

ASSEMBLY BILL NO. 354—ASSEMBLYMEN HAMBRICK;
ARAUJO AND BENITEZ-THOMPSON

MARCH 17, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to human trafficking.
(BDR 15-73)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 human trafficking; enacting the Uniform Act on
Prevention of and Remedies for Human Trafficking;
repealing certain provisions relating to involuntary
servitude, trafficking in persons, pandering and sex
trafficking; providing penalties; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits involuntary servitude, assuming ownership over a
2 person, the purchase or sale of a person, trafficking in persons, pandering, sex
3 trafficking, living from the earnings of a prostitute and placing a person in a house
4 of prostitution. (NRS 200.463-200.468, 201.300, 201.320, 201.360) Existing law
5 further provides certain penalties for these offenses, including, without limitation,
6 the payment of restitution to the victim and the forfeiture of certain property. (NRS
7 179.121, 201.351) Existing law also enacts certain protections for victims of human
8 trafficking and sex trafficking, including, without limitation, a provision
9 authorizing a victim of sex trafficking, involuntary servitude or trafficking in
10 persons to bring a civil action against any person who caused, was responsible for
11 or profited from the sex trafficking, involuntary servitude or trafficking in persons.
12 (NRS 41.1399) **Section 72** of this bill repeals these provisions of existing law and
13 **sections 4-40** of this bill replace them with the provisions of the Uniform Act on
14 Prevention of and Remedies for Human Trafficking.

15 **Sections 19-27** of this bill: (1) define the offenses of trafficking an individual in
16 furtherance of forced labor or sexual servitude, holding an individual for forced
17 labor, holding an individual in sexual servitude, patronizing a victim of sexual
18 servitude and patronizing a minor for commercial sexual activity; and (2) establish
19 the penalties for those offenses, including, without limitation, a requirement for the



20 payment of restitution to the victim and the forfeiture of any property that was used
21 or intended for use to commit or facilitate the commission of the offense or that
22 constitutes the proceeds of the offense.

23 **Sections 28-34** of this bill enact certain protections for victims of human
24 trafficking, including, without limitation, provisions relating to victim
25 confidentiality, a provision prohibiting the introduction into evidence of the past
26 sexual conduct of a victim, a provision authorizing a victim to have certain
27 convictions vacated or expunged from his or her criminal record and a provision
28 authorizing a victim of human trafficking to bring a civil action against a person
29 who committed the offense against him or her.

30 Existing law establishes the Contingency Account for Victims of Human
31 Trafficking and authorizes the Director of the Department of Health and Human
32 Services to make grants from the Contingency Account to nonprofit organizations
33 and governmental agencies for the purpose of establishing or providing programs or
34 services to victims of human trafficking. (NRS 217.500-217.540) **Sections 35-39** of
35 this bill enact provisions relating to services to victims of human trafficking.
36 **Section 35** establishes a Council on Human Trafficking in the Department of
37 Health and Human Services, and prescribes the duties of the Council. **Section 36**
38 requires certain employers and the Department of Transportation and the
39 Department of Business and Industry to display a sign that contains the National
40 Human Trafficking Resource Center hotline information in certain areas. **Section**
41 **37** provides that a victim is eligible for certain benefits established under a plan
42 adopted by the Council on Human Trafficking regardless of his or her immigration
43 status. **Section 38** provides that upon request from a person whom a peace officer
44 reasonably believes to be a victim of human trafficking, the peace officer must
45 provide the person certain forms from the United States Citizenship and
46 Immigration Services.

47 **Sections 1, 2 and 41-70** make conforming changes relating to the enactment of
48 the Uniform Act on Prevention of and Remedies for Human Trafficking.

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

1 **Section 1.** NRS 193.1675 is hereby amended to read as
2 follows:

3 193.1675 1. Except as otherwise provided in NRS 193.169,
4 any person who willfully violates any provision of NRS 200.030,
5 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 ,
6 ~~to 200.465, inclusive,~~ paragraph (b) of subsection 2 of NRS
7 200.471, NRS 200.481 which is punishable as a felony, NRS
8 200.508, 200.5099, subsection 2 of NRS 200.575, NRS 205.010 to
9 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832
10 which is punishable as a felony, NRS 205.220, 205.226, 205.228,
11 205.270, 206.150, NRS 206.330 which is punishable as a felony or
12 NRS 207.190 *or section 19, 20 or 21 of this act* because the actual
13 or perceived race, color, religion, national origin, physical or mental
14 disability, sexual orientation or gender identity or expression of the
15 victim was different from that characteristic of the perpetrator may,
16 in addition to the term of imprisonment prescribed by statute for the



1 crime, be punished by imprisonment in the state prison for a
2 minimum term of not less than 1 year and a maximum term of not
3 more than 20 years. In determining the length of any additional
4 penalty imposed, the court shall consider the following information:

- 5 (a) The facts and circumstances of the crime;
- 6 (b) The criminal history of the person;
- 7 (c) The impact of the crime on any victim;
- 8 (d) Any mitigating factors presented by the person; and
- 9 (e) Any other relevant information.

10 ➔ The court shall state on the record that it has considered the
11 information described in paragraphs (a) to (e), inclusive, in
12 determining the length of any additional penalty imposed.

13 2. A sentence imposed pursuant to this section:

- 14 (a) Must not exceed the sentence imposed for the crime; and
- 15 (b) Runs consecutively with the sentence prescribed by statute
16 for the crime.

17 3. This section does not create a separate offense but provides
18 an additional penalty for the primary offense, whose imposition is
19 contingent upon the finding of the prescribed fact.

20 **Sec. 2.** NRS 199.480 is hereby amended to read as follows:

21 199.480 1. Except as otherwise provided in subsection 2,
22 whenever two or more persons conspire to commit murder, robbery,
23 sexual assault, kidnapping in the first or second degree, arson in the
24 first or second degree, ~~involuntary servitude in violation of NRS~~
25 ~~200.463 or 200.464, a violation of any provision of NRS 200.465,~~
26 ~~trafficking in persons in violation of NRS 200.467 or 200.468, sex~~
27 ~~trafficking in violation of NRS 201.300} or a violation of NRS~~
28 205.463 ~~§~~ **or section 19, 20 or 21 of this act**, each person is guilty
29 of a category B felony and shall be punished:

30 (a) If the conspiracy was to commit robbery, sexual assault,
31 kidnapping in the first or second degree, arson in the first or second
32 degree, ~~involuntary servitude in violation of NRS 200.463 or~~
33 ~~200.464, a violation of any provision of NRS 200.465, trafficking in~~
34 ~~persons in violation of NRS 200.467 or 200.468, sex trafficking in~~
35 ~~violation of NRS 201.300} or a violation of NRS 205.463 ~~§~~ **or**~~
36 **section 19, 20 or 21, of this act**, by imprisonment in the state prison
37 for a minimum term of not less than 1 year and a maximum term of
38 not more than 6 years; or

39 (b) If the conspiracy was to commit murder, by imprisonment in
40 the state prison for a minimum term of not less than 2 years and a
41 maximum term of not more than 10 years,

42 ➔ and may be further punished by a fine of not more than \$5,000.

