

ASSEMBLY BILL NO. 67—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 3-403)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; amending various provisions concerning the crimes of pandering, sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for pandering, sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the crime of pandering and provides that a person who is found guilty of pandering is guilty of a category B, C or D felony, depending on the circumstances surrounding the crime. (NRS 201.300-201.340) Existing law also creates the crimes of involuntary servitude and trafficking in persons. (NRS 200.463-200.468)

Sections 1, 30-33, 40.7-44, 46-48 and 55 of this bill amend various provisions relating to the crimes of pandering, involuntary servitude and trafficking in persons. **Section 30** increases the penalty for conspiracy to commit sex trafficking, involuntary servitude or trafficking in persons, and **section 46** adds involuntary



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servitude and trafficking in persons to the list of crimes constituting racketeering activity. **Sections 41-44** create the crime of sex trafficking, set forth the actions constituting the crimes of pandering and sex trafficking, and provide the terms of imprisonment and fines that must be imposed against a person convicted of pandering or sex trafficking. **Section 42** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking and that certain defenses are not available in a prosecution for pandering or sex trafficking. **Sections 32, 33 and 40** require a court to order a person convicted of sex trafficking, involuntary servitude or trafficking in persons to pay restitution to the victim of the crime. **Section 47** authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime. **Section 48** prohibits the consideration of certain contributory conduct of a victim when considering compensation for a victim of sex trafficking. Finally, **section 1** authorizes a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action against any person who caused, was responsible for or profited from the sex trafficking, involuntary servitude or trafficking in persons.

Sections 4-6, 25, 34-39 and 49-51 of this bill revise provisions governing the investigation and prosecution of sex trafficking. **Section 25** authorizes law enforcement agencies to intercept wire and oral communications during an investigation of sex trafficking, involuntary servitude and trafficking in persons upon compliance with existing law governing the interception of wire and oral communications by law enforcement agencies. **Sections 4-6** provide that the provisions governing the statute of limitations for sex trafficking are the same as the provisions governing the statute of limitations for sexual assault. Finally, **sections 34-39 and 49-51** provide that certain information relating to a victim of sex trafficking must be kept confidential.

Existing law provides for the taking and the use at trial of videotaped depositions of certain victims in certain circumstances. (NRS 174.227, 174.228) **Sections 10.3 and 10.7** of this bill authorize the taking and use at trial of videotaped depositions of victims of sex trafficking in certain circumstances.

Existing law provides that a person convicted of pandering a child is required to register as an offender convicted of a crime against a child and is a Tier II offender for the purposes of offender registration and community notification. (NRS 179D.0357, 179D.115) **Section 27** of this bill provides that a person convicted of sex trafficking an adult is required to register as a sex offender and is a Tier I offender for the purposes of sex offender registration and community notification.

Section 40.3 of this bill gives the Attorney General and the district attorneys of the counties in this State concurrent jurisdiction to prosecute crimes involving pandering, sex trafficking and living from the earnings of a prostitute.

Existing law creates the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and establishes the powers and duties of the Children's Advocate. (NRS 432.157) **Section 53** of this bill authorizes the Children's Advocate to investigate and prosecute certain crimes. **Section 53** also creates the Special Account for the Support of the Office of Advocate for Missing or Exploited Children and authorizes the Children's Advocate to apply for and accept gifts, grants and donations to assist the Children's Advocate in carrying out his or her duties.



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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,

↳ whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct



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1 *inducing the plaintiff to delay bringing an action under this*
2 *section.*

3 *8. In the discretion of the court in an action brought under*
4 *this section:*

5 *(a) Two or more persons may join as plaintiffs in one action if*
6 *the claims of those plaintiffs involve at least one defendant in*
7 *common.*

8 *(b) Two or more persons may be joined in one action as*
9 *defendants if those persons may be liable to at least one plaintiff in*
10 *common.*

11 *9. The consent of a victim is not a defense to a cause of*
12 *action brought under this section.*

13 *10. For the purposes of this section:*

14 *(a) A victim of human trafficking is a person against whom a*
15 *violation of any provision of NRS 200.463 to 200.468, inclusive,*
16 *201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been*
17 *committed.*

18 *(b) It is not necessary that the defendant be investigated,*
19 *arrested, prosecuted or convicted for a violation of any provision*
20 *of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18*
21 *U.S.C. § 1589, 1590 or 1591 to be found liable in an action*
22 *brought under this section.*

23 **Sec. 2.** (Deleted by amendment.)

24 **Sec. 3.** (Deleted by amendment.)

25 **Sec. 4.** NRS 171.083 is hereby amended to read as follows:

26 171.083 1. If, at any time during the period of limitation
27 prescribed in NRS 171.085 and 171.095, a victim of a sexual assault
28 , ~~for~~ a person authorized to act on behalf of a victim of a sexual
29 assault , *or a victim of sex trafficking or a person authorized to act*
30 *on behalf of a victim of sex trafficking*, files with a law
31 enforcement officer a written report concerning the sexual assault ~~for~~
32 *or sex trafficking*, the period of limitation prescribed in NRS
33 171.085 and 171.095 is removed and there is no limitation of the
34 time within which a prosecution for the sexual assault *or sex*
35 *trafficking* must be commenced.

36 2. If a written report is filed with a law enforcement officer
37 pursuant to subsection 1, the law enforcement officer shall provide a
38 copy of the written report to the victim or the person authorized to
39 act on behalf of the victim.

