

Amendment No. 822

Assembly Amendment to Senate Bill No. 368 First Reprint	(BDR 2-166)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

MNM/BAW



Date: 5/21/2019

S.B. No. 368—Revises provisions relating to protections for victims of crime.  
(BDR 2-166)





## SENATE BILL NO. 368—SENATORS SPEARMAN AND PARKS

MARCH 20, 2019

JOINT SPONSOR: ASSEMBLYWOMAN KRASNER

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to protections for victims of crime.  
(BDR ~~[2-166)]~~ 3-166)

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 victims of crime; ~~[eliminating the statute of limitations in civil actions to recover damages for certain sexual offenses;]~~ establishing a rebuttable presumption in civil actions concerning unwelcome or nonconsensual sexual conduct by a person in a position of authority over an alleged victim; ~~[revising provisions relating to confidential communications between a victim's advocate and certain victims;]~~ authorizing a child adjudicated delinquent for certain unlawful acts who was a victim of sex trafficking or involuntary servitude to petition the juvenile court to vacate the adjudication and seal all records relating thereto; ~~[eliminating the statute of limitations for sexual assault and various other sexual offenses; authorizing the imposition of an additional penalty against a person in a position of authority over another person who commits a sexual offense against the other person;]~~ establishing the Sexual Assault ~~[Victims' DNA]~~ Survivors' Bill of Rights; increasing the time within which an extended order of protection against a person who allegedly committed a sexual assault may remain effective; ~~[increasing the term of imprisonment and authorized fine imposed upon a person who possesses a visual presentation depicting sexual conduct of a person under 16 years of age;]~~ revising provisions relating to such extended orders of protection; revising provisions relating to the crime of prostitution or solicitation of prostitution; ~~[revising provisions relating to sexual conduct between a law enforcement officer and a person in his or her custody; requiring the Department of Health and Human Services to develop a State Plan for Services for Victims of Crime;]~~ revising provisions relating to investigations by an administrator of a public school into a report of bullying or cyber-bullying; revising provisions

relating to facilities that offer services to persons with an intellectual disability or developmental disability; revising provisions relating to the testing of a person alleged to have committed a sexual offense; ~~requiring the Advisory Commission on the Administration of Justice to study state laws relating to the crime of prostitution or the solicitation of prostitution;~~ and providing other matters properly relating thereto.

### Legislative Counsel's Digest:

~~[Existing law provides that certain communications between a victim's advocate and a person who alleges that an act of domestic violence, human trafficking or sexual assault has been committed against the person is deemed to be confidential. Any such person who seeks advice, counseling or assistance from a victim's advocate generally has a privilege to refuse to disclose and to prevent any other person from disclosing such confidential communications. (NRS 49.2546, 49.2547) Section 3 of this bill specifies that such confidential communications are not subject to discovery proceedings.]~~

Section 2 of this bill establishes a rebuttable presumption in any civil action concerning any unwelcome or nonconsensual sexual conduct, including sexual harassment, that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

Existing law: (1) authorizes a person convicted of certain offenses who was the victim of sex trafficking or involuntary servitude to petition the court to vacate the judgment and seal all documents relating to the case; and (2) provides that if the court enters such an order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. (NRS 179.247) **Section 4** of this bill: (1) authorizes a child adjudicated delinquent for certain unlawful acts who was the victim of sex trafficking or involuntary servitude to petition the juvenile court to vacate the adjudication and seal all records relating to the adjudication; and (2) provides that if the juvenile court enters such an order, the juvenile court is also required to order sealed the records of the child which relate to the adjudication being vacated.

~~[—Existing law establishes the statutes of limitations for felonies and generally provides that an indictment must be found, or an information or complaint filed: (1) for certain specified felonies, including sex trafficking, within 4 years after the commission of the offense; (2) for sexual assault, within 20 years after the commission of the offense; and (3) for any other felony, within 3 years after the commission of the offense. (NRS 171.085) Section 6 of this bill eliminates the statute of limitations for sexual assault and various other sexual offenses that are, depending on the circumstances, punishable as a felony, gross misdemeanor or misdemeanor, and provides that a prosecution for any such offense may be commenced at any time after the violation is committed. Sections 7-10 of this bill make conforming changes.~~

~~—Existing law provides that a civil action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age generally must be commenced within 20 years after the plaintiff: (1) reaches 18 years of age; or (2) discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse, whichever occurs later. (NRS 11.215) Section 1 of this bill provides that there is no limitation of time within which a civil action to recover damages for such an injury or for the sexual assault of the plaintiff must be commenced and that any such action may be commenced at any time after the offense is committed.~~

~~—Existing law establishes the imposition of a penalty for the commission of certain specified crimes that is in addition to the usual penalty imposed for the offense. (NRS 193.161-193.169) Section 11 of this bill authorizes the imposition of an additional penalty against any person in a position of authority over another person who commits a sexual offense against the other person. Section 11 provides that, in addition to the term of imprisonment prescribed for the crime, if the crime committed is: (1) a misdemeanor or gross misdemeanor, the person must be punished by imprisonment in the county jail for a term equal to the term of imprisonment prescribed for the crime; or (2) a felony, the person must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. Section 11 also establishes the information that a court is required to consider in determining the length of the additional penalty imposed.~~

— Section 2 of this bill establishes a rebuttable presumption in any civil action concerning any unwelcome or nonconsensual sexual conduct, including sexual harassment, that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.]

