

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

**Eighty-Second Session  
April 25, 2023**

The Committee on Judiciary was called to order by Chair Brittney Miller at 8:32 a.m. on Tuesday, April 25, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Brittney Miller, Chair  
Assemblywoman Elaine Marzola, Vice Chair  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblywoman Lesley E. Cohen  
Assemblywoman Venicia Considine  
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:**

Senator Lisa Krasner, Senate District No. 16



**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:**

Christopher P. DeRicco, Chairman, Board of Parole Commissioners, Department of  
Public Safety  
Barry Cole, Private Citizen, Reno, Nevada  
Serena Evans, Policy Director, Nevada Coalition to END Domestic and Sexual  
Violence  
Linda Kirkpatrick, Private Citizen, Arizona  
Janice Baker-Kinney, Private Citizen, Rohnert Park, California  
Lise-Lotte Lublin, Private Citizen, Las Vegas, Nevada  
Benjamin Lublin, Private Citizen, Las Vegas, Nevada  
Sabrina Lublin, Private Citizen, Las Vegas, Nevada  
Simon Lublin, Private Citizen, Las Vegas, Nevada  
Susan Reed, Private Citizen, Reno, Nevada  
Drew Franklin, representing Awaken  
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,  
Las Vegas Metropolitan Police Department  
Richard P. McCann, representing Nevada Association of Public Safety Officers; and  
Nevada Law Enforcement Coalition  
Mary-Sarah Kinner, Government Affairs Liaison, Washoe County Sheriff's Office  
Heidi Thomas, Private Citizen, Castle Rock, Colorado  
John T. Jones, Jr., Chief Deputy District Attorney, Legislative Liaison, Clark County  
District Attorney's Office; and representing Nevada District Attorneys  
Association  
Amanda Vaskov, Director, Government Affairs, Associated Students of the  
University of Nevada, Reno

**Chair Miller:**

[Roll was called. Rules and protocol of the Committee were reviewed.] We have two hearings today. I will now open the hearing for Senate Bill 67, which will be presented by Mr. DeRicco. Mr. DeRicco, when you are ready, please begin.

**Senate Bill 67: Revises the definition of the term "sexual offense" for the purpose of certain provisions relating to parole. (BDR 16-258)**

**Christopher P. DeRicco, Chairman, Board of Parole Commissioners, Department of Public Safety:**

Thank you for the opportunity to present Senate Bill 67, which is a cleanup bill. I would like to start with a historical background. In 2006, the federal Adam Walsh Child Protection and Safety Act of 2006 was enacted to protect the public by establishing a comprehensive national system for the registration of sex offenders and offenders against children, which included, without limitation, the establishment of a uniform nationwide system for the registration of and community notification concerning such offenders. In furtherance of this purpose, the act required each state to enact laws regarding the registration of and community notification concerning sex offenders and offenders convicted of a crime against a child, which conform to the provisions of the act. States which did not enact such laws by the date provided in the act would not receive certain federal funds.

In the 2007 Legislative Session, Assembly Bill 579 of the 74th Session was introduced and later approved on June 13, 2007, which is now included in *Nevada Revised Statutes* (NRS) Chapter 179D. The term "sexual offense" was specifically defined in Assembly Bill 579 of the 74th Session, which is now a part of NRS 179D.097.

The new changes to the laws regarding registration of sex offenders and offenders convicted of a crime had an effective date of July 1, 2008, but were not implemented in Nevada until 2018 due to litigation. Because the law was enjoined when the definitions of "sexual offenders" were placed into NRS Chapter 213, those definitions did not refer to NRS Chapter 179D, but instead provided for the then current language contained in NRS Chapter 179D.

Now that the Adam Walsh Act is unenjoined, we would like to clean this up and ensure that the same definition is being used throughout the statutes. We are requesting that this be reviewed and are hopeful that you will determine that the term "sexual offense" may rely upon this term as stated in NRS 179D.097.

The issue is that there are other statutes within NRS Chapter 213 that have differing definitions of "sexual offense," and they do not all coincide. For example, there is a definition in NRS 213.107, subsection 8, and another in NRS 213.1214, subsection 6(d). This bill revises the definition of "sexual offense" for the purpose of relating to parole to make the definition consistent with the definition of the term used elsewhere in NRS. Passage of this bill should provide greater clarity with regard to this definition specifically with NRS Chapter 213.

I want to point out that with respect to section 3 of the bill that refers to NRS 213.1214, this statute directs the Department of Corrections on which individuals require a mandatory sex offender assessment. By enacting these changes, we will be using the same definition of "sexual offense" in all parts of NRS Chapter 213.

If an individual must register as a sex offender in this state per NRS 179D.097, all offenses that trigger these registration requirements in our state will properly be assessed using a sex offender assessment tool, usually the Static-99R, prior to a parole hearing. The sex offender assessment is another tool for the State Board of Parole (Parole Board) to review the risk of a qualifying offender to reoffend sexually. This is critical information the Parole Board should have in all cases, and it would be best to have all individuals who must register as a sex offender be assessed in this manner.

There has not been an update to NRS 213.1214 since 2015, and we are trying to correct that to coincide with the definition in NRS 179D.097, which was finally implemented in 2018. If you have any questions or concerns regarding this, I will do my best to answer any questions or provide any follow-up as necessary.

**Chair Miller:**

I do not see any questions. With that, I will open it up for testimony. If there is anyone in Carson City who would like to testify in support of Senate Bill 67, please come forward. Seeing no one, is there anyone in Las Vegas? [There was no one.] Is there anyone on the phone? Hearing no one, I will open it up for testimony in opposition. Is there anyone who would like to oppose Senate Bill 67 in Carson City or Las Vegas? Not seeing anyone, is there anyone on the phone? Hearing no one, is there anyone in Carson City or Las Vegas who would like to testify in neutral? Not seeing anyone, is there anyone on the phone? Hearing no one, Mr. DeRicco, would you like to make any final words?

**Chris DeRicco:**

Thank you, Chair Miller. The only final words I have on this is, I hope the rest of your day goes as smoothly as this hearing.

