

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Eighty-second Session
February 21, 2023**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:03 p.m. on Tuesday, February 21, 2023, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was video conferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Senator Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Patrick Guinan, Policy Analyst
Karly O'Krent, Counsel
Sally Ramm, Committee Secretary

OTHERS PRESENT:

Allison Cotton, M.D., Psychiatrist
Marlene Lockard, Domestic Violence Resource Center
Tess Opferman, Nevada Women's Lobby
Serena Evans, Nevada Coalition to End Domestic and Sexual Violence
Janice Baker-Kinney
Sabrina Lublin

Senate Committee on Judiciary
February 21, 2023
Page 2

Amanda Vaskov, Associated Students of the University of Nevada, Reno
Simon Lublin
Susan Reed
Janine Hansen, State President, Nevada Families for Freedom
Heidi Thomas, Health Through Music
Lise-Lotte Lublin
Benjamin Lublin
Scott Johnston
Sherry Powell, Ladies of Liberty
Rick McCann, Nevada Association of Public Safety Officers
Beth Schmidt, Las Vegas Metropolitan Police Department
John Jones, Jr., Nevada District Attorneys Association
Jason Walker, Washoe County Sheriff's Office; Nevada Sheriffs' and Chiefs'
Association
Leonardo Benavides, City of North Las Vegas
Barry Cole
Amber Martin
Kim Small, CEO, Signs of Hope
Betsy Aguilar, Nevada Justice Association
Linda Kirkpatrick

CHAIR SCHEIBLE:

We will open the hearing with Senate Bill (S.B.) 129.

SENATE BILL 129: Revises provisions relating to certain civil actions involving sexual assault. (BDR 2-573)

SENATOR LISA KRASNER (Senatorial District No. 16):

Senate Bill 129 makes an important and long overdue change to the way we manage justice for victims of sexual assault in Nevada, specifically regarding a civil action brought by a victim of sexual assault against a perpetrator.

In 2017, I sponsored A.B. No. 145 of the 79th Session, which extended the statute of limitations on civil actions relating to sexual assault or pornography of a minor to 20 years after the victim is 18 years old. In 2019, A.B. No. 142 of the 80th Session abolished the statute of limitations for prosecuting sexual assault if there was DNA evidence. In 2021, Senator Dondero Loop sponsored S.B. No. 203 of the 81st Session, which eliminated the statute of limitations for

a civil action to recover damages for sexual abuse if the person abused was 18 years old or younger.

While the Nevada Legislature 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, we have only a two-year general statute of limitations for civil actions for an adult who has been sexually assaulted. Not only do we provide a short time period for such a lawsuit to be filed, we also do not include the term sexual assault in our civil statutes governing these types of actions.

Sexual assault survivors will tell you that it can take many years, if not most of one's life, for a victim to gain the strength and the courage to come forward and report the abuse if he or she ever feels safe coming forward at all. Dr. Allison Cotton is an expert witness who can speak to the trauma involved in sexual assault and sexual abuse and to the years of work it takes to heal those wounds and start to become whole.

I will quickly go through the provisions of S.B. 129. Section 1 sets forth the guidelines for a victim of sexual assault who was an adult—18 years or older at the time of the assault—to bring a civil lawsuit against an alleged perpetrator or 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 limitation 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 Nevada Revised Statutes (NRS) 11 the definition of sexual assault found in NRS 200.366. That chapter defines what sexual assault is for the purposes of establishing criminal guilt. This is necessary because we do not have this definition in the relevant civil statutes. Using other terminology unspecific to sexual assault is not sufficient to describe the seriousness of the crime.

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 NRS 11.

Section 3 sets forth that the provisions of this bill apply retroactively to any act constituting sexual assault regardless of any statute in effect at the time the

sexual assault occurred. And finally, section 4 makes the bill effective upon passage and approval.

SENATOR PAT SPEARMAN (Senatorial District No. 1):

I am going to speak from a couple of different vantage points. The first one is from a pastoral perspective. I have been a pastor for more than 30 years. I currently am not pastoring a church, but I am an ordained minister, and people still come to me for counseling. I have counseled many victims who have not been able to get their lives back together. In my last church, a 62-year-old who was sexually assaulted at work when 20 years old was never able to get her life back together. One of the things that happens when someone is sexually assaulted is loss, not just of self-esteem but even the ability to figure out what to do next. I signed on to this bill because two years is not enough time to do justice for victims of sexual assault.

The next vantage point is of military sexual trauma that has occurred. It was rampant in the last two wars and even in Vietnam. Some people say women were not in Vietnam. Yes, they were, and sexual abuse was rampant then. Some of my colleagues in the military had this happen to them. In the civilian world, they would have recourse. In the military, you must go through the whole military justice system. I am hoping this is the first step to make change happen.

