

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

**Eighty-Second Session  
March 22, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 9:02 a.m. on Wednesday, March 22, 2023, 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/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Brittney Miller, Chair  
Assemblywoman Elaine Marzola, Vice Chair  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblywoman Lesley E. Cohen  
Assemblywoman Venicia Considine  
Assemblyman Ken Gray  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblywoman Selena La Rue Hatch  
Assemblywoman Erica Mosca  
Assemblywoman Sabra Newby  
Assemblywoman Shondra Summers-Armstrong  
Assemblyman Toby Yurek

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Danielle Gallant (excused)  
Assemblyman David Orentlicher (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Jill Dickman, Assembly District No. 31



**STAFF MEMBERS PRESENT:**

Diane C. Thornton, Committee Policy Analyst  
Bradley A. Wilkinson, Committee Counsel  
Devon Kajatt, Committee Manager  
Traci Dory, Committee Secretary  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual  
Violence  
Julia Villalpando, Private Citizen, Reno, Nevada  
Adam Cate, Deputy District Attorney, Washoe County District Attorney's Office; and  
representing Nevada District Attorneys Association  
Casey Rodgers, Private Citizen  
Leslie Quinn, Private Citizen

**Chair Miller:**

[Roll was called. Committee protocol was explained.] We will begin with two Committee bill draft request (BDR) introductions.

The first is BDR 41-978 and I will take a motion to introduce.

**BDR 41-978**—Revises provisions relating to interactive gaming. (Later introduced as [Assembly Bill 380](#).)

ASSEMBLYWOMAN MARZOLA MOVED TO INTRODUCE BILL  
DRAFT REQUEST 41-978.

ASSEMBLYMAN YUREK SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN GALLANT AND  
ORENTLICHER WERE ABSENT FOR THE VOTE.)

The next one is BDR 13-302 and I will take a motion to introduce.

**BDR 13-302**—Revises provisions governing guardianship. (Later introduced as [Assembly Bill 381](#).)

ASSEMBLYWOMAN NEWBY MOVED TO INTRODUCE BILL DRAFT REQUEST 13-302.

ASSEMBLYWOMAN CONSIDINE SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN GALLANT AND ORENTLICHER WERE ABSENT FOR THE VOTE.)

We have one bill on our agenda this morning. I will now formally open the hearing on [Assembly Bill 356](#), presented by Assemblywomen La Rue Hatch and Dickman.

**[Assembly Bill 356](#): Enacts provisions relating to mobile tracking devices. (BDR 15-1007)**

**Assemblywoman Jill Dickman, Assembly District No. 31:**

I appreciate this opportunity to come before you and present [Assembly Bill 356](#).

**Assemblywoman Selena La Rue Hatch, Assembly District No. 25:**

I am excited to be on the other side of the dais this morning. We have Serena Evans with the Nevada Coalition to End Domestic and Sexual Violence as a third copresenter this morning.

**Assemblywoman Dickman:**

I wanted to provide a bit of background on why I came to request this bill [[Exhibit C](#)]. As many of you know, recently, a number of elected officials have been victims of a serious invasion of privacy, having been targets of unwarranted global positioning system tracker placement. They have had devices placed on their vehicles and some family members' vehicles. In a time where threats and harassment of public officials and their families have become more common, the placement of these mobile tracking devices is a violation of privacy, but it also brings distress, fear, and potential danger to the victim.

Although this issue has made headlines recently, it can impact anyone. Stalking-related incidents due to technology are on the rise. It is estimated that 14 percent of stalking victims were tracked with an electronic device. When I read about these incidents happening in Nevada, I was appalled to learn that it is not a crime. In this day of advancing technology and the low cost of new technologies, the use of these devices is becoming more and more prevalent, and this can easily happen to anyone. Tracking devices can remain active for months and even years without being detected.

**Assemblywoman La Rue Hatch:**

I was also disturbed by these headlines, but I was more disturbed to learn that this was not a crime because I think this is, for me, not just about the elected officials that were seen in the headlines, but the individuals who are victims of stalking, harassment, and domestic violence. It really concerned me that there really was no recourse for those victims. As someone who is concerned with privacy for all Nevadans, I asked to be a part of this. I think it is really important that this is a bipartisan bill. It is sponsored by leadership in both parties. We are here presenting together because we think that this is an issue for all Nevadans.