40 3. If a victim of a sexual assault *or sex trafficking* is under a
41 disability during any part of the period of limitation prescribed in
42 NRS 171.085 and 171.095 and a written report concerning the
43 sexual assault *or sex trafficking* is not otherwise filed pursuant to
44 subsection 1, the period during which the victim is under the



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1 disability must be excluded from any calculation of the period of
2 limitation prescribed in NRS 171.085 and 171.095.

3 4. For the purposes of this section, a victim of a sexual assault
4 **or sex trafficking** is under a disability if the victim is insane,
5 ~~mentally retarded,~~ **intellectually disabled**, mentally incompetent or
6 in a medically comatose or vegetative state.

7 5. As used in this section, "law enforcement officer" means:

8 (a) A prosecuting attorney;

9 (b) A sheriff of a county or the sheriff's deputy;

10 (c) An officer of a metropolitan police department or a police
11 department of an incorporated city; or

12 (d) Any other person upon whom some or all of the powers of a
13 peace officer are conferred pursuant to NRS 289.150 to 289.360,
14 inclusive.

15 **Sec. 5.** NRS 171.085 is hereby amended to read as follows:

16 171.085 Except as otherwise provided in NRS 171.080,
17 171.083, 171.084 and 171.095, an indictment for:

18 1. Theft, robbery, burglary, forgery, arson, sexual assault, **sex**
19 **trafficking**, a violation of NRS 90.570, a violation punishable
20 pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a
21 violation of NRS 205.377 must be found, or an information or
22 complaint filed, within 4 years after the commission of the offense.

23 2. Any felony other than the felonies listed in subsection 1
24 must be found, or an information or complaint filed, within 3 years
25 after the commission of the offense.

26 **Sec. 6.** NRS 171.095 is hereby amended to read as follows:

27 171.095 1. Except as otherwise provided in subsection 2 and
28 NRS 171.083 and 171.084:

29 (a) If a felony, gross misdemeanor or misdemeanor is committed
30 in a secret manner, an indictment for the offense must be found, or
31 an information or complaint filed, within the periods of limitation
32 prescribed in NRS 171.085, 171.090 and 624.800 after the discovery
33 of the offense, unless a longer period is allowed by paragraph (b) or
34 (c) or the provisions of NRS 202.885.

35 (b) An indictment must be found, or an information or
36 complaint filed, for any offense constituting sexual abuse of a child
37 ~~as defined in NRS 432B.100~~ **or sex trafficking of a child as**
38 **defined in NRS 201.300**, before the victim ~~of the sexual abuse~~ is:

39 (1) Twenty-one years old if the victim discovers or
40 reasonably should have discovered that he or she was a victim of the
41 sexual abuse **or sex trafficking** by the date on which the victim
42 reaches that age; or

43 (2) Twenty-eight years old if the victim does not discover
44 and reasonably should not have discovered that he or she was a



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1 victim of the sexual abuse *or sex trafficking* by the date on which
2 the victim reaches 21 years of age.

3 (c) If a felony is committed pursuant to NRS 205.461 to
4 205.4657, inclusive, against a victim who is less than 18 years of
5 age at the time of the commission of the offense, an indictment for
6 the offense must be found, or an information or complaint filed,
7 within 4 years after the victim discovers or reasonably should have
8 discovered the offense.

9 2. If any indictment found, or an information or complaint
10 filed, within the time prescribed in subsection 1 is defective so that
11 no judgment can be given thereon, another prosecution may be
12 instituted for the same offense within 6 months after the first is
13 abandoned.

14 **Sec. 7.** (Deleted by amendment.)

15 **Sec. 8.** (Deleted by amendment.)

16 **Sec. 9.** (Deleted by amendment.)

17 **Sec. 10.** (Deleted by amendment.)

18 **Sec. 10.3.** NRS 174.227 is hereby amended to read as follows:

19 174.227 1. A court on its own motion or on the motion of the
20 district attorney may, for good cause shown, order the taking of a
21 videotaped deposition of:

22 (a) A victim of sexual abuse as that term is defined in NRS
23 432B.100; ~~to~~

24 (b) A prospective witness in any criminal prosecution if the
25 witness is less than 14 years of age ~~to~~; *or*

26 *(c) A victim of sex trafficking as that term is defined in*
27 *subsection 2 of NRS 201.300. There is a rebuttable presumption*
28 *that good cause exists where the district attorney seeks to take the*
29 *deposition of a person alleged to be the victim of sex trafficking.*

30 ➤ The court may specify the time and place for taking the
31 deposition and the persons who may be present when it is taken.

32 2. The district attorney shall give every other party reasonable
33 written notice of the time and place for taking the deposition. The
34 notice must include the name of the person to be examined. On the
35 motion of a party upon whom the notice is served, the court:

36 (a) For good cause shown may release the address of the person
37 to be examined; and

38 (b) For cause shown may extend or shorten the time.

39 3. If at the time such a deposition is taken, the district attorney
40 anticipates using the deposition at trial, the court shall so state in the
41 order for the deposition and the accused must be given the
42 opportunity to cross-examine the deponent in the same manner as
43 permitted at trial.

44 4. Except as limited by NRS 174.228, the court may allow the
45 videotaped deposition to be used at any proceeding in addition to or



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1 in lieu of the direct testimony of the deponent. It may also be used
2 by any party to contradict or impeach the testimony of the deponent
3 as a witness. If only a part of the deposition is offered in evidence
4 by a party, an adverse party may require the party to offer all of it
5 which is relevant to the part offered and any party may offer other
6 parts.