Trauma that is not transformed is transferred. Victims of sexual assault or any type of trauma act out in ways in that people will usually say, "I do not understand why you do that," but because of what has happened to them, they have been debilitated emotionally and mentally. Many times, the things they say and do are incongruent with either their emotional or developmental age.

When the victim is still trying to find a way forward and the perpetrator is successful in life, the victim must watch that success repeatedly and is traumatized again. Then, when there is no way to make sure that perpetrator pays for his or her action, the trauma continues.

This is a bill we must pass. The laws on the books today were written by people who lived perfect lives, like in the 1960s and 1970s. They were written by people who did not have this kind of experience and were not exposed to these types of things. Today, we are still a women-majority Legislature, and this is one of the things that we do. We fix stuff, and we make stuff right.

SENATOR KRASNER:

Dr. Allison Cotton is a double board-certified child, adolescent and adult psychiatrist. She holds an appointment as Associate Professor and Associate Director, Psychiatry Residency Program at the University of Nevada, Reno, and previously served the University as the Director for Clinical Education and Psychiatry for third- and fourth-year medical students. During her training, Dr. Cotton worked for a year at the University of Arkansas for Medical Sciences and the Centers for youth and families, a treatment center where victims and perpetrators of sexual violence received treatment. She has been an invited speaker on the topic of trauma, suicide and sexual assault at several conferences and the grand rounds event.

ALLISON COTTON, M.D. (Psychiatrist):

As part of my training, I worked at the Center for Healthy Children where we worked with perpetrators and victims of sexual crimes, most of whom were children, but some of the perpetrators were adults. I carry that experience into these comments I am about to make for you today.

Rape and sexual assault are uniquely intimate crimes. Perpetrators of rape forcefully engage their victims in sex acts to the point that the victims are too terrorized to resist. Rape and sexual assault victims with whom I have worked have said to me; "I wish he had just killed me." Rape victims uniquely experience shame, guilt, self-hatred and self-blame. Furthermore, a 2022 study confirmed research showing that up to 75 percent of rape victims experience stigmatization when they disclose their rape. This includes minimization of the actions of the perpetrator, doubting the veracity of the victim's disclosure, blaming the victim and even urging the victim to stay quiet so as not to disrupt family or social ties. Often the perpetrator is close to the victim, so he or she lives in constant fear of the rapist after the assault. For these reasons and so many more, disclosing a rape is a terrifying prospect.

Rape and sexual assault are among the most demoralizing crimes one person can inflict on another. Victims of intimate interpersonal violence and trauma are more likely to develop post-traumatic stress disorder, depression, anxiety and substance use disorders than people who experience other types of traumas. Additionally, they are at increased risk for experiencing another sexual trauma in the future. Social, emotional, physical and psychological effects are devastating, both in the initial aftermath and for the rest of the victim's life. The initial devastation of rape is easy to appreciate because we can see bruises and

broken bones. We can test for sexually transmitted infections. We can see the product of a rape pregnancy.

The far-reaching consequences can be more difficult to appreciate for they are insidious and often occur while the victim remains silent. These consequences can include development of a deep mistrust for others, inability to develop confidence and self-esteem, disruption of the victim's education, loss of the ability to form intimate relationships, loss of family relationships, self-medication with drugs and alcohol, development of maladaptive coping strategies which lead the victim to develop chronic diseases, and so much more. Furthermore, the human brain is good at suppressing and repressing traumatic events so that we can survive the day today. A victim may not even consciously remember that a rape occurred for several decades. When a repressed memory emerges, it is as if the victim has just experienced the assault. The victim could be a 7-year-old who immediately reports the assault, a 50-year-old whose memories come flooding back after an emotional trigger or a 70-year-old who was finally able to let him or herself remember that it happened.

The good news is there is hope for healing. Trauma is incredibly treatable if the victim has the resources and the ability to participate in treatment. Part of treatment for sexual assault victims is to give them back the power surrounding the assault, giving a victim the ability to choose whether to pursue legal action, even 50 years later, is incredibly important in the healing process.

I want to share a few examples with you to illustrate how the psychological effects of rape can impact people. I have changed names and some details to protect patient privacy. But these are these are real stories. Sarah is a woman who is 62 years old. I saw her for psychotherapy several years ago. She was raped by a college boyfriend at the age of 21. When she told her roommate what had happened, Sarah was told that she could never tell her parents because of the shame it would bring them. The roommate also responded with questions about whether Sarah had teased the perpetrator sexually. What was she wearing at the time? Had she been drinking? Was she asking for it? These are all questions we now know are completely inappropriate. Sarah kept the rape secret over the next 40 years, and sex became such a painful act for her that she avoided romantic relationships. She had recurring nightmares about the attack and found herself unable to form meaningful relationships. She never fully recognized that her ongoing problems were related to the attack. Nor did she realize that she could get treatment. She never married, and our focus in

psychotherapy was her deep regret at never having children. She did eventually seek trauma-focused treatment and was able finally to have a positive sexual relationship with a romantic partner when she was almost 70 years old. I was the second person she told about the rape.

