

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Seventh Session  
May 28, 2013**

The Senate Committee on Judiciary was called to order by Chair Tick Segerblom at 9:22 a.m. on Tuesday, May 28, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Tick Segerblom, Chair  
Senator Ruben J. Kihuen, Vice Chair  
Senator Aaron D. Ford  
Senator Justin C. Jones  
Senator Greg Brower  
Senator Scott Hammond  
Senator Mark Hutchison

**STAFF MEMBERS PRESENT:**

Mindy Martini, Policy Analyst  
Nick Anthony, Counsel  
Lynn Hendricks, Committee Secretary

**OTHERS PRESENT:**

Catherine Cortez Masto, Attorney General  
Brett Kandt, Special Deputy Attorney General, Office of the Attorney General  
Steve Yeager, Clark County Public Defender's Office  
William Brown, K-Kel, Inc.  
Amy Coffee, Nevada Attorneys for Criminal Justice  
Allen Lichtenstein, American Civil Liberties Union of Nevada  
Marlene Lockard, Nevada Women's Lobby  
Mike Patterson, Lutheran Advocacy Ministry in Nevada; Episcopal Church in Nevada  
Paula Berkley, Nevada Network Against Domestic Violence

Tim O'Callaghan, Deacon, Nevada Catholic Conference; Bishops of Las Vegas  
Dan Edwards, Bishop, Episcopal Diocese of Nevada; Nevadans for the Common  
Good

Camille Naaktgeboren, Ph.D., Nevadans for the Common Good; Temple Sinai  
Allan Smith, Religious Alliance in Nevada

Melissa Holland, Director, Awaken Inc.

John T. Jones, Jr., Nevada District Attorneys Association

Sarah Stewart, Nevadans for the Common Good

Tom Jelinek, Pastor, Heritage United Methodist Church; Nevadans for the  
Common Good

Francyl Gawryn, Director, Youth Ministries, Grace Community Church;  
Nevadans for the Common Good

Brian O'Callaghan, Las Vegas Metropolitan Police Department

Eric Spratley, Lieutenant, Washoe County Sheriff's Office

Adia Lancaster, Congo Justice

James Dold, Polaris Project

Laurie Robinson Frankoff, Nevadans for the Common Good; Anti-Defamation  
League

Chris Frey, Washoe County Public Defender's Office

Jennifer Reed, Sex Workers Outreach Project of Las Vegas

**Chair Segerblom:**

I am opening the hearing of the Senate Committee on Judiciary with Assembly Bill (A.B.) 67, which was introduced on behalf of the Attorney General (AG). Since we already held a hearing on this bill, our intent today is to focus on the changes made by the Assembly that raised some issues. We will be discussing changes made from Amendment No. 205 ([Exhibit C](#)) and Amendment No. 793 ([Exhibit D](#)).

**ASSEMBLY BILL 67 (2nd Reprint)**: Revises provisions relating to crimes.  
(BDR 3-403)

**Catherine Cortez Masto (Attorney General):**

When A.B. 67 was heard in the Assembly, many people came to testify, and we had a lot of input on this bill. Our intent was to work through all the issues so that when we brought the bill to you, we would have addressed the concerns and worked through compromises with everyone.

The amendments we have submitted are the result of this compromise and cooperation. This in no way waters down or negates the need for this bill or the harsh penalties and need for law enforcement to have these tools to go after sex traffickers. One of the things of utmost concern to me is still having the tools we need to hold sex traffickers accountable. I also want to make sure we get resources to the victims. As we went through the amendments, it was very important to me that we not water down the need for this bill, the severe penalties and why it is so important.

**Brett Kandt (Special Deputy Attorney General, Office of the Attorney General):**

As you know, A.B. 67 is a comprehensive approach to a complex societal problem, the trafficking of persons for sex. Several amendments have been made to the bill in a good faith effort to address all concerns. I have submitted my written testimony ([Exhibit E](#)) that includes an overview of those amendments made when this bill was heard before this Committee in a joint meeting with Assembly Judiciary on February 20.

**Senator Ford:**

I have a question about the new amendments. What is wrong with the Clark County Public Defender's Office proposed amendment that is dated May 24 ([Exhibit F](#))?

**Chair Segerblom:**

Maybe it would be better to have someone from that office explain the amendment.

**Senator Hutchison:**

When you plan to use the videotaped deposition of a victim and the judge finds that victim unavailable, I am sure that is the same analysis we use already under law in terms of the unavailability of a witness. How did the amendment in section 40.3 regarding concurrent jurisdiction come about? Was it requested by district attorneys? How do you see it working with them?

I would also like you to address the point in section 40.3, subsection 2 that says, " ... the Attorney General has exclusive charge of the conduct of the prosecution."

**Attorney General Masto:**

Within the Office of the Attorney General, we have the Nevada Clearinghouse for Missing and Exploited Children. We have traditionally focused on the missing children when we do not have the resources to attend to the exploited. In section 53 of the bill, there is language about what my Office does about the missing and exploited children, allowing us to move forward with the investigation and prosecution of the exploitation of our children.

The concurrent jurisdiction is just continuing that authority in my Office to investigate and prosecute on the exploited side. When we are talking exploited, we are not just talking about sex trafficking, but any domestic servitude or issue where children are exploited.

My Office is unique. We are the only AG's office in the Country I am aware of that has a Missing and Exploited Children Clearinghouse and an advocate attorney inside the office. Usually, an independent agency deals with these issues, but the Nevada AG has an Office of Advocate for Missing or Exploited Children and we have an investigator and a prosecutor who already focus on the missing side. We want to make sure we have the exploited side in my Office. The concurrent jurisdiction allows us to continue looking at these cases and not just have the district attorney (DA) as primary.

That is not to say that if the Las Vegas Metropolitan Police Department brings a sex trafficking case to the DA, it could not move forward. We want DAs to move forward on these cases. My concern is that with enough of this work to go around, we would be working collaboratively, alternating cases back and forth. I need that authority from the Legislature to continue this type of activity.

**Senator Hutchison:**

It sounds like your Office and the DAs offices already collaborate on these types of exploited children cases. The bill clarifies that this is what you do all the time anyway. Is that what you are saying?

**Attorney General Masto:**

Correct. At the local, State and federal levels, we have great working relationships. We have developed working relationships around exploited seniors, for example, which is just another area where we are working together.

**Steve Yeager (Clark County Public Defender's Office):**

I am mindful of all the work done on this issue and this bill, even before this Session began. It is a good bill, a needed bill, but it still needs some work.

**Senator Ford:**

Before you start, as you go through the amendments, tell me which ones you already requested that have been rejected. Also, if they have not been requested before today's hearing, I would like to know why.

