice and to stave off as much as possible. The last piece of that is working with victims who would like to get their records sealed and get their life back on track. Unfortunately, there are some high fees that we can talk about. If you have questions about what those fees look like, we do have some of that information.

SENATOR STONE:

I looked at some of the fees being waived that range anywhere from \$45 to \$100. That is a small price to pay to give these victims a clean foot forward. If a trafficker is being convicted and the name of the victim is brought into a court case where the trafficker is ultimately convicted, would A.B. 275 allow for the redaction of the victim's name in the court reporting of the convicted trafficker's case? With Google searches, anyone can still find references to these poor souls being trafficked. I am just wondering if that was a possibility because I worry about victims' identities being muddied up when they should not be.

Ms. MOSELEY-SAYLES:

I do not know if A.B. 275 will address that. That would be a better question for the attorneys who work on record sealing. For victims of sex trafficking who have a criminal record during that time, A.B. 275 gives them the ability to apply to have the fees associated with criminal record sealing waived.

SENATOR STONE:

I want to protect these victims as much as I can. If there is another way to protect them, it might be for a future bill. But I want to know if we can protect sex trafficked victims' names from being released in court cases as well.

CHAIR SCHEIBLE:

Nevada does have a series of statutes that protect the names of victims who are under the age of 18 and victims of sexual offenses. Therefore, their names are not printed in records like a criminal complaint or judgment of conviction. Nothing is perfect and the Internet still complicates this, but Nevada has laws in place intended to protect victims from exactly what Senator Stone mentioned of a simple search on Google, Facebook or another search engine.

CAITLIN GWIN:

I represent a group of survivors of human trafficking sex workers, researchers and resource providers. We support A.B. 275. The amendment added to section 1, subsection 2, paragraph (e) allowing petitioner survivors to self-certify will allow survivors to take control over their own stories and give them an opportunity for a fresh start after an arrest and being trafficked.

I have some data for the Committee from the Nevada Department of Public Safety. From 2014 to 2022, the number of prostitution-related arrests was 15,032 and the number of trafficking-related arrests was 337 in Nevada. This means that law enforcement's primary tool against fighting human trafficking is arresting sex workers and victims of human trafficking. The best way to ensure that victims are not forced back into coercive situations is to ensure that they have a clean record so they can access housing, employment, other resources and opportunities. This self-certification is essential because in most cases, there is no evidence to show that these people were victims beyond their own testimony. It is extremely important that we have this tool.

ERICA ROTH (Washoe County Public Defender's Office):

I echo the comments of Ms. Gwin. My clients are victims of sex trafficking, and the system is criminalizing them. Although we have moved away from prosecutions directly related to sex work, we are still prosecuting them for many related crimes and that can include theft in living from the earnings of a prostitute. This is an important first step in ensuring that women or people who have been victims of sex trafficking are given a clean slate and able to move forward. As these conversations continue to happen, I hope that we have a

larger conversation about how penalties and increasing penalties generally are affecting victims of sex trafficking specifically. We support A.B. 275.

JOHN PIRO (Clark County Public Defender's Office):

We support A.B. 275. We have been working on record sealing since 2017 in this Body. We have made great strides, and this is just another step in the right direction. To Senator Stone's point, we will have to have a conversation both nationally and Statewide about what can be done regarding Internet things that never go away because we want them to have a fresh start.

MR. JONES:

The Nevada District Attorneys Association supports A.B. 275.

JIMMY LAU (Dignity Health-St. Rose Dominican):

We proudly support efforts to assist people who have been victims of sex trafficking. Part of our mission-driven advocacy is addressing social determinants of health. The most important thing for folks who have been victims of sex trafficking is getting their lives back on track. We support A.B. 275.

KIMBERLY HARVEY (Nevada Policy Council on Human Trafficking):

We support A.B. 275. This bill demonstrates support for victims and survivors by reducing a small part of the unnecessary trauma and financial burden they might encounter throughout their journey.

ASSEMBLYWOMAN HARDY:

It would be naive to assume that the small steps we take here in this building will end the scourge of human trafficking. But we do have a flashlight, and we can shine that straight into the darkness, illuminating small acts of compassion and the way forward for victims.



Senate Committee on Judiciary  
May 11, 2023  
Page 25

CHAIR SCHEIBLE:

I will close the hearing on A.B. 275 and adjourn the Senate Judiciary Committee meeting at 3:21 p.m.

RESPECTFULLY SUBMITTED:

---

Blain Jensen,  
Committee Secretary

APPROVED BY:

---

Senator Melanie Scheible, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
A.B. 272	C	3	Assemblywoman Daniele Monroe-Moreno	Proposed Conceptual Amendment
A.B. 272	D	16	Melody Judilla / Silver State Voices	Support Testimony
A.B. 272	E	17	Senator Melanie Scheible	Opposition Letter from Jesse Law
A.B. 35	F	18	Patrick Guinan	Work Session Document
A.B. 17	G	20	Patrick Guinan	Work Session Document
A.B. 68	H	20	Patrick Guinan	Work Session Document
A.B. 183	I	20	Patrick Guinan	Work Session Document