**Chair Miller:**

Thank you so much for that. I will close the hearing on Senate Bill 67. Our next hearing is Senate Bill 129, presented by Senator Krasner. Your hearing is officially open and whenever you are ready, please proceed.

**Senate Bill 129: Revises provisions relating to certain civil actions involving sexual assault. (BDR 2-573)**

**Senator Lisa Krasner, Senate District No. 16:**

I will be presenting Senate Bill 129. With me, I am honored to have our expert psychiatrist, Dr. Cole, and Ms. Evans, with the Nevada Coalition to END Domestic and Sexual Violence. I appreciate the opportunity to come before you today and present Senate Bill 129. This bill makes important and I would say long-overdue changes to the way we handle justice for victims of sexual assault in Nevada, specifically with regard to a civil action brought by a victim of sexual assault against a perpetrator.

Let me provide some brief background on why I chose to sponsor Senate Bill 129. I have been working on improving our statutory scheme relating to sexual assault for many years. In 2017, I sponsored Assembly Bill 145 of the 79th Session, which extended the statute of limitations on civil actions relating to sexual assault of a minor child, including for damages arising out of a minor appearing in pornographic material.

In 2019, I sponsored Assembly Bill 142 of the 80th Session, which removed the statute of limitations for prosecuting sexual assault if the identity of the person accused of the assault is established by DNA evidence.

In 2021, I was proud to cosponsor Senate Bill 203 of the 81st Session with Senator Dondero Loop, which among other provisions eliminated the statute of limitations for a civil action to recover damages for sexual abuse, if the sexual abuse or sexual exploitation occurred when the victim was less than 18 years old. That bill abolished the statute of limitations for sexual assault of minors.

As you can see, improving these types of laws and advocating for justice for victims of sexual assault has been a passion of mine for quite some time. I want to add it has been a passion for all of the members of the Legislature, because every single one of those bills I have mentioned to you since 2017, many of you have signed on as a cosponsor, and they have all passed unanimously in the Assembly, in the Senate, every Republican, every Democrat, and all signed into law by various governors: Governor Sandoval, Governor Sisolak, and hopefully now Governor Lombardo.

The Legislature of Nevada has abolished the statute of limitations on civil actions brought for sexual assault if the victim was a child at the time of the offense. This bill digest points out we only have a two-year statute of limitations for civil actions to recover damages for injuries arising from the sexual assault of an adult, a person who is 18 or older. Yeah, hard to believe, right? Not only do we provide a very short time period for such a lawsuit to be filed, we also do not currently include the term "sexual assault" in our civil statutes governing these types of actions. Those two reasons are why I bring S.B. 129 before you today.

Psychiatrists, psychologists, and other professionals who work on behalf of sexual assault survivors will tell you that it can take many, many years, if not most of one's lifetime, if ever, for a victim to gain the strength and courage to come forward and report their abuse, if in fact, they ever feel safe coming forward at all. I have an expert witness here with me today who can speak to the trauma involved in sexual assault and sexual abuse and to the years and years of work it takes to heal these wounds and start to become whole.

Before I invite others to testify, I would like to quickly go through the provisions of the bill. Section 1 sets forth the guidelines for a victim of sexual assault who was an adult, age 18 or older, at the time of the assault, to bring a civil lawsuit against an alleged perpetrator or a person who was convicted of the sexual assault. Such an action can be brought at any time after the assault occurred. In other words, there is no statute of limitations on these types of

civil lawsuits. Additionally, if the plaintiff's alleged injury is the result of two or more acts that constitute sexual assault, the plaintiff is not required to identify specifically which of those acts caused the alleged injury.

Section 1 also imports into the *Nevada Revised Statutes* (NRS) Chapter 11 the definition of "sexual assault" that is found in NRS 200.366. That chapter defines what sexual assault is for the purposes of establishing criminal guilt. This is necessary because, as I mentioned before, we currently do not have this definition in the relevant civil statutes, which forces a person who wants to file a lawsuit to do so using other terminology that is not specific to sexual assault and in my view is not sufficient to describe the seriousness of the crime of rape.

Section 2 of the bill inserts language necessary to make clear that a suit alleging sexual assault is not subject to the statute of limitations that otherwise applies to actions brought under this chapter of NRS. Section 3 sets forth that provisions of this bill apply retroactively to any act constituting sexual assault, regardless of any statute that was in effect at the time the sexual assault occurred. Finally, section 4 makes the bill effective upon passage and approval.

What I want to say that is not in my comments is that this is not a slam dunk. This is not a slam dunk for a victim of rape. They first have to get the courage to come forward. Statistically, it is less than 25 percent of rape victims who do have the courage to come forward and report the crime. It could be even lower, but that is what it is thought to be by experts. They still have to find an attorney who will even take their case, and there are not that many attorneys who will. God bless those who will. Then they have to go in front of a court of law. They have to go in front of a judge and jury. They have to prove their case beyond a reasonable doubt. That might be hard to do, and they might lose. Why not leave the courtroom doors open for these people? Why not leave the courtroom doors open, at least give them the opportunity to feel like there is some justice in the world if they have the courage to bring the case and they can find an attorney to bring the case. I am going to introduce my expert psychologist, Dr. Barry Cole.

**Barry Cole, Private Citizen, Reno, Nevada:**

This will not be in neutral; this will be in support. As a psychiatrist for 42 years, I want to start by saying I am still amazed that when I do geropsychiatry, people over the age of 55 in specialized units, I am talking with people who are 60, 70, and 80, and they are still describing sexual assault. This is not historical, except when the act occurred. It is still alive in their mind right now. It is still a cause for their grief, for their suffering, and they are still dealing with the long-term consequences of what has happened to them. The events may be decades old; they may have been intoxicated; they may blame themselves for what happened; who knows what the circumstances were, but S.B. 129 does give some redress for them.

