

ASSEMBLY BILL NO. 241—ASSEMBLYMEN HAMBRICK; PAUL  
ANDERSON, CARRILLO, GRADY, HARDY, LIVERMORE AND  
WHEELER

MARCH 13, 2013

Referred to Committee on Judiciary

SUMMARY—Provides certain protections for sexually exploited  
children. (BDR 5-678)

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 juvenile justice; providing that a sexually  
exploited child is in need of supervision for the purposes  
of juvenile court proceedings; revising provisions  
governing juvenile court proceedings involving sexually  
exploited children; requiring the Division of Child and  
Family Services of the Department of Health and Human  
Services and the directors of juvenile services to develop  
programs and services for sexually exploited children;  
imposing an administrative assessment on a person  
convicted of prostitution or solicitation of prostitution;  
revising provisions governing children engaged in  
prostitution or solicitation of prostitution; and providing  
other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, the juvenile court has exclusive jurisdiction over a juvenile:  
2 (1) who is alleged or adjudicated to be in need of supervision because he or she is a  
3 habitual truant, an unmanageable child or a runaway or has transmitted, distributed  
4 or possessed a sexual image in violation of NRS 200.737; or (2) who is alleged or  
5 adjudicated to be delinquent because he or she has committed certain crimes. (NRS  
6 62B.320, 62B.330) **Sections 1 and 7** of this bill provide that a child is in need of  
7 protection for the purposes of juvenile court proceedings if he or she is: (1) under  
8 the age of 18 years; (2) a victim of sex trafficking or engaging in prostitution or the  
9 solicitation of prostitution; and (3) in need of care or services. **Section 15** of this  
10 bill further specifies the circumstances under which a child who engages in  
11 prostitution or the solicitation of prostitution must be treated as a child in need of  
12 supervision rather than a delinquent child.



\* A B 2 4 1 \*

Under existing law, certain children alleged to be in need of supervision are required to be released within 24 hours after being taken into custody and detained. (NRS 62C.050) **Section 8** of this bill creates an exception to this requirement for a sexually exploited child.

Under existing law, if a petition is filed alleging that a child is in need of supervision and the child has not previously been found to be within the jurisdiction of the juvenile court, the juvenile court is required to admonish the child and refer him or her to services available in the community, unless the child is alleged to be a habitual truant. **Sections 9 and 19** of this bill provide that, on and after January 1, 2016, this requirement is inapplicable to a child who is alleged to be a sexually exploited child and, instead, the juvenile court may refer the child to specialized programs and services for sexually exploited children if the juvenile court adjudicates the child to be in need of supervision.

**Section 13** of this bill requires a court to impose an administrative assessment, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty or is found guilty of soliciting prostitution. The amount of the administrative assessment is \$500, if the defendant solicited an adult, and \$2,500, if the defendant solicited a child. Under **section 13**: (1) fifty percent of the money collected for this administrative assessment must be deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this administrative assessment must be used by the court for certain purposes related to specialty court programs; and (2) fifty percent of the money collected must be apportioned to the district attorney of the county in which the money is collected to be distributed to programs for the prevention of child prostitution and the commercial sexual exploitation of children.

**Section 4** of this bill requires the Division of Child and Family Services of the Department of Health and Human Services, in conjunction with each director of juvenile services, to develop a statewide protocol for coordinating specialized programs and services for sexually exploited children. **Section 5** of this bill authorizes the Division, in conjunction with the directors of juvenile services, to develop specialized programs and services for sexually exploited children. **Section 6** of this bill authorizes the Division, in conjunction with each director of juvenile services, to operate, or to contract with a nonprofit agency with experience working with sexually exploited children to operate, safe houses in geographically appropriate areas of the State. Under **section 18** of this bill, on or before January 1, 2015, the Director of the Department of Health and Human Services must submit to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature a report concerning the budget allocations and training necessary for the Department to provide effective programs and services for sexually exploited children.

