

BDR 15-891

SB 214

EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 7, 2017

Agency Submitting: Nevada Department of Corrections

| Items of Revenue or Expense, or Both | Fiscal Year 2016-17 | Fiscal Year 2017-18 | Fiscal Year 2018-19 | Effect on Future Biennia |
|---|------------------------|------------------------|------------------------|-----------------------------|
| | | | | |
| Total | 0 | 0 | 0 | 0 |

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-891 which makes proposed revisions to various statutes of Nevada by adding that soliciting a child under the age of 14 for prostitution will constitute sex trafficking and will be punishable as per NRS 201.300. Based on current language of the proposed statute change, the NDOC is unable to forecast the increase, if any, in the number of offenders admitted to the NDOC system at this time. The Governor's Recommended budget provides an average of \$18,719 in variable expenses per inmate for SFY18-19. The fiscal impact of this proposal would be this amount for each year of a new prison sentence. As a result, the fiscal impact of this proposed law cannot be quantified at this time. Please, refer to the attached exhibit.

Name Scott Ewart

Title Chief of Fiscal Services

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Friday, February 24, 2017

The agency's response appears reasonable.

Name Paul Nicks

Title Exec. Branch Budget Officer

DESCRIPTION OF FISCAL EFFECT: Revises provisions relating to crimes against children and human trafficking.

BDR/Bill/Amendment Number: BDR 15-891

Name of Agency: Nevada Department of Corrections

Date: 02/23/17 **Effective Date:** July 1st, 2017

Analysis of the Proposed Law

Section 1 of Bill Draft Request 15-891 proposes to amend NRS 201.354 by adding that soliciting a child under the age of 14 for prostitution will constitute sex trafficking and the offense will be punishable as per NRS 201.300. It is assumed that a first offense will be a category A felony and the offender will serve a life sentence with possibility of parole after a minimum of 15 years are served, in addition to dollar fines. A person who solicits a child who is at least 14 years of age will be punished either under NRS 201.354 as a category E, D, or C or as a category A felony under NRS 201.300. The NDOC has 11 individuals in custody who were charged with soliciting children for prostitution or pandering and who were sentenced for violation of NRS 201.300. The victims were younger than 14 years of age in 2 out of the 11 cases. When historical admissions caseloads data were inspected dating back to 2013, 21 records were found of offenders sentenced for violation of 201.300 where the victim was a child, and only 1 record was found where the victim was under the age of 14. Thus, the NDOC doesn't expect to experience a reportable fiscal impact as a result of the change in the law that provides penalties for offenses involving younger victims. It is important to note that all of the 11 offenders in custody were convicted of category B felonies and sentenced to serve a minimum of 12 to 48 months in prison before becoming eligible for parole, regardless of the age of the minor victim. Given the overlapping of the laws, the NDOC is unable to assess the impact of the combination of NRS 201.354 and NRS 201.300 when the victim that is solicited for prostitution is at least 14 years of age. NRS 201.300 addresses human trafficking and NRS 201.354 soliciting for prostitution. Both of these statutes have sections that provide penalties for soliciting children for prostitution; however, their penalties differ greatly.

Section 4 adds a sufferer of human trafficking to the definition of victim in NRS 49.2544, and **Section 3** grants confidentiality privileges to advocates of victims of human trafficking. The Victim Services Unit provides information, notifications, and resources to victims of all crimes and does not quantify their workload based on the type of crime that has been committed. The Unit will provide the same services to victims of human trafficking at the same level that victims of any other crime currently receive. All information regarding victims is strictly confidential. Therefore, including victims of human trafficking to NRS 49.2544 will not have an impact on the NDOC's Victim Services Unit.