

Amendment No. 931

Senate Amendment to Senate Bill No. 293 First Reprint	(BDR 38-517)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 293 R1.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

EWR/RBL



Date: 5/27/2019

S.B. No. 293—Makes various changes relating to children who are victims of commercial sexual exploitation. (BDR 38-517)



SENATE BILL NO. 293—SENATORS RATTI; BROOKS, DENIS, DONDERO LOOP,
HAMMOND, HARDY, D. HARRIS, KIECKHEFER, PARKS, SEEVERS GANSERT,
SETTELMAYER, SPEARMAN AND WOODHOUSE

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes relating to children who are victims of commercial sexual exploitation. (BDR 38-517)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 protection of children; requiring the ~~appointment of a~~ creation of the position of coordinator of services for commercially sexually exploited children; requiring the coordinator to develop a plan to establish the infrastructure to provide treatment, housing and services to such children and perform certain other duties relating to the provision of housing and services for such children; prohibiting the adjudication of a child as delinquent or in need of supervision, or the placement of a child in a detention facility for certain offenses; requiring a juvenile court and certain other entities in the juvenile justice system to ~~transfer a commercially sexually exploited~~ report the commercial sexual exploitation of a child to ~~the~~ an agency which provides child welfare ~~system~~ services in certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of foster homes. (NRS 424.020-424.090) **Section 1** of this bill requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services to ~~appoint a~~ create the position of coordinator of services for commercially sexually exploited children ~~to~~ and employ or contract with a person to serve in that position. **Section 1** requires the coordinator , in collaboration with certain interested agencies and persons, to: (1) assess the current and anticipated needs of commercially sexually exploited children in this State; (2) evaluate any incentives necessary to recruit providers of housing for such children; and (3) develop a plan to establish the infrastructure to provide treatment, housing and services to such children. On or before October 1, 2020, **section 16.5** requires the coordinator to submit to the Legislative Committee on Child Welfare and Juvenile Justice a formal proposal to establish the infrastructure described in the plan. **Section 18 of this bill makes an appropriation for the costs of the coordinator.**

Section 16 of this bill prohibits the adjudication of a child as delinquent or in need of supervision on or after July 1, 2022, for engaging in prostitution or solicitation for

prostitution. Section 16 additionally prohibits placing a child in a state or local facility for the detention of children or adjudicating a child as delinquent or in need of supervision on or after July 1, 2022, for certain minor offenses committed in connection with commercial sexual exploitation. Section 16 further requires a juvenile court which finds, on or after July 1, 2022, that a commercially sexually exploited child has committed ~~to~~ a nonviolent act that would be a crime if committed by an adult from adjudicating the child as a delinquent child or a child in need of supervision based on that act. Instead, the court is required to transfer the child to an agency which provides child welfare services for a determination whether the child is in need of protection and services. Section 16 further requires such an offense or a juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been ~~to~~ commercially sexually exploited to report the commercial sexual exploitation of the child to ~~transfer the child to the custody of~~ an agency which provides child welfare services.

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator of the Division shall ~~appoint a~~ create the position of coordinator of services for commercially sexually exploited children. ~~The coordinator is an employee of the Division who serves at the pleasure of the Administrator and is in the unclassified service of the State.~~ The Administrator may employ or enter into a contract with a person to serve in that position.

2. The coordinator of services for commercially sexually exploited children shall ~~not~~, in collaboration with other state and local agencies, including, without limitation, agencies which provide child welfare services and juvenile justice agencies, and other interested persons, including, without limitation, nonprofit organizations that provide legal services and persons who advocate for victims:

(a) Assess existing gaps in services for commercially sexually exploited children;

(b) Assess the needs for services and housing of commercially sexually exploited children in this State and the anticipated needs for services and housing of such children in the future, including, without limitation, the range of services and housing that are currently needed and will be required to meet anticipated needs;

(c) Evaluate any incentives necessary to recruit providers of housing for commercially sexually exploited children that meet the criteria prescribed in paragraph (a) of subsection 3; and

(d) Develop a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children that meets the requirements of subsection 3 and update the plan as necessary.

3. The plan developed pursuant to paragraph (d) of subsection 2 must include, without limitation, plans to:

(a) Provide specialized, evidence-based forms of housing, including, without limitation and where feasible and appropriate, home-based housing, to meet the needs of each commercially sexually exploited child in this State. ~~The majority of such housing must consist of foster homes, and the remainder~~

~~of such housing must consist of other evidence-based forms of housing for commercially sexually exploited children.] All housing provided pursuant to this paragraph must:~~

(1) To the extent appropriate, allow residents freedom of movement inside and outside the house;

(2) Be secured from intrusion;

(3) To the extent appropriate, allow residents privacy and autonomy;

(4) Provide a therapeutic environment to address the needs of commercially sexually exploited children;

(5) Coordinate with persons and entities that provide services to residents; and

(6) Be operated by persons who have training concerning the specific needs of commercially sexually exploited children and practices for interacting with victims of trauma.

(b) Recruit providers of housing that meet the requirements of paragraph (a).

(c) Provide services to providers of housing for commercially sexually exploited children designed to increase the success of placements of such children.

(d) Provide legal representation to commercially sexually exploited children.

