



# 2021

## LEGISLATIVE REPORT AND SCORECARD

**ACLU**  
Nevada





# MESSAGE FROM THE POLICY DEPARTMENT

BY POLICY DIRECTOR HOLLY WELBORN

The 81st Session of the Nevada Legislature began against the backdrop of the COVID-19 pandemic and a summer of unrest following the high-profile killings of George Floyd, Breonna Taylor, and Ahmaud Arbery. People across the country and here at home took to the streets to demand an end to systemic racial injustices.

The pandemic threatened to exacerbate Nevada's housing crisis by displacing people from their homes. Southern Nevada's initial response for the presently unsheltered was to place people in an open-air parking lot — while thousands of hotel rooms lay vacant — an image that earned [national attention](#). Making matters worse, the state made painful cuts to programs essential for Nevada's most marginalized communities.

At the same time, the issue of police killings came to a head in Nevada. Video evidence revealed that [Jorge Gomez](#), a Las Vegas man who was shot and killed by police during a Black Lives Matter protest, did not raise a weapon toward officers, undermining the claim that Mr. Gomez was a danger to police.

Advocates had high expectations of lawmakers to act boldly on these issues. Assembly and Senate leadership deserve credit for declining to pass policies with egregious civil liberties implications, and members of both parties have improved on many issues important to civil libertarians. And they made meaningful progress such as decriminalizing traffic offenses; providing birth control without a prescription; scaling back the use of projectiles and tear gas at protests; funding immigration defense; and passing expansive voting rights legislation while other states voted to inhibit the fundamental right to vote. It is also important to celebrate that, for the first time in our state's history, a chamber of the Legislature voted to repeal the death penalty.

However, the people are fatigued by the molasses speed of policy making. We marched in the streets, inhaled tear gas, were hit in the back by rubber bullets, and cried, "SAY THEIR NAMES" in a clear and loud call for substantive change — not for the Legislature to simply codify Metropolitan Police Department policies. Impacted communities called for a Legislature that is bold on police accountability and a Senate that will decline to advance legislation that would lead to violent police encounters in casino resorts. They want an Assembly that will not let important housing rights bills die in committee, and they want a Governor who will not run away from an opportunity to end capital punishment — a practice he has acknowledged as deeply flawed and unjust.

This report gives insights into the behind-the-scenes work on several bills impacting Nevadans' civil rights and liberties. Our team tracked nearly 300 bills, provided testimony and educational materials, met with legislators, negotiated with opponents, and was successful in keeping bad policies from advancing. We are proud of our work this session, but our fight continues.



**HOLLY WELBORN**  
*Policy Director*



**NICK SHEPACK**  
*Policy and Program Associate*

# VIRTUAL SESSION

## A BLESSING AND A CURSE

Protecting the public from a deadly communicable disease or participatory democracy and government transparency? These were the questions lawmakers and officials had to grapple with when deciding how to fulfill their duty to conduct an open and transparent legislative session in the midst of a global pandemic. The Nevada Constitution states clearly that “[t]he doors of each House shall be kept open during its session” and that **“all legislative committees must be open to the public”** (emphasis added). There was some debate over how far the Legislature could stretch the meaning of these terms during a state of emergency, but ultimately the Legislative Counsel Bureau concluded that virtual meetings were “open” enough.

The first three months of the 81st legislative session were conducted entirely virtually, creating a logistical and advocacy headache. Advocates had to essentially learn new legislative processes and invest considerable time and resources training their constituencies on how to navigate the legislative website to view or register to participate in meetings. Every committee had different rules on who could be allowed in the video conference rooms to testify and who had to call in, creating mass confusion for people new to the legislative process. And public testimony was cut to an unreasonably short period of time.

In addition to logistical hurdles, it exacerbated the issue of backdoor lobbying, which is a challenge even during normal times. You couldn’t simply chase an opposing stakeholder down the hall to force them to negotiate. Thus, many negotiations took place under heightened secrecy, and by the time the building was open, most deeds were done and several decisions made.

In February, a broad coalition of advocates submitted a letter to leadership expressing frustrations with the process and demanding a uniform set of rules for participation. Although uniform rules were never issued, committee chairs became more consistent in how they conducted hearings and several legislators—most notably Senator Dallas Harris and Assemblywoman Rochelle Nguyen — held weekly meetings with stakeholders.

But the virtual session wasn’t entirely negative. We must thank the capitol press corp, who were granted early access to the building, for their diligent reporting. Advocates and the rest of the public would have been lost without their full scale coverage. Most importantly, the ability for members of the public to call in from any



**AS THE STATE OPENS AND PUBLIC MEETINGS RESUME, WE HOPE THAT PUBLIC BODIES ACROSS THE STATE WILL MAINTAIN A HYBRID MODEL ALLOWING PEOPLE TO ATTEND IN PERSON OR VIRTUALLY.**

location, rural or urban, increased participation for those without resources to travel to Carson City. People could participate from the comfort of their homes, on their lunch breaks, and sometimes even from their vehicles!

As the state opens and public meetings resume, we hope that public bodies across the state will maintain a hybrid model allowing people to attend in person or virtually. Justice Louis Brandeis once said, “Sunlight is said to be the best of disinfectants... If the broad light of day could be let in upon men’s actions, it would purify them as the sun disinfects.”

## The Justice Reform and Accountability Alliance

The Justice Reform and Accountability Alliance (JRAA) is a group of community advocates, attorneys, policy specialists, families of incarcerated individuals, and victims of police violence. This ad hoc organization formed in the summer of 2020 to connect existing police reform advocates and organizations newly engaged in this work with those impacted by police brutality and the inhumane mass incarceration system. The JRAA testified on dozens of bills bringing new community voices to the Legislature, rather than just the usual grass-tops advocates.

Although the Legislature failed to live up to its promises on these issues, the JRAA showed up in great numbers to demonstrate the urgent need for transparency and accountability in a criminal legal system that treats Black and Brown bodies as dispensable. The JRAA will continue to grow and organize with a vision toward building power and loosening the grip of police lobby interests on the Nevada Legislature.



