
ASSEMBLY BILL NO. 67—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 3-403)

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 crimes; authorizing a victim of sex trafficking, involuntary servitude or trafficking in persons to bring a civil action; amending various provisions concerning the investigation and prosecution of sex trafficking, involuntary servitude and trafficking in persons; revising provisions governing the waiver of a preliminary examination; amending various provisions concerning the crimes of sex trafficking, involuntary servitude and trafficking in persons; revising various provisions governing the penalties for sex trafficking, involuntary servitude and trafficking in persons; requiring a person convicted of sex trafficking to register as a sex offender; amending various provisions relating to victims of sex trafficking; revising provisions relating to the powers and duties of the Advocate for Missing or Exploited Children; providing penalties; 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) Existing law also
4 creates the crimes of involuntary servitude and trafficking in persons. (NRS
5 200.463-200.468)
6 **Sections 1, 30-33, 40-44, 46-48 and 55** of this bill amend various provisions
7 relating to the crimes of pandering, involuntary servitude and trafficking in persons.
8 **Section 30** increases the penalty for conspiracy to commit sex trafficking,



9 involuntary servitude or trafficking in persons, and **section 46** adds involuntary
10 servitude and trafficking in persons to the list of crimes constituting racketeering
11 activity. **Sections 41-44** change the crime of pandering to the crime of sex
12 trafficking, set forth the actions constituting the crime of sex trafficking and
13 provide the terms of imprisonment and fines that must be imposed against a person
14 convicted of sex trafficking. **Section 42** further provides that a court may not grant
15 probation to, or suspend the sentence of, a person convicted of sex trafficking and
16 that certain defenses are not available in a prosecution for sex trafficking. **Sections**
17 **32, 33 and 40** require a court to order a person convicted of sex trafficking,
18 involuntary servitude or trafficking in persons to pay restitution to the victim of the
19 crime. **Section 47** authorizes victims of sex trafficking to obtain compensation from
20 the Fund for Compensation of Victims of Crime. **Section 48** prohibits the
21 consideration of certain contributory conduct of a victim when considering
22 compensation for a victim of sex trafficking. Finally, **section 1** authorizes a victim
23 of sex trafficking, involuntary servitude or trafficking in persons to bring a civil
24 action against any person who caused, was responsible for or profited from the sex
25 trafficking, involuntary servitude or trafficking in persons.

26 **Sections 2, 4-6, 25, 34-39 and 49-51** of this bill revise provisions governing
27 the investigation and prosecution of sex trafficking. **Section 25** authorizes law
28 enforcement agencies to intercept wire and oral communications during an
29 investigation of sex trafficking, involuntary servitude and trafficking in persons
30 upon compliance with existing law governing the interception of wire and oral
31 communications by law enforcement agencies. **Sections 4-6** provide that the
32 provisions governing the statute of limitations for sex trafficking are the same as
33 the provisions governing the statute of limitations for sexual assault. **Section 2**
34 prohibits the introduction of evidence concerning the sexual conduct of a victim of
35 sex trafficking under certain circumstances. Finally, **sections 34-39 and 49-51**
36 provide that certain information relating to a victim of sex trafficking must be kept
37 confidential.

38 Existing law provides for the forfeiture of certain property and proceeds of
39 certain crimes in a civil proceeding brought by a law enforcement agency. (NRS
40 179.1156-179.121) **Sections 3 and 12-24** of this bill provide for the criminal
41 forfeiture of certain property and the proceeds of sex trafficking, involuntary
42 servitude and trafficking in persons. **Sections 18 and 19** of this bill authorize a
43 court to take certain actions to secure the property during the prosecution of the
44 defendant.

45 Existing law provides that a person convicted of pandering a child is required to
46 register as an offender convicted of a crime against a child and is a Tier II offender
47 for the purposes of offender registration and community notification. (NRS
48 179D.0357, 179D.115) **Section 27** of this bill provides that a person convicted of
49 sex trafficking an adult is required to register as a sex offender and is a Tier I
50 offender for the purposes of sex offender registration and community notification.

51 Existing law authorizes the defendant to waive his or her right to a preliminary
52 examination to determine whether probable cause exists to hold the defendant for
53 trial for an alleged criminal offense. If the defendant waives the preliminary
54 examination, the defendant is bound over for trial. (NRS 171.196) **Sections 7-10** of
55 this bill provide that the requirement for a preliminary examination is waived only
56 if both the prosecution and the defendant agree to waive the preliminary
57 examination.

58 Existing law creates the Office of Advocate for Missing or Exploited Children
59 within the Office of the Attorney General and establishes the powers and duties of
60 the Children's Advocate. (NRS 432.157) **Section 53** of this bill authorizes the
61 Children's Advocate to investigate and prosecute certain crimes. **Section 53** also
62 creates the Special Account for the Support of the Office of Advocate for Missing
63 or Exploited Children and authorizes the Children's Advocate to apply for and



64 accept gifts, grants and donations to assist the Children's Advocate in carrying out
65 his or her duties.

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

1 **Section 1.** Chapter 41 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Any person who is a victim of human trafficking may bring*
4 *a civil action against any person who caused, was responsible for*
5 *or profited from the human trafficking.*

6 2. *A civil action brought under this section may be instituted*
7 *in the district court of this State in the county in which the*
8 *prospective defendant resides or has committed any act which*
9 *subjects him or her to liability under this section.*

10 3. *In an action brought under this section, the court may*
11 *award such injunctive relief as the court deems appropriate.*

12 4. *A plaintiff who prevails in an action brought under this*
13 *section may recover actual damages, compensatory damages,*
14 *punitive damages or any other appropriate relief. If a plaintiff*
15 *recovers actual damages in an action brought under this section*
16 *and the acts of the defendant were willful and malicious, the court*
17 *must award treble damages to the plaintiff. If the plaintiff prevails*
18 *in an action brought under this section, the court must award*
19 *attorney's fees and costs to the plaintiff.*

20 5. *The statute of limitations for an action brought under this*
21 *section does not commence until:*

22 (a) *The plaintiff discovers or reasonably should have*
23 *discovered that he or she is a victim of human trafficking and that*
24 *the defendant caused, was responsible for or profited from the*
25 *human trafficking;*

26 (b) *The plaintiff reaches 18 years of age; or*

27 (c) *If the injury to the plaintiff results from two or more acts*
28 *relating to the human trafficking, the final act in the series of acts*
29 *has occurred,*

30 ↳ *whichever is later.*

31 6. *The statute of limitations for an action brought under this*
32 *section is tolled for any period during which the plaintiff was*
33 *under a disability. For the purposes of this subsection, a plaintiff*
34 *is under a disability if the plaintiff is insane, a person with an*
35 *intellectual disability, mentally incompetent or in a medically*
36 *comatose or vegetative state.*

37 7. *A defendant in an action brought under this section is*
38 *estopped from asserting that the action was not brought within the*
39 *statute of limitations if the defendant, or any person acting on*



1 *behalf of the defendant, has induced the plaintiff to delay bringing*
2 *an action under this section by subjecting the plaintiff to duress,*
3 *threats, intimidation, manipulation or fraud or any other conduct*
4 *inducing the plaintiff to delay bringing an action under this*
5 *section.*

6 **8. In the discretion of the court in an action brought under**
7 **this section:**

8 (a) *Two or more persons may join as plaintiffs in one action if*
9 *the claims of those plaintiffs involve at least one defendant in*
10 *common.*

11 (b) *Two or more persons may be joined in one action as*
12 *defendants if those persons may be liable to at least one plaintiff in*
13 *common.*

14 **9. The consent of a victim is not a defense to a cause of**
15 **action brought under this section.**

16 **10. For the purposes of this section:**

17 (a) *A victim of human trafficking is a person against whom a*
18 *violation of any provision of NRS 200.463 to 200.468, inclusive,*
19 *201.300 or 201.320 or 18 U.S.C. § 1589, 1590 or 1591 has been*
20 *committed.*

21 (b) *It is not necessary that the defendant be investigated,*
22 *arrested, prosecuted or convicted for a violation of any provision*
23 *of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 18*
24 *U.S.C. § 1589, 1590 or 1591 to be found liable in an action*
25 *brought under this section.*

26 **Sec. 2.** NRS 50.090 is hereby amended to read as follows:

27 50.090 In any prosecution for *sex trafficking*, sexual assault or
28 statutory sexual seduction or for attempt to commit or conspiracy to
29 commit ~~either crime,~~ *those crimes*, the accused may not present
30 evidence of any previous sexual conduct of the victim of the crime
31 to challenge the victim's credibility as a witness unless the
32 prosecutor has presented evidence or the victim has testified
33 concerning such conduct, or the absence of such conduct, in which
34 case the scope of the accused's cross-examination of the victim or
35 rebuttal must be limited to the evidence presented by the prosecutor
36 or victim.

37 **Sec. 3.** NRS 115.010 is hereby amended to read as follows:

38 115.010 1. The homestead is not subject to forced sale on
39 execution or any final process from any court, except as otherwise
40 provided by subsections 2, 3 and 5, and NRS 115.090 and except as
41 otherwise required by federal law.

42 2. The exemption provided in subsection 1 extends only to that
43 amount of equity in the property held by the claimant which does
44 not exceed \$550,000 in value, unless allodial title has been
45 established and not relinquished, in which case the exemption



1 provided in subsection 1 extends to all equity in the dwelling, its
2 appurtenances and the land on which it is located.

3 3. Except as otherwise provided in subsection 4, the exemption
4 provided in subsection 1 does not extend to process to enforce the
5 payment of obligations contracted for the purchase of the property,
6 or for improvements made thereon, including any mechanic's lien
7 lawfully obtained, or for legal taxes, or for:

8 (a) Any mortgage or deed of trust thereon executed and given,
9 including, without limitation, any second or subsequent mortgage,
10 mortgage obtained through refinancing, line of credit taken against
11 the property and a home equity loan; or

12 (b) Any lien to which prior consent has been given through the
13 acceptance of property subject to any recorded declaration of
14 restrictions, deed restriction, restrictive covenant or equitable
15 servitude, specifically including any lien in favor of an association
16 pursuant to NRS 116.3116 or 117.070,

17 ↪ by both husband and wife, when that relation exists.