Existing law: (1) generally requires a law enforcement agency, within 30 days after receiving a sexual assault forensic evidence kit (hereinafter “SAFE kit”) to submit the SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis; and (2) requires the forensic laboratory to test a SAFE kit not later than 120 days after receiving it. (NRS 200.3786) Sections ~~14 and 15~~ **14-15.8** of this bill establish the Sexual Assault ~~[Victims’ DNA]~~ **Survivors’** Bill of Rights. ~~[Section 15 requires a law enforcement agency, upon the request of a victim of sexual assault, to inform the victim of the status of the DNA testing of a SAFE kit from the victim’s case. Section 15 also requires a law enforcement agency responsible for providing information to a victim to do so in a timely manner and, upon request, advise the victim of any significant changes in the information of which the law enforcement agency is aware. Section 15 further establishes certain rights of a victim of sexual assault.]~~ **Section 14.9 of this bill defines the term “survivor” for purposes of the Bill of Rights as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor. Sections 15.2-15.6 of this bill set forth procedures regarding the collection and analysis of SAFE kits. Section 15.8 of this bill prohibits a defendant from challenging his or her conviction based on certain persons not adhering to the collection and analysis timelines set forth in such procedures.**

Existing law authorizes any person who reasonably believes that the crime of sexual assault has been committed against him or her by another person to petition a court for a temporary or extended order to restrict the conduct of the person who allegedly committed the sexual assault. (NRS 200.378) Existing law provides that any such extended order expires within a time fixed by the court not to exceed 1 year. (NRS 200.3782) **Section 17** of this bill increases the time within which such an extended order can expire to ~~5~~ **3** years.

~~[— Existing law provides that a person who knowingly and willfully has in his or her possession any visual presentation depicting sexual conduct of a person under 16 years of age is guilty: (1) for the first offense, of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000; and (2) for any subsequent offense, of a category A felony and must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of life with the possibility of parole, and may be further punished by a fine of not more than \$5,000. (NRS 200.730) Section 18 of this bill: (1) increases the minimum term of imprisonment for a first or subsequent offense to 5 years; (2) increases the maximum term of imprisonment for a first offense to 20 years; and (3) increases the fine that may be imposed for a first or subsequent offense to \$250,000.]~~ **Section 17 also: (1) requires the court to enter a finding of fact providing the basis for the imposition of an extended order for a period of greater than 1 year; and (2) authorizes the protected party or the adverse party at any time while an extended order is effective to move a court to modify or dissolve an extended order because of changed circumstances of the parties.**

Existing law prohibits any person from engaging in prostitution or the solicitation thereof except in a licensed house of prostitution and provides that a prostitute who violates such a prohibition is guilty of a misdemeanor. (NRS 201.354) **Section 19** of this bill provides that if a prostitute: (1) is detained, arrested or cited for engaging in prostitution or the solicitation of prostitution, a peace officer must provide to the prostitute certain information and opportunities for connecting with social service agencies that may provide assistance to the prostitute; and (2) is determined by the prosecuting attorney to be a victim of sex trafficking, the charge must be dismissed.

~~[— Existing law prohibits a person from voluntarily engaging in sexual conduct with a prisoner who is in lawful custody or confinement and provides that any person who violates such a prohibition is guilty of a category D felony. (NRS 212.187) Existing law defines the term “prisoner” for the purposes of such a prohibition as including any person held in custody under process of law or under lawful arrest. (NRS 208.085) Section 20 of this bill: (1) clarifies that such a prohibition applies to a law enforcement officer who voluntarily engages in sexual conduct with a person who is in his or her custody; and (2) provides that if a law enforcement officer violates such a prohibition by voluntarily engaging in sexual conduct with a person~~

who is in his or her custody, it is not a defense that the person in his or her custody consented to the sexual conduct.}]

Existing law requires any teacher, administrator, coach or other staff member of a public school who witnesses any bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus to report the violation to the administrator in charge of the school or his or her designee on the same day that the violation is witnessed. The administrator or designee is required to immediately begin an investigation into the report, which must be completed not later than 2 school days after the administrator or designee received the report. (NRS 388.1351) **Section 25** of this bill provides that such provisions must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Existing law establishes provisions concerning persons with intellectual disabilities and persons with developmental disabilities, including provisions relating to facilities that offer services to such persons. (Chapter 435 of NRS) **Section 26** of this bill requires the Aging and Disability Services Division of the Department of Health and Human Services to ensure that each facility to which a person with an intellectual disability or a person with a developmental disability is able to be admitted provides: (1) training to each employee of the facility regarding the protocol that must be followed if the employee becomes aware of any sexual abuse of a person that is admitted to the facility; and (2) appropriate education to each person that is admitted to the facility that explains what sexual abuse is and how to report it.

Existing law requires: (1) the district health officer in a district or the Chief Medical Officer, or the designee thereof, to test a specimen obtained from an arrested person alleged to have committed a sexual offense for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease; and (2) the agency that has custody of the arrested person to obtain the specimen and submit it for testing. The tests must be performed as soon as practicable after the arrest of the person alleged to have committed the crime, but not later than 48 hours after the person is charged with the crime by indictment or information, unless the person alleged to have committed the crime is a child who will be adjudicated in juvenile court and not later than 48 hours after the petition is filed with the juvenile court alleging that the child is delinquent for committing such an act. (NRS 441A.320) **Section 27** of this bill ~~[(1)]~~ revises the maximum time allowed to perform the tests from 48 hours to ~~96~~ **72** hours after the person alleged to have committed a crime is arrested or, if the person is a child, a petition alleging the commission of a delinquent act is filed. ~~[(1)]~~ and (2) ~~provides that in all cases, the tests must be performed before the arrested person is released from custody.~~