**Mr. Yeager:**

I can tell you that all of the amendments being considered were requested in the Assembly other than the portion about living off the earnings of a prostitute. That new language came in the amendment. In one form or another, all these amendments were requested in front of the Assembly. Maybe not in the same way, but conceptually, they were all requested.

The only drafting oversight to which everyone agrees is the removal of the part about living off the earnings of a prostitute, which is *Nevada Revised Statute* (NRS) 201.320. I do not believe any of the others are agreed upon yet.

I have submitted my written testimony ([Exhibit G](#)). The first amendment has to do with taking the customer out of the sex trafficking paradigm. You can see how the bill works now. The customer is removed from what would continue to exist as pandering, but the customer is still included as potentially liable for the crime of sex trafficking.

Because of the stiff penalties for sex trafficking and because of the unavailability of traditional defenses—such as being able to argue consent or reasonable mistake of age—we had some concern that perhaps the customer is not someone who would merit this type of penalty, given that we are talking about life sentences. Particularly, some of the concerns had to do with the way sex trafficking is defined.

My submitted amendment, [Exhibit F](#), addresses the first reprint of the bill, but it is similar to the second reprint. In section 41, subsection 3, of the amended bill, the word "induce" is defined as to "persuade, encourage, inveigle or entice." In section 42, subsection 2, paragraph (a), subparagraph (1), the definition of sex trafficking refers to inducing, which gives us concern that if we talk about

a customer, a lot of conduct could be construed to mean persuading or encouraging.

We all seem to agree that the people who should be subject to these types of penalties are sex traffickers who are putting these young people and adults into the system. However, we are concerned about individuals coming to Las Vegas and maybe not understanding that prostitution is illegal in Clark County. That was our main concern: taking the customer out of the sex trafficking paradigm.

Realizing that the customer side is an issue, we have proposed to increase the penalties for someone who solicits a minor for sex if the person does it more than once. Right now, that is a Category E felony. Offenders might be able to plead that they made a reasonable mistake the first time they did this, but the second and third times would have increased sentences with potential life sentences for repeat offenders.

**Senator Ford:**

Regarding your first point, one of the first clichés we learn is ignorance of the law is no excuse. Why should I care about someone coming to Clark County or Washoe County and not knowing that prostitution is illegal and trying to engage a prostitute?

**Mr. Yeager:**

You are right. Ignorance of the law is not a defense and never has been. I would ask, though, if someone is in that scenario, does it merit a potential life sentence? It certainly merits some kind of penalty, but when sentences are this stiff and someone does not have the ability to say he or she made a mistake or to say that the individual consented to the act of prostitution, essentially that is an indefensible case. In that situation, a defense lawyer cannot argue that the prostitute consented or that the mistake of fact was reasonable, even if objectively speaking, it was. My concern is not that offenders should escape liability, but that we may be exposing them to too much liability under the rubric of sex trafficking.

**Senator Ford:**

Take me through your possible scenario where a first-time offender ends up with a life sentence under this bill for mistakenly thinking prostitution in Clark County is legal.

**Mr. Yeager:**

I would first point to the definition of sex trafficking. In the bill, go back to the part I referred to earlier, section 41, subsection 3, where it defines "induce" as "to persuade or encourage." Then if you look at section 42, subsection 2, paragraph (b), subparagraph (2), where sex trafficking as it relates to a child begins, that is where the life sentences come in, depending on the age of the child. Also, look at section 42, subsection 2, paragraph (a), subparagraph (1) that includes the phrase "induces," as part of the definition of sex trafficking.

There is a scenario where a man could come in from another state, start having a conversation with a female, maybe at a bar, and believe that the person he is talking to is of age. Maybe she is even drinking. Through the conversation, the man could persuade or encourage the woman to engage in illegal prostitution since any prostitution happening in Clark County is illegal by definition. At that moment, there is the potential that the man committed sex trafficking as defined in this bill because he would be unable to argue consent, as per section 42, subsection 2, paragraph (b), subparagraph (2), sub-subparagraph (III), meaning he could not argue that the person he was talking to consented.

If you go to section 42, subsection 5, he could not argue "reasonable mistake of age," meaning if she was in a bar drinking, perhaps she had a fake ID. He could not say he thought the female was 21. In that scenario, if it turns out that the girl is under 18, there is the potential for a life sentence. As a defense attorney, I am not sure what I would be able to say in defense of that charge in that scenario. I recognize we are talking about a somewhat farfetched scenario, but if we are not comfortable with that potential scenario, we should write it into statute to make sure that does not happen.

**Senator Ford:**

I am not sure that it is farfetched. I think people engage prostitutes in casinos all the time, and the prostitutes may be underage. I would like to hear from the Attorney General if it is really possible that a person could get a life sentence for that one-time offense.

**Attorney General Masto:**

Let me turn this around. Depending on the case and the facts of the case, it is important for the prosecutor to have discretion. As it stands, solicitation is still in statute. If the scenario Mr. Yeager just talked about occurred, then the prosecutor would potentially be looking at a violation of the solicitation statutes.

The sex trafficking statutes are truly for those engaging in sex trafficking and the customer who is there knowing that such trafficking is occurring, particularly when it comes to seeking out our minors.

I have an investigator who sits on an Internet Crimes Against Children Task Force. All he does all day long is look at child pornography passing over the Internet. There are individuals in our communities who seek out our kids intentionally. If they know about the sex trafficking trade and know where to look, they are going to look for those individuals. Why would we not let the prosecutor use his or her discretion and the facts needed to be proven at the time of trial to decide what the charge should be? The intent is to go after those egregious people, which is why the sex trafficking statute is before you.

**Mr. Kandt:**

Soliciting and/or engaging a prostitute is already a crime in Las Vegas.

**Senator Ford:**

That is not the crime we are talking about.

**Mr. Kandt:**

I know. However, the perception may be that anything goes in Las Vegas, and that is not true. Prostitution is illegal. This bill does not change that. This language is modeled after federal law and language in 43 other states that have already enacted the crime of sex trafficking.

When a prosecutor is working a case, he or she has to prove all the elements beyond a reasonable doubt. When you are looking at a pattern or effort to induce the minor to engage in the profession of prostitution as opposed to engage in one instance of prostitution, those are two different things. When the prosecutor is building a case, if he or she is looking at a single transaction where a customer solicited a minor for sex, it can be proven in terms of solicitation of a minor, which is a Category E felony. If the person engaged in sex with the minor, the prosecutor may be looking at statutory sexual seduction, lewdness with a minor or luring, depending on the facts and circumstances in the case.

