

Amendment No. 361

Assembly Amendment to Assembly Bill No. 238	(BDR 14-177)
Proposed by: Assembly Committee on Corrections, Parole, and Probation	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

NCA/BAW



Date: 4/14/2009

A.B. No. 238—Provides that persons who are convicted of certain offenses involving pandering or prostitution of a child are subject to lifetime supervision. (BDR 14-177)



ASSEMBLY BILL NO. 238—ASSEMBLYMEN HORNE, ANDERSON, J. HAMBRICK; AIZLEY, BOBZIEN, BUCKLEY, DONDERO LOOP, HOGAN, KIHUEN, MANENDO, MORTENSON, OCEGUERA, OHRENSCHALL, SEGERBLOM AND SMITH

MARCH 4, 2009

JOINT SPONSORS: SENATORS PARKS; AND HORSFORD

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—~~Provides that persons who are convicted of certain offenses involving pandering or prostitution of a child are subject to lifetime supervision.~~ Increases the penalty for soliciting a child for prostitution. (BDR ~~(14-177)~~ 15-177)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; ~~providing that persons who are convicted of certain offenses involving pandering or prostitution of a child are subject to lifetime supervision;~~ increasing the penalty for soliciting a child for prostitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides that a person is subject to lifetime supervision, following probation, imprisonment or parole, if the person is convicted of certain sexual offenses. (NRS 176.0921) This bill revises the list of such sexual offenses for which a person is subject to lifetime supervision to include the following offenses relating to pandering and prostitution, if the victim of the offense is less than 18 years of age when the offense is committed: (1) pandering, by inducing a person to become a prostitute through threats or other actions; (2) pandering, by placing a spouse in a house of prostitution through force, fraud, intimidation or threats; (3) living from the earnings of a prostitute; (4) pandering, by detaining a person in a house of prostitution because of any debt; and (5) pandering, by furnishing transportation to induce a person to become a prostitute or engage in prostitution. (NRS 201.200-201.240)) Existing law provides that any person who engages in solicitation for prostitution is guilty of a misdemeanor. (NRS 201.354) This bill provides that a person who solicits a child for prostitution is guilty of a category F felony.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 176.0931 is hereby amended to read as follows:~~

~~176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.~~

~~2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.~~

~~3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:~~

~~(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;~~

~~(b) The person has not been convicted of an offense that poses a threat to the safety or well being of others for an interval of at least 10 consecutive years after his last conviction or release from incarceration, whichever occurs later; and~~

~~(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.~~

~~4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless he is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.~~

~~5. As used in this section:~~

~~(a) "Offense that poses a threat to the safety or well being of others" includes, without limitation:~~

~~(1) An offense that involves:~~

~~(I) A victim less than 18 years of age;~~

~~(II) A crime against a child as defined in NRS 179D.0357;~~

~~(III) A sexual offense as defined in NRS 179D.007;~~

~~(IV) A deadly weapon, explosives or a firearm;~~

~~(V) The use or threatened use of force or violence;~~

~~(VI) Physical or mental abuse;~~

~~(VII) Death or bodily injury;~~

~~(VIII) An act of domestic violence;~~

~~(IX) Harassment, stalking, threats of any kind or other similar acts;~~

~~(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or~~

~~(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.~~

~~(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:~~

~~(I) A tribal court;~~

~~(II) A court of the United States or the Armed Forces of the United States;~~

~~(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.~~

~~(c) "Sexual offense" means:~~

~~(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.220 [or], 201.300 to 201.340, inclusive, if the victim of the offense is less than 18 years of age when the offense is committed, NRS 201.450 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;~~

~~(2) An attempt to commit an offense listed in subparagraph (1); or~~

~~(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 475.547.] (Deleted by amendment.)~~

Sec. 1.5. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. ~~Any]~~ **Except as otherwise provided in subsection 3, a** person who violates subsection 1 is guilty of a misdemeanor.

3. A person who violates subsection 1 by soliciting a child for prostitution is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2. [The amendatory provisions of this act apply to offenses committed on or after October 1, 2009.] (Deleted by amendment.)