~~Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) Section 27.3 of this bill requires the Commission to study state laws relating to the crime of prostitution or the solicitation of prostitution and to submit a report of the results of its study and any recommendations for legislation to the 81st session of the Nevada Legislature.]~~

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

**Section 1.** ~~[NRS 11.215 is hereby amended to read as follows:~~

~~11.215 1. [Except as otherwise provided in subsection 2 and NRS 217.007,]  
There is no limitation of time within which an action to recover damages for an  
injury to a person arising from the sexual abuse of the plaintiff which occurred  
when the plaintiff was less than 18 years of age [must be commenced within 20  
years after] or the sexual assault of the plaintiff [;  
(a) Reaches 18 years of age; or  
(b) Discovers or reasonably should have discovered that his or her injury was  
caused by the sexual abuse;~~

~~— whichever occurs later.] must be commenced. Such an action may be commenced at any time after the offense is committed.~~

~~2. An action to recover damages pursuant to NRS 41.1296 must be commenced within 20 years after the occurrence of the following, whichever is later:~~

~~(a) The court enters a verdict in a related criminal case; or~~

~~(b) The victim reaches the age of 18 years.~~

~~3. As used in this section [“sexual”]:~~

~~(a) “Sexual abuse” has the meaning ascribed to it in NRS 432B.100.~~

~~(b) “Sexual assault” means a violation of NRS 200.366.] (Deleted by amendment.)~~

**Sec. 2.** Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.*

*2. As used in this section:*

*(a) “Person in a position of authority” ~~has the meaning ascribed to it in section 11 of this act.~~ means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.*

*(b) “Sexual harassment” has the meaning ascribed to it in NRS 176A.280.*

**Sec. 3.** ~~[NRS 49.2547 is hereby amended to read as follows:~~

~~49.2547 Except as otherwise provided in NRS 49.2549, a victim who seeks advice, counseling or assistance from a victim’s advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in NRS 49.2546. Any such confidential communications are not subject to discovery proceedings.] (Deleted by amendment.)~~

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

*1. If a child has been adjudicated delinquent for an unlawful act listed in subsection 2, the child may petition the juvenile court for an order:*

*(a) Vacating the adjudication; and*

*(b) Sealing all records relating to the adjudication.*

*2. A child may file a petition pursuant to subsection 1 if the child was adjudicated delinquent for an unlawful act in violation of:*

*(a) NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the child was not alleged to be a customer of a prostitute;*

*(b) NRS 207.200, for unlawful trespass;*

*(c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or*

*(d) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.*

*3. The juvenile court may grant a petition filed pursuant to subsection 1 if:*

*(a) The petitioner was adjudicated delinquent for an unlawful act described in subsection 2;*

*(b) The participation of the petitioner in the unlawful act was the result of the petitioner having been a victim of:*

1           *(1) Trafficking in persons as described in the Trafficking Victims*  
2 *Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or*

3           *(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and*  
4 *(c) The petitioner files a petition pursuant to subsection 1 with due diligence*  
5 *after the petitioner has ceased being a victim of trafficking or involuntary*  
6 *servitude or has sought services for victims of such trafficking or involuntary*  
7 *servitude.*

8           4. *Before the court decides whether to grant a petition filed pursuant to*  
9 *subsection 1, the court shall:*

10           *(a) Notify the district attorney and the chief probation officer or the Chief of*  
11 *the Youth Parole Bureau and allow any person who has evidence that is relevant*  
12 *to consideration of the petition to testify at the hearing on the petition; and*

13           *(b) Take into consideration any reasonable concerns for the safety of the*  
14 *petitioner, family members of the petitioner or other victims that may be*  
15 *jeopardized by the granting of the petition.*

16           5. *If the court grants a petition filed pursuant to subsection 1, the court*  
17 *shall:*

18           *(a) Vacate the adjudication and dismiss the accusatory pleading; and*

19           *(b) Order sealed all records relating to the adjudication.*

20           6. *If a petition filed pursuant to subsection 1 does not satisfy the*  
21 *requirements of NRS 62H.130 or the juvenile court determines that the petition is*  
22 *otherwise deficient with respect to the sealing of the petitioner's record, the*  
23 *juvenile court may enter an order to vacate the adjudication and dismiss the*  
24 *accusatory pleading if the petitioner satisfies all requirements necessary for the*  
25 *adjudication to be vacated.*

26           7. *If the juvenile court enters an order pursuant to subsection 6, the court*  
27 *shall also order sealed all records of the petitioner which relate to the*  
28 *adjudication being vacated in accordance with paragraph (b) of subsection 5,*  
29 *regardless of whether any records relating to other adjudications are ineligible*  
30 *for sealing either by operation of law or because of a deficiency in the petition.*

31           **Sec. 5.** NRS 62H.130 is hereby amended to read as follows:

32           62H.130 1. If a child is less than 21 years of age, the child or a probation or  
33 parole officer on behalf of the child may petition the juvenile court for an order  
34 sealing all records relating to the child. ~~[The]~~ *Except as otherwise provided in*  
35 *section 4 of this act, the* petition may be filed:

36           (a) Not earlier than 3 years after the child was last adjudicated in need of  
37 supervision, adjudicated delinquent or placed under the supervision of the juvenile  
38 court pursuant to NRS 62C.230; and

39           (b) If, at the time the petition is filed, the child does not have any delinquent or  
40 criminal charges pending.

41           2. If a petition is filed pursuant to this section, the juvenile court shall notify  
42 the district attorney and, if a probation or parole officer is not the petitioner, the  
43 chief probation officer or the Chief of the Youth Parole Bureau.

