

Amendment No. 538

Assembly Amendment to Assembly Bill No. 214	(BDR 16-568)
Proposed by: Assembly 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DP/BJF



Date: 4/13/2015

A.B. No. 214—Makes various changes related to public safety. (BDR 16-568)



ASSEMBLY BILL NO. 214—ASSEMBLYMAN SPRINKLE

MARCH 3, 2015

Referred to Committee on Judiciary

SUMMARY—Makes various changes related to public safety. (BDR 16-568)

FISCAL NOTE: Effect on Local Government: No.
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 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~~ **D** felony punishable by ~~imprisonment in the state prison for a minimum term of 2 years and a maximum term of 10 years and a fine of not more than \$10,000;~~ **the penalties applicable to other category D felonies;** and (3) the third and subsequent offense a category ~~A~~ **C** felony punishable 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 a fine of not more than \$10,000;~~ **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.**

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 ~~+~~, *and by a fine of not more than \$5,000.*

(b) *For a second offense*, is guilty of a category ~~B~~ D 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 10 years, and may be further punished by a fine of not more than \$10,000.~~ as provided in NRS 193.130.

(c) *For a third or subsequent offense*, is guilty of a category ~~A~~ C 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.~~ 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. ~~The~~ 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. ~~For the purpose of determining whether a person is subject to the provisions of paragraph (b) or (c) of subsection 3 of NRS 201.354, as amended by this act.~~

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