18 4. If allodial title has been established and not relinquished, the
19 exemption provided in subsection 1 extends to process to enforce
20 the payment of obligations contracted for the purchase of the
21 property, and for improvements made thereon, including any
22 mechanic's lien lawfully obtained, and for legal taxes levied by a
23 state or local government, and for:

24 (a) Any mortgage or deed of trust thereon; and

25 (b) Any lien even if prior consent has been given through the
26 acceptance of property subject to any recorded declaration of
27 restrictions, deed restriction, restrictive covenant or equitable
28 servitude, specifically including any lien in favor of an association
29 pursuant to NRS 116.3116 or 117.070,

30 ↪ unless a waiver for the specific obligation to which the judgment
31 relates has been executed by all allodial titleholders of the property.

32 5. Establishment of allodial title does not exempt the property
33 from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive,
34 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive
35 **†, or sections 12 to 21, inclusive, of this act.**

36 6. Any declaration of homestead which has been filed before
37 July 1, 2007, shall be deemed to have been amended on that date by
38 extending the homestead exemption commensurate with any
39 increase in the amount of equity held by the claimant in the property
40 selected and claimed for the exemption up to the amount permitted
41 by law on that date, but the increase does not impair the right of any
42 creditor to execute upon the property when that right existed before
43 July 1, 2007.



1 **Sec. 4.** NRS 171.083 is hereby amended to read as follows:

2 171.083 1. If, at any time during the period of limitation
3 prescribed in NRS 171.085 and 171.095, a victim of a sexual assault
4 , ~~to~~ a person authorized to act on behalf of a victim of a sexual
5 assault , *or a victim of sex trafficking or a person authorized to act*
6 *on behalf of a victim of sex trafficking*, files with a law
7 enforcement officer a written report concerning the sexual assault ~~to~~
8 *or sex trafficking*, the period of limitation prescribed in NRS
9 171.085 and 171.095 is removed and there is no limitation of the
10 time within which a prosecution for the sexual assault *or sex*
11 *trafficking* must be commenced.

12 2. If a written report is filed with a law enforcement officer
13 pursuant to subsection 1, the law enforcement officer shall provide a
14 copy of the written report to the victim or the person authorized to
15 act on behalf of the victim.

16 3. If a victim of a sexual assault *or sex trafficking* is under a
17 disability during any part of the period of limitation prescribed in
18 NRS 171.085 and 171.095 and a written report concerning the
19 sexual assault *or sex trafficking* is not otherwise filed pursuant to
20 subsection 1, the period during which the victim is under the
21 disability must be excluded from any calculation of the period of
22 limitation prescribed in NRS 171.085 and 171.095.

23 4. For the purposes of this section, a victim of a sexual assault
24 *or sex trafficking* is under a disability if the victim is insane,
25 mentally retarded, mentally incompetent or in a medically comatose
26 or vegetative state.

27 5. As used in this section, "law enforcement officer" means:

- 28 (a) A prosecuting attorney;
29 (b) A sheriff of a county or the sheriff's deputy;
30 (c) An officer of a metropolitan police department or a police
31 department of an incorporated city; or
32 (d) Any other person upon whom some or all of the powers of a
33 peace officer are conferred pursuant to NRS 289.150 to 289.360,
34 inclusive.

35 **Sec. 5.** NRS 171.085 is hereby amended to read as follows:

36 171.085 Except as otherwise provided in NRS 171.080,
37 171.083, 171.084 and 171.095, an indictment for:

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

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



1 **Sec. 6.** NRS 171.095 is hereby amended to read as follows:
2 171.095 1. Except as otherwise provided in subsection 2 and
3 NRS 171.083 and 171.084:

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

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

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

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

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

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

33 **Sec. 7.** NRS 171.196 is hereby amended to read as follows:

34 171.196 1. If an offense is not triable in the Justice Court, the
35 defendant must not be called upon to plead. If the defendant
36 ~~{waives}~~ *and the prosecuting attorney stipulate to waive*
37 preliminary examination, the magistrate shall immediately hold the
38 defendant to answer in the district court.

39 2. If the defendant ~~{does}~~ *and the prosecuting attorney do*
40 *stipulate to* waive examination, the magistrate shall hear the
41 evidence within 15 days, unless for good cause shown the
42 magistrate extends such time. Unless the defendant waives counsel,
43 reasonable time must be allowed for counsel to appear.

44 3. Except as otherwise provided in this subsection, if the
45 magistrate postpones the examination at the request of a party, the



1 magistrate may order that party to pay all or part of the costs and
2 fees expended to have a witness attend the examination. The
3 magistrate shall not require a party who requested the postponement
4 of the examination to pay for the costs and fees of a witness if:

5 (a) It was not reasonably necessary for the witness to attend the
6 examination; or

7 (b) The magistrate ordered the extension pursuant to
8 subsection 4.

9 4. If application is made for the appointment of counsel for an
10 indigent defendant, the magistrate shall postpone the examination
11 until:

12 (a) The application has been granted or denied; and

13 (b) If the application is granted, the attorney appointed or the
14 public defender has had reasonable time to appear.

15 5. The defendant may cross-examine witnesses against him or
16 her and may introduce evidence in his or her own behalf.

17 **Sec. 8.** NRS 171.208 is hereby amended to read as follows:

18 171.208 If a preliminary examination has not been had and the
19 defendant ~~has~~ *and the prosecuting attorney have* not *stipulated to*
20 unconditionally ~~waived~~ *waive* the examination, the district court
21 may for good cause shown at any time before a plea has been
22 entered or an indictment found remand the defendant for
23 preliminary examination to the appropriate justice of the peace or
24 other magistrate, and the justice or other magistrate shall then
25 proceed with the preliminary examination as provided in this
26 chapter.

27 **Sec. 9.** NRS 173.035 is hereby amended to read as follows:

28 173.035 1. An information may be filed against any person
29 for any offense when : ~~the person:~~

30 (a) ~~Has~~ *The person has* had a preliminary examination as
31 provided by law before a justice of the peace, or other examining
32 officer or magistrate, and has been bound over to appear at the court
33 having jurisdiction; or

34 (b) ~~Has~~ *The defendant and the prosecuting attorney* waived
35 the right to a preliminary examination.

36 2. If, however, upon the preliminary examination the
37 accused has been discharged, or the affidavit or complaint upon
38 which the examination has been held has not been delivered to the
39 clerk of the proper court, the Attorney General when acting pursuant
40 to a specific statute or the district attorney may, upon affidavit of
41 any person who has knowledge of the commission of an offense,
42 and who is a competent witness to testify in the case, setting forth
43 the offense and the name of the person or persons charged with the
44 commission thereof, upon being furnished with the names of the
45 witnesses for the prosecution, by leave of the court first had, file an



1 information, and process must forthwith be issued thereon. The
2 affidavit need not be filed in cases where the defendant ~~has waived~~
3 *and the Attorney General or district attorney have stipulated to*
4 *waive* a preliminary examination, or upon a preliminary examination
5 has been bound over to appear at the court having jurisdiction.

6 3. The information must be filed within 15 days after the
7 holding or waiver of the preliminary examination. Each information
8 must set forth the crime committed according to the facts.

9 4. If ~~with the consent of~~ the prosecuting attorney ~~and~~
10 *the defendant waives the right* stipulate to *waive* a preliminary
11 examination in accordance with an agreement with the defendant to
12 plead guilty, guilty but mentally ill or nolo contendere to a lesser
13 charge or to at least one, but not all, of the initial charges, the
14 information filed against the defendant pursuant to this section may
15 contain only the offense or offenses to which the defendant has
16 agreed to enter a plea of guilty, guilty but mentally ill or nolo
17 contendere. If, for any reason, the agreement is rejected by the
18 district court or withdrawn by the defendant, the prosecuting
19 attorney may file an amended information charging all of the
20 offenses which were in the criminal complaint upon which the
21 preliminary examination was waived. The defendant must then be
22 arraigned in accordance with the amended information.

23 **Sec. 10.** NRS 173.045 is hereby amended to read as follows:

24 173.045 1. All informations must be filed in the court having
25 jurisdiction of the offenses specified therein, by the Attorney
26 General when acting pursuant to a specific statute or by the district
27 attorney of the proper county as informant, and his or her name must
28 be subscribed thereto by him or her or by his or her deputy.

29 2. The district attorney or the Attorney General shall endorse
30 thereon the names of such witnesses as are known at the time of
31 filing the information. The district attorney or Attorney General
32 shall not endorse the name of any witness whom he or she does not
33 reasonably expect to call.

34 3. In all cases in which the defendant has not had, or ~~waived~~
35 *the defendant and the district attorney or Attorney General have*
36 *not stipulated to waive*, a preliminary examination, there must be
37 filed with the information the affidavit of some credible person
38 verifying the information upon the personal knowledge of affiant
39 that the offense was committed.

40 **Sec. 11.** Chapter 179 of NRS is hereby amended by adding
41 thereto the provisions set forth as sections 12 to 21, inclusive, of this
42 act.