John is a man in his 60s who I met several weeks ago. A family member sexually abused him when he was a child and young adult, and he was told not to say anything by his mother when he did disclose the abuse. Decades later, I was called to speak with him about his anxiety surrounding a new diagnosis of congestive heart failure. What I uncovered was a lifetime of maladaptive coping habits driven by self-loathing and anxiety related to the sexual abuse. His mother's response communicated to him that what happened to him was shameful and not worth pursuing and this internalized shame undoubtedly contributed to obesity, heart disease, diabetes and other health problems which will shorten his life. This is a man who asked for help and was denied it by his own mother. I ask myself what his life might have looked like if he had not suffered that ultimate invalidation as a child and young adult.

These are just two examples of people who have suffered in silence for decades due to fear of coming forward after being sexually assaulted. Last, I want to talk to you about Phoenix, whose name is not changed. He has given me permission to use his real name because he wants people to know that he has indeed risen from the ashes. I first met nine-year-old Phoenix in the emergency room after he had taken half a bottle of Tylenol in a suicide attempt. That night, he disclosed that he had been anally penetrated by his grandfather. Phoenix did not suffer the same fate as John and Sarah because his mother believed him and so did I. He was able to get the treatment he so desperately needed. The treatment itself, even with the support of his family and a team of medical professionals, led to two more suicide attempts and severe depression. He struggled with the extremely complex emotional burden of sexual abuse by a family member as his grandfather was convicted and sent to prison. He felt at fault as his family fractured into pieces as aunts and uncles were forced to pick a side. His grades plummeted, and he was held back a year. He punched holes in the walls, not knowing what else to do with the anger inside him. Through all, Phoenix and his family had a team of doctors and therapists supporting them, and it was still pure hell for this little boy who did not ask for any of it.

Fast forward six years and Phoenix is a straight A student. He is happy, and he does not punch holes in the walls. Instead, he volunteers with kids who are

victims of sexual abuse. During the process, he tearfully told me he wished he had never told what happened. As you can see, rape victims must choose between suffering in silence and potentially suffering even more if they speak out.

I am here today to wholeheartedly and passionately urge you to embrace this opportunity to support victims of sexual violence. The far-reaching psychological and emotional effects of rape can be completely debilitating, and each victim's experience is unique. We know that the average time it takes for a person to disclose childhood sexual abuse is 20 to 25 years. Applying a limit to the time a person must process the immensely complex emotional burden of rape is detrimental to any opportunity a person may have to heal. A step in the right direction for supporting victims of rape and sexual violence is to remove the statute of limitations so that I and other professionals no longer must tell the person, our patients, that it is too late.

CHAIR SCHEIBLE:

In these types of civil suits, what kinds of damages are commonly awarded when a plaintiff is successful?

SENATOR KRASNER:

There are two types of law for people who are not lawyers: criminal law and civil law. In a criminal lawsuit, someone could receive jail time. In a civil lawsuit, someone sues for money damages. Once the lawyer accepts the case, it must be proven in front of a judge and jury. If the plaintiff wins, the person receives money for the damage done, and that money allows the victim to see the psychiatrist or psychologist for help and consultation. It allows the individual to go back to school and get his or her life back together. So those money damages are important to victims of sexual assault.

SENATOR DONDERO LOOP:

I will just add something in reference to the Chair's question. According to the National Center for Victims of Crime, every state has a basic suspension of the statute of limitations for civil actions while a person is a minor. Many states have also adopted additional extensions specifically for cases involving sexual abuse of children. Those extensions for civil actions for children are different than for adults.

SENATOR SPEARMAN:

I do not know of penalties or damages awarded, but no amount of money would help anyone with whom I have done pastoral counseling get their soul back. The 62-year-old person I mentioned earlier said, "I wish I had a chance to say to that son of a biscuit 'you know how this feels,' and I wish I could get some of what they have now because my life is trash."

DR. COTTON:

The importance of this bill to me as a psychiatrist does not necessarily lie with the opportunity to get money. It lies with the opportunity to choose. Many of the people who I have worked with have not felt able to testify in court or pursue redress legally. This gives them the opportunity to say it is my choice; I am empowered to choose this or not choose. This is imperative to help them heal and move forward.

SENATOR STONE:

I served in the legislature in California, and one of my colleagues brought forward a bipartisan bill to abolish the statute of limitations in California. The instigating factor for that bill was a celebrity accused and convicted of sexually assaulting youngsters and adults who was represented by Gloria Allred. As you know, witnesses get five minutes each to talk and then we bring up other witnesses to get a minute or two. Dozens of women came forward for the first time in their lives and told these horrific stories of abuse while being limited to a minute to speak. The chair was respectfully saying when time was up, and I requested the chair give them more time. This is healing. And this is cathartic to let these women speak for the first time in 36 years about a traumatic event that touched their lives. I am grateful the committee agreed to hear all this testimony. A lot of this is suppressed for many years, and a two-year statute of limitations does not suffice. Bringing this forward gives victims justice and the resources they need to get the appropriate health care.