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WHEREAS, The Legislature finds that arresting, prosecuting and incarcerating victimized children serves to retraumatize them and to increase their feelings of low self-esteem which only makes the recovery process more difficult; and

WHEREAS, Both federal and international law recognize that sexually exploited children are victims of crime and should not be prosecuted for criminal acts related to prostitution, but should be diverted into services that address the needs of these children outside of the juvenile justice system; and



1 WHEREAS, Sexually exploited children deserve the protection of  
2 child welfare services, including, without limitation, diversion, crisis  
3 intervention, counseling and emergency housing services; and

4 WHEREAS, The Legislature finds that protection of child victims  
5 of sexual exploitation shall be accomplished by presuming that any  
6 child engaged in prostitution or solicitation of prostitution is a  
7 victim of sex trafficking and by providing these children with the  
8 appropriate care and services where possible; and

9 WHEREAS, In determining the need for and the capacity of the  
10 services that may be provided, the Department of Health and Human  
11 Services shall recognize that sexually exploited children have  
12 separate and distinct service needs according to gender, and every  
13 effort should be made within the juvenile justice system to divert  
14 sexually exploited children away from prosecution and into  
15 appropriate social services; now, therefore,

16  
17 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
18 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:  
19

20 **Section 1.** Chapter 62A of NRS is hereby amended by adding  
21 thereto a new section to read as follows:

22 *"Sexually exploited child" means a child who is less than 18*  
23 *years of age and who:*

24 *1. Is the victim of sex trafficking in violation of 18 U.S.C. §*  
25 *1591;*

26 *2. Is the victim of an offense involving pandering or*  
27 *prostitution in violation of NRS 201.300 to 201.340, inclusive; or*

28 *3. Is alleged or adjudicated to have engaged or attempted to*  
29 *engage in prostitution or solicitation for prostitution in violation*  
30 *of NRS 201.354.*

31 **Sec. 2.** NRS 62A.010 is hereby amended to read as follows:

32 62A.010 As used in this title, unless the context otherwise  
33 requires, the words and terms defined in NRS 62A.020 to 62A.350,  
34 inclusive, *and section 1 of this act* have the meanings ascribed to  
35 them in those sections.

36 **Sec. 3.** Chapter 62B of NRS is hereby amended by adding  
37 thereto the provisions set forth as sections 4, 5 and 6 of this act.

38 **Sec. 4.** *The Division of Child and Family Services, in*  
39 *conjunction with each director of juvenile services, shall develop a*  
40 *statewide protocol for coordinating the delivery of specialized*  
41 *programs and services to sexually exploited children who are*  
42 *referred to those programs and services.*

43 **Sec. 5.** *1. The Division of Child and Family Services, in*  
44 *conjunction with each director of juvenile services, may, to the*  
45 *extent that funds are available, work with experts in the field of*



1 *human trafficking involving children to develop specialized*  
2 *programs and services for children who are victims of human*  
3 *trafficking that address needs for safe and adequate housing,*  
4 *education, job training, counseling and mental health services and*  
5 *other needs of children who are the victims of human trafficking.*

6 *2. The Division of Child and Family Services and each*  
7 *director of juvenile services may apply for and accept grants, gifts,*  
8 *donations, bequests, devises and contributions to develop, establish*  
9 *or maintain the specialized programs and services for sexually*  
10 *exploited children pursuant to this section.*

11 **Sec. 6.** *1. The Division of Child and Family Services, in*  
12 *conjunction with each director of juvenile services, may, to the*  
13 *extent that funds are available, operate, or contract with a*  
14 *nonprofit agency which has experience working with sexually*  
15 *exploited children to operate, one or more safe houses for sexually*  
16 *exploited children in a geographically appropriate area of this*  
17 *State.*

18 *2. Each safe house shall provide safe and secure housing and*  
19 *specialized programs and services for sexually exploited children.*

20 *3. Nothing in this section shall be construed to preclude an*  
21 *agency from applying for and accepting grants, gifts, donations,*  
22 *bequests and devises from private individuals, foundations and the*  
23 *Federal Government for the purpose of creating or carrying out*  
24 *the duties of a safe house for sexually exploited children.*

25 **Sec. 7.** NRS 62B.320 is hereby amended to read as follows:

26 62B.320 1. Except as otherwise provided in this title, the  
27 juvenile court has exclusive original jurisdiction in proceedings  
28 concerning any child living or found within the county who is  
29 alleged or adjudicated to be in need of supervision because the  
30 child:

31 (a) Is subject to compulsory school attendance and is a habitual  
32 truant from school;

33 (b) Habitually disobeys the reasonable and lawful demands of  
34 the parent or guardian of the child and is unmanageable;

35 (c) Deserts, abandons or runs away from the home or usual  
36 place of abode of the child and is in need of care or rehabilitation;

37 ~~to~~  
38 (d) Uses an electronic communication device to transmit or  
39 distribute a sexual image of himself or herself to another person or  
40 to possess a sexual image in violation of NRS 200.737 ~~H~~; or

41 *(e) Is a sexually exploited child and is in need of care or*  
42 *services.*

43 2. A child who is subject to the jurisdiction of the juvenile  
44 court pursuant to this section must not be considered a delinquent  
45 child.



