

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

**Eighty-Second Session
April 4, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8 a.m. on Tuesday, April 4, 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.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Sandra Jauregui, Assembly District No. 41



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Cary Underwood, Director, Southern Nevada Counter Terrorism Center, Las Vegas
Metropolitan Police Department
Michael Dickerson, Chief Deputy District Attorney, Clark County District Attorney's
Office
Martin Fitzgerald, Private Citizen, Las Vegas, Nevada
Lisa Lynn Chapman, Disinformation State Manager, Battle Born Progress
Anthony Shafton, Private Citizen, Reno, Nevada
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las
Vegas Metropolitan Police Department
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County
District Attorney's Office; and representing Nevada District Attorneys
Association
Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association
Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe
County Sheriff's Office
Clinton Holeman, Private Citizen, Gardnerville, Nevada
Vivian Leal, Private Citizen, Reno, Nevada
Janine Hansen, State President, Independent American Party
Lynn Chapman, State Vice President, Nevada Families for Freedom
Casey Rodgers, Private Citizen, Minden, Nevada
Melissa Clement, representing Nevada Right to Life
Richard Nagel, Private Citizen, Carson City, Nevada
Joy Trushenski, Private Citizen, Carson City, Nevada
Susan Ruch, Private Citizen, Carson City, Nevada
Wiz Rouzard, Private Citizen, Las Vegas, Nevada
Anthony Lambert, Private Citizen, North Las Vegas, Nevada
Leslie Quinn, Private Citizen, Las Vegas, Nevada
Katie Banuelos, representing Libertarian Party of Nevada
Jim DeGraffenreid, National Committeeman, Nevada Republican Party
Oscar Williams, Private Citizen, Reno, Nevada
Bob Russo, Private Citizen, Gardnerville, Nevada
Adrian Lowry, Private Citizen, Sparks, Nevada
Lorena Cardenas, Private Citizen, Las Vegas, Nevada
Nate Tekle, Private Citizen
Shaun Navarro, Private Citizen, Las Vegas, Nevada

Valerie Thomason, Private Citizen, Las Vegas, Nevada
Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada
Tracey Thomas, Private Citizen, Sparks, Nevada
Lisa Partee, Private Citizen, Carson City, Nevada
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office
Annemarie Grant, Private Citizen, Quincy, Massachusetts
Amber Giroux, Private Citizen, Las Vegas, Nevada
Katrin Ivanoff, Private Citizen, Las Vegas, Nevada
David Beltran Barajas, Private Citizen, Las Vegas, Nevada
Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers
Marina Dalia-Hunt, Team Lead, Minor Guardianship Advocacy Program, Legal Aid Center of Southern Nevada
Ali Caliendo, Founder and Executive Director, Foster Kinship
Holly Welborn, Executive Director, Children's Advocacy Alliance of Nevada
Jeffrey S. Rogan, representing Clark County
Egan Walker, Judge, Second Judicial District Court; and Co-Chair, Statewide Guardianship Commission
Rachel Tygret, Private Citizen, Las Vegas, Nevada
Buffy Okuma, Chief Deputy District Attorney, Child Protective Services, Washoe County District Attorney's Office

Chair Miller:

Good morning, everyone. Welcome to the Assembly Committee on Judiciary. [Roll was called and Committee policies were explained.] We have two hearings today. We will be starting with [Assembly Bill 117](#), sponsored by Majority Leader Jauregui. Joining her in the presentation are Michael Dickerson, chief deputy district attorney from the Clark County District Attorney's Office, and Cary Underwood, from the Las Vegas Metropolitan Police Department. With that, I will open the hearing on [A.B. 117](#).

[Assembly Bill 117](#): Makes various changes relating to domestic terrorism. (BDR 43-568)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

I am joined by the director of the Southern Nevada Counter Terrorism Center (SNCTC), Cary Underwood, and Clark County's chief deputy district attorney, Michael Dickerson, to present [Assembly Bill 117](#). Across the country, Americans have witnessed a disturbing and dramatic rise in violence linked to radical, violent hate groups, which include sovereign citizens, boogaloo, and neo-Nazi organizations to name a few. According to a February 2023 report from the Anti-Defamation League ["Murder and Extremism in the United States in 2022"], mass killings in the United States linked to extremism have increased threefold over the last decade.

Here in Nevada, we are all too familiar with this rise in extremism. In early 2013, a Las Vegas couple linked to the sovereign citizen movement spent hundreds of hours organizing a plot to kidnap and assassinate police officers before law enforcement stopped and arrested them. Unfortunately, as many of us remember, in June 2014, another couple linked to the sovereign citizen movement successfully carried out a targeted assassination of two Las Vegas police officers and murdered an innocent bystander. In June 2019, a Mineral County man traveled to the Gilroy Garlic Festival and killed 3 individuals and wounded 17 others in what law enforcement discovered after the shooting was an attack linked to violent ideology and domestic terrorism. In Las Vegas, hate crimes against African Americans more than doubled in 2020, even in the middle of a pandemic. The rise in anti-government and hate group violence is a threat to every community across every corner of our state.

Fortunately, we have also had moments of success in deterring and thwarting domestic terrorists. In April 2020, the SNCTC, in a coordinated effort with local, state, and federal law enforcement partners, arrested three men connected to the boogaloo movement and stopped their attempt to bomb a peaceful protest in Las Vegas. While we should be proud of this victory and the lives we saved, it was also a wake-up call for the need to plan and prepare now to be ready for a future disaster—which is what we are trying to do with A.B. 117.

After conversations with the district attorneys, Las Vegas Metropolitan Police Department, Department of Public Safety (DPS) state police, Division of Emergency Management, Nevada Sheriffs' and Chiefs' Association, and citizen groups, we come to you today with A.B. 117 to accomplish two major things.

First, section 2 of this bill organizes existing criminal laws into a new chapter of *Nevada Revised Statutes* (NRS) designated as "domestic terror activity," and with the proposed conceptual amendment [[Exhibit C](#)], narrows our focus to target the acts and perpetrators of domestic terrorism. This is important because it allows law enforcement and prosecutors to go to a specific chapter in law to charge and convict domestic terrorism from one place in NRS, instead of having them search through various statutes to find something that allows them to apprehend and charge domestic terrorists. It also makes clear that stopping domestic terrorism is a public policy priority for our state.

Second, this bill puts resources behind this effort by establishing the Anti-Domestic Terrorism Assistance Account with an appropriation of \$5 million to this account, so that agencies with programs going after domestic terrorism can seek grants to expand their mission. I also want to point you all to the conceptual amendment that was uploaded as an exhibit on NELIS [Nevada Electronic Legislation Information System] and share a verbal change with you.

During the course of the development of this bill, law enforcement agencies have committed to developing a coordinated approach to their efforts and investigations on domestic terrorism. Accordingly, we are now striking section 3 in its entirety and allowing agencies to

move forward with our coordinated approach within existing law. Additionally, the conceptual amendment does a few things: (1) it aligns the grant process to follow existing procedures for homeland security grants; (2) it strikes NRS 207.337 from the bill; (3) it allows the Department of Public Safety's Investigation Division to provide support and resources to local law enforcement on domestic terrorism investigations; and (4) the conceptual amendment [[Exhibit C](#)] includes new language that narrows existing law to focus only on domestic terrorism.

Nevadans have already felt the pain inflicted on them by domestic terrorists. With coordinated attacks we are witnessing in other parts of the country against elected officials, infrastructure, and minority communities, the pain may well only be a preview of what is coming in the future. Now is exactly the time to realize the enormous threat before us and coordinate to stop the next attack before these groups harm us, our democracy, and our way of life permanently. Assembly Bill 117 is the first step in this long-term effort.

With that, Chair Miller, I would like to invite my copresenters to say a few brief words. First, I would invite the director of the Southern Nevada Counterterrorism Center, Cary Underwood, followed by Clark County Chief Deputy District Attorney, Michael Dickerson, both of whom are on the front lines of the fight against domestic terrorism.

Cary Underwood, Director, Southern Nevada Counter Terrorism Center, Las Vegas Metropolitan Police Department:

I have served as director of the Southern Nevada Counterterrorism Center (SNCTC) in Las Vegas for just over two years. The SNCTC is a United States Department of Homeland Security (DHS) recognized fusion center. We are one of two recognized fusion centers in the state of Nevada. The Southern Nevada Counterterrorism Center is hosted by the Las Vegas Metropolitan Police Department and is composed of over 20 federal, state, local, and tribal partners working together to prevent acts of terrorism and mass casualty incidents.

We strive to accomplish that objective by maintaining a 24/7 situational awareness capability in our center by vetting and investigating reports of suspicious activity; by analyzing threat trends locally, nationally, and globally; by developing awareness training focused on behaviors indicative of mobilization to violence; by investing in relationships in our community to become more resilient; and by creating training and hosting training exercises in advance of our special events. We work collaboratively with the Nevada Threat Analysis Center (NTAC), the Las Vegas Joint Terrorism Task Force, the Federal Bureau of Investigation (FBI), and the United States Department of Homeland Security. We leverage our mental health and social service partners here in our community to off-ramp individuals who are mobilizing toward violence to get them to long-term stability.

Michael Dickerson, Chief Deputy District Attorney, Clark County District Attorney's Office:

I am a chief deputy district attorney in the Clark County District Attorney's Office. In that role, I have done counterterrorism work for the past seven years. This work includes conducting investigations with the SNCTC and other law enforcement partners and

prosecuting criminal acts related to violent extremism, and through that, disruption of terrorist plots, prosecution of terrorist acts, and also working on off-ramping potential violent extremists from pathways to radicalization and violence.

During that time, I also experienced 1 October from that same perspective—as a counterterrorism prosecutor. That evening, I immediately began working the investigation with SNCTC detectives, waking up judges to secure search warrants, and all the while continuously checking on my loved ones I knew were down there. Since that time, I have seen the rise in domestic violent extremism and antigovernment violent extremism that jurisdictions across this country have experienced. Through all these experiences, I have come to know that we must continuously work to secure our state and our communities from domestic terrorism and all forms of violent extremism, because every single day matters in our effort to stop tragedy before it ever strikes again.

Assemblywoman Jauregui:

Before we go to questions, I just wanted to explain to the Committee that I am not creating any new laws or creating any new penalties. What we have done is gone through statute and taken existing law that deals with domestic terrorism, and we are organizing them into one statute so they are easier to find. We are now ready for questions.

Chair Miller:

Thank you so much and thank you for that clarification. So again, no new laws, no new penalties, not even necessarily a new process or procedure? We are just combining everything into one chapter for reference.

Assemblywoman Jauregui:

Correct. We are organizing everything into one chapter so that it is clear and easy to find and creating an appropriation. The only thing new we are doing is creating an appropriation of \$5 million. Everything else is already existing.

Chair Miller:

Okay, thank you for that. We will now move to questions from members.

Assemblywoman Considine:

In section 4, subsection 6, it says, "Any money remaining in the Account." I want to confirm that money remaining in the account at the end of the fiscal year does not revert to the State General Fund and would stay with this account. If that is the case, is there any cap on the amount that this fund could build up to, or is the idea—because in section 5, ". . . a determination that the proposed expenditure is appropriate and necessary," there is a great amount of review before any of that money is expended, which I really appreciate, but then if it is not expended, it just sits there and it grows. Is there a limit to how much money that fund can hold at any time, or can it just endlessly grow?

Assemblywoman Jauregui:

I never thought about the fund growing. From my conversations, it was always clear to me that the money would be expended in its entirety. My vision was always to have the appropriated \$5 million in this fund and have it expended by different agencies and nonprofit organizations which are focusing on domestic terrorism. The need seemed to be there to expend the money. I am willing to have those conversations, if we do need to have a cap; I just never envisioned there actually being extra money left over.