43 2. If the conspiracy subjects the conspirators to criminal
44 liability under NRS 207.400, they shall be punished in the manner
45 provided in NRS 207.400.



- 1 3. Whenever two or more persons conspire:
2 (a) To commit any crime other than those set forth in
3 subsections 1 and 2, and no punishment is otherwise prescribed by
4 law;
5 (b) Falsely and maliciously to procure another to be arrested or
6 proceeded against for a crime;
7 (c) Falsely to institute or maintain any action or proceeding;
8 (d) To cheat or defraud another out of any property by unlawful
9 or fraudulent means;
10 (e) To prevent another from exercising any lawful trade or
11 calling, or from doing any other lawful act, by force, threats or
12 intimidation, or by interfering or threatening to interfere with any
13 tools, implements or property belonging to or used by another, or
14 with the use or employment thereof;
15 (f) To commit any act injurious to the public health, public
16 morals, trade or commerce, or for the perversion or corruption of
17 public justice or the due administration of the law; or
18 (g) To accomplish any criminal or unlawful purpose, or to
19 accomplish a purpose, not in itself criminal or unlawful, by criminal
20 or unlawful means,
21 ↪ each person is guilty of a gross misdemeanor.

22 **Sec. 3.** Chapter 200 of NRS is hereby amended by adding
23 thereto the provisions set forth as sections 4 to 40, inclusive, of this
24 act.

25 **Sec. 4.** *Sections 4 to 40, inclusive, of this act may be cited as*
26 *the Uniform Act on Prevention of and Remedies for Human*
27 *Trafficking.*

28 **Sec. 5.** *As used in sections 4 to 40, inclusive, of this act,*
29 *unless the context otherwise requires, the words and terms defined*
30 *in sections 6 to 18, inclusive, of this act have the meanings*
31 *ascribed to them in those sections.*

32 **Sec. 6.** *“Adult” means an individual 18 years of age or older.*

33 **Sec. 7.** *“Coercion” means:*

34 *1. The use or threat of force against, abduction of, serious*
35 *harm to, or physical restraint of an individual;*

36 *2. The use of a plan, pattern or statement with intent to cause*
37 *an individual to believe that failure to perform an act will result in*
38 *the use of force against, abduction of, serious harm to or physical*
39 *restraint of an individual;*

40 *3. The abuse or threatened abuse of law or legal process;*

41 *4. Controlling or threatening to control an individual’s*
42 *access to a controlled substance;*

43 *5. The destruction or taking of, or the threatened destruction*
44 *or taking of, an individual’s identification document or other*
45 *property;*



1 6. *The use of debt bondage;*

2 7. *The use of an individual's physical or mental impairment*
3 *when the impairment has a substantial adverse effect on the*
4 *individual's cognitive or volitional function; or*

5 8. *The commission of civil or criminal fraud.*

6 **Sec. 8.** *"Commercial sexual activity" means sexual activity*
7 *for which anything of value is given to, promised to or received by*
8 *a person.*

9 **Sec. 9.** *"Debt bondage" means inducing an individual to*
10 *provide:*

11 1. *Commercial sexual activity in payment toward or*
12 *satisfaction of a real or purported debt; or*

13 2. *Labor or services in payment toward or satisfaction of a*
14 *real or purported debt if:*

15 (a) *The reasonable value of the labor or services is not applied*
16 *toward the liquidation of the debt; or*

17 (b) *The length of the labor or services is not limited and the*
18 *nature of the labor or services is not defined.*

19 **Sec. 10.** *"Human trafficking" means the commission of any*
20 *offense created by sections 19 to 23, inclusive, of this act.*

21 **Sec. 11.** *"Identification document" means a passport,*
22 *driver's license, immigration document, travel document or other*
23 *government-issued identification document, including, but not*
24 *limited to, a document issued by a foreign government.*

25 **Sec. 12.** *"Labor or services" means activity having economic*
26 *value.*

27 **Sec. 13.** *"Minor" means an individual under 18 years of age.*

28 **Sec. 14.** *"Person" means an individual, estate, business or*
29 *nonprofit entity, or other legal entity. The term does not include a*
30 *public corporation or government or governmental subdivision,*
31 *agency or instrumentality.*

32 **Sec. 15.** *"Serious harm" means harm, whether physical or*
33 *nonphysical, including, but not limited to, psychological,*
34 *economic or reputational, to an individual which would compel a*
35 *reasonable individual of the same background and in the same*
36 *circumstances to perform or continue to perform labor or services*
37 *or sexual activity to avoid incurring the harm.*

38 **Sec. 16.** *"Sexual activity" means:*

39 1. *Ordinary sexual intercourse;*

40 2. *Anal intercourse;*

41 3. *Fellatio, cunnilingus or other oral-genital contact;*

42 4. *Physical contact by an individual with the unclothed*
43 *genitals or pubic area of another individual for the purpose of*
44 *arousing or gratifying the sexual desire of either individual;*



1 5. *Penetration, however slight, by an individual of an object*
2 *into the genital or anal opening of the body of another individual*
3 *for the purpose of arousing or gratifying the sexual desire of*
4 *either individual;*

5 6. *Masturbation or the lewd exhibition of unclothed genitals;*
6 *or*

7 7. *Sado-masochistic abuse.*

8 **Sec. 17.** *“State” means a state of the United States, the*
9 *District of Columbia, Puerto Rico, the United States Virgin*
10 *Islands or any territory or insular possession subject to the*
11 *jurisdiction of the United States. The term includes an Indian tribe*
12 *or band recognized by federal law or formally acknowledged by a*
13 *state.*

14 **Sec. 18.** *“Victim” means an individual who is subjected to*
15 *human trafficking or to conduct that would have constituted*
16 *human trafficking had sections 4 to 40, inclusive, of this act been*
17 *in effect when the conduct occurred, regardless of whether a*
18 *perpetrator is identified, apprehended, prosecuted or convicted.*