### ASSEMBLYMAN HOWARD WATTS *Most Civil Libertarian Legislator*

Assemblyman Howard Watts voted in alignment with ACLUNV issues 100% of the time. He is the first legislator in ACLUNV legislative report history to earn this recognition. This session, Assemblyman Watts was the lone Democrat in both chambers to vote “no” on Senate Bill 77, which exempts certain meetings on matters related to the National Environmental Policy Act from the Nevada Open Meeting Law. Congratulations and thank you to the assemblyman for his leadership.



### SENATOR DINA NEAL *Most Civil Libertarian Senator*

We tip our hat to Senator Dina Neal for being the only Senate Democrat to vote against SB452, the bill dubbed “Casino Stop-and-Frisk,” which would have created dangerous and unnecessary encounters between law enforcement and casino patrons suspected of carrying a firearm. Senator Neal voted in alignment on ACLUNV issues 98% of the time.



### SENATOR BEN KIECKHEFER *Most Civil Libertarian Republican*

Senator Ben Kieckhefer voted in alignment on ACLUNV issues 81% of the time — the highest score for a Republican legislator since ACLUNV began tracking legislative data. Senator Kieckhefer voted 100% in favor of LGBTQ+ rights, women’s rights, and reproductive justice. He also improved his score in the area of criminal justice reform, moving from 75% in 2019 to 91% this session. Sadly, Senator Kieckhefer is leaving the Nevada Senate due to term limits. We will miss his measured wisdom, his ability to work across the aisle, and his unwavering commitment to government transparency.



### ASSEMBLYWOMAN ANNIE BLACK *Least Civil Libertarian Legislator*

Assemblywoman Black earned a few records this session. Not only was she the legislator most likely to vote “No” on any bill, regardless of its merits, but she only voted in alignment on ACLUNV issues 32% of the time. She was the only legislator to vote against all bills protecting LGBTQ+ Nevadans. She also shockingly earned zero points on open government and transparency, which was part of her campaign platform.

# FIERCE FRESHMAN



ASSEMBLYMAN  
**CAMERON MILLER**



ASSEMBLYMAN  
**DAVID ORENTLICHER**



ASSEMBLYWOMAN  
**CECELIA GONZÁLEZ**



ASSEMBLYWOMAN  
**CLARA THOMAS**



ASSEMBLYWOMAN  
**NATHA ANDERSON**



ASSEMBLYWOMAN  
**SHONDRA SUMMERS-ARMSTRONG**

In 2021 we welcomed new, more diverse lawmakers with a fresh, modern perspective. This year's assembly freshman legislative class are the most civil libertarian-minded freshman class to date. These "Fierce Freshmen" carried bold legislation, asked tough questions, regularly engaged with impacted communities, and stood up for justice under immense pressure.

The Fierce Freshmen included Assemblywoman Cecilia González, Assemblyman Cameron Miller, Assemblyman David Ohrentlicher, Assemblywoman Shondra Summers-Armstrong, Assemblywoman Natha Anderson, Assemblywoman Venicia Considine, and Assemblywoman Clara Thomas. They proved to be great allies in the fight for liberty and justice. Despite

aggressive tactics from members of their own party and big money casinos to pass legislation that would have allowed casinos to use police as private security, known as "casino stop-and-frisk," these freshmen, many from communities impacted by deadly and unnecessary law enforcement encounters, did not waver in their opposition.

They also sponsored and passed legislation protecting incarcerated Nevadans ([Assembly Bill 241](#)), decriminalizing at-home drug testing equipment ([AB345](#)), requiring diverse and historically accurate curriculum in schools ([AB261](#)), and pushed an historic vote limiting direct file of youth to the adult criminal justice system ([AB230](#)). Elections have consequences, and this session's "Fierce Freshmen" made that fact abundantly clear.



ASSEMBLYWOMAN  
**VENICIA CONSIDINE**

## GOODBYE FOR NOW



SENATOR (D)  
**MO DENIS**

In 1996, Nevadans voted to approve term limits for state and local officers, including legislators. Whether these lawmakers were champions of liberty or folks who made our jobs difficult, these departing members take with them their knowledge, experience, and a piece of Nevada history. We wish them the best.



SENATOR (R)  
**JOSEPH HARDY, M.D.**



SENATOR (R)  
**BEN KIECKHEFER**



SENATOR (R)  
**JAMES SETTELMAYER**



ASSEMBLYWOMAN (D)  
**TERESA BENETIZ-THOMPSON**



ASSEMBLYWOMAN (D)  
**MAGGIE CARLTON**



ASSEMBLYMAN (R)  
**JOHN ELLISON**

# FIRST AMENDMENT

Lawmakers introduced a handful of bills impacting the freedom of expression and the right to protest.

Two bills, [AB168](#) and [AB127](#), were solely aimed at punishing Black Lives Matter and others protesting police violence. [AB168](#), sponsored by Assemblyman Jim Wheeler, attempted to categorize protest activity as a “riot” and provided for increased penalties if a peace officer is injured during a protest. The bill would have applied to crowds of seven or more participants and was so expansive that it included accidental injuries, injuries caused by other officers, or injuries caused by individuals not participating in the protest. [AB127](#), sponsored by Assemblywoman Jill Dickman, would have made the personal identifying information of a peace officer confidential, presenting barriers for advocates pushing for systemic change to policing. Thankfully, these damaging measures died in committee.

The ACLUNV worked with stakeholders, including the Anti-Defamation League, to scale back [AB296](#), a well-intentioned measure sponsored by Assemblywoman Rochelle Nguyen. The bill aimed to provide redress to individuals impacted by “doxing” — the process of publishing personal identifying information about an individual with the intent to inflict physical or emotional harm. The concept of “doxing” earned [national attention](#) after the Daily Stormer, an online right-wing, neo-Nazi publication, was shut down and ordered to pay a \$14 million settlement after launching a horrific, anti-Semitic harassment campaign against a Montana realtor who was active in her local Jewish community.



