

ASSEMBLY BILL NO. 113—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

FEBRUARY 13, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sex trafficking.
(BDR 14-63)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 sex trafficking; amending various provisions concerning the crimes of pandering and sex trafficking; revising various provisions governing the penalties for pandering and sex trafficking; authorizing victims of sex trafficking to obtain compensation from the Fund for Compensation of Victims of Crime under certain circumstances; prohibiting the consideration of certain conduct by a victim of sex trafficking in determining whether to order compensation from the Fund; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law establishes the crime of pandering and provides that a person who
- 2 is found guilty of pandering is guilty of a category B, C or D felony, depending on
- 3 the circumstances surrounding the crime. (NRS 201.300-201.340)
- 4 **Sections 8-13, 16 and 17** of this bill amend various provisions relating to the
- 5 crime of pandering. **Sections 8-13, 16 and 17** create the crime of sex trafficking,
- 6 set forth the actions constituting the crimes of pandering and sex trafficking and
- 7 provide the terms of imprisonment and fines that must be imposed against a person
- 8 convicted of pandering or sex trafficking. **Section 9** further provides that a court
- 9 may not grant probation to, or suspend the sentence of, a person convicted of sex
- 10 trafficking a child and that certain defenses are not available in a prosecution for
- 11 pandering or sex trafficking. **Section 14** of this bill authorizes victims of sex
- 12 trafficking to obtain compensation from the Fund for Compensation of Victims of
- 13 Crime, and **section 15** of this bill prohibits the consideration of certain contributory
- 14 conduct when considering such compensation for a victim of sex trafficking.



15 Existing law provides that the statute of limitations for pandering is 3 years
16 after the commission of the offense or, if the offense is committed in a secret
17 manner, 3 years after the discovery of the offense. (NRS 171.085, 171.095)
18 **Sections 2-4** of this bill provide that the statute of limitations for sex trafficking is 4
19 years, which is the statute of limitations for sexual assault, and provide that certain
20 extensions of the statute of limitations for sexual assault also apply to sex
21 trafficking.

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

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** NRS 171.083 is hereby amended to read as follows:
3 171.083 1. If, at any time during the period of limitation
4 prescribed in NRS 171.085 and 171.095, a victim of a sexual assault
5 , ~~for~~ a person authorized to act on behalf of a victim of a sexual
6 assault , *or a victim of sex trafficking or a person authorized to act*
7 *on behalf of a victim of sex trafficking*, files with a law
8 enforcement officer a written report concerning the sexual assault ~~or~~
9 *or sex trafficking*, the period of limitation prescribed in NRS
10 171.085 and 171.095 is removed and there is no limitation of the
11 time within which a prosecution for the sexual assault *or sex*
12 *trafficking* must be commenced.
13 2. If a written report is filed with a law enforcement officer
14 pursuant to subsection 1, the law enforcement officer shall provide a
15 copy of the written report to the victim or the person authorized to
16 act on behalf of the victim.
17 3. If a victim of a sexual assault *or sex trafficking* is under a
18 disability during any part of the period of limitation prescribed in
19 NRS 171.085 and 171.095 and a written report concerning the
20 sexual assault *or sex trafficking* is not otherwise filed pursuant to
21 subsection 1, the period during which the victim is under the
22 disability must be excluded from any calculation of the period of
23 limitation prescribed in NRS 171.085 and 171.095.
24 4. For the purposes of this section, a victim of a sexual assault
25 *or sex trafficking* is under a disability if the victim is insane,
26 ~~mentally retarded,~~ *intellectually disabled*, mentally incompetent or
27 in a medically comatose or vegetative state.
28 5. As used in this section, "law enforcement officer" means:
29 (a) A prosecuting attorney;
30 (b) A sheriff of a county or the sheriff's deputy;
31 (c) An officer of a metropolitan police department or a police
32 department of an incorporated city; or



1 (d) Any other person upon whom some or all of the powers of a
2 peace officer are conferred pursuant to NRS 289.150 to 289.360,
3 inclusive.