43 **Sec. 12.** *As used in sections 12 to 21, inclusive, of this act,*
44 *unless the context otherwise requires, the words and terms defined*



1 *in sections 13, 14 and 15 of this act have the meanings ascribed to*
2 *them in those sections.*

3 **Sec. 13. “Human trafficking” means:**

4 1. *Involuntary servitude in violation of any provision of NRS*
5 *200.463 or 200.464.*

6 2. *A violation of any provision of NRS 200.465.*

7 3. *Trafficking in persons in violation of any provision of NRS*
8 *200.467 or 200.468.*

9 4. *Sex trafficking in violation of any provision of*
10 *NRS 201.300.*

11 5. *A violation of NRS 201.320.*

12 **Sec. 14. “Proceeds” means any property, or that part of an**
13 **item of property, derived directly or indirectly from human**
14 **trafficking.**

15 **Sec. 15. “Property” includes, without limitation, any:**

16 1. *Real property or interest in real property.*

17 2. *Fixture or improvement to real property.*

18 3. *Personal property, whether tangible or intangible, or*
19 *interest in personal property.*

20 4. *Conveyance, including, without limitation, any aircraft,*
21 *vehicle or vessel.*

22 5. *Money, security or negotiable instrument.*

23 6. *Proceeds.*

24 **Sec. 16. 1. Except as otherwise provided in section 17 of**
25 **this act, if an indictment or information filed in a criminal**
26 **proceeding alleges that property was derived from, realized**
27 **through, or used or intended for use in the course of human**
28 **trafficking and the extent of that property:**

29 (a) *The jury; or*

30 (b) *If the trial is without a jury, the court,*

31 *↪ shall, upon a conviction, determine at a separate hearing the*
32 *extent of the property to be forfeited. If the indictment or*
33 *information does not include such an allegation, the property is*
34 *not subject to criminal forfeiture pursuant to this section.*

35 2. *If, at a hearing to determine the extent of the property to be*
36 *forfeited pursuant to subsection 1, the jury or, if the hearing is*
37 *without a jury, the court determines by a preponderance of the*
38 *evidence that the property:*

39 (a) *Was used or intended to be used in, or was used or*
40 *intended to be used to facilitate, human trafficking; or*

41 (b) *Was acquired during human trafficking or within a*
42 *reasonable time after the human trafficking and there was no*
43 *likely source of such property other than human trafficking,*

44 *↪ the court shall order the forfeiture of the property.*



1 3. *The following property is subject to criminal forfeiture*
2 *pursuant to subsection 1:*

3 (a) *Any proceeds attributable to human trafficking;*

4 (b) *Any property acquired directly or indirectly from human*
5 *trafficking; and*

6 (c) *Any property used or intended to be used in, or used or*
7 *intended to be used to facilitate, human trafficking.*

8 4. *If property which is ordered to be criminally forfeited*
9 *pursuant to subsection 1:*

10 (a) *Cannot be located;*

11 (b) *Has been sold to a purchaser in good faith for value;*

12 (c) *Has been placed beyond the jurisdiction of the court;*

13 (d) *Has been substantially diminished in value by the conduct*
14 *of the defendant;*

15 (e) *Has been commingled with other property which cannot be*
16 *divided without difficulty or undue injury to innocent persons; or*

17 (f) *Is otherwise unreachable without undue injury to innocent*
18 *persons,*

19 ↳ *the court shall order the forfeiture of other property of the*
20 *defendant up to the value of the property that is unreachable.*

21 **Sec. 17. 1.** *A defendant who agrees to enter a plea of guilty*
22 *to human trafficking may agree to the forfeiture of any property*
23 *as part of the agreement.*

24 2. *If the court accepts the plea of guilty, the court shall order*
25 *the forfeiture of the property that the defendant agreed to forfeit*
26 *pursuant to subsection 1.*

27 **Sec. 18. 1.** *The prosecuting attorney may apply for, and a*
28 *court may issue without notice or hearing, a temporary restraining*
29 *order to preserve property which would be subject to criminal*
30 *forfeiture pursuant to section 16 of this act if:*

31 (a) *An indictment or information alleging human trafficking*
32 *has been filed in a criminal proceeding and the extent of*
33 *criminally forfeitable property is included therein or the court*
34 *believes there is probable cause for such an inclusion;*

35 (b) *The property is in the possession or control of the party*
36 *against whom the order will be entered; and*

37 (c) *The court determines that the nature of the property is such*
38 *that it can be concealed, disposed of or placed beyond the*
39 *jurisdiction of the court before a hearing on the matter.*

40 2. *A temporary restraining order which is issued without*
41 *notice may be issued for not more than 30 days and may be*
42 *extended only for good cause or by consent. The court shall*
43 *provide notice and hold a hearing on the matter before the order*
44 *expires.*



1 **Sec. 19. 1.** *After an information or indictment alleging*
2 *human trafficking is filed in a criminal proceeding, the*
3 *prosecuting attorney may request the court to:*

- 4 (a) *Enter a restraining order or injunction;*
5 (b) *Require the execution of a satisfactory bond;*
6 (c) *Appoint a receiver; or*
7 (d) *Take any other necessary action,*

8 ↳ *to secure property which is subject to criminal forfeiture.*

9 2. *The court shall, after a hearing for which notice was given*
10 *to any person whose rights in the property proposed for forfeiture*
11 *would be affected, order such an action if the prosecuting attorney*
12 *shows by a preponderance of the evidence that the action is*
13 *necessary to preserve the defendant's property which is subject to*
14 *criminal forfeiture.*

15 3. *If no indictment or information alleging human trafficking*
16 *has been filed, the court may, after such a hearing and upon a*
17 *showing of the prosecuting attorney that:*

18 (a) *There is probable cause to believe that the property for*
19 *which the order is sought would be subject to criminal forfeiture;*
20 *and*

21 (b) *The requested order would not result in substantial and*
22 *irreparable harm or injury to the party against whom the order is*
23 *to be entered that outweighs the need to secure the property for the*
24 *potential criminal forfeiture,*

25 ↳ *order an action to secure the property. Such an order may not*
26 *be effective for more than 90 days unless it is extended for good*
27 *cause or an indictment or information alleging human trafficking*
28 *is filed and the extent of the criminally forfeitable property is listed*
29 *therein.*

30 **Sec. 20. 1.** *Upon a verdict of guilty or a plea of guilty to*
31 *human trafficking, the court shall order the forfeiture of the*
32 *appropriate property.*

33 2. *Upon entry of such an order, the court may:*

- 34 (a) *Enter a restraining order or injunction;*
35 (b) *Require the execution of a satisfactory bond;*
36 (c) *Appoint a receiver; or*
37 (d) *Take any other necessary action,*

38 ↳ *to protect the interests of the State.*

39 **Sec. 21. 1.** *The State, county or city shall sell any property*
40 *forfeited pursuant to sections 12 to 21, inclusive, of this act as*
41 *soon as commercially feasible. Except as otherwise provided in*
42 *subsection 2, the proceeds from such a sale must be used:*

43 (a) *First to pay any restitution ordered by the court pursuant to*
44 *section 32, 33 or 40 of this act; and*



1 ***(b) Then for payment of all proper expenses of any***
2 ***proceedings for the forfeiture and sale, including any expenses for***
3 ***the seizure and maintenance of the property, advertising and court***
4 ***costs.***

5 ***↳ The balance of the proceeds, if any, must be deposited with the***
6 ***county treasurer and distributed to organizations which provide***
7 ***treatment and services to victims of human trafficking which are***
8 ***designated to receive such distributions by the district attorney of***
9 ***the county.***

10 ***2. If the property forfeited is encumbered by a bona fide***
11 ***security interest and the secured party shows that the secured***
12 ***party did not consent or have knowledge of the violation causing***
13 ***the forfeiture, the State, county or city shall distribute to the***
14 ***secured party from the proceeds of the sale of the forfeited***
15 ***property the amount of the secured party's interest in the property.***

16 **Sec. 22.** NRS 179.1156 is hereby amended to read as follows:

17 179.1156 Except as otherwise provided in NRS 179.1211 to
18 179.1235, inclusive, and 207.350 to 207.520, inclusive, ***and***
19 ***sections 12 to 21, inclusive, of this act,*** the provisions of NRS
20 179.1156 to 179.121, inclusive, govern the seizure, forfeiture and
21 disposition of all property and proceeds subject to forfeiture.

22 **Sec. 23.** NRS 179.118 is hereby amended to read as follows:

23 179.118 1. The proceeds from any sale or retention of
24 property declared to be forfeited and any interest accrued pursuant
25 to subsection 2 of NRS 179.1175 must be applied, first, to the
26 satisfaction of any protected interest established by a claimant in the
27 proceeding, then to the proper expenses of the proceeding for
28 forfeiture and resulting sale, including the expense of effecting the
29 seizure, the expense of maintaining custody, the expense of
30 advertising and the costs of the suit.

31 2. Any balance remaining after the distribution required by
32 subsection 1 must be deposited as follows:

33 (a) Except as otherwise provided in this subsection, if the
34 plaintiff seized the property, in the special account established
35 pursuant to NRS 179.1187 by the governing body that controls the
36 plaintiff.

37 (b) Except as otherwise provided in this subsection, if the
38 plaintiff is a metropolitan police department, in the special account
39 established by the Metropolitan Police Committee on Fiscal Affairs
40 pursuant to NRS 179.1187.

41 (c) Except as otherwise provided in this subsection, if more than
42 one agency was substantially involved in the seizure, in an equitable
43 manner to be directed by the court hearing the proceeding for
44 forfeiture.



1 (d) If the property was seized pursuant to NRS 200.760, in the
2 State Treasury for credit to the Fund for the Compensation of
3 Victims of Crime to be used for the counseling and the medical
4 treatment of victims of crimes committed in violation of NRS
5 200.366, 200.710 to 200.730, inclusive, or 201.230.

6 (e) If the property was seized as the result of a violation of NRS
7 202.300, in the general fund of the county in which the complaint
8 for forfeiture was filed, to be used to support programs of
9 counseling of persons ordered by the court to attend counseling
10 pursuant to NRS 62E.290.

11 (f) If the property was forfeited pursuant to ~~NRS 201.351,~~
12 *sections 12 to 21, inclusive of this act*, with the county treasurer to
13 be distributed in accordance with the provisions of subsection ~~4~~ *1*
14 of ~~NRS 201.351,~~ *section 21 of this act.*

15 **Sec. 24.** NRS 179.121 is hereby amended to read as follows:

16 179.121 1. All personal property, including, without
17 limitation, any tool, substance, weapon, machine, computer, money
18 or security, which is used as an instrumentality in any of the
19 following crimes is subject to forfeiture:

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

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

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

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

29 (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300
30 ~~to 201.340, inclusive,~~ *201.320*, 202.265, 202.287, 205.473 to
31 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382,
32 370.395, 370.405 or 465.070 to 465.085, inclusive.

33 2. Except as otherwise provided for conveyances forfeitable
34 pursuant to NRS 453.301 or 501.3857, all conveyances, including
35 aircraft, vehicles or vessels, which are used or intended for use
36 during the commission of a felony or a violation of NRS 202.287,
37 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
38 except that:

39 (a) A conveyance used by any person as a common carrier in the
40 transaction of business as a common carrier is not subject to
41 forfeiture under this section unless it appears that the owner or other
42 person in charge of the conveyance is a consenting party or privy to
43 the felony or violation;

44 (b) A conveyance is not subject to forfeiture under this section
45 by reason of any act or omission established by the owner thereof to



1 have been committed or omitted without the owner's knowledge,
2 consent or willful blindness;

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

6 (d) A forfeiture of a conveyance encumbered by a bona fide
7 security interest is subject to the interest of the secured party if the
8 secured party neither had knowledge of nor consented to the felony.
9 If a conveyance is forfeited, the appropriate law enforcement agency
10 may pay the existing balance and retain the conveyance for official
11 use.

