

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 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; requiring a
juvenile court and certain other entities in the juvenile
justice system to transfer a commercially sexually
exploited child to the child welfare system in certain
circumstances; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the licensure of foster homes. (NRS 424.020-
2 424.090) **Section 1** of this bill requires the Administrator of the Division of Child
3 and Family Services of the Department of Health and Human Services to appoint a
4 coordinator of services for commercially sexually exploited children. **Section 1**
5 requires the coordinator to: (1) assess the current and anticipated needs of
6 commercially sexually exploited children in this State; (2) evaluate any incentives
7 necessary to recruit providers of housing for such children; and (3) develop a plan
8 to establish the infrastructure to provide treatment, housing and services to such
9 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 16 of this bill prohibits a juvenile court which finds, on or after July 1, 2022, that a commercially sexually exploited child committed 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 a juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited 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 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.

2. The coordinator of services for commercially sexually exploited children shall:

(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 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



1 *housing for commercially sexually exploited children. All housing*
2 *provided pursuant to this paragraph must:*

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

5 (2) *Be secured from intrusion;*

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

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

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

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

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

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

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

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

24 (1) *Provides therapeutic treatment to assist the child in*
25 *safely transitioning to a home-based placement; and*

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

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

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

34 4. *As used in this section:*

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

41 (b) *“Sexual abuse” has the meaning ascribed to it in*
42 *NRS 432B.100.*

43 (c) *“Sexually exploited” has the meaning ascribed to it in*
44 *NRS 432B.110.*

45 **Sec. 2.** (Deleted by amendment.)



1 **Sec. 3.** (Deleted by amendment.)

2 **Sec. 4.** (Deleted by amendment.)

3 **Sec. 5.** (Deleted by amendment.)

4 **Sec. 6.** (Deleted by amendment.)

5 **Sec. 7.** (Deleted by amendment.)

6 **Sec. 8.** (Deleted by amendment.)

7 **Sec. 9.** (Deleted by amendment.)

8 **Sec. 10.** (Deleted by amendment.)

9 **Sec. 11.** (Deleted by amendment.)

10 **Sec. 12.** (Deleted by amendment.)

11 **Sec. 13.** (Deleted by amendment.)

12 **Sec. 14.** (Deleted by amendment.)

13 **Sec. 15.** (Deleted by amendment.)

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

16 *1. If a court finds that a child, while a commercially sexually*
17 *exploited child, committed a nonviolent act that would be a crime*
18 *if committed by an adult the court shall not adjudicate the child as*
19 *a delinquent child or a child in need of supervision based on that*
20 *act. Upon such a finding, the court shall refer the child to an*
21 *agency which provides child welfare services for a determination*
22 *of whether the child is in need of protection and services related to*
23 *the commercial sexual exploitation.*

24 *2. A juvenile justice agency that has reasonable cause to*
25 *believe that a child in its custody is or has been a commercially*
26 *sexually exploited child shall request the court to transfer the child*
27 *to the custody of an agency which provides child welfare services.*

28 *3. As used in this section:*

29 *(a) "Commercially sexually exploited child" has the meaning*
30 *ascribed to it in section 1 of this act.*

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

33 **Sec. 16.5.** 1. As soon as practicable after the effective date of
34 this act, the Administrator of the Division of Child and Family
35 Services of the Department of Health and Human Services shall
36 appoint the coordinator of services for commercially sexually
37 exploited children as required pursuant to section 1 of this act.

38 2. On or before October 1, 2020, the coordinator of services for
39 commercially sexually exploited children appointed pursuant to
40 subsection 1 shall submit to the Legislative Committee on Child
41 Welfare and Juvenile Justice a formal proposal to carry out the plan
42 to establish infrastructure to provide treatment and services to
43 commercially sexually exploited children developed pursuant to
44 section 1 of this act.

45 **Sec. 17.** (Deleted by amendment.)



- 1 **Sec. 18.** 1. This section and sections 1 and 16.5 of this bill
2 become effective upon passage and approval.
3 2. Section 16 of this act becomes effective on July 1, 2022.