In the 1980s—I want to take you back for a few years—a colleague of mine at University of Washington in Seattle, Judith Turner, a very famous psychologist in the pain management world, published that those living and suffering with chronic pain in the eighties had a one in three probability of having been sexually assaulted. That was a common denominator.

Over the many years I have practiced as a psychiatrist, as a pain management specialist, I have treated so many men and women who have been the victims of sexual assault. You may remember in another situation, I think I testified to the fact that I was trained to always ask each patient, Have you ever been touched in a way or a place that you now realize was wrong? Maybe you did not know it then, but now for sure, you know it is wrong. I expected this to be a rarely answered question in the affirmative. To my horror in psychiatry, it is virtually the majority; I hear this commonly. For these men and women, the stuff that happened remains the stuff of their nightmares today. If you do not think psychiatrists have feelings, I have a hard time sitting for eight hours and listening to horror and it does not affect me in any way. I pray it never gets so routine that I become numb to this. I want to be affected by what I hear.

These same people who were in chronic pain in the 1980s, if they are alive today, they are still in chronic pain. That is the problem with chronic pain. It lasts more than six months. Their perpetrator probably escaped criminal prosecution long ago. Use Harvey Weinstein as a classic example; this man operated for decades. Senate Bill 129 does allow victims to reach out civilly from the past and to be recognized and compensated.

I will not begin to say that I play an attorney on television, but along the way, I kind of picked up something about tort law. As I understand tort law, there was a duty. Somebody should not have been a pig who was a pig, just to put it bluntly. They did some outrageous behavior. There was a duty that was breached. You were the stepfather; you had a duty to take care of your stepdaughter, and you did not. Some harm occurred—could have been physical, could have been emotional. There was an injury. That injury could be moral, could be post-traumatic stress disorder, could be ongoing depression and anxiety. But now there are ongoing relationship challenges. It is hard to make relationships as a victim of sexual assault. Compensation might at least help someone receive the services that should have been provided 30 and 40 years ago but can be provided today. Even though this has passed, we can still do something to treat it today.

Senate Bill 129 clearly allows victims to be compensated, which I guess in our society is the only means by which they can get some justice in the same system that basically failed them decades ago. This is not about retribution. This is not about vengeance. It is about fairness. It is just and it is absolutely about time that a bill like this gets passed. That is why I am supporting S.B. 129, as a psychiatrist, and I hope that you will work the work part of it and give it a do pass today. This is important enough that we could just do this today. [Written testimony was also provided [Exhibit C.](#)]

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

Recovering from sexual violence is a lifelong process, with each victim-survivor's response being extremely unique and personal, which is why we are in strong support of S.B. 129. What justice and healing looks like to one victim-survivor may not be the same for another. We know that the criminal justice system does not always yield the results that victim-survivors wish and that engaging in the criminal justice system can be extremely draining and retraumatizing to go through.

Abolishing the statute of limitations for civil proceedings creates another avenue for victim-survivors to pursue justice and accountability against their perpetrator. It is not uncommon for victim-survivors to shut down emotionally and not be ready to talk about their experience for years or decades later. Like my colleague, Dr. Cole, mentioned prior, many individuals do not identify as a victim-survivor until years and years later. This should not mean that they are denied options for justice. Abolishing the statute of limitations is a victim-centered approach.

We thank Senator Krasner and this body for continuing to be strong advocates and allies for victim-survivors. In closing, I want to remind you all that April is Sexual Assault Awareness Month. It is incredibly timely that we are hearing this bill today. Tomorrow we will be celebrating Denim Day here at the Legislature. If you do not know, Denim Day is an international awareness day to stand in solidarity with victim-survivors and end victim blaming. I hope you will pass this measure and join us tomorrow and take a stance.

**Senator Krasner:**

That concludes my presentation of Senate Bill 129. I sincerely thank you for the opportunity to present the bill, and I thank the survivors and experts who have joined me and will be joining me here today to testify and demonstrate why this is a much-needed and appropriate update to our laws addressing sexual assault. It is time to give victims the voice they deserve and the tools to achieve some measure of justice and compensation, if that is what it takes for them to get the therapy that they need, and for the wrongs they have endured. The bill would keep the courtroom doors open for victims of sexual assault. I hope you will join me in supporting S.B. 129.

**Assemblywoman Newby:**

My question is on a portion that you went over briefly. Section 1, subsection 1, where if there is a series of two or more acts constituting sexual assault, the plaintiff is not required to identify which specific act. I was hoping you would go into that, or maybe Dr. Cole could. I am assuming that this is supposed to reflect a situation where there has been a long-term and systemic abuse, and not identifying one particular time that it happened, but kind of considering the whole thing. Could you talk a little bit more about that because it is a little bit unusual?

**Senator Krasner:**

That is existing law and that is not anything that I am modifying or changing.



**Assemblywoman Newby:**

Okay. It looks like it is new language.

**Senator Krasner:**

To my understanding that is not new language, that is the existing law, and it is nothing that I am modifying or changing. That is the existing statute.

**Chair Miller:**

We will have Legal Counsel jump in on this one.

**Bradley A. Wilkinson, Committee Counsel:**

Yes, that is the existing law that is in NRS 11.215, which applies to minors. We took that from that statute.

**Assemblywoman Newby:**

The question was really about the not identifying one time but over a period of time. Maybe Dr. Cole could respond to how that impacts victims.

**Barry Cole:**

I have seen two predominant patterns in therapy that I have performed through the years. One is the pattern where the same victim is serially assaulted by the same perpetrator year after year. The longest that I can recall is nine consecutive years, virtually daily for that entire period of time. The second pattern is that one victim has been victimized by two or three different individuals at different points in time. It does not really matter in terms of how much trauma they bring to therapy. What I would say is, when it is a loved person like your stepfather who is serially raping you for nine years, it is probably a lot more traumatic and harder to recover from than if it were one or two or three isolated events where you can kind of compartmentalize it. It is still traumatic. You do not get a bye just on the number of episodes. It is more about who was the perpetrator; what was the context; and how much betrayal occurred. That is what I deal with in therapy.

