

ASSEMBLY BILL NO. 5—ASSEMBLYMAN HAMBRICK

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding the punishment for pandering. (BDR 15-363)

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 provisions regarding the punishment for pandering; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who is found guilty of pandering is guilty of either a category B, C or D felony, depending on the circumstances of the pandering. (NRS 201.300, 201.310, 201.330, 201.340)

Sections 1, 3 and 4 of this bill increase the punishment for a person who is found guilty of pandering an adult from a category C to a category B felony if physical force or threat of immediate physical force is used and from a category D to a category C felony if no physical force or threat of immediate physical force is used. **Sections 1, 3 and 4** also increase the minimum terms of imprisonment and the fines imposed against a person who is found guilty of pandering a child. Finally, **sections 1, 3 and 4** eliminate the distinction between pandering a child with physical force or threat of immediate physical force and pandering a child without physical force or threat of immediate physical force.

Section 2 of this bill revises the punishment for a person who is found guilty of pandering his or her spouse. The severity of the punishment depends on whether the spouse is an adult or a child, and the penalties are revised to be consistent with those penalties set forth in **sections 1, 3 and 4**.



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

Section 1. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who:

(a) Induces, persuades, encourages, inveigles, entices or compels a person to become a prostitute or to continue to engage in prostitution;

(b) By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;

(c) By threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;

(d) By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of sexual intercourse;

(e) Takes or detains a person with the intent to compel the person by force, threats, menace or duress to marry him or her or any other person; or

(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure a person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,

↪ is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category ~~B~~ **B** felony and shall be punished ~~as provided in NRS 193.130.~~ **by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.**

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



(b) A child ~~is~~:

~~(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] 7~~ 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.]~~
\$50,000.

3. This section does not apply to the customer of a prostitute.

Sec. 2. NRS 201.310 is hereby amended to read as follows:

201.310 1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering. ~~[and shall be punished:~~

~~(a) Where]~~

2. A person who is found guilty of pandering:

(a) His or her adult spouse:

(1) If physical force or the immediate threat of physical force is used upon the spouse, [for] is guilty of a category [C] B felony [as provided in NRS 193.130.

~~(b) Where]~~ and shall be punished by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

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

~~[2.] (b) His or her spouse who is a 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 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.~~

3. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

Sec. 3. NRS 201.330 is hereby amended to read as follows:

201.330 1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or



debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(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~~ B felony and shall be punished ~~as provided in NRS 193.130.~~ *by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.*

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

(b) A child ~~F~~:

~~—— (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 ~~1~~ 7 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.~~ *\$50,000.*

Sec. 4. NRS 201.340 is hereby amended to read as follows:

201.340 1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(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~~ B felony and shall be punished ~~as provided in NRS 193.130.~~ *by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.*

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

(b) A child ~~F~~:



~~—— (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}~~ 7 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.]~~
\$50,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