7 **Sec. 10.7.** NRS 174.228 is hereby amended to read as follows:

8 174.228 A court may allow a videotaped deposition to be used
9 instead of the deponent's testimony at trial only if:

10 1. In the case of a victim of sexual abuse, as that term is
11 defined in NRS 432B.100:

12 (a) Before the deposition is taken, a hearing is held by a justice
13 of the peace or district judge who finds that:

14 (1) The use of the videotaped deposition in lieu of testimony
15 at trial is necessary to protect the welfare of the victim; and

16 (2) The presence of the accused at trial would inflict trauma,
17 more than minimal in degree, upon the victim; and

18 (b) At the time a party seeks to use the deposition, the court
19 determines that the conditions set forth in subparagraphs (1) and (2)
20 of paragraph (a) continue to exist. The court may hold a hearing
21 before the use of the deposition to make its determination.

22 2. *In the case of a victim of sex trafficking as that term is*
23 *defined in subsection 2 of NRS 201.300:*

24 (a) *Before the deposition is taken, a hearing is held by a justice*
25 *of the peace or district judge and the justice or judge finds that*
26 *cause exists pursuant to paragraph (c) of subsection 1 of NRS*
27 *174.227; and*

28 (b) *Before allowing the videotaped deposition to be used at*
29 *trial, the court finds that the victim is unavailable as a witness.*

30 3. In all cases:

31 (a) A justice of the peace or district judge presides over the
32 taking of the deposition;

33 (b) The accused is able to hear and see the proceedings;

34 (c) The accused is represented by counsel who, if physically
35 separated from the accused, is able to communicate orally with the
36 accused by electronic means;

37 (d) The accused is given an adequate opportunity to cross-
38 examine the deponent subject to the protection of the deponent
39 deemed necessary by the court; and

40 (e) The deponent testifies under oath.

41 **Sec. 11.** (Deleted by amendment.)

42 **Sec. 12.** (Deleted by amendment.)

43 **Sec. 13.** (Deleted by amendment.)

44 **Sec. 14.** (Deleted by amendment.)

45 **Sec. 15.** (Deleted by amendment.)



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1 **Sec. 16.** (Deleted by amendment.)

2 **Sec. 17.** (Deleted by amendment.)

3 **Sec. 18.** (Deleted by amendment.)

4 **Sec. 19.** (Deleted by amendment.)

5 **Sec. 20.** (Deleted by amendment.)

6 **Sec. 21.** (Deleted by amendment.)

7 **Sec. 22.** (Deleted by amendment.)

8 **Sec. 23.** (Deleted by amendment.)

9 **Sec. 24.** NRS 179.121 is hereby amended to read as follows:

10 179.121 1. All personal property, including, without
11 limitation, any tool, substance, weapon, machine, computer, money
12 or security, which is used as an instrumentality in any of the
13 following crimes is subject to forfeiture:

14 (a) The commission of or attempted commission of the crime of
15 murder, robbery, kidnapping, burglary, invasion of the home, grand
16 larceny or theft if it is punishable as a felony;

17 (b) The commission of or attempted commission of any felony
18 with the intent to commit, cause, aid, further or conceal an act of
19 terrorism;

20 (c) A violation of NRS 202.445 or 202.446;

21 (d) The commission of any crime by a criminal gang, as defined
22 in NRS 213.1263; or

23 (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300
24 ~~to 201.340, inclusive,~~ **201.320**, 202.265, 202.287, 205.473 to
25 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382,
26 370.395, 370.405 or 465.070 to 465.085, inclusive.

27 2. Except as otherwise provided for conveyances forfeitable
28 pursuant to NRS 453.301 or 501.3857, all conveyances, including
29 aircraft, vehicles or vessels, which are used or intended for use
30 during the commission of a felony or a violation of NRS 202.287,
31 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
32 except that:

33 (a) A conveyance used by any person as a common carrier in the
34 transaction of business as a common carrier is not subject to
35 forfeiture under this section unless it appears that the owner or other
36 person in charge of the conveyance is a consenting party or privy to
37 the felony or violation;

38 (b) A conveyance is not subject to forfeiture under this section
39 by reason of any act or omission established by the owner thereof to
40 have been committed or omitted without the owner's knowledge,
41 consent or willful blindness;

42 (c) A conveyance is not subject to forfeiture for a violation of
43 NRS 202.300 if the firearm used in the violation of that section was
44 not loaded at the time of the violation; and



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(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 25. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child , *sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468* or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262;

(d) Sexual assault pursuant to NRS 200.366;

(e) Statutory sexual seduction pursuant to NRS 200.368;

(f) Open or gross lewdness pursuant to NRS 201.210; or



(g) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

Sec. 26. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 “Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. An offense involving ~~pandering~~ *sex trafficking pursuant to subsection 2 of NRS 201.300* or prostitution pursuant to NRS ~~201.300 to 201.340, inclusive.~~ *201.320.*

4. An attempt to commit an offense listed in this section.

5. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

6. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 27. NRS 179D.097 is hereby amended to read as follows:
179D.097 1. “Sexual offense” means any of the following offenses:

(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.



(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) Incest pursuant to NRS 201.180.

(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(k) Open or gross lewdness pursuant to NRS 201.210.

(l) Indecent or obscene exposure pursuant to NRS 201.220.

(m) Lewdness with a child pursuant to NRS 201.230.

(n) Sexual penetration of a dead human body pursuant to NRS 201.450.

(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(p) *Sex trafficking pursuant to NRS 201.300.*

(q) *A violation of NRS 201.320.*

(r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~(a)~~ (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~(p)~~ (r), inclusive.

~~(a)~~ (t) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~(a)~~ (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~(a)~~ (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.



