

Amendment No. 308

Assembly Amendment to Assembly Bill No. 113

(BDR 4-63)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

SRT/BFG



Date: 4/18/2013

A.B. No. 113—Revises provisions relating to sex trafficking. (BDR 4-63)



ASSEMBLY BILL NO. 113—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

FEBRUARY 13, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sex trafficking. (BDR ~~14-62~~ 14-63)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 sex trafficking; ~~amending provisions concerning the admissibility of certain evidence in a prosecution for sex trafficking;~~ amending various provisions concerning the ~~crime~~ crimes of pandering and sex trafficking; revising various provisions governing the penalties for pandering and sex trafficking; authorizing victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime under certain circumstances; prohibiting the consideration of certain conduct by a victim of sex trafficking in determining whether to order compensation from the Fund; 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)

Sections 8-13, 16 and 17 of this bill amend various provisions relating to the crime of pandering. **Sections 8-13, 16 and 17** ~~change the crime of pandering to~~ create the crime of sex trafficking, set forth the actions constituting the ~~crime~~ 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 9** further provides that a court may not grant probation to, or suspend the sentence of, a person convicted of sex trafficking a child and that certain defenses are not available in a prosecution for pandering or sex trafficking. **Section 14** of this bill authorizes victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime, and **section 15** of this bill prohibits the consideration of certain contributory conduct when considering such compensation for a victim of sex trafficking.

~~Existing law prohibits the defendant in a prosecution for sexual assault or statutory sexual seduction from presenting evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness, unless certain exceptions are applicable. Section 1 of this bill applies this prohibition to prosecutions for sex trafficking.~~

Existing law provides that the statute of limitations for pandering is 3 years after the commission of the offense or, if the offense is committed in a secret manner, 3 years after the

discovery of the offense. (NRS 171.085, 171.095) **Sections 2-4** of this bill provide that the statute of limitations for sex trafficking is 4 years, which is the statute of limitations for sexual assault, and provide that certain extensions of the statute of limitations for sexual assault also apply to sex trafficking.

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

Section 1. ~~NRS 50.090 is hereby amended to read as follows:~~
~~50.090 In any prosecution for sex trafficking, sexual assault or statutory sexual seduction or for attempt to commit or conspiracy to commit [either crime,] those crimes, the accused may not present evidence of any previous sexual conduct of the victim of the crime to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused's cross examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim.] (Deleted by amendment.)~~

Sec. 2. NRS 171.083 is hereby amended to read as follows:
171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault, ~~or~~ a person authorized to act on behalf of a victim of a sexual assault, *or a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking*, files with a law enforcement officer a written report concerning the sexual assault ~~or~~ *or sex trafficking*, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the sexual assault *or sex trafficking* must be commenced.

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

3. If a victim of a sexual assault *or sex trafficking* is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the sexual assault *or sex trafficking* is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

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

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

- (a) A prosecuting attorney;
- (b) A sheriff of a county or the sheriff's deputy;
- (c) An officer of a metropolitan police department or a police department of an incorporated city; or
- (d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 3. NRS 171.085 is hereby amended to read as follows:
171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sexual assault, *sex trafficking*, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of

1 subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an
2 information or complaint filed, within 4 years after the commission of the offense.

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

6 **Sec. 4.** NRS 171.095 is hereby amended to read as follows:

7 171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083
8 and 171.084:

9 (a) If a felony, gross misdemeanor or misdemeanor is committed in a secret
10 manner, an indictment for the offense must be found, or an information or
11 complaint filed, within the periods of limitation prescribed in NRS 171.085,
12 171.090 and 624.800 after the discovery of the offense, unless a longer period is
13 allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

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

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

21 (2) Twenty-eight years old if the victim does not discover and reasonably
22 should not have discovered that he or she was a victim of the sexual abuse *or sex*
23 *trafficking* by the date on which the victim reaches 21 years of age.