I do not think a trafficking case can be made on a single instance, but if you have an individual trying to induce a minor to engage in prostitution as a profession over multiple transactions, that is where a prosecutor can build



a case that the individual has crossed the line from being a customer to being a sex trafficker. In these instances, we want the prosecutors to have the discretion and tools at their disposal.

**Senator Ford:**

Can you take me through the analysis of the bill that demonstrates a prosecutor would not likely prevail on a claim of sex trafficking in the scenario you just described? Can you point to provisions of the bill that address issues not present in the circumstance Mr. Yeager has described, which will be required to be proved if sex trafficking were to be alleged and sought under this bill? Does that make sense? I see the definition of "induced," for example—can you tell me that what he just described does not constitute inducing? Using this bill, how would you defend a contention by a prosecutor that this one-time offender has engaged in sex trafficking?

**Mr. Kandt:**

I would say my client solicited the minor to engage in sex. I would make the distinction between the client soliciting that minor for sex with the client versus the client inducing the minor to engage in the profession of prostitution with others in order to profit from it.

**Senator Ford:**

Therefore, your definition of inducing for sex trafficking purposes would be that you have to do more than induce to have sex; you have to induce to become a prostitute.

**Mr. Kandt:**

One would have to induce a person to engage in the profession of prostitution.

**Senator Ford:**

Where is that in the bill?

**Mr. Kandt:**

That is how I read the statute as we proposed it and as it has been drafted.

**Senator Ford:**

The way you just said it is not in here. Maybe I missed it.

**Attorney General Masto:**

I agree. It is not here. Inducing is not enough. It is in section 42, subsection 2, paragraph (a), subparagraph (1) where a person is guilty of sex trafficking—and we are just talking about children here—if the person “obtains or maintains a child to engage in prostitution.”

If you have a scenario where someone comes in and solicits a prostitute who is underage, the prosecutors would have to show the person obtained that child for prostitution. It comes down to the definition of “obtain”; how do you obtain somebody? I think it would be hard for a prosecutor, in the scenario we just talked about, to prove that the customer was engaging in sex trafficking unless we can show some sort of pattern was taking place.

**Senator Ford:**

For legislative history, it is important that everyone hears this and knows it is not the intent. Although the intent is not necessarily gleaned from the language in this statute, it is not the intent of the Attorney General (AG) or any prosecutor to go after the scenario that Mr. Yeager has described.

**Attorney General Masto:**

As a follow-up, in our statute we also put the crimes of sex trafficking and conspiracy sex trafficking into the Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO). We are really looking at the criminal enterprise involved in the sex trafficking trade, not the one-time individual solicitation. It is important that the solicitation statute still exists, because that gives prosecutors the discretion, based on the facts before them, to decide on the charge they will bring.

**Senator Hutchison:**

Attorney General Masto, at the beginning of your testimony, you said you want the tools and resources available to go after these criminals. We all want that to happen. Is it fair to say you are rejecting these amendments because you think they would weaken those tools and resources?

**Attorney General Masto:**

I appreciate Mr. Yeager's passion. He is bringing the actual amendments before us for the first time. One of these is not new—the issue of pulling out of the sex offender registry.

**Mr. Kandt:**

That was in reference to NRS 201.320, living off the earnings of a prostitute. One of the proposed amendments from the Clark County Public Defender is to amend sections 27, 28, 45 and 49 of the bill in its current form to delete that offense from being identified as a sex offense requiring registration as a sex offender. We believe that is probably appropriate.

Looking back at the history of this bill, we originally had the pandering statutes collectively referred to as NRS 201.300 through 201.340 inclusive. Our bill proposes to repeal three of those statutes and amend one of them to create this new crime of sex trafficking and to require someone convicted of sex trafficking to register as a sex offender.

However, there was one statute left hanging, NRS 201.320. It looks like in the drafting process, in our effort to require someone convicted of sex trafficking under NRS 201.300 to be required to register as a sex offender, somehow NRS 201.320 came along for the ride. We did not necessarily intend that, and since the Public Defender has identified that it would be appropriate for it to be amended out so NRS 201.320 would not require registration as a sex offender, we are okay with that. We are happy to go through our objections to the other amendments, but regarding that one piece, we think the Public Defender's Office identified something that was inadvertent.

**Attorney General Masto:**

It may not have been in the written documents submitted to us, but in that joint hearing with the Assembly Committee on Judiciary, many of these issues came up and we addressed them. My staff and I went through all the concerns with Assembly Judiciary Chair Jason Frierson, trying to address them and work all the details to everyone's benefit.

The first change in [Exhibit F](#) recommended by the Clark County Public Defender to section 10.3, subsection 1, paragraph (c) of the bill needs work where they want to change the word "person" into "child." I do not see the distinction between a child and an adult of 18 or 19 years of age who is a victim of sex trafficking. There is no distinction. We are still following through with the intent of this bill—to protect the victims, go after the sex traffickers and not water it down.

**Senator Hammond:**

We all agree that sex trafficking is a bad thing. It is occurring, especially in urban areas like Las Vegas. Going back to the intent of the bill, I do not see that the resources of our prosecution would be taken up by going after someone who just happens to ask if a young woman, whom he may or may not know, is of age. I do not see where the scenario Senator Ford gave us—asking where in the bill it states a prosecutor will not go after a man for soliciting or inducing and then try to put him away for life—would wrap up all our resources.

Common sense tells me that we want to get at the problem of pimps who tend to groom young women and maybe even induce them to have a sexual relationship with them first. After that, they put the girls out on the street or into homes and make money from them. That is where we put our resources. If we are talking about legislative intent, that needs to be on the record. We have to understand what we are really going after. Do you agree?

**Mr. Yeager:**

I agree that I would hope we would not place the resources there. However, I have been defending cases long enough to know that sometimes cases are not charged appropriately. I would feel much more comfortable making sure it is on the record that the intent is to go after traffickers, the people who are institutionalizing prostitution that is otherwise illegal. Our concern has always been to make sure we are not casting the net too wide. Because those cases, if they were brought to court, could be difficult to defend under this bill.

**Attorney General Masto:**

I support that. I think I have made clear that this pursues that criminal enterprise, those individuals who are forcing and actually engaging in the sex trafficking slavery that we have identified.

**Senator Hammond:**

And it is not as if the individuals who are doing it are unsophisticated. They have a pretty good system, and that is what we are going after.

**Attorney General Masto:**

That is correct. With regard to the extent we address illegal prostitution, the pandering statute still exists. That gives the prosecutor the discretion, whether it is sex trafficking, pandering or solicitation.

