

ASSEMBLY BILL NO. 120—ASSEMBLYMEN  
KRASNER, HAMBRICK; AND SPIEGEL

FEBRUARY 11, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crimes of sex trafficking and solicitation of a child for prostitution. (BDR 15-817)

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; revising provisions relating to the crimes of sex trafficking and solicitation of a child for prostitution; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes certain acts that constitute sex trafficking. A person who is 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; and (2) a child 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, 10 or 15 years has been served, depending on the age of the child, and may be further punished by a fine of not more than \$10,000 or \$20,000, also depending on the age of the child. (NRS 201.300) **Section 1** of this bill additionally provides that a person is guilty of sex trafficking if he or she knowingly benefits, financially or by receiving anything else of value, from voluntarily participating in a venture that engages in any act that constitutes sex trafficking.

Existing law provides that in a prosecution for sex trafficking a child, it is not a defense that the defendant did not have knowledge of the victim’s age or that the defendant made a reasonable mistake as to the victim’s age. (NRS 201.300) **Section 2** of this bill provides that such defenses are also not valid in a prosecution for solicitation of a child for prostitution.



\* A B 1 2 0 \*

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) 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 ~~for~~; or

(5) *Knowingly benefits, financially or by receiving anything else of value, from voluntarily participating in a venture that engages in any act in violation of this paragraph.*

(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 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.

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

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

**Sec. 2.** NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. A prostitute who violates subsection 1 is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 5, a customer who violates subsection 1:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,300.



4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A customer who violates subsection 1 by soliciting a child for prostitution:

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

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

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

6. *In a prosecution for solicitation of a child for prostitution pursuant to subsection 1, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 1.*

7. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

➤ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

~~[7-]~~ 8. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge



1 the person and dismiss the proceedings against the person. If the  
2 court discharges the person and dismisses the proceedings against  
3 the person, a nonpublic record of the discharge and dismissal must  
4 be transmitted to and retained by the Division of Parole and  
5 Probation of the Department of Public Safety solely for the use of  
6 the courts in determining whether, in later proceedings, the person  
7 qualifies under this section for participation in a program of  
8 treatment for persons who solicit prostitution. Except as otherwise  
9 provided in this subsection, discharge and dismissal under this  
10 subsection is without adjudication of guilt and is not a conviction  
11 for purposes of employment, civil rights or any statute or regulation  
12 or license or questionnaire or for any other public or private  
13 purpose, but is a conviction for the purpose of additional penalties  
14 imposed for a second or subsequent conviction or the setting of bail.  
15 Discharge and dismissal restores the person discharged, in the  
16 contemplation of the law, to the status occupied before the  
17 proceedings. The person may not be held thereafter under any law to  
18 be guilty of perjury or otherwise giving a false statement by reason  
19 of failure to recite or acknowledge the proceedings in response to an  
20 inquiry made of the person for any purpose. Discharge and dismissal  
21 under this subsection may occur only once with respect to any  
22 person. A professional licensing board may consider a proceeding  
23 under this subsection in determining suitability for a license or  
24 liability to discipline for misconduct. Such a board is entitled for  
25 those purposes to a truthful answer from the applicant or licensee  
26 concerning any such proceeding with respect to the applicant or  
27 licensee.

28 ~~§ 8~~ 9. Except as limited by subsection ~~§ 9~~ 10, if a person is  
29 discharged and the proceedings against the person are dismissed  
30 pursuant to subsection ~~§ 7~~ 8, the court shall, without a hearing,  
31 order sealed all documents, papers and exhibits in that person's  
32 record, minute book entries and entries on dockets, and other  
33 documents relating to the case in the custody of such other agencies  
34 and officers as are named in the court's order. The court shall cause  
35 a copy of the order to be sent to each agency or officer named in the  
36 order. Each such agency or officer shall notify the court in writing  
37 of its compliance with the order.

38 ~~§ 9~~ 10. A professional licensing board is entitled, for the  
39 purpose of determining suitability for a license or liability to  
40 discipline for misconduct, to inspect and to copy from a record  
41 sealed pursuant to this section.

