

Senate Bill No. 488—Senators Spearman, Cancela, Woodhouse,
Parks; Denis, Farley and Ford

Joint Sponsors: Assemblymen Miller, Joiner,
Diaz; Neal, Spiegel and Thompson

CHAPTER.....

AN ACT relating to crimes; establishing the crime of facilitating sex trafficking; establishing a rebuttable presumption that certain children who commit the crime of sex trafficking or facilitating sex trafficking are acting under duress; establishing the privilege of confidential communication between persons who are victims of human trafficking and certain advocates for those victims; 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 3** of this bill establishes the crime of facilitating sex trafficking and provides that a person is guilty of such a crime if he or she: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing 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) sells travel services that 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 to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. **Section 3** provides that a person who is guilty of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or a child. **Section 4** of this bill provides that if a person who is less than 18 years of age and is a victim of sex trafficking or facilitating sex trafficking commits the crime of sex trafficking or facilitating sex trafficking and is prosecuted in a criminal proceeding as an adult, there is a rebuttable presumption that the person acted under duress.

Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim's advocate who works for a nonprofit program



that provides assistance to victims of those crimes. (NRS 49.2541-49.2549) **Section 6** of this bill defines the crime of “human trafficking,” and **section 8** of this bill revises the definition of “victim” to include a person who alleges that an act of human trafficking has been committed against the person, thus authorizing the person to assert the privilege of confidential communication between the person and a victim’s advocate.

Section 9 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 9** 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 9** 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 10** 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.

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. (Deleted by amendment.)

Sec. 2. Chapter 201 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *A person is guilty of facilitating sex trafficking if the person:*

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Inducing 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) of paragraph (a) of subsection 2 of NRS 201.300; or

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



(b) Sells travel services that 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:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

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

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or

(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720.

2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) If the victim is 18 years of age or older, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(b) If the victim is less than 18 years of age, 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.

Sec. 4. *If a violation of NRS 201.300 or section 3 of this act is committed by a person who is:*

1. Less than 18 years of age at the time of the commission of the violation;

2. Prosecuted in a criminal proceeding as an adult; and

*3. A victim of sex trafficking or facilitating sex trafficking,
➤ there is a rebuttable presumption that the person who committed the violation acted under duress.*

Sec. 5. NRS 201.295 is hereby amended to read as follows:

201.295 As used in NRS 201.295 to 201.440, inclusive, **and sections 3 and 4 of this act**, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older.

2. "Child" means a person less than 18 years of age.

3. "Induce" means to persuade, encourage, inveigle or entice.



4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.

5. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.

6. "Sexual conduct" means any of the acts enumerated in subsection 4.

7. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 6. Chapter 49 of NRS is hereby amended by adding thereto a new section to read as follows:

"Human trafficking" means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 18 U.S.C. § 1589, 1590 or 1591.

Sec. 7. NRS 49.2541 is hereby amended to read as follows:

49.2541 As used in NRS 49.2541 to 49.2549, inclusive, ***and section 6 of this act***, the words and terms defined in NRS 49.2542 to 49.2545, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 49.2544 is hereby amended to read as follows:

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

Sec. 9. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Department shall 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.

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

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



Sec. 10. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

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