44           3. The district attorney and the chief probation officer or any of their deputies,  
45 the Chief of the Youth Parole Bureau or his or her designee, or any other person  
46 who has evidence that is relevant to consideration of the petition may testify at the  
47 hearing on the petition.

48           4. Except as otherwise provided in subsection 6, after the hearing on the  
49 petition, if the juvenile court finds that during the applicable 3-year period, the  
50 child has not been convicted of a felony or of any misdemeanor involving moral  
51 turpitude and the child has been rehabilitated to the satisfaction of the juvenile  
52 court, the juvenile court:



(a) May enter an order sealing all records relating to the child if the child is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.

5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under the supervision of the juvenile court pursuant to NRS 62C.230;

(d) The response of the child to any treatment or rehabilitation program;

(e) The education and employment history of the child;

(f) The statement of the victim;

(g) The nature of any criminal offense for which the child was convicted;

(h) Whether the sealing of the record would be in the best interest of the child and the State; and

(i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.

**Sec. 6.** ~~[NRS 171.080 is hereby amended to read as follows:~~

~~171.080 There is no limitation of the time within which a prosecution for:~~

~~1. Murder must be commenced. It may be commenced at any time after the death of the person killed.~~

~~2. A violation of NRS 200.366, 200.368, 200.710, 200.720, 200.725, 200.727, 200.730, 201.180, 201.230, 201.540, 201.550, 201.555, 201.560 or 202.445 must be commenced. It may be commenced at any time after the violation is committed.]~~

**(Deleted by amendment.)**

**Sec. 7.** ~~[NRS 171.083 is hereby amended to read as follows:~~

~~171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, [a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or] a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking [,] files with a law enforcement officer a written report concerning the [sexual assault or] sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the [sexual assault or] sex trafficking must be commenced.~~

~~2. If a written report is filed with a law enforcement officer pursuant to subsection 1, the law enforcement officer shall provide a copy of the written report to the victim or the person authorized to act on behalf of the victim.~~

~~3. If a victim of [a sexual assault or] sex trafficking is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning the [sexual assault or] sex trafficking is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.~~

~~4. For the purposes of this section, a victim of [a sexual assault or] sex trafficking is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.~~

~~5. As used in this section, "law enforcement officer" means:~~

~~(a) A prosecuting attorney;~~

~~(b) A sheriff of a county or the sheriff's deputy;~~

~~(c) An officer of a metropolitan police department or a police department of an incorporated city; or~~

~~(d) Any other person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.] (Deleted by amendment.)~~

**Sec. 8.** ~~[NRS 171.085 is hereby amended to read as follows:~~

~~171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, an indictment for:~~

~~1. Theft, robbery, burglary, forgery, arson, sex trafficking, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.~~

~~2. [Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.~~

~~3.] Any felony other than the felonies listed in [subsections] **subsection 1** [and 2] must be found, or an information or complaint filed, within 3 years after the commission of the offense.] (Deleted by amendment.)~~

**Sec. 9.** ~~[NRS 171.090 is hereby amended to read as follows:~~

~~171.090 Except as otherwise provided in NRS 171.080, 171.095, 202.885 and 624.800, an indictment for:~~

~~1. A gross misdemeanor must be found, or an information or complaint filed, within 2 years after the commission of the offense.~~

~~2. Any other misdemeanor must be found, or an information or complaint filed, within 1 year after the commission of the offense.] (Deleted by amendment.)~~

**Sec. 10.** ~~[NRS 171.095 is hereby amended to read as follows:~~

~~171.095 1. Except as otherwise provided in subsection 2 and NRS 171.080, 171.083 and 171.084:~~

~~(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.~~

~~(b) An indictment must be found, or an information or complaint filed, for any offense constituting [sexual abuse of a child as defined in NRS 432B.100 or] sex trafficking of a child as defined in NRS 201.300 [.] before the victim is:~~

~~(1) Thirty six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the [sexual abuse or] sex trafficking by the date on which the victim reaches that age; or~~

~~(2) Forty three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the [sexual abuse or] sex trafficking by the date on which the victim reaches 36 years of age.~~

~~(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.~~

~~2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.~~ **(Deleted by amendment.)**

**Sec. 11.** ~~[Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in NRS 193.169, any person in a position of authority over another person who commits a sexual offense against the other person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.~~

~~2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:~~

~~(a) The facts and circumstances of the crime or criminal violation;~~

~~(b) The criminal history of the person;~~

~~(c) The impact of the crime or criminal violation on any victim;~~

~~(d) Any mitigating factors presented by the person; and~~

~~(e) Any other relevant information.~~

~~➔ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.~~

~~3. The sentence prescribed by this section:~~

~~(a) Must not exceed the sentence imposed for the crime or criminal violation; and~~

~~(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.~~

~~4. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~

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

~~(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.~~

~~(b) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.~~ **(Deleted by amendment.)**

**Sec. 12.** ~~[NRS 193.169 is hereby amended to read as follows:~~

~~193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 or section 11 of this act must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

~~2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of~~

~~NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335, 453.3345 or 453.3351 or section 11 of this act even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

~~2. This section does not:~~

~~(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1 or 2.~~

~~(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.}~~  
**(Deleted by amendment.)**

**Sec. 13. [Chapter 200] Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 14 [and 15] to 15.8, inclusive, of this act.**

**Sec. 14. [Section 15] Sections 14 to 15.8, inclusive, of this act may be cited as the Sexual Assault [Victims' DNA] Survivors' Bill of Rights.**