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

13 (a) There is a cartridge in the chamber of the firearm;

14 (b) There is a cartridge in the cylinder of the firearm, if the
15 firearm is a revolver; or

16 (c) There is a cartridge in the magazine and the magazine is in
17 the firearm or there is a cartridge in the chamber, if the firearm is a
18 semiautomatic firearm.

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

21 **Sec. 25.** NRS 179.460 is hereby amended to read as follows:

22 179.460 1. The Attorney General or the district attorney of
23 any county may apply to a Supreme Court justice or to a district
24 judge in the county where the interception is to take place for an
25 order authorizing the interception of wire or oral communications,
26 and the judge may, in accordance with NRS 179.470 to 179.515,
27 inclusive, grant an order authorizing the interception of wire or oral
28 communications by investigative or law enforcement officers having
29 responsibility for the investigation of the offense as to which the
30 application is made, when the interception may provide evidence of
31 the commission of murder, kidnapping, robbery, extortion, bribery,
32 escape of an offender in the custody of the Department of
33 Corrections, destruction of public property by explosives, a sexual
34 offense against a child, *sex trafficking, a violation of NRS*
35 *200.463, 200.464 or 200.465, trafficking in persons in violation of*
36 *NRS 200.467 or 200.468* or the commission of any offense which is
37 made a felony by the provisions of chapter 453 or 454 of NRS.

38 2. A good faith reliance by a public utility on a court order
39 shall constitute a complete defense to any civil or criminal action
40 brought against the public utility on account of any interception
41 made pursuant to the order.

42 3. As used in this section, "sexual offense against a child"
43 includes any act upon a child constituting:

44 (a) Incest pursuant to NRS 201.180;

45 (b) Lewdness with a child pursuant to NRS 201.230;



- 1 (c) Sado-masochistic abuse pursuant to NRS 201.262;
- 2 (d) Sexual assault pursuant to NRS 200.366;
- 3 (e) Statutory sexual seduction pursuant to NRS 200.368;
- 4 (f) Open or gross lewdness pursuant to NRS 201.210; or
- 5 (g) Luring a child or a person with mental illness pursuant to
- 6 NRS 201.560, if punished as a felony.

7 **Sec. 26.** NRS 179D.0357 is hereby amended to read as

8 follows:

9 179D.0357 “Crime against a child” means any of the following

10 offenses if the victim of the offense was less than 18 years of age

11 when the offense was committed:

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

13 unless the offender is the parent or guardian of the victim.

14 2. False imprisonment pursuant to NRS 200.460, unless the

15 offender is the parent or guardian of the victim.

16 3. An offense involving ~~pandering~~ *sex trafficking pursuant*

17 *to NRS 201.300* or prostitution pursuant to NRS ~~201.300 to~~

18 ~~201.340, inclusive.~~ *201.320.*

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

20 5. An offense committed in another jurisdiction that, if

21 committed in this State, would be an offense listed in this section.

22 This subsection includes, without limitation, an offense prosecuted

23 in:

24 (a) A tribal court.

25 (b) A court of the United States or the Armed Forces of the

26 United States.

27 6. An offense against a child committed in another jurisdiction,

28 whether or not the offense would be an offense listed in this section,

29 if the person who committed the offense resides or has resided or is

30 or has been a student or worker in any jurisdiction in which the

31 person is or has been required by the laws of that jurisdiction to

32 register as an offender who has committed a crime against a child

33 because of the offense. This subsection includes, without limitation,

34 an offense prosecuted in:

35 (a) A tribal court.

36 (b) A court of the United States or the Armed Forces of the

37 United States.

38 (c) A court having jurisdiction over juveniles.

39 **Sec. 27.** NRS 179D.097 is hereby amended to read as follows:

40 179D.097 1. “Sexual offense” means any of the following

41 offenses:

42 (a) Murder of the first degree committed in the perpetration or

43 attempted perpetration of sexual assault or of sexual abuse or sexual

44 molestation of a child less than 14 years of age pursuant to

45 paragraph (b) of subsection 1 of NRS 200.030.



- 1 (b) Sexual assault pursuant to NRS 200.366.
2 (c) Statutory sexual seduction pursuant to NRS 200.368.
3 (d) Battery with intent to commit sexual assault pursuant to
4 subsection 4 of NRS 200.400.
5 (e) An offense involving the administration of a drug to another
6 person with the intent to enable or assist the commission of a felony
7 pursuant to NRS 200.405, if the felony is an offense listed in this
8 section.
9 (f) An offense involving the administration of a controlled
10 substance to another person with the intent to enable or assist the
11 commission of a crime of violence pursuant to NRS 200.408, if the
12 crime of violence is an offense listed in this section.
13 (g) Abuse of a child pursuant to NRS 200.508, if the abuse
14 involved sexual abuse or sexual exploitation.
15 (h) An offense involving pornography and a minor pursuant to
16 NRS 200.710 to 200.730, inclusive.
17 (i) Incest pursuant to NRS 201.180.
18 (j) Solicitation of a minor to engage in acts constituting the
19 infamous crime against nature pursuant to NRS 201.195.
20 (k) Open or gross lewdness pursuant to NRS 201.210.
21 (l) Indecent or obscene exposure pursuant to NRS 201.220.
22 (m) Lewdness with a child pursuant to NRS 201.230.
23 (n) Sexual penetration of a dead human body pursuant to
24 NRS 201.450.
25 (o) Luring a child or a person with mental illness pursuant to
26 NRS 201.560, if punished as a felony.
27 (p) *Sex trafficking pursuant to NRS 201.300.*
28 *(q) A violation of NRS 201.320.*
29 *(r)* Any other offense that has an element involving a sexual act
30 or sexual conduct with another.
31 ~~(q)~~ *(s)* An attempt or conspiracy to commit an offense listed in
32 paragraphs (a) to ~~(p)~~ *(q)*, inclusive.
33 ~~(r)~~ *(t)* An offense that is determined to be sexually motivated
34 pursuant to NRS 175.547 or 207.193.
35 ~~(s)~~ *(u)* An offense committed in another jurisdiction that, if
36 committed in this State, would be an offense listed in this section.
37 This paragraph includes, without limitation, an offense prosecuted
38 in:
39 (1) A tribal court.
40 (2) A court of the United States or the Armed Forces of the
41 United States.
42 ~~(t)~~ *(v)* An offense of a sexual nature committed in another
43 jurisdiction, whether or not the offense would be an offense listed in
44 this section, if the person who committed the offense resides or has
45 resided or is or has been a student or worker in any jurisdiction in



1 which the person is or has been required by the laws of that
2 jurisdiction to register as a sex offender because of the offense. This
3 paragraph includes, without limitation, an offense prosecuted in:

4 (1) A tribal court.

5 (2) A court of the United States or the Armed Forces of the
6 United States.

7 (3) A court having jurisdiction over juveniles.

8 2. The term does not include an offense involving consensual
9 sexual conduct if the victim was:

10 (a) An adult, unless the adult was under the custodial authority
11 of the offender at the time of the offense; or

12 (b) At least 13 years of age and the offender was not more than
13 4 years older than the victim at the time of the commission of the
14 offense.

15 **Sec. 28.** NRS 179D.115 is hereby amended to read as follows:

16 179D.115 "Tier II offender" means an offender convicted of a
17 crime against a child or a sex offender, other than a Tier III
18 offender, whose crime against a child is punishable by
19 imprisonment for more than 1 year or whose sexual offense:

20 1. If committed against a child, constitutes:

21 (a) Luring a child pursuant to NRS 201.560, if punishable as a
22 felony;

23 (b) Abuse of a child pursuant to NRS 200.508, if the abuse
24 involved sexual abuse or sexual exploitation;

25 (c) An offense involving ~~pandering~~ *sex trafficking pursuant*
26 *to NRS 201.300* or prostitution pursuant to NRS ~~201.300 to~~
27 ~~201.340, inclusive;~~ *201.320;*

28 (d) An offense involving pornography and a minor pursuant to
29 NRS 200.710 to 200.730, inclusive; or

30 (e) Any other offense that is comparable to or more severe than
31 the offenses described in 42 U.S.C. § 16911(3);

32 2. Involves an attempt or conspiracy to commit any offense
33 described in subsection 1;

34 3. If committed in another jurisdiction, is an offense that, if
35 committed in this State, would be an offense listed in this section.
36 This subsection includes, without limitation, an offense prosecuted
37 in:

38 (a) A tribal court; or

39 (b) A court of the United States or the Armed Forces of the
40 United States; or

41 4. Is committed after the person becomes a Tier I offender if
42 any of the person's sexual offenses constitute an offense punishable
43 by imprisonment for more than 1 year.



1 **Sec. 29.** NRS 179D.495 is hereby amended to read as follows:
2 179D.495 If a person who is required to register pursuant to
3 NRS 179D.010 to 179D.550, inclusive, has been convicted of an
4 offense described in paragraph ~~(p)~~ (r) of subsection 1 of NRS
5 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS
6 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central
7 Repository shall determine whether the person is required to register
8 as a Tier I offender, Tier II offender or Tier III offender.

9 **Sec. 30.** NRS 199.480 is hereby amended to read as follows:
10 199.480 1. Except as otherwise provided in subsection 2,
11 whenever two or more persons conspire to commit murder, robbery,
12 sexual assault, kidnapping in the first or second degree, arson in the
13 first or second degree, *involuntary servitude in violation of NRS*
14 *200.463 or 200.464, a violation of any provision of NRS 200.465,*
15 *trafficking in persons in violation of NRS 200.467 or 200.468, sex*
16 *trafficking in violation of NRS 201.300* or a violation of NRS
17 205.463, each person is guilty of a category B felony and shall be
18 punished:

19 (a) If the conspiracy was to commit robbery, sexual assault,
20 kidnapping in the first or second degree, arson in the first or second
21 degree, *involuntary servitude in violation of NRS 200.463 or*
22 *200.464, a violation of any provision of NRS 200.465, trafficking*
23 *in persons in violation of NRS 200.467 or 200.468, sex trafficking*
24 *in violation of NRS 201.300* or a violation of NRS 205.463, by
25 imprisonment in the state prison for a minimum term of not less
26 than 1 year and a maximum term of not more than 6 years; or

27 (b) If the conspiracy was to commit murder, by imprisonment in
28 the state prison for a minimum term of not less than 2 years and a
29 maximum term of not more than 10 years,
30 ➔ and may be further punished by a fine of not more than \$5,000.