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

5 171.085 Except as otherwise provided in NRS 171.080,
6 171.083, 171.084 and 171.095, an indictment for:

7 1. Theft, robbery, burglary, forgery, arson, sexual assault, *sex*
8 *trafficking*, a violation of NRS 90.570, a violation punishable
9 pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a
10 violation of NRS 205.377 must be found, or an information or
11 complaint filed, within 4 years after the commission of the offense.

12 2. Any felony other than the felonies listed in subsection 1
13 must be found, or an information or complaint filed, within 3 years
14 after the commission of the offense.

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

16 171.095 1. Except as otherwise provided in subsection 2 and
17 NRS 171.083 and 171.084:

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

24 (b) An indictment must be found, or an information or
25 complaint filed, for any offense constituting sexual abuse of a child
26 ~~†~~ as defined in NRS 432B.100 ~~†~~ *or sex trafficking of a child as*
27 *defined in NRS 201.300*, before the victim ~~{of the sexual abuse}~~ is:

28 (1) Twenty-one years old if the victim discovers or
29 reasonably should have discovered that he or she was a victim of the
30 sexual abuse *or sex trafficking* by the date on which the victim
31 reaches that age; or

32 (2) Twenty-eight years old if the victim does not discover
33 and reasonably should not have discovered that he or she was a
34 victim of the sexual abuse *or sex trafficking* by the date on which
35 the victim reaches 21 years of age.

36 (c) If a felony is committed pursuant to NRS 205.461 to
37 205.4657, inclusive, against a victim who is less than 18 years of
38 age at the time of the commission of the offense, an indictment for
39 the offense must be found, or an information or complaint filed,
40 within 4 years after the victim discovers or reasonably should have
41 discovered the offense.

42 2. If any indictment found, or an information or complaint
43 filed, within the time prescribed in subsection 1 is defective so that
44 no judgment can be given thereon, another prosecution may be



1 instituted for the same offense within 6 months after the first is
2 abandoned.

3 **Sec. 5.** NRS 179.121 is hereby amended to read as follows:

4 179.121 1. All personal property, including, without
5 limitation, any tool, substance, weapon, machine, computer, money
6 or security, which is used as an instrumentality in any of the
7 following crimes is subject to forfeiture:

8 (a) The commission of or attempted commission of the crime of
9 murder, robbery, kidnapping, burglary, invasion of the home, grand
10 larceny or theft if it is punishable as a felony;

11 (b) The commission of or attempted commission of any felony
12 with the intent to commit, cause, aid, further or conceal an act of
13 terrorism;

14 (c) A violation of NRS 202.445 or 202.446;

15 (d) The commission of any crime by a criminal gang, as defined
16 in NRS 213.1263; or

17 (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300
18 ~~to 201.340, inclusive.~~, **201.320**, 202.265, 202.287, 205.473 to
19 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382,
20 370.395, 370.405 or 465.070 to 465.085, inclusive.

21 2. Except as otherwise provided for conveyances forfeitable
22 pursuant to NRS 453.301 or 501.3857, all conveyances, including
23 aircraft, vehicles or vessels, which are used or intended for use
24 during the commission of a felony or a violation of NRS 202.287,
25 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
26 except that:

27 (a) A conveyance used by any person as a common carrier in the
28 transaction of business as a common carrier is not subject to
29 forfeiture under this section unless it appears that the owner or other
30 person in charge of the conveyance is a consenting party or privy to
31 the felony or violation;

32 (b) A conveyance is not subject to forfeiture under this section
33 by reason of any act or omission established by the owner thereof to
34 have been committed or omitted without the owner's knowledge,
35 consent or willful blindness;

36 (c) A conveyance is not subject to forfeiture for a violation of
37 NRS 202.300 if the firearm used in the violation of that section was
38 not loaded at the time of the violation; and

39 (d) A forfeiture of a conveyance encumbered by a bona fide
40 security interest is subject to the interest of the secured party if the
41 secured party neither had knowledge of nor consented to the felony.
42 If a conveyance is forfeited, the appropriate law enforcement agency
43 may pay the existing balance and retain the conveyance for official
44 use.