The ACLUNV shares the goal of protecting people from racist and bigoted attacks, but posting information online is one of the few ways that ordinary people have of holding people in a position of power accountable. Many definitive moments in our nation’s fight against prejudice and systemic racial injustice have been the result of a bystander picking up a camera, filming a video of an individual engaging in bigoted and/or violent behavior, and sharing that video and accompanying identifying information online.

We worked with the bill sponsor to create a civil penalty rather than a criminal one, to ensure that the law did not apply to police officers and elected public officials, and to make sure that the information posted caused or could cause significant harm. The ACLUNV will continue to monitor the implementation of this bill to make certain it does not capture activities that are protected by the First Amendment and are essential to expose and address racism, violence, and corruption in our society and in our government institutions.



# CRIMINAL JUSTICE

## CAPITAL PUNISHMENT

By far, the most disappointing loss of the 2021 legislative session was the failure of [AB395](#), the death penalty abolition bill. The Nevada Coalition Against the Death Penalty (NVCADP) worked tirelessly with the bill's champion, Assemblyman Steve Yeager, to achieve historic passage in the Nevada Assembly. The 26 to 16 vote generated national attention and momentum that we hoped would follow in the Senate.

Shortly after the vote, Governor Steve Sisolak made a statement to the press expressing his concerns about the death penalty but saying that it might be warranted in mass shooting and terrorism cases. Conversations about an amendment to address the governor's concerns — while still clearing death row — ensued. For several days, key lawmakers, in good faith, expressed a desire to hear the bill, and we expected that it would be heard May 13, before the second house committee deadline. Without warning to stakeholders, the governor's office and Senate Majority Leader Nicole Cannizzaro issued statements



*Advocates for repealing the death penalty gather in Carson City for a rally and vigil after the governor and state senate killed this session's abolition bill.*

saying that “there [was] no path forward” for the bill. It was a devastating blow that put a cloud over an already frustrating legislative session.

The senate and governor chose this path knowing that a potential execution looms over the state. The ACLUNV will fight alongside the NVCADP and others to prevent an execution using an experimental drug mixture from happening, but the blame for a botched execution will land on the lawmakers who refused to end this broken system.

## JUVENILE JUSTICE



*Mass Liberation activist Jagada Chambers and Assemblyman Cameron Miller celebrate the passage of AB230.*

traditional penal system as applied to young people is inhumane. The legislature passed some historic bills but [our fight](#) to keep youth out of the adult correctional system continues.

The biggest “win” for youth justice was [AB230](#), sponsored by freshman Assemblyman Cameron “C.H.” Miller. The bill substantially limits the practice of “direct file,” the process of automatically sending minors to the adult criminal justice system when they commit certain offenses. Although we wanted to end the practice in its entirety, this bill will ensure that the majority of youth have an opportunity to argue to stay in the juvenile system before they are tried as an adult. We were proud to partner with Jagada Chambers of Mass Liberation on this decades-long effort and congratulate Assemblyman Miller for firmly establishing himself as the legislature's youth justice champion.

The ACLUNV strongly supported [AB158](#), a bill advanced by the Cannabis

Equity & Inclusion Community led by A'Esha Goins, a cannabis policy specialist and the authority on racial equity in the cannabis industry, to end incarcerating youth for marijuana or alcohol possession. The bill prohibits jail or the issuance of a fine and instead allows for community service. The failed “War on Drugs” caused an unprecedented expansion of the school-to-prison pipeline. We will continue to advance policies that heal communities damaged by backwards policies and treat youth like youth.

Other noteworthy bills include [AB132](#), requiring law enforcement officials to read youth-specific Miranda rights before taking a child into custody; [AB251](#), permitting individuals convicted as juveniles to petition the court to expunge their juvenile record; and [AB108](#), a bill advanced by the Nevada Youth Legislature which requires implicit bias training for professionals who come into regular contact with youth in the juvenile system.

The ACLUNV continued to push the Legislature to adopt policies to curb youth incarceration. Scientific evidence and the U.S. Supreme Court make clear that young people are physically and constitutionally different from adults and the

## PRISON AND CORRECTIONS REFORM

The ACLUNV worked closely with Return Strong, a group fighting for the rights of their incarcerated family members through direct advocacy, the Mass Liberation project, and other members of the Justice Reform and Accountability Alliance (JRAA) to advance several bills impacting the lives of Nevada's incarcerated population.

[SB22](#), which capped the amount of fees the Nevada Department of Corrections (NDOC) can deduct from inmate financial accounts, was perhaps our most notable win. In September 2020, we discovered the NDOC was deducting upwards of 80% of funds that families deposited in their loved one's financial accounts to purchase

incarcerated individuals who were unable to participate in programming or work-related activities during the pandemic, effectively putting them back on track for their parole date. [AB358](#) ensures that individuals who had Medicaid before incarceration have their coverage reinstated upon release, increasing continuity in medical and mental health care.

The NDOC obstructed efforts aimed at improving inhumane prison conditions by placing outlandish fiscal notes on several important measures. Senator Melanie Scheible's [SB258](#) would have required NDOC to meet their constitutional requirement to adopt regulations

providing access to medically necessary treatment for transgender and nonbinary prisoners.

[SB187](#), sponsored by solitary reform champion Senator Patricia Spearman, met a similar demise. The bill would have restricted NDOC's use of solitary confinement and required data collection on the practice. Despite impassioned testimony by solitary confinement survivor [Frank De Palma](#), who spent over 22 years in solitary at Ely state prison, reform recommendations from the Vera Institute for Justice, and strong bipartisan support, the bill also died in the Senate Finance committee with an unexplained \$90 million fiscal note. Our work to end the barbaric practice of solitary confinement will continue through the interim and into the next legislative session.

[AB125](#), a measure to extend good time credit opportunities to incarcerated individuals with category B felonies sponsored by Assemblywoman Bea Duran, also failed to clear fiscal hurdles and died in the Assembly.