31 2. If the conspiracy subjects the conspirators to criminal
32 liability under NRS 207.400, they shall be punished in the manner
33 provided in NRS 207.400.

34 3. Whenever two or more persons conspire:

35 (a) To commit any crime other than those set forth in
36 subsections 1 and 2, and no punishment is otherwise prescribed by
37 law;

38 (b) Falsely and maliciously to procure another to be arrested or
39 proceeded against for a crime;

40 (c) Falsely to institute or maintain any action or proceeding;

41 (d) To cheat or defraud another out of any property by unlawful
42 or fraudulent means;

43 (e) To prevent another from exercising any lawful trade or
44 calling, or from doing any other lawful act, by force, threats or
45 intimidation, or by interfering or threatening to interfere with any



1 tools, implements or property belonging to or used by another, or
2 with the use or employment thereof;

3 (f) To commit any act injurious to the public health, public
4 morals, trade or commerce, or for the perversion or corruption of
5 public justice or the due administration of the law; or

6 (g) To accomplish any criminal or unlawful purpose, or to
7 accomplish a purpose, not in itself criminal or unlawful, by criminal
8 or unlawful means,

9 ↪ each person is guilty of a gross misdemeanor.

10 **Sec. 31.** Chapter 200 of NRS is hereby amended by adding
11 thereto the provisions set forth as sections 32 and 33 of this act.

12 **Sec. 32. 1.** *In addition to any other penalty, the court shall*
13 *order a person convicted of a violation of any provision of NRS*
14 *200.463, 200.464 or 200.465 to pay restitution to the victim as*
15 *provided in subsection 2.*

16 **2.** *Restitution ordered pursuant to this section may include,*
17 *without limitation:*

18 (a) *The cost of medical and psychological treatment,*
19 *including, without limitation, physical and occupational therapy*
20 *and rehabilitation;*

21 (b) *The cost of transportation, temporary housing and child*
22 *care;*

23 (c) *The greater of:*

24 (1) *The value of the victim's labor as guaranteed under the*
25 *minimum wage and overtime provisions of the federal Fair Labor*
26 *Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);*

27 (2) *The gross income or value to the defendant of the*
28 *victim's labor or services; or*

29 (3) *Any other appropriate means to determine restitution to*
30 *the victim;*

31 (d) *The return of property, the cost of repairing damaged*
32 *property or the full value of the property if it is destroyed or*
33 *damaged beyond repair;*

34 (e) *Compensation for emotional distress, pain and suffering;*

35 (f) *Expenses incurred by a victim, members of the victim's*
36 *household or members of the victim's family in relocating away*
37 *from the defendant or his or her associates, if the expenses are*
38 *verified by law enforcement to be necessary for the personal safety*
39 *of the victim, members of the victim's household or members of*
40 *the victim's family, or by a mental health professional to be*
41 *necessary for the emotional well-being of the victim, and such*
42 *expenses may include, without limitation:*

43 (1) *Deposits for utilities and telephone service;*

44 (2) *Deposits for rental housing or temporary lodging;*

45 (3) *Food expenses; and*



1 (4) *Clothing and personal items;*
2 (g) *The cost of repatriation of the victim to his or her home*
3 *country, if applicable; and*

4 (h) *Any and all other losses suffered by the victim as a result*
5 *of the violation of any provision of NRS 200.463, 200.464 or*
6 *200.465.*

7 3. *The court shall order the person convicted of the violation*
8 *of any provision of NRS 200.463, 200.464 or 200.465 to pay*
9 *promptly upon sentencing any restitution ordered pursuant to this*
10 *section.*

11 4. *The return of the victim to his or her home country or*
12 *other absence of the victim from the jurisdiction does not prevent*
13 *the victim from receiving restitution.*

14 5. *As used in this section, "victim" means any person:*

15 (a) *Against whom a violation of any provision of NRS 200.463,*
16 *200.464 or 200.465 has been committed; or*

17 (b) *Who is the surviving spouse, a parent or a child of such a*
18 *person.*

19 **Sec. 33. 1.** *In addition to any other penalty, the court shall*
20 *order a person convicted of violation of any provision of NRS*
21 *200.467 or 200.468 to pay restitution to the victim as provided in*
22 *subsection 2.*

23 2. *Restitution ordered pursuant to this section may include,*
24 *without limitation:*

25 (a) *The cost of medical and psychological treatment,*
26 *including, without limitation, physical and occupational therapy*
27 *and rehabilitation;*

28 (b) *The cost of transportation, temporary housing and child*
29 *care;*

30 (c) *The greater of:*

31 (1) *The value of the victim's labor as guaranteed under the*
32 *minimum wage and overtime provisions of the federal Fair Labor*
33 *Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);*

34 (2) *The gross income or value to the defendant of the*
35 *victim's labor or services; or*

36 (3) *Any other appropriate means to determine restitution to*
37 *the victim;*

38 (d) *The return of property, the cost of repairing damaged*
39 *property or the full value of the property if it is destroyed or*
40 *damaged beyond repair;*

41 (e) *Compensation for emotional distress, pain and suffering;*

42 (f) *Expenses incurred by a victim, members of the victim's*
43 *household or members of the victim's family in relocating away*
44 *from the defendant or his or her associates, if the expenses are*
45 *verified by law enforcement to be necessary for the personal safety*



1 *of the victim, members of the victim's household or members of*
2 *the victim's family, or by a mental health professional to be*
3 *necessary for the emotional well-being of the victim, and such*
4 *expenses may include, without limitation:*

5 (1) *Deposits for utilities and telephone service;*

6 (2) *Deposits for rental housing or temporary lodging;*

7 (3) *Food expenses; and*

8 (4) *Clothing and personal items;*

9 (g) *The cost of repatriation of the victim to his or her home*
10 *country, if applicable; and*

11 (h) *Any and all other losses suffered by the victim as a result*
12 *of the violation of any provision of NRS 200.467 or 200.468.*

13 3. *The court shall order the person convicted of the violation*
14 *of any provision of NRS 200.467 or 200.468 to pay promptly upon*
15 *sentencing any restitution ordered pursuant to this section.*

16 4. *The return of the victim to his or her home country or*
17 *other absence of the victim from the jurisdiction does not prevent*
18 *the victim from receiving restitution.*

19 5. *As used in this section, "victim" means any person:*

20 (a) *Against whom a violation of any provision of NRS 200.467*
21 *or 200.468 has been committed; or*

22 (b) *Who is the surviving spouse, a parent or a child of such a*
23 *person.*

24 **Sec. 34.** NRS 200.364 is hereby amended to read as follows:

25 200.364 As used in NRS 200.364 to 200.3784, inclusive,
26 unless the context otherwise requires:

27 1. "Offense involving a pupil" means any of the following
28 offenses:

29 (a) Sexual conduct between certain employees of a school or
30 volunteers at a school and a pupil pursuant to NRS 201.540.

31 (b) Sexual conduct between certain employees of a college or
32 university and a student pursuant to NRS 201.550.

33 2. "Perpetrator" means a person who commits a sexual offense
34 , ~~to~~ an offense involving a pupil ~~+~~ *or sex trafficking.*

35 3. *"Sex trafficking" means a violation of NRS 201.300.*

36 4. "Sexual offense" means any of the following offenses:

37 (a) Sexual assault pursuant to NRS 200.366.

38 (b) Statutory sexual seduction pursuant to NRS 200.368.

39 ~~14~~ 5. "Sexual penetration" means cunnilingus, fellatio, or any
40 intrusion, however slight, of any part of a person's body or any
41 object manipulated or inserted by a person into the genital or anal
42 openings of the body of another, including sexual intercourse in its
43 ordinary meaning.

44 ~~15~~ 6. "Statutory sexual seduction" means:



1 (a) Ordinary sexual intercourse, anal intercourse, cunnilingus or
2 fellatio committed by a person 18 years of age or older with a
3 person under the age of 16 years; or

4 (b) Any other sexual penetration committed by a person 18
5 years of age or older with a person under the age of 16 years with
6 the intent of arousing, appealing to, or gratifying the lust or passions
7 or sexual desires of either of the persons.

8 ~~16.1~~ 7. "Victim" means a person who is a victim of a sexual
9 offense, ~~16.1~~ an offense involving a pupil ~~16.1~~ *or sex trafficking*.

10 **Sec. 35.** NRS 200.377 is hereby amended to read as follows:
11 200.377 The Legislature finds and declares that:

12 1. This State has a compelling interest in assuring that the
13 victim of a sexual offense, ~~16.1~~ an offense involving a pupil ~~16.1~~ *or*
14 *sex trafficking*:

15 (a) Reports the sexual offense, ~~16.1~~ offense involving a pupil *or*
16 *sex trafficking* to the appropriate authorities;

17 (b) Cooperates in the investigation and prosecution of the sexual
18 offense, ~~16.1~~ offense involving a pupil ~~16.1~~ *or sex trafficking*; and

19 (c) Testifies at the criminal trial of the person charged with
20 committing the sexual offense, ~~16.1~~ offense involving a pupil ~~16.1~~ *or*
21 *sex trafficking*.

22 2. The fear of public identification and invasion of privacy are
23 fundamental concerns for the victims of sexual offenses, ~~16.1~~
24 offenses involving a pupil ~~16.1~~ *or sex trafficking*. If these concerns
25 are not addressed and the victims are left unprotected, the victims
26 may refrain from reporting and prosecuting sexual offenses, ~~16.1~~
27 offenses involving a pupil ~~16.1~~ *or sex trafficking*.