Assemblyman Gray:

I do believe that you bring up some valid points. I think you left out a few valid points too; there are issues. I believe with the consolidation of all this language into one section, it does create some new meaning. It is kind of worrisome to me. Our nation's traditions include a long history of communities preparing for their common defense. There is a long-standing right to organize locally in the defense of communities. These unorganized militias are affirmed in *United States Code* in Title 10, Section 246—

Chair Miller:

Assemblyman Gray, is there a question?

Assemblyman Gray:

I am getting to it, ma'am. I am giving the backstory, as a lot of us do. I am leading up to my question, thank you. Will this interfere or negate our rights as citizens and our ability to address, organize, and train for these legally recognized militia classes—the unorganized militia class, which is aside from the National Guard—to prepare for our own defense in the face of emergencies, civil unrest, natural disasters? I believe this is broad, sweeping language that will absolutely interfere with that and conflict with federal law. What are your thoughts on that?

Assemblywoman Jauregui:

Thank you for the question, Assemblyman Gray. I am going to go to Chief Deputy Dickerson to help answer that question.

Michael Dickerson:

This bill is made to address issues we see within the overall spectrum of violence targeting our communities—with or without ideology. Anybody that is geared towards organizing to overthrow the government, to harm our citizens and our communities—those are the people that are going to be addressed by this bill, not folks that are exercising their Second Amendment rights, or something like that, acting within their lawful rights as a whole. In fact, I think this bill protects those sorts of folks—anybody who is geared towards exercising their First Amendment rights, their Second Amendment rights, anything like that—because folks who aim to do them harm for the mere fact of their exercising those rights will be the ones who are addressed by this bill and the language of it.

Assemblywoman Newby:

We have gotten some emails about how this will infringe upon activities currently taking place or particular groups organizing to protest. However, what I see in section 2, subsections 1 through 5—I understand maybe 6 is being taken out by the amendment—all of those reference other sections of NRS, which are already included, and I do not see any changes to any of those sections throughout the rest of the bill. So, my understanding then is, by just grouping this together, you are trying to strengthen it—it does not actually change anything in terms of crimes or penalties at all. Could you speak to that, particularly around the concerns we have heard in some of our emails about it infringing on activities that are currently existing?

Assemblywoman Jauregui:

You are correct. We are not changing the law. We are just regrouping these existing statutes. The only thing we are doing is, if you go to the amendment [[Exhibit C](#)], actually narrowing it down. Ergo, any activities that are currently being performed, if they are legal in scope, they will continue to be legal after this bill passes—nothing from this bill is infringing or changing any legal activity.

Assemblywoman Mosca:

In section 4, when it comes to the account, I did not see anything about reporting when it comes next. Is that going to be included about the demographics or the groups or the work that had been done?

Assemblywoman Jauregui:

I am going to let my copresenter, Mr. Martin Fitzgerald, answer this question.

Martin Fitzgerald, Private Citizen, Las Vegas, Nevada:

In the proposed conceptual amendment [[Exhibit C](#)], we are working with the Division of Emergency Management which handles DHS grants. With the proposed amendment, it will go through that process. Part of the grant process is reporting to our Legislature and other agencies so we can track what agencies are applying for these grant monies, how it is being delivered, what results are we getting from them, and what is left over. All of those are part of the existing process for Homeland Security grants, and that will be in the language as we move forward.

Assemblyman Yurek:

As a former law enforcement officer, I really appreciate consolidated efforts to focus on problems like this. By the way, I think that our fusion centers and our local entities are doing an amazing job of investigating these cases and trying to take them down before we can experience the consequences of this type of terrorism. My question is based on the consolidation and some of the amendments that I saw here today. How did we come to the \$5 million figure? Based on the number of incidents we have been seeing, that is a lot of money. Can you give us some idea of how we came to that number and why? That seems to be a pretty large number to support budgets that already exist to fight this.

Martin Fitzgerald:

We have to come to a starting point at some number and then work off of that. Through discussions with law enforcement and other agencies involved in domestic terrorism, I think it is important to look at this not just as a law enforcement issue. This is also statewide. There are a lot of communities that do not have the resources that southern Nevada has. As a state, we need to provide them with the ability to thwart domestic terrorism in their communities. This is one of the reasons why we have such a large number to start with and then work off of that within the Assembly Committee on Ways and Means.

Director Underwood mentioned off-ramping folks. The Southern Nevada Counterterrorism Center works with social welfare and mental health organizations to try and get to people who are on the path to extremism and off-ramp them before they engage in acts of terrorism. We wanted to also provide resources for those types of efforts. I will invite Director Underwood to talk a little bit about that on a higher level.

Cary Underwood:

We found it is important for long-term solutions. Quite honestly, the criminal justice system is definitely a tool in our belt. For long-term solutions with a lot of individuals who are on the pathway to violence, you really need to have your community partners—whether that is people that we can leverage—the United States Department of Veterans Affairs to help; our school district partners to help; our county services that offer social services, mental health services to help; as well as a lot of private sector entities that are looking for ways to offer those same type of services to those who maybe do not have the financial means to do so and those that do. These efforts that we partner with our community and with the district attorney's office have led to multiple instances where individuals who were on the pathway to violence—showing those mobilization indicators—have actually found a level of stability and integration with our community to where they are no longer an individual that we are concerned is going to carry out these types of violent acts. We are ideology agnostic.

That is the other thing it does for us; it reinforces all of our investigators. Everyone that works in our environment is hyper-focused on the behaviors that we are seeing; those behaviors that are indicative of mobilizing the violence, that have been documented by our national partners based on their analyses of these successful mass casualty incidents and mass casualty plots that have been disrupted. It really engages our entire community in the entire process. The challenge of course is having enough of those resources available for the long-term, sustained effort to truly off-ramp somebody into becoming part of our community that is stable and essentially made whole again.

Assemblywoman Bilbray-Axelrod:

Director Underwood just talked about partnerships, but you did strike section 3, which is where the Clark County Commission may agree to go—

Martin Fitzgerald:

That is correct.

Assemblywoman Bilbray-Axelrod:

Is there another part of the bill that I am missing, that allows for those partnerships? Why was that section struck?

Martin Fitzgerald:

That section specifically related to fusion centers. In the course of communications with DPS and law enforcement agencies across the state, the idea was for them to develop interagency agreements so they could tap into the resources of Clark County and NTAC so that they could use them appropriately. Through the conversations, we have discovered they have committed to working through this within existing laws, so this section was not needed. This is not the section which would deal with other agencies. That will be part of the appropriations process. The language in the grant is specific: it does not say law enforcement, it says general agencies. So, we wanted to broaden it to include—whether it is the district attorneys, social services, or mental health professionals—we want people to bring forth good quality grant proposals, go through the grant process, say why this is important to address this issue, and then be judged on its merits—not be too restrictive or overly loose.

Assemblywoman Jauregui:

We specifically left that broad and vague. Under section 4, subsection 3, where it says, ". . . must be used to award grants of money to state and local agencies," we did not say "law enforcement agencies"; we said "agencies" so that it can include some of our other community partners and nonprofits.

Assemblywoman Cohen:

Can you tell us some of the places where hate speech is coming from and any trends you have been seeing? Is it on the dark web or Substack? Where are you seeing trends with this now?

Cary Underwood:

We are seeing this largely with individuals who obviously have extreme ideological viewpoints. We will see the hate speech play out online, openly available, for instance. We see it with propaganda campaigns they may try to conduct in various communities. In some instances, you will actually see it where they will plan gatherings, where they will publicly display or stream what they are saying and doing. That is probably the most rare example. You do not tend to see that as much. Certainly with propaganda campaigns, they will target a certain community and certain types of locations with their propaganda materials.

Assemblywoman Hansen:

My concern is sometimes things fall through the crack. I am wondering how it works currently, how we follow up on leads. For instance, with the Parkland shooter, there were multiple alerts—whether it was the FBI, law enforcement, social services—and yet that individual, who I think we would deem a domestic terrorist, was able to inflict a lot of carnage. How do we make sure, when we are working with the feds or the locals, that those tips that we get really do get followed up on, and what deems their legitimacy?

Then, on the opposite end of it, how do we make sure that domestic terrorists—we know that parents were deemed domestic terrorists by the FBI in Virginia at school board meetings—so how do we do it here in Nevada, working with the feds to make sure people—like parents at school board meetings—are not swept into domestic terrorism definitions; but then on the other end of the spectrum, how do we avoid a deadly shooting that had multiple warning signs and then the ball being dropped through multiple agencies?

Assemblywoman Jauregui:

I am going to let Director Underwood answer that question. He can speak to how his organization currently handles that situation.

Cary Underwood:

First and foremost, I want to address the threats to violence, threats to life situation. You referenced Florida. One of the things we did here in the state of Nevada pursuant to that incident, myself, my colleagues at NTAC, and our partners at the FBI developed protocols so that we are on the receiving end of those threats to life phone calls that go into the FBI. We are on the receiving end of those immediately and have protocols to make sure that information is passed to the appropriate law enforcement entity, anywhere in the state, so they can take mitigating action to try and ensure that that act of violence, to include a specific threat to life, does not occur.

We have had that program in place since the beginning of 2022. It has been effective. It is working flawlessly. We track every single one of those—all three agencies—to ensure we received it, it was followed up on by a law enforcement agency, and that if it needs long-term follow-up, that that is occurring depending on which jurisdiction it is, those organizations address that. Additionally, with all of the threat actors, threat individuals, or threat situations we encounter, we make sure there is visibility, not only in SNCTC with the different agencies that are here—every agency sees every threat—we also share those threats with our partners at the FBI and via information-sharing with our other partners at NTAC. The key there is visibility of these threats.

Then we have internal processes to follow that threat-vetting process to conclusion. If that conclusion is a criminal justice solution, then we continue that process. If that means incarceration, naturally those individuals will reenter society at some point, so we make sure we put procedures in place to keep track of that. Again, there is the long-term off-ramping, which is our preference, to make sure that we are engaged with those individuals until they, from an entirely holistic perspective, are stable and active members of our community.

To answer your other question, how do we not have a slippery slope into things that we should not focus on, the focus of everything we do is on individuals with those indicators to violent and criminal activity. That is reinforced on a daily basis in the SNCTC, and I know with our partners at the NTAC as well.

Assemblywoman La Rue Hatch:

We know that extremism and acts of violence are unfortunately on the rise in many places. I really appreciated the protections for protest. I noticed that civil disobedience specifically was carved out. Can you speak to those protections of legitimate protests that are still embedded within this bill?

Martin Fitzgerald:

That was an important part of this, to make sure we focus this bill on real threats and not perceived threats; that we protect fundamental constitutional rights.

Michael Dickerson:

With this particular amendment [[Exhibit C](#)], we see "civil disobedience" is actually defined in the amendment. The civil disobedience has always been carved out of our terrorism law here in the state of Nevada since it was enacted in 2003. The benefit we have now is we get to strengthen that protection for peaceful protest by actually defining it here and making clear that we are protecting people's rights to peacefully protest—as we have throughout the history of America—from the ideas and writings of Thomas Jefferson to the practices of Dr. Martin Luther King Jr. That is why it is so important we have this particular provision here and the amendment which actually defines civil disobedience in the bill.

Assemblyman Gray:

One of the things that has been touched on is psychological issues. Could this money not be better spent identifying those people, especially our youth in schools, who could benefit from psychological care prior to ever getting to this point—early intervention, early care, early treatment, and prevent the problem from ever arising?

Assemblywoman Jauregui:

The current grant process allows that. If schools want to apply for money for youth mental health programs, they can do that through this grant process.