19 **Sec. 19.** 1. *A person commits the offense of trafficking an*
20 *individual if the person knowingly recruits, transports, transfers,*
21 *harbors, receives, provides, obtains, isolates, maintains or entices*
22 *an individual in furtherance of:*

23 (a) *Forced labor in violation of section 20 of this act; or*

24 (b) *Sexual servitude in violation of section 21 of this act.*

25 2. *A person who commits the offense of trafficking an*
26 *individual who is an adult is guilty of a category C felony and*
27 *shall be punished as provided in NRS 193.130.*

28 3. *A person who commits the offense of trafficking an*
29 *individual who is a minor is guilty of a category B felony and shall*
30 *be punished by imprisonment in the state prison for a minimum*
31 *term of not less than 2 years and a maximum term of not more*
32 *than 20 years, and may be further punished by a fine of not more*
33 *than \$10,000.*

34 **Sec. 20.** 1. *A person commits the offense of forced labor if*
35 *the person knowingly uses coercion to compel an individual to*
36 *provide labor or services, except when such conduct is otherwise*
37 *permissible under federal law or the laws of this State.*

38 2. *A person who commits the offense of forced labor of an*
39 *individual who is an adult is guilty of a category C felony and*
40 *shall be punished as provided in NRS 193.130.*

41 3. *A person who commits the offense of forced labor of an*
42 *individual who is a minor is guilty of a category B felony and shall*
43 *be punished by imprisonment in the state prison for a minimum*
44 *term of not less than 2 years and a maximum term of not more*



1 *than 20 years, and may be further punished by a fine of not more*
2 *than \$10,000.*

3 **Sec. 21.** 1. *A person commits the offense of sexual*
4 *servitude if the person knowingly:*

5 *(a) Maintains or makes available a minor for the purpose of*
6 *engaging that minor in commercial sexual activity; or*

7 *(b) Uses coercion or deception to compel an adult to engage in*
8 *commercial sexual activity.*

9 2. *It is not a defense in a prosecution under paragraph (a) of*
10 *subsection 1 that the minor consented to engage in commercial*
11 *sexual activity or that the defendant believed the minor was an*
12 *adult.*

13 3. *A person who commits the offense of sexual servitude*
14 *under paragraph (a) of subsection 1 is guilty of a category B*
15 *felony and shall be punished by imprisonment in the state prison*
16 *for a minimum term of not less than 2 years and a maximum term*
17 *of not more than 20 years, and may be further punished by a fine*
18 *of not more than \$10,000.*

19 4. *A person who commits the offense of sexual servitude*
20 *under paragraph (b) of subsection 1 is guilty of a category C*
21 *felony and shall be punished as provided in NRS 193.130.*

22 **Sec. 22.** 1. *A person commits the offense of patronizing a*
23 *victim of sexual servitude if the person knowingly gives, agrees to*
24 *give or offers to give anything of value so that an individual may*
25 *engage in commercial sexual activity with another individual and*
26 *the person knows that the other individual is a victim of sexual*
27 *servitude.*

28 2. *A person who commits the offense of patronizing a victim*
29 *of sexual servitude who is an adult is guilty of a category D felony*
30 *and shall be punished as provided in NRS 193.130.*

31 3. *A person who commits the offense of patronizing a victim*
32 *of sexual servitude who is a minor is guilty of a category C felony*
33 *and shall be punished as provided in NRS 193.130.*

34 **Sec. 23.** 1. *A person commits the offense of patronizing a*
35 *minor for commercial sexual activity if:*

36 *(a) With the intent that an individual engage in commercial*
37 *sexual activity with a minor, the person gives, agrees to give or*
38 *offers to give anything of value to a minor or another person so*
39 *that the individual may engage in commercial sexual activity with*
40 *a minor; or*

41 *(b) The person gives, agrees to give or offers to give anything*
42 *of value to a minor or another person so that an individual may*
43 *engage in commercial sexual activity with a minor.*

44 2. *A person who commits the offense of patronizing a minor*
45 *under paragraph (a) of subsection 1 is guilty of a category B*



1 *felony and shall be punished by imprisonment in the state prison*
2 *for a minimum term of not less than 2 years and a maximum term*
3 *of not more than 20 years, and may be further punished by a fine*
4 *of not more than \$10,000.*

5 *3. A person who commits the offense of patronizing a minor*
6 *under paragraph (b) of subsection 1 is guilty of a category C*
7 *felony and shall be punished as provided in NRS 193.130.*

8 **Sec. 24.** *1. A person that is a business entity may be*
9 *prosecuted for an offense under sections 19 to 23, inclusive, of this*
10 *act only if:*

11 *(a) The entity knowingly engages in conduct that constitutes*
12 *human trafficking; or*

13 *(b) An employee or nonemployee agent of the entity engages in*
14 *conduct that constitutes human trafficking and the conduct is part*
15 *of a pattern of activity in violation of sections 4 to 40, inclusive, of*
16 *this act for the benefit of the entity, which the entity knew was*
17 *occurring and failed to take effective action to stop.*

18 *2. When a person that is a business entity is prosecuted for an*
19 *offense under sections 19 to 23, inclusive, of this act, the court*
20 *may consider the severity of the entity's conduct and order*
21 *penalties in addition to those otherwise provided for the offense,*
22 *including, without limitation:*

23 *(a) A fine of not more than \$1,000,000 per offense;*

24 *(b) Disgorgement of profit from any activity in violation of*
25 *sections 4 to 40, inclusive, of this act; and*

26 *(c) Debarment from state and local government contracts.*

27 **Sec. 25.** *1. An aggravating circumstance during the*
28 *commission of an offense under section 19, 20 or 21 of this act*
29 *occurs when the defendant recruited, enticed or obtained the*
30 *victim of the offense from a shelter that serves individuals*
31 *subjected to human trafficking, domestic violence or sexual*
32 *assault, runaway youth, foster children or the homeless.*

33 *2. If the trier of fact finds that an aggravating circumstance*
34 *occurred during the commission of an offense under section 19,*
35 *20 or 21 of this act the defendant may be imprisoned for a term of*
36 *up to 5 years in addition to the period of imprisonment prescribed*
37 *for the offense, which term must be added to the maximum term of*
38 *imprisonment.*

39 **Sec. 26.** *1. The court shall order a person convicted of an*
40 *offense under section 19, 20 or 21 of this act to pay restitution to*
41 *the victim of the offense for:*

42 *(a) Expenses incurred or reasonably certain to be incurred by*
43 *the victim as a result of the offense, including reasonable*
44 *attorney's fees and costs; and*