(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. The term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 28. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense:

1. If committed against a child, constitutes:

(a) Luring a child pursuant to NRS 201.560, if punishable as a felony;

(b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(c) An offense involving ~~pandering~~ *sex trafficking pursuant to NRS 201.300* or prostitution pursuant to NRS ~~201.300 to 201.340, inclusive;~~ *201.320;*

(d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; or

(e) Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

2. Involves an attempt or conspiracy to commit any offense described in subsection 1;

3. If committed in another jurisdiction, is an offense that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

4. Is committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 29. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~(p)~~ *(r)* of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central



Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 30. NRS 199.480 is hereby amended to read as follows:

199.480 1. Except as otherwise provided in subsection 2, whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, *involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300* or a violation of NRS 205.463, each person is guilty of a category B felony and shall be punished:

(a) If the conspiracy was to commit robbery, sexual assault, kidnapping in the first or second degree, arson in the first or second degree, *involuntary servitude in violation of NRS 200.463 or 200.464, a violation of any provision of NRS 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, sex trafficking in violation of NRS 201.300* or a violation of NRS 205.463, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or

(b) If the conspiracy was to commit murder, by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years,

➤ and may be further punished by a fine of not more than \$5,000.

2. If the conspiracy subjects the conspirators to criminal liability under NRS 207.400, they shall be punished in the manner provided in NRS 207.400.

3. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsections 1 and 2, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or



* A B 6 7 R 2 *

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

↳ each person is guilty of a gross misdemeanor.

Sec. 31. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. 1. *In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 200.463, 200.464 or 200.465 to pay restitution to the victim as provided in subsection 2.*

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;

(b) The cost of transportation, temporary housing and child care;

(c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;

(d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;

(e) The cost of repatriation of the victim to his or her home country, if applicable; and

(f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.463, 200.464 or 200.465.

3. The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.

4. As used in this section, "victim" means any person:

(a) Against whom a violation of any provision of NRS 200.463, 200.464 or 200.465 has been committed; or

(b) Who is the surviving child of such a person.

Sec. 33. 1. *In addition to any other penalty, the court may order a person convicted of violation of any provision of NRS 200.467 or 200.468 to pay restitution to the victim as provided in subsection 2.*

2. Restitution ordered pursuant to this section may include, without limitation:

(a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;



(b) *The cost of transportation, temporary housing and child care;*

(c) *The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;*

(d) *Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;*

(e) *The cost of repatriation of the victim to his or her home country, if applicable; and*

(f) *Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 200.467 or 200.468.*

3. *The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.*

4. *As used in this section, "victim" means any person:*

(a) *Against whom a violation of any provision of NRS 200.467 or 200.468 has been committed; or*

(b) *Who is the surviving child of such a person.*

Sec. 34. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, unless the context otherwise requires:

1. "Offense involving a pupil" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense , ~~for~~ an offense involving a pupil ~~or~~ **or sex trafficking.**

3. ***"Sex trafficking" means a violation of subsection 2 of NRS 201.300.***

4. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~14-1~~ 5. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

~~15-1~~ 6. "Statutory sexual seduction" means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or



(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

~~16-1~~ 7. "Victim" means a person who is a victim of a sexual offense, ~~10-1~~ an offense involving a pupil ~~11~~ *or sex trafficking*.

Sec. 35. NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense, ~~10-1~~ an offense involving a pupil ~~11~~ *or sex trafficking*:

(a) Reports the sexual offense, ~~10-1~~ offense involving a pupil *or sex trafficking* to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense, ~~10-1~~ offense involving a pupil ~~11~~ *or sex trafficking*; and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense, ~~10-1~~ offense involving a pupil ~~11~~ *or sex trafficking*.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses, ~~10-1~~ offenses involving a pupil ~~11~~ *or sex trafficking*. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses, ~~10-1~~ offenses involving a pupil ~~11~~ *or sex trafficking*.

3. A victim of a sexual offense, ~~10-1~~ an offense involving a pupil *or sex trafficking* may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense, ~~10-1~~ an offense involving a pupil *or sex trafficking* is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, ~~10-1~~ offenses involving a pupil ~~11~~ *or sex trafficking*.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, ~~10-1~~ an offense involving a pupil ~~11~~ *or sex trafficking*.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, ~~10-1~~ offenses involving a pupil *or sex trafficking* from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.



Sec. 36. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

↳ that reveals the identity of a victim of a sexual offense , ~~for~~ an offense involving a pupil *or sex trafficking* is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.

2. A defendant charged with a sexual offense , ~~for~~ an offense involving a pupil *or sex trafficking* and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense , ~~for~~ an offense involving a pupil ~~for~~ *or sex trafficking*.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.



1 **Sec. 37.** NRS 200.3772 is hereby amended to read as follows:

2 200.3772 1. A victim of a sexual offense , ~~for~~ an offense
3 involving a pupil *or sex trafficking* may choose a pseudonym to be
4 used instead of the victim's name on all files, records and
5 documents pertaining to the sexual offense , ~~for~~ offense involving a
6 pupil ~~H~~ *or sex trafficking*, including, without limitation, criminal
7 intelligence and investigative reports, court records and media
8 releases.

9 2. A victim who chooses to use a pseudonym shall file a form
10 to choose a pseudonym with the law enforcement agency
11 investigating the sexual offense , ~~for~~ offense involving a pupil ~~H~~ *or*
12 *sex trafficking*. The form must be provided by the law enforcement
13 agency.