Assemblywoman Marzola:

I just wanted to confirm one more time—because one of my colleagues brought up all the emails that everyone has been sending—this is already existing law, correct?

Assemblywoman Jauregui:

Yes.

Assemblywoman Marzola:

We are absolutely not changing anything, just making it more concise under one chapter to make it easier for law enforcement. Correct?

Assemblywoman Jauregui:

Correct. We are taking current definitions in various parts of NRS, putting them into one chapter, and we are actually narrowing it down to define domestic terrorism and protect peaceful protests.

Assemblywoman Marzola:

The appropriation of \$5 million is going to be used for the benefit of our community, so everybody can be safe in these very trying times that we have been having with gun violence, correct?

Assemblywoman Jauregui:

Yes.

Chair Miller:

I would like to follow up on Assemblywoman Marzola's question before we move to testimony. This is not specifically just for gun violence. Terrorist activity and domestic terrorism does not always include gun violence, is that correct?

Assemblywoman Jauregui:

That is correct.

Chair Miller:

With that, I will open testimony in support of A.B. 117. We will first open it up to those in support here in Carson City.

Lisa Lynn Chapman, Disinformation State Manager, Battle Born Progress:

I am testifying on behalf of my organization in support of A.B. 117. According to James Piazza, Penn State professor focusing on terrorism and counterterrorism in the 2021 article "Fake news: the effects of social media disinformation on domestic terrorism," domestic terrorism is fueled by disinformation. Experts theorize that the consumption of disinformation fuels distrust in the media and increased hostility towards liberal and centrist political figures and social and political institutions. Additionally, disinformation creates a heightened tolerance of radical political actors and movements. Even more alarming, the consumption of disinformation also helps weaken support for democracy and creates an acceptance of totalitarianism. Furthermore, constant exposure to disinformation and conspiracy theories often fuel ethnic, racial, partisan, and social group grievances.

As the Nevada disinformation state manager with Battle Born Progress, I follow known bad actors in disinformation throughout the state. I have read calls for civil war and how we need to protect America from "them." "Them" are usually LGBTQ people, people of color, or immigrants. I read and mourn about rises in hate speech, which directly contributes to Americans' safety and dignity. This is happening online every day—by Nevadans against Nevadans. I do not want to sound like an alarmist, but I am raising the alarm. We need a stronger defense against the disinformation wars that are currently happening in our state, and this is why Battle Born Progress is asking you to support A.B. 117.

Chair Miller:

Before we proceed, we are not sure exactly how many people there are to testify and I want to make sure we get in as many people as possible—on all three sides of the argument: support, neutral and opposition. We are going to provide 30 minutes for each side in testimony. Please proceed in support.

Anthony Shafton, Private Citizen, Reno, Nevada:

I commend Assemblywoman Jauregui for introducing a bill promising to stem the illegal activities of private armed militias or paramilitaries. The bill specifically cites a half-dozen existing NRS statutes. It might cite several more: NRS 197.120 on impersonating a law officer; NRS 202.320 on exhibiting deadly weapons in a threatening manner; and NRS 203.040 on publishing incitements to violence. But my main purpose in testifying today is to encourage an amendment providing for civil actions against paramilitaries.

Why are civil lawsuits necessary? Because up until now, Nevada's law enforcement agencies at all levels have failed to bring existing statutes to bear on paramilitaries for three reasons: the difficulty of enforcing the law as written, political expediency in a purple state, and perhaps even sympathy with extremist agendas. Civil actions against paramilitaries are not unprecedented. For example, after the notorious "Unite the Right" rally in Charlottesville, Virginia, private citizens joined by the city won \$26 million in damages for physical and emotional injuries and an injunction barring further such manifestations. Dayton, Ohio, won an injunction against the Ku Klux Klan, and New Mexico has sued, challenging a paramilitary group's right to operate as a militia under state law. Oregon—

Chair Miller:

Sir, according to the rules of the Committee, if you are suggesting an amendment, that would be not completely supporting the bill. I would have to move your testimony to opposition. I know that that feels like a very specific line, but those are the rules of the Committee. You are more than welcome to submit your amendment and your suggestions to the Committee.

Anthony Shafton:

I have already done so [[Exhibit D](#)].

Chair Miller:

Okay, that is the other amendment that we have.

Anthony Shafton:

Does that mean that I get to testify again?

Chair Miller:

I do not know about that, but we have definitely heard and taken your points well.

Anthony Shafton:

Well, okay. I just want to say that Oregon is currently considering a bill for civil penalties.

Chair Miller:

Thank you so much, sir.

Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

In the interest of time, I do want to say we appreciate all the hard work of Assemblywoman Jauregui in bringing forward this bill and the proposed amendment [[Exhibit C](#)]. One of the things we do as an agency is we encourage you to ride along with our patrol officers. In that same vein, I want to extend the invitation to all of you after session. If you are interested in visiting the SNCTC, please let us know and we can help facilitate that. The Las Vegas Metropolitan Police Department supports [A.B. 117](#).

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

I want to start off by thanking Majority Leader Jauregui for her leadership on this issue. She reached out in the interim and began working with various law enforcement agencies, including district attorneys, on this bill. It is an important consolidation and cleanup to our terrorism statutes. Also, this bill makes significant investment in our counterterrorism task force and fusion centers. We are in support of the bill.

Greg Herrera, representing Nevada Sheriffs' and Chiefs' Association:

Nevada Sheriffs' and Chiefs' Association is in support of [A.B. 117](#). I would like to thank Majority Leader Jauregui for bringing this bill forward and assisting law enforcement across the state by providing much-needed support and resources and addressing domestic terrorism.

Jason Walker, Sergeant, Administrative Division, Legislative Liaison, Washoe County Sheriff's Office:

We are in support of [A.B. 117](#). It is sad to say that it is not a matter of if this will happen again, but when. This is a great proactive step to align resources in the event of another major domestic incident in the great state of Nevada.

Chair Miller:

Thank you for that. Is there anyone else here in Carson City who would like to testify in support of [A.B. 117](#)? [There was no one.] Not seeing anyone, I will open the lines for phone testimony in support of [A.B. 117](#).

Clinton Holeman, Private Citizen, Gardnerville, Nevada:

[Mr. Holeman read from written testimony, [Exhibit E](#).] I am testifying in support of the bill. I would like to start off by quoting a gentleman named Ammon Bundy: "The vast majority seemed to hang on to what seemed like hate, fear, and almost warmongering." Ammon Bundy did not want to be associated with warmongers. The key issues are probably \$5 million is enough—maybe a good start. Local law enforcement are not doing their jobs. They are allowing illegal militias, and this will be a good step to make it better.

Vivian Leal, Private Citizen, Reno, Nevada:

[Ms. Leal read from written testimony, [Exhibit F.](#)] I am an advocate and columnist in Nevada on behalf of women, patients with chronic illness, voting rights, and gun safety. I often speak at public events, as is my First Amendment right. The last few years have been difficult. The increased presence of groups parading in costume at events, armed to the hilt, hugging weapons to their chest, has definitely made all of us question our safety. Many have chosen not to continue to speak out for fear. We know this is part of the terrorist intent to intimidate. We know all it takes is just one person with a grievance and a gun to destroy and change lives forever, never mind the possible damage from these coordinated groups parading in our midst. Our law enforcement and Attorney General need stronger, clearer laws about the legality of this behavior. Citizens deserve to feel safe. Please vote for this bill; it is a beginning, and I would support the amendment suggested by Mr. Shafton.

Chair Miller:

Seeing no other callers wishing to testify in support, I will now open testimony in opposition to [A.B. 117](#). We will start here in Carson City.

Janine Hansen, State President, Independent American Party:

In 2003, after 9/11, we had a bill here to put the federal Patriot Act [USA PATRIOT Act of 2001] language definition in our law. We opposed that along with the American Civil Liberties Union and we are able to get it much narrowed from what it is nationally. After that, there was a full-color picture of me in the paper with the headline, "Janine the terrorist." That is why we have to be concerned about this particular bill because of how it may be interpreted.

President George Washington said, "Government is not reason, it is not eloquence, it is force. Like fire, it is a dangerous servant and a fearful master." When you are giving \$5 million to law enforcement, this incentivizes them to do what? Like under the Patriot Act, it incentivized additional spying on our citizens—political spying—and additional surveillance. We are concerned about those because they interfere with our constitutional liberties of privacy, the Fourth Amendment, and due process, which is what the federal Patriot Act did. We do appreciate the amendments, which make it more clear; particularly the definition of civil disobedience. We are concerned about some of the testimony which has taken place considering hate speech and disinformation because we will probably be charged with hate speech and disinformation just because we disagree with others who may be in the community.

In 2004, I was arrested when I was petitioning on the bus depot in Reno; arrested for illegal petitioning, handcuffed, put into a paddy wagon, and hauled up to Parr Boulevard [Washoe County Sheriff's Office Detention Center]. Also, my son and others were arrested in Las Vegas and put in jail for the same thing. Ultimately, we were exonerated—all the way to the Nevada Supreme Court.

But we know that sometimes government oversteps their bounds. We have to be very careful of how we define these things and be considerably narrow. Definitions are important.

Chair Miller:

Mrs. Hansen, you are over two minutes. Can you please wrap it up?

Janine Hansen:

Our one concern is the cooperation with the FBI, who has identified parents who testify at school boards as possible domestic terrorists. Be very careful. It is a dangerous bill.

Lynn Chapman, State Vice President, Nevada Families for Freedom:

Brian Michael Jenkins is a senior adviser to the president of the nonprofit, nonpartisan RAND Corporation. He has been researching terrorism for RAND since 1972. He wrote an article in February of 2021 and part of it says:

American society has historically tolerated a wide range of behavior in political protest, even as participants crossed the line from lawful to unlawful and peaceful to violent. If conduct becomes bad enough ordinary criminal laws can be applied.

If there are specific shortcomings in our laws, Congress can address them without using the word "terrorism." Likewise, if there are hindrances to collecting intelligence or opening investigations, those things probably can be dealt with through adjustments in the attorney general's guidelines with congressional oversight. Dealing with increased violence by domestic extremists may be the greatest legal challenge—and politically, the most delicate undertaking—this nation has faced since the Civil War. But our current criminal statutes are adequate. They have been used successfully to weaken previous cohorts of white supremacists and defeat the left-wing bombers of the 1970s. Instead of a new domestic terrorism law, this moment calls for rigorous and equal enforcement of existing law, creating offenders as ordinary criminals, and avoiding legislation that may undermine Americans' rights and create labels that deepen the current political divide.

Maybe we should heed the experts' words. We all know we can trust government to be government.

Casey Rodgers, Private Citizen, Minden, Nevada:

I find it ironic that I am sitting here having to talk about these kind of bills lately coming through—in the hundreds it feels like—every day. I feel like all these states around us are turning into these totalitarian states and here I am living in Nevada, while it is slowly turning into one. I went to the University of Nevada, Reno, and I sat in a classroom with younger people than me, sitting there listening to Karl Marx and the communism, and all these things that are happening just being glorified after communism killed millions and millions of people. Yet our children—ages 18 to 25—while their brains are still developing and away from their parents now, are being used to indoctrinate, train, and become minions to an ideology. In those classrooms, they could not even find whether domestic terrorism was okay because Black Lives Matter had a point to make, or if Antifa's points were valid, or if

the patriots that stormed the [United States] Capitol—when they were actually invited in to begin with, which side do you choose? It just depends on how you look at things. Are you patriots? All of you?

The Antifa movement and the Black Lives Matter movement literally burned and killed people—burned cities and killed people—and they said it was justified. And they say that the patriots going into the Capitol building was not justified because they were unhappy with their leaders. So, I have to oppose this bill a hundred percent because of that stuff alone; because you guys cannot even decide what is what and who is who.