**Senator Ford:**

No one up here disagrees with the purpose of this. Just as the Attorney General has a job to do, so do we. We have to make certain we have this legislation as tight as possible. Because although we do not think anyone would waste resources prosecuting an individual as described in Mr. Yeager's scenario, it happens. A young, up-and-coming DA who wants to make a name might do this. We need to do all we can to prevent that kind of misuse of statute from happening. That is our job.

Legislative history is great, but we have judges who do not look at legislative history. I want to be certain that this language is tight enough—and frankly, I am not certain that it is—to avoid that kind of scenario Mr. Yeager posed to us. I am not overly concerned about this happening, but we want to make sure we fill the record with our intent to go after the pimps.

**Senator Hutchison:**

I agree. In striking that balance, we do not want to water down the language just because of a scenario we think is probably not likely to happen. I would want to make sure the Attorney General has looked at the bill and the issues, trimmed it down, and narrowed it to the point where she thinks she and her staff have heard everything and have provided the tools we need to solve this issue. If you can say this, I am inclined to give you those tools.

**Chair Segerblom:**

It is my understanding that we have kept pandering as a separate crime. From my perspective, the fact that there is sex trafficking and pandering indicates that sex trafficking is a more serious or detailed crime with more intent and knowledge. In looking for legislative history, the fact that we have those two crimes would seem to discourage the DA from going after the customer at a bar who propositions a 17-year-old. To the extent we can separate those two crimes, that is what we want to do. We want to go after the bad guys and not put an unsuspecting tourist away for life. Mr. Yeager, in your amendment, you also deal with the issue of videotaping testimony and wanting to change the word "person" to "child." Is our argument that even though the victim could be 18 or older, those victims aged 17 and younger are the ones whose testimony we want to preserve? Whereas, if a victim is 18 or older, the DA should have to prove why the person cannot testify in person.

**Mr. Kandt:**

The section you are referencing, section 10.3, was the product of a negotiated compromise with the stakeholders, the defense bar and prosecutors. It already protects a defendant's constitutional right to confrontation. The statute in question, NRS 174.227, already permits the videotaped deposition of a witness under 14 years of age. In terms of minors, we are only talking about adding the ages of 15, 16, 17 and 18. The purpose of this provision is to prevent witness intimidation from impeding justice. Witness intimidation does not know an age limit. That is why we believe justice is served—while preserving the defendant's constitutional rights—by leaving the carefully negotiated and drafted section as it reads in the reprint of the bill.

**Mr. Yeager:**

The amendment proposed in the Assembly by the Clark County Public Defender's Office would have had the age at 16 and younger. The thought there was that 16 is the age of consent in Nevada. The end result of those discussions was to define a child as under the age of 18. We brought this forward because we do treat people who are 18 differently because they are considered adults. We have had many discussions about brain development and such, but since 18 is the age of adulthood in the State, it would cause the prosecutor to show good cause in a case with an adult. We agree that this is a marked improvement over the preliminary hearing proposition.

**Senator Hutchison:**

This makes sense to me. We heard a lot of testimony about the sex trafficking industry and the witness intimidation within that industry. These victims are so much under the control of pimps that it seems like there is a need for this protection. Do you agree that this type of crime is different from the general application of the statutes in other witness testimony and videotaping arenas?

**Mr. Yeager:**

It is hard to say because in any serious crime, witness intimidation is always a possibility. That is just the reality of our judicial system, particularly when we are talking about violent offenders looking at lengthy prison sentences. A statute makes it a Category D felony to intimidate a witness or dissuade a witness from testifying.

**Senator Ford:**

For the record, I do think there is a difference between person and child, and we do not need to limit it to child. People who are subject to sex trafficking should get the protection under the current version. Children are much more vulnerable and intimidated by people, so I could see the difference in the rationale for doing this. I tend to agree with the AG that it is more appropriate to have a wider net.

**Senator Brower:**

Regarding the witness intimidation issue, if we want to charge and successfully prosecute someone for witness intimidation, we need the witness to cooperate. So that is not the answer.

I appreciate what Mr. Yeager is doing, but I sense that this is getting off track. I also sense that we are spending far too much time worrying about those who commit these crimes—not about their rights, but about how hard it might be for them to defend themselves when charged. As we belabor some of these issues, we show ourselves to be overly concerned. I have been working on this with the AG's Office and the AG personally for some time, and we need to get this right. Let us stop short of spending too much time and energy worrying about the defendants and those who commit these crimes. We can theorize and speculate all day long about what could happen at the hands of an unscrupulous prosecutor. In my opinion, that is no way to make policy.

**William Brown (K-Kel, Inc.):**

I have two proposed refinements in an amendment to this bill ([Exhibit H](#)).

**Senator Ford:**

Did you run these changes by the AG?

**Mr. Brown:**

I am not sure if the AG has seen this.

**Senator Ford:**

Were they presented on the Assembly side?

**Mr. Brown:**

I am not sure about that either.

**Mr. Kandt:**

Chair Segerblom forwarded these proposed amendments to us yesterday, and we reviewed them. As drafted, the proposed sex trafficking statute sufficiently sets forth both the overt act and the necessary mental state to commit the crime. We believe these proposed amendments are unnecessary.

**Senator Hutchison:**

Can you tell us who you represent? I do not know K-Kel, Inc.

**Mr. Brown:**

I represent K-Kel, Inc., doing business as the Spearmint Rhino Las Vegas. It holds an adult cabaret license and a liquor license.

Our proposed amendments to A.B. 67 include changes to section 42, subsection 2, paragraph (a). Our concern is that this crime does not contain an intent element, and therefore effectively creates a crime of accidental sex trafficking. For example, if a parent took a 17-year-old child to the mall and the child subsequently engaged in an act of prostitution, that would constitute a trafficking crime because it could be argued the mother transported a child to engage in prostitution.

There is a simple fix to this, by adding the word “knowingly” and deleting the words “or in reckless disregard of the facts,” as shown on [Exhibit H](#). There was testimony in the hearing on this bill yesterday about how these provisions mirror, to some extent, the federal law which has the same beginning phrase “induces, causes, recruits or harbors,” but federal statute has the specific intent element of “for the purpose of a commercial sex act.” Therefore, the transportation must be for that purpose—to have this crime committed. That would probably be sufficient language.

**Senator Ford:**

I have a hard time believing anybody accidentally traffics kids. I also want to look at the statute language. Your amendment says you have to induce, cause, recruit, harbor, transport, provide, obtain or maintain a child to engage in prostitution. It seems to mirror the federal counterpart close enough with reference to specific intent.



**Mr. Kandt:**

If you read the language of our proposed statute, the end of that subsection says for the “purpose of sexual conduct or prostitution.” That is the necessary mental state. We believe it is sufficiently set forth as drafted.