14 3. If the victim files a form to use a pseudonym, as soon as
15 practicable the law enforcement agency shall make a good faith
16 effort to:

17 (a) Substitute the pseudonym for the name of the victim on all
18 reports, files and records in the agency's possession; and

19 (b) Notify the prosecuting attorney of the pseudonym.

20 ➔ The law enforcement agency shall maintain the form in a manner
21 that protects the confidentiality of the information contained therein.

22 4. Upon notification that a victim has elected to be designated
23 by a pseudonym, the court shall ensure that the victim is designated
24 by the pseudonym in all legal proceedings concerning the sexual
25 offense , ~~for~~ offense involving a pupil ~~H~~ *or sex trafficking*.

26 5. The information contained on the form to choose a
27 pseudonym concerning the actual identity of the victim is
28 confidential and must not be disclosed to any person other than the
29 defendant or the defendant's attorney unless a court of competent
30 jurisdiction orders the disclosure of the information. The disclosure
31 of information to a defendant or the defendant's attorney is subject
32 to the conditions and restrictions specified in subsection 2 of NRS
33 200.3771. A person who violates this subsection is guilty of a
34 misdemeanor.

35 6. A court of competent jurisdiction may order the disclosure
36 of the information contained on the form only if it finds that the
37 information is essential in the trial of the defendant accused of the
38 sexual offense , ~~for~~ offense involving a pupil *or sex trafficking*, or
39 the identity of the victim is at issue.

40 7. A law enforcement agency that complies with the
41 requirements of this section is immune from civil liability for
42 unknowingly or unintentionally:

43 (a) Disclosing any information contained on the form filed by a
44 victim pursuant to this section that reveals the identity of the victim;
45 or



(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 38. NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense , ~~for~~ an offense involving a pupil *or sex trafficking* shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 39. NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense , ~~for~~ offense involving a pupil *or sex trafficking* voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

Sec. 40. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 40.3 and 40.7 of this act.

Sec. 40.3. 1. *The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300 or 201.320.*

2. *When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.*

Sec. 40.7. 1. *In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 or 201.320 to pay restitution to the victim as provided in subsection 2.*

2. *Restitution ordered pursuant to this section may include, without limitation:*

(a) *The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;*



(b) *The cost of transportation, temporary housing and child care;*

(c) *The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;*

(d) *Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;*

(e) *The cost of repatriation of the victim to his or her home country, if applicable; and*

(f) *Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300 or 201.320.*

3. *The return of the victim to his or her home country or other absence of the victim from the jurisdiction does not prevent the victim from receiving restitution.*

4. *As used in this section, "victim" means any person:*

(a) *Against whom a violation of any provision of NRS 201.300 or 201.320 has been committed; or*

(b) *Who is the surviving child of such a person.*

Sec. 41. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, *and sections 40.3 and 40.7 of this act*, unless the context otherwise requires:

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

2. "Child" means a person less than 18 years of age.

3. *"Induce" means to persuade, encourage, inveigle or entice.*

4. "Prostitute" means a male or female person who for a fee, *monetary consideration or other thing of value* engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

~~14.1~~ 5. "Prostitution" means engaging in sexual conduct *with another person in return* for a fee ~~1~~.

~~5.1~~, *monetary consideration or other thing of value.*

6. "Sexual conduct" means any of the acts enumerated in subsection ~~13.1~~ 4.

7. *"Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.*

Sec. 42. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who ~~1~~

~~(a) Induces, persuades, encourages, inveigles, entices or compels a person to~~, *without physical force or the immediate threat of physical force, induces an adult to unlawfully* become a prostitute



1 or to continue to engage in prostitution ~~H~~ , or to enter any place
2 *within this State in which prostitution is practiced, encouraged or*
3 *allowed for the purpose of sexual conduct or prostitution*

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

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

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

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

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

29 ~~→ is guilty of pandering.~~

30 ~~—2. A person who is found guilty of pandering:~~

31 ~~—(a) An adult:~~

32 ~~—(1) If physical force or the immediate threat of physical force~~
33 ~~is used upon the adult, is guilty of a category C felony and shall be~~
34 ~~punished as provided in NRS 193.130.~~

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

38 ~~[(b) A child:~~

39 ~~—(1) If physical force or the immediate threat of physical force~~
40 ~~is used upon the child, is guilty of a category B felony and shall be~~
41 ~~punished by imprisonment in the state prison for a minimum term of~~
42 ~~not less than 2 years and a maximum term of not more than 20 years~~
43 ~~and may be further punished by a fine of not more than \$20,000.~~

44 ~~—(2) If no physical force or immediate threat of physical force~~
45 ~~is used upon the child, is guilty of a category B felony and shall be~~



1 ~~punished by imprisonment in the state prison for a minimum term of~~
2 ~~not less than 1 year and a maximum term of not more than 10 years~~
3 ~~and may be further punished by a fine of not more than \$10,000.~~

4 ~~—3.1~~ This ~~[section]~~ subsection does not apply to the customer of
5 a prostitute.