Chair Miller:

Ma'am, your two minutes are up. Your two minutes are up and we have quite a number of people on the phone. We started at 8:50 a.m.

Casey Rodgers:

I think I said what I needed to say.

Chair Miller:

So, we started at 8:50 a.m. and I want to make sure everyone on the phone has an opportunity to speak as well. Please let us be as brief as possible. If you want to say "ditto," that is appreciated.

Melissa Clement, representing Nevada Right to Life:

I find myself in an interesting situation because I am married to a former law enforcement officer. So, I definitely understand the challenges law enforcement deal with. However, I also am a pro-free speech advocate. I would just like to read the following two paragraphs just to show you what my concern is. This is from the *Daily Signal* a couple of weeks ago, and it is concerning a congressional hearing. Senator Mike Lee of Utah was asking questions of Merrick Garland concerning investigations into the federal Freedom of Access to Clinic Entrances Act [FACE ACT]. He asked, in 2022 and for the first couple of months in 2023, the United States Department of Justice announced charges against 34 individuals for blocking access or to vandalizing abortion clinics. And there have been over 81 recorded attacks on pregnancy centers, 130 attacks on Catholic churches since the leak of the *Dobbs* decision, and only two individuals have been charged.

This is just an example of what you as lawmakers need to be so very careful about. It is challenging. You have to provide safety for all of us. I understand that domestic terrorism can be a real thing. But you have to craft it in such a way that law enforcement does not swing the balance to either side. When the Patriot Act was passed, my particular political party was behind it. At the time, I said this is a terrible idea because some day my political party may not be in charge and these very difficult rules will be turned on us. That is my only point. I appreciate the work you guys are doing. I hope that you will remember free speech as well as our safety.

Richard Nagel, Private Citizen, Carson City, Nevada:

One of the things that bothers me about this bill is free speech. I testify at school board meetings from time to time. One of the things I am working for is trying to get a job description and also an evaluation for the superintendent so that this person can get graded on their performance and that we have real world metrics instead of subjective matter. So, one supervisor would give a four, another would give a two in the same category. There is no reason for that. They should all have the data and make a good decision on that. So again, when I come up and I state my case, I become a domestic terrorist for testifying at a school board meeting. This is something that scares the heck out of me. Because all I want is the betterment of our schools and we are fiftieth in the nation as far as that goes. We need to have a dissenting voice. This is not out of the box. This is what every industry does, every business does. They have a continuous quality improvement. And here, I am a domestic terrorist now. I do not get it. I just want the betterment of society and the betterment of our schools. So please think about this in that aspect, because when does the dissenting vote become hate speech, and you are taken away from the discussion? We really need to look at that.

Chair Miller:

We are going to take these next two testimonies here in Carson City and then we are going to move to the phones.

Joy Trushenski, Private Citizen, Carson City, Nevada:

I oppose A.B. 117, as it goes against the *United States Constitution* for right to bear arms, right to assemble, and freedom of speech. Especially, my objection is to the amendment's [\[Exhibit C\]](#) definition of "civil disobedience," meaning "an open and visible non-violent violation of misdemeanor law, done intentionally, symbolically, and with the expectation of being punished." This is subjective. Domestic terrorism is violent in nature. Civil disobedience is not. Would this bill mean that Antifa and Black Lives Matter be targeted as domestic terrorist organizations? Both organizations are supported by Democrat leadership; both organizations' members rioted and burned businesses, attacked police and MAGA [Make American Great Again] supporters causing injury. Four people were killed in the summer of love in 2022. Very few of these rioters were ever prosecuted.

I oppose this bill because it is subjective, and we have a right to demonstrate our opposition to policies of our government. This is a dangerous bill. I remember United States Attorney General Garland talking about parents who go to school boards. They are domestic terrorists. That, to me, is outrageous—totally outrageous—just because the parents objected to what was being taught in school. So, please vote no on this bill. I support the money being used in other ways, like to support going after child sex traffickers.

Susan Ruch, Private Citizen, Carson City, Nevada:

I am opposed to this bill. Once more, this legislation seems to be very subjective as to who is a domestic terrorist. In 2022, we saw Antifa tearing up city after city, and they were never put on the domestic terrorist list. We are now watching a two-tiered justice system in our country, and we do not need this for our fate. I am sure that many people sitting here at this

time feel that they would be the ones who would be targeted by this legislation. Going forward, it could be you, it could be someone else, who could be labeled a terrorist. This bill is just not right, and I think you should really think about it. We do not need more laws and we do not need the government overseeing everything we do. By the way, 94 percent of the public, last night at midnight, oppose this bill—and that was 94 percent.

Chair Miller:

With that, we will go to the phones for testimony in opposition to A.B. 117.

Wiz Rouzard, Private Citizen, Las Vegas, Nevada:

I am testifying in my own personal endeavor as a Nevadan, as an African American who believes in the *United States Constitution*. I strongly oppose A.B. 117. To follow up, Assemblyman Gray asked very specific questions that went unanswered and these are one of the few reasons why I object to this bill. Not only does it violate federal law, but it violates the *United States Constitution*. More importantly, when we talk about domestic terrorism, we need to really consider the government in itself. It was just through an FOIA [Freedom of Information Act] request that we found out Martin Luther King himself was assassinated by the government. But nothing happened to any government official. No laws were changed. If anything, the institution was empowered to be utilized against those that the government which was in power opposed. This bill strengthens that. It does not strengthen the *United States Constitution*; it shreds it.

More importantly, when we talk about individuals exercising their constitutional rights, we are talking about American values. This bill goes against American values. As an African American who often goes out there and actually protests, this goes against my ability to safely protest. And more importantly, what I am talking about is safety; I am talking about law enforcement being utilized against particular groups. It was at one point during the COVID-19 pandemic, when the Black Panthers were protesting, open carrying, exercising their constitutional rights, there were discussions about using the federal government to actually go in and arrest these individuals for exercising their rights. To what some of the supporters have said, we need to be very cautious in regard to what power we give the government and ensure that any existing laws, especially A.B. 117, talking about certain NRS statutes that have been in place, we need to be talking about repealing them, not empowering them, not making them concise, not trying to narrow them. When we talk about the *United States Constitution*, we need to reinforce them. I urge everyone to please oppose this bill.

Anthony Lambert, Private Citizen, North Las Vegas, Nevada:

I am a member of the Democratic Socialists of America. I am opposed to this bill because time after time, laws like this are used to target leftists and activists, not right-wing extremists. Assemblywoman Jauregui cited an Anti-Defamation League report that extremism is on the rise. The Assemblywoman also failed to mention that the exact same report cites that there were zero incidents of left-wing extremism. Yet, this bill labeled "syndicalism"—an old term that refers to union members and socialists—as domestic terrorists. This bill does not specifically target any right-wing ideology.

Assemblywoman Jauregui said that police do not want to have to search through NRS to find a reason to arrest someone. They want it to be easy. However, investigating, arresting, and incarcerating someone should not be easy. In Georgia, police used their domestic terrorism laws to arrest individuals and label them as domestic terrorists because they had blood on their shoes during a music festival in a forest more than a mile away from the site of a protest. They used the domestic terrorism laws because they were easy and they had no other legal reason to arrest these individuals. Mr. Underwood said his agency works with the FBI in joint terrorism pursuits. However, these task forces have a long history of being politically motivated, going after leftists, activists, and especially people of color.

In 2020, the FBI worked with local police forces in various cities in Colorado and Arizona to infiltrate Black Lives Matter groups and attempt to manufacture crime, thankfully, unsuccessfully. As Assemblywoman Hansen pointed out, domestic terrorism laws have been used to label a broad range of individuals as terrorists for simply speaking out against their government. This bill is not just to organize existing laws into one chapter. It is not. Law enforcement organizations and Assemblywoman Jauregui have said that this bill is to increase police's ability to surveil and pursue individuals who "oppose government." This bill expands police power. It takes broken, barely constitutional statutes, amplifies them, and then applies critical resources towards their enforcement. Critical resources that—

Chair Miller:

Sir, can you wrap up your comments, please.

Leslie Quinn, Private Citizen, Las Vegas, Nevada:

I oppose A.B. 117. While I do not want domestic terrorism, I also want balance in legislation that defines what or who is a domestic terrorist. I believe when we have a White House secretary blaming Republicans for the shooting of three nine-year-olds and three school staff, a transgender girl that focused on shooting up this school, we need to define who domestic terrorists are. This A.B. 117 is just another piece of legislation being put in against our First Amendment rights, when Republicans are blamed because they do not have better Second Amendment regulation. Listen, the people that get guns are criminals. These are not people that are wanting to be able to protect their freedom. Please vote against this bill. I oppose A.B. 117. It is not a good law to add; use the money to help more mental health. The sad thing is that, unfortunately, a lot of legislation that is currently in the 82nd Session is going to create more mental health issues. We are humans, we are humankind. Let us support humanity and stay focused on that. We are all on the same planet.

Katie Banuelos, representing Libertarian Party of Nevada:

We oppose A.B. 117 and we ask you to vote against it. The definition of domestic terrorism as codified in this bill is overly broad and jeopardizes civil liberties. It could be interpreted to include certain forms of protest, civil disobedience, or speech; and places constitutionally protected activities into a gray area. The supporters of this bill point out that it does not create any new crime. What it does is take a range of offenses that are currently misdemeanors and reclassifies them as terrorism—and that is not a good thing. If a particular activity could be considered a misdemeanor on one hand and domestic terrorism on the other,

then the term "terrorism" has been rendered meaningless. By creating a mandate for these investigations, providing funding for them, and then having such an incredibly low bar for what is considered worthy of pursuit, A.B. 117 opens the door to entrapment schemes and harassment of dissidents.

This bill poses a risk to the citizenry by enabling unconstrained investigations into groups or individuals for what otherwise would not be considered serious criminal activity. Imagine that power in the hands of your worst political enemy. Violence, incitement of violence, and criminal conspiracy are already punishable by law; misinformation or speech and misdemeanors are not terrorism. Amendments will not fix this. This bill creates a platform for political persecution and it is only a matter of time until it is abused. We ask you to please vote no on A. B. 117. Thank you.

Jim DeGraffenreid, National Committeeman, Nevada Republican Party:

I am representing the Nevada Republican Party in opposition to A.B. 117. We are all aware of the importance of having investigative and prevention resources available to combat legitimate threats of violence or terrorism. However, we already have in place well-funded agencies who are successfully fulfilling this function. To add \$5 million to these efforts is definitely out of proportion to the threats that we may face in Nevada. In addition, the consolidation of this language in a single section may alter the understanding and application of the law; particularly in conjunction with other legislation under consideration by this Legislature, specifically, Senate Bill 227, which would put vague and subjective language defining so-called "hate speech" into statute. Assembly Bill 117 would create a new meaning and unacceptably infringe on the First and Second Amendment rights of Nevada's citizens allowing the state to define them as domestic terrorists, when there may be nothing more than a parent at a school board meeting questioning the curriculum.

We are in an environment where we sometimes see law enforcement and the justice system weaponized against political opposition while legitimate acts of violence are often overlooked, if they are committed by groups such as Black Lives Matter or pro-abortion activists as referenced earlier. In such an environment, A.B. 117, particularly in conjunction with bills such as S.B. 227, endangers liberty. We urge this Committee to protect Nevada's citizens by rejecting this bill and allowing our state and local agencies to continue their existing work against legitimate threats of terrorism and violence.