**Mr. Brown:**

Responding to Mr. Kandt, “for the purpose of sexual conduct or prostitution” modifies “any place within this State in which prostitution is practiced.” Reasonable minds could differ as to the interpretation of that statute.

The second proposed amendment to the bill pertains to section 42, subsection 5, which relates to possible defenses. A portion of that part of the bill reads, “nor is reasonable mistake of age a valid defense.” As I am sure you are aware, many businesses in the State require their employees to obtain sheriff’s cards. In that process, an applicant must provide proof of his or her age and identity. We propose language that would allow reasonable reliance upon a validly issued sheriff’s card to be introduced as an affirmative defense in a trial. You can see the rationale for this proposed amendment on page 2 of [Exhibit H](#).

**Mr. Kandt:**

I am still struggling to draw the connection between a lawful activity such as running a strip club employing individuals of lawful age who have the requisite work cards and sex trafficking. These are two different activities. Nothing in our bill is intended to impair lawful activities, which would include legal brothels, the adult film entertainment industry or lawfully operated strip clubs. Why is there a concern here?

**Mr. Brown:**

The concern would be a scenario where a mature-looking 17-year-old applies to enter into an independent contract or agreement with a gentlemen’s club. She presents what looks like a valid sheriff’s card. We would like to be able to present evidence at trial that the gentlemen’s club employee did not simply allow a 17-year-old to dance in a club but rather relied on what appeared to be—and what may in fact be—a valid sheriff’s card. No testimony about a sheriff’s card would be relevant and, therefore, admissible in the absence of language creating this affirmative defense.

**Senator Hutchison:**

I am having a hard time understanding how this would solve the problem. You still have to satisfy and prove the elements of sex trafficking. How does reliance on a sheriff's card get you anywhere? You can rely on a sheriff's card and still be trafficking the girls and sex. Why is that an affirmative defense? You still have to meet each of the elements of the crime, and those elements have to be proven beyond a reasonable doubt.

**Mr. Brown:**

I agree. This presumes a predicate act of prostitution. In the absence of a predicate act of prostitution, which I think constitutes sex trafficking under the statute, this would clearly not be a concern. The concern is that a broad interpretation of the statute might allow a charge that, based on that act of prostitution, the club is a place where prostitution is practiced, encouraged or allowed.

**Senator Hutchison:**

In your rationale on page 2 of [Exhibit H](#), you refer to engaging in an isolated act of prostitution without the knowledge of the owner. You say the owner would not have the option of introducing evidence that he reasonably relied on the sheriff's card. It is not a matter of just one of the girls at the club engaging in prostitution. You still have to satisfy all the elements of sex trafficking if you are going after the owner.

**Mr. Brown:**

I agree. It would require proof of inducing, causing, recruiting, harboring, transporting, providing, obtaining or maintaining. Those are terms that reasonable minds can differ about in regard to their meanings.

**Senator Hutchison:**

Are you saying that a sheriff's card is an absolute defense to inducing, harboring, trafficking, et cetera?

**Mr. Brown:**

It would be a defense where the charge is sex trafficking of a child. It would be an affirmative defense that would allow evidence of reliance upon what appeared to be proof of age, and it could be admitted in such a case.

**Senator Ford:**

To make good legislation, we need to include both sides—the prosecution and the defense. We are doing the right thing here, but this is one of those instances of being overly concerned about something that is a minute and discrete possibility under this statute. I am not convinced we need to worry about that.

**Amy Coffee (Nevada Attorneys for Criminal Justice):**

I am a Clark County Public Defender here on behalf of Nevada Attorneys for Criminal Justice. My views do not necessarily represent those of the Clark County Public Defender's Office. We have proposed amendments to this bill ([Exhibit I](#)).

**Senator Ford:**

Have you presented this to the Assembly and the proponents of the bill?

**Ms. Coffee:**

No. We opposed the bill in the original hearing. Since then, the bill has changed quite a bit. We did not run these amendments by the AG's Office.

I can summarize the three areas where we propose amending the bill. The first is a clause that is in several sections: "to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution." I have not heard an adequate explanation for what that means. It is too vague. When statutes are vague, they immediately get a constitutional challenge and can be litigated. When we do not know what constitutes the crime, it is concerning to us in the defense community. It usually ends up being sorted out by the courts.

My second concern is section 42, which takes away the defense of consent. We oppose that because there are people, even people under the age of 18, who consent to engage in prostitution. There are people in this category who refuse any offered help, have a long rap sheet and consent. I am not saying that is right and that those people are not being exploited and need help, but we have to sort out the truly exploited person from the situation where there might be pandering, but the victim was consenting to engage in prostitution.

My third area of concern is about mistake of fact as to age. In those penalty sections, I propose it should say that the person knew or should have known

that the prostitute was underage. Teenagers engaged in prostitution have a strong financial motive to look and act older. They want to be in bars, clubs and hotels and do not want to be picked up by police. If we are to put someone in prison for 15 years to life, at the very least, we want the person who is really going after the teenager.

Earlier, the AG said we only want to go after the people who know they are trafficking and exploiting the young. My proposal will help us to go after the people who really knew they were dealing with minors. That is the intent here.

**Senator Ford:**

In statute, we already protect underage people from statutory rape. It seems like we should protect the underage person from sex trafficking with a strict liability crime. I do not understand the rationale for protecting a john from picking up a prostitute who happens to be under the age of 18.

**Ms. Coffee:**

This bill goes a long way to protect victims and give prosecutors tools to go after the people who are truly exploiting the young. Statutory sexual seduction is a little different because it carries a 1- to 5-year penalty rather than 15 years to life. We want to go after the people who know the person they are engaging is a minor. We want to punish those people more severely. We want to punish the people who knew, or should have known, that the persons they engaged were under the age of 14. We want to punish those people the most severely and have those punishments meted out according to age. I am not proposing protecting defendants, just creating a sense of due process and justice so we most harshly punish those with the most egregious behavior—those who exploit the young and know it.

**Senator Ford:**

Are you contending that absent your clause, we are violating due process?

**Ms. Coffee:**

Absent the clause, there would probably be litigation about what constitutes the *mens rea*. That still might be challengeable in court. Without this clause, there might be a challenge as to what was intended here, especially with people who honestly did not know the ages of the persons with whom they were involved.

**Senator Hammond:**

I did not understand your answer. Do you think it is unconstitutional language without your provisions in there?

**Ms. Coffee:**

I wish I could answer what is constitutional and what is not, but I believe it would be constitutionally challenged if the clause were not in there. The U.S. Supreme Court has said there is a lot of disfavor absent a criminal state of mind, a *mens rea*. Based on what I have heard today and the legislative history, without the clause, it would be challengeable as to whether it was the true intent of this legislation.

