

Amendment No. 444

Assembly Amendment to Assembly Bill No. 6

(BDR 14-366)

Proposed by: Assembly Committee on Judiciary**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 underlining* is newly added transitory language.

MNM/BAW



Date: 4/18/2011

A.B. No. 6—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)



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 ***court to grant a motion to vacate a judgment if the defendant*** ~~(who)~~ was convicted of engaging in or soliciting prostitution ~~(, but whose)~~ ***and the defendant's*** 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:

Section 1. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered 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 ~~(subsection 5 and)~~ 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.

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

4 5. ~~The court may waive the time limitations set forth in subsections 3 and 4~~
5 ~~and may grant a motion for a new trial~~ to vacate a judgment if;

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

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

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

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

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

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

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

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

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