**Assemblywoman Bilbray-Axelrod:**

I know people are thinking, Why is she asking a question that she is a cosponsor on? When I signed on to the bill, I did ask you in section 1, where it says, "alleged perpetrator or person convicted," you said to me that was the same language that is already in statute. I just want to confirm that was the reason, that the language was already there, which was kind of a piggyback on Assemblywoman Newby's question, but I do want to put that on the record.

**Senator Krasner:**

Are you in section 1, where it looks like it is new language at the top, and you are wondering why it says, "alleged perpetrator"?

**Assemblywoman Bilbray-Axelrod:**

No, I am just saying that the penalties would be different because if you are suing in civil court, if you have somebody who has already been convicted, it is beyond a reasonable

doubt. You do not have that in civil. That was my concern. I know it is from existing language. I just want to get that concern on the record. You do not even really need to answer it.

**Senator Krasner:**

I know you are probably thinking of the *United States Constitution* which says you cannot sue somebody twice for the same crime, however, there is an exception in the law that allows for someone to bring a criminal suit and then a following civil suit. There was a very famous football player where there was first a criminal suit where the football player won and was found innocent, and the party suing lost. Then there was a second civil lawsuit where he was found to be responsible for the two deaths of his wife and her friend.

**Assemblyman Orentlicher:**

As you indicated, it is important that we bring justice to the people who have been victimized, and changing the statute of limitations is important. Thank you, Dr. Cole, for explaining the psychology of all this. I would like to talk about the other side of the justice that we have to worry about as the Judiciary Committee, and that is why we have statutes of limitations. They often seem very unfair, but on the other hand, sometimes evidence is distorted, whether it is recollections or physical evidence, inevitably, especially because we are in civil court where it is preponderance of the evidence, not beyond a reasonable doubt, there is a risk of error. One risk of error is that a guilty perpetrator will not be held accountable. The other risk of error is that an innocent accused will be wrongly held accountable. Are there studies in this area that tell us—I can imagine it depends on the case—if you have somebody where there is DNA evidence, we do not have to worry as much about a false conviction. Sometimes you do not have physical evidence. We know eyewitness testimony often is not reliable. Are there studies in this area that can help us have a sense of what the risk of error will be if we have unlimited statute of limitations?

**Senator Krasner:**

Before we go into that specific, I just want to say that my colleague, Senator Spearman, testified side by side with me in the Senate. She was not available this morning, but something she said to me rings clear: The reason we have a statute of limitations on something as heinous as sexual assault is because all of these seats that you are sitting in right now used to be filled by men. Sorry to make it so blatant; 95 percent of all victims of sexual assault are women. That is number one. Number two, it is the perfect crime. Somebody rapes you, they wait two years, and now they get away with it, and there is zero justice for the victims. Zero. The courtroom doors do not even stay open. You cannot even file an action. You cannot even file a cause of action. That is wrong. That is not America.

Leave the courtroom doors open so somebody can file a cause of action. They still have to find an attorney who will take the case. They are still going to have to go find their proof and if they cannot, well, no attorney is going to take it. They still have to go in front of a judge. They still have to go in front of a jury of their peers. They still have to prove it beyond a reasonable doubt. Just leave the courtroom doors open and let them feel like there is some justice in the world if they have the guts to go forward.

Also, we need to consider the ages of the victims coming to grips of what happened. Dr. Cole testified, and previously we had Dr. Allison Cotton, another psychiatrist specializing in the area who was not available this morning, testifying that these victims are not coming forward 20 years later; they are coming forward 40, 50, and 60 years later. She talked about a woman in her eighties who had failed relationship after failed relationship, turning to alcohol, turning to recreational drugs; she could never figure out why she went from job to job. Finally in therapy, an 82-year-old woman told her that she was the victim of rape when she was younger and she has never come to grips with it, never admitted it to herself that is what happened to her. There is so much shame involved in this crime for the victim. That is what I am going to share with you. I will let Dr. Cole, the expert, talk about specifics.

**Barry Cole:**

People will carry with them for a lifetime what has happened. It is not uncommon for me to be in therapy with someone where sexual assault has nothing to do with why they are in therapy now, but it comes up. It is just the totality of their life. I know for many of my patients, the common denominator was that they blamed themselves. They contributed in some way, thinking, I must have been vulnerable; I must have been provocative; I must have said or done something he or she misunderstood what I was saying. There is a lot of that shame and guilt, and then it just gets repressed year after year, decade after decade, until now they are in their sixties, seventies, or eighties. I think I am seeing them for their belligerent behavior related to their dementia, but it turns out they have been sexually assaulted, and they are now able to talk about it because they are no longer defending against it. They are trying not to remember it, and with the breakdown as they age, they are able to better recall because they are not fighting against it. I do not have a study for you. I am not even sure if the Nuremberg Code would let me do that study. That is what worries me. It is one of those studies you do not want someone to do, but I understand your concern. I am going to turn it over to a colleague.

**Serena Evans:**

Assemblyman Orentlicher, to your point, we do need to do justice on both sides. Sexual assault is the number one least-reported violent crime. It is also the number one least-convicted violent crime. I think of every 1,000 reported crimes, three perpetrators get put in jail. I will follow up offline because there is a study on the number of sexual assaults where people report sexual assault that did not happen. It is extremely low. No one wants to be a victim-survivor of sexual assault. As a victim-survivor of sexual assault myself, who did not seek criminal justice or civil justice, I know what it is like. No one wants to sit here in front of a body and be questioned about their victimhood. The folks who are coming forward for the civil proceedings are traumatized, and it is a way for them to heal and seek justice. It is giving them just a sliver of hope. You still have to go before a body, you still go on trial, you are going to have the evidence questioned and everything like that.

People who choose to come forward and seek to go through a criminal justice proceeding or now, maybe potentially a civil proceeding, are doing so because they are extremely brave. They are not doing it to ruin someone's life or make false claims. They are doing it because that is what feels right for them: to seek justice to be able to move on. I would be happy to follow up offline with those data statistics. I just do not want to misspeak on the record.