MARLENE LOCKARD (Domestic Violence Resource Center):

I am representing myself and the Domestic Violence Resource Center, formally known as the Committee to Aid Abused Women. We are in strong support of this measure for the obvious reasons stated in the presentation. I would point out that the example of sexual assault regarding Phoenix, it was also a domestic violence situation on top of the initial crime. We strongly feel this measure should be passed.

TESS OPFERMAN (Nevada Women's Lobby):

We heard compelling testimony. There are many reasons victim survivors may not come forward or only do so years after a crime has taken place. This measure is incredibly important. We urge your support.

SERENA EVANS (Nevada Coalition to End Domestic and Sexual Violence):

Recovering from sexual violence is a lifelong process, and each victim survivor's response is unique and personal. That is why we are here today in support of S.B. 129. We echo the sentiments shared in the powerful and emotional bill introduction. What justice and healing may look like to one victim survivor may not be the same for another. The criminal justice system often does not always yield the results that victim survivors wish, and engaging in the criminal justice system can be draining and retraumatizing. Abolishing the statute of limitations for civil proceedings creates another avenue for victim survivors to pursue justice and accountability against their perpetrator. It is common for victim survivors to shut down emotionally and not be ready to talk about their experience for years or decades. This should not mean they are denied options for justice. Abolishing the statute of limitations for civil proceedings is a victim centered approach. Nevada Coalition to End Domestic and Sexual Violence believes in creating options for victim survivors and supporting them in their pursuit of justice, whatever that looks like to them. We support and urge the passage of this measure.

JANICE BAKER-KINNEY:

I was raped when I lived in Reno. The three most difficult words I had to ever say was I was raped. It was in the early 1980s. I did not say those three words until about 2015 when I first came forward. I never admitted to being raped all those years because I blamed myself and the person who raped me was someone I knew, admired, and trusted. The term acquaintance rape was not in the common vernacular then. One of the reasons I blamed myself at the time was because I accepted pills from this person that were much stronger than I had been led to believe and caused me to pass out, which in turn allowed him to rape me while I was in and out of consciousness.

So why did I wait 30 years to come forward? You heard most of the reasons today, especially from the psychiatrist. I was humiliated. I was embarrassed, and I thought I slept with him. I justified what he did to me by placing the blame on myself. I passed out in front of this man, and I slept with him. So that was me blaming me. I revictimized myself like so many survivors experience from

others when they are told what happened. What were you wearing? Did you drink too much? Why were you there? By revictimizing myself, I never had to come to terms with what happened to me that night.

Coming forward was difficult because of the 30-plus years I kept silent about it. I kept second-guessing myself and playing the blame game for decades as so many survivors do after they have been sexually assaulted. But through the encouragement of my close friends and family, I gained strength to make a public statement about what happened to me. That first step was not easy. It is never easy. But the gate 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. But then comes the public shame, associated stigmas, and fear that comes with speaking one's truth becomes overwhelming.

I was fortunate enough to have a great support system, especially from a lot of my fellow survivors. I formed a sisterhood with them, and I found that some of the pain loses its power when you speak out and share it. I had an immediate connection to these women, and I stopped feeling so alone with my guilt. But this need to share has consequences. It caused me to shut down from my husband and sharing with him. I wanted to share my pain with people who had the same story as me. I had no idea at the time that burying the experience so deeply for so long would affect me once I finally came forward. It was a new territory. It felt like once I told my story aloud, it seemed to have happened 3 weeks ago, not 30-plus years ago. There were so many raw emotions to deal with, along with the underlying guilt and shame, no matter how many times I was told it was not my fault. I found a great therapist, and luckily, I have great insurance that pays for a therapist. Through many years of therapy and marriage counseling, I reconnected with my husband, who was a strong support system, but I had shut him out of my life because he did not know what I was going through.

Thousands of survivors out there are not as fortunate as I was to have a support system and people to lean on to go to therapy. I cannot say this has been easy, but it has been empowering and liberating to say it. I feel so much stronger now that I have come forward. I can say "screw you" to this person, shout from the rooftops and not be ashamed of myself. But there are still those days when I have trouble forgiving myself and second-guess myself. What could I have done differently? I buried the guilt for so long it still hides in the depths of my soul.

Speaking my truth has brought some strength and peace, but it has not brought consequences for my rapist. The one thing that has not been served is justice because my time has passed. Most everyone on this planet has enough information on why it takes years for us to come forward, and you heard a lot of that today. It is well-documented. It is reported on by medical and mental health experts and by victim advocate organizations. The #MeToo movement opened new avenues of awareness and resources for information regarding why we wait so long. I commend the leaders in Nevada for extending the statute of limitations for reporting sexual assault. But for far too many of us, that time has long passed. The only way for justice to be served is for this Committee to allow S.B. 129 to move forward to a vote.

