

Amendment No. 946

Senate Amendment to Assembly Bill No. 338

(BDR 16-679)

Proposed by: Senate Committee on Judiciary

Amends: Summary: No Title: No 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.

NCA/BAW



Date: 6/1/2013

A.B. No. 338—Provides certain protections and services for victims of human trafficking. (BDR 16-679)



ASSEMBLY BILL NO. 338—ASSEMBLYMAN HAMBRICK

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Provides certain protections and services for victims of human trafficking. (BDR 16-679)

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 human trafficking; requiring certain law enforcement officers to take certain actions upon his or her initial encounter with a possible victim of human trafficking; requiring the owner or operator of certain establishments and facilities to post an informational sign relating to the National Human Trafficking Resource Center hotline; requiring the Department of Health and Human Services to develop a statewide plan for delivery of services to victims of human trafficking; requiring the Department of Education and the State Board of Education to develop and distribute certain informational materials relating to the human trafficking of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits involuntary servitude, assuming ownership over a person, the purchase or sale of a person, trafficking in persons, pandering and living from the earnings of a prostitute. (NRS 200.463-200.468, ~~201.310-201.340~~ **201.300-201.340**) **Sections 1, 3 and 5** of this bill define victims of those crimes as “victims of human trafficking.”

Section 1 requires a law enforcement officer, a district attorney or a deputy thereof or the Attorney General or a deputy thereof, as soon as possible after his or her initial encounter with a possible victim of human trafficking, to make a preliminary assessment of whether the victim is: (1) eligible under existing law for certain compensation and assistance provided to victims of crime; and (2) eligible for certification under existing federal law as a victim of a severe form of trafficking in persons. If the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof believes the person is eligible for certification as a victim of a severe form of trafficking in persons, **section 1** requires the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof to notify the person and, upon request, to provide the person with certain immigration forms. **Section 1** also requires the law enforcement officer, the district attorney or a deputy thereof, the Attorney General or a deputy thereof to notify the Division of Child and Family Services of the Department **of Health and Human Services** if the possible victim of human trafficking is less than 18 years of age or the Aging and Disability Services Division of the Department if the possible victim is an older person or a vulnerable person.

Section 2 of this bill requires an owner or operator of certain establishments or facilities to post an informational sign regarding the National Human Trafficking Resource Center

hotline which must be obtained from the Department of Transportation or the Department of Business and Industry.

Section 3 requires the Department of Health and Human Services to develop a statewide plan for the delivery of services to victims of human trafficking.

Section 5 requires the Department of Education and the State Board of Education to develop and distribute certain informational material relating to the human trafficking of children.

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

Section 1 Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. As soon as practicable after the initial encounter with a person who reasonably appears to be a victim of human trafficking, a law enforcement officer, a district attorney or a deputy thereof or the Attorney General or a deputy thereof shall make a preliminary assessment of whether the victim:

(a) May be eligible for compensation or assistance pursuant to the provisions of this chapter; and

(b) Appears to meet the criteria for certification pursuant to 22 U.S.C. 7105(b)(1) as a victim of a severe form of trafficking in persons, as defined in 22 U.S.C. § 7105, or appears to be otherwise eligible for any federal, state or local benefits or services.

2. If, after the preliminary assessment conducted pursuant to subsection 1, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof determines that the victim appears to be eligible for compensation or assistance pursuant to this chapter or to meet the criteria for certification as a victim of a severe form of trafficking in persons, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall:

(a) Notify the victim of the finding;

(b) Notify the victim of any compensation or assistance that may be available pursuant to this chapter and the manner in which to apply for such compensation or assistance;

(c) Refer the victim to available services, including, without limitation, legal services; and

(d) Upon the request of the victim, provide the victim with one or both of the following forms issued by the United States Citizenship and Immigration Services of the United States Department of Homeland Security:

(1) Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.

(2) Form I-918, Supplement B, U Nonimmigrant Status Certification.

➤ The law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall complete and execute the form in accordance with the applicable instructions, rules and regulations.

3. If the victim of human trafficking is less than 18 years of age, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall notify the Division of Child and Family Services of the Department of Health and Human Services.

4. If the victim of human trafficking is an older person or a vulnerable person, the law enforcement officer, the district attorney or a deputy thereof or the Attorney General or a deputy thereof shall notify the Aging and Disability

Services Division of the Department of Health and Human Services. For the purposes of this subsection:

(a) "Older person" has the meaning ascribed to it in NRS 200.5092.

(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.

5. For the purposes of this section, "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) Pandering in violation of any provision of NRS 201.300, 201.310, 201.330 or 201.340.~~

~~(e) A violation of NRS 201.320.~~ against whom a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

Sec. 2. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner or operator shall post in a location conspicuous to his or her patrons, at least one sign which is not less than 8 1/2 by 11 inches in size and which contains a notice that is clearly legible and in substantially the following form:

If you or someone you know is being forced to engage in any activity and cannot leave—whether it is commercial sex, housework, farm work or any other activity—call the National Human Trafficking Resource Center at 1 (888) 373-7888 to access help and services.

- *Victims of human trafficking are protected under the laws of the State of Nevada and the United States.*
- *The Hotline is:*
 - *Available 24 hours a day, 7 days a week.*
 - *Toll-free.*
 - *Operated by a nonprofit, nongovernmental organization.*
 - *Anonymous and confidential.*
 - *Accessible in 170 languages.*
 - *Able to provide help, referral to services, training and general information.*

2. The Department of Transportation and the Department of Business and Industry shall:

(a) Post the sign in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry, on the Internet website maintained by the agency.