**Sec. 14.1. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 14.2 to 14.9, inclusive, of this act have the meaning ascribed to them in those sections.**

**Sec. 14.2. "CODIS" has the meaning ascribed to it in NRS 176.09113.**

**Sec. 14.3. "DNA profile" has the meaning ascribed to it in NRS 176.09115.**

**Sec. 14.4. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.**

**Sec. 14.5. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.**

**Sec. 14.55. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.**

**Sec. 14.6. "Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.**

**Sec. 14.7. "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.**

**Sec. 14.8. "State DNA Database" means the database established pursuant to NRS 176.09121.**

**Sec. 14.9. "Survivor" means a person who is a victim of sexual assault, as defined in NRS 217.280 or, if the victim is incompetent, deceased or a minor, the parent, guardian, spouse, legal representative or other person related to the victim within the second degree of consanguinity or affinity, unless such person is the defendant or accused or is convicted of the sexual assault.**

**Sec. 15. [1-] The Legislature hereby finds and declares that:**

**[1-] 1. Victims of sexual assault have a strong interest in the investigation and prosecution of their cases.**

**[1-] 2. Law enforcement agencies have an obligation to victims of sexual assault to be responsive to the victims concerning the developments of forensic testing and the investigation of their cases.**

**[1-] 3. The growth of the State DNA Database and CODIS makes it possible for many perpetrators of sexual assault to be identified after their first offense.**

**[1-] 2. Upon the request of a victim of sexual assault, the law enforcement agency investigating the sexual assault shall inform the victim of the status of the DNA testing of a sexual assault forensic evidence kit from the victim's case. The**

~~law enforcement agency may require that such a request be in writing, and shall respond to such a request with an oral or written communication, including, without limitation, a communication sent by electronic mail if the victim has provided his or her electronic mail address to the law enforcement agency. This subsection must not be construed to require a law enforcement agency to communicate with a victim of sexual assault or the designee of the victim regarding the status of the testing of a sexual assault forensic evidence kit if the victim or his or her designee does not specifically request such information.~~

~~3. Subject to the availability of sufficient resources to respond to requests for information, a victim of sexual assault has the following rights:~~

~~(a) The right to be informed of whether a DNA profile was obtained from the DNA testing of a sexual assault forensic evidence kit from the victim's case.~~

~~(b) The right to be informed of whether a DNA profile obtained from the DNA testing of a sexual assault forensic evidence kit from the victim's case has been entered into the State DNA Database.~~

~~(c) The right to be informed of whether there is a match between a DNA profile obtained from the DNA testing of a sexual assault forensic evidence kit from the victim's case and a DNA profile contained in the State DNA Database, provided that disclosure of such information will not impede or compromise any ongoing investigation.~~

~~4. A victim of sexual assault may designate a sexual assault victim advocate or other support person of the victim's choosing to act as a recipient of the information required to be provided pursuant to this section.~~

~~5. A law enforcement agency responsible for providing information pursuant to this section shall do so in a timely manner and, upon request of the victim or his or her designee, advise the victim or designee of any significant changes in the information of which the law enforcement agency is aware. To be entitled to receive such notice, the victim or his or her designee shall keep the law enforcement agency informed of the name, address, telephone number and any electronic mail address of the person to whom the information should be provided and any changes thereto.~~

~~6. The provisions of this section are intended to encourage a law enforcement agency to notify victims of sexual assault of information that is in the possession of the law enforcement agency, not to affect the manner of or frequency with which such information is provided to the law enforcement agency.~~

~~7. A defendant or person convicted or accused of a crime against a victim of sexual assault has no standing to object to any failure to comply with this section. The failure by a law enforcement agency to provide a right or notice to a victim of sexual assault pursuant to this section cannot be used by a defendant to seek to have his or her conviction or sentence set aside.~~

~~8. As used in this section:~~

~~(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.~~

~~(b) "State DNA Database" has the meaning ascribed to it in NRS 176.09119.~~

Sec. 15.2. 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests in writing at any time before such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. Biological evidence, including, without limitation, a sexual assault forensic evidence kit, secured in connection with the investigation or prosecution

of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 15.4. Upon the request of a survivor, he or she has the right to be informed of:

1. The results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

2. Whether the analysis yielded a DNA profile; and

3. Whether the analysis yielded the DNA profile of the defendant or person accused or convicted of a crime against the survivor or a person already in CODIS.

Sec. 15.6. The failure of a law enforcement agency to take possession of a sexual assault forensic evidence kit pursuant to the Sexual Assault Survivors' Bill of Rights, or the failure of the law enforcement agency to submit such evidence for genetic marker analysis within the timeline prescribed pursuant to the Bill of Rights, does not alter:

1. The authority of a law enforcement agency to take possession of that evidence or to submit that evidence to a forensic laboratory; and

2. The authority of the forensic laboratory to accept and analyze the evidence or to upload an eligible DNA profile obtained from such evidence to CODIS or the State DNA Database.

Sec. 15.8. 1. A defendant or person accused or convicted of a crime against a survivor does not have standing to seek to have his or her conviction or sentence set aside for any failure by a law enforcement agency, forensic laboratory or other relevant entity to comply with the timing requirements of the Sexual Assault Survivors' Bill of Rights.

2. Failure by a law enforcement agency, forensic laboratory or other relevant entity to comply with the requirements of the Sexual Assault Survivors' Bill of Rights does not constitute grounds for challenging the validity of a match or any information in the State DNA Database during any criminal or civil proceeding, and any evidence of such a match or any information in the State DNA Database must not be excluded by a court on such grounds.

