
ASSEMBLY BILL NO. 6—ASSEMBLYMAN HAMBRICK

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Authorizes courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to seek new trials and have their judgments of conviction vacated. (BDR 14-366)

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

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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 criminal procedure; authorizing courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to seek new trials and have their judgments of conviction vacated; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that it is a crime for anyone to engage in or solicit prostitution, except in a licensed house of prostitution. (NRS 201.354) Existing law also provides that if a defendant is convicted of a crime, the court may grant a new trial to the defendant, under certain circumstances, if the defendant makes a motion for a new trial within a certain period after the verdict or finding of guilt. (NRS 176.515)

This bill allows a defendant who was convicted of engaging in or soliciting prostitution, but whose participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude, to make a motion for a new trial beyond the time limitations set forth in existing law. If the court grants such a motion, the court must vacate the judgment entered against the defendant and must dismiss the accusatory pleading.



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

1 **Section 1.** NRS 176.515 is hereby amended to read as follows:
2 176.515 1. The court may grant a new trial to a defendant if
3 required as a matter of law or on the ground of newly discovered
4 evidence.

5 2. If trial was by the court without a jury , the court may vacate
6 the judgment if entered, take additional testimony and direct the
7 entry of a new judgment.

8 3. Except as otherwise provided in *subsection 5 and* NRS
9 176.0918, a motion for a new trial based on the ground of newly
10 discovered evidence may be made only within 2 years after the
11 verdict or finding of guilt.

12 4. ~~[A]~~ *Except as otherwise provided in subsection 5, a* motion
13 for a new trial based on any other grounds must be made within 7
14 days after the verdict or finding of guilt or within such further time
15 as the court may fix during the 7-day period.

16 5. *The court may waive the time limitations set forth in*
17 *subsections 3 and 4 and may grant a motion for a new trial if:*

18 (a) *The judgment is a conviction for a violation of NRS*
19 *201.354, for engaging in prostitution or solicitation of*
20 *prostitution, provided that the defendant was not alleged to be a*
21 *customer of a prostitute;*

22 (b) *The participation of the defendant in the offense was the*
23 *result of the defendant having been a victim of:*

24 (1) *Trafficking in persons as described in the Trafficking*
25 *Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or*

26 (2) *Involuntary servitude as described in NRS 200.463; and*

27 (c) *The defendant makes a motion under this subsection with*
28 *due diligence after the defendant has ceased being a victim of*
29 *trafficking or involuntary servitude or has sought services for*
30 *victims of such trafficking or involuntary servitude.*

31 6. *In deciding whether to grant a motion made pursuant to*
32 *subsection 5, the court shall take into consideration any*
33 *reasonable concerns for the safety of the defendant, family*
34 *members of the defendant or other victims that may be jeopardized*
35 *by the bringing of such a motion.*

36 7. *If the court grants a motion made pursuant to subsection*
37 *5, the court:*

38 (a) *Shall vacate the judgment and dismiss the accusatory*
39 *pleading; and*



- 1 ***(b) May take any additional action that the court deems***
- 2 ***appropriate under the circumstances.***

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