45 3. For the purposes of this section, a firearm is loaded if:



* A B 1 1 3 R 1 *

1 (a) There is a cartridge in the chamber of the firearm;
2 (b) There is a cartridge in the cylinder of the firearm, if the
3 firearm is a revolver; or

4 (c) There is a cartridge in the magazine and the magazine is in
5 the firearm or there is a cartridge in the chamber, if the firearm is a
6 semiautomatic firearm.

7 4. As used in this section, "act of terrorism" has the meaning
8 ascribed to it in NRS 202.4415.

9 **Sec. 6.** NRS 179D.0357 is hereby amended to read as follows:
10 179D.0357 "Crime against a child" means any of the following
11 offenses if the victim of the offense was less than 18 years of age
12 when the offense was committed:

13 1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive,
14 unless the offender is the parent or guardian of the victim.

15 2. False imprisonment pursuant to NRS 200.460, unless the
16 offender is the parent or guardian of the victim.

17 3. An offense involving ~~pandering~~ *sex trafficking pursuant*
18 *to subsection 2 of NRS 201.300* or prostitution pursuant to NRS
19 ~~[201.300 to 201.340, inclusive.] 201.320.~~

20 4. An attempt to commit an offense listed in this section.

21 5. An offense committed in another jurisdiction that, if
22 committed in this State, would be an offense listed in this section.
23 This subsection includes, without limitation, an offense prosecuted
24 in:

25 (a) A tribal court.

26 (b) A court of the United States or the Armed Forces of the
27 United States.

28 6. An offense against a child committed in another jurisdiction,
29 whether or not the offense would be an offense listed in this section,
30 if the person who committed the offense resides or has resided or is
31 or has been a student or worker in any jurisdiction in which the
32 person is or has been required by the laws of that jurisdiction to
33 register as an offender who has committed a crime against a child
34 because of the offense. This subsection includes, without limitation,
35 an offense prosecuted in:

36 (a) A tribal court.

37 (b) A court of the United States or the Armed Forces of the
38 United States.

39 (c) A court having jurisdiction over juveniles.

40 **Sec. 7.** NRS 179D.115 is hereby amended to read as follows:

41 179D.115 "Tier II offender" means an offender convicted of a
42 crime against a child or a sex offender, other than a Tier III
43 offender, whose crime against a child is punishable by
44 imprisonment for more than 1 year or whose sexual offense:

45 1. If committed against a child, constitutes:



- 1 (a) Luring a child pursuant to NRS 201.560, if punishable as a
2 felony;
- 3 (b) Abuse of a child pursuant to NRS 200.508, if the abuse
4 involved sexual abuse or sexual exploitation;
- 5 (c) An offense involving ~~pandering~~ *sex trafficking pursuant*
6 *to NRS 201.300* or prostitution pursuant to NRS ~~201.300 to~~
7 ~~201.340, inclusive;~~ *201.320;*
- 8 (d) An offense involving pornography and a minor pursuant to
9 NRS 200.710 to 200.730, inclusive; or
- 10 (e) Any other offense that is comparable to or more severe than
11 the offenses described in 42 U.S.C. § 16911(3);
- 12 2. Involves an attempt or conspiracy to commit any offense
13 described in subsection 1;
- 14 3. If committed in another jurisdiction, is an offense that, if
15 committed in this State, would be an offense listed in this section.
16 This subsection includes, without limitation, an offense prosecuted
17 in:
- 18 (a) A tribal court; or
- 19 (b) A court of the United States or the Armed Forces of the
20 United States; or
- 21 4. Is committed after the person becomes a Tier I offender if
22 any of the person's sexual offenses constitute an offense punishable
23 by imprisonment for more than 1 year.
- 24 **Sec. 8.** NRS 201.295 is hereby amended to read as follows:
25 201.295 As used in NRS 201.295 to 201.440, inclusive, unless
26 the context otherwise requires:
- 27 1. "Adult" means a person 18 years of age or older.
- 28 2. "Child" means a person less than 18 years of age.
- 29 3. *"Induce" means to persuade, encourage, inveigle or entice.*
- 30 4. "Prostitute" means a male or female person who for a fee ,
31 *monetary consideration or other thing of value* engages in sexual
32 ~~intercourse, oral genital contact or any touching of the sexual~~
33 ~~organs or other intimate parts of a person for the purpose of~~
34 ~~arousing or gratifying the sexual desire of either person.~~
35 ~~—4.—~~ *conduct.*
- 36 5. "Prostitution" means engaging in sexual conduct *with*
37 *another person in return* for a fee ~~+~~
38 ~~—5.—~~ *, monetary consideration or other thing of value.*
- 39 6. "Sexual conduct" means ~~any of the acts enumerated in~~
40 ~~subsection 3.—~~ *masturbation of a person, cunnilingus, fellatio, or*
41 *any intrusion, however slight, of any part of a person's body or*
42 *any object manipulated or inserted by a person into the genital*
43 *or anal openings of the body of a person, including sexual*
44 *intercourse in its ordinary meaning.*