While we had high hopes for more wins in this area, we were able to achieve some significant progress on behalf of Nevada's incarcerated population. Both chambers showed a willingness to entertain reform measures, and this session left us feeling confident about the possibility of future prison reforms. It was ultimately the NDOC's unwillingness to work with advocates and legislators that led to the failure of many significant reform measures.

necessary items such as food, sanitary products, religious materials, and other comforts. NDOC's approach to these deductions baffled lawmakers, garnering [media attention](#) during the session. Thanks to Senate leadership, [SB22](#) caps deductions at 25% on family deposits and 50% on wages earned. This was a major win for people incarcerated in Nevada and will ensure that families are able to provide for their loved ones.

Other wins included [AB241](#), sponsored by Assemblywoman Cecilia González, and Speaker Jason Frierson's [AB358](#). [AB241](#) returned good time credits to



*Frank De Palma, who spent more than 22 years in solitary confinement, shares his story with the Nevada Legislature.*

## POLICING

Last summer, communities across the country demanded justice for the police killing of George Floyd. In Nevada, months of large-scale protests underscored the urgent need for meaningful change. The Legislature responded by passing limited reforms during a special session of the Legislature, including minor changes to the Peace Officers' Bill of Rights and banned police officers' use of chokeholds.

While grateful for these reforms, Nevadans made clear that these minimal advances were insufficient to address the breadth and depth of systemic racism and police violence. Legislators vowed to address the issue during the 2021 session.

Before the start of session, the Justice Reform and Accountability Alliance reminded leadership of their promise and called on them to end qualified immunity, establish a stringent statewide use of force policy, collect disciplinary and traffic-stop data, and establish an independent body to investigate officer-involved homicides.

Under Senator Dallas Harris and Attorney General Aaron Ford's leadership, we were able to walk away with bills limiting the use of deadly tactics including restraint chairs; the use of projectiles and tear gas at protests; and the issuance of no-knock warrants (SB50). However, the LVMPD and police union lobbyists obstructed any measure creating real accountability in cases of excessive use of force. Instead, the bills were watered down to

provide only minimal data collection and the codification of existing LVMPD policies.

Adding insult to injury, in the final days of session the Senate revived a dangerous proposal — [SB452](#), the “casino stop-and-frisk” bill. Majority Leader Nicole Cannizzaro introduced the bill as an “emergency” measure after a similar policy died in the Assembly. This bill, pushed by MGM Resorts, would have created unnecessary and deadly law enforcement encounters by permitting major casino resorts to call law enforcement to enforce resort firearms prohibitions.

An unlikely alliance including the Progressive Leadership Alliance of Nevada, the Clark County Black Caucus, police reform advocates, the police unions, and the National Rifle Association joined the ACLUNV in strong opposition to the bill. It passed the Senate 11 to 10 with Senator Dina Neal joining the Republicans in opposition. Thankfully, the Nevada Assembly refused to take the bill to a vote and it died on the last day of the legislative session.



*ACLUNV Executive Director Athar Haseebullah testifies against casino stop-and-frisk.*

## FINES AND FEES

The decriminalization of traffic tickets was one of our top priorities this session. [AB116](#), which decriminalizes minor traffic violations and quashes existing bench warrants for failure to pay, passed with only one No vote in each house.

After four failed attempts to pass this measure in previous sessions, we knew we needed a robust team to get this across the finish line. We partnered with the Nevada Fines and Fees Justice Center, the Clark County Black Caucus, the Mass Liberation Project, and Americans for Prosperity to pass this bipartisan measure. Championed by bill sponsor Assemblywoman Rochelle Nguyen, we were able to achieve a victory for all Nevadans.

The bill passed despite opposition from courts and local municipalities which fund themselves through these fines and fees — an inherently racist and regressive system.

The Legislature also passed a complimentary bill, Majority Leader Cannizzaro's [SB219](#), which ended driver's license suspension for failure to pay traffic related fines and fees. For many Nevadans, a suspended drivers license means a choice between maintaining a job and driving illegally.

Early in the session, Assemblywoman González's [AB151](#), which accomplished the same goal, was presented by the Assemblywoman alongside community members who have been impacted by license suspension. The Senate declined to give [AB151](#) a hearing and instead opted to support [SB219](#). Although we were disappointed to see the community-centric [AB151](#) die, we were happy with the end results. Punishing poverty by suspending drivers licenses is a backward and ineffective way to collect fines and fees and has no place in Nevada's legal system.

It was the stories of those impacted by this broken system that helped move bipartisan support of the legislation. NBC ran a [long form article](#) telling the story of a Las Vegas resident whose minor traffic debt ballooned to \$20,000. Her inability to pay this debt meant she continually faced the threat of arrest.



*The ACLUNV's Nick Shepack and Leisa Moseley from the Nevada Fines and Fees Justice center led efforts to decriminalize minor traffic offenses.*

## BAIL

Bail reform was a major priority for the ACLUNV and the JRAA coalition. The ACLUNV along with bail reform advocates actively participated in an interim study and pushed for evidence-based reforms aimed at creating a more equitable pretrial system in the state. Although the high hopes we entered the session with were not fully realized, Nevada did move the needle in the right direction.

The bail reform debate revolved around the Nevada Supreme Court decision in [Valdez-Jimenez v. 8th Circuit Court](#). This case was a win for bail reform advocates as it shifts the burden from the defendant to the prosecution to argue that someone must be held in pretrial detention and requires a “prompt” bail hearing. However, the Court declined to clearly define “prompt.”

Our coalition, led by the Clark and Washoe county Public Defenders offices and Mass Liberation, fought to define “prompt” as 24 hours, but the Legislature ultimately compromised under pressure from rural courts citing logistical challenges and a lack of resources. The end result was [AB424](#), which requires a hearing within 48 hours but allows for a continuance of the proceeding “for good cause.” The ACLUNV expressed concerns that the continuance could be used in a manner establishing a different standard of justice in rural communities than in urban communities. We will monitor the implementation

of this bill and litigate if the continuance is used in an unconstitutional manner.