I would like to take a moment and just go through the bill. It is a short bill, which is a nice change of pace. Essentially, we have section 1 which makes it a crime to install a mobile tracking device on the vehicle of someone without their knowledge and consent [page 3, [Exhibit C](#)]. You will notice that there is an amendment [[Exhibit D](#)] that takes out paragraphs (b) and (c) of section 1, subsection 2. That is because we wanted this to be a clean bill. We wanted it to be about harassment and stalking abuse. Those other things are covered in other *Nevada Revised Statutes*, which are cited in the amendment. We can absolutely direct you to those if you want.

We wanted to make clear this is about installing mobile tracking devices without consent [page 3, [Exhibit C](#)]. It does not change existing law on fleets, leases, rental cars, or anything like that. This is the crime of tracking someone without their knowledge. I will pass it to my colleague to talk about some recent headlines.

**Assemblywoman Dickman:**

I do not want to get into too many details of what happened, but I think most of you are familiar with what happened with Reno Mayor Hillary Schieve [page 4, [Exhibit C](#)]. She had some problem with her car and took it to a mechanic. The mechanic found this device, and she was horrified. She is a single woman. We can only guess what the reasons were, but she was running for election. We believe the people who were supporting her opponent put it on, and the mayor is pursuing civil litigation to find out for sure who is behind it.

Then Washoe County Commissioner Vaughn Hartung, through discovery and getting the data from the mayor's tracker, found that a tracker had also been on his vehicle. They went into the details of that one to the point where they found when the person was in his driveway and put it on his car. It was 3 a.m., and that tracker was on his car for seven months. But actually, it turned out it was the wrong car, it was his wife's car that they put it on, and his daughter uses that car. They were followed to a baby shower because they were trying to figure out who lived at this address and then they remembered. It is incredible what happened, and it can happen to any of us.

**Assemblywoman La Rue Hatch:**

In addition to the headline news, we have Serena Evans with us today to talk about the everyday issues that are facing victims of harassment or domestic violence.

**Serena Evans, Policy Director, Nevada Coalition to End Domestic and Sexual Violence:**

When I was asked to join and talk about this bill and the impact that it would have for victim survivors, I immediately reached out to our direct service providers statewide to hear about the effects that this bill would have directly on the clients that they serve. As I sit before you today, I would like to share with you three of the horrifying stories that I received back.

One system-based advocate shared that several years ago she had a client whose case was not taken seriously because it seemed unlikely that she was being followed along with her minor children. Many times, she would find her perpetrator following her in the car, including for out-of-area, non-routine car trips. Whenever the police were called, he disappeared. The victim survivor took the initiative to have her car searched for tracking devices. It took a diligent detective and specially trained police department tech personnel to find the tracker. When the perpetrator was finally arrested, multiple trackers were found inside the vehicle. This advocate shared the significant trauma this victim survivor and their children experienced and how terrorized, and unfortunately, unbelievably they felt.

Another executive director of a southern Nevada program shared that a handful of victim survivors at their confidential shelter location have been found due to vehicle tracking devices. Another advocate shared that one abusive partner came to the shelter and took the victim survivor's vehicle because they had an extra set of keys despite the title and ownership of the bill lying with the victim survivor. This particular victim survivor's job required traveling during their workday, and so by taking the car, this perpetrator was deliberately inflicting fear, asserting power and control, and sabotaging the victim survivor's employment and financial stability.

These stories are just a few of many, but they are not uncommon. Abuses founded on creating power and control and perpetrators of domestic violence and stalking are particularly strategic and cunning. We believe that bills like this, to intervene with predatory abuser's ability, are necessary because perpetrators should not be allowed to keep tabs on their victim survivors.