1 7. *“Transport” means to transport or cause to be transported,*
2 *by any means of conveyance, into, through or across this State, or*
3 *to aid or assist in obtaining such transportation.*

4 Sec. 9. NRS 201.300 is hereby amended to read as follows:

5 201.300 1. A person who ~~is~~:

6 ~~—(a) Induces, persuades, encourages, inveigles, entices or compels~~
7 ~~a person to~~, *without physical force or the immediate threat of*
8 *physical force, induces an adult to unlawfully* become a prostitute
9 *or to continue to engage in prostitution* ~~is~~, *or to enter any place*
10 *within this State in which prostitution is practiced, encouraged or*
11 *allowed for the purpose of sexual conduct or prostitution* ~~is~~;

12 ~~—(b) By threats, violence or by any device or scheme, causes,~~
13 ~~induces, persuades, encourages, takes, places, harbors, inveigles or~~
14 ~~entices a person to become an inmate of a house of prostitution or~~
15 ~~assignment place, or any place where prostitution is practiced,~~
16 ~~encouraged or allowed;~~

17 ~~—(c) By threats, violence, or by any device or scheme, by fraud or~~
18 ~~artifice, or by duress of person or goods, or by abuse of any position~~
19 ~~of confidence or authority, or having legal charge, takes, places,~~
20 ~~harbors, inveigles, entices, persuades, encourages or procures a~~
21 ~~person to enter any place within this state in which prostitution is~~
22 ~~practiced, encouraged or allowed, [for the purpose of prostitution;~~

23 ~~—(d) By promises, threats, violence, or by any device or scheme,~~
24 ~~by fraud or artifice, by duress of person or goods, or abuse of any~~
25 ~~position of confidence or authority or having legal charge, takes,~~
26 ~~places, harbors, inveigles, entices, persuades, encourages or~~
27 ~~procures a person of previous chaste character to enter any place~~
28 ~~within this state in which prostitution is practiced, encouraged or~~
29 ~~allowed, for the purpose of sexual intercourse;~~

30 ~~—(e) Takes or detains a person with the intent to compel the~~
31 ~~person by force, threats, menace or duress to marry him or her or~~
32 ~~any other person; or~~

33 ~~—(f) Receives, gives or agrees to receive or give any money or~~
34 ~~thing of value for procuring or attempting to procure a person to~~
35 ~~become a prostitute or to come into this state or leave this state for~~
36 ~~the purpose of prostitution;~~

37 ~~is guilty of pandering.~~

38 ~~—2. A person who is found guilty of pandering:~~

39 ~~—(a) An adult:~~

40 ~~—(1) If physical force or the immediate threat of physical force~~
41 ~~is used upon the adult, is guilty of a category C felony and shall be~~
42 ~~punished as provided in NRS 193.130.~~