So many states are listening to the same things as you, and some have completely abolished the statute of limitations. Everyone has become aware of the difficulty and trauma that survivors experience by trying to report this crime, but these laws are not retroactive. Passing a look-back law and abolishing the statute of limitations gives us a chance to seek the justice we all deserve. It is another step in our healing process. I am here today to encourage you to vote yes on S.B. 129 and allow it to move forward.

SABRINA LUBLIN:

I am 15 years old and here in support of S.B. 129. Eight years ago in November, my mother went to the Las Vegas police station and filed a report of sexual assault. Her case was dismissed because of the statute of limitations. To face the truth, pain and memories that happened, victims must come and dump it into a case file within four years. What happens if someone comes forward within 5 years after being sexually assaulted, or 10 years or 20 years? How can we ignore a plea for help? This person has come forward asking for justice after knowing or learning that one's own body has been violated. No one wants to be violated, but because of the law, the victim cannot find the justice one deserves. Ten minutes with a predator can impact ten years of someone's life or even more. It can change and mold that person into something completely new, creating a shell of oneself, a hollow, empty shell of a person. Give the opportunity for girls like me and women like my mother to always have a chance. All they need is a chance to get justice. I am here fighting for the chance they need.

AMANDA VASKOV (Associated Students of the University of Nevada, Reno):
Across a multiyear survey at the University of Nevada, Reno (UNR), 58 percent of students reported experiencing sexual coercion in their first year. One-third of these students chose to go forward. Among the reasons for not going forward were sentiments like no one would believe me, or I was in a relationship and did not realize that coercion could happen with a partner. These reasons can persist for a long time. More profoundly, the pain can last a lifetime. The Associated Students at UNR supports this bill and efforts to allow victims to come forward, seeking damages should they choose to in their own time.

SIMON LUBLIN:

I am here in support of S.B. 129. When my parents first found out about the sexual assault my mother faced, it was a hard time. What made it the hardest though was finding that the statute of limitations would bar my mother from seeking any form of justice.

I have always looked up to my parents. When faced with this obstacle, they overcame. They worked to change laws for the better for both adults and children. Rather than giving up, they decided to help others. It is easy to say that sexual assault is bad and to know the abuse is not a good thing, but it is much more difficult to understand what it does to a person. The emotional impact from it requires someone strong enough to persevere. The few who do persevere are rewarded with the ability to take their abusers to court.

However, some find it hard to revisit this terrible moment in their lives. They wait and in doing so make justice harder to find. They torment themselves with what has happened to them. When they are finally ready to speak, they are told nothing can be done because of the statute of limitations. Their one hope for retribution is ripped from them. This has happened to my mother and no doubt has happened to other men and women. Everyone talks about their sympathies and wishes something could be done. Now is the time that something can be done. The chance to take control can be given back to victims so they can hope again.

SUSAN REED:

I am a lifetime resident of Reno, and I have known Janice Baker-Kinney for over 30 years. I stand by her and urge you to pass this bill.

JANINE HANSEN (State President, Nevada Families for Freedom):

I am here today to support this bill. This is an emotional issue. My dear friend's husband was repeatedly raped when he was a little boy. When he confronted his mother about it, she denied it and refused to accept what he was saying. He is a grown man, over 40 years old now, but he does not have any relationship with his mother. He is still dealing with the trauma of this issue. It has been a blessing in my life that he calls me mom, and I have been a part of the healing in this tragedy. We appreciate the thoughtfulness of bringing this bill for those who it will help, and we support it.

HEIDI THOMAS (Health Through Music):

I am from Castle Rock, Colorado. By supporting S.B. 129, I am one of millions of people who have endured sexual assault and rape. I now know that I suffered from the classic symptoms of victims of sexual assault. I told no one because I could not even process it myself. I did not want to believe it. I dealt with years of panic attacks and a variety of counselors and therapies. I have no idea how much money I spent getting myself together. Thanks to the Internet, when I came forward, it was a public story and people found me.

These people just needed to tell their stories. They would contact me, a stranger, through the Internet because they knew I would understand. These were women and men from every conceivable demographic. Most of them sobbed on the phone as they struggled to tell me their stories. Most were telling it for the first time. Most of the people who contacted me were between the ages of 60 and 80 years old. They were broken human beings. Many of their lives have been destroyed. They turned to drugs or alcohol to ease the pain. Many had served prison time due to activities spurred on by their addictions. Some of both genders had gone into prostitution, feeling like that was all they were good for. Many could not maintain any relationships with their families, partners or even friends. They were isolated and revictimized by that isolation.