**Assemblywoman Dickman:**

As you can see on this slide [page 6, [Exhibit C](#)], 26 states have implemented laws to address this. A lot of them are tied to their stalking laws. I found this appalling especially when I heard those stories. I think it is just past time for Nevada to join the other states that have begun prohibiting this placement of vehicle trackers on cars. Commissioner Hartung was told that if his wife had taken her car into California, it would have been a felony. We are starting with a first offense is a misdemeanor, second offense is a gross misdemeanor, and the third offense is a category C felony. I would have liked to see a little higher penalty, because I am not sure a misdemeanor is a deterrent.

**Assemblywoman La Rue Hatch:**

Those are the punishments that came back from Legislative Counsel Bureau's Legal Division, but we are obviously open to the Committee's discretion on what you think is appropriate. I think the importance here is we wanted to establish this as a crime because it is not in statute currently. With that, we are open for questions.

**Chair Miller:**

Are there any questions from Committee members?

**Assemblyman Gray:**

Would this bill prohibit the parent of a child living in their home who may own their own car regardless of age, prevent them from tracking that car?

**Assemblywoman La Rue Hatch:**

I have had that question come up before from parents. I would say that it says, without the knowledge or consent. I think I, as a parent, would talk to my child about that so they know why I am doing that and what the purpose is. Maybe that is not everyone's parenting style. I am not sure if this would prohibit that. I think that would be a question for Legal counsel.

**Chair Miller:**

Clearly, you were not my mother; but clearly, we have some different parents. I am sure that Legal will respond to the question. Not to be cliché, but my money, my rules, my house. I think we can ask Legal that specific question too, because in most cases, it is going to be the parent who is paying for the car, that car is in the parent's name, the insurance is in their names. This is a completely different situation just like children with their cell phones. There are certain parental securities we can put on our cell phones and on cable and most certainly our cars, but we can follow up on that as well.

**Assemblyman Gray:**

Not a question. I would also submit to you that if you got to put a tracker on your kid's car, they are probably not going to consent to it or they will take it off.

**Chair Miller:**

Legal responded that the crime is placing a device on someone else's motor vehicle. A parent could not place the tracker on an adult child's motor vehicle that is owned by the child.

**Assemblywoman Dickman:**

Thank you for getting that clarification because that is how I understood it to work, but I am not a lawyer.

**Chair Miller:**

I think that is pretty basic: not an adult child's motor vehicle that they own.

**Assemblywoman Hardy:**

I agree. I was quite surprised following those stories you mentioned, and we all have a right to privacy. It is quite disturbing that this would happen. I think you might have mentioned it, but would it apply to an elected official, anyone in their household, or anyone in general? Is it any vehicle that they put a tracking device on that is owned by the people in that home?

**Assemblywoman La Rue Hatch:**

This is for everyone. Anyone who has a tracker applied to them without their knowledge or consent. It does not have to be an elected official. It could be any member of any family. You cannot apply a tracker to someone else's vehicle without their knowledge or consent.

**Assemblywoman Dickman:**

The only reason the story of "elected" has even come into this is because that is how we learned about this happening. It was just appalling. We all wanted to go check our cars. It would apply to everyone.

**Assemblywoman Cohen:**

My questions are probably more for Legal. In section 1, subsection 1, I am a little concerned or I want to make sure that we are clear about the last couple of lines, beginning at line 6, "or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle." Maybe Ms. Evans can talk to this as well as Legal. When we are talking about people who are either in a domestic relationship or married, oftentimes the car is in both names or in one name, but the other person is using it. Do we have an issue with spouse "A" who technically owns the car or it is in both names or community property, so it does not matter whose name it is in, but spouse "B" is the one driving it? How would this law impact that?

**Assemblywoman Dickman:**

Unfortunately, no, I do not believe it would, and I am not sure how we change that.

**Assemblywoman La Rue Hatch:**

I think obviously our intent is to protect victims, and you are right, they might not have their name on the vehicle. I would defer to Legal if there is any clarifying language that we may need to add to protect that.

**Assemblywoman Cohen:**

My next question would be about the penalty section. I want to make sure that when we are talking about offenses, that it does not have to be against the same person. If you have tracked three different people, are we still saying you are eligible, or does it just have to be three offenses against one person? Is there a timeline if it is three offenses but it has happened over ten years? Are you still eligible for the felony?