1 ***(b) An amount equal to the greater of the following, with no***
2 ***reduction for expenses the defendant incurred to maintain the***
3 ***victim:***

4 ***(1) The gross income to the defendant for, or the value to***
5 ***the defendant of, the victim's labor or services or sexual activity;***

6 ***(2) The amount the defendant contracted to pay the victim;***
7 ***or***

8 ***(3) The value of the victim's labor or services or sexual***
9 ***activity, calculated under the minimum-wage and overtime***
10 ***provisions of the Fair Labor Standards Act, 29 U.S.C. §§ 201 et***
11 ***seq., as amended, or NRS 608.250, whichever is higher, even if the***
12 ***provisions do not apply to the victim's labor or services or sexual***
13 ***activity.***

14 ***2. The court shall order restitution under subsection 1 even if***
15 ***the victim is unavailable to accept payment of restitution.***

16 ***3. If the victim does not claim restitution ordered under***
17 ***subsection 1 for 5 years after entry of the order, the restitution***
18 ***must be paid to the Council on Human Trafficking created***
19 ***pursuant to section 35 of this act.***

20 ***Sec. 27. 1. On motion, the court shall order a person***
21 ***convicted of an offense under section 19, 20 or 21 of this act to***
22 ***forfeit any interest in real or personal property that:***

23 ***(a) Was used or intended to be used to commit or facilitate the***
24 ***commission of the offense; or***

25 ***(b) Constitutes proceeds or was derived from proceeds that the***
26 ***person obtained, directly or indirectly, as a result of the offense.***

27 ***2. In a proceeding against real or personal property under***
28 ***this section, the person convicted of the offense may assert a***
29 ***defense that the forfeiture is manifestly disproportional to the***
30 ***seriousness of the offense. The person has the burden to establish***
31 ***the defense by a preponderance of the evidence.***

32 ***3. Proceeds from the public sale or auction of property***
33 ***forfeited under subsection 1 must be distributed in the manner***
34 ***provided for the distribution of the proceeds of criminal***
35 ***forfeitures.***

36 ***Sec. 28. A prosecution for an offense under sections 4 to 40,***
37 ***inclusive, of this act must be commenced not later than 20 years***
38 ***after commission of the offense.***

39 ***Sec. 29. In an investigation of or a prosecution for an***
40 ***offense under sections 4 to 40, inclusive, of this act, law***
41 ***enforcement officers and prosecuting agencies shall keep***
42 ***confidential the identity, pictures and images of the alleged victim***
43 ***and the family of the alleged victim, except to the extent that***
44 ***disclosure is:***

45 ***1. Necessary for the purpose of investigation or prosecution;***



- 1 2. *Required by law or court order; or*
- 2 3. *Necessary to ensure provision of services or benefits for*
- 3 *the victim or the victim's family.*

4 **Sec. 30.** *In a prosecution for an offense under sections 4 to*
5 *40, inclusive, of this act or a civil action under section 34 of this*
6 *act, evidence of a specific instance of the alleged victim's past*
7 *sexual behavior or reputation or opinion evidence of past sexual*
8 *behavior of the alleged victim is not admissible unless the evidence*
9 *is:*

- 10 1. *Admitted in accordance with NRS 50.090; or*
- 11 2. *Offered by the prosecution to prove a pattern of human*
- 12 *trafficking by the defendant.*

13 **Sec. 31.** *1. An individual is not criminally liable or subject*
14 *to a juvenile delinquency proceeding for prostitution or other*
15 *nonviolent offenses, including, without limitation, forgery,*
16 *possession of stolen property and shoplifting, if the individual was*
17 *a minor at the time of the offense and committed the offense as a*
18 *direct result of being a victim.*

19 2. *An individual who has engaged in commercial sexual*
20 *activity is not criminally liable or subject to a juvenile delinquency*
21 *proceeding for prostitution if the individual was a minor at the*
22 *time of the offense.*

23 3. *A minor who under subsection 1 or 2 is not subject to*
24 *criminal liability or a juvenile delinquency proceeding is presumed*
25 *to be an exploited child pursuant to NRS 432.150.*

26 4. *This section does not apply in a prosecution or a juvenile*
27 *delinquency proceeding for patronizing a prostitute.*

28 **Sec. 32.** *An individual charged with prostitution or other*
29 *nonviolent offenses, including, without limitation, forgery,*
30 *possession of stolen property and shoplifting committed as a direct*
31 *result of being a victim may assert an affirmative defense that the*
32 *individual is a victim.*

33 **Sec. 33.** *1. An individual convicted of prostitution or other*
34 *nonviolent offenses, including, without limitation, forgery,*
35 *possession of stolen property and shoplifting committed as a direct*
36 *result of being a victim, may apply by motion to the court to vacate*
37 *the conviction and expunge the record of conviction. The court*
38 *may grant the motion on a finding that the individual's*
39 *participation in the offense was a direct result of being a victim.*

40 2. *No official determination or documentation is required to*
41 *grant a motion by an individual under subsection 1, but an official*
42 *determination or documentation from a federal, state, local or*
43 *tribal agency that the individual was a victim at the time of the*
44 *offense creates a presumption that the individual's participation*
45 *was a direct result of being a victim.*



1 3. *A motion filed under subsection 1, any hearing conducted*
2 *on the motion and any relief granted are governed by NRS 34.720*
3 *to 34.830, inclusive.*

4 **Sec. 34.** *1. A victim may bring a civil action against a*
5 *person who commits an offense against the victim under section*
6 *19, 20 or 21 of this act for actual damages, punitive damages,*
7 *injunctive relief and any other appropriate relief.*

8 *2. If a victim prevails in an action pursuant to this section,*
9 *the court shall award the victim reasonable attorney's fees and*
10 *costs.*

11 *3. An action pursuant to this section must be commenced not*
12 *later than 10 years after the later of the date on which the victim:*

13 *(a) No longer was subject to human trafficking; or*

14 *(b) Attained 18 years of age.*

15 *4. Damages awarded to a victim under this section for an*
16 *item must be offset by any restitution paid to the victim pursuant to*
17 *section 26 of this act for the same item.*

18 *5. This section does not preclude any other remedy available*
19 *to a victim under federal law or the laws of this State.*

20 **Sec. 35.** *1. The Council on Human Trafficking is hereby*
21 *created in the Department of Health and Human Services. The*
22 *Governor shall appoint the Chair and members of the Council.*
23 *Members must include representatives of:*

24 *(a) State or local governmental agencies that have contact with*
25 *victims or perpetrators;*