1 3. As used in this section:

2 (a) "Electronic communication device" has the meaning  
3 ascribed to it in NRS 200.737.

4 (b) "Sexual image" has the meaning ascribed to it in  
5 NRS 200.737.

6 **Sec. 8.** NRS 62C.050 is hereby amended to read as follows:

7 62C.050 1. Except as otherwise provided in this section, if a  
8 child who is alleged to be in need of supervision is taken into  
9 custody and detained, the child must be released not later than 24  
10 hours, excluding Saturdays, Sundays and holidays, after the child's  
11 initial contact with a peace officer or probation officer to:

12 (a) A parent or guardian of the child;

13 (b) Any other person who is able to provide adequate care and  
14 supervision for the child; or

15 (c) Shelter care.

16 2. A child does not have to be released pursuant to subsection 1  
17 if the juvenile court:

18 (a) Holds a detention hearing;

19 (b) Determines that the child:

20 (1) Has threatened to run away from home or from the  
21 shelter;

22 (2) Is accused of violent behavior at home; or

23 (3) Is accused of violating the terms of a supervision and  
24 consent decree; and

25 (c) Determines that the child needs to be detained to make an  
26 alternative placement for the child.

27 ➡ The child may be detained for an additional 24 hours but not  
28 more than 48 hours after the detention hearing, excluding Saturdays,  
29 Sundays and holidays.

30 3. A child does not have to be released pursuant to this section  
31 if the juvenile court:

32 (a) Holds a detention hearing; and

33 (b) Determines that the child:

34 (1) Is a ward of a federal court or held pursuant to a federal  
35 statute;

36 (2) Has run away from another state and a jurisdiction within  
37 that state has issued a want, warrant or request for the child; or

38 (3) Is accused of violating a valid court order.

39 ➡ The child may be detained for an additional period as necessary  
40 for the juvenile court to return the child to the jurisdiction from  
41 which the child originated or to make an alternative placement for  
42 the child.

43 4. *A child does not have to be released pursuant to this*  
44 *section if the juvenile court:*

45 (a) *Holds a detention hearing; and*



1       ***(b) Determines that the child is a sexually exploited child and***  
2 ***is in need of care or services.***

3       ***↪ The child may be detained for an additional period as necessary***  
4 ***for the juvenile court to make an alternative placement for the***  
5 ***child to protect him or her from further exploitation.***

6       **5.** For the purposes of this section, an alternative placement  
7 must be in a facility in which there are no physical restraining  
8 devices or barriers.

9       **Sec. 9.** NRS 62E.410 is hereby amended to read as follows:

10       62E.410 1. If a petition is filed alleging that a child is in need  
11 of supervision and the child previously has not been found to be  
12 within the purview of this title, the juvenile court:

13       (a) Shall admonish the child to obey the law and to refrain from  
14 repeating the acts for which the petition was filed;

15       (b) Shall maintain a record of the admonition;

16       (c) Shall refer the child to services available in the community  
17 for counseling, behavioral modification and social adjustment; and

18       (d) Shall not adjudicate the child to be in need of supervision,  
19 unless a subsequent petition based upon additional facts is filed with  
20 the juvenile court after admonition and referral pursuant to this  
21 subsection.

22       2. If a child is not subject to the provisions of subsection 1, the  
23 juvenile court may not adjudicate the child to be in need of  
24 supervision unless the juvenile court expressly finds that reasonable  
25 efforts were taken in the community to assist the child in ceasing the  
26 behavior for which the child is alleged to be in need of supervision.

27       3. ***The provisions of this section do not apply to a child who is***  
28 ***alleged to be in need of supervision because the child is a sexually***  
29 ***exploited child. If the juvenile court adjudicates a child to be in***  
30 ***need of supervision because the child is a sexually exploited child,***  
31 ***the juvenile court may refer the child to the specialized programs***  
32 ***and services for sexually exploited children described in sections***  
33 ***4, 5 and 6 of this act.***

34       4. The provisions of this section do not apply to a child who is  
35 alleged to be in need of supervision because the child is a habitual  
36 truant.