**Mr. Kandt:**

The proposed language, "or any place where prostitution is practiced, encouraged or allowed," is in the existing pandering statute. It has never been challenged or found to be unconstitutionally vague.

Secondly, I want to reiterate that we believe this statute, as drafted, sets forth sufficiently both the overt act and the necessary mental state to commit the crime of sex trafficking. Section 42, subsection 2, paragraph (a), subparagraph (1) specifies both the overt acts and "for the purpose of sexual conduct or prostitution." That is the necessary mental state.

Section 42, subsection 2, paragraph (a), subparagraph (2) specifies both the overt acts and then specifies, "knowing, or in reckless disregard of the fact." That is the necessary mental state.

Section 42, subsection 2, paragraph (a), subparagraph (3) lists the overt acts and specifies, "for the purpose of sexual conduct or prostitution." That is the necessary mental state.

Finally, section 42, subsection 2, paragraph (a), subparagraph (4) specifies, "takes or detains a person"—that is the overt act—"with the intent to compel the person," which is the necessary mental state. We believe the proposed statute as drafted sufficiently sets forth both the overt acts and the necessary mental state to commit the crime of sex trafficking.

**Attorney General Masto:**

This was brought up in the Assembly. We made a distinction between child and adult. The knowing is part of the adult side but not the child, because it is illegal to send our kids out and force them into prostitution. I do not care whether you have a *mens rea* or not, it is illegal and it should be illegal.

The adult victim is addressed in the discussions about section 42 and “without physical force or immediate threat of physical force”—is under the pandering statute—“induces an adult to unlawfully ... 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.” That is in the bill because section 55 of A.B. 67 deletes and repeals NRS 201.310, placing a spouse in a brothel, and NRS 201.330, detaining a person in a brothel because of a debt. Since that is already incorporated in section 42 of the bill, we deleted those other sections from the NRS. This is intended to cover that— if they do not want to be there, you should not force people to engage in any type of prostitution or place them in a legal house of prostitution in this State.

**Senator Hutchison:**

A concern that gives me pause is the idea of consent. We are talking about sex trafficking and all the horrors of that trade and criminal activity, including withholding food, beatings and terrible conditions. There is concern on the defense side that the victim consented. Can you address that issue?

**Attorney General Masto:**

We are talking about a cycle of violence, just like domestic violence. People who say of the victims of domestic violence, “Well, she could have just walked away,” do not understand that cycle of violence, with the mental and physical beating down and manipulation these kids and young adults have gone through. That is what we are addressing here.

Victims’ consent should not be enough, because the victims are forced to engage in sex. That is what victims are required to do. To me, the consent provision waters the bill down for the benefit of the defendants and pimps and everybody else who needs an argument that what they do is okay. It is not okay.

**Mr. Kandt:**

Senator Hammond touched on the issue of where minors are groomed for prostitution. They may willingly engage in the activity because they have been groomed and given clothing, housing, cars and such. In their minds, they willingly engage, but the trafficker is exploiting them for sex and profit. Whether the minor feels like he or she is engaging in a willing manner, we as a society should look upon that conduct and take appropriate action. It is another reason why the issue of consent should not be a factor.

**Allen Lichtenstein (American Civil Liberties Union of Nevada):**

Regarding consent, if someone is being forced, beaten or starved, there may be acquiescence, but that is not consent. When you have language saying "induce or encourage," that does not necessarily require force or coercion. I am talking about adults here. The American Civil Liberties Union of Nevada (ACLU) does not believe minors are capable, by law, of consent, but in relationships with adults, they can consent and choose to engage in prostitution without being coerced or forced. That distinction needs to be made.

When construing a statute in court, the actual language of the statute is looked at first. Only if there is ambiguity does the question of legislative history come in. That history should tell the intent. If that is the case, some vagueness problems could easily be resolved by being explicit about those provisions where the intent is not made clear by the actual statutory language.

The area of consent is a good example. If someone is not being forced or coerced but rather encouraged, that is a different category than someone who has no choice. I would urge you to tighten up the language where the AG has said the intent is not to involve legal prostitution unless it is forced or coerced; it is not to involve adult motion pictures unless it is forced or coerced. Have the language clear so no court will have to look at the legislative history, which courts are reluctant to do unless forced to do so.

**Senator Ford:**

Let me see if I can repeat your contention regarding consent. Someone walks up to a pimp and says, "I want to be a prostitute." There is no beating or coercion. This person is consenting to work for a pimp and be a prostitute. Are you saying that scenario should not constitute sex trafficking?

**Mr. Lichtenstein:**

Are you talking about legal prostitution?

**Senator Ford:**

No, I am talking about Clark County and Washoe County where it is illegal.

**Mr. Lichtenstein:**

The issue is a qualitative difference between someone who voluntarily chooses to act as a prostitute and has someone encourage him or her and someone who is in actual slavery. We have heard all morning that this is aimed at those people who are in sexual slavery.

**Senator Ford:**

Do you agree that we can say as a matter of policy that we do not want anyone engaging in prostitution, even voluntarily, in a county where it is illegal?

**Mr. Lichtenstein.**

Absolutely, I agree.

**Senator Ford:**

Do you also agree that if a pimp has within his or her stable a person who wants to prostitute himself or herself, as a matter of policy we can say that constitutes sex trafficking in a county where prostitution is illegal.

**Mr. Lichtenstein:**

I do not think we can say that the person who is a prostitute is always a victim, which both section 42 and section 1 call that person. In section 1, it is even more problematic because that allows the victim, who may be a voluntary person, to sue the alleged sex trafficker. A difference needs to be made between someone who is a victim of sex trafficking and someone who is voluntarily breaking the law with the encouragement of somebody else.

**Mr. Kandt:**

Let me reiterate. We still have the crime of pandering. When you are talking about an adult engaging in prostitution willingly, that pimp would face prosecution for the crime of pandering. Sex trafficking requires force or violence or threats or coercion. Without that necessary element, it is not sex trafficking; it is pandering.



Pandering does not require registration as a sex offender. Pandering is not within the provisions of this statute for a civil cause of action or for restitution. Those are reserved for those convicted of the crime of sex trafficking. If it pertains to an adult and you have the elements of force, threats, violence and/or coercion present, that would expose the defendant to liability for sex trafficking. That defendant, if convicted, would be required to register as a Tier 2 sex offender. It would also expose the offender to possible civil liability in a civil cause of action brought by the victim, and the penalty could include providing restitution to the victim.

There is a clear distinction about adults engaging in prostitution. Between pandering and sex trafficking, the force, violence and threats thereof constitute sex trafficking when you talk about adult prostitutes.

