

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 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 have their judgments of conviction vacated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that it is a crime for anyone to engage in or solicit
- 2 prostitution, except in a licensed house of prostitution. (NRS 201.354) This bill
- 3 allows a court to grant a motion to vacate a judgment if the defendant was
- 4 convicted of engaging in or soliciting prostitution and the defendant's participation
- 5 in the offense was the result of having been a victim of sex trafficking or
- 6 involuntary servitude.

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.



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

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

4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

5. *The court may grant a motion to vacate a judgment if:*

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

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

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

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

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

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

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

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

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

