

Amendment No. 761

Senate Amendment to Senate Bill No. 389 First Reprint	(BDR 15-133)
Proposed by: Senate Committee on Finance	
Amends: Summary: No 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.

EGO



Date: 5/26/2023

S.B. No. 389—Revises provisions relating to crimes. (BDR 15-133)



SENATE BILL NO. 389—SENATORS SCHEIBLE; AND
SEEVERS GANSERT

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 15-133)

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 crimes; revising provisions governing crimes relating to facilitating sex trafficking; requiring ~~certain entities to work collaboratively to prepare and submit~~ the preparation and submission of a comprehensive biennial report concerning human trafficking in this State; revising certain requirements for compensation from the Fund for the Compensation of Victims of Crime; revising provisions governing the Contingency Account for Victims of Human Trafficking; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a person commits the crime of facilitating sex trafficking if the person: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. A person who commits the crime of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or child. (NRS 201.301)

Sections 1-3 of this bill provide that a person who commits the crime of facilitating sex trafficking is subject to the same penalties that apply under existing law for committing the crime against a child if the person commits the crime against a peace officer who is posing as a child or a person who is assisting in an investigation on behalf of a peace officer by posing as a child. **Sections 3.5 and 7** of this bill make conforming changes to provisions of existing law that contain references to the crime of facilitating sex trafficking of a child to reflect the changes made in **sections 1-3**.

Existing law requires the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and requires an application for such compensation from the Fund to be filed not later than 24 months after the injury or death for

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25 which compensation is claimed. (NRS 217.100, 217.180, 217.260) **Section 5** of this bill
 26 creates an exception to this time limit by authorizing a person who is a victim of sex
 27 trafficking or facilitating sex trafficking to file an application for compensation from the Fund
 28 not later than 60 months after the injury or death for which compensation is claimed.

29 Existing law creates the Contingency Account for Victims of Human Trafficking in the
 30 State General Fund and requires the Director of the Department of Health and Human
 31 Services to administer the Contingency Account. (NRS 217.530) Existing law requires a
 32 recipient of an allocation of money from the Contingency Account to use the money only for
 33 establishing or providing programs or services to victims of human trafficking. (NRS
 34 217.540) **Section 6.5** of this bill specifies that a recipient of an allocation of money from the
 35 Contingency Account may use the money for establishing pilot programs for alternatives to
 36 law enforcement response to victims of human trafficking. **Section 7.5** of this bill makes an
 37 appropriation to the Contingency Account for Victims of Human Trafficking created by NRS
 38 217.530.

39 Existing law establishes the Center for the Analysis of Crime Statistics within the
 40 Department of Criminal Justice at the University of Nevada, Las Vegas. (NRS 396.792)
 41 **Section 4** of this bill requires certain entities and agencies to ~~work collaboratively~~ submit
 42 certain information biennially to the Center and requires the Center to prepare and
 43 submit a comprehensive biennial report on human trafficking in this State. **Section 6** of this
 44 bill makes a conforming change to indicate the proper placement of **section 4** in the Nevada
 45 Revised Statutes.

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

1 **Section 1.** NRS 201.295 is hereby amended to read as follows:

2 201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context
 3 otherwise requires:

4 1. "Adult" means a person 18 years of age or older.

5 2. *"Adult posing as a child" means an adult who is:*

6 (a) *A peace officer who is posing as a child; or*

7 (b) *A person who is assisting in an investigation on behalf of a peace officer*
 8 *by posing as a child.*

9 3. "Child" means a person less than 18 years of age.

10 ~~3.~~ 4. "Induce" means to persuade, encourage, inveigle or entice.

11 ~~4.~~ 5. *"Peace officer" means any person upon whom some or all of the*
 12 *powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360,*
 13 *inclusive.*

14 6. "Prostitute" means a male or female person who for a fee, monetary
 15 consideration or other thing of value engages in sexual intercourse, oral-genital
 16 contact or any touching of the sexual organs or other intimate parts of a person for
 17 the purpose of arousing or gratifying the sexual desire of either person.

18 ~~5.~~ 7. "Prostitution" means engaging in sexual conduct with another person
 19 in return for a fee, monetary consideration or other thing of value.

20 ~~6.~~ 8. "Sexual conduct" means any of the acts enumerated in subsection ~~4.~~

21 ~~7.~~ 6.