43 ~~—(2) If no physical force or immediate threat of physical force~~
44 ~~is used upon the adult,~~ *is guilty of **pandering which is** a category*
45 ***[D] C** felony and shall be punished as provided in NRS 193.130.*



1 ~~[(b) A child:~~

2 ~~—— (1) If physical force or the immediate threat of physical force~~
3 ~~is used upon the child, [is guilty of a category B felony and shall be~~
4 ~~punished by imprisonment in the state prison for a minimum term of~~
5 ~~not less than 2 years and a maximum term of not more than 20 years~~
6 ~~and may be further punished by a fine of not more than \$20,000.~~

7 ~~—— (2) If no physical force or immediate threat of physical force~~
8 ~~is used upon the child, [is guilty of a category B felony and shall be~~
9 ~~punished by imprisonment in the state prison for a minimum term of~~
10 ~~not less than 1 year and a maximum term of not more than 10 years~~
11 ~~and may be further punished by a fine of not more than \$10,000.~~

12 ~~—3.] This [section] subsection does not apply to the customer of~~
13 ~~a prostitute.~~

14 2. *A person:*

15 (a) *Is guilty of sex trafficking if the person:*

16 (1) *Induces, causes, recruits, harbors, transports, provides,*
17 *obtains or maintains a child to engage in prostitution, or to enter*
18 *any place within this State in which prostitution is practiced,*
19 *encouraged or allowed for the purpose of sexual conduct or*
20 *prostitution;*

21 (2) *Induces, recruits, harbors, transports, provides, obtains*
22 *or maintains a person by any means knowing, or in reckless*
23 *disregard of the fact, that threats, violence, force, intimidation,*
24 *fraud, duress or coercion will be used to cause the person to*
25 *engage in prostitution, or to enter any place within this State in*
26 *which prostitution is practiced, encouraged or allowed for the*
27 *purpose of sexual conduct or prostitution;*

28 (3) *By threats, violence, force, intimidation, fraud, duress,*
29 *coercion, by any device or scheme, or by abuse of any position of*
30 *confidence or authority, or having legal charge, takes, places,*
31 *harbors, induces, causes, compels or procures a person to engage*
32 *in prostitution, or to enter any place within this State in which*
33 *prostitution is practiced, encouraged or allowed for the purpose of*
34 *sexual conduct or prostitution; or*

35 (4) *Takes or detains a person with the intent to compel the*
36 *person by force, violence, threats or duress to marry him or her or*
37 *any other person.*

38 (b) *Who is found guilty of sex trafficking:*

39 (1) *An adult is guilty of a category B felony and shall be*
40 *punished by imprisonment in the state prison for a minimum term*
41 *of not less than 3 years and a maximum term of not more than 10*
42 *years and may be further punished by a fine of not more than*
43 *\$10,000.*

44 (2) *A child:*



1 (I) *If the child is less than 14 years of age when the*
2 *offense is committed, is guilty of a category A felony and shall be*
3 *punished by imprisonment in the state prison for life with the*
4 *possibility of parole, with eligibility for parole beginning when a*
5 *minimum of 15 years has been served, and may be further*
6 *punished by a fine of not more than \$20,000.*

7 (II) *If the child is at least 14 years of age but less than*
8 *16 years of age when the offense is committed, is guilty of a*
9 *category A felony and shall be punished by imprisonment in the*
10 *state prison for life with the possibility of parole, with eligibility for*
11 *parole beginning when a minimum of 10 years has been served,*
12 *and may be further punished by a fine of not more than \$10,000.*

13 (III) *If the child is at least 16 years of age but less than*
14 *18 years of age when the offense is committed, is guilty of a*
15 *category A felony and shall be punished by imprisonment in the*
16 *state prison for life with the possibility of parole, with eligibility for*
17 *parole beginning when a minimum of 5 years has been served,*
18 *and may be further punished by a fine of not more than \$10,000.*

