

Assembly Bill No. 214–Assemblyman Sprinkle

CHAPTER.....

AN ACT relating to public safety; revising provisions relating to penalties for soliciting a child for prostitution; revising the purposes for which money in the Contingency Account for Victims of Human Trafficking may be used; revising the process by which the Director of the Department of Health and Human Services may make allocations of money from the Contingency Account in cases of emergency; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Contingency Account for Victims of Human Trafficking. The money in the Contingency Account is to be expended only for the purpose of establishing or providing programs or services to victims of human trafficking. (NRS 217.530) **Section 1** of this bill authorizes a limited portion of the money in the Contingency Account to be used for fundraising for the direct benefit of the Contingency Account.

Existing law requires the Grants Management Advisory Committee of the Department of Health and Human Services to review applications for allocations from the Contingency Account and make recommendations to the Director of the Department concerning allocations of money from the Contingency Account to applicants. (NRS 217.540) **Section 2** of this bill eliminates the requirements of review and recommendation by the Advisory Committee if the Director determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately.

Existing law provides that a person who solicits a child for prostitution is guilty of a category E felony. (NRS 201.354) **Section 3** of this bill increases the penalty for this offense to make: (1) the first offense a category E felony punishable by the penalties applicable to other category E felonies and a mandatory fine of not more than \$5,000; (2) the second offense a category D felony punishable by the penalties applicable to other category D felonies; and (3) the third and subsequent offense a category C felony punishable by the penalties applicable to other category C felonies. **Section 3** further prohibits the court from granting probation to, or suspending the sentence of, a person convicted of a third or subsequent offense of soliciting a child for prostitution.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 217.530 is hereby amended to read as follows:
217.530 1. The Contingency Account for Victims of Human Trafficking is hereby created in the State General Fund.

2. The Director of the Department of Health and Human Services shall administer the Contingency Account. The money in the Contingency Account ~~must~~ :



(a) *Must* be expended only for the ~~{purpose}~~ *purposes* of ~~{establishing}~~ :

(1) *Establishing* or providing programs or services to victims of human trafficking ~~{and is}~~ ; and

(2) *Fundraising for the direct benefit of the Contingency Account. The total amount of money expended pursuant to this subparagraph in any fiscal year must not exceed \$10,000 or 10 percent of the amount of money in the Contingency Account at the beginning of that fiscal year, whichever is less.*

(b) *Is* hereby authorized for expenditure as a continuing appropriation for ~~{this purpose}~~ *these purposes*.

3. The Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the Contingency Account.

4. The interest and income earned on the money in the Contingency Account, after deducting any applicable charges, must be credited to the Contingency Account.

5. Any money remaining in the Contingency Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Contingency Account must be carried forward to the next fiscal year.

Sec. 2. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.

2. ~~{The}~~ *Except as otherwise provided in this subsection, the Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to applicants. If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.*

3. The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient



of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking.

Sec. 3. NRS 201.354 is hereby amended to read as follows:

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

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

3. A person who violates subsection 1 by soliciting a child for prostitution :

(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130 ~~H~~, and by a fine of not more than \$5,000.

(b) For a second offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

Sec. 4. For the sole purpose of determining the number of offenses committed by a person for the purposes of NRS 201.354, as amended by section 3 of this act, the amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