Oscar Williams, Private Citizen, Reno, Nevada:

I am against this bill. I would like to focus on an issue that has not been addressed before now, which is the fact that the Governor has the authority to convene a militia should he or she see the need for it. The Governor is going to want people who know how to use a gun and have some acumen in terms of gun use. This bill could deter citizens from gaining that skill and knowledge in support of the Governor, if and when called to duty. I guarantee the Governor is going to veto this bill based on that alone.

Bob Russo, Private Citizen, Gardnerville, Nevada:

I strongly oppose A.B. 117. This bill could be used to intimidate parents and lawful Nevadans who rightfully choose to attend school board meetings and express concerns about what their children are being taught or other activities in our schools. It can be used against those that disagree with health care mandates, as we experienced during the COVID-19 episode a couple of years ago. If we do not have freedom of speech in this country, we no longer live in a free country, a free land. If criticism is perceived by certain individuals as hate speech because it challenges the status quo and can land someone behind bars for years, what kind of America are we living in? The *Bill of Rights* became part of the *United States Constitution* because our founders and other state legislatures at the time understood that as government expands, it tends to grow more tyrannical and oppressive. We now see this happening in state governments, with that very intention for that to become part of Nevada as well. I believe setting aside \$5 million into an account to counter domestic terror activity is nothing short of wasteful. It is an expansion of government and a faulty solution to a problem that I believe does not exist. All in all, this bill is dangerous and a threat to our liberty, be it the right to free speech, due process, or the right of self-defense. Please oppose this very concerning bill. By the way, I just checked the Nevada Electronic Legislation Information System's opinion page as of a few minutes ago, and there were 6 people in support of this bill, 145 in opposition, and 1 in neutral. I think that says something significant right there.

Adrian Lowry, Private Citizen, Sparks, Nevada:

I am an organizer with Northern Nevada Chapter, Democratic Socialists of America. I am speaking in opposition to this bill because the changes and appropriations of \$5 million to support fusion centers will harm minority communities and environmentalists in Nevada. The FBI has a long history of surveilling, infiltrating, and criminalizing Black activists engaged in legal political action. Most infamously, they used government resources to disrupt the popular movements of Malcolm X and Martin Luther King Jr. The FBI infiltrated the Black Panthers to frame and assassinate members. They assassinated the young Black leader, Fred Hampton, when he was only 21 years old. They killed him by first having an informant dose him with drugs, then raiding his home and firing bullets into his sleeping body. They did this in partnership with the Chicago Police Department.

After the terrorist attack on September 11, 2001, the FBI refocused their efforts to do the same thing to Muslim communities. They began to spy on all major mosques in this country. They developed informants to go into these mosques and encourage members of the Muslim communities to engage in terrorist activities. Often, they were able to pressure Muslims with developmental disabilities or mental health problems to engage in terrorism plans, which were entirely planned by the FBI.

More recently, the FBI created a new category of terrorism to go after Black Lives Matter protests. They call this category "Black identity extremism." In Denver, Colorado, they employed a violent criminal to infiltrate the Black Lives Matter movement there. This informant pressured members of the Black Lives Matter movement to engage in violent or

terrorist actions. Currently in Atlanta, Georgia, there are protests against the construction of a police training facility. More than 40 protesters have been arrested on terrorism charges for engaging in protest, including a legal observer for the Southern Poverty Law Center.

Similar to the killings of the Civil Rights Era, police have assassinated a young activist named Tortuguita. These protesters are being charged under a law that was passed under the guise of a domestic terrorist like Dylann Roof, who killed ten Black churchgoers. But we continue to see that, no matter the intention, these powers are used most often against Black-led movements and environmental activists. A fusion center in Ohio is using their counterterrorism powers to go after environmental activists in the wake of the East Palestine train derailment. They have labeled famous, environmental—

Chair Miller:

Sir, please wrap up your testimony. You can submit the remainder of your comments to the Committee, please.

Adrian Lowry:

No matter how well-intentioned this funding is—

Chair Miller:

Sir, please wrap it up. Thank you. We are already over time. I have already granted over a half hour. I need the comments to be brief, as we still have another bill to hear.

Lorena Cardenas, Private Citizen, Las Vegas, Nevada:

This is a blatant attempt to violate our constitutional rights. The Biden Administration is labeling parents who speak up at board meetings as domestic terrorists. Why is it you are choosing to introduce this bill now? Why did you not introduce this bill when Black Panthers were parading with rifles during the Black Lives Matter riot? Why did you not introduce this then, when Black Lives Matter supporters shot our police officer Shay Mikalonis a few years ago? You are doing it now, when conservatives are being targeted for speaking up against the indoctrination and sexualization of our kids via the trans and LGBT movement. Am I a domestic terrorist for using my First Amendment right to disagree with this? The only intimidation that is happening in government is towards us—Christians. Do not pretend it is the other way around. This is another tool to intimidate us. When we carry guns, it is to defend ourselves from actual terrorists using Black Lives Matter and Antifa. Yet, we are the domestic terrorists. Stop trying to label us. Stop trying to silence us. Stop trying to disarm us so we can end up as sitting ducks to the people who you decide to agree with.

Nate Tekle, Private Citizen:

I am opposed to this bill on its face. I believe that all those statutes that are laid out within this bill, consolidated as Assemblywoman Jauregui said, instead of the consolidation occurring in these laws being labeled "domestic terror statutes," prosecutors could still prosecute people under the crime in the statutes that are created here, and to consider them domestic terrorism, I think is a bit of a stretch. I believe the domestic terrorism issue in the

state of Nevada can really be solved with the laws that protect mental health resources and fund them fully so that schools and community health partners can actually send money into areas where a lot of people that would be considering domestic terrorism can actually get support and funding so they do not engage in crimes like these.

Shaun Navarro, Private Citizen, Las Vegas, Nevada:

I am a member of Las Vegas Democratic Socialists of America. I am calling in opposition to [A.B. 117](#) for very different reasons than the people who have spoken before me. I find it ironic that we are speaking about this bill a few days after Senator Chaffetz, a man who was accused of being a terrorist many times in his life. I would also point to the situation which is happening at the Tennessee State House, where members of their House of Representatives are being expelled for showing dissent. I feel the terms "criminal anarchy" and "criminal syndicalism" that are described in NRS 203.115 and NRS 203.117 are intentionally vague and could be very easily used to target people for even having something as a book club.

While I am very much against domestic terrorism, law enforcement does have the adequate funding and tools to tackle this issue already. There has been a lot of talk about the school board and, as someone who attends school meetings, I can tell you for months, far-right activists—or whatever they want to call themselves—bullied fellow members of the school board. The local police, for whatever reason, did nothing to stop them. That is one example of how we have the tools that are needed to tackle this issue, but for whatever reason, they are not being used. In general, I am against more funding for the police, and this is overreach by law enforcement.

Valerie Thomason, Private Citizen, Las Vegas, Nevada:

[Ms. Thomason read from written testimony, [Exhibit G](#).] I am also a member of the Democratic Socialists of America and I am calling in opposition to this bill. As an activist, I am also concerned with some of these definitions, namely "anarchy" and "syndicalism," which target the left wing. While it has been insisted this bill simply groups these laws together, criminal syndicalism laws were found unconstitutional in 1969 by the Supreme Court in *Brandenburg v. Ohio*.

But this problem goes deeper than those definitions. The American Civil Liberties Union has been speaking out on these types of task forces for decades. The vast majority of terrorism task forces have never pursued any violent groups and have instead spent the majority of their time pursuing peaceful left-wing protesters and Black, Brown, and Muslim communities. In fact, five major cities have already chosen to disband their joint terrorism task forces after it was revealed they targeted only those groups. These task forces already exist. These laws already exist in other states, and we have seen and witnessed the outcome. No amount of reassurances by law enforcement should be equal to decades of research and witnessed accounts. Passing this bill will not only harm minority communities; this bill will undo all the criminal justice work that this Democratic supermajority has put in place.

Athar Haseebullah, Executive Director, American Civil Liberties Union of Nevada:

We are opposed to this bill in its current iteration based on much of the testimony that was provided earlier with their constitutional concerns related to the First Amendment and Fifth Amendment, but we are happy to speak with the bill sponsor directly to address those concerns. We thank everyone who has already shared their stories; we will not belabor the point.

Tracey Thomas, Private Citizen, Sparks, Nevada:

I do agree with the majority of A.B. 117. However, since the parameters of support require an all or nothing buy-in, I am forced to oppose the majority of bills on the premise that everything has room for improvement. The important element of this bill, that must be amended, is the removal of the word "perceived." It is imperative to address actual events of domestic terrorism. However, the introduction of perceived terrorism is a direct violation of our national and state constitutions and is an assault on our freedoms of speech and religion. The term "perceived" must be removed from the entire bill in order to have any chance of averting a veto.

For instance, we can perceive the acts being committed within our schools and universities as acts of terrorism. One could perceive a religious gathering inside churches as domestic terrorism. Perception by nature is speculative and open to misinterpretation. One could perceive someone choosing not to wear a mask or not to get a vaccine shot as an act of domestic terrorism. The perception of harm is a choice of a frame of mind, and not a fact. Action should only be taken on facts, not ideology. We have already seen an abuse of power being employed to weaponize our law enforcement for political agendas and not actual threats to our safety or violation of laws. Please amend the bill.

Lisa Partee, Private Citizen, Carson City, Nevada:

I vehemently oppose A.B. 117. This is a very dangerous bill that intends to put law-abiding citizens into the category of a domestic terrorist based on perceptions. As Mr. Underwood states, trends on hate speech with ideological opinions and spreading of propaganda—well, this is purely subjective. He describes planned gatherings spreading propaganda. That could be me. People choose to consider my opinions propaganda because they disagree with them. If I want to peacefully protest, will I now be arrested? The woman from Battle Born Progress, who first spoke in favor, stresses my point greatly. She feels one way. I feel the other. Who decides which person's opinions are wrong and illegal? That is the slippery slope I fear the most.

There are two sides to everything in life. People have the right to opinions. It is guaranteed in our *Constitution*. People have to be able to speak freely without fear of being arrested for having those opinions. Let us arrest those who actually cause true harm to people by committing crimes and not create new agencies on the backs of the taxpayers that are intended to silence the opposition. It appears to me you are trying to follow the Biden administration's definition of those of us who are trying to protect our kids and speak out at

school board meetings; that we speak out against the grooming that has been going on in our schools, the pornography in the libraries, the secret teachings in the classrooms as to gender identity and activism, as to learn to hate our flag and what it stands for.

This is a very bad bill that will have many unintended or intended consequences. I am really tired of people pushing race, gender, sexuality in every aspect of our lives this session. Learn to take offense and deal with it like adults, rather than tying up our court systems and jail systems to harm and destroy the lives of law-abiding citizens. We do not have large amounts of the issues they are describing, which tells me this is a national agenda. Please remember, Janine Hansen's and Mr. Degraffenreid's testimony, and remember your oath. No on A.B. 117.

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

There are some definitions in this conceptual amendment [[Exhibit C](#)] that are concerning. The bill, as originally written, causes no concern, but this amendment does. Even though we are saying we are not changing anything, these definitions do change things. As some of you may remember, I was arrested during the 2020 protest as an observer and I actually had to hire a lawyer to fight that case. What some of you may not know is that I actually tried a case specifically against Mr. Dickerson, where he charged a veteran going through mental health issues with terrorism. The stakes were incredibly high, and thank God the jury saw through that charge, gave that man a not guilty verdict, and we sent him home to his family. But there were issues with the way the original terrorism definition is used and there are issues with the way that this could be used.

