

ASSEMBLY BILL NO. 113—ASSEMBLYMEN HARDY, WHEELER,
KASAMA, HAFEN, KRASNER; DICKMAN, DURAN, ELLISON,
FLORES, GORELOW, HANSEN, LEAVITT, MATTHEWS,
ROBERTS, TITUS, TOLLES AND TORRES

FEBRUARY 11, 2021

JOINT SPONSORS: SENATORS BUCK, HAMMOND, HARDY,
PICKARD; KIECKHEFER AND SEEVERS GANSERT

Referred to Committee on Judiciary

SUMMARY—Provides that there is no limitation of time within
which a criminal prosecution for sex trafficking must
be commenced. (BDR 14-610)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 criminal procedure; providing that there is no
limitation of time within which a criminal prosecution for
sex trafficking must be commenced; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a criminal proceeding for sex trafficking must be
commenced within 4 years after the commission of the offense. (NRS 171.085)
Sections 1 and 3 of this bill remove the existing limitation of time of 4 years and
provide that there is no limitation of time within which a criminal prosecution for
sex trafficking must begin.

Sections 2 and 4 of this bill make conforming changes to remove references to
sex trafficking from other provisions that are no longer necessary as the result of
the changes in this bill. **Section 5** of this bill clarifies that the amendatory
provisions of this bill apply to a person who: (1) committed sex trafficking before
July 1, 2021, if the applicable statute of limitations has commenced but has not yet
expired on July 1, 2021; or (2) commits sex trafficking on or after July 1, 2021.



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

Section 1. 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, or a sexual assault arising out of the same facts and circumstances as a murder, must be commenced. It may be commenced at any time after the death of the person killed.

2. A violation of NRS 202.445 must be commenced. It may be commenced at any time after the violation is committed.

3. Sex trafficking must be commenced. It may be commenced at any time after the violation is committed.

Sec. 2. NRS 171.083 is hereby amended to read as follows:

171.083 1. Except as otherwise provided in NRS 171.080, if, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, a victim of a sexual assault ~~[.] or 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.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, 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 1 and 2 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.082, 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



1 no judgment can be given thereon, another prosecution may be
2 instituted for the same offense within 6 months after the first is
3 abandoned.

4 **Sec. 5.** The amendatory provisions of this act apply to a person
5 who:

6 1. Committed sex trafficking before July 1, 2021, if the
7 applicable statute of limitations has commenced but has not yet
8 expired on July 1, 2021; or

9 2. Commits sex trafficking on or after July 1, 2021.

10 **Sec. 6.** This act becomes effective on July 1, 2021.

