

Amendment No. 207

Assembly Amendment to Assembly Bill No. 113	(BDR 14-610)
<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.

DAN/BAW



Date: 4/11/2021

A.B. No. 113—Provides that there is no limitation of time within which a criminal prosecution for sex trafficking must be commenced.  
(BDR 14-610)





ASSEMBLY BILL NO. 113—ASSEMBLYMEN HARDY, WHEELER, KASAMA, HAFEN, KRASNER; BILBRAY-AXELROD, COHEN, DICKMAN, DURAN, ELLISON, FLORES, GONZÁLEZ, GORELOW, HANSEN, LEAVITT, MARZOLA, MATTHEWS, C.H. MILLER, NGUYEN, O'NEILL, ORENTLICHER, SUMMERS-ARMSTRONG, ROBERTS, TITUS, TOLLES, ~~AND~~ TORRES AND YEAGER

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]~~ Increases the 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]~~ increasing the 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]~~ Section 3 of this bill ~~[remove the existing]~~ increases the 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.]~~ to 6 years after the commission of the offense.

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.] (Deleted by amendment.)~~

**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 289.260, inclusive.] (Deleted by~~  
~~amendment.)~~

**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.

1       3. *Sex trafficking must be found, or an information or complaint filed,*  
2 *within 6 years after the commission of the offense.*

3       4. Any felony other than the felonies listed in subsections 1, ~~and~~ 2 and 3  
4 must be found, or an information or complaint filed, within 3 years after the  
5 commission of the offense.

6       **Sec. 4.** ~~[NRS 171.095 is hereby amended to read as follows:~~

7       ~~171.095 1. Except as otherwise provided in subsection 2 and NRS 171.082,~~  
8 ~~171.083 and 171.084:~~

9       ~~(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret~~  
10 ~~manner, an indictment for the offense must be found, or an information or~~  
11 ~~complaint filed, within the periods of limitation prescribed in NRS 171.085,~~  
12 ~~171.090 and 624.800 after the discovery of the offense, unless a longer period is~~  
13 ~~allowed by paragraph (b) or (c) or the provisions of NRS 202.885.~~

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

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

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

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

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

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

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

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

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