37       **Sec. 10.** NRS 176.0611 is hereby amended to read as follows:

38       176.0611 1. A county or a city, upon recommendation of the  
39 appropriate court, may, by ordinance, authorize the justices or  
40 judges of the justice or municipal courts within its jurisdiction to  
41 impose for not longer than 50 years, in addition to the administrative  
42 assessments imposed pursuant to NRS 176.059 and 176.0613, ***and***  
43 ***section 13 of this act,*** an administrative assessment for the provision  
44 of court facilities.



2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~and~~



(d) *To pay the unpaid balance of an administrative assessment for the provision of specialty court programs and programs for the prevention of child prostitution and commercial sexual exploitation pursuant to section 13 of this act; and*

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:





(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

**Sec. 11.** NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to



1 perform community service in lieu of a fine, the sentence must  
2 include the administrative assessment required pursuant to this  
3 subsection.

4 3. The provisions of subsection 2 do not apply to:

5 (a) An ordinance regulating metered parking; or

6 (b) An ordinance which is specifically designated as imposing a  
7 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

8 4. The money collected for an administrative assessment for  
9 the provision of specialty court programs must not be deducted  
10 from the fine imposed by the justice or judge but must be taxed  
11 against the defendant in addition to the fine. The money collected  
12 for such an administrative assessment must be stated separately on  
13 the court's docket and must be included in the amount posted for  
14 bail. If bail is forfeited, the administrative assessment included in  
15 the bail pursuant to this subsection must be disbursed pursuant to  
16 subsection 6 or 7. If the defendant is found not guilty or the charges  
17 are dismissed, the money deposited with the court must be returned  
18 to the defendant. If the justice or judge cancels a fine because the  
19 fine has been determined to be uncollectible, any balance of the fine  
20 and the administrative assessment remaining unpaid shall be  
21 deemed to be uncollectible and the defendant is not required to pay  
22 it. If a fine is determined to be uncollectible, the defendant is not  
23 entitled to a refund of the fine or administrative assessment the  
24 defendant has paid and the justice or judge shall not recalculate the  
25 administrative assessment.

26 5. If the justice or judge permits the fine and administrative  
27 assessment for the provision of specialty court programs to be paid  
28 in installments, the payments must be applied in the following  
29 order:

30 (a) To pay the unpaid balance of an administrative assessment  
31 imposed pursuant to NRS 176.059;

32 (b) To pay the unpaid balance of an administrative assessment  
33 for the provision of court facilities pursuant to NRS 176.0611;

34 (c) To pay the unpaid balance of an administrative assessment  
35 for the provision of specialty court programs; ~~and~~

36 (d) *To pay the unpaid balance of an administrative assessment*  
37 *for the provision of specialty court programs and programs for the*  
38 *prevention of child prostitution and commercial sexual*  
39 *exploitation pursuant to section 13 of this act; and*

40 (e) To pay the fine.

41 6. The money collected for an administrative assessment for  
42 the provision of specialty court programs in municipal court must be  
43 paid by the clerk of the court to the city treasurer on or before the  
44 fifth day of each month for the preceding month. On or before the  
45 15th day of that month, the city treasurer shall deposit the money



received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

**Sec. 12.** NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the



1 appropriation is exhausted, the expenses must be paid from the  
2 Reserve for Statutory Contingency Account upon approval by the  
3 State Board of Examiners. In all other cases, they must be paid out  
4 of the county treasury in the county wherein the crime is alleged to  
5 have been committed. The expenses are:

6 (a) If the prisoner is returned to this State from another state, the  
7 fees paid to the officers of the state on whose governor the  
8 requisition is made;

9 (b) If the prisoner is returned to this State from a foreign country  
10 or jurisdiction, the fees paid to the officers and agents of this State  
11 or the United States; or

12 (c) If the prisoner is temporarily returned for prosecution to this  
13 State from another state pursuant to this chapter or chapter 178 of  
14 NRS and is then returned to the sending state upon completion of  
15 the prosecution, the fees paid to the officers and agents of this State,  
16 ➤ and the per diem allowance and travel expenses provided for state  
17 officers and employees generally incurred in returning the prisoner.