28 3. A victim of a sexual offense, ~~16.1~~ an offense involving a
29 pupil *or sex trafficking* may be harassed, intimidated and
30 psychologically harmed by a public report that identifies the victim.
31 A sexual offense, ~~16.1~~ an offense involving a pupil *or sex*
32 *trafficking* is, in many ways, a unique, distinctive and intrusive
33 personal trauma. The consequences of identification are often
34 additional psychological trauma and the public disclosure of private
35 personal experiences.

36 4. Recent public criminal trials have focused attention on these
37 issues and have dramatized the need for basic protections for the
38 victims of sexual offenses, ~~16.1~~ offenses involving a pupil ~~16.1~~ *or sex*
39 *trafficking*.

40 5. The public has no overriding need to know the individual
41 identity of the victim of a sexual offense, ~~16.1~~ an offense involving
42 a pupil ~~16.1~~ *or sex trafficking*.

43 6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to
44 protect the victims of sexual offenses, ~~16.1~~ offenses involving a
45 pupil *or sex trafficking* from harassment, intimidation,



1 psychological trauma and the unwarranted invasion of their privacy
2 by prohibiting the disclosure of their identities to the public.

3 **Sec. 36.** NRS 200.3771 is hereby amended to read as follows:

4 200.3771 1. Except as otherwise provided in this section, any
5 information which is contained in:

6 (a) Court records, including testimony from witnesses;

7 (b) Intelligence or investigative data, reports of crime or
8 incidents of criminal activity or other information;

9 (c) Records of criminal history, as that term is defined in NRS
10 179A.070; and

11 (d) Records in the Central Repository for Nevada Records of
12 Criminal History,

13 ↳ that reveals the identity of a victim of a sexual offense , ~~††~~ an
14 offense involving a pupil *or sex trafficking* is confidential,
15 including but not limited to the victim's photograph, likeness, name,
16 address or telephone number.

17 2. A defendant charged with a sexual offense , ~~††~~ an offense
18 involving a pupil *or sex trafficking* and the defendant's attorney are
19 entitled to all identifying information concerning the victim in order
20 to prepare the defense of the defendant. The defendant and the
21 defendant's attorney shall not disclose this information except, as
22 necessary, to those persons directly involved in the preparation of
23 the defense.

24 3. A court of competent jurisdiction may authorize the release
25 of the identifying information, upon application, if the court
26 determines that:

27 (a) The person making the application has demonstrated to the
28 satisfaction of the court that good cause exists for the disclosure;

29 (b) The disclosure will not place the victim at risk of personal
30 harm; and

31 (c) Reasonable notice of the application and an opportunity to be
32 heard have been given to the victim.

33 4. Nothing in this section prohibits:

34 (a) Any publication or broadcast by the media concerning a
35 sexual offense , ~~††~~ an offense involving a pupil ~~††~~ *or sex*
36 *trafficking*.

37 (b) The disclosure of identifying information to any nonprofit
38 organization or public agency whose purpose is to provide
39 counseling, services for the management of crises or other
40 assistance to the victims of crimes if:

41 (1) The organization or agency needs identifying information
42 of victims to offer such services; and

43 (2) The court or a law enforcement agency approves the
44 organization or agency for the receipt of the identifying information.



1 5. The willful violation of any provision of this section or the
2 willful neglect or refusal to obey any court order made pursuant
3 thereto is punishable as criminal contempt.

4 **Sec. 37.** NRS 200.3772 is hereby amended to read as follows:

5 200.3772 1. A victim of a sexual offense , ~~for~~ an offense
6 involving a pupil *or sex trafficking* may choose a pseudonym to be
7 used instead of the victim's name on all files, records and
8 documents pertaining to the sexual offense , ~~for~~ offense involving a
9 pupil ~~H~~ *or sex trafficking*, including, without limitation, criminal
10 intelligence and investigative reports, court records and media
11 releases.

12 2. A victim who chooses to use a pseudonym shall file a form
13 to choose a pseudonym with the law enforcement agency
14 investigating the sexual offense , ~~for~~ offense involving a pupil ~~H~~ *or*
15 *sex trafficking*. The form must be provided by the law enforcement
16 agency.

17 3. If the victim files a form to use a pseudonym, as soon as
18 practicable the law enforcement agency shall make a good faith
19 effort to:

20 (a) Substitute the pseudonym for the name of the victim on all
21 reports, files and records in the agency's possession; and

22 (b) Notify the prosecuting attorney of the pseudonym.

23 ➔ The law enforcement agency shall maintain the form in a manner
24 that protects the confidentiality of the information contained therein.

25 4. Upon notification that a victim has elected to be designated
26 by a pseudonym, the court shall ensure that the victim is designated
27 by the pseudonym in all legal proceedings concerning the sexual
28 offense , ~~for~~ offense involving a pupil ~~H~~ *or sex trafficking*.

29 5. The information contained on the form to choose a
30 pseudonym concerning the actual identity of the victim is
31 confidential and must not be disclosed to any person other than the
32 defendant or the defendant's attorney unless a court of competent
33 jurisdiction orders the disclosure of the information. The disclosure
34 of information to a defendant or the defendant's attorney is subject
35 to the conditions and restrictions specified in subsection 2 of NRS
36 200.3771. A person who violates this subsection is guilty of a
37 misdemeanor.

38 6. A court of competent jurisdiction may order the disclosure
39 of the information contained on the form only if it finds that the
40 information is essential in the trial of the defendant accused of the
41 sexual offense , ~~for~~ offense involving a pupil *or sex trafficking*, or
42 the identity of the victim is at issue.

43 7. A law enforcement agency that complies with the
44 requirements of this section is immune from civil liability for
45 unknowingly or unintentionally:



1 (a) Disclosing any information contained on the form filed by a
2 victim pursuant to this section that reveals the identity of the victim;
3 or

4 (b) Failing to substitute the pseudonym of the victim for the
5 name of the victim on all reports, files and records in the agency's
6 possession.

7 **Sec. 38.** NRS 200.3773 is hereby amended to read as follows:

8 200.3773 1. A public officer or employee who has access to
9 any records, files or other documents which include the photograph,
10 likeness, name, address, telephone number or other fact or
11 information that reveals the identity of a victim of a sexual offense ,
12 ~~for~~ an offense involving a pupil *or sex trafficking* shall not
13 intentionally or knowingly disclose the identifying information to
14 any person other than:

15 (a) The defendant or the defendant's attorney;

16 (b) A person who is directly involved in the investigation,
17 prosecution or defense of the case;

18 (c) A person specifically named in a court order issued pursuant
19 to NRS 200.3771; or

20 (d) A nonprofit organization or public agency approved to
21 receive the information pursuant to NRS 200.3771.

22 2. A person who violates the provisions of subsection 1 is
23 guilty of a misdemeanor.

24 **Sec. 39.** NRS 200.3774 is hereby amended to read as follows:

25 200.3774 The provisions of NRS 200.3771, 200.3772 and
26 200.3773 do not apply if the victim of the sexual offense , ~~for~~
27 offense involving a pupil *or sex trafficking* voluntarily waives, in
28 writing, the confidentiality of the information concerning the
29 victim's identity.

30 **Sec. 40.** Chapter 201 of NRS is hereby amended by adding
31 thereto a new section to read as follows:

32 *1. In addition to any other penalty, the court shall order a*
33 *person convicted of a violation of any provision of NRS 201.300 or*
34 *201.320 to pay restitution to the victim as provided in subsection 2.*

35 *2. Restitution ordered pursuant to this section may include,*
36 *without limitation:*

37 *(a) The cost of medical and psychological treatment,*
38 *including, without limitation, physical and occupational therapy*
39 *and rehabilitation;*

40 *(b) The cost of transportation, temporary housing and child*
41 *care;*

42 *(c) The greater of:*

43 *(1) The value of the victim's labor as guaranteed under the*
44 *minimum wage and overtime provisions of the federal Fair Labor*
45 *Standards Act of 1938, 29 U.S.C. §§ 206(a)(1) and 207(a);*



1 (2) *The gross income or value to the defendant of the*
2 *victim's labor or services or acts of prostitution engaged in by the*
3 *victim; or*

4 (3) *Any other appropriate means to determine restitution to*
5 *the victim;*

6 (d) *The return of property, the cost of repairing damaged*
7 *property or the full value of the property if it is destroyed or*
8 *damaged beyond repair;*

9 (e) *Compensation for emotional distress, pain and suffering;*

10 (f) *Expenses incurred by a victim, members of the victim's*
11 *household or members of the victim's family in relocating away*
12 *from the defendant or his or her associates, if the expenses are*
13 *verified by law enforcement to be necessary for the personal safety*
14 *of the victim, members of the victim's household or members of*
15 *the victim's family, or by a mental health professional to be*
16 *necessary for the emotional well-being of the victim, and such*
17 *expenses may include without limitation:*

18 (1) *Deposits for utilities and telephone service;*

19 (2) *Deposits for rental housing or temporary lodging;*

20 (3) *Food expenses; and*

21 (4) *Clothing and personal items;*

22 (g) *The cost of repatriation of the victim to his or her home*
23 *country, if applicable; and*

24 (h) *Any and all other losses suffered by the victim as a result*
25 *of the violation of any provision of NRS 201.300 or 201.320.*

26 3. *The court shall order the person convicted of the violation*
27 *of NRS 201.300 or 201.320 to pay promptly upon sentencing any*
28 *restitution ordered pursuant to this section.*

29 4. *The return of the victim to his or her home country or*
30 *other absence of the victim from the jurisdiction does not prevent*
31 *the victim from receiving restitution.*

32 5. *As used in this section, "victim" means any person:*

33 (a) *Against whom a violation of any provision of NRS 201.300*
34 *or 201.320 has been committed; or*

35 (b) *Who is the surviving spouse, a parent or a child of such a*
36 *person.*

37 **Sec. 41.** NRS 201.295 is hereby amended to read as follows:

38 201.295 As used in NRS 201.295 to 201.440, inclusive, *and*
39 *section 40 of this act*, unless the context otherwise requires:

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

41 2. "Child" means a person less than 18 years of age.

42 3. "**Induce**" means to persuade, encourage, inveigle or entice.

