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March 3, 2003

To: George Flint  
From: Allen Lichtenstein  
Re: NRS 201.430

Dear George:

I've revised some of the language of NRS 201.430 to allow for some advertising in light of recent Supreme Court decisions. Please let me know what you think.

\* \* \*

NRS 201.430 Unlawful advertising of prostitution

1. It is unlawful for any person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise the unlawful conduct or any house of prostitution:

(a) In any public theater, on the public streets of any city or town, or on any public highway;

or

(b) In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute *except as set forth herein*.

2. It is unlawful for any person knowingly to prepare or print *publish, distribute or cause to be published or distributed in any public communication using any existing or future technology*, an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing

of a house of prostitution is prohibited by state statute *except as set forth herein*.

3. [Inclusion in any display, handbill or publication] *Preparing, printing, publishing, distributing or causing to be published or distributed in any public communication using any existing or future technology, an advertisement concerning a house of prostitution consisting solely of any combination of the address, location or telephone number of a duly licensed house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, [constitutes prima facie evidence of advertising for the purposes of this section.] distributed anywhere within the State of Nevada shall not be considered a violation of subsection (2) above.*

4. *It is unlawful for any person knowingly to prepare or print, publish, distribute or cause to be published or distributed in any public communication using any existing or future technology, an advertisement concerning a house of prostitution that contains any material that is harmful to minors pursuant to NRS 201.257.*

[4]5. Any person, company, association or corporation violating the provisions of this section shall be punished:

(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$ 1,000, or by both fine and imprisonment.

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$ 250 nor more than \$ 1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$ 250 nor more than \$ 1,000.

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I look forward to your feedback. Thanks.

Very truly yours,



Allen Lichtenstein

*AL*