**Assemblywoman Dickman:**

Well, my intent would be three issues, not just with the same person, but we may need language to clarify that.

**Chair Miller:**

Legal has already responded. You may not see him, but he is everywhere and all knowing. He will be back with us after deadline. To that specific question, it does not have to be the same victim and there is no time limit. To Assemblywoman Cohen's first question about marriage and the relationship, you were correct; it would not be prohibited under those marital circumstances. If that is a desire to find language, we can talk about that later.

**Assemblywoman Newby:**

I understand that this bill deals with the tracking of a vehicle, but I understand that an even larger issue is the installation of tracking software on phones that can actually report to a stalker or abuser what transpires on the phone, the location of the phone, et cetera, and sometimes that software is not able to be detected by the owner or user of that phone. Is that something that you also have looked into? Can we hear a little bit more about provisions perhaps that you are aware of? It is fine if you are not aware of any.

**Assemblywoman Dickman:**

I have not looked into that. For me, this was all about getting vehicle trackers as a crime in our statutes, but I agree with you that that is another issue. I did not want to complicate the bill too much.

**Assemblywoman La Rue Hatch:**

I agree, there is more work that needs to be done. We wanted to start with this because we felt like this was a pretty glaring hole in the statute that we needed to fill. I think both of us are privacy advocates. I have a data privacy bill coming, and Assemblywoman Dickman has a data privacy bill. Those are topics we are interested in and are pursuing in other legislation.

**Assemblyman Gray:**

I like the intent of this bill. I am just kind of worried that we are maybe throwing the baby out with the bathwater. What if somebody is conducting a legitimate cold case investigation or something, where they do not feel law enforcement is doing it, and the family has hired a private investigator to track the movements of a potential suspect hoping they will lead them to some evidence or something along those lines. We all see the true crime stuff on television these days and it is one in a million, but it is a tool that is used.

**Assemblywoman Dickman:**

They are going to have to do it the old-fashioned way because private investigators are the ones who have really abused this along with people victimizing. We did it before there were tracking devices, and that would just be my opinion on that.

**Assemblywoman La Rue Hatch:**

There is a provision to carve out law enforcement in their legal pursuits. The cases that we mentioned with our local Washoe County officials was a private investigator who was hired to do that. Our concern is that private investigators are being hired to track individuals without their consent and knowledge. While I think your question is coming from a good place, I think that they have been abused, as my colleague said, and that is our concern.



**Chair Miller:**

It does state in the bill that law enforcement with a warrant or court order can legally do that. Not seeing any other questions from Committee members, I will open it up for testimony in support of Assembly Bill 356.

**Julia Villalpando, Private Citizen, Reno, Nevada:**

I am a part of the team at Tu Casa Latina, and I am a social work student intern collaborating with the Nevada Coalition to End Sexual and Domestic Violence in support of Assembly Bill 356. At Tu Casa Latina, we work with victims of domestic violence, sexual assault, and human trafficking. The cases that come across our door are victims that have been followed by their perpetrators or stalkers. They are terrified. These survivors do not know or understand that they have a right to their privacy. Comments such as, I do not know how he/she found me; I cannot hide; he/she finds me no matter where I am at, are all too common. Survivors are led to believe that no one will believe them, and in some cases that may be true. Comments such as, you are overthinking things or you are just imagining things, can add to the trauma our survivors are already trying to process.

In addition, most of the survivors that Tu Casa Latina assists are part of our underserved and undocumented community already experiencing other forms of trauma and issues of equity. Allowing the installing, concealing, or otherwise placing of a mobile tracking device to follow, monitor, stalk, or harass another person not only adds to the trauma victims or survivors are already living and experiencing, it also provides their perpetrators and abusers the power to use their undocumented status as a threat and manipulation tool to not report the abuse or crime because they have the power to locate them no matter where they go. I thank you for your time and for listening to what we have to share with you as we continue to provide a voice for our community.

**Adam Cate, Deputy District Attorney, Washoe County District Attorney's Office; and representing Nevada District Attorneys Association:**

We are in support of the bill. We did have one little minor issue just reading the language, I promise.

