

Amendment No. 352

Senate Amendment to Senate Bill No. 164	(BDR 15-57)
Proposed by: Senate Committee on Judiciary	
Amends: 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.



SENATE BILL NO. 164—SENATORS SCHEIBLE,
D. HARRIS AND OHRENSCHALL

MARCH 2, 2021

JOINT SPONSORS: ASSEMBLYMEN NGUYEN; GONZÁLEZ AND WATTS

Referred to Committee on Judiciary

SUMMARY—~~[Revises provisions relating to victims of human]~~ **Directs the Legislative Commission to appoint a committee to conduct an interim study concerning sex trafficking.** (BDR ~~[S-57]~~ **S-57**)

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

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to crimes; ~~[providing that victims of human trafficking are immune from civil and criminal liability for the commission of certain offenses; prohibiting a law enforcement officer from arresting or issuing a citation to a victim of human trafficking for certain offenses relating to prostitution; requiring the release from custody of or dismissal of charges against a person who is determined to be a victim of human trafficking in certain circumstances; requiring that victims of human trafficking be referred to certain local resources, programs and services; requiring that certain state agencies be notified of certain victims of human trafficking; revising provisions governing the requirement for persons who are arrested for certain crimes to submit to a test to detect exposure to the human immunodeficiency virus;]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study concerning sex trafficking in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prohibits pandering, sex trafficking, living from the earnings of a prostitute and advancing prostitution. (NRS 201.300, 201.320, 201.395) Section 1 of this bill defines a victim of those crimes as a "victim of human trafficking."]~~

— Section 1 provides that any person who is determined by a law enforcement officer, prosecuting attorney or court to be a victim of human trafficking is immune from any civil or criminal liability for: (1) unlawfully engaging in prostitution or solicitation for prostitution; (2) unlawfully offering or agreeing to engage in or aiding and abetting any act of prostitution; or (3) any other crime that the person committed in his or her capacity as a victim of human trafficking. Section 1 also prohibits a law enforcement officer from arresting or issuing a

citation to a person who has or is alleged to have unlawfully engaged in prostitution or solicitation for prostitution or offered or agreed to engage in or aided and abetted any act of prostitution if it reasonably appears to the law enforcement officer that the person is a victim of human trafficking.

— Section 1 additionally provides that if a person is arrested for or charged with engaging in prostitution or solicitation for prostitution or offering or agreeing to engage in or aiding and abetting any act of prostitution, and the person is subsequently determined by a law enforcement officer, prosecuting attorney or court to be a victim of human trafficking, the charges against the person must be dismissed and, unless the person has been charged with another offense, he or she must be released from custody. Section 1 further provides that if a person is arrested for or charged with the commission of any crime other than such offenses relating to prostitution and is subsequently determined by a law enforcement officer, prosecuting attorney or court to be a victim of human trafficking and to have committed the crime in his or her capacity as such a victim, the charges against the person must be dismissed and the person must be released from custody. Finally, section 1 requires law enforcement officers, prosecuting attorneys and courts to: (1) refer victims of human trafficking to available local resources, programs or services for victims of human trafficking; (2) notify the Division of Child and Family Services of the Department of Health and Human Services if a victim of human trafficking is less than 18 years of age; and (3) notify the Aging and Disability Services Division of the Department of Health and Human Services if a victim of human trafficking is an older person or a vulnerable person.

— Section 2 of this bill makes a conforming change to indicate the placement of section 1 in the Nevada Revised Statutes. Sections 3 and 5 of this bill make conforming changes to indicate that the provisions of section 1 constitute an exception to the provisions of law that prohibit offenses relating to prostitution. Sections 3 and 6 of this bill remove provisions of existing law that are no longer necessary because of the provisions of section 1.

— Existing law requires any person who is arrested for unlawfully engaging in prostitution or solicitation for prostitution to submit to a test to detect exposure to the human immunodeficiency virus. (NRS 201.356) Section 4 of this bill provides that such a person is exempt from that requirement if the person is determined to be a victim of human trafficking after his or her arrest but before the test is performed.

— Section 7 of this bill provides that the amendatory provisions of this bill apply to an offense committed: (1) on or after October 1, 2021; and (2) before October 1, 2021, if the person is not convicted before October 1, 2021.] Existing law: (1) sets forth certain acts that constitute the crimes of sex trafficking and facilitating sex trafficking; and (2) imposes various penalties upon a person who is found guilty of such crimes, depending on the age of the victim. (NRS 201.300, 201.301) This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues relating to sex trafficking in this State. This bill requires the committee to examine, research and identify: (1) the existing laws governing sex trafficking and related offenses; (2) alternatives to arrest and immunity from civil liability for victims of sex trafficking; (3) programs which provide resources to such victims; and (4) statistical information concerning sex trafficking.

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

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 and 2:

Section 1. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning issues relating to sex trafficking in this State.

2. The interim committee must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

1 (c) One member appointed by the Minority Leader of the Senate; and

2 (d) One member appointed by the Minority Leader of the Assembly.

3 3. The Legislative Commission shall appoint a Chair and Vice Chair
4 from among the members of the interim committee.

5 4. The interim committee shall examine, research and identify, without
6 limitation:

7 (a) The existing laws of this State governing sex trafficking and related
8 crimes;

9 (b) Alternatives to arrest for victims of sex trafficking;

10 (c) Immunity from civil liability for victims of sex trafficking;

11 (d) Programs which provide resources and services for victims of sex
12 trafficking;

13 (e) Statistical information concerning sex trafficking in this State; and

14 (f) Any other relevant matters pertaining to sex trafficking in this State.

15 5. Any recommended legislation proposed by the interim committee must
16 be approved by a majority of the members of the Senate and a majority of the
17 members of the Assembly appointed to the interim committee.

18 6. The Legislative Commission shall submit a report of the results of the
19 study and any recommendations for legislation to the Director of the
20 Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada
21 Legislature.

22 Sec. 2. This act becomes effective on July 1, 2021.