Sec. 16. [NRS 200.364 is hereby amended to read as follows:

~~200.364. As used in NRS 200.364 to 200.3788, inclusive, and sections 14 and 15 of this act, unless the context otherwise requires:~~

~~1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.~~

~~2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.~~

~~4. "Offense involving a pupil or child" means any of the following offenses:~~

~~1. (a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~2. (b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~3. (c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.~~

~~4. 5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.~~

~~5. 6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.~~

~~6. 7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.~~

~~7. 8. "Sexual offense" means any of the following offenses:~~

~~8. (a) Sexual assault pursuant to NRS 200.366.~~

~~9. (b) Statutory sexual seduction pursuant to NRS 200.368.~~

~~10. 9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.~~

~~11. 10. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.~~

~~12. 11. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.~~

~~13. 12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.] (Deleted by amendment.)~~

**Sec. 17.** NRS 200.3782 is hereby amended to read as follows:

200.3782 1. A temporary order issued pursuant to NRS 200.378 expires within such time, not to exceed 30 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed ~~1 year, 5/ 3 years~~, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than ~~1 year, 5/ 3 years~~.

4. A court shall enter a finding of fact providing the basis for the imposition of an extended order effective for more than 1 year.

5. At any time while the extended order is in effect, the party who obtained the extended order or the adverse party may appear and move for its dissolution or modification based on changes of circumstance of the parties, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

6. This section must not be construed to affect the right of an adverse party to an interlocutory appeal pursuant to NRS 33.030.

**Sec. 18.** ~~NRS 200.730 is hereby amended to read as follows:~~

~~200.730 A person who knowingly and willfully has in his or her possession for any purpose any film, photograph or other visual presentation depicting a~~



1 person under the age of 16 years as the subject of a sexual portrayal or engaging in  
2 or simulating, or assisting others to engage in or simulate, sexual conduct;

3 ~~1. For the first offense, is guilty of a category B felony and shall be punished~~  
4 ~~by imprisonment in the state prison for a minimum term of not less than [1 year] 5~~  
5 ~~years and a maximum term of not more than [6] 20 years, and may be further~~  
6 ~~punished by a fine of not more than [\$5,000.] \$250,000.~~

7 ~~2. For any subsequent offense, is guilty of a category A felony and shall be~~  
8 ~~punished by imprisonment in the state prison for a minimum term of not less than~~  
9 ~~[1 year] 5 years and a maximum term of life with the possibility of parole, and may~~  
10 ~~be further punished by a fine of not more than [\$5,000.] \$250,000. (Deleted by~~  
11 ~~amendment.)~~

12 **Sec. 19.** NRS 201.354 is hereby amended to read as follows:

13 201.354 1. It is unlawful for any person to engage in prostitution or  
14 solicitation therefor, except in a licensed house of prostitution.

15 2. A prostitute who violates subsection 1 is guilty of a misdemeanor. *A peace*  
16 *officer who:*

17 *(a) Detains, but does not arrest or issue a citation to a prostitute for a*  
18 *violation of subsection 1 shall, before releasing the prostitute, provide*  
19 *information regarding and opportunities for connecting with social service*  
20 *agencies that may provide assistance to the prostitute. The Department of Health*  
21 *and Human Services shall assist law enforcement agencies in providing*  
22 *information regarding and opportunities for connecting with such social service*  
23 *agencies pursuant to this paragraph.*

24 *(b) Arrests or issues a citation to a prostitute for a violation of subsection 1*  
25 *shall, before the prostitute is released from custody or cited:*

26 *(1) Inform the prostitute that he or she may be eligible for assignment to*  
27 *a preprosecution diversion program established pursuant to NRS 174.032; and*

28 *(2) Provide the information regarding and opportunities for connecting*  
29 *with social service agencies described in paragraph (a).*

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

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

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

36 (c) For a third or subsequent offense, is guilty of a gross misdemeanor and  
37 shall be punished as provided in NRS 193.140, and by a fine of not less than  
38 \$1,300.

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

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

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

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



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

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

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

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

11 (a) The enforcement of this section; and

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

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

18 7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or  
19 5.055 to participate in a program for the treatment of persons who solicit  
20 prostitution, upon fulfillment of the terms and conditions of the program, the court  
21 may discharge the person and dismiss the proceedings against the person. If the  
22 court discharges the person and dismisses the proceedings against the person, a  
23 nonpublic record of the discharge and dismissal must be transmitted to and retained  
24 by the Division of Parole and Probation of the Department of Public Safety solely  
25 for the use of the courts in determining whether, in later proceedings, the person  
26 qualifies under this section for participation in a program of treatment for persons  
27 who solicit prostitution. Except as otherwise provided in this subsection, discharge  
28 and dismissal under this subsection is without adjudication of guilt and is not a  
29 conviction for purposes of employment, civil rights or any statute or regulation or  
30 license or questionnaire or for any other public or private purpose, but is a  
31 conviction for the purpose of additional penalties imposed for a second or  
32 subsequent conviction or the setting of bail. Discharge and dismissal restores the  
33 person discharged, in the contemplation of the law, to the status occupied before the  
34 proceedings. The person may not be held thereafter under any law to be guilty of  
35 perjury or otherwise giving a false statement by reason of failure to recite or  
36 acknowledge the proceedings in response to an inquiry made of the person for any  
37 purpose. Discharge and dismissal under this subsection may occur only once with  
38 respect to any person. A professional licensing board may consider a proceeding  
39 under this subsection in determining suitability for a license or liability to discipline  
40 for misconduct. Such a board is entitled for those purposes to a truthful answer  
41 from the applicant or licensee concerning any such proceeding with respect to the  
42 applicant or licensee.