26 *(b) Nongovernmental organizations that represent, advocate*
27 *for or provide services to victims; and*

28 *(c) Other organizations and individuals, including victims,*
29 *whose expertise would benefit the Council.*

30 *2. The state or local governmental agencies represented on*
31 *the Council shall provide staff to the Council.*

32 *3. The Council shall meet on a regular basis and:*

33 *(a) Develop a coordinated and comprehensive plan to provide*
34 *victims with services;*

35 *(b) Collect and evaluate data on human trafficking in this*
36 *State and submit an annual report to the Legislature;*

37 *(c) Promote public awareness about human trafficking, victim*
38 *remedies and services and trafficking prevention;*

39 *(d) Create a public awareness sign that contains the National*
40 *Human Trafficking Resource Center hotline information;*

41 *(e) Coordinate training on human trafficking prevention and*
42 *victim services for state employees who may have recurring*
43 *contact with victims or perpetrators; and*

44 *(f) Conduct other appropriate activities.*



1 **Sec. 36. 1.** *The Department of Transportation and the*
2 *Department of Business and Industry shall display a public*
3 *awareness sign that contains the National Human Trafficking*
4 *Resource Center hotline information in every transportation*
5 *station, rest area and welcome center in this State which is open to*
6 *the public.*

7 2. *An employer shall display the public awareness sign*
8 *described in subsection 1 in a place that is clearly conspicuous*
9 *and visible to employees and the public at each of the following*
10 *locations in this State at which the employer has employees:*

11 (a) *A strip club or other sexually-oriented business;*

12 (b) *A business entity found to be a nuisance for prostitution*
13 *pursuant to NRS 40.140;*

14 (c) *A job recruitment center;*

15 (d) *A hospital; or*

16 (e) *An emergency care provider.*

17 3. *The Department of Business and Industry shall impose of*
18 *a fine of \$300 per violation on an employer that knowingly fails to*
19 *comply with subsection 2. The fine is the exclusive remedy for*
20 *failure to comply.*

21 **Sec. 37. 1.** *A victim is eligible for a benefit or service*
22 *available through the plan established by paragraph (a) of*
23 *subsection 3 of section 35 of this act, including compensation*
24 *from the Contingency Account for Victims of Human Trafficking*
25 *created by NRS 217.530, regardless of immigration status.*

26 2. *A minor who has engaged in commercial sexual activity is*
27 *eligible for a benefit or service available through the plan*
28 *established by paragraph (a) of subsection 3 of section 35 of this*
29 *act, regardless of immigration status.*

30 3. *As soon as practicable after a first encounter with an*
31 *individual who reasonably appears to any state or local agency to*
32 *be a victim or a minor who has engaged in commercial sexual*
33 *activity, the agency shall notify the agency identified in the plan*
34 *established by paragraph (a) of subsection 3 of section 35 of this*
35 *act that the individual may be eligible for a benefit or service*
36 *under the laws of this State.*

37 **Sec. 38. 1.** *On request from an individual whom a peace*
38 *officer reasonably believes is a victim who is or has been subjected*
39 *to a severe form of trafficking or criminal offense required for the*
40 *individual to qualify for a nonimmigrant T or U visa pursuant to 8*
41 *U.S.C. § 1101(a)(15)(T) or 1101(a)(15)(U), as amended, or for*
42 *continued presence under 22 U.S.C. § 7105(c)(3), as amended, the*
43 *peace officer, as soon as practicable after receiving the request,*
44 *shall complete, sign and give to the individual the Form I-914B*
45 *provided by the United States Citizenship and Immigration*



1 *Services on its Internet website and ask a federal law enforcement*
2 *officer to request continued presence.*

3 *2. If the law enforcement agency determines that an*
4 *individual does not meet the requirements for the agency to*
5 *comply with subsection 1, the agency shall inform the individual*
6 *of the reason and that the individual may make another request*
7 *under subsection 1 and submit additional evidence satisfying the*
8 *requirements.*

9 **Sec. 39.** *1. To the extent that funds are made available for*
10 *this purpose, the Council on Human Trafficking, created pursuant*
11 *to section 35 of this act may make a grant to or contract with a*
12 *unit of state or local government or nongovernmental victim*
13 *service organization to develop or expand service programs for*
14 *victims.*

15 *2. A recipient of a grant or contract under subsection 1 shall*
16 *report annually to the Council the number and demographic*
17 *information of all victims receiving services under the grant or*
18 *contract.*

19 **Sec. 40.** *In applying and construing sections 4 to 40,*
20 *inclusive, of this act, consideration must be given to the need to*
21 *promote uniformity of the law with respect to its subject matter*
22 *among states that enact it.*

23 **Sec. 41.** NRS 200.364 is hereby amended to read as follows:
24 200.364 As used in NRS 200.364 to 200.3784, inclusive,
25 unless the context otherwise requires:

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

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

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

32 2. "Perpetrator" means a person who commits a sexual offense,
33 an offense involving a pupil or sex trafficking.

34 3. "Sex trafficking" means ~~fat~~ :

35 (a) A violation of ~~subsection 2 of NRS 201.300.~~ *paragraph (b)*
36 *of subsection 1 of section 19 of this act.*

37 (b) *A violation of section 21 of this act.*

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

39 (a) Sexual assault pursuant to NRS 200.366.

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

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



6. "Statutory sexual seduction" means:

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

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

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

Sec. 42. NRS 201.295 is hereby amended to read as follows:

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

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

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

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

~~4. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual 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.~~

~~5. 2. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.~~

~~6. 3. "Sexual conduct" means any of the acts enumerated in subsection 4.~~

~~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. 43. NRS 201.354 is hereby amended to read as follows:

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

~~2. Except as otherwise provided in subsection 3, Unless a greater penalty is provided pursuant to section 22 or 23 of this act, a person who violates subsection 1 is guilty of a misdemeanor.~~

~~3. A person who violates subsection 1 by soliciting a child for prostitution is guilty of a category E felony and shall be punished as provided in NRS 193.130.~~

Sec. 44. NRS 202.876 is hereby amended to read as follows:

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

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



- 1 2. Mayhem pursuant to NRS 200.280.
- 2 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
- 3 4. Sexual assault pursuant to NRS 200.366.
- 4 5. Robbery pursuant to NRS 200.380.
- 5 6. Administering poison or another noxious or destructive
- 6 substance or liquid with intent to cause death pursuant to
- 7 NRS 200.390.
- 8 7. Battery with intent to commit a crime pursuant to
- 9 NRS 200.400.
- 10 8. Administering a drug or controlled substance to another
- 11 person with the intent to enable or assist the commission of a felony
- 12 or crime of violence pursuant to NRS 200.405 or 200.408.
- 13 9. False imprisonment pursuant to NRS 200.460 if the false
- 14 imprisonment involves the use or threatened use of force or violence
- 15 against the victim or the use or threatened use of a firearm or a
- 16 deadly weapon.
- 17 10. Assault with a deadly weapon pursuant to NRS 200.471.
- 18 11. Battery which is committed with the use of a deadly
- 19 weapon or which results in substantial bodily harm as described in
- 20 NRS 200.481 or battery which is committed by strangulation as
- 21 described in NRS 200.481 or 200.485.
- 22 12. An offense involving pornography and a minor pursuant to
- 23 NRS 200.710 or 200.720.
- 24 13. Intentional transmission of the human immunodeficiency
- 25 virus pursuant to NRS 201.205.
- 26 14. Open or gross lewdness pursuant to NRS 201.210.
- 27 15. Lewdness with a child pursuant to NRS 201.230.
- 28 16. An offense involving ~~pandering or sex trafficking in~~
- 29 ~~trafficking in furtherance of sexual servitude in~~ violation of ~~NRS~~
- 30 ~~201.300 or prostitution in violation of NRS 201.320.~~
- 31 ~~—17.†~~ *paragraph (b) of subsection 1 of section 19 of this act.*
- 32 *17. An offense involving sexual servitude in violation of*
- 33 *section 21 of this act.*
- 34 *18.* Coercion pursuant to NRS 207.190, if the coercion
- 35 involves the use or threatened use of force or violence against the
- 36 victim or the use or threatened use of a firearm or a deadly weapon.
- 37 ~~†8.†~~ *19.* An attempt, conspiracy or solicitation to commit an
- 38 offense listed in this section.
- 39 **Sec. 45.** NRS 207.012 is hereby amended to read as follows:
- 40 207.012 1. A person who:
- 41 (a) Has been convicted in this State of a felony listed in
- 42 subsection 2; and
- 43 (b) Before the commission of that felony, was twice convicted
- 44 of any crime which under the laws of the situs of the crime or of this



1 State would be a felony listed in subsection 2, whether the prior
2 convictions occurred in this State or elsewhere,
3 ➔ is a habitual felon and shall be punished for a category A felony
4 by imprisonment in the state prison:

5 (1) For life without the possibility of parole;

6 (2) For life with the possibility of parole, with eligibility for
7 parole beginning when a minimum of 10 years has been served; or

8 (3) For a definite term of 25 years, with eligibility for parole
9 beginning when a minimum of 10 years has been served.

10 2. The district attorney shall include a count under this section
11 in any information or shall file a notice of habitual felon if an
12 indictment is found, if each prior conviction and the alleged offense
13 committed by the accused constitutes a violation of subparagraph
14 (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160,
15 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390,
16 subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of
17 NRS 200.450, subsection 5 of NRS 200.460, ~~NRS 200.463,~~
18 ~~200.4631, 200.464, 200.465, 200.467, 200.468,~~ subsection 1,
19 paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b)
20 of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230,
21 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of
22 subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or
23 subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS
24 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400,
25 paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325,
26 453.333, 484C.130, 484C.430 or 484E.010 ~~†~~ **or section 19, 20 or**
27 **21 of this act.**

28 3. The trial judge may not dismiss a count under this section
29 that is included in an indictment or information.

30 **Sec. 46.** NRS 207.360 is hereby amended to read as follows:

31 207.360 "Crime related to racketeering" means the commission
32 of, attempt to commit or conspiracy to commit any of the following
33 crimes:

34 1. Murder;

35 2. Manslaughter, except vehicular manslaughter as described in
36 NRS 484B.657;

37 3. Mayhem;

38 4. Battery which is punished as a felony;

39 5. Kidnapping;

40 6. Sexual assault;

41 7. Arson;

42 8. Robbery;

43 9. Taking property from another under circumstances not
44 amounting to robbery;

45 10. Extortion;



- 1 11. Statutory sexual seduction;
- 2 12. Extortionate collection of debt in violation of
- 3 NRS 205.322;
- 4 13. Forgery;
- 5 14. Any violation of NRS 199.280 which is punished as a
- 6 felony;
- 7 15. Burglary;
- 8 16. Grand larceny;
- 9 17. Bribery or asking for or receiving a bribe in violation of
- 10 chapter 197 or 199 of NRS which is punished as a felony;
- 11 18. Battery with intent to commit a crime in violation of
- 12 NRS 200.400;
- 13 19. Assault with a deadly weapon;
- 14 20. Any violation of NRS 453.232, 453.316 to 453.3395,
- 15 inclusive, except a violation of NRS 453.3393, or NRS 453.375 to
- 16 453.401, inclusive;
- 17 21. Receiving or transferring a stolen vehicle;
- 18 22. Any violation of NRS 202.260, 202.275 or 202.350 which
- 19 is punished as a felony;
- 20 23. Any violation of subsection 2 or 3 of NRS 463.360 or
- 21 chapter 465 of NRS;
- 22 24. Receiving, possessing or withholding stolen goods valued
- 23 at \$650 or more;
- 24 25. Embezzlement of money or property valued at \$650 or
- 25 more;
- 26 26. Obtaining possession of money or property valued at \$650
- 27 or more, or obtaining a signature by means of false pretenses;
- 28 27. Perjury or subornation of perjury;
- 29 28. Offering false evidence;
- 30 29. Any violation of ~~NRS 201.300, 201.320 or 201.360;~~
- 31 *section 19, 20 or 21 of this act;*
- 32 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 33 insurance fraud pursuant to NRS 686A.291;
- 34 31. Any violation of NRS 205.506, 205.920 or 205.930;
- 35 32. Any violation of NRS 202.445 or 202.446;
- 36 33. Any violation of NRS 205.377;
- 37 ~~34. Involuntary servitude in violation of any provision of NRS~~
- 38 ~~200.463 or 200.464 or a violation of any provision of NRS 200.465;~~
- 39 ~~or~~
- 40 ~~35. Trafficking in persons in violation of any provision of NRS~~
- 41 ~~200.467 or 200.468.~~

42 **Sec. 47.** NRS 41.690 is hereby amended to read as follows:
43 41.690 1. A person who has suffered injury as the proximate
44 result of the willful violation of the provisions of NRS 200.030,
45 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,



1 ~~200.463, 200.4631, 200.464, 200.465, 200.467, 200.468,~~ 200.471,
2 200.481, 200.508, 200.5099, 200.571, 200.575, 203.010, 203.020,
3 203.030, 203.060, 203.080, 203.090, 203.100, 203.110, 203.119,
4 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075,
5 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715,
6 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150,
7 206.200, 206.310, 206.330, 207.180, 207.190, 207.200 or 207.210
8 *or section 19, 20 or 21 of this act* by a perpetrator who was
9 motivated by the injured person's actual or perceived race, color,
10 religion, national origin, physical or mental disability, sexual
11 orientation or gender identity or expression may bring an action for
12 the recovery of his or her actual damages and any punitive damages
13 which the facts may warrant. If the person who has suffered injury
14 prevails in an action brought pursuant to this subsection, the court
15 shall award the person costs and reasonable attorney's fees.