43 4. "Prostitute" means a male or female person who for a fee ,
44 *monetary consideration or other thing of value* engages in sexual
45 ~~intercourse, oral-genital contact or any touching of the sexual~~



~~organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.~~

~~4.] conduct.~~

5. "Prostitution" means engaging in , *agreeing to or offering to engage in* sexual conduct *with another person in return* for a fee ~~;~~ ~~5.] , monetary consideration or other thing of value.~~

6. "Sexual conduct" means ~~any of the acts enumerated in subsection 3.] masturbation of a person, cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of a person, including sexual intercourse in its ordinary meaning.~~

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

Sec. 42. NRS 201.300 is hereby amended to read as follows:
201.300 1. A person who:

(a) ~~Induces, [persuades, encourages, inveigles, entices or compels] causes, recruits, harbors, transports, provides, obtains or maintains a [person to become a prostitute or to continue] child to engage in prostitution [;], or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;~~

(b) ~~[By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where] Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed [;] for the purpose of sexual conduct or prostitution;~~

(c) By threats, violence, ~~[or] force, intimidation, fraud, duress, coercion,~~ by any device or scheme, ~~[by fraud or artifice, or by duress of person or goods,]~~ or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, ~~[inveigles, entices, persuades, encourages]~~ *induces, causes, compels* or procures a person to *engage in prostitution, or to* enter any place within this state in which prostitution is practiced, encouraged or allowed ~~[;] for the purpose of sexual conduct or prostitution; or~~

(d) ~~[By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes,~~



1 ~~places, harbors, inveigles, entices, persuades, encourages or~~
2 ~~procures a person of previous chaste character to enter any place~~
3 ~~within this state in which prostitution is practiced, encouraged or~~
4 ~~allowed, for the purpose of sexual intercourse;~~

5 ~~—(e) Takes or detains a person with the intent to compel the~~
6 ~~person by force, **violence**, threats ~~}, menace}~~ or duress to marry him~~
7 ~~or her or any other person, ~~}, or~~~~

8 ~~—(f) Receives, gives or agrees to receive or give any money or~~
9 ~~thing of value for procuring or attempting to procure a person to~~
10 ~~become a prostitute or to come into this state or leave this state for~~
11 ~~the purpose of prostitution,}~~

12 ~~↪ is guilty of ~~}, pandering,} sex trafficking.~~~~

13 2. A person who is found guilty of ~~}, pandering,} sex~~
14 ~~trafficking:~~

15 (a) An adult:

16 (1) If physical force **or violence** or the immediate threat of
17 physical force **or violence** is used upon the adult, is guilty of a
18 category ~~}, C} B~~ felony and shall be punished ~~}, as provided in NRS~~
19 ~~}, 193.130,} **by imprisonment in the state prison for a minimum term**~~
20 ~~}, **of not less than 3 years and a maximum term of not more than 20**~~
21 ~~}, **years, and may be further punished by a fine of not more than**~~
22 ~~}, **\$10,000.**~~

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

26 (b) A child:

27 (1) If ~~}, physical force or the immediate threat of physical~~
28 ~~}, force is used upon} the child ~~}, } is **less than 14 years of age when**~~
29 ~~}, **the offense is committed, is** guilty of a category ~~}, B} A~~ felony and~~
30 shall be punished by imprisonment in the state prison for ~~}, a~~
31 ~~}, **minimum term of not less than 2 years and a maximum term of not**~~
32 ~~}, **more than 20 years} **life with the possibility of parole, with****~~
33 ~~}, **eligibility for parole beginning when a minimum of 15 years has**~~
34 ~~}, **been served, and may be further punished by a fine of not more than**~~
35 ~~}, **\$20,000.**~~~~

36 (2) If ~~}, no physical force or immediate threat of physical force~~
37 ~~}, is used upon} the child ~~}, } is **at least 14 years of age but less than 18**~~
38 ~~}, **years of age when the offense is committed, is** guilty of a category~~
39 ~~}, ~~}, B} A~~ felony and shall be punished by imprisonment in the state~~
40 prison for ~~}, a~~
41 ~~}, **minimum term of not less than 1 year and a maximum**~~
42 ~~}, **term of not more than 10 years} **life with the possibility of parole,****~~
43 ~~}, **with eligibility for parole beginning when a minimum of 10 years**~~
44 ~~}, **has been served, and may be further punished by a fine of not more**~~
~~}, **than \$10,000.**~~~~



1 3. ~~This section does not apply to the customer of a prostitute.~~
2 *A court shall not grant probation to or suspend the sentence of a*
3 *person convicted of sex trafficking a child pursuant to this section.*

4 4. *Consent of a victim of sex trafficking to an act of*
5 *prostitution is not a defense to a prosecution for any of the acts*
6 *prohibited by this section.*

7 5. *In a prosecution for sex trafficking a child, it is not a*
8 *defense that the defendant did not have knowledge of the victim's*
9 *age, nor is reasonable mistake of age a valid defense to a*
10 *prosecution conducted pursuant to this section.*

11 **Sec. 43.** NRS 201.350 is hereby amended to read as follows:

12 201.350 It shall not be a defense to a prosecution for any of the
13 acts prohibited in NRS 201.300 ~~to 201.340, inclusive,~~ or 201.320
14 that any part of such act or acts shall have been committed outside
15 this state, and the offense shall in such case be deemed and alleged
16 to have been committed, and the offender tried and punished, in any
17 county in which the prostitution was consummated, or any overt act
18 in furtherance of the offense shall have been committed.

19 **Sec. 44.** NRS 201.352 is hereby amended to read as follows:

20 201.352 1. If a person is convicted of a violation of any
21 provision of NRS 201.300 ~~to 201.340, inclusive, and~~ or 201.320,
22 the victim of the violation is a child ~~who is:~~

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

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

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

43 3. The provisions of subsections 1 and 2 do not create a
44 separate offense but provide an additional penalty for the primary



1 offense, the imposition of which is contingent upon the finding of
2 the prescribed fact.

3 **Sec. 45.** NRS 202.876 is hereby amended to read as follows:

4 202.876 "Violent or sexual offense" means any act that, if
5 prosecuted in this State, would constitute any of the following
6 offenses:

7 1. Murder or voluntary manslaughter pursuant to NRS 200.010
8 to 200.260, inclusive.

9 2. Mayhem pursuant to NRS 200.280.

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

11 4. Sexual assault pursuant to NRS 200.366.

12 5. Robbery pursuant to NRS 200.380.

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

16 7. Battery with intent to commit a crime pursuant to
17 NRS 200.400.

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

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

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

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

30 12. An offense involving pornography and a minor pursuant to
31 NRS 200.710 or 200.720.

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

34 14. Intentional transmission of the human immunodeficiency
35 virus pursuant to NRS 201.205.

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

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

38 17. An offense involving ~~pandering~~ *sex trafficking in*
39 *violation of NRS 201.300* or prostitution in violation of NRS
40 ~~201.300.~~ *201.320.* ~~for 201.340.~~

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

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



1 **Sec. 46.** NRS 207.360 is hereby amended to read as follows:
2 207.360 “Crime related to racketeering” means the commission
3 of, attempt to commit or conspiracy to commit any of the following
4 crimes:
5 1. Murder;
6 2. Manslaughter, except vehicular manslaughter as described in
7 NRS 484B.657;
8 3. Mayhem;
9 4. Battery which is punished as a felony;
10 5. Kidnapping;
11 6. Sexual assault;
12 7. Arson;
13 8. Robbery;
14 9. Taking property from another under circumstances not
15 amounting to robbery;
16 10. Extortion;
17 11. Statutory sexual seduction;
18 12. Extortionate collection of debt in violation of NRS
19 205.322;
20 13. Forgery;
21 14. Any violation of NRS 199.280 which is punished as a
22 felony;
23 15. Burglary;
24 16. Grand larceny;
25 17. Bribery or asking for or receiving a bribe in violation of
26 chapter 197 or 199 of NRS which is punished as a felony;
27 18. Battery with intent to commit a crime in violation of
28 NRS 200.400;
29 19. Assault with a deadly weapon;
30 20. Any violation of NRS 453.232, 453.316 to 453.3395,
31 inclusive, or 453.375 to 453.401, inclusive;
32 21. Receiving or transferring a stolen vehicle;
33 22. Any violation of NRS 202.260, 202.275 or 202.350 which
34 is punished as a felony;
35 23. Any violation of subsection 2 or 3 of NRS 463.360 or
36 chapter 465 of NRS;
37 24. Receiving, possessing or withholding stolen goods valued
38 at \$650 or more;
39 25. Embezzlement of money or property valued at \$650 or
40 more;
41 26. Obtaining possession of money or property valued at \$650
42 or more, or obtaining a signature by means of false pretenses;
43 27. Perjury or subornation of perjury;
44 28. Offering false evidence;
45 29. Any violation of NRS 201.300 , **201.320** or 201.360;



1 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
2 insurance fraud pursuant to NRS 686A.291;

3 31. Any violation of NRS 205.506, 205.920 or 205.930;

4 32. Any violation of NRS 202.445 or 202.446; ~~or~~

5 33. Any violation of NRS 205.377 ~~or~~;

6 **34. *Involuntary servitude in violation of any provision of***
7 ***NRS 200.463 or 200.464 or a violation of any provision of NRS***
8 ***200.465; or***

9 **35. *Trafficking in persons in violation of any provision of***
10 ***NRS 200.467 or 200.468.***

11 **Sec. 47.** NRS 217.070 is hereby amended to read as follows:

12 217.070 "Victim" means:

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

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

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

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

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

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

28 7. A resident who is physically injured or killed as the direct
29 result of an act of international terrorism as defined in 18 U.S.C. §
30 2331(1) ~~or~~; *or*

31 **8. *A person who is trafficked in violation of NRS 201.300.***

32 **↳** The term includes a person who was harmed by any of these acts
33 whether the act was committed by an adult or a minor.

34 **Sec. 48.** NRS 217.180 is hereby amended to read as follows:

35 217.180 1. Except as otherwise provided in subsection 2, in
36 determining whether to make an order for compensation, the
37 compensation officer shall consider the provocation, consent or any
38 other behavior of the victim that directly or indirectly contributed to
39 the injury or death of the victim, the prior case or social history, if
40 any, of the victim, the need of the victim or the dependents of the
41 victim for financial aid and other relevant matters.