**Attorney General Masto:**

That was our compromise in the Assembly. That concern was brought to us, so that is why we took pandering out of A.B. 67, making it still available as a separate charge that a prosecutor can bring.

**Mr. Lichtenstein:**

Section 42, subsection 2 uses language such as induces, harbors and transports. There is also language within that section about threats, force or violence. Maybe it just needs to be rewritten to make sure that induces, harbors and transports is tied to some sort of force or violence. The paragraph does not convey that in plain language. If that is the intent, tightening up the language would be helpful to avoid questions about what the paragraph really means and what the requirements are.

**Senator Hutchison:**

Section 42, subsection 2, paragraph (a), subparagraph (1) deals with a child, and subparagraph (2) deals with an adult. Are you suggesting the ACLU contends that in order for a crime of sex trafficking of a child to take place, there has to be an element of violence or threat of violence? It is not enough to induce, cause, recruit, harbor or transport?

**Mr. Lichtenstein:**

No, we were talking about adults. Children are in a different category where consent is meaningless.

**Senator Ford:**

As I read section 42, subsection 2, paragraph (a) with the four subparagraphs, this is the part of the bill that defines sex trafficking. Is that correct?

**Mr. Kandt:**

It creates the crime of sex trafficking and sets forth the elements in four different subsections that would constitute the crime of sex trafficking.

**Senator Ford:**

Do we have people who want to speak in support of A.B. 67?

**Marlene Lockard (Nevada Women's Lobby):**

Me, too.

**Mike Patterson (Lutheran Advocacy Ministry in Nevada; Episcopal Church in Nevada):**

Me, too, on most of the bill. I disagree with all the amendments. The only part of the AG's proposal I have a slight conflict with goes along with removing the sex offender registration. I would like to see that kept, and add the term "unlawful" in front of the word "prostitution." That way, it is not against the law to live off a lawful prostitute's money, but if it is unlawful, offenders should still have to register as sex offenders.

**Paula Berkley (Nevada Network Against Domestic Violence):**

We strongly support this bill. Sex trafficking has been largely misunderstood for a long time and has not been adjudicated. It is how domestic violence was viewed 20 years ago. These laws will help.

**Tim O'Callaghan (Deacon, Nevada Catholic Conference; Bishops of Las Vegas):**

We strongly recommend approval of this bill.

**Dan Edwards (Bishop, Episcopal Diocese of Nevada; Nevadans for the Common Good):**

We support this bill and appreciate the Committee clarifying the legislative intent that pandering and prostitution are an entirely different matter from sex trafficking. The *Las Vegas Review-Journal* recently called this bill heavily amended for the defense of those accused. I would offer that it has been sufficiently amended and is a great bill now.

**Camille Naaktgeboren, Ph.D. (Nevadans for the Common Good; Temple Sinai):**

I support this bill. The last time you heard from me was at the first hearing of this bill in February. I was a victim of familial trafficking during my childhood and adolescence, between the ages of 5 and 17.

During those years, I was subjected to hundreds of violent rapes and much physical brutality. I have been beaten with sticks that had broken glass glued on to them. I have been burned with cigarettes and then forced to eat the scabs. I had to walk around with thumbtacks in my feet to keep me from running away.

I had no way out of this life until I became an adult and did not have to see my traffickers any more. Even though at that point I was physically free from my traffickers and the many men who tortured me, it was several years before I was mentally free from them and what they did to me. I know from firsthand experience that the way our society is structured, it makes it virtually impossible for someone to escape trafficking both physically and psychologically.

However, there is hope for trafficking victims, and the level of hope increases with each law we make that favors the victims. Right now, our society is set up in a way that favors the perpetrators of sex trafficking rather than the victims. But this bill can change that. Being trafficked is like being stuck in quicksand. The more someone struggles to get out, the worse things get unless there is someone outside the quicksand willing to help you out of it.

Assembly Bill 67 is a rope that those of us not in the quicksand can throw to those in it, so they can safely extract themselves from the world of trafficking. With the laws we have now, most victims become trapped with no way out. Although this bill will not fix everything for them, it gives them the chance they do not have right now—the opportunity for their pimp to be kept away from them for a long enough period of time so they can heal.

From my perspective, another important aspect of this bill is the ability to prosecute the people who buy these victims. Over the years of my trafficking, my traffickers sold me to many repeat customers. Some of them said I reminded them of their daughters, their nieces or the girls down the street to whom they wanted to do this but were worried they would get caught if they did. I am fairly certain that other customers raped other children because they wanted me to do to them what the other children had done previously. Most of them were

men who lived nearby, had respectable careers and families, and attended neighborhood barbecues.

By prosecuting and subsequently removing these predators from our neighborhoods, schools and workplaces, we create a safer world for everyone, especially the children repeatedly abused. Some of the experiences I have shared may seem extreme, but the sad reality is that this is the standard experience for trafficking victims. As I speak, children in Nevada are going through similar horrors. Many, if not most, will not escape unless we choose to help them do so.

I hope you will pass this piece of legislation that will act as a rope to those still stuck in the quicksand of trafficking and create a society that gives a fighting chance to the victims of this horrendous crime.

**Senator Ford:**

We applaud your courage in bringing your story forward and are delighted you shared it with us on this important issue.

**Allan Smith (Religious Alliance in Nevada):**

We support this bill. The testifiers wanting to make changes are looking at a lot of little issues. Prosecutors use this more like a cannon than a rifle as a weapon in their arsenal. Therefore, they will not be bringing it out unless compelled.

**Melissa Holland (Director, Awaken Inc.):**

We have overwhelming support for this bill. For 4 years, I have extended direct services to the victims to whom you have been referring. This year, we have seen three girls turn against their pimp, and we are seeing the need for laws to change so these girls are protected.

Thank you for clarifying the opposition. The girls they are talking about with consent are the vast minority. I understand unicorns may exist, but we do not have to write it into this draft to protect them. Truly, we are statistically talking about less than 10 percent of children and adults coming into this who have not had a history of overwhelming abuse. Within that context, consent is just the absence of choice. You have to have two equal ideas of what you can do with your life to actually consent or choose. Thank you for acknowledging that.

**John T. Jones, Jr. (Nevada District Attorneys Association):**

We support this bill and all the AG's amendments. We feel this is an important step to help combat sex trafficking in the State.

**Sarah Stewart (Nevadans for the Common Good):**

My husband is the rabbi at Temple Sinai in Las Vegas. Compromises and changes have already been made to protect the rights of the accused during this Session. Let us remember the victims, act decisively and act now. We support this bill.