(b) Upon request from an owner or operator, mail by first class mail to the owner or operator, a copy of the sign described in subsection 1 in English, Spanish and any other language deemed appropriate by the Director of the Department of Business and Industry.

↪ A sign that is in any language other than English must contain substantially language as is stated in subsection 2.

3. An owner or operator shall obtain the sign described in subsection 1 by printing the sign from the Internet website of the Department of Transportation or the Department of Business and Industry or by requesting that the Department of Transportation or the Department of Business and Industry mail the sign to the owner or operator pursuant to paragraph (b) of subsection 2.

1 4. The Department of Transportation and the Department of Business and
2 Industry may solicit and accept donations of signs that satisfy the requirements of
3 this section from a nonprofit organization or any other source.

4 5. An owner or operator who violates this section:

5 (a) For the first violation, will receive a warning and be given 24 hours to
6 comply with the provisions of this section.

7 (b) For the second and any subsequent violation, is guilty of a misdemeanor
8 and shall be punished by a fine not to exceed \$500.

9 ↪ Each 24-hour period during which an owner or operator is not in compliance
10 with the provisions of this section constitutes a separate violation.

11 6. As used in this section, "owner or operator" means an owner or
12 operator:

13 (a) Who has been cited for maintaining or permitting a public nuisance
14 relating to prostitution at an establishment which he or she owns or operates.

15 (b) Of a mass transit facility, including, without limitation, an airport, bus
16 station or train station.

17 (c) Of a rest area or truck stop.

18 Sec. 3. Chapter 232 of NRS is hereby amended by adding thereto a new
19 section to read as follows:

20 1. The Department shall, in cooperation with any other state agency, any
21 federal agency, public or private entity or any other stakeholder the Department
22 deems appropriate, develop a statewide plan for the delivery of services to victims
23 of human trafficking. The plan must provide for:

24 (a) The identification of victims of human trafficking;

25 (b) Assistance to victims of human trafficking with applying for federal and
26 state benefits and services to which they may be entitled;

27 (c) The coordination of providing medical, psychological, housing,
28 education, job training, child care, victims' compensation, legal and other
29 services to victims of human trafficking;

30 (d) The preparation and dissemination of educational materials to increase
31 awareness about human trafficking and the services available to victims of
32 human trafficking among state and local agencies that provide social services,
33 public and private agencies that may provide services to victims of human
34 trafficking and the public;

35 (e) The establishment and maintenance of community-based services for
36 victims of human trafficking; and

37 (f) Assistance to victims of human trafficking with family reunification or to
38 return to their place of origin, if the victim so desires.

39 2. The Director shall periodically review the statewide plan developed
40 pursuant to subsection 1 and its implementation to determine whether the plan
41 and its implementation comply with the provisions of this section.

42 3. As used in this section, "victim of human trafficking" means a person
43 ~~who is a victim of:~~

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

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

46 ~~(c) Trafficking in persons in violation of any provision of NRS 200.467 or~~
47 ~~200.468.~~

48 ~~(d) Pandering in violation of any provision of NRS 201.300, 201.310,~~
49 ~~201.330 or 201.340.~~

50 ~~(e) A violation of NRS 201.320,~~ against whom a violation of any provision
51 of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589,
52 1590 or 1591 has been committed.

1 **Sec. 4.** NRS 232.290 is hereby amended to read as follows:
2 232.290 As used in NRS 232.290 to 232.484, inclusive, *and section 3 of this*
3 *act*, unless the context requires otherwise:

4 1. "Department" means the Department of Health and Human Services.

5 2. "Director" means the Director of the Department.

6 **Sec. 5.** Chapter 388 of NRS is hereby amended by adding thereto a new
7 section to read as follows:

8 1. *The Department, in consultation with persons who possess knowledge*
9 *and expertise in identifying and preventing the human trafficking of children,*
10 *shall develop materials for distribution to school districts, to administrators,*
11 *principals, teachers and all other personnel employed by the board of trustees of*
12 *a school district, and to parents and students, that provide information*
13 *concerning:*

14 (a) *The identification and prevention of the human trafficking of children,*
15 *including, without limitation, strategies for preventing the human trafficking of*
16 *children; and*

17 (b) *The resources to which administrators, principals, teachers and all other*
18 *personnel employed by the board of trustees of a school district, parents and*
19 *students may refer to obtain information concerning the identification and*
20 *prevention of the human trafficking of children, including, without limitation,*
21 *strategies for preventing the human trafficking of children.*

22 2. *The State Board, in consultation with the Department of Health and*
23 *Human Services, shall provide for the distribution of the materials developed*
24 *pursuant to subsection 1 to school districts.*

25 3. As used in this section, "human trafficking" means ~~+~~

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

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

28 ~~(c) Trafficking in persons in violation of any provision of NRS 200.467 or~~
29 ~~200.468.~~

30 ~~(d) Pandering in violation of any provision of NRS 201.300, 201.310,~~
31 ~~201.320 or 201.340.~~

32 ~~(e) A violation of NRS 201.320.~~ a violation of any provision of NRS 200.463
33 to 200.468, inclusive, 201.300 or 201.320, or 18 U.S.C. § 1589, 1590 or 1591.