The process for recovery is often as emotionally traumatic as the crime when a victim needs to report horrific details, relive the assault and speak in front of strangers about the intensity of this violation. Having to do this within some arbitrary time frame is yet another assault. If they are not emotionally capable of the necessary steps in the process, they forfeit their right to justice.

In addition, we are now becoming increasingly aware of drug-facilitated sexual assault. My assault and rape occurred a few miles from where we are sitting

right now. I cannot tell you where it was because I was kidnapped and drugged. Victims of this crime like myself have a doubly difficult time reporting because we cannot remember the details. We only know we have been assaulted. Perpetrators of this crime count on this. It is known as the perfect crime. Having investigated this crime for decades, these perpetrators honestly do not think what they are doing is all that bad. They do not realize it will scar for life.

You may hear others assert that this bill violates somebody's liberties or someone's right to a swift trial. Having any kind of limits placed on a crime that will affect the victim for the rest of his or her life does not honor the liberties and the rights of those who have already endured a crime. You may also hear that this will flood the courts. Keep in mind, every case will still need to have evidence to proceed to trial. Many of these crimes will not produce evidence. But as Dr. Cotton pointed out, the choice is theirs. Should a witness come forward who can testify, they have the opportunity for justice. I tell you from personal experience that victims of sexual assault spend every day for the rest of our lives putting ourselves back together—every morning, every day. We deserve the right to justice when we are emotionally strong enough for the fight. Please give us that opportunity. I ask you to support S.B. 129.

LISE-LOTTE LUBLIN:

I am in support of S.B. 129. My children just came up and shared their support for the bill. Thank you for the opportunity to express my deepest concerns for the adults of our community. My struggle began in November 2014 when I discovered I had been a victim of a sexual assault. I was unaware of my assault for 24 years. My assailant used drugs to incapacitate me, and that strategy restricted my ability to fight for my right to say no. One of the side effects of being drugged is the inability to recall all the events of the assault. But through this journey, I have suffered a slow recall of those events. My only recourse today is to fight the laws that delay my healing process.

My brother was also assaulted by his teacher when he was in middle school. He and several other students were verbally, mentally, physically and sexually abused. He could not recover from the damage done to him. I watched my brother struggle in school, fail everyday issues, and attempt relationships he could not hold onto. Ultimately, he self-destructed. No one deserves that kind of life.

As a survivor of sexual assault, I have experienced a loss of control over the events in my life; I have random remembrances that haunt me and continue to derail my life. With my commitment to advocate for change, I continue to nourish the healing of many survivors and to preserve the spirit for our lives and our self-worth. This is one of the only places I can do that. I bring my family and survivor sisters who spoke earlier to plead our case for an equal, fair and equitable opportunity with the justice system. I am asking you to equalize the law to include the opportunity to protect our human rights as adults by eliminating the statute of limitations. Please consider the great service you would afford survivors by giving power to the justice system through supporting this bill.

BENJAMIN LUBLIN:

I was born and raised in Las Vegas. I will read my statement in support of S.B. 129. My wife, Lise-Lotte, and I have been fighting for victims' rights since 2015 with our first bill, A.B. No. 212 of the 78th Session, which extended the statute of limitations for sexual assault from 4 to 20 years. Recently, the statute of limitations for children of sexual assault in Nevada has been abolished in civil court. As survivors of sexual assault, we ask for equity within the law, but the statute of limitations ensures the law is not equitable and works in favor of the perpetrator. After two years, the perpetrator gets away with rape or sexual assault with no repercussions, but the victim is left distraught, a life in disarray with mental and physical health devastated. It could take years if not decades of therapy just to put the pieces back together.

Sexual assault and rape are considered among the most heinous criminal and civil offenses with only murder trumping them. But in civil court, the damage to personal property has a longer statute of limitations at three years than sexual assault and rape. Is that equity? I get asked this question all the time. Why does a victim of sexual assault not come forward when it happened? Why does it take so much time for one person to let the authorities know about an assault or rape? I can tell you firsthand because I am a survivor of sexual assault.

It took me 25 years to feel brave enough to tell one person in my life, and that was my wife, Lise-Lotte. I have lived with this guilt and shame of being a victim the entirety of my adult life. Now, as a 46-year-old man sitting in front of all of you, I feel embarrassed, ashamed and the need to hide what has happened to me. The need to hide has been ingrained in every fiber of my being. I am living proof. Not only does the psychological damage follow victims through life, but

the need for self-preservation is real. This is not about money; this is about justice. If I had the ability to take my perpetrator to court, whether criminal or civil, I would want justice. I ask each one of you to give me that chance I do not have. The statute of limitations has robbed me of this. I urge you to pass S.B. 129 and allow survivors the ability to find justice.

SCOTT JOHNSTON:

I am in support of S.B. 129 and submit my written testimony ([Exhibit C](#)).