18 2. If a person is returned to this State pursuant to this chapter or  
19 chapter 178 of NRS and is convicted of, or pleads guilty, guilty but  
20 mentally ill or nolo contendere to, the criminal charge for which the  
21 person was returned or a lesser criminal charge, the court shall  
22 conduct an investigation of the financial status of the person to  
23 determine the ability to make restitution. In conducting the  
24 investigation, the court shall determine if the person is able to pay  
25 any existing obligations for:

26 (a) Child support;

27 (b) Restitution to victims of crimes; and

28 (c) Any administrative assessment required to be paid pursuant  
29 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 **H and**  
30 **section 13 of this act.**

31 3. If the court determines that the person is financially able to  
32 pay the obligations described in subsection 2, it shall, in addition to  
33 any other sentence it may impose, order the person to make  
34 restitution for the expenses incurred by the Attorney General or  
35 other governmental entity in returning the person to this State. The  
36 court shall not order the person to make restitution if payment of  
37 restitution will prevent the person from paying any existing  
38 obligations described in subsection 2. Any amount of restitution  
39 remaining unpaid constitutes a civil liability arising upon the date of  
40 the completion of the sentence.

41 4. The Attorney General may adopt regulations to carry out the  
42 provisions of this section.



1     **Sec. 13.** Chapter 201 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     1. *The justices of the justice courts or the judges of the*  
4 *district or municipal courts shall impose, in addition to an*  
5 *administrative assessment imposed pursuant to NRS 176.059,*  
6 *176.0611, 176.0613 and 176.062, as applicable, an administrative*  
7 *assessment for the provision of specialty court programs and*  
8 *programs for the prevention of child prostitution and commercial*  
9 *sexual exploitation.*

10    2. *When a defendant pleads guilty or guilty but mentally ill or*  
11 *is found guilty or guilty but mentally ill to solicitation for*  
12 *prostitution in violation of NRS 201.354 or any municipal*  
13 *ordinance prohibiting solicitation for prostitution, the justice or*  
14 *judge shall include in the sentence the sum of \$500, if the*  
15 *defendant solicited an adult, or \$2,500, if the defendant solicited a*  
16 *child, as an administrative assessment and render a judgment*  
17 *against the defendant for the assessment.*

18    3. *The money collected for an administrative assessment:*

19    (a) *Must not be deducted from any fine imposed by the justice*  
20 *or judge;*

21    (b) *Must be taxed against the defendant in addition to the fine;*  
22 *and*

23    (c) *Must be stated separately on the court's docket.*

24    4. *If the justice or judge permits the fine and administrative*  
25 *assessment for the provision of specialty court programs to be paid*  
26 *in installments, the payments must be applied in the following*  
27 *order:*

28    (a) *To pay the unpaid balance of an administrative assessment*  
29 *imposed pursuant to NRS 176.059;*

30    (b) *To pay the unpaid balance of an administrative assessment*  
31 *for the provision of court facilities pursuant to NRS 176.0611;*

32    (c) *To pay the unpaid balance of an administrative assessment*  
33 *for the provision of specialty court programs;*

34    (d) *To pay the unpaid balance of an administrative assessment*  
35 *for the provision of specialty court programs and programs for the*  
36 *prevention of child prostitution and commercial sexual*  
37 *exploitation; and*

38    (e) *To pay the fine.*

39    5. *The money collected for administrative assessments in*  
40 *municipal court must be paid by the clerk of the court to the city*  
41 *treasurer on or before the fifth day of each month for the*  
42 *preceding month. The city treasurer shall distribute, on or before*  
43 *the 15th day of that month, the money received in the following*  
44 *amounts for each assessment received:*



1       (a) Fifty percent of the money received for each administrative  
2 assessment must be deposited with the State Controller for credit  
3 to a special account in the State General Fund administered by the  
4 Office of Court Administrator.

5       (b) Fifty percent of the money received for each administrative  
6 assessment must be distributed to the county treasurer for credit to  
7 a special account in the county general fund for the use of the  
8 district attorney. The county treasurer shall provide, upon request  
9 by the district attorney, monthly reports of the revenue credited to  
10 and expenditures made from the special account.