The Legislature also passed [SB369](#), which essentially codified Valdez-Jimenez into law, and [AB440](#), which requires law enforcement to issue a citation in lieu of arrest for a litany of misdemeanors. AB440 will help to ensure that small mistakes do not result in arrest. Spending a few days in jail for a violation that ultimately ends up in a fine or community services can have devastating impacts on a person’s life, including the loss of custody of one’s children and/or the loss of one’s job.

The legislature declined to pass [SB401](#), which would have required the collection of pretrial release data. This data would have allowed the Legislature and the public to better understand how the pretrial system is functioning across the state. Despite a desire from both legislators and advocates to see this bill pass, large fiscal notes from both state and local government killed the bill in the Senate.

This year’s bail reform brought Nevada to the constitutional floor. While we had hoped for more, we are pleased to see some of the major flaws in Nevada’s pretrial system addressed. There is a long way to go to fix a system that will continue to unjustly punish the poor. The ACLUNV will continue to fight for reforms.

*Activists and advocates gathered in Carson City for a day of lobbying and demonstrations.*



# EQUITY AND RACIAL JUSTICE

The Nevada Legislature passed several bills promoting equity and racial justice in schools, in our communities, and for individuals.

[AB88](#), sponsored by Assemblyman Howard Watts, began as a bill to address racist names and mascots in Nevada's public institutions. However, after conversations with native leaders, the bill was amended to include language that would end the use of sirens and bells that ring at times historically associated with warning people of color to leave town before dark. The most notable of these sundown sirens is the one in Douglas County's Minden, a county's whose sheriff drew national attention after threatening not to respond to calls at a local library because the librarian proposed a diversity statement that included the words "black lives matter".

summarily dismissed — as bullying claims often are — by mandating a formal investigation. This bill intended to create a safe and responsible learning environment for students. The ACLU of Nevada, in conjunction with Nevada Partners and Leaders in Training, worked with youth leaders to coordinate the hearing and support testimony. The bill passed unanimously in the Senate and nearly passed unanimously in the Assembly, with Assemblywoman Annie Black being the sole vote against the establishment of these requirements.

[SB237](#), Nevada's version of the Crown Act, was co-sponsored by senators Dina Neal and Dallas Haris. The Crown Act offers protections from discrimination for members of BIPOC communities who chose natural and/or culturally relevant hair styles. With the passage



[AB157](#), a bill championed by Assemblywoman Daniel Monroe-Moreno, aims to end the practice of using police as weapons of racism and hate. Dubbed the "Karen Bill," this legislation created civil recourse for individuals who have the police called on them with the intent to infringe on their civil rights due to personal characteristics such as race, gender, or sexual orientation.

[AB371](#), sponsored by Assemblywoman Brittney Miller, requires that racial discrimination within schools is not

of SB237, Nevada became the 12th state to adopt such a law.

[AJR10](#), brought forth by Assemblyman Howard Watts, seeks to remove language in the Nevada Constitution that currently allows for slavery as punishment for a crime. AJR10 passed both houses unanimously. It will need to pass again next legislative session before becoming a ballot measure in the following election.

# IMMIGRANTS' RIGHTS

As with many other issue areas in which the ACLUNV works, some significant immigrants' rights reforms were significantly watered down. However, Nevada's immigrant community celebrated important victories.

AB376, the Keep Nevada Working Act, sponsored by Assemblywoman Selena Torres, started as a bold reform bill that would have significantly limited the ability of state and local agencies, including law enforcement, to enforce federal immigration laws. While the enforcement measures were amended out of the bill, it was still a win for immigration advocates. The bill as amended created a task force to help immigrants with employment in the state. The measure also appropriated \$500,000 to the immigration clinic at the Boyd School of Law to provide pro

bono deportation defense. For many of Nevada's undocumented residents, obtaining legal counsel is often impossible. Unlike criminal defendants, individuals facing deportation do not have a right to a lawyer. This program will help fill that gap.

AB213, the Nevada Dreamers Act, sponsored by Assemblyman Edgar Flores, aimed to expand access to higher education by allowing undocumented students access to grants, loans, and college savings programs. While AB 213 died without a vote in the Assembly, a last minute amendment to SB347, a bill dealing with sexual misconduct in the higher education system, resurrected much of the language. Although the final version of SB347 raised some possible due process concerns for students accused of sexual misconduct, this last

minute amendment was a welcome addition to the bill.

Other notable wins for immigrants' rights include Assemblywoman Torres' AB195, the English Language Learners Bill of Rights, which seeks to guarantee a quality education for all English language learners and requires data collection on both the success of students and available language resources at each public school. AB212, carried by Assemblywoman Natha Anderson, increases access to court interpreters ensuring that non-English speakers are able to understand the judicial process and communicate effectively while navigating Nevada's complex court systems.

## VOTING RIGHTS

While states across the country spread the "big lie" of stolen elections and pass blatantly unconstitutional legislation to suppress the votes of Black, indigenous, people of color, and impoverished communities, Nevada stands tall. Once again, under the leadership of voting rights champion Assembly Speaker Jason Frierson, Nevada leads the nation in passing policies that increase access to the ballot.

Our state made the best of a bad situation when it turned to mail ballots, drop off boxes and expanded polling locations to keep people safe during the height of the COVID-19 pandemic. 2020 was a record voter turnout year which proved that Nevadans want convenient voting options. AB321 makes Nevada a permanent vote-by-mail state, guarantees access to numerous polling locations across the state and on tribal lands, and creates a safe and secure ballot collection process.

The legislature also passed measures expanding ballot access for disabled Nevadans and veterans ([AB121](#)) and replaced the outdated, confusing caucus presidential nominating process with a more inclusive presidential primary.



# WOMEN'S RIGHTS AND REPRODUCTIVE JUSTICE



Nevada, as the only majority-women Legislature in the country, lived up to expectations in the area of women's rights and reproductive health.

In the next election cycle, Nevada voters will have the opportunity to amend the state constitution to guarantee the "[e]quality of rights under the law" to all persons regardless of "race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry or national origin." [SJR8\\*](#), the Nevada Equal Rights Amendment, passed with bipartisan support and will appear on the November 2022 ballot for approval by voters.