I apologize to the bill sponsor that we did not get a chance to talk before this, which is bad form on our part. This conceptual amendment caught us off guard. We look forward to talking with her and working through things because we have no issue with increased funding and watching out for some of these things. However, some of these definitions are highly concerning. Oftentimes in these types of bills, we bring up Martin Luther King Jr., but we always need to remember that he was considered a terrorist himself and put on the FBI watch list during his time when he was alive. Further, John Lewis was not considered a special citizen, someone that we cared for [unintelligible] during all of those times. There are ways we need to go about addressing these things. We believe the conceptual amendment is overly broad.

Annemarie Grant, Private Citizen, Quincy, Massachusetts:

My brother was killed by the Reno Police Department and Washoe County Sheriff's Office. I am calling in opposition to A.B. 117, reiterating all the previous callers' testimony.

Amber Giroux, Private Citizen, Las Vegas, Nevada:

I agree with both Shaun Navarro and Val Thomason. I am a member of the Las Vegas chapter of the Democratic Socialists of America. I absolutely agree with what everyone has said about the subjectivity of this. I have witnessed it firsthand. When I worked for Bernie Sanders, I was a liaison standing between Ku Klux Klan members and other far-right groups

who were yelling obscenities at children—literal children—who were waiting in line to go into school. The police were standing right there. I asked them, "Are you going to do anything about this?" And they just shook their heads no. Who decides what the actual threats are and who decides what the police will act on? I also want to mention the unintended consequences also affecting marginalized groups: Black and Brown communities; disabled folks; people with mental health issues; also, the impact on environmental activists and how the USA PATRIOT ACT really targeted environmental activists, not domestic terrorists.

Chair Miller:

We will take these two callers in the queue.

Katrin Ivanoff, Private Citizen, Las Vegas, Nevada:

I want to point your attention to the fact that you are hearing opposition from both ends of the spectrum: the Democratic Socialists of America and also some Republicans, MAGA lovers, parents that were labeled terrorists. That has to give you pause to realize that you represent us and we are all opposed to this. I escaped a communist country to come here for the freedom that America afforded me. I am very sad to see, prior to last year, I was not even involved in politics because I could care less about politics. After seeing we are losing our constitutional rights, little by little, eroded by our lawmakers, I had to get involved. That is why I am calling in opposition to this bill.

Stop putting your greedy hands on our hard-earned money. We are paying taxes, but you are not using it for anything we want it to be used for. You are just creating more governments to be turned against us, the citizens. I am very happy to hear both sides are joining in opposition because this is not a Republican or Democrat issue. This is a protecting our constitutional rights issue.

David Beltran Barajas, Private Citizen, Las Vegas, Nevada:

I am a lifelong resident of Las Vegas and current resident of Senate District 12 and Assembly District 21. I am calling to oppose this bill, mirroring many of my community members here, like Val and Shaun, on the grounds of its language around "criminal syndicalism." Historically, anti-domestic terrorist laws in this country have been used against folks with left-wing views. That is the reason why I am calling in to oppose it.

Chair Miller:

That will conclude our testimony in opposition.

[[Exhibit H](#), [Exhibit I](#), [Exhibit J](#), [Exhibit K](#), and [Exhibit L](#) were submitted in opposition to [A.B. 117](#) but not discussed and shall become part of the record.]

I will open it up to testimony in neutral. I want to remind everyone that neutral is neutral. It is not camouflaged opposition. With that, anyone testifying in neutral here in Carson City, please approach. [There was no one.] We will go to the phone lines for testimony in neutral of A.B. 117. [There was none.] I will now invite Majority Leader Jauregui back up for closing remarks.

Assemblywoman Jauregui:

So many of our communities have experienced tragedy, not just here in Nevada, but across our country by domestic terrorism. Assembly Bill 117 serves as a mechanism to protect our communities, while still safeguarding our fundamental rights. Thank you, and I urge your support of A.B. 117.

Chair Miller:

With that, I will close the hearing on A.B. 117. Our next hearing is Assembly Bill 446, sponsored by Assemblywoman Leslie Cohen.

[Assembly Bill 446](#): Revises provisions governing guardianship of minors. (BDR 13-661)

Assemblywoman Lesley E. Cohen, Assembly District No. 29:

We are working off the amendment [[Exhibit M](#)]. It is very long. This bill has to do with minor guardianships, which is a subject that Legal Aid Center of Southern Nevada and the Nevada Coalition of Legal Service Providers know a lot about. When I was approached to sponsor the bill, I knew this would be a good bill that would help our kids who do have guardianships with people caring for them who are not necessarily their parents. I will turn it over to Jonathan Norman from the Nevada Coalition of Legal Service Providers to walk you through the bill.

Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers:

I am with the Nevada Coalition of Legal Service Providers which, relevant to this bill, includes Northern Nevada Legal Aid and Legal Aid Center of Southern Nevada. Since we started our minor guardianship programs, we have represented more than 3,000 children in over 1,600 minor guardianship cases. Our representation spans from representing children in initial petitions for guardianship through trials over whether a guardianship should be granted, to hearings on petitions for visitation and termination of guardianship. Most people, especially on this Committee, should be familiar with guardianship because we just talked about that last Friday. In minor guardianship, it is the structure that allows an adult who is not the parent to care for a child when a parent is unable to do so. It does differ from adult guardianship, and the needs of children obviously differ pretty dramatically from the needs of adults in guardianship.

I would hazard a guess that most people in this room would know a grandparent, aunt, a godmother, grandfather, or an uncle, who is caring for children in their parents' absence. What people may not know is the vast majority of minor guardianship cases derived not from the death of a parent but because a parent is struggling with issues like substance abuse,

alcoholism, domestic violence, homelessness, or untreated mental illness. Guardianship may also derive from ongoing physical abuse in the home by a parent or another adult. In short, many guardianships are sought by relatives and family friends for the same reasons a child welfare agency may remove a child from the parents' care. I am going to turn it over in a moment to Miss Marina Delia-Hunt, who runs the Legal Aid Center of Southern Nevada's minor guardianship program. We are looking at a very big amendment. I just want to highlight at a high level the things this bill is addressing and that I want you to keep in mind as we move through the presentation and hear support and opposition.

The bill makes the guardianship process more collaborative between the guardians and the parents. It empowers parents by further strengthening parental preference and entitling parents to an evidentiary hearing if they object to the formation of the guardianship or seek to terminate the guardianship. It maintains children's ties to their parents even when they are unable to provide full-time care. There is currently no right to visitation between children and their parents in the minor guardianship statute. As a caveat to that, it is always when appropriate; for a guardianship like Department of Family Services (DCFS) cases, we are looking at having the kid be safe. So, it is when that visitation is appropriate.

It protects children whose guardian is unable to continue to serve and who remains without a suitable parent by requiring the court to refer that matter to DCFS, in lieu of terminating the guardianship with no further oversight. It increases knowledge of the process and path for reunification by requiring collaborative development of case plans so that guardians and the parents know the expectations at the onset of the case. It increases the court's knowledge about a proposed guardian by requiring a petitioner to provide additional information about their suitability in the initial petition. Again, that is information which is known to the petitioner; we are not asking them to be an investigator; if they know the members who are in the household, we want them to put that in the petition. It protects children in emergency circumstances by clarifying when a temporary guardianship over a minor may be granted before the hearing. And it provides a path for reunification and the termination of the guardianship. With that, I am going to turn it over to Ms. Dalia-Hunt.

Marina Dalia-Hunt, Team Lead, Minor Guardianship Advocacy Program, Legal Aid Center of Southern Nevada:

To start off, I want to give you a sense of the population we actually see in minor guardianship, at least in Clark County. Over the past month, we have had a maternal grandmother seeking guardianship over her five grandchildren after her daughter passed away. The children have different fathers, one of whom has a history of physical abuse against his child, another who is struggling with substance abuse. We have a paternal grandmother seeking guardianship over two of her grandchildren to keep them from returning to an abusive mother. While this child was diagnosed with autism, grandma can enroll him in school without a guardianship. We have a family friend seeking guardianship over a child who is coming from California after California's Child Protective Services recommended guardianship in lieu of removing the child after they disclosed sexual abuse by a family member. And we have a stepparent seeking guardianship over her stepchild who is currently a patient at a residential treatment facility, after the dad passed away. The mom

is homeless, living in her car, struggling with substance abuse and in an abusive relationship; stepmom cannot participate in the child's discharge plan without a guardianship. Those are just a small sampling of cases. We get over one hundred cases a month down in Clark County. These cases are not easy; they are not easy for the children, the guardians, the parents, or the courts.

One of the unique things about minor guardianship, unlike children in the dependency system, is once the guardianship is granted, typically there are no review hearings, there are no social workers, there is no appointed counsel for the parents, there are no case plans, and as Mr. Norman mentioned, no clear visitation rights between children and their parents. The petitioner and parents are often on their own to figure out the complicated process. Most proposed guardians are not represented by counsel, even fewer parents are. Once the guardianship is granted, the only ongoing requirement for a guardian—in terms of the requirements to the court—is to provide a short report of the guardian to the court annually. There is no review process to determine if a parent has corrected the reason for need for guardianship or even to understand if they stayed in contact with their child.

Even in straightforward cases—cases where both parents are permanently unavailable through death, illness, incarceration, deportation—the process is not easy. As the system currently operates, all petitioners must serve a litany of relatives—all parents, grandparents, all siblings over the age of 14, as well as the Department of Health and Human Services through certified mail with return receipt requested or personal service. Where this system gets even more complicated is when the relatives' locations are unknown. Then under the statute as it currently operates, the only accepted method of service is through publication in the relatives' last known locale. This is both impractical and costly. The goal is to ensure a relative, including a parent, knows about the guardianship proceeding. Publication in a newspaper is not the way to accomplish that goal. Publishing in the newspapers is also expensive. In Clark County, it costs approximately \$150 to publish in the newspaper.

This issue gave rise to the first goal in this legislation: to simplify service requirements in the statute to allow for service through electronic means when relatives' locations are unknown, and to dispense with the requirement to serve the Department of Health and Human Services, who are not involved in the guardian proceedings at all. The sections of the bill that address the service issues are sections 9, 15, 16, 19, and 20.

After the straightforward cases, we have the cases that are the bulk of the focus of the proposed provisions to the statute. These are cases where parents recognize that they are currently unable to care for their child due to a confluence of circumstances and they want a relative or a friend to get guardianship—they are in favor of this and they understand it is in their child's best interest. This decision of a parent to decide that they are currently not able to care for their child and they need help is a decision that the Supreme Court of Nevada has consistently affirmed as something we want to encourage parents to do, to act when it is in the children's best interest. But here is where we see both a high amount of misinformation among the parties, including parents and guardians, but also an opportunity to shape a better

system that takes this desired collaboration between the parents and guardians a few steps further. I would like to highlight a few key ways that we would like to update the statute to better meet the needs of the subset of families.

First, something that is important to contextualize this matter is, a high proportion of the consent-based guardianships, though not all, have had some recent interaction with the child welfare system that has given rise to the guardianship, either directly or indirectly. Due to these interactions, parents and guardians are often under the impression that through guardianship they will have some kind of case plan and a social worker who will help them reunify with their child. This is not the case. In almost all guardianships, there is no ongoing interaction between the child welfare system and the guardian. However, that does not mean a child can safely return to their parent once this, the child welfare investigation, is closed; the parent still has a lot of work to do. This requires a better understanding at the beginning of the guardianship about the reasons the guardianship is being granted and what potentially will need to change for the guardianship to terminate.