**Tom Jelinek (Pastor, Heritage United Methodist Church; Nevadans for the Common Good):**

As a pastor for more than 2 decades, now serving in southern Nevada, I have learned that Dr. Naaktgeboren's experience is not unique. I witnessed how the young people in this community are, as a group, more at risk than any others I have encountered.

I personally have witnessed how several young people from families of my acquaintance have been victimized by sex trafficking and how that has shattered their lives and the lives of their families. They are lucky. They have those around them to support and help them. With time, they may recover from the abuse and addiction. But the years of their youth stolen from them and their families are lost forever.

I know I share the convictions of leaders from many faith communities of many traditions in urging the passage of this bill. Not only is it the morally right thing to do, but this legislation is essential for the safety of the children of our State.

**Francyl Gawryn (Director, Youth Ministries, Grace Community Church; Nevadans for the Common Good):**

I support this bill. I am speaking for a member of my congregation in Boulder City who is a grown woman but was seduced into the sex trafficking industry. She is not a minor, but a mother with young children who never see her anymore because she is hardly ever home. This industry ruins families.

**Brian O'Callaghan (Las Vegas Metropolitan Police Department):**

The AG has been working collaboratively with law enforcement and other entities in the State. We appreciate it and support this bill.

**Eric Spratley, Lieutenant (Washoe County Sheriff's Office):**

We absolutely support this bill.

**Adia Lancaster (Congo Justice):**

We support this historic bill.

**James Dold (Polaris Project):**

We fully support A.B. 67 and want to thank Attorney General Mastro for her leadership. Regarding the issue of going after customers, I have never heard of a case with an abuse of prosecutorial discretion in this regard. The U.S. Department of Justice has used the federal laws to go after customers in instances where those individuals are seeking minors for sex. This is usually in the context of a government sting operation, so it is clear in this instance that the individuals are seeking commercial sex acts with children or going abroad to engage in child sex tourism or something similar.

It is important to keep the language as broad as possible in terms of the definition of prostitution. We have seen cases where parents pimp out their very young children. Recently, a young girl around the age of 7 or 8 was given to the mom's john in exchange for drugs. In these instances, it is important to highlight the utility of a law that broadly defines commercial sex or prostitution to ensure that prosecutors have the tools to go after individuals engaging in this criminal enterprise.

**Laurie Robinson Frankoff (Nevadans for the Common Good; Anti-Defamation League):**

Me, too.

**Senator Ford:**

I would like to hear from those opposed to this bill.

**Chris Frey (Washoe County Public Defender's Office):**

We appreciate the strides made to improve this bill, but we are still opposed to it. We would support it with Mr. Yeager's amendments. In regard to the prosecution of the hypothetical involving the solicitation of a 17-year-old, there was some clarifying legislative history we heard today. I would favor putting in limiting language to mirror what I believe is the intent today—to capture only that conduct reflective of actual pimping. I would be happy to collaborate on some of that language.

Contrary to the representation of the AG, the problem does not lie with the definition of "obtain"; it lies in the definition of "prostitution." Prostitution is defined in terms of a single transaction rather than a commercial enterprise. If we could fashion language that would limit the reach of the bill consistent with the representations today, we would be in favor of that.

**Jennifer Reed (Sex Workers Outreach Project of Las Vegas):**

I have some concerns to put on the record. I have spoken to the AG's Office. Working with youths engaged in prostitution has taught me that most of the time, these young people are homeless and engaged in sex for survival. By definition, any minor engaging in the sex trade is defined as trafficked, regardless if they are forced by a pimp or third party manager and do not have a trafficker.

My concern is with the broad definition of a minor being trafficked, which is the inducing, causing, harboring, recruiting part of the language. Nothing says "for the financial benefit from." In interviewing minors about how they got into the sex industry for survival on the streets, I hear them say misleading things like how they find customers for each other and do not take money from each other but share resources. I am concerned that these kids who sell sex for survival could be considered pimps or sex traffickers under these broad definitions.

When I spoke to the AG's Office, it was made clear to me that it was not the intent to include situations like this as sex trafficking. However, I would like to get it on the record because with the broad language, it would fit that a person was induced to engage in prostitution, but this is a different situation.

**Mr. Kandt:**

I spoke with Ms. Reed about this issue and tried to alleviate her concerns. With regard to homeless minors who may be resorting to sex for survival, if those minors are picked up on a charge of potential illegal activity, they would not be tried as adults for sex trafficking. Instead, they would be in the jurisdiction of the juvenile court system, which would help them get the resources they need for rehabilitation.

**Ms. Reed:**

I would also suggest having a public ombudsman, an inspector general or some kind of internal law enforcement review for law enforcement oversight and accountability in dealing with juveniles for prostitution-related offenses. As

I have done outreach, minors have told us they are solicited or experience violence at the hands of the police. We are giving power to the police, and I hope there would be some oversight and accountability.

Most police officers are good, but a small percentage perpetrate a significant part of what is reported by these minors. We have had reports from minors of violence and being asked by police to trade sex for a promise to drop charges. I am just concerned about giving more power to somebody that children tell us they are victimized by without some sort of oversight or accountability for the potential abuse of this power.

**Senator Ford:**

Thank you. We now close out this bill. This has been done exactly right. You have gotten people to the table to have discussion and address concerns. Although we will never eradicate trafficking, we will substantially hinder its opportunities here in Nevada. This is how we should be legislating.

**Attorney General Masto:**

We appreciate all the work of the Legislature helping us to pass a good law about sex trafficking—to benefit our victims while holding perpetrators accountable. It has been a collective process and everyone compromised. No one was left at the table who did not compromise. That makes good legislation. It may not be perfect, but we have the opportunity to tweak it in the future. This is a great start for our community and our State to really address the crime of sex trafficking that preys on our children and young adults.

**Senator Ford:**

I will close the hearing on A.B. 67.



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**Chair Segerblom:**

Given the timing, we will roll the work session to tomorrow. If there is no public comment, I will close the hearing of the Senate Committee on Judiciary at 11:19 a.m.

RESPECTFULLY SUBMITTED:

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Linda Hiller,  
Committee Secretary

APPROVED BY:

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Senator Tick Segerblom, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	7		Attendance Roster
A.B. 67	C	34	Attorney General Catherine Cortez Masto	Amendment No. 205
A.B. 67	D	3	Attorney General Catherine Cortez Masto	Amendment No. 793
A.B. 67	E	2	Brett Kandt	Written Testimony
A.B. 67	F	9	Steve Yeager	Proposed Amendment
A.B. 67	G	2	Steve Yeager	Written Testimony
A.B. 67	H	2	William Brown	Suggested Changes to AB 67
A.B. 67	I	4	Amy Coffee	Proposed Amendments