(e) Ensure that any secured placement for commercially sexually exploited children:

(I) Provides therapeutic treatment to assist the child in safely transitioning to a home-based placement; and

(2) Is temporary, subject to judicial review not later than 72 hours after the initiation of the placement and utilized only when necessary to:

(I) Return the child to a parent or legal guardian or to another jurisdiction; or

(II) Protect the child from further victimization or threats by a perpetrator of commercial sexual exploitation or a person acting on behalf of such a perpetrator.

4. As used in this section:

(a) "Commercially sexually exploited child" means any child who is sex trafficked in violation of NRS 201.300, a victim of sexual abuse or sexually exploited for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

(b) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(c) "Sexual abuse" has the meaning ascribed to it in NRS 432B.100.

~~(c)~~ (d) "Sexually exploited" has the meaning ascribed to it in NRS 432B.110.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

1 Sec. 13. (Deleted by amendment.)

2 Sec. 14. (Deleted by amendment.)

3 Sec. 15. (Deleted by amendment.)

4 Sec. 16. Chapter 62C of NRS is hereby amended by adding thereto a new
5 section to read as follows:

6 1. A child must not be adjudicated as delinquent or in need of supervision
7 for engaging in prostitution or solicitation for prostitution pursuant to NRS
8 201.354 or paragraph (b) of subsection 1 of NRS 207.030.

9 2. A child must not be placed in a state or local facility for the detention of
10 children if:

11 (a) The child is alleged to have violated:

12 (1) The provisions of NRS 197.190, 207.200 or 463.350; or

13 (2) A county or municipal ordinance imposing a curfew on a child or
14 prohibiting jaywalking or loitering for the purpose of solicitation for prostitution;
15 and

16 (b) There is reasonable cause to believe that the child is a commercially
17 sexually exploited child.

18 3. If a court finds that a child ~~is while a commercially sexually exploited~~
19 ~~child~~ committed ~~a nonviolent~~ an act ~~that would be a crime if committed by an~~
20 ~~adult~~ described in subsection 2 and that clear and convincing evidence exists
21 that the child committed the act in connection with commercial sexual
22 exploitation, the court shall not adjudicate the child as a delinquent child or a
23 child in need of supervision based on that act. Upon such a finding, the court
24 shall ~~refer~~ report the commercial sexual exploitation of the child to an agency
25 which provides child welfare services ~~for a determination of whether the child~~
26 ~~is in need of protection and services related to the commercial sexual~~
27 ~~exploitation.~~

28 ~~2.~~ 4. A juvenile justice agency that has reasonable cause to believe that a
29 child in its custody is or has been a commercially sexually exploited child shall
30 ~~request the court to transfer~~ report the commercial sexual exploitation of the
31 child to ~~the custody of~~ an agency which provides child welfare services.

32 ~~3.~~ 5. As used in this section:

33 (a) "Commercial sexual exploitation" means the sex trafficking of a child in
34 violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for
35 the financial benefit of any person or in exchange for anything of value,
36 including, without limitation, monetary or nonmonetary benefits given or
37 received by any person.

38 (b) "Commercially sexually exploited child" has the meaning ascribed to it in
39 section 1 of this act.

40 ~~(b.)~~ (c) "Juvenile justice agency" means the Youth Parole Bureau or a
41 director of juvenile services.

42 Sec. 16.5. 1. As soon as practicable after the effective date of this ~~act,~~
43 section, the Administrator of the Division of Child and Family Services of the
44 Department of Health and Human Services shall ~~appoint~~ employ or contract
45 with a person to act as the coordinator of services for commercially sexually
46 exploited children ~~as required~~ created pursuant to section 1 of this act.

47 2. On or before October 1, 2020, the coordinator of services for commercially
48 sexually exploited children ~~appointed~~ employed or contracted with pursuant to
49 subsection 1 shall submit to the Legislative Committee on Child Welfare and
50 Juvenile Justice a formal proposal to carry out the plan to establish infrastructure to
51 provide treatment and services to commercially sexually exploited children
52 developed pursuant to section 1 of this act.

53 Sec. 17. (Deleted by amendment.)

1 Sec. 18. 1. There is hereby appropriated from the State General Fund
2 to the Division of Child and Family Services of the Department of Health and
3 Human Services for the purpose described in subsection 2 the following sums:

4 For the Fiscal Year 2019-2020 \$70,861

5 For the Fiscal Year 2020-2021 \$88,701

6 2. The money appropriated by subsection 1 must be used to pay the costs
7 of the coordinator of services for commercially sexually exploited children who
8 is employed by or with whom the Division enters into a contract pursuant to
9 section 1 of this act.

10 3. Any balance of the sums appropriated by subsection 1 remaining at
11 the end of the respective fiscal years must not be committed for expenditure
12 after June 30 of the respective fiscal years by the entity to which the
13 appropriation is made or any entity to which money from the appropriation is
14 granted or otherwise transferred in any manner, and any portion of the
15 appropriated money remaining must not be spent for any purpose after
16 September 18, 2020, and September 17, 2021, respectively, by either the entity
17 to which the money was appropriated or the entity to which the money was
18 subsequently granted or transferred, and must be reverted to the State
19 General Fund on or before September 18, 2020, and September 17, 2021,
20 respectively.

21 ~~[Sec. 18.]~~ Sec. 19. 1. This section and sections 1 and 16.5 of this act
22 become effective upon passage and approval.

23 2. Section 18 of this act becomes effective on July 1, 2019.

24 3. Section 16 of this act becomes effective on July 1, 2022.