

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 certain crimes.  
(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 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:**

- 1 Existing law establishes certain specific acts that constitute the crime of sex
- 2 trafficking and sets forth the penalties imposed upon a person who is found guilty
- 3 of sex trafficking. Such penalties vary depending on whether the victim of sex
- 4 trafficking is an adult or a child and, if a child, the age of the child. (NRS 201.300)
- 5 **Section 3** of this bill establishes the crime of facilitating sex trafficking and
- 6 provides that a person is guilty of such a crime if he or she: (1) facilitates, arranges,



7 provides or pays for the transportation of a person to or within this State with the  
8 intent of inducing that person to engage in unlawful sexual conduct or prostitution  
9 or, if that person is a child, certain acts relating to pornography involving minors;  
10 (2) sells travel services that facilitate the travel of another person to this State with  
11 the knowledge that the other person is traveling to this State for the purpose of  
12 engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is  
13 a victim of sex trafficking or engaging in certain acts relating to pornography  
14 involving minors; or (3) travels to or within this State by any means with the intent  
15 of engaging in sexual conduct with a victim of sex trafficking with the knowledge  
16 that the victim has been induced to engage in sexual conduct or prostitution or  
17 engaging in certain acts relating to pornography involving minors. **Section 3**  
18 provides that a person who is guilty of facilitating sex trafficking is guilty of a  
19 category B felony and is subject to certain minimum and maximum terms of  
20 imprisonment depending on whether the victim is an adult or a child. **Section 4**  
21 of this bill provides that if a person who is less than 18 years of age and is a victim  
22 of sex trafficking or facilitating sex trafficking commits the crime of sex trafficking  
23 or facilitating sex trafficking and is prosecuted in a criminal proceeding as an adult,  
24 there is a rebuttable presumption that the person acted under duress.

25 Existing law establishes a privilege for confidential communication between a  
26 victim of certain crimes and a victim's advocate who works for a nonprofit program  
27 that provides assistance to victims of those crimes. (NRS 49.2541-49.2549) **Section**  
28 **6** of this bill defines the crime of "human trafficking," and **section 8** of this bill  
29 revises the definition of "victim" to include a person who alleges that an act of  
30 human trafficking has been committed against the person, thus authorizing the  
31 person to assert the privilege of confidential communication between the person  
32 and a victim's advocate.

33 **Section 9** of this bill requires the Department of Health and Human Services to  
34 develop a Medicaid service package called the Sexual Trauma Services Guide for  
35 the purpose of assisting victims of sexual trauma who are eligible for Medicaid.  
36 **Section 9** requires the Department to post information relating to the Sexual  
37 Trauma Services Guide on the Internet website of the Department and to make such  
38 information available to any person upon request at the office of the Department.  
39 **Section 9** also authorizes the Department to adopt regulations relating to the  
40 development of the Sexual Trauma Services Guide.

41 In 2016, the Governor established by executive order the Nevada Coalition to  
42 Prevent the Commercial Sexual Exploitation of Children. (Executive Order 2016-  
43 14 (5-31-2016)) The Coalition is required to prepare a comprehensive statewide  
44 strategic plan and recommendations regarding how to address certain provisions of  
45 federal law relating to sex trafficking. **Section 10** of this bill requires the  
46 Department to hold periodic informational meetings for the purpose of coordinating  
47 the efforts of various entities to improve services for victims of sex trafficking and  
48 achieve the goals set forth in the statewide strategic plan developed by the  
49 Coalition.

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

1 **Section 1.** (Deleted by amendment.)

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

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



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

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

6           (2) *Inducing the person to enter any place within this State*  
7 *in which prostitution is practiced, encouraged or allowed for the*  
8 *purpose of sexual conduct or prostitution in violation of*  
9 *subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of*  
10 *NRS 201.300; or*

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

13       (b) *Sells travel services that facilitate the travel of another*  
14 *person to this State with the knowledge that the other person is*  
15 *traveling to this State for the purpose of:*

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

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

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

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

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

32           (2) *Any act involving a child that is prohibited by NRS*  
33 *200.710 or 200.720.*

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

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

39           (b) *If the victim is less than 18 years of age, shall be punished*  
40 *by imprisonment in the state prison for a minimum term of not*  
41 *less than 3 years and a maximum term of not more than 10 years.*

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

44       1. *Less than 18 years of age at the time of the commission of*  
45 *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*  
4 *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*  
7 *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,  
12 monetary consideration or other thing of value engages in sexual  
13 intercourse, oral-genital contact or any touching of the sexual organs  
14 or other intimate parts of a person for the purpose of arousing or  
15 gratifying the sexual desire of either person.

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

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

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

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

26 *"Human trafficking" means a violation of any provision of*  
27 *NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 18*  
28 *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*  
31 *section 6 of this act*, the words and terms defined in NRS 49.2542  
32 to 49.2545, inclusive, *and section 6 of this act* have the meanings  
33 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  
36 domestic violence, *human trafficking* or sexual assault has been  
37 committed against the person.

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

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

2. *The Department shall post information relating to the*  
45 *Sexual Trauma Services Guide, including, without limitation,*



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1 *information concerning the available services to which victims of*  
2 *sexual trauma are entitled, on the Internet website maintained by*  
3 *the Department and shall make such information available to any*  
4 *person upon request at the office of the Department.*

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

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

9 *The Department shall periodically hold informational*  
10 *meetings, as deemed appropriate by the Director, for the purpose*  
11 *of coordinating the efforts of various entities associated with the*  
12 *provision of services for victims of sex trafficking to improve such*  
13 *services, including, without limitation, to ensure that any*  
14 *applicable funding received by such entities is used in the most*  
15 *effective and efficient way possible to assist victims of sex*  
16 *trafficking and to achieve the goals set forth in the statewide*  
17 *strategic plan developed by the Nevada Coalition to Prevent the*  
18 *Commercial Sexual Exploitation of Children, established by the*  
19 *Governor pursuant to Executive Order 2016-14, issued on May 31,*  
20 *2016.*