**Barry Cole:**

I would like to add a personal touch to this. I do not usually talk about this: I was sexually assaulted when I was five, but I did not realize it until I was a psychiatry resident. I was in therapy with a Jungian psychoanalyst, and we were doing all the things you do in therapy. It dawned on me that the way I had been touched, and by whom I was touched, would now legally meet the requirement of a child sex assault and somebody should go to jail for that. I do not know the kid's name. He was eight. I was five. It was back in the 1950s. I have a vague recollection, but it came out in my own therapy, which is kind of interesting. If you remember, Freud gave up the seduction theory when it dawned on him he had been sexually abused, so he just gives up a whole theory that kids make this stuff up. That was where he was coming from. I get it, it happens to a lot of us. We do not realize that when we are five; we realize that when we are 30 or when we are 80, but we realize that eventually, and that is the problem—we eventually do remember it.

**Assemblywoman Cohen:**

I want to make sure we have got a clear record. I do not know if I need to have Legal answer this, but I just want to make sure these cases are not reasonable doubt cases. This is a civil case. It just needs to be preponderance of the evidence. I am getting a yes. Thank you. I just want to make sure we have got that clear on the record.

**Chair Miller:**

I do not see any additional questions. I will open it up for testimony. Is there anyone in Carson City who would like to come forward and testify in support of Senate Bill 129?

**Linda Kirkpatrick, Private Citizen, Arizona:**

I was a resident of Las Vegas for 26 years, during which time in my early twenties, I was drugged without consent. I was sexually assaulted—without my knowledge for the most part—by a comedian, America's dad, at the Las Vegas Hilton. All three of us sitting here are of that same club, if you will. I do not need to tell you the details. Obviously, I am a survivor, or I would not be sitting here. What I would like to tell you is every 68 seconds in this country, someone is sexually assaulted—every 68 seconds. This hearing started at 8:32, so do the math. One in six women will be raped. There are 13 of you up there. The statistics are that two of you, at least two of you, are victims of sexual assault. One in ten men under the age of 17 are victims of sexual assault. Do the math. If those of you who are looking at us are not victims, I would be surprised. I would say you are lucky. You do not have to raise your hand. It is a personal journey that those of us are on.

There are no eyewitnesses. That is how criminals crime, rapists rape—at night. It is not in a dark alley. Statistics say it is someone you know, it is a friend, it is a pastor, it is a neighbor, it is a sibling, or it is a star who no one thinks would ever be guilty of something like that. I can tell you the future as I sit here. I did not realize what great powers I have, but when Senator Krasner talked about the 82-year-old woman, that is my future.

I have been married four times. I do not get it. I do not know how this male/female thing works. I am a successful business owner. I am a nationally ranked pickleball player, for those of you who know what that is. I am a bad-ass competitor when it comes to anything except male/female connection. I am broken. I do not understand it. I do not trust men. I did not know who Dr. Cole was. I cannot even look him in the eye. I can barely look any of you men in the eye because I am afraid of you.

I get to be 82 and alone. When my grandchildren say, where is your husband? Which one? Why are you not married? I cannot tell you yet, you are too young. You are six and eight. Someday you will understand. Those of us who are sexual assault survivors, the worst things that I have been told: Get over it. What did you think was going to happen? What were you wearing? I have taught my children you should be able to walk down the street naked and be arrested for nudity but not be raped. We do not ask for this. I suffer every day. I am alone. It is not supposed to be this way. We humans need each other. Years of therapy have given me this. My love and marriage wiring is broken because of my PTSD from sexual assault. I am bitter where it comes to men. At least I will admit it. One thing I will not do on match.com is say, I am a sexual assault survivor, because men automatically think you are bitter. I am kind of turning into that person.

I am asking you to help us hold these monsters accountable. You are not going to be the court. We still have to go to court, preponderance of guilt. At least give us that chance. I am asking you to give us some power back. Rape is not about sex. It is about power. They want to control us, otherwise there would not be 63 of us if it was just about sex. Actually, there are hundreds of us who are victims of that particular entertainer's crime.

My mother had eight children: four boys, four girls. Half of us are victims of sexual assault—one brother and three sisters. My mother was raped in the back of a police car in 1928 at the age of 14. She never told anyone for the obvious. It takes us so much time to get the strength.

I was told by this particular entertainer that I drank too much and I guess I got the wrong idea about what you wanted, putting the onus on me. I believed for 36 years that I was the only one, that he was an adulterer and that I asked for it, until the wave of strength of women came forward. I was watching CNN, and the hairs on the back of my neck stood up, and I said, I have been absolved. For 36 years, I thought I was a drunken tramp. But the truth is I was drugged. I was sexually assaulted, and I am not alone. I am asking you; I am begging you; give us a chance. It is probably not going to make me heal completely, but give us a

chance. Maybe it will pay for all the therapy or all the time. I have traveled here from Arizona. I went to the trials for the unspoken "pill giver." Help us repair our shredded souls. Because what I live is a life sentence of a murdered soul because of the betrayal of my rapist.

**Janice Baker-Kinney, Private Citizen, Rohnert Park, California:**

I was raped. Those are the three most difficult words I have ever had to say. I was raped in the early 1980s. I did not say those three words until 2015. I never admitted to being raped because I knew my rapist and the term "acquaintance rape" or "date rape" was not part of the common vernacular at the time. In my case, I accepted a couple of pills from this person, an admired and well-known person whom I trusted. These pills were much stronger than this person led me to believe and caused me to pass out, which in turn, allowed him to rape me while I was in and out of consciousness. Why did I wait over 30 years to call what happened that night, actual rape? Because I blamed myself, I revictimized myself. I was embarrassed. I was humiliated that I had passed out and slept with him. Yes, for 30-plus years, I used the words, I slept with that man, because I blamed myself. I justified what he did to me by placing the blame on me. I did not realize at that time, so long ago, that I was revictimizing myself. By doing so, I never had to come to terms with what was indeed an actual rape. Coming forward is difficult because of the 30-plus years I denied my assault. I played the self-doubt, second-guessing blame game for decades, as so many victims do after they have been assaulted.

