

ASSEMBLY BILL NO. 73—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes against children and human trafficking. (BDR 15-380)

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 crimes; making the solicitation of certain children for prostitution punishable as sex trafficking; establishing the privilege of confidential communication between persons who are victims of human trafficking and certain advocates for those victims; increasing penalties for certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law: (1) sets forth the specific acts that constitute the crimes of sex
2 trafficking and prostitution; and (2) provides the terms of imprisonment and fines
3 that must be imposed against a person convicted of sex trafficking or prostitution.
4 (NRS 201.300, 201.354) **Section 1** of this bill provides that a person who
5 knowingly solicits a child who is less than 14 years of age for prostitution shall be
6 punished for sex trafficking.

7 Existing law establishes a privilege for confidential communication between a
8 victim of certain crimes and a victim's advocate who works for a nonprofit program
9 that provides assistance to victims of those crimes. (NRS 49.2541-49.2549) **Section**
10 **2** of this bill defines the crime of human trafficking, and **section 4** of this bill
11 revises the definition of "victim" to include a person who alleges that an act of
12 human trafficking has been committed against the person, thus authorizing the
13 person to assert the privilege of confidential communication between the person
14 and a victim's advocate.



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

1 **Section 1.** NRS 201.354 is hereby amended to read as follows:
2 201.354 1. It is unlawful for any person to engage in
3 prostitution or solicitation therefor, except in a licensed house of
4 prostitution.

5 2. Except as otherwise provided in ~~subsection 3,~~ *subsections*
6 *3 and 4,* a person who violates subsection 1 is guilty of a
7 misdemeanor.

8 3. ~~IA~~ *Except as otherwise provided in subsection 4, a* person
9 who violates subsection 1 by soliciting a child for prostitution:

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

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

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

19 4. *A person who knowingly solicits a child who is less than 14*
20 *years of age for prostitution shall be punished for sex trafficking*
21 *as provided in NRS 201.300.*

22 **Sec. 2.** Chapter 49 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 *“Human trafficking” means a violation of any provision of*
25 *NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 18*
26 *U.S.C. § 1589, 1590 or 1591.*

27 **Sec. 3.** NRS 49.2541 is hereby amended to read as follows:

28 49.2541 As used in NRS 49.2541 to 49.2549, inclusive, *and*
29 *section 2 of this act,* the words and terms defined in NRS 49.2542
30 to 49.2545, inclusive, *and section 2 of this act* have the meanings
31 ascribed to them in those sections.

32 **Sec. 4.** NRS 49.2544 is hereby amended to read as follows:

33 49.2544 “Victim” means a person who alleges that an act of
34 domestic violence , *human trafficking* or sexual assault has been
35 committed against the person.

36 **Sec. 5.** This act becomes effective on July 1, 2017.