To address these issues, this bill does a couple of things. First, the bill requires parents and guardians, where appropriate, to collaborate on a care plan that sets forth the reasons for the need for guardianship, the circumstances under which it might terminate, and the rights and responsibilities of both parties, including a proposed visitation schedule. Second, this bill revises and clarifies the parental preference doctrine to clarify that the decision to grant a guardianship is not an inquiry comparing a parent to a guardian, but a statement that first, a parent is presumed suitable to care for their child, and a guardianship should only be granted if a parent is found unsuitable. Third, this bill shifts the burden for termination of consent-based guardianships to require a guardian to prove a continued need for guardianship the first time a parent who consented to the guardianship seeks to terminate. Fourth, this bill strengthens the right to visitation, as appropriate, between a child and the parent.

In the amendment [[Exhibit M](#)], we proposed additional language setting forth a clear preference for continued contact between parents and their children when a guardianship is in place where safe and appropriate. The provisions of the bill which address these issues are sections 12, 22, 24, 29, 32, 43, and 50.

Another goal of this legislation is to amplify the voices of children in minor guardianship proceedings. Currently, the court is only required to consider the opinion of a child if they are over the age of 14. As originally written, the bill proposes lowering the age of required consent to guardianship to 12. After discussing this matter with stakeholders, we are working on an amendment on the issue, but still requiring the court to consider the preference of the children at any age—not just over 14. Second, this bill clarifies the preferences for appointment of counsel in certain circumstances, including when an evidentiary hearing is scheduled, when the matter is contested, or when the minor is over the age of required consent.

Third, this bill makes the minor a party to the proceedings. This previously only occurs if the minor is appointed an attorney. Fourth, this bill sets forth a clear preference for the appointment of an attorney for the minor in lieu of a guardian ad litem. Guardians ad litem serve an important role in some minor guardianship cases, especially in state cases. But in guardianships of the person, the direct representation model ensures that the child's voice is heard in the court. Fifth, this bill requires the guardian to inform the court if the child has been admitted to a long-term care facility. The sections that address these priorities are 6, 8, 13, 14, 17, 21, 24, 30, 42, 43, 44, and 46.

The next category of revisions relate to the court's consideration of the guardian's qualifications and their insights into the case. As the law currently operates, the guardian must disclose whether they have ever been convicted of a felony—even if that was 40 years ago—but does not require the guardian to disclose if they have ever been the subject of a substantiated child protective services investigation; nor does it require the guardian to disclose who lives in their home. This bill would change that, which would help the courts better understand the suitability of a guardian and the potential safety of the child. In addition, this bill would add a new category to the Report of the Guardian, which would ask the guardian to share whether the parents stayed in contact with their child and how the visitation was going. The sections that address these priorities are sections 11, 24, and 32.

The next category of revisions relates to safety issues. The current statute allows for temporary guardianships prior to a court hearing in two circumstances: medical emergency or other good cause. "Good cause" is not defined in the statute. The statute would functionally define "good cause" to ensure that children who are at immediate risk of physical, emotional, or financial harm have the protection of a temporary guardianship prior to a hearing for ten days. Second, the statute does not currently express what should happen if a guardian dies or wants to withdraw but the parent remains unsuitable. This bill provides a mechanism for the court to refer this matter to the Division of Child and Family Services under those very specific circumstances. The sections that address these priorities are sections 5, 6, 8, 19, 20, 44, and 46.

Additionally, this bill simplifies estate matters. It is quite unusual for a child to have an estate, unlike in the adult system. They primarily derive from an inheritance due to the death of a parent, both parents, or another relative; and also sometimes from a settlement agreement. The goal of these revisions is just basically to defer how courts consider children's estates to the adult statute because their system is working really well but otherwise to state that a child's estate cannot be used absent extraordinary circumstances. Some of the amendments which have been proposed contain significant changes to the guardianships of the estate, but the provisions that will remain in some form are sections 25, 28, 33, 36, 41, and 55.

Then there is a small additional category that did not fit into any other category defining co-guardianships for members of different households. Currently, there are no standards for when a court may grant co-guardianship, and that can cause a lot of problems. I wanted to add some more direction about when they may be appropriate and when they may not be appropriate. And that is section 7.

In sections relating to vexatious litigants, we have tried to even out the standard to indicate that both a proposed guardian and a parent can be considered a vexatious litigant, rather than just a parent. These are sections 18, 44, 48, and 54. A number of the provisions are simple cleanup provisions which remove language that clearly is just a relic of the minor guardianship system initially deriving from the adult system. These provisions are 31, 34, 35, 37, 38, 39, 49, 52, 53, and 68. There were a number of sections in the original bill that we did not intend to change. In the amended version, the following sections are removed to basically maintain the original language as currently written in the statute. Those sections are 1 through 4, 10, 23, 26, 27, 40, 45, 47, 51, then 56 through 67. Those are all removed to maintain the original language in the statute.

Jonathan Norman:

Before we go into questions, I do not think we defined "guardianship of the person" and "guardianship of the estate." Guardianship of the person is when the guardian is going to take care of a child physically, make sure they have shelter, clothing, are getting to school, and things like that. Guardianship of the estate is when there is property, an inheritance, or a personal injury settlement that the guardian has to look after. Finally, you know, I hate to use the word "work in progress," but the reality is, we do have stakeholders who are engaging on this topic. We are looking forward to feedback from and we are incorporating feedback from them as we go.

Chair Miller:

I appreciate your willingness, and especially that representative of the bill sponsor, Assemblywoman Cohen, to always work and include all the stakeholders at the table. I hate to use these terms as well: Committee deadline, house passage deadline. We know what we are all up against. With that, I will now open for questions from members.

Assemblywoman Summers-Armstrong:

This is a lot. I am not going to pretend I understood everything I read. I am going to ask you please to help me understand what you mean when you are specifically talking about "in cooperation." What does that look like? I am concerned because you listed, when you opened, these situations where children are in guardianship. As a grandmother, if my grandbaby, Ella, was taken because there was an issue of her safety that I do not want to talk to her folks about, Oh, can we have visitation? I am going to be honest, I am a human being. I want to know what this is going to look like if mom says she now wants to come back into this situation. How would that work?

Marina Dalia-Hunt:

Right now as the statute operates, the visitation is entirely at the discretion of the guardian. We would like to change the process to be more collaborative, only where safe and appropriate, as there certainly are circumstances where visitation is never appropriate. In our model, we follow a client-directed model where we ask children whether they would like to visit with their parents. Sometimes the answer is no. That is what we advocate for and that is often what the court grants. We are not talking about cases of severe physical abuse where the child is really afraid of their parent, but in cases where a parent is struggling with substance abuse, for example, when they are sober, they can competently take their child to McDonald's and maintain a relationship that evidence has shown is good for both the parent and for the child to continue those familial ties. That is where we want the collaboration.

In the proposed amendment, there is more specific language on how the court can consider the visitation and essentially presume it is in the best interest of the child to maintain some kind of contact. That contact could be just over the phone, once a week; it does not have to be in person or overnight. The goal for some of these cases is that they ultimately reunify with their parent. These guardianships are not always meant to be permanent. Without some kind of contact, when a child lives with their grandmother for five years with zero contact with their parent, and then mom has resolved the reasons for the need for guardianship, that child is not going to be ready to reunify because they have had no contact. Our goal in having more collaboration is to make it a process where the child can safely return to the home, and sometimes that may not be appropriate.

Assemblywoman Summers-Armstrong:

I understand your intent, but I am more interested in the process. How would this mom or dad go through this? Where does this process of reunification occur? Are they going to come through my door, because that would not be a good thing. So, they need to go to someone and talk to them about, I am okay now. Where do we start? What is the process? Is that laid out or is that going to be a departmental or procedural thing?

Marina Dalia-Hunt:

The process at the inception will be a specific care plan in a form approved by the Nevada Supreme Court. This specific revision derived from another state, Vermont, that implemented this model to increase the cooperation between parents where it is possible. The idea would be that the parent and the proposed guardian would sit down at the inception, while the parent is consenting to the guardianship, and go through the expectations for visitation. It would include provisions that would specifically have benchmarks and could include provisions that say, if you are not sober, you cannot visit. That would be filed with the court at the inception. If a parent seeks to modify the visitation agreement, they will have the responsibility to petition the court for visitation. That will be scheduled for a hearing where the court can consider arguments from both sides. The guardian can object, the child can object, and the court will make the ultimate decision.

Assemblywoman Mosca:

Do we have data on how many children do go back or would this bill help us be able to track that?

Marina Dalia-Hunt:

No, we do not have data on how many guardianships are terminated. From anecdotal data, it is few. We do not have the specific number.

Assemblywoman Cohen:

To be clear, while a lot of this is going through our legal aid providers, a lot is also going on through our private practice law firms.

Assemblywoman La Rue Hatch:

My question is about public guardians. We got a letter [[Exhibit N](#)] from someone very concerned about the changes to public guardianship. If you could speak to what it is and what would change under this bill?

Marina Dalia-Hunt:

The public guardian is a public servant who primarily serves as a guardian of the person and estate for adults. Under the minor statute, they can serve as a temporary emergency guardian of the estate for a minor. The changes to the public guardian provisions were more sweeping than we intended, so in the amendment we are removing all revisions relating to the public guardian.

Jonathan Norman:

Is it the letter from Douglas County [[Exhibit N](#)]? I read that and we need to reach out to get clarification. When I read that, I was under the impression that it was guardianship of the person. In our conversations with the public guardian in Clark County, we just need to clarify if that is happening and if it should be appropriate.

Assemblywoman Newby:

I have a constituent who is the legal mother of children and yet, because they have an estate, has to get a guardianship of them in order to manage that estate, which she is not permitted to touch in any way. Would you go into a little bit more depth into these changes on the guardianship of an estate for a minor and how that will be changing?

Marina Dalia-Hunt:

In the amended version of this bill, we are making very few changes to the guardianship of the estate, primarily to clarify that the money needs to go into a blocked account. I know it is cumbersome when a parent has to seek guardianship over their child's estate just to put money into a blocked account. We are first clarifying when a parent can invest the money, so it is not just sitting there and losing money with interest. Right now, the statute only allows for investment in mutual funds and bonds, which is very specific. It is expanding that a little bit. Then it is clarifying when a guardian may seek to remove money from a blocked account. While we do have parents who are just trying to put money into a blocked account,

we do have some parents and guardians who take a child's estate as a free pass to spend and go to Disneyland, casinos, and spend the child's estate that has come from a parent passing away, and that is the legacy for their child. We are adding more protections for the blocked account for those larger estates, where some guardian has expended them without the child's consent.

Chair Miller:

Not seeing additional questions, I will now open testimony in support of A.B. 446. We will start here in Carson City first. [There was no one.] I will now open the lines for phone testimony in support of A.B. 446.

Ali Caliendo, Founder and Executive Director, Foster Kinship:

We operate Nevada's statewide Kinship Navigator Program, and we commonly work with families who find that guardianship is the best option for their family. We are very grateful to the children's attorneys from Legal Aid's Guardianship Advocacy Project who are making a critical difference representing children in guardianship cases. These proposed changes address current weaknesses in our guardianship law that currently negatively impact children, parents, and guardians. A majority of kinship families file for guardianship on their own and as such, are often delayed in receiving legal capacity due to complications around proper service. Allowing electronic service will make it both easier to provide proper notice and will reduce burdens and costs on caregivers.

It is important to note that proposed guardians need to show they are able to properly care for children. By requiring the proposed guardian to provide appropriate information regarding their capacity to provide safe care, children will be in situations better suited to shorten long-term positive outcomes. Assembly Bill 446 will increase family decision-making outside the child welfare system, ensuring that guardianship is a safe alternative to foster care while still considering the rights of children and parents.

It is important to note that if the child is placed with a relative in foster care, there is support from the child welfare system around coparenting, visitation, and reunification. However, current law does not require that guardian/parent collaboration under guardianship, leading kinship families to navigate a pathway to reunification on their own which is often difficult. We know that when safe, kids do better with their parents. But the way the law is currently written, guardianship does not include that path towards reunification unless the child welfare system is involved, and we do not believe that is equitable for children, parents, or caregivers.