[SB190](#), sponsored by Majority Leader Cannizzaro, allows pharmacists to dispense birth control without a prescription. This bill provides a convenient option for women and those

with reproductive needs to access safe and effective hormonal contraception without the additional cost and difficulty of visiting a doctor.

Perhaps the most heartwarming bill of the session was [AB224](#), which provides access to menstrual products in public schools. This bill is the passion project of [Samantha Glover](#), a Reno High School student who turned a class assignment into a campaign to end "period poverty." As Ms. Glover and the bill's sponsor, Assemblywoman Bea Duran, pointed out in testimony, one in four students have missed class because of a lack of access to these basic hygiene products. The ACLUNV was proud to support this bill and looks forward to following Ms. Glover on her path to ending stigma around menstruation.

## LGBTQ+ RIGHTS

The 81st legislative session came to a close with four ACLU of Nevada priority LGBTQ+ bills being signed into law. The legislature continued to make strides in creating a more welcoming and inclusive state for our LGBTQ+ communities.

[SB275](#), sponsored by Senator Harris, brings Nevada's HIV laws into the 21st Century. HIV laws in the state prior to the passage of [SB275](#) were both discriminatory and punitive, vestiges of the uneducated panic that surrounded the AIDS epidemic which began in the early 1980's. The Nevada HIV Modernization Coalition, Silver State Equality, and other LGBTQ+ organizations led the effort, and this robust piece of legislation passed with bipartisan support.

[SB325](#), carried by Senator James Settlemyer, allows pharmacists to prescribe, dispense and administer drugs that help prevent the transmission of HIV. By bypassing the need for a doctor's prescription, Nevadans will now have greater access to PrEP, especially in rural communities.

[AB115](#), sponsored by Assemblywoman Nguyen, establishes multi-parent adoption in the state. Emotional testimony from Reno City Councilmember Devon Reese demonstrated the need for this bill. Councilman Reese coparented his children with their mother, his former wife Emily, and his husband Philippe. When Emily was diagnosed with cancer, it was Phillippe who became the "primary caregiver, chauffeur, tutor, mentor, friend, and dad." Despite Emily's wishes for Phillippe to be recognized as a legal guardian to her children, this was not a legal option at the time. Emily passed away in 2018, and Phillippe was finally able to become a legal guardian. Emily's motto was "Live life, love life, impact others." She would be proud of the lasting impact of AB115.

Other notable LGBTQ+ legislation included a bill sponsored by Nevada's first openly pansexual legislator, Assemblywoman Sarah Peters, [AB280](#), which will ensure that all single-stall public restrooms in the state are gender inclusive and Senator Harris's [SB237](#), which provides financial and governmental assistance to LGBTQ+ businessowners.

# OPEN GOVERNMENT

The ACLUNV is a proud member of the Nevada Open Government Coalition, an unconventional group of government transparency advocates including the Nevada Press Association, the Nevada Policy Research Institute, government transparency experts, journalism organizations, and more. Together we successfully killed or scaled back most problematic measures that would have created new exemptions to transparency laws (see [AB39](#), [AB44](#), [AB253](#), and [SB51](#)).

Unfortunately, the Legislature declined to advance a proactive government transparency bill, [AB276](#), sponsored by Assemblyman Andy Matthews, which would have increased the damages owed to a victim of public records law violations. Additionally, the Legislature passed [SB77](#), which created a new open meeting law exemption for public bodies engaged in predecisional discussions under the National Environmental Policy Act, making it harder for environmental policy advocates to participate in decisions impacting our state.

# PRIVACY AND TECHNOLOGY

The 2021 Legislature declined to prioritize measures protecting Nevadans' privacy and freedom from invasive technologies. While it was disappointing to not see more effort in this area, we consider it a win that, contrary to previous sessions, we did not have to fight any mass surveillance legislation such as fusion centers or traffic cameras.

The only tech and privacy reform measure that passed this session was Speaker Frierson's [AB220](#). The ACLUNV was in strong support of the original version of this bill as it would have barred the use of end-to-end encryption software for on-duty law enforcement. Apps such as Signal were used across the country by law enforcement during last summer's protests, allowing them to communicate with a lack of oversight and transparency. Through amendment, the bill's language was unfortunately watered down to only bar these types

of apps by on-duty law enforcement if those apps are used with the intent to skirt the law or to avoid the lawful discovery of records. While not pleased with loopholes for law enforcement, we see this legislation as a first step to regulating surreptitious communication in the law enforcement community.

The ACLUNV worked with Senator Ira Hansen on [SB213](#), which would have put limitations on warrantless government surveillance of its citizens. Through conversations with experts at ACLU National, we were able to provide Senator Hansen with comprehensive language that would have not only required warrants for the type of surveillance he found most concerning but would have bolstered Nevadans' Fourth Amendment protections. Unfortunately, this bill died without a hearing. The ACLU of Nevada will continue to push for legislation that protects the privacy and security of all Nevadans.

# PERSONAL AUTONOMY

Another legislative session, another death with dignity bill meets an undignified death. This session, the torch was passed from termed-out Senator David Parks to Assemblyman Edgar Flores, who carried this session's death with dignity bill, [AB351](#). This bill would have allowed terminally ill patients in certain circumstances

to request life ending medication from their doctor. Our organization believes that patients deserve the freedom to make such deeply personal decisions regarding end-of-life care. Despite passing out of the Assembly Health and Human Services committee, the legislation died without a floor vote.

# HOUSING AND ECONOMIC JUSTICE

Thousands of Nevadans lost jobs, housing, and food security because of the COVID-19 pandemic. With people hurting more than ever, housing justice advocates, including the ACLUNV, worked together to fight for due process in evictions, for protections from predatory fees from landlords, and more.

Powerful real estate industry groups geared up for their own fight to keep the balance of power in Nevada weighted firmly against renters, and today Nevada remains one of easiest states in America for landlords to remove families from their home.

Bills introduced to add systemic protections for tenants in this time of crisis were left to die, and the bills that survived are largely band-aids meant to aid Nevadans only in very specific situations related to the pandemic.