Through the encouragement of my family and close friends, I found the strength to make a public statement. It is not easy. That first step is not even close to easy, but the gate had opened, a toxic chain of silence was broken, and there was no turning back. Admitting that one has been a victim of rape is scary and difficult enough to begin with. In my case, as with my survivor sisters here, there was public shame, public humiliation, the associated stigmas, and the fear that comes with speaking one's truth becomes overwhelming.

I was fortunate enough to have an incredible support system, especially from my fellow survivor sisters. I slowly began to realize that my pain loses some of its power when we share it, but it takes years to share. I had an immediate connection to these women who became my lifeline at that time. As I began to learn more about each victim and their truths about their assaults, I stopped feeling so alone in my guilt and shame.

This connection that I needed to be with these other survivors left a huge mark on my marriage because I began to shut down from my husband. I created this bubble around me of just these women whom I could relate to and speak to. Even though my husband was trying to be totally supportive, I shut him out of my life. I had no idea how much burying that night way down deep inside me for so many years would affect me once I finally came forward. It was new territory with so many new emotions to deal with. There is always still that underlying guilt, shame, and blame. Then I had to publicly admit that I was, in fact, a victim of sexual assault. Luckily, I was fortunate enough to have great insurance. I was able to find a good therapist who helped both me and my husband navigate our way back to each other

and encourage me to communicate my shame to this loving man who was always in my corner. I could not accept his help. My marriage probably would not have survived if I was not able to find a great therapist and years of counseling, and I am still in counseling.

There are thousands of survivors who are not as lucky and as fortunate as I was to have such a strong support system or able to afford counseling. I cannot say any of this has been easy, but it is empowering and liberating. There are so many days still that I never say those three words: I was raped. I will say "sexually assaulted," because I was too smart and streetwise to be raped. That is why I had to have a part in it. I am not stupid enough to be put in a position to be raped. It must have been that I had consensual sex, even though I was not aware of it at the time because I was not conscious.

I have many days when I have trouble forgiving myself and cannot stop blaming myself. It is an irrational nagging voice I have that was buried so long. It is still in the depths of my soul, and it tells me I could not have done anything different to avoid what happened that night. I would not change one day of my life since I spoke my truth out loud. It has brought me strength and peace and empowered me enough to be able to speak out here before all of you today and even on national television. Unfortunately, the one thing that it has not brought me is consequences for my rapist. Justice has never been served. By now, almost everybody on this planet has enough information as to why it takes years for most sexual assault survivors to come forward. It has been well documented; you heard that today from our experts. It has been reported by experts in mental health fields and by victim advocate organizations such as Rape, Abuse & Incest National Network, and Promoting Awareness/Victim Empowerment. The Me Too movement has opened up a new avenue of awareness and resources for information as to why we wait so long.

I commend the leaders in the state of Nevada for extending the statute of limitations for reporting sexual assault to 20 years in criminal charges. For far too many of us, that time has long passed. The current statute of limitations for criminal charges is 20 years. We have all heard why it takes so long for survivors to come forward, yet to pursue any civil proceedings, we have to come forward within two years. That makes no sense. You have 20 years for criminal charges. It takes sometimes 40 or 50 years to be able to speak your truth, but if you want to seek any justice, you have two years to do that. I do not understand that statute of limitation time. I know we have talked about the reasons for them, but 2 years to 20 years is a big difference for someone to be able to come forward.

The only way for justice to be served is for this Committee to allow this bill to move forward to be voted on. Several states have already completely abolished the statutes of limitations because they are aware of the difficulty and trauma one experiences by reporting this crime. These new laws are not retroactive. Passing this look-back law enabling us to seek justice civilly gives the survivors whose time has passed a chance at seeking the justice we all deserve. It is another step. It is one more step in our healing process. I am here today to encourage you to allow this bill to move forward. I appreciate your time and hearing my truth today.

**Lise-Lotte Lublin, Private Citizen, Las Vegas, Nevada:**

I am in support of S.B. 129. As a survivor of sexual assault, it has been very difficult to process the emotional stress from my assault. I was 23 years old when it happened, and I had been drugged and was incapacitated. I did not know I had been assaulted for over 25 years. I found out in 2014 when all of these other women came out, and that was the first time I realized what that situation had been. It was very similar to a child. I did not know there was some inappropriate touching and things happening and my not understanding because I did not understand that my faculties were affected by drugs. I did not know it was happening. It was something I just did not know.

I continued to admire this person for 25 years. It was the same thing—I thought I did something wrong. I thought I shamed myself for passing out and not understanding why I passed out. It did not make any sense. It was very difficult to deal with. To say the least, it has been a struggle. This is not my first time talking to the Committee and asking you to change the law. I am here to give a voice to my community and to work on healing some of my own pain. I want you to know that changing laws has been the most influential impact on my mental health when dealing with my assault.

As much as I would love to stand up in front of a judge and explain to all of you the details of my assault, it still scares me to talk about. My heart and soul want to fight back, but I do not always feel ready. I have not cried like this during a testimony for years. This is powerful and important change, and we need it. All of us, all those children who are out there and are going to grow into adults, the adults who have already been out there and are afraid—we need help and you guys can help us.

I will fight back, and I am always going to fight back, but I need to do it on my terms. I am just asking for the opportunity to process my emotional pain in a way that best fits with my timeline and not having a statute to stifle that process. Changing the statute of limitations can help, or abolishing the statute of limitations, can help heal other survivors and me and give us back some control over the assault, allowing us to preserve the spirit of our lives. Today I am here with my family and my survivor sisters to plead our case for fair and equal opportunities just to the justice system. I am asking you to equalize the law with the laws that protect our children now and include the opportunity to protect our human rights as adults by eliminating the statute of limitations.

Please consider the great service you would provide survivors by giving back the power to the justice system through supporting this bill and allowing us our due process in the best possible way that works for us. That is leaving the courtroom doors open for any kind of a chance. Even if it is a failed chance, it is still an opportunity for us to fight. We win when we have the chance to fight, even if someone else does not allow it to be that way. We have only one or two ways to fight back, and criminal and civil courts are two of those ways. We just want you to give us that chance.