43 8. Except as limited by subsection 9, if a person is discharged and the  
44 proceedings against the person are dismissed pursuant to subsection 7, the court  
45 shall, without a hearing, order sealed all documents, papers and exhibits in that  
46 person's record, minute book entries and entries on dockets, and other documents  
47 relating to the case in the custody of such other agencies and officers as are named  
48 in the court's order. The court shall cause a copy of the order to be sent to each  
49 agency or officer named in the order. Each such agency or officer shall notify the  
50 court in writing of its compliance with the order.

51 9. A professional licensing board is entitled, for the purpose of determining  
52 suitability for a license or liability to discipline for misconduct, to inspect and to  
53 copy from a record sealed pursuant to this section.

10. *If, at any time before the trial of a prostitute charged with a violation of subsection 1, the prosecuting attorney has reason to believe that the prostitute is a victim of sex trafficking, the prosecuting attorney shall dismiss the charge. As used in this subsection, "sex trafficking" means a violation of subsection 2 of NRS 201.300.*

**Sec. 20.** ~~NRS 212.187 is hereby amended to read as follows:~~

~~212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~2. Except as otherwise provided in NRS 212.188, a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, [other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement,] including, without limitation, a law enforcement officer who voluntarily engages in sexual conduct with a person who is in his or her custody, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~3. If a law enforcement officer violates this section by voluntarily engaging in sexual conduct with a person who is in his or her custody, it is not a defense that the person in his or her custody consented to the sexual conduct.~~

~~4. As used in this section [,"sexual"]:~~

~~(a) "Lawful custody or confinement" does not include being in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement.~~

~~(b) "Sexual conduct":~~

~~[(a)] (1) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.~~

~~[(b)] (2) Does not include acts of a person who has custody of a prisoner or an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the necessary duties of such a person, employee, contractor or volunteer.] **(Deleted by amendment.)**~~

**Sec. 21.** (Deleted by amendment.)

**Sec. 22.** (Deleted by amendment.)

**Sec. 23.** (Deleted by amendment.)

**Sec. 24.** (Deleted by amendment.)

**Sec. 25.** NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the

1 administrator or designee may wait until the next school day when he or she has  
2 such access to take the action required by this subsection.

3 3. The investigation conducted pursuant to subsection 2 must include, without  
4 limitation:

5 (a) Except as otherwise provided in subsection 4, notification provided by  
6 telephone, electronic mail or other electronic means or provided in person, of the  
7 parents or guardians of all pupils directly involved in the reported bullying or  
8 cyber-bullying, as applicable, either as a reported aggressor or a reported victim of  
9 the bullying or cyber-bullying. The notification must be provided:

10 (1) If the bullying or cyber-bullying is reported before the end of school  
11 hours on a school day, before the school's administrative office closes on the day  
12 on which the bullying or cyber-bullying is reported; or

13 (2) If the bullying or cyber-bullying was reported on a day that is not a  
14 school day, or after school hours on a school day, before the school's administrative  
15 office closes on the school day following the day on which the bullying or cyber-  
16 bullying is reported.

17 (b) Interviews with all pupils whose parents or guardians must be notified  
18 pursuant to paragraph (a) and with all such parents and guardians.

19 4. If the contact information for the parent or guardian of a pupil in the  
20 records of the school is not correct, a good faith effort to notify the parent or  
21 guardian shall be deemed sufficient to meet the requirement for notification  
22 pursuant to paragraph (a) of subsection 3.

23 5. Except as otherwise provided in this subsection, an investigation required  
24 by this section must be completed not later than 2 school days after the  
25 administrator or designee receives a report required by subsection 1. If extenuating  
26 circumstances prevent the administrator or designee from completing the  
27 investigation required by this section within 2 school days after making a good faith  
28 effort, 1 additional school day may be used to complete the investigation.

29 6. An administrator or designee who conducts an investigation required by  
30 this section shall complete a written report of the findings and conclusions of the  
31 investigation. If a violation is found to have occurred, the report must include  
32 recommendations concerning the imposition of disciplinary action or other  
33 measures to be imposed as a result of the violation, in accordance with the policy  
34 governing disciplinary action adopted by the governing body. Subject to the  
35 provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §  
36 1232g, and any regulations adopted pursuant thereto, the report must be made  
37 available, not later than 24 hours after the completion of the written report, to all  
38 parents or guardians who must be notified pursuant to paragraph (a) of subsection 3  
39 as part of the investigation.

40 7. If a violation is found not to have occurred, information concerning the  
41 incident must not be included in the record of the reported aggressor.

42 8. Not later than 10 school days after receiving a report required by  
43 subsection 1, the administrator or designee shall meet with each reported victim of  
44 the bullying or cyber-bullying to inquire about the well-being of the reported victim  
45 and to ensure that the reported bullying or cyber-bullying, as applicable, is not  
46 continuing.