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

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

33 **Sec. 5.** NRS 179.121 is hereby amended to read as follows:

34 179.121 1. All personal property, including, without limitation, any tool,
35 substance, weapon, machine, computer, money or security, which is used as an
36 instrumentality in any of the following crimes is subject to forfeiture:

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

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

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

43 (d) The commission of any crime by a criminal gang, as defined in NRS
44 213.1263; or

45 (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 ~~to 201.340,~~
46 ~~inclusive,~~ *201.320*, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to
47 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 or 465.070 to 465.085,
48 inclusive.

49 2. Except as otherwise provided for conveyances forfeitable pursuant to NRS
50 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which
51 are used or intended for use during the commission of a felony or a violation of
52 NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
53 except that:

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

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

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

(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. 6. 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.

1 **Sec. 7.** NRS 179D.115 is hereby amended to read as follows:

2 179D.115 “Tier II offender” means an offender convicted of a crime against a
3 child or a sex offender, other than a Tier III offender, whose crime against a child is
4 punishable by imprisonment for more than 1 year or whose sexual offense:

5 1. If committed against a child, constitutes:

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

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

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

11 (d) An offense involving pornography and a minor pursuant to NRS 200.710 to
12 200.730, inclusive; or

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

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

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

20 (a) A tribal court; or

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

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

25 **Sec. 8.** NRS 201.295 is hereby amended to read as follows:

26 201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context
27 otherwise requires:

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

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

30 3. *“Induce” means to persuade, encourage, inveigle or entice.*

31 4. “Prostitute” means a male or female person who for a fee , *monetary*
32 *consideration or other thing of value* engages in sexual ~~intercourse, oral genital~~
33 ~~contact or any touching of the sexual organs or other intimate parts of a person for~~
34 ~~the purpose of arousing or gratifying the sexual desire of either person.~~
35 ~~— 4. — conduct.~~

36 5. “Prostitution” means engaging in ~~it, agreeing to or offering to engage in~~
37 sexual conduct *with another person in return* for a fee ~~it~~
38 ~~— 5. — , monetary consideration or other thing of value.~~

39 6. “Sexual conduct” means ~~any of the acts enumerated in subsection 3. —~~
40 *masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight,*
41 *of any part of a person’s body or any object manipulated or inserted by a person*
42 *into the genital or anal openings of the body of a person, including sexual*
43 *intercourse in its ordinary meaning.*

44 7. *“Transport” means to transport or cause to be transported, by any means*
45 *of conveyance, into, through or across this State, or to aid or assist in obtaining*
46 *such transportation.*

47 **Sec. 9.** NRS 201.300 is hereby amended to read as follows:

48 201.300 1. A person who ~~it~~

49 ~~— (a) — induces, it persuades, encourages, inveigles, entices or compels it causes,~~
50 ~~recruits, harbors, transports, provides, obtains or maintains a [person] [child to] .~~
51 *without physical force or the immediate threat of physical force, induces an adult*
52 *to unlawfully become a prostitute or to continue to* engage in prostitution ~~it~~ , *or to*

enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution.†

—(b)† ~~By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where† Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed.† †† for the purpose of sexual conduct or prostitution.~~

—(c) By threats, violence,† ~~or† force, intimidation, fraud, duress, coercion, by any device or scheme,† by fraud or artifice, or by duress of person or goods,† for by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors,† inveigles, entices, persuades, encourages† induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this state in which prostitution is practiced, encouraged or allowed.† †† for the purpose of sexual conduct or prostitution, or~~

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

—(e)† ~~Takes or detains a person with the intent to compel the person by force, violence, threats† , menace† for duress to marry him or her or any other person.† †; or~~

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

† is guilty of† ~~pandering.† sex trafficking.~~

— 2. A person who is found guilty of† ~~pandering.† sex trafficking.~~

—(a) An adult:

(1) If physical force ~~or violence~~ or the immediate threat of physical force ~~or violence~~ is used upon the adult, is guilty of a category† ~~C† B~~ felony and shall be punished† ~~as provided in NRS 193.130.† by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$10,000.~~

(2) If no physical force ~~or violence~~ or immediate threat of physical force ~~or violence~~ is used upon the adult,† is guilty of pandering which is a category ~~B† C~~ 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 less than 14 years of age when the offense is committed, is guilty of a category† B† A~~ 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.† life with the possibility of parole with eligibility for parole beginning when a minimum of 15 years has been served, 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 at least 14 years of age but less than 18 years of age when the offense is committed, is guilty of a category† B† A~~ 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} life with the possibility of parole with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.~~

~~3. This ~~section~~ subsection does not apply to the customer of a prostitute.~~

2. A person:

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

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

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

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

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

(b) Who is found guilty of sex trafficking:

(1) An adult 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 3 years and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

(2) A child:

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

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

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

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to ~~this section.~~ subsection 2.