22 9. "Transports" means to transport or cause to be transported, by any means
 23 of conveyance, into, through or across this State, or to aid or assist in obtaining
 24 such transportation.

25 **Sec. 2.** NRS 201.301 is hereby amended to read as follows:

26 201.301 1. A person is guilty of facilitating sex trafficking if the person:

27 (a) Facilitates, arranges, provides or pays for the transportation of a person to
 28 or within this State with the intent of:

1 (1) Inducing the person to engage in prostitution in violation of
2 subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

3 (2) Inducing the person to enter any place within this State in which
4 prostitution is practiced, encouraged or allowed for the purpose of sexual conduct
5 or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of
6 subsection 2 of NRS 201.300; or

7 (3) If the person is a child, using the person for any act that is prohibited by
8 NRS 200.710 or 200.720 ~~or~~ *or, if the person is an adult posing as a child, using*
9 *the person for any act that would be prohibited by NRS 200.710 or 200.720 if the*
10 *person actually were a child;*

11 (b) Sells travel services that facilitate the travel of another person to this State
12 with the knowledge that the other person is traveling to this State for the purpose
13 of:

14 (1) Engaging in sexual conduct with a person who has been induced to
15 engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3)
16 of paragraph (a) of subsection 2 of NRS 201.300;

17 (2) Soliciting a child *or an adult posing as a child* who has been induced
18 to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or
19 (3) of paragraph (a) of subsection 2 of NRS 201.300; or

20 (3) Engaging in any act involving a child that is prohibited by NRS
21 200.710 or 200.720 ~~or~~ *or, if the person is an adult posing as a child, engaging in*
22 *any act that would be prohibited by NRS 200.710 or 200.720 if the person*
23 *actually were a child;* or

24 (c) Travels to or within this State by any means with the intent of engaging in:

25 (1) Sexual conduct with a person who has been induced to engage in
26 sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of
27 paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a
28 person has been induced to engage in such sexual conduct or prostitution; or

29 (2) Any act involving a child that is prohibited by NRS 200.710 or 200.720
30 ~~or~~ *or, if the person is an adult posing as a child, any act that would be prohibited*
31 *by NRS 200.710 or 200.720 if the person actually were a child.*

32 2. A person who is found guilty of facilitating sex trafficking is guilty of a
33 category B felony and:

34 (a) ~~or~~ *Except as otherwise provided in paragraph (b), if* the victim is ~~18~~
35 ~~years of age or older,~~ *an adult*, shall be punished by imprisonment in the state
36 prison for a minimum term of not less than 1 year and a maximum term of not more
37 than 6 years.

38 (b) If the victim is ~~less than 18 years of age,~~ *a child or an adult posing as a*
39 *child*, shall be punished by imprisonment in the state prison for a minimum term of
40 not less than 3 years and a maximum term of not more than 10 years.

41 **Sec. 3.** NRS 201.352 is hereby amended to read as follows:

42 201.352 1. If a person is convicted of a violation of subsection 2 of NRS
43 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the
44 violation is a child *or an adult posing as a child* when the offense is committed and
45 physical force or violence or the immediate threat of physical force or violence is
46 used upon the child ~~or~~ *or an adult posing as a child*, the court may, in addition to
47 the term of imprisonment prescribed by statute for the offense and any fine imposed
48 pursuant to subsection 2, impose a fine of not more than \$500,000.

49 2. If a person is convicted of a violation of subsection 2 of NRS 201.300,
50 subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the offense is
51 a child *or an adult posing as a child* when the offense is committed and the offense
52 also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300,
53 subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the court may, in addition

1 to the punishment prescribed by statute for the offense of a provision of subsection
2 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395 and any
3 fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

4 3. The provisions of subsections 1 and 2 do not create a separate offense but
5 provide an additional penalty for the primary offense, the imposition of which is
6 contingent upon the finding of the prescribed fact.

7 **Sec. 3.5.** NRS 201.354 is hereby amended to read as follows:

8 201.354 1. It is unlawful for a customer to engage in prostitution or
9 solicitation therefor, except in a licensed house of prostitution.