Assembly Bill 446 will help proposed guardians understand and prepare for the responsibility of guardianship and, when safe and possible, encourage parents and their proposed guardian to work together on behalf of the best interest of the child. Finally, at Foster Kinship, we have seen situations where the guardian is no longer able or willing to serve and parents have not thought to terminate guardianship, leaving the child in a legal gray area that is often unsafe. Requiring referral to the child welfare system in those cases closes a very important gap in the guardianship safety net.

Holly Welborn, Executive Director, Children's Advocacy Alliance of Nevada:

Ms. Caliendo has hit most of the points I had in my testimony, the legal gray area we place children in when a guardian seeks to terminate that guardianship and there are not options for where that child can go. I do want to say "ditto" to her comments and stress that collaboration between the parents and the guardian is crucial and is in the best interest of the child. I believe there are safeguards in place in this bill to ensure we are acting in the best interest of children.

Chair Miller:

Seeing no further callers in support, I will now open testimony in opposition to A.B. 446.

Jeffrey S. Rogan, representing Clark County:

I am here on behalf of Clark County with some limited opposition to A.B. 446, on behalf of our office of public guardian as well as our child welfare agency, with the understanding that there is an amendment that may address some of these issues I raise today. However, as written, we have these concerns. First, with regard to section 60, we would like some clarity regarding a court may appoint the public guardian to be a guardian of a minor, either a guardian of the person or of the estate. Our public guardian's offices are presently not equipped to care for a minor child or act as a guardian of their person. If the intent of the bill is to only allow a court to appoint the public guardian as a guardian of the estate of a minor, then the bill needs to be amended to specifically say so. Moreover, several of the new provisions created in this bill are burdensome for our public guardian's office. These include the requirement in section 25 that a guardian establish a blocked account for a minor, and in section 26, the requirement that the public guardian make and file a verified acknowledgement before accepting appointment as a guardian. We will work with the bill sponsor as well as proponents to address those issues.

Lastly, Clark County's Child Welfare Agency opposes section 24 as written. By requiring a minor aged 14 years or older to consent to the appointment of a guardian, section 24 creates a void if the child does not consent to the proposed guardian and there is no other potential guardian. This will make our child welfare agency the safety net, and foster care is not an appropriate option for teenagers when there is a fit and willing relative or fictive kin. We look forward to continuing to work with Legal Aid and the bill sponsor to address these issues.

Egan Walker, Judge, Second Judicial District Court; and Co-Chair, Statewide Guardianship Commission:

I speak today in opposition to A.B. 446 for the following reasons. First, the thoughtful questions and comments of this body last Friday in reference to adult guardianship issues apply equally here. Moreover, our concern—by "our," I mean Judge Marquis and myself as co-chairs of the Statewide Guardianship Commission—this is a giant bill with now giant amendments, none of which have been discussed with the Guardianship Commission or the co-chairs. Zero of them have been discussed, outside of brief meetings with lobbyists last week or even this morning; none of this has been vetted with any of the Commission members.

Moreover, you have heard no comments whatsoever about the effects this will have on our rural colleagues. I have had the privilege, as part of a very large project we are undertaking as part of a grant that was obtained by Justice Hardesty to improve guardianships in Nevada, to go to every court in Nevada and speak with every judge who handles guardianships in Nevada. None of the comments offered, by way of legal advocacy for children, address in any way the concerns that will be for unfunded mandates in the rural courts. If you are Judge Montero in Humboldt County, his signature is on every order in every case of any kind in the entire county. No one has talked to Judge Montero how appointment of counsel in Humboldt County would be affected by these changes. No one has talked to any of the other rural judges that I am aware of about any of these proposed changes.

Let me emphasize one point; there are many good things about this bill. I double down on the comments I made about my Legal Aid comments last week; they do magical work. I am very strongly in support of Legal Aid and the advocacy that occurs. In fact I will be speaking at Northern Nevada Legal Aid's annual fundraiser in just a few weeks as one of the speakers in support of their fundraising. I ask you to consider this: if the prototypical guardianship you have been asked to consider is, mom and dad are unavailable for some reason and grandma is seeking guardianship, and a 14-year-old girl says, I do not want grandma as my guardian because she does not agree that my 25-year-old boyfriend should not have contact with me. That 14-year-old now has a veto. That makes her unsafe. She does not fit into mom or dad's care, custody, and control because it is not safe. She will not accept grandma as a guardian. She moves into the foster care system. What happens is her 25-year-old boyfriend, who also, by the way, is her sex trafficker, picks her up at the door of Kid's Cottage in Washoe County, and we have now pushed her into a very dangerous situation with unintended consequences.

I urge you to consider, Judge Marquis and I warrant to all of you, we will work with the stakeholders through the Commission this session and in the next two years of the next session to approve the minor guardianship bill. I told you last week, blame any errors in the minor guardianship bill on me—I was one of the coauthors of it. These changes that are proposed need to be thoughtful, nuanced, and well-vetted across all of the stakeholders and not just represent the voice of the children involved. And that is what is happening with this bill.

Chair Miller:

Seeing no other testimony here in Carson City, we will open the lines for testimony in opposition to A.B. 446.

Rachel Tygret, Private Citizen, Las Vegas, Nevada:

I am an attorney practicing in the area of both adult and minor guardianship in Clark County. Those of us who actively practice in the guardianship community and are stakeholders in this area of law were only made aware of this bill—which is over one hundred pages long—yesterday and have not had sufficient time to thoroughly review the proposed amendment. As it has been mentioned before, this bill was also not presented to the Guardianship

Commission. We object to the bill and ask that it not be passed without being presented to those of us who do work in this area of law so that we can all work together to make proper amendments at this time.

Buffy Okuma, Chief Deputy District Attorney, Child Protective Services, Washoe County District Attorney's Office:

I first want to apologize to Assemblywoman Cohen for not reaching out to her sooner. As you have heard from others, we were reviewing the bill and it was so voluminous that the further we analyzed it, we saw greater and greater impact on the child welfare system. I do want to indicate that we would also like to work on any amendments but also share the concerns about all the stakeholders not being included in something that will have such an effect not only on the minor guardianship system but also the child welfare system as a whole. Primarily our concerns are that it makes minor guardianships extremely complicated for many of the people who are trying to navigate the system to try and care for their family members without governmental involvement, but they will be completely unable to navigate the system without that. As a result, we think it is going to push more children into the child welfare system. We are also concerned about the provisions that push the burden of proof if somebody seeks to terminate a guardianship onto the guardians, who again are already challenged with navigating the system. As with others, we would like the opportunity to work with Assemblywoman Cohen and the other stakeholders.

[[Exhibit O](#) was submitted in opposition to [Assembly Bill 446](#) but not discussed and shall become part of the record.]

Chair Miller:

Seeing no further opposition testimony, I will now open testimony in neutral on [A.B. 446](#) here in Carson City. [There was none.] We will open the line now for testimony in neutral on [A.B. 446](#). [There was none.] With that, I now invite the bill sponsors back up for closing remarks.

Jonathan Norman:

Working with stakeholders, I had conversations with Judge Marquis about anticipated changes to this going back to June and July. There can be some criticism there whether it was specific language, but language and what we are doing always comes with the Legislative Counsel Bureau and we are working on drafts as we go. I will take some criticism there. The bill draft request was filed in December, and we got specific language at the same time that other stakeholders would have gotten it. I will add that we are open to, if there is something in the process that we are proposing that is troublesome, we are willing to work with stakeholders. I heard today issues with three policy points. First, the consent of the minors; I would add that coming from working on child welfare, kids will vote with their feet if you force them. At the same time, we are sensitive to the concerns of those stakeholders.

Clark County Chief Deputy District Attorney Duffy reached out to me, and we have been talking about that consent issue now for a week. She was texting me this morning at 6 a.m. as we were dialing in a potential amendment. I think we are there on language that would alleviate the district attorneys' concerns on the point of consent that also gives our kids in this system the ability to look at a statute and say, I am heard in this statute. I think that is important. At the end of the day, that example, which is a great, compelling example, that child is going to vote with their feet if you force it and do not consider where they are coming from. The other policy point is the burden of proof shifting in the consent cases. I think we are open to discussing that. Then, Mr. Rogan, I think those issues with the public guardian, we are well on our way to solving.

As far as the policy arguments I heard in opposition, we are dealing with the consent issue, we are dealing with the issues for the public guardian, and that leaves this burden of proof issue. The idea that this is making guardianship more complicated, read the changes and what they do, and decide for yourselves if it is making it more complicated. This is simplifying a statute—the first step was splitting this off from adult guardianship, which was done in 2017. Now the next evolution is to tailor this to the needs of families and kids. I would ask that when you hear "This is making it more complicated and unintended consequences," read the changes. I will be stopping by your offices to have conversations about what those changes are. Judge that for yourselves. My cell phone is on all of my business cards. Any stakeholder can reach out to me at any time and I am willing to talk to them.

Assemblywoman Cohen:

Thank you to the Committee for hearing this bill and to Ms. Dalia-Hunt and Mr. Norman for their work on this.

Chair Miller:

With that, I will close the hearing on A.B. 446. The last item on our agenda is public comment. [Public comment was heard.] Thank you, members, for your engagement today and to the public. With that, I will adjourn today's meeting [at 10:29 a.m.].

RESPECTFULLY SUBMITTED:

Connor Schmitz
Committee Secretary

APPROVED BY:

Assemblywoman Brittney Miller, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 117](#), submitted by Martin Fitzgerald, Private Citizen, Las Vegas, Nevada.

[Exhibit D](#) is a collection of materials submitted by Anthony Shafton, Private Citizen, Reno, Nevada, regarding [Assembly Bill 117](#).

[Exhibit E](#) is written testimony dated March 31, 2023, submitted and presented by Clinton Holeman, Private Citizen, Gardnerville, Nevada, in support of [Assembly Bill 117](#).

[Exhibit F](#) is written testimony, submitted and presented by Vivian Leal, Private Citizen, Reno, Nevada, in support of [Assembly Bill 117](#).

[Exhibit G](#) is written testimony, submitted and presented by Valerie Thomason, Private Citizen, Las Vegas, Nevada, in opposition to [Assembly Bill 117](#).

[Exhibit H](#) is a letter dated April 4, 2023, submitted by Julie Burke, Private Citizen, in opposition to [Assembly Bill 117](#).

[Exhibit I](#) is a letter, submitted by Bruce Parks, Chairman, Washoe County Republican Party, in opposition to [Assembly Bill 117](#).

[Exhibit J](#) is a letter dated April 3, 2023, submitted by Cameron Clemons, Private Citizen, in opposition to [Assembly Bill 117](#).

[Exhibit K](#) is written testimony, submitted by Kimberly Carden, Private Citizen, Sparks, Nevada, in opposition to [Assembly Bill 117](#).

[Exhibit L](#) is a letter dated April 3, 2023, submitted by Chris B. Payne, Private Citizen, in opposition to [Assembly Bill 117](#).

[Exhibit M](#) is a proposed amendment to [Assembly Bill 446](#), submitted by Jonathan Norman, Statewide Advocacy, Outreach, and Policy Director, Nevada Coalition of Legal Service Providers.

[Exhibit N](#) is written testimony, submitted by Nicole Thomas, Douglas County Public Guardian, in opposition to [Assembly Bill 446](#).

[Exhibit O](#) is a letter dated April 4, 2023, submitted by Michael Keane, Member, Permanent Guardianship Commission, Supreme Court of Nevada, in opposition to [Assembly Bill 446](#).