47 9. To the extent that information is available, the administrator or his or her  
48 designee shall provide a list of any resources that may be available in the  
49 community to assist a pupil to each parent or guardian of a pupil to whom notice  
50 was provided pursuant to this section as soon as practicable. Such a list may  
51 include, without limitation, resources available at no charge or at a reduced cost and  
52 may be provided in person or by electronic or regular mail. If such a list is  
53 provided, the administrator, his or her designee, or any employee of the school or

the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;

(b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

*15. The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.*

**Sec. 26.** Chapter 435 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Division shall ensure that each facility to which a person with an intellectual disability or a person with a developmental disability is able to be admitted pursuant to this chapter provides:*

*1. Training to each employee of the facility regarding the protocol that must be followed if the employee becomes aware of any sexual abuse of a person with an intellectual disability or a person with a developmental disability that is admitted to the facility; and*

*2. Education to each person with an intellectual disability or person with a developmental disability that is admitted to the facility which:*

*(a) Is appropriate with regard to the level of the person's intellectual and developmental abilities; and*

*(b) Explains what sexual abuse is and how to report sexual abuse.*

**Sec. 27.** NRS 441A.320 is hereby amended to read as follows:

441A.320 1. If the alleged victim or a witness to a crime alleges that the crime involved the sexual penetration of the victim's body, the health authority shall perform the tests set forth in subsection 2 ~~as~~ ~~+~~

~~1 (a) As soon as practicable after the arrest of the person alleged to have~~  
~~2 committed the crime, but not later than 48-96 72 hours after the person is charged~~  
~~3 with the crime by indictment or information, unless the person alleged to have~~  
~~4 committed the crime is a child who will be adjudicated in juvenile court and then~~  
~~5 not later than 48-96 72 hours after the petition is filed with the juvenile court~~  
~~6 alleging that the child is delinquent for committing such an act. ~~and~~~~  
~~7 (b) In all cases, before the person alleged to have committed the crime is~~  
~~8 released from custody.~~

2. If the health authority is required to perform tests pursuant to subsection 1, it must test a specimen obtained from the arrested person for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease, regardless of whether the person or, if the person is a child, the parent or guardian of the child consents to providing the specimen. The agency that has custody of the arrested person shall obtain the specimen and submit it to the health authority for testing. The health authority shall perform the test in accordance with generally accepted medical practices.

3. In addition to the test performed pursuant to subsection 2, the health authority shall perform such follow-up tests for the human immunodeficiency virus as may be deemed medically appropriate.

4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to subsection 2 or 3 to:

(a) The victim or to the victim's parent or guardian if the victim is a child; and

(b) The arrested person and, if the person is a child, to the parent or guardian of the child.

5. If the health authority determines, from the results of a test performed pursuant to subsection 2 or 3, that a victim of sexual assault may have been exposed to the human immunodeficiency virus or any commonly contracted sexually transmitted disease, it shall, at the request of the victim, provide him or her with:

(a) An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines the victim may have been exposed;

(b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines the victim may have been exposed; and

(c) A referral for health care and other assistance,  
↳ as appropriate.

6. If the court in:

(a) A criminal proceeding determines that a person has committed a crime; or

(b) A proceeding conducted pursuant to title 5 of NRS determines that a child has committed an act which, if committed by an adult, would have constituted a crime,

↳ involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order that child or other person to pay any expenses incurred in carrying out this section with regard to that child or other person and that victim.

7. The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.

8. As used in this section:

(a) "Sexual assault" means a violation of NRS 200.366.

(b) "Sexual penetration" has the meaning ascribed to it in NRS 200.364.

**Sec. 27.3.** ~~[1. The Advisory Commission on the Administration of Justice created pursuant to NRS 176.0123 shall conduct a study of the laws relating to the crime of prostitution or the solicitation of prostitution.~~

~~2. In conducting the study, the Commission shall:~~

~~(a) Review existing state laws relating to the crime of prostitution or the solicitation of prostitution and consider potential changes to the laws to treat prostitutes as victims, including, without limitation, potentially changing the laws to exempt persons under 25 years of age from arrest and punishment.~~

~~(b) Research and consider various procedures for effectively providing services to persons identified as prostitutes.~~

~~(c) Review the effects of the provisions of this act that require a peace officer to provide to a prostitute information regarding and opportunities for connecting with social service agencies that may provide assistance to the prostitute.~~

~~(d) Consult with and solicit input from:~~

~~(1) Representatives of the Office of the Attorney General.~~

~~(2) Representatives of law enforcement agencies and juvenile justice agencies.~~

~~(3) Representatives of the Department of Health and Human Services and other social service agencies.~~

~~(4) Persons who are health care providers, including, without limitation, psychologists and other counselors who have experience treating victims and survivors of prostitution.~~

~~(5) Persons who are survivors of prostitution who engaged in prostitution as adults.~~

~~(6) Representatives of organizations that assist victims and survivors of prostitution, sex trafficking and similar crimes, including, without limitation, advocates for such victims and survivors.~~

~~(7) Representatives with experience or an interest in and knowledge of the problems faced by victims and survivors of prostitution.~~

~~3. The Commission shall submit a report of the results of its study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.] (Deleted by amendment.)~~

**Sec. 28.** ~~[The amendatory provisions of:~~

~~1. Section 1 of this act apply to a plaintiff who, before October 1, 2019, was sexually abused while less than 18 years of age or sexually assaulted if the applicable statute of limitations has not yet expired on October 1, 2019.~~

~~2. Section 6 of this act apply to a person who:~~

~~(a) Committed a violation of NRS 200.366, 200.368, 200.710, 200.720, 200.725, 200.727, 200.730, 201.180, 201.230, 201.540, 201.550, 201.555 or 201.560 before October 1, 2019, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2019.~~

~~(b) Commits a violation of NRS 200.366, 200.368, 200.710, 200.720, 200.725, 200.727, 200.730, 201.180, 201.230, 201.540, 201.550, 201.555 or 201.560 on or after October 1, 2019.~~

~~3. Section 11 of this act apply to an offense committed on or after October 1, 2019.] (Deleted by amendment.)~~