10 2. Any person who violates subsection 1 by soliciting for prostitution:

11 (a) A child; *or*

12 (b) ~~[A peace officer who is posing as a child; or~~

13 ~~— (c) A person who is assisting in an investigation on behalf of a peace officer~~
14 ~~by] an adult posing as a child,~~

15 ~~is guilty of soliciting a child for prostitution.~~

16 3. Except as otherwise provided in subsection 5, a person who violates this
17 section:

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

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

22 (c) For a third or subsequent offense, is guilty of a gross misdemeanor and
23 shall be punished as provided in NRS 193.140, and by a fine of not less than
24 \$1,300.

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

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

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

38 5. A person who ~~[violates this section]~~ *is guilty of soliciting a child for*
39 *prostitution pursuant to subsection 2* by soliciting *for prostitution* a child ~~[for~~
40 ~~prostitution:]~~ *or an adult posing as a child:*

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

43 (b) For a second offense, is guilty of a category C felony and shall be punished
44 as provided in NRS 193.130.

45 (c) For a third or subsequent offense, is guilty of a category B felony and shall
46 be punished by imprisonment in the state prison for a minimum term of not less
47 than 1 year and maximum term of not more than 6 years, and may be further
48 punished by a fine of not more than \$15,000. The court shall not grant probation to
49 or suspend the sentence of a person punished pursuant to this paragraph.

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

53 (a) The enforcement of this section; and

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

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

7 7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or
8 5.055 to participate in a program for the treatment of persons who solicit
9 prostitution, upon fulfillment of the terms and conditions of the program, the court
10 may discharge the person and dismiss the proceedings against the person. If the
11 court discharges the person and dismisses the proceedings against the person, a
12 nonpublic record of the discharge and dismissal must be transmitted to and retained
13 by the Division of Parole and Probation of the Department of Public Safety solely
14 for the use of the courts in determining whether, in later proceedings, the person
15 qualifies under this section for participation in a program of treatment for persons
16 who solicit prostitution. Except as otherwise provided in this subsection, discharge
17 and dismissal under this subsection is without adjudication of guilt and is not a
18 conviction for purposes of employment, civil rights or any statute or regulation or
19 license or questionnaire or for any other public or private purpose, but is a
20 conviction for the purpose of additional penalties imposed for a second or
21 subsequent conviction or the setting of bail. Discharge and dismissal restores the
22 person discharged, in the contemplation of the law, to the status occupied before the
23 proceedings. The person may not be held thereafter under any law to be guilty of
24 perjury or otherwise giving a false statement by reason of failure to recite or
25 acknowledge the proceedings in response to an inquiry made of the person for any
26 purpose. Discharge and dismissal under this subsection may occur only once with
27 respect to any person. A professional licensing board may consider a proceeding
28 under this subsection in determining suitability for a license or liability to discipline
29 for misconduct. Such a board is entitled for those purposes to a truthful answer
30 from the applicant or licensee concerning any such proceeding with respect to the
31 applicant or licensee.

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

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

43 **Sec. 4.** Chapter 217 of NRS is hereby amended by adding thereto a new
44 section to read as follows:

45 *1. On or before July 1 of each even-numbered year, each entity designated*
46 *pursuant to subsection [4] 3 shall [work collaboratively to prepare a*
47 *comprehensive report concerning human trafficking in this State and submit the*
48 *report to the Director of the Legislative Counsel Bureau for transmittal to the*
49 *Joint Interim Standing Committee on the Judiciary.*

50 ~~*2. Except*~~ *except as otherwise provided in subsection [3, the report*
51 *required by subsection 1 must include, without limitation:] 2, submit to the*
52 *Center for the Analysis of Crime Statistics established by NRS 396.792:*

1 (a) ~~The annual operating budget of each~~ the entity ; ~~designated pursuant~~
2 ~~to subsection 4;~~

3 (b) A copy of any written policy adopted by ~~an~~ the entity ~~designated~~
4 ~~pursuant to subsection 4~~ concerning:

- 5 (1) The identification of victims of human trafficking;
6 (2) Referrals to resources for victims of human trafficking; and
7 (3) The detention or citation of victims of human trafficking;

8 (c) Information concerning the delivery of services for victims of human
9 trafficking, which must include, without limitation:

10 (1) A description of the services that were provided by ~~each~~ the entity
11 during the immediately preceding biennium;

