

(Reprinted with amendments adopted on June 2, 2023)

THIRD REPRINT

S.B. 389

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

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes.
(BDR 16-133)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; requiring 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; renaming the Account; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Existing law creates the Contingency Account for Victims of Human Trafficking in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Contingency Account. (NRS 217.530) Existing law requires a recipient of an allocation of money from the Contingency Account to use the money only for establishing or providing programs or services to victims of human trafficking. (NRS 217.540) **Section 6.2** of this bill renames the Contingency Account for Victims of Human Trafficking as the Account for Victims of Human Trafficking. **Section 6.5** of this bill specifies that a recipient of an allocation of money from the Account may use the money for establishing pilot programs for alternatives to law enforcement response to victims



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of human trafficking. **Section 7.5** of this bill makes an appropriation to the Account. **Sections 6.1, 6.2 and 8.5** of this bill make conforming changes relating to the renaming of the Account.

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

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.5. (Deleted by amendment.)

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

1. On or before July 1 of each even-numbered year, each entity designated pursuant to subsection 3 shall, except as otherwise provided in subsection 2, submit to the Center for the Analysis of Crime Statistics established by NRS 396.792:

(a) The annual operating budget of the entity;

(b) A copy of any written policy adopted by the entity concerning:

(1) The manner in which the entity determines whether a person is a victim of human trafficking;

(2) Referrals to resources for victims of human trafficking; and

(3) The detention or citation of victims of human trafficking;

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

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

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

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

(4) The number of victims who were:

(I) Served by the entity during the immediately preceding biennium; and



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

(d) The age, gender and race of each:

(1) Victim of human trafficking to whom the entity provided services during the immediately preceding biennium;

(2) Person alleged to have committed the crime of human trafficking against a victim described in subparagraph (1);

(e) The zip code of:

(1) The residence of each person described in paragraph (d);

(2) The location at which any arrest relating to a person described in paragraph (d) occurred; and

(f) Policy recommendations for decreasing human trafficking in this State.

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

3. The following entities shall submit the information required by subsection 1 to the Center:

(a) The State of Nevada Human Trafficking Coalition;

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

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

(d) Each local human trafficking task force;

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

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

4. On or before July 1 of each even-numbered year, each law enforcement agency in this State shall submit to the Center the number of arrests made or citations issued by the agency for a violation of NRS 201.353 or 201.354 or conduct related to human trafficking during the immediately preceding biennium and the disposition of those cases.

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

(a) Compile the information submitted pursuant to subsections 1 and 4 and prepare a comprehensive report concerning human trafficking in this State; and



(b) *Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Judiciary.*

6. *As used in this section:*

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

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

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

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

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

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

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

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

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

3. Where the person entitled to make application is:

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

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

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time



1 of or subsequent to the victim's injury or death, treated or examined
2 the victim in relation to the injury for which compensation is
3 claimed.

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

8 **6. As used in this section:**

9 (a) *"Facilitating sex trafficking" means a violation of*
10 *NRS 201.301.*

11 (b) *"Sex trafficking" means a violation of subsection 2 of*
12 *NRS 201.300.*

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

14 217.500 As used in NRS 217.500 to 217.540, inclusive, *and*
15 *section 4 of this act*, unless the context otherwise requires, the
16 words and terms defined in NRS 217.510 and 217.520 have the
17 meanings ascribed to them in those sections.

18 **Sec. 6.1.** NRS 217.510 is hereby amended to read as follows:

19 217.510 ~~["Contingency Account"]~~ *"Account"* means the
20 ~~["Contingency"]~~ Account for Victims of Human Trafficking created
21 by NRS 217.530.

22 **Sec. 6.2.** NRS 217.530 is hereby amended to read as follows:

23 217.530 1. The ~~["Contingency"]~~ Account for Victims of
24 Human Trafficking is hereby created in the State General Fund.

25 2. The Director of the Department of Health and Human
26 Services shall administer the ~~["Contingency"]~~ Account. The money in
27 the ~~["Contingency"]~~ Account:

28 (a) Must be expended only for the purposes of:

29 (1) Establishing or providing programs or services to victims
30 of human trafficking; and

31 (2) Fundraising for the direct benefit of the ~~["Contingency"]~~
32 Account. The total amount of money expended pursuant to this
33 subparagraph in any fiscal year must not exceed \$10,000 or 10
34 percent of the amount of money in the ~~["Contingency"]~~ Account at the
35 beginning of that fiscal year, whichever is less.

36 (b) Is hereby authorized for expenditure as a continuing
37 appropriation for these purposes.

38 3. The Director may apply for and accept gifts, grants and
39 donations or other sources of money for deposit in the
40 ~~["Contingency"]~~ Account.

41 4. The interest and income earned on the money in the
42 ~~["Contingency"]~~ Account, after deducting any applicable charges,
43 must be credited to the ~~["Contingency"]~~ Account.

44 5. Any money remaining in the ~~["Contingency"]~~ Account at the
45 end of a fiscal year does not revert to the State General Fund, and



1 the balance in the ~~[Contingency]~~ Account must be carried forward
2 to the next fiscal year.

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

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

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

19 3. The Director may make allocations of money from the
20 ~~[Contingency]~~ Account to applicants and may place such conditions
21 on the acceptance of such an allocation as the Director determines
22 are necessary, including, without limitation, requiring the recipient
23 of an allocation to submit periodic reports concerning the recipient's
24 use of the allocation.

25 4. The recipient of an allocation of money from the
26 ~~[Contingency]~~ Account may use the money only for the purposes of
27 establishing or providing programs or services to victims of human
28 trafficking ~~[]~~ , *including, without limitation, establishing pilot*
29 *programs for alternatives to law enforcement response to victims*
30 *of human trafficking.*

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

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

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

38 **Sec. 8.5.** The Legislative Counsel shall:

39 1. In preparing the reprint and supplements to the Nevada
40 Revised Statutes, appropriately change any references to an officer,
41 agency or other entity whose name is changed or whose
42 responsibilities are transferred pursuant to the provisions of this act
43 to refer to the appropriate officer, agency or other entity.

44 2. In preparing supplements to the Nevada Administrative
45 Code, appropriately change any references to an officer, agency or



1 other entity whose name is changed or whose responsibilities are
2 transferred pursuant to the provisions of this act to refer to the
3 appropriate officer, agency or other entity.

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

6 2. Sections 1 to 7, inclusive, 8 and 8.5 of this act become
7 effective on July 1, 2023.