16 2. The liability imposed by this section is in addition to any
17 other liability imposed by law.

18 3. As used in this section, "gender identity or expression" has
19 the meaning ascribed to it in NRS 193.0148.

20 **Sec. 48.** NRS 115.010 is hereby amended to read as follows:

21 115.010 1. The homestead is not subject to forced sale on
22 execution or any final process from any court, except as otherwise
23 provided by subsections 2, 3 and 5, and NRS 115.090 and except as
24 otherwise required by federal law.

25 2. The exemption provided in subsection 1 extends only to that
26 amount of equity in the property held by the claimant which does
27 not exceed \$550,000 in value, unless allodial title has been
28 established and not relinquished, in which case the exemption
29 provided in subsection 1 extends to all equity in the dwelling, its
30 appurtenances and the land on which it is located.

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

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

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

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



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

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

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

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

15 5. Establishment of allodial title does not exempt the property
16 from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive,
17 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive

18 ~~†~~, or section 27 of this act.

19 6. Any declaration of homestead which has been filed before
20 July 1, 2007, shall be deemed to have been amended on that date by
21 extending the homestead exemption commensurate with any
22 increase in the amount of equity held by the claimant in the property
23 selected and claimed for the exemption up to the amount permitted
24 by law on that date, but the increase does not impair the right of any
25 creditor to execute upon the property when that right existed before
26 July 1, 2007.

27 **Sec. 49.** NRS 127.300 is hereby amended to read as follows:

28 127.300 1. Except as otherwise provided in NRS 127.275 ~~†~~
29 or 127.285, ~~†200.463, 200.4631, 200.464 and 200.465;†~~ or section
30 19, 20 or 21 of this act, a person who, without holding a valid
31 license to operate a child-placing agency issued by the Division,
32 requests or receives, directly or indirectly, any compensation or
33 thing of value for placing, arranging the placement of, or assisting in
34 placing or arranging the placement of any child for adoption or
35 permanent free care is guilty of a category D felony and shall be
36 punished as provided in NRS 193.130.

37 2. The natural parents and the adopting parents are not
38 accomplices for the purpose of this section.

39 **Sec. 50.** NRS 128.097 is hereby amended to read as follows:

40 128.097 If a parent of a child:

41 1. Engages in conduct that violates any provision of ~~NRS~~
42 ~~200.463, 200.4631, 200.464 or 200.465;†~~ section 19, 20 or 21 of
43 this act; or



1 2. Voluntarily delivers a child to a provider of emergency
2 services pursuant to NRS 432B.630,
3 ↳ the parent is presumed to have abandoned the child.

4 **Sec. 51.** NRS 128.106 is hereby amended to read as follows:

5 128.106 In determining neglect by or unfitness of a parent, the
6 court shall consider, without limitation, the following conditions
7 which may diminish suitability as a parent:

8 1. Emotional illness, mental illness or mental deficiency of
9 the parent which renders the parent consistently unable to care for
10 the immediate and continuing physical or psychological needs of the
11 child for extended periods of time. The provisions contained in NRS
12 128.109 apply to the case if the child has been placed outside his or
13 her home pursuant to chapter 432B of NRS.

14 2. Conduct toward a child of a physically, emotionally or
15 sexually cruel or abusive nature.

16 3. Conduct that violates any provision of ~~NRS 200.463,~~
17 ~~200.4631, 200.464 or 200.465.~~ *section 19, 20 or 21 of this act.*

18 4. Excessive use of intoxicating liquors, controlled substances
19 or dangerous drugs which renders the parent consistently unable to
20 care for the child.

21 5. Repeated or continuous failure by the parent, although
22 physically and financially able, to provide the child with adequate
23 food, clothing, shelter, education or other care and control necessary
24 for the child's physical, mental and emotional health and
25 development, but a person who, legitimately practicing his or her
26 religious beliefs, does not provide specified medical treatment for a
27 child is not for that reason alone a negligent parent.

28 6. Conviction of the parent for commission of a felony, if the
29 facts of the crime are of such a nature as to indicate the unfitness of
30 the parent to provide adequate care and control to the extent
31 necessary for the child's physical, mental or emotional health and
32 development.

33 7. Unexplained injury or death of a sibling of the child.

34 8. Inability of appropriate public or private agencies to reunite
35 the family despite reasonable efforts on the part of the agencies.

36 **Sec. 52.** NRS 171.083 is hereby amended to read as follows:

37 171.083 1. If, at any time during the period of limitation
38 prescribed in NRS 171.085 and 171.095, a victim of a sexual assault
39 ~~††~~ *or* a person authorized to act on behalf of a victim of a sexual
40 assault ~~†, or a victim of sex trafficking or a person authorized to act~~
41 ~~on behalf of a victim of sex trafficking,~~ files with a law
42 enforcement officer a written report concerning the sexual assault ,
43 ~~†or sex trafficking,†~~ the period of limitation prescribed in NRS
44 171.085 and 171.095 is removed and there is no limitation of the



1 time within which a prosecution for the sexual assault ~~for sex~~
2 ~~trafficking~~ must be commenced.

3 2. If a written report is filed with a law enforcement officer
4 pursuant to subsection 1, the law enforcement officer shall provide a
5 copy of the written report to the victim or the person authorized to
6 act on behalf of the victim.

7 3. If a victim of a sexual assault ~~for sex trafficking~~ is under a
8 disability during any part of the period of limitation prescribed in
9 NRS 171.085 and 171.095 and a written report concerning the
10 sexual assault ~~for sex trafficking~~ is not otherwise filed pursuant to
11 subsection 1, the period during which the victim is under the
12 disability must be excluded from any calculation of the period of
13 limitation prescribed in NRS 171.085 and 171.095.