SHERRY POWELL (Ladies of Liberty):

I have been following these bills for decades. I am the founder of the Ladies of Liberty, which is a victims' rights group. I have been the victim as a minor and an adult. The statute of limitations protects the perpetrator. I was not drugged. I did not wear fancy clothes. In fact, the last assault on me was in 2016. At that time, I was a fat old lady like right now. It had nothing to do with how I was dressed, where I was or what I was doing. Perpetrators know what they are doing.

My daughter was a victim. You can look it up because I was not quiet. I spoke out. I have discussed with many district attorneys that our prosecution rate is less than 1 percent for violent crime in Nevada. I could bring back the black eye of Nevada: the 1991 release of Phillip Garrido who walked right up to his victim the minute he got out of prison, announced to her that he was out and proceeded to kidnap Jaycee Lee Dugard. Thank goodness for kidnapping statute of limitations: there is none. But if she wanted to be heard as an adult victim of sexual abuse, her statute of limitations would have been up before she was ever found. Anybody who has a sister, brother, mother, or child would never conceive of the fact that these victims do not deserve a trial or civil restitution.

After my sexual assault at the age of seven, I thought I would never see that man again. I was supported by a wonderful grandma and my mother. I saw him only two years ago at the funeral of my brother. He was allowed to proceed with his life and became prosperous. What if I would have taken money from him? Unfortunately, at that time the statute of limitations in Nevada was two years. The assault occurred in California. Thank you for letting me know of that extension because I am 61 years old.

This is what a 61-year-old looks like with a fabulous support system which is rare. I did not tell anybody about my assault in Washoe County two years ago

because I did not want anybody to know. When I finally told somebody, I was shown a backpack and told there was a firearm in there. Had I known at the time that it might be necessary to carry a gun, the perpetrator would not be here. That is how I feel about it. I did not tell the organizer or head of that organization the assault happened until later, and they chose to call the police. When the police came in, the first question I was asked was why did not you report this? How come you waited so long? How come you did not call us? The reason I did not call you is because I did not feel like being interrogated. Something horrible happened to me, and anybody who knows me knows I am not a weak person at all. I do not get embarrassed. That is part of it. My mother and my grandmother always let me know that it was not my fault. I never believed it was my fault. I never believed "those people" had power over me. I have spoken out mostly for others who somewhere lose that self-assuredness. They lose that hope, they lose that spark and that spirit. I would hope that all of you would give them at least a little bit of a spark and pass S.B. 129.

RICK McCANN (Nevada Association of Public Safety Officers):

Nevada Revised Statutes 11 outlines statutes of limitations. Wrongs that can be aggrieved civilly include motor vehicle accident, two-year statute of limitations; libel or slander, two years; simple assault, two years; trespass of real property, three years; damage to personal property, three years; fraud, three years; breach of an unwritten contract, four years; deceptive trade practices, four years; breach of a written contract; six years; rape, two years.

The statute of limitations in Nevada within which a civil action must be filed by a victim of rape or sexual assault is like that of a car accident or trespassing on your property. Through your actions in this Committee and the future committees on this bill, we ask that you hold perpetrators of sexual assault to remain civilly liable until justice can be served. Please support S.B. 129.

BETH SCHMIDT (Las Vegas Metropolitan Police Department):

I am here to testify in support of S.B. 129. The Las Vegas Metropolitan Police Department believes the extension of the civil action time frame is an important resource for victims of sexual assault.

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

We are in support.

Senate Committee on Judiciary
February 21, 2023
Page 19

JASON WALKER (Washoe County Sheriff's Office, Nevada Sheriffs' and Chiefs' Association):

On behalf of the Washoe County Sheriff's Office and the Nevada Sheriffs' and Chiefs' Association, I am testifying in support for S.B. 129.

LEONARDO BENAVIDES (City of North Las Vegas):
The City of North Las Vegas supports S.B. 129.

BARRY COLE:

As a psychiatrist, I have been trained to ask each of my patients if he or she has ever been touched in a way or a place that now looking back seems inappropriate. I always expect a positive answer. My colleague Judy Turner at the University of Washington who is a pain specialist says one in every three women with chronic pain has been sexually assaulted. My experience confirms that as well. This is an important bill because it is going to allow resources. One of the limitations we see in psychiatry is—despite the alleged parity in insurance—that something about psychiatry, like substance use disorders, always comes with caps and limitations. We need to get rid of this. This might allow people to have those resources.

I want to leave you with an interesting idea. My mother was an actress in the 1950s. Few of us remember the 1950s, but you probably saw my mother if you watched television in those years. To transition from television to film, she had to sleep her way into that work. This is before Harvey Weinstein. This is before the famous situations we are hearing about, but that was the norm in the 1950s. My mother left her favorite profession to become a schoolteacher. She did not know what else to do. This is a real bill with real teeth to it. S.B. 129 needs to pass.

AMBER MARTIN:

I am here to support S.B. 129.