42 2. If the case involves a victim of domestic violence, ~~or~~
43 sexual assault ~~or~~ *sex trafficking*, the compensation officer shall
44 not consider the provocation, consent or any other behavior of the



1 victim that directly or indirectly contributed to the injury or death of
2 the victim.

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

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

7 (b) Insurance;

8 (c) The employer of the victim; or

9 (d) Another private or public source or program of assistance,

10 ➔ the applicant shall report the amount received or that the
11 applicant is likely to receive to the compensation officer. Any of
12 those sources that are obligated to pay an amount after the award of
13 compensation shall pay the Board the amount of compensation that
14 has been paid to the applicant and pay the remainder of the amount
15 due to the applicant. The compensation officer shall deduct the
16 amounts that the applicant has received or is likely to receive from
17 those sources from the applicant's total expenses.

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

21 5. As used in this section:

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

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

24 (1) Public assistance, as defined in NRS 422.050 and
25 422A.065;

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

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

29 (c) *"Sex trafficking" means a violation of NRS 201.300.*

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

32 **Sec. 49.** NRS 217.400 is hereby amended to read as follows:

33 217.400 As used in NRS 217.400 to 217.475, inclusive, unless
34 the context otherwise requires:

35 1. "Dating relationship" means frequent, intimate associations
36 primarily characterized by the expectation of affectional or sexual
37 involvement. The term does not include a casual relationship or an
38 ordinary association between persons in a business or social context.

39 2. "Division" means the Division of Child and Family Services
40 of the Department of Health and Human Services.

41 3. "Domestic violence" means:

42 (a) The attempt to cause or the causing of bodily injury to a
43 family or household member or the placing of the member in fear of
44 imminent physical harm by threat of force.



1 (b) Any of the following acts committed by a person against a
2 family or household member, a person with whom he or she had or
3 is having a dating relationship or with whom he or she has a child in
4 common, or upon his or her minor child or a minor child of that
5 person:

6 (1) A battery.

7 (2) An assault.

8 (3) Compelling the other by force or threat of force to
9 perform an act from which he or she has the right to refrain or to
10 refrain from an act which he or she has the right to perform.

11 (4) A sexual assault.

12 (5) A knowing, purposeful or reckless course of conduct
13 intended to harass the other. Such conduct may include, without
14 limitation:

15 (I) Stalking.

16 (II) Arson.

17 (III) Trespassing.

18 (IV) Larceny.

19 (V) Destruction of private property.

20 (VI) Carrying a concealed weapon without a permit.

21 (6) False imprisonment.

22 (7) Unlawful entry of the other's residence, or forcible entry
23 against the other's will if there is a reasonably foreseeable risk of
24 harm to the other from the entry.

25 4. "Family or household member" means a spouse, a former
26 spouse, a parent or other adult person who is related by blood or
27 marriage or is or was actually residing with the person committing
28 the act of domestic violence.

29 5. "Participant" means an adult, child or incompetent person
30 for whom a fictitious address has been issued pursuant to NRS
31 217.462 to 217.471, inclusive.

32 6. "Victim of domestic violence" includes the dependent
33 children of the victim.

34 7. *"Victim of human trafficking" means a person who is a*
35 *victim of:*

36 (a) *Involuntary servitude as set forth in NRS 200.463 or*
37 *200.464.*

38 (b) *A violation of any provision of NRS 200.465.*

39 (c) *Trafficking in persons in violation of any provision of NRS*
40 *200.467 or 200.468.*

41 (d) *Sex trafficking in violation of any provision of*
42 *NRS 201.300.*

43 (e) *A violation of NRS 201.320.*



1 8. "Victim of sexual assault" means a person who has been
2 sexually assaulted as defined in NRS 200.366 or a person upon
3 whom a sexual assault has been attempted.

4 ~~8-~~ 9. "Victim of stalking" means a person who is a victim of
5 the crime of stalking or aggravated stalking as set forth in
6 NRS 200.575.

7 **Sec. 50.** NRS 217.462 is hereby amended to read as follows:

8 217.462 1. An adult person, a parent or guardian acting on
9 behalf of a child, or a guardian acting on behalf of an incompetent
10 person may apply to the Secretary of State to have a fictitious
11 address designated by the Secretary of State serve as the address of
12 the adult, child or incompetent person.

13 2. An application for the issuance of a fictitious address must
14 include:

15 (a) Specific evidence showing that the adult, child or
16 incompetent person has been a victim of domestic violence, *human*
17 *trafficking*, sexual assault or stalking before the filing of the
18 application;

19 (b) The address that is requested to be kept confidential;

20 (c) A telephone number at which the Secretary of State may
21 contact the applicant;

22 (d) A question asking whether the person wishes to:

23 (1) Register to vote; or

24 (2) Change the address of his or her current registration;

25 (e) A designation of the Secretary of State as agent for the adult,
26 child or incompetent person for the purposes of:

27 (1) Service of process; and

28 (2) Receipt of mail;

29 (f) The signature of the applicant;

30 (g) The date on which the applicant signed the application; and

31 (h) Any other information required by the Secretary of State.

32 3. It is unlawful for a person knowingly to attest falsely or
33 provide incorrect information in the application. A person who
34 violates this subsection is guilty of a misdemeanor.

35 4. The Secretary of State shall approve an application if it is
36 accompanied by specific evidence, such as a copy of an applicable
37 record of conviction, a temporary restraining order or other
38 protective order, that the adult, child or incompetent person has been
39 a victim of domestic violence, *human trafficking*, sexual assault or
40 stalking before the filing of the application.

41 5. The Secretary of State shall approve or disapprove an
42 application for a fictitious address within 5 business days after the
43 application is filed.



1 **Sec. 51.** NRS 217.468 is hereby amended to read as follows:

2 217.468 1. Except as otherwise provided in subsections 2 and
3 3, the Secretary of State shall cancel the fictitious address of a
4 participant 4 years after the date on which the Secretary of State
5 approved the application.

6 2. The Secretary of State shall not cancel the fictitious address
7 of a participant if, before the fictitious address of the participant is
8 cancelled, the participant shows to the satisfaction of the Secretary
9 of State that the participant remains in imminent danger of
10 becoming a victim of domestic violence, *human trafficking*, sexual
11 assault or stalking.

12 3. The Secretary of State may cancel the fictitious address of a
13 participant at any time if:

14 (a) The participant changes his or her confidential address from
15 the one listed in the application and fails to notify the Secretary of
16 State within 48 hours after the change of address;

17 (b) The Secretary of State determines that false or incorrect
18 information was knowingly provided in the application; or

19 (c) The participant files a declaration or acceptance of candidacy
20 pursuant to NRS 293.177 or 293C.185.

21 **Sec. 52.** NRS 432.153 is hereby amended to read as follows:

22 432.153 It is the intent of the Legislature that law enforcement
23 agencies in this State give a high priority to the investigation of
24 crimes concerning missing *and exploited* children.

25 **Sec. 53.** NRS 432.157 is hereby amended to read as follows:

26 432.157 1. The Office of Advocate for Missing or Exploited
27 Children is hereby created within the Office of the Attorney
28 General. The Advocate for Missing or Exploited Children may be
29 known as the Children's Advocate.

30 2. The Attorney General shall appoint the Children's Advocate.
31 The Children's Advocate is in the unclassified service of the State.

32 3. The Children's Advocate:

33 (a) Must be an attorney licensed to practice law in this state;

34 (b) Shall advise and represent the Clearinghouse on all matters
35 concerning missing or exploited children in this state; and

36 (c) Shall advocate the best interests of missing or exploited
37 children before any public or private body.

38 4. The Children's Advocate may:

39 (a) Appear as an amicus curiae on behalf of missing or exploited
40 children in any court in this state;

41 (b) If requested, advise a political subdivision of this state
42 concerning its duty to protect missing or exploited children; ~~and~~

43 (c) Recommend legislation concerning missing or exploited
44 children ~~and~~; *and*



1 (d) Investigate and prosecute any alleged crime involving the
2 exploitation of children, including, without limitation, sex
3 trafficking in violation of NRS 201.300:

4 (1) At the request of the district attorney of the county in
5 which the violation occurred;

6 (2) If the district attorney of the county in which the
7 violation occurred fails, neglects or refuses to prosecute the
8 violation; or

9 (3) Jointly with the district attorney of the county in which
10 the violation occurred.

11 5. Upon request by the Children's Advocate, a district attorney
12 or local law enforcement agency in this state shall provide all
13 information and assistance necessary to assist the Children's
14 Advocate in carrying out the provisions of this section.

15 6. The Children's Advocate may apply for any available
16 grants and accept gifts, grants, bequests, appropriations or
17 donations to assist the Children's Advocate in carrying out his or
18 her duties pursuant to this section. Any money received by the
19 Children's Advocate must be deposited in the Special Account for
20 the Support of the Office of Advocate for Missing or Exploited
21 Children, which is hereby created in the State General Fund.

22 7. Interest and income earned on money in the Special
23 Account must be credited to the Special Account.

24 8. Money in the Special Account may only be used for the
25 support of the Office of Advocate for Missing or Exploited
26 Children and its activities pursuant to NRS 432.150 to 432.220,
27 inclusive.

28 9. Money in the Special Account must remain in the Special
29 Account and must not revert to the State General Fund at the end
30 of any fiscal year.

31 **Sec. 54.** Section 129 of the Charter of Boulder City is hereby
32 amended to read as follows:

33 Section 129. ~~Pandering,} Sex trafficking~~, prostitution
34 and disorderly houses prohibited.

35 1. ~~Pandering,} Sex trafficking~~, prostitution and
36 disorderly houses, as defined and made unlawful by the
37 general laws of the State, shall be unlawful within the City.

38 2. The Council shall enact such ordinances as may be
39 necessary to implement this section.

40 **Sec. 55.** NRS 201.310, 201.330, 201.340 and 201.351 are
41 hereby repealed.

42 **Sec. 56.** This act becomes effective on July 1, 2013.



LEADLINES OF REPEALED SECTIONS

201.310 Pandering: Placing spouse in brothel; penalties.

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

201.340 Pandering: Furnishing transportation; penalties.

201.351 Forfeiture of assets derived from or relating to pandering child; temporary restraining order to preserve property subject to forfeiture; use of proceeds derived from forfeiture.