6 2. A person:

7 (a) Is guilty of sex trafficking if the person:

8 (1) *Induces, causes, recruits, harbors, transports, provides,*
9 *obtains or maintains a child to engage in prostitution, or to enter*
10 *any place within this State in which prostitution is practiced,*
11 *encouraged or allowed for the purpose of sexual conduct or*
12 *prostitution;*

13 (2) *Induces, recruits, harbors, transports, provides, obtains*
14 *or maintains a person by any means, knowing, or in reckless*
15 *disregard of the fact, that threats, violence, force, intimidation,*
16 *fraud, duress or coercion will be used to cause the person to*
17 *engage in prostitution, or to enter any place within this State in*
18 *which prostitution is practiced, encouraged or allowed for the*
19 *purpose of sexual conduct or prostitution;*

20 (3) *By threats, violence, force, intimidation, fraud, duress,*
21 *coercion, by any device or scheme, or by abuse of any position of*
22 *confidence or authority, or having legal charge, takes, places,*
23 *harbors, induces, causes, compels or procures a person to engage*
24 *in prostitution, or to enter any place within this State in which*
25 *prostitution is practiced, encouraged or allowed for the purpose of*
26 *sexual conduct or prostitution; or*

27 (4) *Takes or detains a person with the intent to compel the*
28 *person by force, violence, threats or duress to marry him or her or*
29 *any other person.*

30 (b) Who is found guilty of sex trafficking:

31 (1) *An adult is guilty of a category B felony and shall be*
32 *punished by imprisonment in the state prison for a minimum term*
33 *of not less than 3 years and a maximum term of not more than 10*
34 *years, and may be further punished by a fine of not more than*
35 *\$10,000.*

36 (2) A child:

37 (I) *If the child is less than 14 years of age when the*
38 *offense is committed, is guilty of a category A felony and shall be*
39 *punished by imprisonment in the state prison for life with the*
40 *possibility of parole, with eligibility for parole beginning when a*
41 *minimum of 15 years has been served, and may be further*
42 *punished by a fine of not more than \$20,000.*

43 (II) *If the child is at least 14 years of age but less than*
44 *16 years of age when the offense is committed, is guilty of a*
45 *category A felony and shall be punished by imprisonment in the*



1 *state prison for life with the possibility of parole, with eligibility for*
2 *parole beginning when a minimum of 10 years has been served,*
3 *and may be further punished by a fine of not more than \$10,000.*

4 *(III) If the child is at least 16 years of age but less than*
5 *18 years of age when the offense is committed, is guilty of a*
6 *category A felony and shall be punished by imprisonment in the*
7 *state prison for life with the possibility of parole, with eligibility for*
8 *parole beginning when a minimum of 5 years has been served,*
9 *and may be further punished by a fine of not more than \$10,000.*

10 3. *A court shall not grant probation to or suspend the*
11 *sentence of a person convicted of sex trafficking a child pursuant*
12 *to subsection 2.*

13 4. *Consent of a victim of pandering or sex trafficking to an*
14 *act of prostitution is not a defense to a prosecution for any of the*
15 *acts prohibited by this section.*

16 5. *In a prosecution for sex trafficking a child pursuant to*
17 *subsection 2, it is not a defense that the defendant did not have*
18 *knowledge of the victim's age, nor is reasonable mistake of age a*
19 *valid defense to a prosecution conducted pursuant to subsection 2.*

20 **Sec. 43.** NRS 201.350 is hereby amended to read as follows:

21 201.350 It shall not be a defense to a prosecution for any of the
22 acts prohibited in NRS 201.300 ~~to 201.340, inclusive,~~ or 201.320
23 that any part of such act or acts shall have been committed outside
24 this state, and the offense shall in such case be deemed and alleged
25 to have been committed, and the offender tried and punished, in any
26 county in which the prostitution was consummated, or any overt act
27 in furtherance of the offense shall have been committed.

28 **Sec. 43.5.** NRS 201.351 is hereby amended to read as follows:

29 201.351 1. All assets derived from or relating to any
30 violation of NRS 201.300 ~~to 201.340, inclusive, in which the~~
31 ~~victim of the offense is a child when the offense is committed,~~ or
32 201.320 are subject to forfeiture pursuant to NRS 179.121 and a
33 proceeding for their forfeiture may be brought pursuant to NRS
34 179.1156 to 179.121, inclusive.

35 2. In any proceeding for forfeiture brought pursuant to NRS
36 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a
37 court may issue without notice or hearing, a temporary restraining
38 order to preserve property which would be subject to forfeiture
39 pursuant to this section if:

40 (a) The forfeitable property is in the possession or control of the
41 party against whom the order will be entered; and

42 (b) The court determines that the nature of the property is such
43 that it can be concealed, disposed of or placed beyond the
44 jurisdiction of the court before a hearing on the matter.



3. A temporary restraining order which is issued without notice may be issued for not more than ~~101~~ 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution *or for services to victims* which are designated to receive such distributions by the district attorney of the county.

Sec. 44. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of ~~any provision~~ *subsection 2* of NRS 201.300 ~~to 201.340, inclusive, and~~ *or NRS 201.320*, the victim of the violation is a child ~~who is:~~

~~—(a) At least 14 years of age but less than 18 years of age when the offense is committed, the court may, in addition to the punishment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$100,000.~~

~~—(b) Less than 14 years of age~~ when the offense is committed ~~and physical force or violence or the immediate threat of physical force or violence is used upon the child~~, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of ~~any provision~~ *subsection 2* of NRS 201.300 ~~to 201.340, inclusive,~~ *or NRS 201.320*, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of *subsection 2 of* NRS 201.300 ~~to 201.340, inclusive,~~ *or NRS 201.320*, the court may, in addition to the punishment prescribed by statute for the offense of a provision of *subsection 2 of* NRS 201.300 ~~to 201.340, inclusive,~~ *or NRS 201.320* and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 45. NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.