19 3. *A court shall not grant probation to or suspend the*
20 *sentence of a person convicted of sex trafficking a child pursuant*
21 *to subsection 2.*

22 4. *Consent of a victim of pandering or sex trafficking to an*
23 *act of prostitution is not a defense to a prosecution for any of the*
24 *acts prohibited by this section.*

25 5. *In a prosecution for sex trafficking a child pursuant to*
26 *subsection 2, it is not a defense that the defendant did not have*
27 *knowledge of the victim's age, nor is reasonable mistake of age a*
28 *valid defense to a prosecution conducted pursuant to subsection 2.*

29 **Sec. 10.** NRS 201.350 is hereby amended to read as follows:

30 201.350 It shall not be a defense to a prosecution for any of the
31 acts prohibited in NRS 201.300 ~~to 201.340, inclusive,~~ or 201.320
32 that any part of such act or acts shall have been committed outside
33 this state, and the offense shall in such case be deemed and alleged
34 to have been committed, and the offender tried and punished, in any
35 county in which the prostitution was consummated, or any overt act
36 in furtherance of the offense shall have been committed.

37 **Sec. 11.** NRS 201.351 is hereby amended to read as follows:

38 201.351 1. All assets derived from or relating to any
39 violation of NRS 201.300 ~~to 201.340, inclusive, in which the~~
40 ~~victim of the offense is a child when the offense is committed~~ or
41 201.320 are subject to forfeiture pursuant to NRS 179.121 and a
42 proceeding for their forfeiture may be brought pursuant to NRS
43 179.1156 to 179.121, inclusive.

44 2. In any proceeding for forfeiture brought pursuant to NRS
45 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a



1 court may issue without notice or hearing, a temporary restraining
2 order to preserve property which would be subject to forfeiture
3 pursuant to this section if:

4 (a) The forfeitable property is in the possession or control of the
5 party against whom the order will be entered; and

6 (b) The court determines that the nature of the property is such
7 that it can be concealed, disposed of or placed beyond the
8 jurisdiction of the court before a hearing on the matter.

9 3. A temporary restraining order which is issued without notice
10 may be issued for not more than ~~101~~ 30 days and may be extended
11 only for good cause or by consent. The court shall provide notice
12 and hold a hearing on the matter before the order expires.

13 4. Any proceeds derived from a forfeiture of property pursuant
14 to this section and remaining after the distribution required by
15 subsection 1 of NRS 179.118 must be deposited with the county
16 treasurer and distributed to programs for the prevention of child
17 prostitution *or for services to victims of child prostitution* which are
18 designated to receive such distributions by the district attorney of
19 the county.

20 **Sec. 12.** NRS 201.352 is hereby amended to read as follows:

21 201.352 1. If a person is convicted of a violation of ~~any~~
22 ~~provision~~ *subsection 2* of NRS 201.300 ~~to 201.340, inclusive, and~~
23 *or NRS 201.320*, the victim of the violation is a child ~~who is:~~

24 ~~—(a) At least 14 years of age but less than 18 years of age when~~
25 ~~the offense is committed, the court may, in addition to the~~
26 ~~punishment prescribed by statute for the offense and any fine~~
27 ~~imposed pursuant to subsection 2, impose a fine of not more than~~
28 ~~\$100,000.~~

29 ~~—(b) Less than 14 years of age~~ when the offense is committed,
30 *and physical force or violence or the immediate threat of physical*
31 *force or violence is used upon the child*, the court may, in addition
32 to the term of imprisonment prescribed by statute for the offense and
33 any fine imposed pursuant to subsection 2, impose a fine of not
34 more than \$500,000.

35 2. If a person is convicted of a violation of ~~any provision~~
36 *subsection 2* of NRS 201.300 ~~to 201.340, inclusive,~~ *or NRS*
37 *201.320*, the victim of the offense is a child when the offense is
38 committed and the offense also involves a conspiracy to commit a
39 violation of *subsection 2 of* NRS 201.300 ~~to 201.340, inclusive,~~ *or*
40 *NRS 201.320*, the court may, in addition to the punishment
41 prescribed by statute for the offense of a provision of *subsection 2*
42 *of* NRS 201.300 ~~to 201.340, inclusive,~~ *or NRS 201.320* and any
43 fine imposed pursuant to subsection 1, impose a fine of not more
44 than \$500,000.



