

Amendment No. 778

Senate Amendment to Senate Bill No. 488	(BDR 15-1086)
Proposed by: Senate Committee on Judiciary	
Amendment Box: Replaces Amendment No. 701.	
Amends: Summary: No Title: Yes 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.

BAW



Date: 5/18/2017

S.B. No. 488—Revises provisions relating to sexual offenses. (BDR 15-1086)



SENATE BILL NO. 488—SENATORS SPEARMAN, CANCELA, WOODHOUSE,
PARKS; DENIS, FARLEY AND FORD

MARCH 27, 2017

JOINT SPONSORS: ASSEMBLYMEN MILLER, JOINER,
DIAZ; NEAL, SPIEGEL AND THOMPSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sexual offenses. (BDR 15-1086)

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 sexual offenses; establishing additional acts that constitute the crime of sex trafficking; ~~increasing the number of years required to be served by a person who is guilty of sex trafficking a child less than 14 years of age before the person is eligible for parole;~~ requiring the Department of Health and Human Services to develop a Medicaid service package to assist victims of sexual trauma who are eligible for Medicaid; authorizing the Department to adopt regulations relating to the development of such a Medicaid service package; requiring the Department to hold certain periodic meetings relating to sex trafficking; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain specific acts that constitute the crime of sex trafficking and sets forth the penalties imposed upon a person who is found guilty of sex trafficking. Such penalties vary depending on whether the victim of sex trafficking is an adult or a child and, if a child, the age of the child. (NRS 201.300) **Section 1** of this bill provides that a person is ~~false~~ guilty of sex trafficking if he or she: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State for the purpose of causing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) advertises, sells or offers to sell travel services that ~~include or~~ facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking , soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels ~~, attempts to travel or knowingly causes another person to travel or attempt to travel~~ to or within this State by any means for the purpose of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim is compelled to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors.

~~Existing law provides that a person who is found guilty of sex trafficking a child who is less than 14 years of age at the time of the offense is punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served. (NRS 201.300) Section 1 increases the number of years such a person must serve before he or she is eligible for parole to 20 years.~~

Section 2 of this bill requires the Department of Health and Human Services to develop a Medicaid service package called the Sexual Trauma Services Guide for the purpose of assisting victims of sexual trauma who are eligible for Medicaid. **Section 2** requires the Department to post information relating to the Sexual Trauma Services Guide on the Internet website of the Department and to make such information available to any person upon request at the office of the Department. **Section 2** also authorizes the Department to adopt regulations relating to the development of the Sexual Trauma Services Guide.

In 2016, the Governor established by executive order the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children. (Executive Order 2016-14 (5-31-2016)) The Coalition is required to prepare a comprehensive statewide strategic plan and recommendations regarding how to address certain provisions of federal law relating to sex trafficking. **Section 3** of this bill requires the Department to hold periodic informational meetings for the purpose of coordinating the efforts of various entities to improve services for victims of sex trafficking and achieve the goals set forth in the statewide strategic plan developed by the Coalition.

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

Section 1. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to 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 is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to 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;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to 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;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to 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; ~~for~~

(4) *Facilitates, arranges, provides or pays for the transportation of a person to or within this State for the purpose of:*

(I) ~~Causing the person to engage in prostitution ~~for~~ in violation of subparagraph (1), (2) or (3);~~

(II) ~~Causing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); or~~

~~(III) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;~~

(5) ~~Advertises, sells or offers to sell travel services that ~~include or~~ facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of ~~engaging~~;~~

~~(I) Engaging in ~~sexual~~~~

~~(I) ~~Sexual~~ sexual conduct with a person who is ~~caused~~ compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); ~~for~~~~

~~(II) ~~Any~~ Soliciting a child who is compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3); or~~

~~(III) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720;~~

(6) ~~Travels ~~for~~ attempts to travel or knowingly causes another person to travel or attempt to travel to or within this State by any means for the purpose of engaging in:~~

~~(I) Sexual conduct with a person who is ~~caused~~ compelled to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) ~~for~~, with the knowledge that such a person is compelled to engage in such sexual conduct or prostitution; or~~

~~(II) Any act involving a child that is prohibited by NRS 200.710 or 200.720; or~~

(7) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking:

(1) An adult is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 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.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A 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 15 ~~20~~ years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A 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 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A 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.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

1 4. Consent of a victim of pandering or sex trafficking to an act of prostitution
2 is not a defense to a prosecution for any of the acts prohibited by this section.

3 5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not
4 a defense that the defendant did not have knowledge of the victim's age, nor is
5 reasonable mistake of age a valid defense to a prosecution conducted pursuant to
6 subsection 2.

7 **Sec. 2.** Chapter 422 of NRS is hereby amended by adding thereto a new
8 section to read as follows:

9 ***1. To the extent authorized by federal law, the Department shall develop a
10 Medicaid service package called the Sexual Trauma Services Guide for the
11 purpose of assisting victims of sexual trauma who are eligible for Medicaid.***

12 ***2. The Department shall post information relating to the Sexual Trauma
13 Services Guide, including, without limitation, information concerning the
14 available services to which victims of sexual trauma are entitled, on the Internet
15 website maintained by the Department and shall make such information available
16 to any person upon request at the office of the Department.***

17 ***3. The Department may adopt any regulations necessary to carry out the
18 provisions of this section.***

19 **Sec. 3.** Chapter 439 of NRS is hereby amended by adding thereto a new
20 section to read as follows:

21 ***The Department shall periodically hold informational meetings, as deemed
22 appropriate by the Director, for the purpose of coordinating the efforts of various
23 entities associated with the provision of services for victims of sex trafficking to
24 improve such services, including, without limitation, to ensure that any
25 applicable funding received by such entities is used in the most effective and
26 efficient way possible to assist victims of sex trafficking and to achieve the goals
27 set forth in the statewide strategic plan developed by the Nevada Coalition to
28 Prevent the Commercial Sexual Exploitation of Children, established by the
29 Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.***