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

5. In a prosecution for sex trafficking a child ~~if~~ pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age,

nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to ~~this section,~~ subsection 2.

Sec. 10. NRS 201.350 is hereby amended to read as follows:

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

Sec. 11. NRS 201.351 is hereby amended to read as follows:

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

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

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

(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the 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 of child prostitution which are designated to receive such distributions by the district attorney of the county.

Sec. 12. 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

1 **NRS 201.320** and any fine imposed pursuant to subsection 1, impose a fine of not
2 more than \$500,000.

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

6 **Sec. 13.** NRS 202.876 is hereby amended to read as follows:

7 202.876 “Violent or sexual offense” means any act that, if prosecuted in this
8 State, would constitute any of the following offenses:

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

11 2. Mayhem pursuant to NRS 200.280.

12 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

13 4. Sexual assault pursuant to NRS 200.366.

14 5. Robbery pursuant to NRS 200.380.

15 6. Administering poison or another noxious or destructive substance or liquid
16 with intent to cause death pursuant to NRS 200.390.

17 7. Battery with intent to commit a crime pursuant to NRS 200.400.

18 8. Administering a drug or controlled substance to another person with the
19 intent to enable or assist the commission of a felony or crime of violence pursuant
20 to NRS 200.405 or 200.408.

21 9. False imprisonment pursuant to NRS 200.460 if the false imprisonment
22 involves the use or threatened use of force or violence against the victim or the use
23 or threatened use of a firearm or a deadly weapon.

24 10. Assault with a deadly weapon pursuant to NRS 200.471.

25 11. Battery which is committed with the use of a deadly weapon or which
26 results in substantial bodily harm as described in NRS 200.481 or battery which is
27 committed by strangulation as described in NRS 200.481 or 200.485.

28 12. An offense involving pornography and a minor pursuant to NRS 200.710
29 or 200.720.

30 13. Solicitation of a minor to engage in acts constituting the infamous crime
31 against nature pursuant to NRS 201.195.

32 14. Intentional transmission of the human immunodeficiency virus pursuant
33 to NRS 201.205.

34 15. Open or gross lewdness pursuant to NRS 201.210.

35 16. Lewdness with a child pursuant to NRS 201.230.

36 17. An offense involving **pandering or sex trafficking in violation of NRS**
37 **201.300** or prostitution in violation of NRS ~~201.300,~~ 201.320 ~~or 201.340.~~

38 18. Coercion pursuant to NRS 207.190, if the coercion involves the use or
39 threatened use of force or violence against the victim or the use or threatened use of
40 a firearm or a deadly weapon.

41 19. An attempt, conspiracy or solicitation to commit an offense listed in
42 subsections 1 to 18, inclusive.

43 **Sec. 14.** NRS 217.070 is hereby amended to read as follows:

44 217.070 “Victim” means:

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

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

49 3. A minor who was sexually abused, as “sexual abuse” is defined in NRS
50 432B.100;

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

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

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

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

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

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

Sec. 15. NRS 217.180 is hereby amended to read as follows:

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

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

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

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

(b) Insurance;

(c) The employer of the victim; or

(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. 16. ~~Section 129 of the Charter of Boulder City is hereby amended to read as follows:~~

~~Section 129. [Pandering.] Sex trafficking, prostitution and disorderly houses prohibited.~~

~~1. [Pandering,] Sex trafficking, prostitution and disorderly houses, as defined and made unlawful by the general laws of the State, shall be unlawful within the City.~~

~~2. The Council shall enact such ordinances as may be necessary to implement this section.~~ **(Deleted by amendment.)**

Sec. 17. NRS 201.310, 201.330 and 201.340 are hereby repealed.

Sec. 18. 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.