12 (2) A description of the efforts made by ~~each~~ the entity during the
13 immediately preceding biennium to locate victims in need of such services and
14 provide such services to those victims;

15 (3) The number of victims served by ~~each~~ the entity during the
16 immediately preceding biennium; and

17 (4) The number of victims who were:

18 (I) Served by ~~an~~ the entity during the immediately preceding
19 biennium; and

20 (II) Arrested or issued a citation during the immediately preceding
21 biennium for conduct related to human trafficking; and

22 (d) ~~Information relating to the prosecution of human trafficking in this~~
23 ~~State, including, without limitation:~~

24 ~~(1) The number of arrests made concerning human trafficking during~~
25 ~~the immediately preceding biennium; and~~

26 ~~(2) The number of charges filed concerning human trafficking and the~~
27 ~~disposition of those cases; and~~

28 ~~(e) Policy recommendations for decreasing human trafficking in this State.~~

29 ~~3.~~ 2. The requirements prescribed by subsection ~~2~~ 1 do not apply to any
30 written policy, the disclosure of which would, in the determination of the
31 adopting entity, compromise, jeopardize or otherwise threaten the safety or
32 privacy of victims of human trafficking.

33 ~~4.~~ 3. The following entities ~~must work collaboratively to prepare and~~
34 shall submit the ~~report~~ information required by subsection 1 ~~to~~ to the Center:

35 (a) The State of Nevada Human Trafficking Coalition;

36 (b) The Nevada Coalition to Prevent the Commercial Sexual Exploitation of
37 Children;

38 (c) The Nevada Policy Council on Human Trafficking, or its successor
39 organization;

40 (d) Each local human trafficking task force;

41 (e) Each recipient of an allocation of money from the Contingency Account;
42 and

43 (f) Any other entity designated by the Chair of the Joint Interim Standing
44 Committee on the Judiciary on or before January 1 of an even-numbered year.

45 ~~5. Each~~

46 4. On or before July 1 of each even-numbered year, each law enforcement
47 agency in this State shall ~~collaborate with the entities designated pursuant to~~
48 ~~subsection 4 to carry out the duties prescribed in this section.~~

49 ~~6.~~ submit to the Center the number of arrests made or citations issued by the
50 agency for a violation of NRS 201.353 or 201.354 or conduct related to human
51 trafficking during the immediately preceding biennium and the disposition of
52 those cases.

53 5. On or before July 1 of each odd-numbered year, the Center shall:

1 *(a) Compile the information submitted pursuant to subsections 1 and 4 and*
2 *prepare a comprehensive report concerning human trafficking in this State; and*
3 *(b) Submit the report to the Director of the Legislative Counsel Bureau for*
4 *transmittal to the Joint Interim Standing Committee on Judiciary.*

5 *6. As used in this section:*

6 *(a) “Contingency Account” means the Contingency Account for Victims of*
7 *Human Trafficking created by NRS 217.530.*

8 *(b) “Local human trafficking task force” includes, without limitation:*

9 *(1) The Northern Nevada Human Trafficking Task Force, or its*
10 *successor organization; and*

11 *(2) The Southern Nevada Human Trafficking Task Force, or its*
12 *successor organization.*

13 *(c) “Nevada Coalition to Prevent the Commercial Sexual Exploitation of*
14 *Children” means the Nevada Coalition to Prevent the Commercial Sexual*
15 *Exploitation of Children established by the Governor pursuant to Executive*
16 *Order 2016-14, issued on May 31, 2016.*

17 *(d) “State of Nevada Human Trafficking Coalition” means the State of*
18 *Nevada Human Trafficking Coalition formed pursuant to NRS 217.098.*

19 **Sec. 5.** NRS 217.100 is hereby amended to read as follows:

20 217.100 1. Except as otherwise provided in subsection 5, any person
21 eligible for compensation under the provisions of NRS 217.010 to 217.270,
22 inclusive, may apply to the Director for such compensation not later than 24 months
23 after the injury or death for which compensation is claimed ~~or~~ **or, for a person who**
24 **is a victim of sex trafficking or facilitating sex trafficking, not later than 60**
25 **months after the injury or death for which compensation is claimed,** unless
26 waived by the Director or a person designated by the Director for good cause
27 shown, and the personal injury or death was the result of an incident or offense that
28 was reported to the police within 5 days of its occurrence or, if the incident or
29 offense could not reasonably have been reported within that period, within 5 days
30 of the time when a report could reasonably have been made.