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

5 **Sec. 13.** NRS 202.876 is hereby amended to read as follows:

6 202.876 "Violent or sexual offense" means any act that, if
7 prosecuted in this State, would constitute any of the following
8 offenses:

9 1. Murder or voluntary manslaughter pursuant to NRS 200.010
10 to 200.260, inclusive.

11 2. Mayhem pursuant to NRS 200.280.

12 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

13 4. Sexual assault pursuant to NRS 200.366.

14 5. Robbery pursuant to NRS 200.380.

15 6. Administering poison or another noxious or destructive
16 substance or liquid with intent to cause death pursuant to
17 NRS 200.390.

18 7. Battery with intent to commit a crime pursuant to
19 NRS 200.400.

20 8. Administering a drug or controlled substance to another
21 person with the intent to enable or assist the commission of a felony
22 or crime of violence pursuant to NRS 200.405 or 200.408.

23 9. False imprisonment pursuant to NRS 200.460 if the false
24 imprisonment involves the use or threatened use of force or violence
25 against the victim or the use or threatened use of a firearm or a
26 deadly weapon.

27 10. Assault with a deadly weapon pursuant to NRS 200.471.

28 11. Battery which is committed with the use of a deadly
29 weapon or which results in substantial bodily harm as described in
30 NRS 200.481 or battery which is committed by strangulation as
31 described in NRS 200.481 or 200.485.

32 12. An offense involving pornography and a minor pursuant to
33 NRS 200.710 or 200.720.

34 13. Solicitation of a minor to engage in acts constituting the
35 infamous crime against nature pursuant to NRS 201.195.

36 14. Intentional transmission of the human immunodeficiency
37 virus pursuant to NRS 201.205.

38 15. Open or gross lewdness pursuant to NRS 201.210.

39 16. Lewdness with a child pursuant to NRS 201.230.

40 17. An offense involving pandering *or sex trafficking in*
41 *violation of NRS 201.300* or prostitution in violation of NRS
42 ~~{201.300,}~~ 201.320. ~~{or 201.340.}~~

43 18. Coercion pursuant to NRS 207.190, if the coercion
44 involves the use or threatened use of force or violence against the
45 victim or the use or threatened use of a firearm or a deadly weapon.



1 19. An attempt, conspiracy or solicitation to commit an offense
2 listed in subsections 1 to 18, inclusive.

3 **Sec. 14.** NRS 217.070 is hereby amended to read as follows:

4 217.070 "Victim" means:

5 1. A person who is physically injured or killed as the direct
6 result of a criminal act;

7 2. A minor who was involved in the production of pornography
8 in violation of NRS 200.710, 200.720, 200.725 or 200.730;

9 3. A minor who was sexually abused, as "sexual abuse" is
10 defined in NRS 432B.100;

11 4. A person who is physically injured or killed as the direct
12 result of a violation of NRS 484C.110 or any act or neglect of duty
13 punishable pursuant to NRS 484C.430 or 484C.440;

14 5. A pedestrian who is physically injured or killed as the direct
15 result of a driver of a motor vehicle who failed to stop at the scene
16 of an accident involving the driver and the pedestrian in violation of
17 NRS 484E.010;

18 6. An older person who is abused, neglected, exploited or
19 isolated in violation of NRS 200.5099 or 200.50995; ~~for~~

20 7. A resident who is physically injured or killed as the direct
21 result of an act of international terrorism as defined in 18 U.S.C. §
22 2331(1) ~~H~~; or

23 8. *A person who is trafficked in violation of subsection 2 of*
24 *NRS 201.300.*

25 ➔ The term includes a person who was harmed by any of these acts
26 whether the act was committed by an adult or a minor.