11       6. The money collected for administrative assessments in  
12 justice courts or district courts must be paid by the clerk of the  
13 court to the county treasurer on or before the fifth day of each  
14 month for the preceding month. The county treasurer shall  
15 distribute, on or before the 15th day of that month, the money  
16 received in the following amounts for each assessment received:

17       (a) Fifty percent of the money received for each administrative  
18 assessment must be deposited with the State Controller for credit  
19 to a special account in the State General Fund administered by the  
20 Office of Court Administrator.

21       (b) Fifty percent of the money received for each administrative  
22 assessment must be distributed to the county treasurer for credit to  
23 a special account in the county general fund for the use of the  
24 district attorney. The county treasurer shall provide, upon request  
25 by the district attorney, monthly reports of the revenue credited to  
26 and expenditures made from the special account.

27       7. The money apportioned to a district attorney pursuant to  
28 subsections 5 and 6 must be distributed to programs for the  
29 prevention of child prostitution and the commercial sexual  
30 exploitation of children designated by the district attorney.

31       8. The Office of Court Administrator shall allocate the money  
32 credited to the State General Fund pursuant to subsections 5 and  
33 6 to courts to assist with the funding or establishment of specialty  
34 court programs.

35       9. Money that is apportioned to a court from administrative  
36 assessments for the provision of specialty court programs must be  
37 used by the court to:

38       (a) Pay for the treatment and testing of persons who  
39 participate in the program; and

40       (b) Improve the operations of the specialty court program by  
41 any combination of:

42           (1) Acquiring necessary capital goods;

43           (2) Providing for personnel to staff and oversee the  
44 specialty court program;

45           (3) Providing training and education to personnel;



1       (4) *Studying the management and operation of the*  
2 *program;*

3       (5) *Conducting audits of the program;*

4       (6) *Providing for district attorney and public defender*  
5 *representation;*

6       (7) *Providing capital for building facilities necessary to*  
7 *house defendants participating in a program; or*

8       (8) *Providing funding for employment programs for*  
9 *persons participating in a program.*

10      10. *As used in this section:*

11      (a) *“Office of Court Administrator” has the meaning ascribed*  
12 *to it in NRS 176.0613.*

13      (b) *“Specialty court program” has the meaning ascribed to it*  
14 *in NRS 176.0613.*

15      **Sec. 14.** NRS 201.295 is hereby amended to read as follows:

16      201.295 As used in NRS 201.295 to 201.440, inclusive, **and**  
17 **section 13 of this act**, unless the context otherwise requires:

18      1. “Adult” means a person 18 years of age or older.

19      2. “Child” means a person less than 18 years of age.

20      3. “Prostitute” means a male or female person who for a fee  
21 engages in sexual intercourse, oral-genital contact or any touching  
22 of the sexual organs or other intimate parts of a person for the  
23 purpose of arousing or gratifying the sexual desire of either person.

24      4. “Prostitution” means engaging in sexual conduct for a fee.

25      5. “Sexual conduct” means any of the acts enumerated in  
26 subsection 3.

27      **Sec. 15.** NRS 201.354 is hereby amended to read as follows:

28      201.354 1. It is unlawful for any person to engage in  
29 prostitution or solicitation therefor, except in a licensed house of  
30 prostitution.

31      2. Except as otherwise provided in subsection 3, a person who  
32 violates subsection 1 is guilty of a misdemeanor.

33      3. A person who violates subsection 1 by soliciting a child for  
34 prostitution is guilty of a category E felony and shall be punished as  
35 provided in NRS 193.130.

36      4. *If a child who has not previously been adjudicated to be a*  
37 *child in need of supervision or a delinquent child for a violation of*  
38 *this section expresses a willingness to participate in a program of*  
39 *specialized services for sexually exploited children, the court must*  
40 *dismiss a petition alleging delinquency for an alleged violation of*  
41 *this section and a petition alleging that the child is in need of*  
42 *supervision, as that term is used in title 5 of NRS, must be filed.*

43      5. *If a child has previously been adjudicated to be in need of*  
44 *supervision or a delinquent child for a violation of this section or*  
45 *the court finds that a child is unwilling to participate in a program*