31 2. An order for the payment of compensation must not be made unless the
32 application is made within the time set forth in subsection 1.

33 3. Where the person entitled to make application is:

34 (a) A minor, the application may be made on his or her behalf by a parent or
35 guardian.

36 (b) Mentally incapacitated, the application may be made on his or her behalf by
37 a parent, guardian or other person authorized to administer his or her estate.

38 4. The applicant must submit with his or her application the reports, if
39 reasonably available, from all physicians who, at the time of or subsequent to the
40 victim’s injury or death, treated or examined the victim in relation to the injury for
41 which compensation is claimed.

42 5. The limitations upon payment of compensation established in subsection 1
43 do not apply to a minor who is sexually abused or who is involved in the production
44 of pornography. Such a minor must apply for compensation before reaching 21
45 years of age.

46 *6. As used in this section:*

47 *(a) “Facilitating sex trafficking” means a violation of NRS 201.301.*

48 *(b) “Sex trafficking” means a violation of subsection 2 of NRS 201.300.*

49 **Sec. 6.** NRS 217.500 is hereby amended to read as follows:

50 217.500 As used in NRS 217.500 to 217.540, inclusive, **and section 4 of this**
51 **act,** unless the context otherwise requires, the words and terms defined in NRS
52 217.510 and 217.520 have the meanings ascribed to them in those sections.

1 **Sec. 6.5.** NRS 217.540 is hereby amended to read as follows:

2 217.540 1. A nonprofit organization or any agency or political subdivision
3 of this State may apply to the Director of the Department of Health and Human
4 Services for an allocation of money from the Contingency Account.

5 2. ~~[Except as otherwise provided in this subsection, the]~~ *The* Grants
6 Management Advisory Committee created by NRS 232.383 shall review
7 applications received by the Director pursuant to subsection 1 and make
8 recommendations to the Director concerning allocations of money from the
9 Contingency Account to applicants. ~~[If the Director, in his or her discretion,
10 determines that an emergency exists and an allocation of money from the
11 Contingency Account is needed immediately, the Director may make an allocation
12 of money from the Contingency Account pursuant to this section without the
13 review of the application or the making of recommendations by the Grants
14 Management Advisory Committee.]~~

15 3. The Director may make allocations of money from the Contingency
16 Account to applicants and may place such conditions on the acceptance of such an
17 allocation as the Director determines are necessary, including, without limitation,
18 requiring the recipient of an allocation to submit periodic reports concerning the
19 recipient's use of the allocation.

20 4. The recipient of an allocation of money from the Contingency Account
21 may use the money only for the purposes of establishing or providing programs or
22 services to victims of human trafficking ~~[]~~, *including, without limitation,
23 establishing pilot programs for alternatives to law enforcement response to
24 victims of human trafficking.*

25 **Sec. 7.** NRS 432C.150 is hereby amended to read as follows:

26 432C.150 1. Information maintained by an agency which provides child
27 welfare services must be maintained by the agency which provides child welfare
28 services as required by federal law as a condition of the allocation of federal money
29 to this State.

30 2. Except as otherwise provided in this section, information maintained by an
31 agency which provides child welfare services may, at the discretion of the agency
32 which provides child welfare services, be made available only to:

33 (a) A physician, if the physician has before him or her a child who the
34 physician has reasonable cause to believe is a commercially sexually exploited
35 child;

36 (b) A person authorized to place a child in protective custody, if the person has
37 before him or her a child who the person has reasonable cause to believe is a
38 commercially sexually exploited child and the person requires the information to
39 determine whether to place the child in protective custody;

40 (c) An agency, including, without limitation, an agency in another jurisdiction,
41 responsible for or authorized to undertake the care, treatment or supervision of:

42 (1) The child; or

43 (2) The person responsible for the welfare of the child;

44 (d) A district attorney or other law enforcement officer who requires the
45 information in connection with an investigation or prosecution of the commercial
46 sexual exploitation of a child;

47 (e) A court other than a juvenile court, for in camera inspection only, unless the
48 court determines that public disclosure of the information is necessary for the
49 determination of an issue before it;