**Benjamin Lublin, Private Citizen, Las Vegas, Nevada:**

I am here today in support of S.B. 129. I am sorry, I do not like seeing my wife in a certain state. Chair Miller, I am from your district. I actually met you. We were trying to be elected. It is good to see you. I appreciate this opportunity.

We are just looking for justice. I know there are a lot of questions asked about, what if there are false accounts, what if people come forward and make up something. I used to be a lot sharper back in 2015; we changed the law. It was from 2 years to 20 years criminally. Statistically, it is extremely low. I mean, we are talking 1 percent. We are looking at S.B. 129 to be in line with children of sexual assault in civil court. We are just going to go ahead and place what the law is; it is already there. It is already in play for children. We are looking for adults now.

Two years is ridiculous for sexual assault survivors to come forward. It is three years for damage to property in civil court. But a rape and sexual assault of a human being is two years. If that is not ridiculous, I do not know what is. I sit here with my fellow friends. It took me 25 years to come forward and talk to my wife about being sexually assaulted. I am a 46-year-old man, and I am still dealing with being shamed and in denial. How can you expect two years?

I was born and raised in Las Vegas, Nevada; I bleed Nevada blue. I know you guys love this state and I plead with you; I beg with you to give sexual assault survivors the ability to find justice. It is not about money; it is about justice. We have two forms of justice in this land; they are criminal and civil. Criminal, I have nothing. Civil, I have nothing. I beg you, give us our chance. We still have to prove it in front of a jury and in front of a judge. We still have to go ahead and have evidence. I understand your concern, but it is not he said/she said, and the jury is going to go ahead and say, You know what, you are guilty. I really do believe that you have to have evidence. I really do believe that you have to have something there in place. There has to be some proof, maybe not beyond a reasonable doubt, but I would not believe in this law if I thought that just regular human beings could be called out and thrown in jail—I wish that we could have civil court, not that I wish that would be just a regular human being. I am sorry, I said that wrong. I wish that we had no statute of limitations for sexual assault and criminal, but I wish that we had that chance we deserve. I am sorry. I am getting a little off track; I got a little emotional.

This is our fifth bill. We have worked with criminal. We worked for children of sexual assault. We worked on the rape kit backlog with Senator Becky Harris, Assemblywoman Irene Bustamante Adams, and Senator Lisa Krasner, who is a great woman. I surround myself with amazing people, and I believe that every single one of you are amazing people. You are here. You were voted in. You were elected. Chair Miller, you are part of my district; I voted for you. Every one of us has a responsibility to our community. We as community members are coming to you and asking you, please give us our chance. I respect every single one of you, and I appreciate more than two minutes. I was told I was done for. Thank you.

**Sabrina Lublin, Private Citizen, Las Vegas, Nevada:**

Today we heard a lot about statistics and a lot about probabilities and the average. I think it is very important to realize that these statistics are real, they are proven, and they are very true. I think when it comes to survivors especially, they rely a lot on justice. Coming from a 16-year-old, I rely on that justice as well. A lot of people here today are speaking for the people from the past, but I am speaking for people of the present and the future, because this bill will impact not only me but the brothers and sisters and the children of the future. I am in Reserve Officers' Training Corps, and my instructor told me about how his daughter was sexually assaulted. He told me how he was terrified for his other children and how he was scared that if that were to happen to them, especially with this statute of limitations, his daughter has no way of getting that reconciliation that she needs. So not only for her, but for high school students, children, anybody from the future and now, this will definitely give them the opportunity to move forward, and definitely give them the opportunity to come to terms and hold the perpetrators accountable.

**Simon Lublin, Private Citizen, Las Vegas, Nevada:**

I am here to read my statement in support of S.B. 129. I want to thank you for the opportunity to speak. It is very important that I am able to. I will say that it is very easy to say that sexual assault is bad. I am sure we can all agree on that. However, when you are reading about it, and when you do not have people up here crying in front of you, it looks more just like two words, sexual assault. It is very easy to reduce that down and think of it simply in legal terms. However, it is much harder to actually do something about it when you hear that somebody has been sexually assaulted. You feel for them, you say that you give your condolences, but there is not much else you can do. Right now, this bill is something we can do. This is something that can be used to make an actual change, and while people may come out and protest, this is truly doing something. This is actually changing laws and going through, as my parents had said, the only two ways that we have for justice, the civil and criminal court.

**Susan Reed, Private Citizen, Reno, Nevada:**

I am here to support Senate Bill 129.

**Chair Miller:**

I do not know if you all hear it too often, and I do not know if it means anything or enough or too much. When I say we appreciate your courage, we know it takes beyond human strength to come into a public place and tell your story. I want you to know that we absolutely appreciate it. There are people who are afraid of public speaking. There are people who are nervous and anxious to testify on bills that deal with taxes or property or something mundane, but the courage it takes; the superhero strength it takes, not just to get up and survive every day, to fight every day, but to come in public and share your story to help others. Please know it is deeply appreciated and recognized, and as our Senator would say, may all legislators, may all legislatures be a female majority.

**Drew Franklin, representing Awaken:**

This bill will ensure that victims are able to seek civil action when they are ready. We are in support of S.B. 129 and would like to thank everybody who has come out to speak today.

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

I want to start by echoing exactly what you have said. I want to recognize, and I want to commend the men and women who have come before us and told their stories and that you have allowed them the time to do that. The Las Vegas Metropolitan Police Department (Metro) believes that the extension of the civil action time frame is an important additional resource for victims of sexual assault. We want to thank Senator Krasner for bringing this bill forward, and Metro is in support of S.B. 129.