KIM SMALL (CEO, Signs of Hope):

Signs of Hope, formerly known as the Rape Crisis Center, is a Clark County nonprofit of 49 years that serves survivors in the immediate aftermath and long-term recovery following sexual abuse and assault, for as long as it takes, at no cost. Signs of Hope supports S.B. 129 as an avenue for victim survivors to hold their perpetrators accountable in instances when the criminal justice system is not an option or fails them in connection to their criminal case. We

also support this bill for abolishing the statute of limitations for when a victim survivor of sexual violence may pursue civil action against the perpetrator as we often serve clients who come to us for the first time years, and sometimes decades, after the abuse has occurred.

BETSY AGUILAR (Nevada Justice Association):

I am here today in support of S.B. 129. Rape and sexual assault are serious, ongoing issues that can affect anyone, any gender, any age, any religion and any socioeconomic background. Victims who come forward later in life are silenced due to this statute of limitations. These victims should not be silenced because of the amount of serious life-changing trauma they have experienced, including but not limited to memory, memory suppression or repression. We need to help survivors of abuse have an expanded access to justice due to the seriousness of these acts and the horrible effects on the victims. The statute of limitations should be removed for civil proceedings. As you can see, these types of cases are different than your typical run-of-the-mill motor vehicle accident, slip and fall or breach of contract case. This bill encourages victims who have experienced past harm to come forward and obtain various remedies which include the ability to hold their assailants accountable to consequences as well as give the victims the opportunity to finally tell their story. This bill is crucial for victims of sexual violence as it provides them a way to seek redress for harm suffered, hold assailants accountable and promote the public policy goal of expanding justice for these Nevadans. Please unlock the courthouse doors for them.

LINDA KIRKPATRICK:

I like sports. I am part of a team of millions of sexual assault victims. I am one in a million. I am 1 in a 12- to-14-million victim team. That is the number of Americans, both male and female, who are victims of sexual violence and rape every year. I was six years old when I was forced onto this heinous team. My 18-year-old perpetrator faced no jail time. I dubbed it team shame at ten, the age my sister was when she was forced onto the same team. Her perpetrator, same 18-year-old, faced no jail time again.

When I was the age of 13, it happened again. The perpetrator was a 60-year-old neighbor. He said no one would believe me and threatened violence on my family. I kept silent, maintaining my position on team shame. By the age of 24, I thought the years of team shame were behind me. In my 20s, I became a high-level tennis player, competing in a tournament at a local club in

Las Vegas. During that tournament, I unfortunately beat a famous comedian who was staying at the Las Vegas Hilton. He is now an infamous convicted sex offender in Pennsylvania, although he is out of jail. I woke up the following morning in my own bed completely soaked with urine. This comedian's comment was he thought that is what I wanted. Back to team shame I went. I like sports but not when they end in a rate where 25 of 1,000 rapists go to jail. An American is forced into team shame every 68 seconds. Males and females are victims of sexual assault or rape.

So much of my life has been successful. I have beautiful children and amazing grandchildren. I have owned several businesses in Nevada as well as other states. I am a national champion and certified instructor for pickleball. All that sounds great. But team shame keeps me from having a loving, successful marriage. I have failed five times at the altar. Intimacy escapes me. I suffer from post-traumatic failure to trust when it comes to male-female relationships. That puts me as the captain of team shame. I am tired of being on the underdog team of 12 million victims in this Country versus 25 rapists in jail. In Nevada where sports betting is legal, no sports book would take those odds.

Team shame up until this time has been bound to lose. Nevada has the power to give us a chance in court. A level playing field against our perpetrators gives us a chance of success. Pass S.B. 129 and let us work together at becoming part of a no-limit generation. We are 100 percent putting our faith in you Nevada. Get justice for victims. Pass S.B. 129.

SENATOR KRASNER:

Thank you, Chair Scheible and members of the Judiciary Committee for hearing this bill today. Please keep the courtroom doors open. Please allow justice victims of sexual assault. I would appreciate your support of S.B. 129.

DR. COTTON:

I challenge each one of you in this room to find one person in your life who has not been touched by sexual violence. You cannot do it. Thank you for hearing these comments.

CHAIR SCHEIBLE:

That concludes the hearing on S.B. 129 and brings us to an introduction of Bill Draft Request (BDR) 15-802.

Senate Committee on Judiciary
February 21, 2023
Page 22

BILL DRAFT REQUEST 15-802: Revises provisions relating to the liability of certain persons for protecting or removing a child or pet from a motor vehicle. (Later introduced as [Senate Bill 190](#).)

SENATOR OHRENSCHALL MOVED TO INTRODUCE BDR 15-802.

SENATOR STONE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Judiciary
February 21, 2023
Page 23

CHAIR SCHEIBLE:
The meeting is adjourned at 2:30 p.m.

RESPECTFULLY SUBMITTED:

Sally Ramm,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 129	C	17	Scott Johnston	Support Testimony