AB141, sponsored by Assemblyman Watts, is one of the better bills the Legislature approved. The measure established record sealing for all evictions for nonpayment of rent that occurred during the pandemic state-of-emergency period. As introduced, it would have also extended the amount of notice landlords had to give renters while carrying out no-cause evictions, but those provisions were cut from the bill.

the security deposit process. But the Assembly Commerce and Labor Committee — under Chair Sandra Jauregi, who works in the real estate industry — declined to give the bill a hearing after it was voted out of the Senate.

The Legislature also killed several other housing measures, including bills designed to increase Nevada's inventory of affordable housing.

One housing bill was approved by the Legislature but vetoed by Governor Sisolak: SB254, sponsored by Senator Neal, gave housing justice advocates hope for a Fair Chance Housing policy that would ensure former prisoners who had done their time would have access to housing. While well-intentioned, the bill was amended to include provisions that allowed landlords to continue running criminal background checks and to continue to deny housing to too many people. The ACLUNV was forced to oppose the bill in its final legislative hearing.

AB308, sponsored by Speaker Frierson, was approved by the Legislature and signed into law. The bill was conceived with real estate industry lobbyists and offered as a “compromise.” While it's a far cry from the bold action

## NEVADA HOUSING JUSTICE ALLIANCE



NHJA'S GOAL IS TO BUILD GRASSROOTS POWER TO CHANGE  
POLICY TO PROVIDE GREATER HOUSING PROTECTIONS FOR ALL NEVADANS.

Members include the ACLU of Nevada, Coalition of Legal Service Providers, Culinary Union, Faith in Action Nevada, Make It Work Nevada, Make the Road Nevada, and the Progressive Leadership Alliance of Nevada.

AB161, sponsored by Assemblywomen Torres and Summers-Armstrong, would have made significant changes to Nevada's summary eviction procedures, a rubber-stamp process that allows landlords to evict residents without a court hearing. The bill was amended into an interim study before it died completely. AB317, sponsored by Assemblywoman González, would have barred landlords from engaging in source-of-income discrimination, but the bill died without a hearing.

Several legislators demonstrated an interest in addressing housing justice issues, yet very few bills survived the Assembly. SB218, sponsored by Senator Julia Ratti, would have curbed the use of predatory fees such as “lightbulb fees” and “microwave fees” while bringing greater clarity to

Nevada needs, the bill has some decent provisions, including extensions of the grace period to pay rent before late fees can be charged and the amount of notice required to be given to a tenant before a rent increase.

SB486, sponsored by the Assembly Ways and Means Committee, is arguably the biggest housing bill to come out of the 2021 session. Although the bill does offer some relief to Nevadans facing the loss of their home because of hardships related to the pandemic — including an eviction mediation process and protections for renters with pending rental assistance applications — Nevadans will continue to face hardships for years to come unless our leaders recognize that housing is a right and take meaningful action.

# SCORING THE NEVADA LEGISLATURE

For those who follow the ACLUNV, you may notice that this year we opted to only score each chamber of the Legislature and opted to not publish a scorecard for individual legislators. After much deliberation, we came to this conclusion because scoring legislators based only on the bills that make it to a floor vote tells an inaccurate story. The decision on what bills live or die lies with powerful committee chairs and, ultimately the Speaker of the Assembly and the Senate Majority Leader.

We publish a scorecard to demonstrate to readers how lawmakers and the Legislature measured up on civil liberties issues. This session, several important bills with broad support died. If we scored legislators only on bills for which they had an opportunity to vote, we would be misleading our members and the public.

Measuring the chambers paints an accurate picture of whether Nevadan's civil right and civil liberties were a priority for lawmakers this session.

## METHODOLOGY

Each chamber was scored on dozens of bills in several issue areas: Criminal justice reform, juvenile justice reform, housing and economic justice, immigrants' rights, women's rights and reproductive justice, LGBTQ+ rights, open government, privacy and technology, equity and racial justice, and voting rights.

We scored on a points scale of 0 - 3. If a chamber passed a good bill or killed a bad bill, they earned 3 points. If a good bill was watered down or the intent of the bill was

lost, the chamber earned 2 points. If the chambers passed a bad bill that we amended to make less harmful, they earned 1 point. Finally, a chamber earned zero points if they killed a good bill or passed a bad bill.

Below is a list of the bills we scored by issue area. The ACLUNV supported bills marked in green, opposed bills marked in red, and was neutral after amendment on bills in yellow.

IMMIGRANTS' RIGHTS		Possible Points	Assembly	Senate
AB195	English Language Learners' Rights	3	3	3
AB212	Court Interpreter Requirements	3	3	3
AB376	Deportation Defense	3	2	2
SB300	Office of New Americans Update	3	N/A	0
		12	8	8
			88%	66%

### KEY

- 3 Good bill passed or bad bill killed
- 2 Good bill watered down or intent of bill fundamentally changed
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- N/A Bill did not reach that house

## HOUSING & ECONOMIC JUSTICE

		Possible Points	Assembly	Senate
AB138	SNAP Accessibility	3	3	3
AB141	COVID Eviction Sealing	3	2	2
AB197	Health Care for Homeless Youth	3	3	3
SB218	Bans Predatory Fees	3	0	3
SB420	Public Health Care Option	3	3	3
AB486	Eviction Mediation/Rental Assistance	3	3	3
AB161	Summary Eviction Reform	3	0	N/A
AB317	Source of Income Discrimination	3	0	N/A
		<b>24</b>	<b>14</b>	<b>17</b>
			<b>58%</b>	<b>94%</b>

## OPEN GOV, PRIVACY, TECH, & SPEECH

		Possible Points	Assembly	Senate
AB220	Ban Encrypted Message Apps for Police	3	3	3
SB77	EPA Open Meeting Exceptions	3	1	1
AB296	Doxxing	3	1	1
SB213	Limits Stingray Surveillance Tech	3	N/A	0
AB 39	Officers' Image Redaction	3	3	N/A
AB44	Hospital Board Open Meeting Exception	3	3	N/A
AB253	Virtual Meetings	3	2	2
AB276	Liability for Public Records Violations	3	0	N/A
SB243	NDOC Instructors' Records Confidential	3	N/A	3
		<b>27</b>	<b>13</b>	<b>12</b>
			<b>61%</b>	<b>55%</b>