**Richard P. McCann, representing Nevada Association of Public Safety Officers; and Nevada Law Enforcement Coalition:**

I want to thank Senator Krasner and those who are cosponsors and joint sponsors for bringing this bill. I testified on behalf of this before the Senate, and I had a lot of cool comments that are right here. You know what, I do not give a shit. Listen to these people. The people you have just heard are the experts; I am not. I have not been in that position. Listen to them, pass this bill, and do it as soon as you can. [Written testimony was also provided, [Exhibit D](#)].

**Mary-Sarah Kinner, Government Affairs Liaison, Washoe County Sheriff's Office:**

I will just echo Mr. McCann's comments. We are in support of this legislation and thank the women and men who have testified here this morning.

**Chair Miller:**

Is there anyone else in Carson City or Las Vegas to testify in support of S.B. 129? Not seeing anyone, is there anyone on the phone?

**Heidi Thomas, Private Citizen, Castle Rock, Colorado:**

I was not able to be there in person today, but I am holding hands with every one of my survivor sisters you have heard from in person this morning. Their stories are my story. I am thanking you for your time, and I am thanking you for listening today. I am asking that you allow others to also be heard by supporting Senate Bill 129.

I had my testimony for today printed out ready to go, but Sunday night, I learned that one of my three adult daughters had been sexually assaulted four years ago. She has walked beside me as I went public regarding my own assault, 31 years after it occurred. She has been my cheerleader on the work that I have done to change laws here in Colorado and bring perpetrators of this crime to justice. Yet this crime seems to have the same effect on everyone in the way it paralyzes one's mental and emotional processing.

My daughter's assailant was a bigwig client of her company, and the money he brought in was significant. Even though she has been a part of my work, even knowing so many victims' stories, she found herself unable to process her assault. Because this is so common, people have learned to just stay quiet and try to move forward. Now, one of my daughter's coworkers has been sexually assaulted by the same man and my daughter is not just reliving her assault, she is dealing with the guilt of not reporting her assault four years ago.

The process for recovery from sexual assault is often as emotionally traumatic as the crime itself. Telling a victim that they need to be able to report the details, relive the assault, speak in front of strangers within some arbitrary time frame set by strangers is like another assault. If they are not emotionally capable of the necessary steps in the process of healing, they forfeit their right to any kind of justice. We are also more and more aware of drug-facilitated sexual assault (DFSA). My assault and rape occurred somewhere within an hour of Reno, I do not know exactly where, as I was kidnapped and drugged. Victims of DFSA cannot remember the details, but we know we have been violated, and the perpetrators count on this. It is referred to as the "perfect crime." After decades of learning about this, I truly believe that the perpetrators have no idea that what they do leaves scars for life.

The numbers you have heard today are almost inconceivable. Think about your own children, your nephews, your nieces. Think about those numbers. The chances are overwhelming that you have victims of sexual assault in your families. Do you think the mental health crisis in our country is just coincidental? I do not. I can only wonder what kind of healing might happen if criminals were held responsible and accountable for the lives they have destroyed. You might hear others say this bill violates somebody's liberty, someone's rights to a swift trial. Having any kind of limits placed on a crime that affects victims for the rest of their lives does not honor the liberties and rights of those who have endured this crime. The perpetrators need to be held accountable, and often I think they need treatment so they do not repeat and continue to assault others.

You have also heard today that this is not going to flood the courts with a deluge of long-overdue cases. People still need evidence to proceed to a trial, but at least the option is available, and they know they can be heard. I tell you from personal experience and what you have heard here today, victims of sexual assault spend every day for the rest of their lives putting themselves back together—every morning, every day. They deserve the right to justice when they are emotionally strong enough for the fight. I ask that you give them that opportunity and pass this bill.

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

We are in support of S.B. 129. Giving sexual assault survivors the time and space they need to process their trauma and determine the best course of action is important public policy. We want to thank Senator Krasner for bringing the bill and we urge its passage.

**Amanda Vaskov, Director, Government Affairs, Associated Students of the University of Nevada, Reno:**

Our undergraduate student population at University of Nevada, Reno (UNR) and the majority of our population is over the age of 18. In a multiyear survey at UNR, 22 percent of students surveyed reported instances of unwanted touching. One-third of students surveyed who experienced assault told no one. Amongst the reasons for telling no one were concerns along the lines of feeling like I could not be believed, or not really realizing that assault could happen in a relationship, and more. Reasons like these, preventing a victim-survivor from coming forward, can persist for a long time. More profound, however, is the pain caused by sexual assault can unfortunately last a lifetime. The Associated Students of the University of Nevada, Reno support this bill and its efforts to allow victim-survivors and our peers to come forward and seek damages, should they choose to, on their own time and when they are ready.

**Chair Miller:**

Hearing no other callers in support, I will open it up for testimony in opposition of S.B. 129. I do not see anyone in Carson City or Las Vegas. Is there anyone on the phone? Hearing no one, is there anyone in neutral in Carson City or Las Vegas? Not seeing anyone, is there anyone on the phone? [There was no one.] Senator Krasner does not want to return to make any final remarks. With that, again, thank you for your presentation and thank you to everyone who came forward and testified. I will now close the hearing on S.B. 129. Our last item on the agenda today is public comment. Is there anyone in Carson City or Las Vegas who would like to come forward for public comment? Not seeing anyone, is there anyone on the phone? [There was no one.] I will now close public comment.

Just a few reminders before we adjourn. Members, tomorrow we have Committee pictures at 8:30 a.m. in here and, of course, tomorrow is Denim Day. If you are participating, please make sure you are wearing something picture appropriate on top, your suit jackets and such with your denim. Our hearing's agenda will begin at 9 a.m. Seeing no additional business before us, this meeting is adjourned [at 9:59 a.m.].

RESPECTFULLY SUBMITTED:

RESPECTFULLY SUBMITTED:

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Connor Schmitz  
Recording Secretary

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Nancy Davis  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Brittney Miller, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony submitted by Barry Cole, Private Citizen, Reno, Nevada, in support of Senate Bill 129.

[Exhibit D](#) is written testimony submitted by Richard P. McCann, representing Nevada Association of Public Safety Officers; and Nevada Law Enforcement Coalition, in support of Senate Bill 129.