27 **Sec. 15.** NRS 217.180 is hereby amended to read as follows:

28 217.180 1. Except as otherwise provided in subsection 2, in
29 determining whether to make an order for compensation, the
30 compensation officer shall consider the provocation, consent or any
31 other behavior of the victim that directly or indirectly contributed to
32 the injury or death of the victim, the prior case or social history, if
33 any, of the victim, the need of the victim or the dependents of the
34 victim for financial aid and other relevant matters.

35 2. If the case involves a victim of domestic violence, ~~for~~
36 sexual assault ~~H~~ or *sex trafficking*, the compensation officer shall
37 not consider the provocation, consent or any other behavior of the
38 victim that directly or indirectly contributed to the injury or death of
39 the victim.

40 3. If the applicant has received or is likely to receive an amount
41 on account of the applicant's injury or the death of another from:

42 (a) The person who committed the crime that caused the
43 victim's injury or from anyone paying on behalf of the offender;

44 (b) Insurance;

45 (c) The employer of the victim; or



1 (d) Another private or public source or program of assistance,
2 → the applicant shall report the amount received or that the
3 applicant is likely to receive to the compensation officer. Any of
4 those sources that are obligated to pay an amount after the award of
5 compensation shall pay the Board the amount of compensation that
6 has been paid to the applicant and pay the remainder of the amount
7 due to the applicant. The compensation officer shall deduct the
8 amounts that the applicant has received or is likely to receive from
9 those sources from the applicant's total expenses.

10 4. An order for compensation may be made whether or not a
11 person is prosecuted or convicted of an offense arising from the act
12 on which the claim for compensation is based.

13 5. As used in this section:

14 (a) "Domestic violence" means an act described in NRS 33.018.

15 (b) "Public source or program of assistance" means:

16 (1) Public assistance, as defined in NRS 422.050
17 and 422A.065;

18 (2) Social services provided by a social service agency, as
19 defined in NRS 430A.080; or

20 (3) Other assistance provided by a public entity.

21 (c) *"Sex trafficking" means a violation of subsection 2 of*
22 *NRS 201.300.*

23 (d) "Sexual assault" has the meaning ascribed to it in
24 NRS 200.366.

25 **Sec. 16.** (Deleted by amendment.)

26 **Sec. 17.** NRS 201.310, 201.330 and 201.340 are hereby
27 repealed.

28 **Sec. 18.** This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

1. A person who by force, fraud, intimidation or threats, places, or procures any other person to place, his or her spouse in a house of prostitution or compels his or her spouse to lead a life of prostitution is guilty of pandering and shall be punished:

(a) Where physical force or the immediate threat of physical force is used upon the spouse, for a category C felony as provided in NRS 193.130.

(b) Where no physical force or immediate threat of physical force is used, for a category D felony as provided in NRS 193.130.



2. Upon the trial of any offense mentioned in this section, either spouse is a competent witness for or against the other spouse, with or without the other's consent, and may be compelled so to testify.

201.330 Pandering: Detaining person in brothel because of debt; penalties.

1. A person who attempts to detain another person in a disorderly house or house of prostitution because of any debt or debts the other person has contracted or is said to have contracted while living in the house is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:

(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

201.340 Pandering: Furnishing transportation; penalties.

1. A person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for a person with the intent to induce, persuade, encourage, inveigle, entice or compel that person to become a prostitute or to continue to engage in prostitution is guilty of pandering.

2. A person who is found guilty of pandering:

(a) An adult:

(1) If physical force or the immediate threat of physical force is used upon the adult, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If no physical force or immediate threat of physical force is used upon the adult, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) A child:



(1) If physical force or the immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and may be further punished by a fine of not more than \$20,000.

(2) If no physical force or immediate threat of physical force is used upon the child, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and may be further punished by a fine of not more than \$10,000.

3. A person who violates subsection 1 may be prosecuted, indicted, tried and convicted in any county or city in or through which he or she transports or attempts to transport the person.

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