- 1 2. Mayhem pursuant to NRS 200.280.
- 2 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
- 3 4. Sexual assault pursuant to NRS 200.366.
- 4 5. Robbery pursuant to NRS 200.380.
- 5 6. Administering poison or another noxious or destructive
- 6 substance or liquid with intent to cause death pursuant to
- 7 NRS 200.390.
- 8 7. Battery with intent to commit a crime pursuant to
- 9 NRS 200.400.
- 10 8. Administering a drug or controlled substance to another
- 11 person with the intent to enable or assist the commission of a felony
- 12 or crime of violence pursuant to NRS 200.405 or 200.408.
- 13 9. False imprisonment pursuant to NRS 200.460 if the false
- 14 imprisonment involves the use or threatened use of force or violence
- 15 against the victim or the use or threatened use of a firearm or a
- 16 deadly weapon.
- 17 10. Assault with a deadly weapon pursuant to NRS 200.471.
- 18 11. Battery which is committed with the use of a deadly
- 19 weapon or which results in substantial bodily harm as described in
- 20 NRS 200.481 or battery which is committed by strangulation as
- 21 described in NRS 200.481 or 200.485.
- 22 12. An offense involving pornography and a minor pursuant to
- 23 NRS 200.710 or 200.720.
- 24 13. Solicitation of a minor to engage in acts constituting the
- 25 infamous crime against nature pursuant to NRS 201.195.
- 26 14. Intentional transmission of the human immunodeficiency
- 27 virus pursuant to NRS 201.205.
- 28 15. Open or gross lewdness pursuant to NRS 201.210.
- 29 16. Lewdness with a child pursuant to NRS 201.230.
- 30 17. An offense involving pandering *or sex trafficking in*
- 31 *violation of NRS 201.300* or prostitution in violation of NRS
- 32 ~~201.300,~~ 201.320. ~~for 201.340,~~
- 33 18. Coercion pursuant to NRS 207.190, if the coercion
- 34 involves the use or threatened use of force or violence against the
- 35 victim or the use or threatened use of a firearm or a deadly weapon.
- 36 19. An attempt, conspiracy or solicitation to commit an offense
- 37 listed in subsections 1 to 18, inclusive.
- 38 **Sec. 46.** NRS 207.360 is hereby amended to read as follows:
- 39 207.360 “Crime related to racketeering” means the commission
- 40 of, attempt to commit or conspiracy to commit any of the following
- 41 crimes:
- 42 1. Murder;
- 43 2. Manslaughter, except vehicular manslaughter as described in
- 44 NRS 484B.657;
- 45 3. Mayhem;



- 1 4. Battery which is punished as a felony;
- 2 5. Kidnapping;
- 3 6. Sexual assault;
- 4 7. Arson;
- 5 8. Robbery;
- 6 9. Taking property from another under circumstances not
- 7 amounting to robbery;
- 8 10. Extortion;
- 9 11. Statutory sexual seduction;
- 10 12. Extortionate collection of debt in violation of
- 11 NRS 205.322;
- 12 13. Forgery;
- 13 14. Any violation of NRS 199.280 which is punished as a
- 14 felony;
- 15 15. Burglary;
- 16 16. Grand larceny;
- 17 17. Bribery or asking for or receiving a bribe in violation of
- 18 chapter 197 or 199 of NRS which is punished as a felony;
- 19 18. Battery with intent to commit a crime in violation of
- 20 NRS 200.400;
- 21 19. Assault with a deadly weapon;
- 22 20. Any violation of NRS 453.232, 453.316 to 453.3395,
- 23 inclusive, or 453.375 to 453.401, inclusive;
- 24 21. Receiving or transferring a stolen vehicle;
- 25 22. Any violation of NRS 202.260, 202.275 or 202.350 which
- 26 is punished as a felony;
- 27 23. Any violation of subsection 2 or 3 of NRS 463.360 or
- 28 chapter 465 of NRS;
- 29 24. Receiving, possessing or withholding stolen goods valued
- 30 at \$650 or more;
- 31 25. Embezzlement of money or property valued at \$650 or
- 32 more;
- 33 26. Obtaining possession of money or property valued at \$650
- 34 or more, or obtaining a signature by means of false pretenses;
- 35 27. Perjury or subornation of perjury;
- 36 28. Offering false evidence;
- 37 29. Any violation of NRS 201.300 , 201.320 or 201.360;
- 38 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 39 insurance fraud pursuant to NRS 686A.291;
- 40 31. Any violation of NRS 205.506, 205.920 or 205.930;
- 41 32. Any violation of NRS 202.445 or 202.446; ~~for~~
- 42 33. Any violation of NRS 205.377 ~~H~~;
- 43 34. *Involuntary servitude in violation of any provision of*
- 44 *NRS 200.463 or 200.464 or a violation of any provision of NRS*
- 45 *200.465; or*



1 **35. *Trafficking in persons in violation of any provision of***
2 ***NRS 200.467 or 200.468.***

3 **Sec. 47.** NRS 217.070 is hereby amended to read as follows:
4 217.070 "Victim" means:

5 1. A person who is physically injured or killed as the direct
6 result of a criminal act;

7 2. A minor who was involved in the production of pornography
8 in violation of NRS 200.710, 200.720, 200.725 or 200.730;

9 3. A minor who was sexually abused, as "sexual abuse" is
10 defined in NRS 432B.100;

11 4. A person who is physically injured or killed as the direct
12 result of a violation of NRS 484C.110 or any act or neglect of duty
13 punishable pursuant to NRS 484C.430 or 484C.440;

14 5. A pedestrian who is physically injured or killed as the direct
15 result of a driver of a motor vehicle who failed to stop at the scene
16 of an accident involving the driver and the pedestrian in violation of
17 NRS 484E.010;

18 6. An older person who is abused, neglected, exploited or
19 isolated in violation of NRS 200.5099 or 200.50995; ~~for~~

20 7. A resident who is physically injured or killed as the direct
21 result of an act of international terrorism as defined in 18 U.S.C. §
22 2331(1) ~~for~~ **or**

23 **8. *A person who is trafficked in violation of subsection 2 of***
24 ***NRS 201.300.***

25 ➔ The term includes a person who was harmed by any of these acts
26 whether the act was committed by an adult or a minor.

