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FIRST REPRINT

A.B. 120

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

FEBRUARY 11, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crime of sex trafficking. (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 crime of sex trafficking; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law establishes certain acts that constitute sex trafficking. A person  
2 who is guilty of sex trafficking: (1) an adult is guilty of a category B felony and  
3 shall be punished by imprisonment in the state prison for a minimum term of not  
4 less than 3 years and a maximum term of not more than 10 years, and may be  
5 further punished by a fine of not more than \$10,000; and (2) a child is guilty of a  
6 category A felony and shall be punished by imprisonment in the state prison for life  
7 with the possibility of parole, with eligibility for parole beginning when a minimum  
8 of 5, 10 or 15 years has been served, depending on the age of the child, and may be  
9 further punished by a fine of not more than \$10,000 or \$20,000, also depending on  
10 the age of the child. (NRS 201.300) This bill additionally provides that a person is  
11 guilty of sex trafficking if he or she receives anything of value with the specific  
12 intent of facilitating any act that constitutes sex trafficking.

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

1 **Section 1.** NRS 201.300 is hereby amended to read as follows:  
2 201.300 1. A person who without physical force or the  
3 immediate threat of physical force, induces an adult to unlawfully  
4 become a prostitute or to continue to engage in prostitution, or to  
5 enter any place within this State in which prostitution is practiced,  
6 encouraged or allowed for the purpose of sexual conduct or



\* A B 1 2 0 R 1 \*

1 prostitution is guilty of pandering which is a category C felony and  
2 shall be punished as provided in NRS 193.130. This subsection does  
3 not apply to the customer of a prostitute.

4 2. A person:

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

6 (1) Induces, causes, recruits, harbors, transports, provides,  
7 obtains or maintains a child to engage in prostitution, or to enter any  
8 place within this State in which prostitution is practiced, encouraged  
9 or allowed for the purpose of sexual conduct or prostitution;

10 (2) Induces, recruits, harbors, transports, provides, obtains or  
11 maintains a person by any means, knowing, or in reckless disregard  
12 of the fact, that threats, violence, force, intimidation, fraud, duress  
13 or coercion will be used to cause the person to engage in  
14 prostitution, or to enter any place within this State in which  
15 prostitution is practiced, encouraged or allowed for the purpose of  
16 sexual conduct or prostitution;

17 (3) By threats, violence, force, intimidation, fraud, duress,  
18 coercion, by any device or scheme, or by abuse of any position of  
19 confidence or authority, or having legal charge, takes, places,  
20 harbors, induces, causes, compels or procures a person to engage in  
21 prostitution, or to enter any place within this State in which  
22 prostitution is practiced, encouraged or allowed for the purpose of  
23 sexual conduct or prostitution; ~~for~~

24 (4) Takes or detains a person with the intent to compel the  
25 person by force, violence, threats or duress to marry him or her or  
26 any other person ~~for~~; or

27 (5) *Receives anything of value with the specific intent of*  
28 *facilitating a violation of this paragraph.*

29 (b) Who is found guilty of sex trafficking:

30 (1) An adult is guilty of a category B felony and shall be  
31 punished by imprisonment in the state prison for a minimum term of  
32 not less than 3 years and a maximum term of not more than 10  
33 years, and may be further punished by a fine of not more than  
34 \$10,000.

35 (2) A child:

36 (I) If the child is less than 14 years of age when the  
37 offense is committed, is guilty of a category A felony and shall be  
38 punished by imprisonment in the state prison for life with the  
39 possibility of parole, with eligibility for parole beginning when a  
40 minimum of 15 years has been served, and may be further punished  
41 by a fine of not more than \$20,000.

42 (II) If the child is at least 14 years of age but less than 16  
43 years of age when the offense is committed, is guilty of a category  
44 A felony and shall be punished by imprisonment in the state prison  
45 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.** (Deleted by amendment.)