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LGBTQ+				
		Possible Points	Assembly	Senate
AB115	Multi-Parent Adoption	3	3	3
AB280	Gender Neutral Bathrooms	3	3	2
SB237	LGBTQ+ Business Licenses	3	3	3
SB275	HIV Modernization	3	3	3
SB325	PrEP Accessibility	3	3	3
		<b>15</b>	<b>15</b>	<b>14</b>
			<b>100%</b>	<b>100%</b>

VOTING RIGHTS				
		Possible Points	Assembly	Senate
AB121	Vets/Disabled Voting Access	3	3	3
AB126	Changes to Presidential Primary	3	3	3
AB321	Permanent Vote-by-Mail	3	3	3
		<b>15</b>	<b>15</b>	<b>15</b>
			<b>100%</b>	<b>100%</b>

REPRODUCTIVE HEALTH AND WOMEN'S RIGHTS				
		Possible Points	Assembly	Senate
AB224	Menstrual Products in Schools	3	3	3
SB190	OTC Birth Control	3	3	3
SJR11	Urges Congress to Ratify ERA	3	3	3
AB224	Nevada Equal Rights Amendment	3	3	3
		<b>12</b>	<b>12</b>	<b>12</b>
			<b>100%</b>	<b>100%</b>

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## EQUITY AND RACIAL JUSTICE

		Possible Points	Assembly	Senate
AB88	Racist Mascots & Sundown Sirens	3	3	3
AB157	Civil Action for Discrim. Police Calls	3	3	3
AB261	Diversity in School Curriculum	3	3	3
AJR10	Removes Slavery from NV Constitution	3	3	3
SB327	Crown Act	3	3	3
AB371	School Racism Policies			
		15	15	15
			100%	100%

## JUVENILE JUSTICE

		Possible Points	Assembly	Senate
AB132	Juvenile "Miranda" Warning	3	2	2
AB158	Diversion for Youth Cannabis Offense	3	2	2
AB230	Limits Sending Youth to Adult System	3	2	2
AB251	Expungement of Juvenile Records	3	2	2
SB21	DCFS Hiring	3	3	3
SB108	Youth Legislature	3	3	3
SB356	Juvenile Incarceration Study	3	3	3
SB357	Juvenile Incarceration Data	3	3	3
SB365	Youth in Adult Facilities	3	N/A	0
		27	20	20
			83%	74%

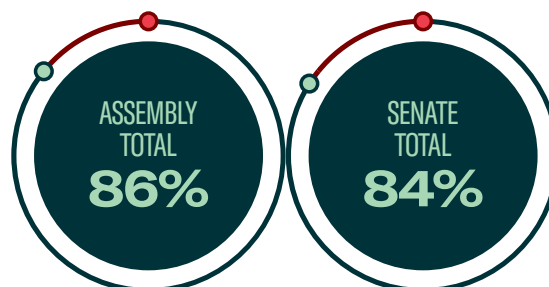
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CRIMINAL JUSTICE		Possible Points	Assembly	Senate
AB58	Pattern & Practice Investigations	3	3	3
AB116	Traffic Decriminalization	3	3	3
AB186	Eliminates Traffic Quotas	3	3	3
AB201	Jailhouse Informant Reforms	3	3	0
AB219	Debt-based License Suspensions	3	3	3
AB241	COVID "Good Time" Credits	3	3	3
AB358	Medicaid Restoration for Ex-Prisoners	3	3	3
AB395	Death Penalty Abolition	3	3	0
AB424	Bail Reform	2	2	2
SB22	Caps on Prisoners' Account Deductions	3	3	3
SB50	Limits No-Knock Warrants	3	2	2
SB212	Police Reform	3	2	2
SB452	Casino Stop-and-Frisk	3	3	0
AB131	Bodycam Regulations	3	0	NA
AB133	Police Training Re: Open Carry	3	0	NA
AB268	Police Training Re: Mental Health Crises	3	3	0
SB20	Rape Victim Bill of Rights in Prisons	3	N/A	3
		50	39	30
			82%	68%

2021

# LEGISLATURE SCORECARD



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# FINAL THOUGHTS

BY EXECUTIVE DIRECTOR ATHAR HASEEBULLAH

The 2021 Nevada Legislative Session was not easy, but did produce several great wins. The decriminalization of minor traffic offenses was a major victory for civil rights advocates, voting rights were expanded, and it was remarkable to see a broad coalition of stakeholders work with the ACLU of Nevada to successfully fight off a last minute bill that would have created a stop-and-frisk program in Nevada casinos. Despite these wins, we are honest enough to acknowledge our disappointment in other areas, including the Legislature's failure to abolish the death penalty or advance significant housing justice measures. Nonetheless, I couldn't be more proud of our team, not just because of the wins they delivered for civil liberties this Session, but because of their courage in standing up to injustice without fear.

Our 2021 legislative wins wouldn't have been possible without our savvy policy director, Holly Welborn, and our policy team, which consisted of Nick Shepack and Liz Davenport, who tracked hundreds of bills and lobbied under the unprecedented circumstances of the pandemic. Likewise, our communications director, Wesley Juhl, and his team consisting of Diamante Asberry and Ryley Svendsen, should be recognized for keeping the people of Nevada up to date while helping mobilize the community to speak out on critical issues.

Legislative sessions are a team sport at the ACLU of Nevada and this work is often thankless and exhausting. Fighting for your civil rights and civil liberties is easier when you get to work alongside a team as passionate and fearless as ours. Our fight to protect and expand civil rights in Nevada will continue into 2023 and beyond, and we're not shying away. Join us by becoming a member at [aclunv.org/join](https://aclunv.org/join).



**ATHAR HASEEBULLAH**  
*Executive Director*



**WESLEY JUHL**  
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**LIZ DAVENPORT**  
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