50 (f) A person engaged in bona fide research or an audit, but information
51 identifying the subjects of a report must not be made available to the person;

1 (g) The attorney and the guardian ad litem of the child, if the information is
2 reasonably necessary to promote the safety, permanency and well-being of the
3 child;

4 (h) Except as otherwise provided in subsection 4, a federal, state or local
5 governmental entity, or an agency of such an entity, or a juvenile court, that needs
6 access to the information to carry out its legal responsibilities to protect children
7 from commercial sexual exploitation;

8 (i) A person or an organization that has entered into a written agreement with
9 an agency which provides child welfare services to provide assessments or services
10 and that has been trained to make such assessments or provide such services;

11 (j) A parent or legal guardian of the child and an attorney of a parent or
12 guardian of the child, if the identity of the person responsible for reporting the
13 commercial sexual exploitation of the child to a public agency is kept confidential
14 and the information is reasonably necessary to promote the safety, permanency and
15 well-being of the child and is limited to information concerning that parent or
16 guardian;

17 (k) The persons or agent of the persons who are the subject of a report, if the
18 information is reasonably necessary to promote the safety, permanency and well-
19 being of the child and is limited to information concerning those persons; or

20 (l) Any person who is required pursuant to NRS 432B.220 to make a report to
21 an agency which provides child welfare services or to a law enforcement agency.

22 3. Before releasing any information maintained by an agency which provides
23 child welfare services pursuant to this section, an agency which provides child
24 welfare services shall take whatever precautions it determines are reasonably
25 necessary to protect the identity and safety of any person who reports that a child is
26 a commercially sexually exploited child and to protect any other person if the
27 agency which provides child welfare services reasonably believes that disclosure of
28 the information would cause a specific and material harm to an investigation of the
29 alleged commercial sexual exploitation of a child or the life or safety of any person.

30 4. An agency which provides child welfare services shall not provide
31 information maintained by the agency which provides child welfare services to a
32 juvenile court only to facilitate a determination by the court related to the
33 adjudication of a child who is accused of:

34 (a) Sex trafficking a child in violation of NRS 201.300; or

35 (b) Facilitating sex trafficking of a child *or an adult posing as a child, as*
36 *defined in NRS 201.295*, in violation of NRS 201.301.

37 5. The provisions of this section must not be construed to require an agency
38 which provides child welfare services to disclose information maintained by the
39 agency which provides child welfare services if, after consultation with the attorney
40 who represents the agency, the agency determines that such disclosure would cause
41 a specific and material harm to a criminal investigation.

42 6. If an agency which provides child welfare services receives any
43 information that is deemed confidential by law, the agency which provides child
44 welfare services shall maintain the confidentiality of the information as prescribed
45 by applicable law.

46 7. Pursuant to this section, a person may authorize the release of information
47 maintained by an agency which provides child welfare services about himself or
48 herself, but may not waive the confidentiality of such information concerning any
49 other person.

50 8. Except as otherwise provided in this subsection, any person who is
51 provided with information maintained by an agency which provides child welfare
52 services and who further disseminates the information or makes the information
53 public is guilty of a gross misdemeanor. This subsection does not apply to a district

1 attorney or other law enforcement officer who uses the information solely for the
2 purpose of initiating legal proceedings against any person alleged to be the
3 perpetrator of the commercial sexual exploitation of a child.

4 9. An agency which provides child welfare services may charge a fee for
5 processing costs reasonably necessary to prepare information maintained by the
6 agency which provides child welfare services for release pursuant to this section.

7 10. An agency which provides child welfare services shall adopt rules,
8 policies or regulations to carry out the provisions of this section.

9 11. As used in this section, "parent" has the meaning ascribed to it in NRS
10 432B.080.

11 **Sec. 7.5.** There is hereby appropriated from the State General Fund to the
12 Contingency Account for Victims of Human Trafficking created by NRS 217.530
13 the sum of \$1,000,000.

14 **Sec. 8.** The provisions of subsection 1 of NRS 218D.380 do not apply to any
15 provision of this act which adds or revises a requirement to submit a report to the
16 Legislature.

17 **Sec. 9.** 1. This section and section 7.5 of this act become effective upon
18 passage and approval.

19 2. Sections 1 to 7, inclusive, and 8 of this act become effective on July 1,
20 2023.