

ASSEMBLY BILL NO. 112—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain crimes.
(BDR 15-200)

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; revising the offenses punishable as conspiracy to include certain crimes relating to trafficking in persons, pandering a child and soliciting a child for prostitution; enhancing the punishment for certain acts relating to living from the earnings of a prostitute; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that whenever two or more persons conspire to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, or a violation of NRS 205.463 (relating to the unlawful use of personal identifying information), each person is guilty of conspiracy and shall be punished by a term of imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not less than 6 years, and may be further punished by a fine of not more than \$5,000. (NRS 199.480) **Section 1** of this bill adds the crimes of trafficking in persons for financial gain pursuant to NRS 200.467, trafficking in persons for illegal purposes pursuant to NRS 200.468, pandering a child pursuant to NRS 201.300 or 201.340, and soliciting a child for prostitution pursuant to NRS 201.354 to the list of underlying offenses that are punishable as conspiracy.

Existing law provides that living from the earnings of a prostitute in violation of NRS 201.320 is punishable as a category D felony. **Section 2** of this bill enhances the penalties for such an offense where physical force or the immediate threat of physical force is used or where the victim is a child.



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

1 **Section 1.** NRS 199.480 is hereby amended to read as follows:
2 199.480 1. Except as otherwise provided in subsection 2,
3 whenever two or more persons conspire to commit murder, robbery,
4 sexual assault, kidnapping in the first or second degree, arson in the
5 first or second degree, *trafficking in persons pursuant to NRS*
6 *200.467, trafficking in persons for illegal purposes pursuant to*
7 *NRS 200.468, pandering a child pursuant to NRS 201.300 or*
8 *201.340, soliciting a child for prostitution pursuant to NRS*
9 *201.354*, or a violation of NRS 205.463, each person is guilty of a
10 category B felony and shall be punished:

11 (a) If the conspiracy was to commit robbery, sexual assault,
12 kidnapping in the first or second degree, arson in the first or second
13 degree, *trafficking in persons pursuant to NRS 200.467,*
14 *trafficking in persons for illegal purposes pursuant to NRS*
15 *200.468, pandering a child pursuant to NRS 201.300 or 201.340,*
16 *soliciting a child for prostitution pursuant to NRS 201.354*, or a
17 violation of NRS 205.463, by imprisonment in the state prison for a
18 minimum term of not less than 1 year and a maximum term of not
19 more than 6 years; or

20 (b) If the conspiracy was to commit murder, by imprisonment in
21 the state prison for a minimum term of not less than 2 years and a
22 maximum term of not more than 10 years,
23 ➔ and may be further punished by a fine of not more than \$5,000.

24 2. If the conspiracy subjects the conspirators to criminal
25 liability under NRS 207.400, they shall be punished in the manner
26 provided in NRS 207.400.

27 3. Whenever two or more persons conspire:

28 (a) To commit any crime other than those set forth in
29 subsections 1 and 2, and no punishment is otherwise prescribed by
30 law;

31 (b) Falsely and maliciously to procure another to be arrested or
32 proceeded against for a crime;

33 (c) Falsely to institute or maintain any action or proceeding;

34 (d) To cheat or defraud another out of any property by unlawful
35 or fraudulent means;

36 (e) To prevent another from exercising any lawful trade or
37 calling, or from doing any other lawful act, by force, threats or
38 intimidation, or by interfering or threatening to interfere with any
39 tools, implements or property belonging to or used by another, or
40 with the use or employment thereof;



(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

↳ each person is guilty of a gross misdemeanor.

Sec. 2. NRS 201.320 is hereby amended to read as follows:

201.320 1. A person who knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any prostitute **who is:**

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

2. Any such acceptance, receipt, levy or appropriation of money or valuable thing upon any proceedings or trial for violation of this section **is** presumptive evidence of lack of consideration.

