

ASSEMBLY BILL NO. 243—COMMITTEE ON JUDICIARY

FEBRUARY 27, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to victims of sex trafficking and involuntary servitude. (BDR 14-444)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 criminal procedure; providing that the district court has exclusive jurisdiction for a motion to vacate a judgment of conviction of a victim of sex trafficking or involuntary servitude under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law allows a court to grant a motion to vacate a judgment if the
2 defendant was convicted of certain offenses and the defendant's participation in the
3 offense was the result of having been a victim of sex trafficking or involuntary
4 servitude. (NRS 176.515) This bill provides that a district court has exclusive
5 jurisdiction to hear a motion to vacate such a judgment.

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

1 **Section 1.** NRS 176.515 is hereby amended to read as follows:
2 176.515 1. The court may grant a new trial to a defendant if
3 required as a matter of law or on the ground of newly discovered
4 evidence.
5 2. If trial was by the court without a jury, the court may vacate
6 the judgment if entered, take additional testimony and direct the
7 entry of a new judgment.
8 3. Except as otherwise provided in NRS 176.09187, a motion
9 for a new trial based on the ground of newly discovered evidence
10 may be made only within 2 years after the verdict or finding of guilt.



4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

5. *Notwithstanding any other provision of law, the district court has exclusive jurisdiction to hear a motion to vacate a judgment that is made pursuant to this subsection.* The district court may grant a motion to vacate a judgment if:

(a) The judgment is a conviction for a violation of:

(1) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;

(2) NRS 207.200, for unlawful trespass;

(3) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or

(4) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution;

(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

6. In deciding whether to grant a motion made pursuant to subsection 5, the district court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.

7. If the district court grants a motion made pursuant to subsection 5, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading; and

(b) May take any additional action that the court deems appropriate under the circumstances.

Sec. 2. The amendatory provisions of section 1 of this act apply to a motion to vacate a judgment pursuant to subsection 5 of NRS 176.515, as amended by section 1 of this act, which is filed on or after October 1, 2017.