1 *of specialized services for sexually exploited children, the court*  
2 *may, at its discretion, dismiss a petition alleging delinquency for*  
3 *an alleged violation of this section. If the court dismisses a petition*  
4 *alleging delinquency pursuant to this section, a petition alleging*  
5 *that the child is in need of supervision, as that term is used in title*  
6 *5 of NRS, must be filed. The facts supporting a finding that a child*  
7 *is unwilling to participate in a program of specialized services for*  
8 *sexually exploited children must be included in the record of the*  
9 *proceeding.*

10 6. *It is an affirmative defense to a violation charged pursuant*  
11 *to this section if the person was compelled to engage in*  
12 *prostitution or solicitation of prostitution because he or she is the*  
13 *victim of:*

14 (a) *Sex trafficking in violation of 18 U.S.C. § 1591; or*

15 (b) *An offense involving pandering or prostitution in violation*  
16 *of NRS 201.300 to 201.340, inclusive.*

17 7. *A child who violates subsection 1 is presumed to be a*  
18 *victim of sex trafficking in violation of 18 U.S.C. § 1591 or an*  
19 *offense involving pandering or prostitution in violation of NRS*  
20 *201.300 to 201.340, inclusive.*

21 **Sec. 16.** NRS 211.245 is hereby amended to read as follows:

22 211.245 1. If a prisoner fails to make a payment within 10  
23 days after it is due, the district attorney for a county or the city  
24 attorney for an incorporated city may file a civil action in any court  
25 of competent jurisdiction within this State seeking recovery of:

26 (a) The amount of reimbursement due;

27 (b) Costs incurred in conducting an investigation of the financial  
28 status of the prisoner; and

29 (c) Attorney's fees and costs.

30 2. A civil action brought pursuant to this section must:

31 (a) Be instituted in the name of the county or city in which the  
32 jail, detention facility or alternative program is located;

33 (b) Indicate the date and place of sentencing, including, without  
34 limitation, the name of the court which imposed the sentence;

35 (c) Include the record of judgment of conviction, if available;

36 (d) Indicate the length of time served by the prisoner and, if the  
37 prisoner has been released, the date of his or her release; and

38 (e) Indicate the amount of reimbursement that the prisoner owes  
39 to the county or city.

40 3. The county or city treasurer of the county or incorporated  
41 city in which a prisoner is or was confined shall determine the  
42 amount of reimbursement that the prisoner owes to the city or  
43 county. The county or city treasurer may render a sworn statement  
44 indicating the amount of reimbursement that the prisoner owes and  
45 submit the statement in support of a civil action brought pursuant to





1 this section. Such a statement is prima facie evidence of the amount  
2 due.

3 4. A court in a civil action brought pursuant to this section may  
4 award a money judgment in favor of the county or city in whose  
5 name the action was brought.

6 5. If necessary to prevent the disposition of the prisoner's  
7 property by the prisoner, or the prisoner's spouse or agent, a county  
8 or city may file a motion for a temporary restraining order. The  
9 court may, without a hearing, issue ex parte orders restraining any  
10 person from transferring, encumbering, hypothecating, concealing  
11 or in any way disposing of any property of the prisoner, real or  
12 personal, whether community or separate, except for necessary  
13 living expenses.

14 6. The payment, pursuant to a judicial order, of existing  
15 obligations for:

16 (a) Child support or alimony;

17 (b) Restitution to victims of crimes; and

18 (c) Any administrative assessment required to be paid pursuant  
19 to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, *and*  
20 *section 13 of this act*,

21 ➔ has priority over the payment of a judgment entered pursuant to  
22 this section.

23 **Sec. 17.** NRS 249.085 is hereby amended to read as follows:

24 249.085 On or before the 15th day of each month, the county  
25 treasurer shall report to the State Controller the amount of the  
26 administrative assessments paid by each justice court for the  
27 preceding month pursuant to NRS 176.059 and 176.0613 *H and*  
28 *section 13 of this act*.

29 **Sec. 18.** On or before January 1, 2015, the Director of the  
30 Department of Health and Human Services shall submit to the  
31 Director of the Legislative Counsel Bureau for transmission to  
32 the next regular session of the Legislature a report stating the budget  
33 allocations and training necessary for the staff of the Department to  
34 provide effective programs and services for sexually exploited  
35 children.

36 **Sec. 19.** 1. This section and sections 1 to 8, inclusive, and 10  
37 to 18, inclusive, of this act become effective on October 1, 2013;  
38 and

39 2. Section 9 of this act becomes effective on January 1, 2016.