27 **Sec. 48.** NRS 217.180 is hereby amended to read as follows:

28 217.180 1. Except as otherwise provided in subsection 2, in
29 determining whether to make an order for compensation, the
30 compensation officer shall consider the provocation, consent or any
31 other behavior of the victim that directly or indirectly contributed to
32 the injury or death of the victim, the prior case or social history, if
33 any, of the victim, the need of the victim or the dependents of the
34 victim for financial aid and other relevant matters.

35 2. If the case involves a victim of domestic violence , ~~for~~
36 sexual assault ~~for~~ **or sex trafficking**, the compensation officer shall
37 not consider the provocation, consent or any other behavior of the
38 victim that directly or indirectly contributed to the injury or death of
39 the victim.

40 3. If the applicant has received or is likely to receive an amount
41 on account of the applicant's injury or the death of another from:

42 (a) The person who committed the crime that caused the
43 victim's injury or from anyone paying on behalf of the offender;

44 (b) Insurance;

45 (c) The employer of the victim; or



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(d) Another private or public source or program of assistance, the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422.050 and 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) *"Sex trafficking" means a violation of subsection 2 of NRS 201.300.*

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 49. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.



(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. *"Victim of human trafficking" means a person who is a victim of:*

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320.

8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

~~18-1~~ 9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 50. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent



1 person may apply to the Secretary of State to have a fictitious
2 address designated by the Secretary of State serve as the address of
3 the adult, child or incompetent person.

4 2. An application for the issuance of a fictitious address must
5 include:

6 (a) Specific evidence showing that the adult, child or
7 incompetent person has been a victim of domestic violence, *human*
8 *trafficking*, sexual assault or stalking before the filing of the
9 application;

10 (b) The address that is requested to be kept confidential;

11 (c) A telephone number at which the Secretary of State may
12 contact the applicant;

13 (d) A question asking whether the person wishes to:

14 (1) Register to vote; or

15 (2) Change the address of his or her current registration;

16 (e) A designation of the Secretary of State as agent for the adult,
17 child or incompetent person for the purposes of:

18 (1) Service of process; and

19 (2) Receipt of mail;

20 (f) The signature of the applicant;

21 (g) The date on which the applicant signed the application; and

22 (h) Any other information required by the Secretary of State.

23 3. It is unlawful for a person knowingly to attest falsely or
24 provide incorrect information in the application. A person who
25 violates this subsection is guilty of a misdemeanor.

26 4. The Secretary of State shall approve an application if it is
27 accompanied by specific evidence, such as a copy of an applicable
28 record of conviction, a temporary restraining order or other
29 protective order, that the adult, child or incompetent person has been
30 a victim of domestic violence, *human trafficking*, sexual assault or
31 stalking before the filing of the application.

32 5. The Secretary of State shall approve or disapprove an
33 application for a fictitious address within 5 business days after the
34 application is filed.

35 **Sec. 51.** NRS 217.468 is hereby amended to read as follows:

36 217.468 1. Except as otherwise provided in subsections 2 and
37 3, the Secretary of State shall cancel the fictitious address of a
38 participant 4 years after the date on which the Secretary of State
39 approved the application.

40 2. The Secretary of State shall not cancel the fictitious address
41 of a participant if, before the fictitious address of the participant is
42 cancelled, the participant shows to the satisfaction of the Secretary
43 of State that the participant remains in imminent danger of
44 becoming a victim of domestic violence, *human trafficking*, sexual
45 assault or stalking.



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3. The Secretary of State may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Secretary of State within 48 hours after the change of address;

(b) The Secretary of State determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration or acceptance of candidacy pursuant to NRS 293.177 or 293C.185.

Sec. 52. NRS 432.153 is hereby amended to read as follows:

432.153 It is the intent of the Legislature that law enforcement agencies in this State give a high priority to the investigation of crimes concerning missing *and exploited* children.

Sec. 53. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.

2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children; ~~and~~

(c) Recommend legislation concerning missing or exploited children ~~H~~ ; and

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection 2 of NRS 201.300 or a violation of NRS 201.320.

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the



1 *Children's Advocate must be deposited in the Special Account for*
2 *the Support of the Office of Advocate for Missing or Exploited*
3 *Children, which is hereby created in the State General Fund.*

4 *7. Interest and income earned on money in the Special*
5 *Account must be credited to the Special Account.*

6 *8. Money in the Special Account may only be used for the*
7 *support of the Office of Advocate for Missing or Exploited*
8 *Children and its activities pursuant to subsection 2 of NRS*
9 *201.300, NRS 201.320 and 432.150 to 432.220, inclusive.*

10 *9. Money in the Special Account must remain in the Special*
11 *Account and must not revert to the State General Fund at the end*
12 *of any fiscal year.*

13 **Sec. 54.** (Deleted by amendment.)

14 **Sec. 55.** NRS 201.310, 201.330 and 201.340 are hereby
15 repealed.

16 **Sec. 56.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

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 physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.

2. 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.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

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 felony and shall be punished as provided in NRS 193.130.

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

(b) A child:

(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 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.

201.340 Pandering; Furnishing transportation; penalties.

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 felony and shall be punished as provided in NRS 193.130.

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

(b) A child:

(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 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.



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.

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