**Chair Miller:**

Are you in support?

**Adam Cate:**

Yes.

**Chair Miller:**

Then you have no minor issue.

**Adam Cate:**

We spoke with the presenters, and they are in agreement with us.

**Chair Miller:**

So that is in the past and it is going to be worked on and we are not discussing it. I just need to hear you are in support of the whole hundred percent of whatever you agreed on.

**Adam Cate:**

In support of the whole thing. They just did not discuss what it was, and I wanted to bring it to your attention.

**Chair Miller:**

Are you talking about the amendment?

**Adam Cate:**

Yes.

**Chair Miller:**

We have got the amendment. You are back to a hundred percent, right?

**Adam Cate:**

It is a slightly different amendment from the one that you have.

**Chair Miller:**

Okay. Are you in support of the bill as it is presented?

**Adam Cate:**

Yes, with the suggestion that we have made, but I understand your position. We are in support of the bill.

**Chair Miller:**

Is there anyone on the phone who would like to testify in support?

**Casey Rodgers, Private Citizen:**

I am in support of this bill. I do not think you should be tracking anybody at any time for COVID-19 or anything else. I am in support of this bill.

[[Exhibit E](#) was not discussed during the hearing but was submitted in support of [Assembly Bill 356](#) and will become part of the record.]

**Chair Miller:**

Is there anyone who would like to testify in opposition?

**Leslie Quinn, Private Citizen:**

I am not sure if I should be calling in opposition or neutrality because while I do like [A.B. 356](#), I do not think paragraphs (b) and (c) should be in there. I am not sure how you want me to present neutral or opposition.

**Chair Miller:**

Ma'am, the two paragraphs you are referring to have already been amended out this morning.

**Leslie Quinn:**

Okay, I apologize. I did not know that.

**Chair Miller:**

No, that is okay. With those out, are you in support or opposition? We are in opposition testimony right now. I know it is tricky calling in.

**Leslie Quinn:**

There is so much to follow, and I am trying the best I can to read everything that is on there. I definitely support not being tracked. I do understand there are times when it needs to happen. As long as paragraphs (b) and (c) are gone, then I thought that it was already happening at the police level with the court order. I was just not sure why legislation would need to be put in place. That is maybe not just clear enough at this point. But I would support not being tracked. I would support A.B. 356 if it is only giving the court and police officers the authority to place a tracking device on a vehicle, but I did oppose paragraphs (b) and (c), but you said you took it out. Thank you for clarifying that and I appreciate you taking the time to explain that to me.

**Chair Miller:**

You are welcome and we will put your testimony in support. Is there anyone else who would like to provide opposition testimony? [There was no one.] Is there anyone who would like to testify in the neutral position? [There was no one.] I would invite the presenters back to the table for any concluding remarks.

**Assemblywoman Dickman:**

Thank you, members of the Committee for taking the time to hear this bill. I urge your support. The right to privacy is fundamental and this helps move us further down that road of keeping our privacy. I appreciate you.

**Assemblywoman La Rue Hatch:**

I will echo my colleague and thank you all for your time this morning.

**Chair Miller:**

Thank you both for bringing this forward. I will close the hearing on Assembly Bill 356. I will open it for public comment. [There was none.] I guess we have a little extra time this morning to get everything else done. We will see you all back tomorrow at 9 a.m. This meeting is adjourned [at 9:37 a.m.].

RESPECTFULLY SUBMITTED:

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Traci Dory  
Committee Secretary

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

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

**EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of a PowerPoint titled, "Prohibiting Mobile Tracking Devices AB356," presented by Assemblywoman Jill Dickman, Assembly District No. 31; and Assemblywoman Selena La Rue Hatch, Assembly District No. 25.

[Exhibit D](#) is an amendment to Assembly Bill 356, submitted and presented by Assemblywoman Jill Dickman, Assembly District No. 31; and Assemblywoman Selena La Rue Hatch, Assembly District No. 25.

[Exhibit E](#) is a letter dated March 22, 2023, submitted by Ron M. Aryel, Private Citizen, Reno, Nevada, in support of Assembly Bill 356.