14 4. For the purposes of this section, a victim of a sexual assault
15 ~~for sex trafficking~~ is under a disability if the victim is insane,
16 intellectually disabled, mentally incompetent or in a medically
17 comatose or vegetative state.

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

19 (a) A prosecuting attorney;

20 (b) A sheriff of a county or the sheriff's deputy;

21 (c) An officer of a metropolitan police department or a police
22 department of an incorporated city; or

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

26 **Sec. 53.** NRS 171.085 is hereby amended to read as follows:

27 171.085 Except as otherwise provided in NRS 171.080,
28 171.083, 171.084 and 171.095 ~~†~~ *and section 28 of this act*, an
29 indictment for:

30 1. Theft, robbery, burglary, forgery, arson, sexual assault, ~~sex~~
31 ~~trafficking~~, a violation of NRS 90.570, a violation punishable
32 pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a
33 violation of NRS 205.377 must be found, or an information or
34 complaint filed, within 4 years after the commission of the offense.

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

38 **Sec. 54.** NRS 171.095 is hereby amended to read as follows:

39 171.095 1. Except as otherwise provided in subsection 2 and
40 NRS 171.083 and 171.084:

41 (a) If a felony, gross misdemeanor or misdemeanor is committed
42 in a secret manner, an indictment for the offense must be found, or
43 an information or complaint filed, within the periods of limitation
44 prescribed in NRS 171.085, 171.090 and 624.800 after the discovery



1 of the offense, unless a longer period is allowed by paragraph (b) or
2 (c) or the provisions of NRS 202.885.

3 (b) An indictment must be found, or an information or
4 complaint filed, for any offense constituting sexual abuse of a child
5 as defined in NRS 432B.100 ~~for sex trafficking of a child as defined~~
6 ~~in NRS 201.300.~~, *a violation of paragraph (b) of subsection 1 of*
7 *section 19 of this act or a violation of section 21 of this act* before
8 the victim is:

9 (1) Thirty-six years old if the victim discovers or reasonably
10 should have discovered that he or she was a victim of the sexual
11 abuse or sex trafficking by the date on which the victim reaches that
12 age; or

13 (2) Forty-three years old if the victim does not discover and
14 reasonably should not have discovered that he or she was a victim of
15 the sexual abuse or sex trafficking by the date on which the victim
16 reaches 36 years of age.

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

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

28 **Sec. 55.** NRS 174.227 is hereby amended to read as follows:

29 174.227 1. A court on its own motion or on the motion of the
30 district attorney may, for good cause shown, order the taking of a
31 videotaped deposition of ~~†~~ *any of the following victims or*
32 *witnesses:*

33 (a) A victim of sexual abuse as that term is defined in NRS
34 432B.100. ~~†~~

35 (b) A prospective witness in any criminal prosecution if the
36 witness is less than 14 years of age. ~~†; or†~~

37 (c) A victim of ~~sex†~~ trafficking *in furtherance of sexual*
38 *servitude* as ~~that term is defined†~~ *described in* ~~†subsection 2 of NRS~~
39 ~~201.300.†~~ *paragraph (b) of subsection 1 of section 19 of this act.*
40 *There is a rebuttable presumption that good cause exists where the*
41 *district attorney seeks to take the deposition of a person alleged to*
42 *be the victim of trafficking in furtherance of sexual servitude.*

43 (d) *A victim of sexual servitude as described in section 21 of*
44 *this act.* There is a rebuttable presumption that good cause exists



1 where the district attorney seeks to take the deposition of a person
2 alleged to be the victim of ~~sex trafficking~~ *sexual servitude*.

3 ↪ The court may specify the time and place for taking the
4 deposition and the persons who may be present when it is taken.

5 2. The district attorney shall give every other party reasonable
6 written notice of the time and place for taking the deposition. The
7 notice must include the name of the person to be examined. On the
8 motion of a party upon whom the notice is served, the court:

9 (a) For good cause shown may release the address of the person
10 to be examined; and

11 (b) For cause shown may extend or shorten the time.

12 3. If at the time such a deposition is taken, the district attorney
13 anticipates using the deposition at trial, the court shall so state in the
14 order for the deposition and the accused must be given the
15 opportunity to cross-examine the deponent in the same manner as
16 permitted at trial.

17 4. Except as limited by NRS 174.228, the court may allow the
18 videotaped deposition to be used at any proceeding in addition to or
19 in lieu of the direct testimony of the deponent. It may also be used
20 by any party to contradict or impeach the testimony of the deponent
21 as a witness. If only a part of the deposition is offered in evidence
22 by a party, an adverse party may require the party to offer all of it
23 which is relevant to the part offered and any party may offer other
24 parts.

25 **Sec. 56.** NRS 174.228 is hereby amended to read as follows:

26 174.228 A court may allow a videotaped deposition to be used
27 instead of the deponent's testimony at trial only if:

28 1. In the case of a victim of sexual abuse, as that term is
29 defined in NRS 432B.100:

30 (a) Before the deposition is taken, a hearing is held by a justice
31 of the peace or district judge who finds that:

32 (1) The use of the videotaped deposition in lieu of testimony
33 at trial is necessary to protect the welfare of the victim; and

34 (2) The presence of the accused at trial would inflict trauma,
35 more than minimal in degree, upon the victim; and

36 (b) At the time a party seeks to use the deposition, the court
37 determines that the conditions set forth in subparagraphs (1) and (2)
38 of paragraph (a) continue to exist. The court may hold a hearing
39 before the use of the deposition to make its determination.

40 2. In the case of a victim of ~~sex~~ trafficking *in furtherance of*
41 *sexual servitude* as ~~that term is defined~~ *described* in ~~subsection 2~~
42 ~~of NRS 201.300~~ *paragraph (b) of subsection 1 of section 19 of*
43 *this act or a victim of sexual servitude as described in section 21 of*
44 *this act:*



1 (a) Before the deposition is taken, a hearing is held by a justice
2 of the peace or district judge and the justice or judge finds that cause
3 exists pursuant to paragraph (c) of subsection 1 of NRS 174.227;
4 and

5 (b) Before allowing the videotaped deposition to be used at trial,
6 the court finds that the victim is unavailable as a witness.

7 3. In all cases:

8 (a) A justice of the peace or district judge presides over the
9 taking of the deposition;

10 (b) The accused is able to hear and see the proceedings;

11 (c) The accused is represented by counsel who, if physically
12 separated from the accused, is able to communicate orally with the
13 accused by electronic means;

14 (d) The accused is given an adequate opportunity to cross-
15 examine the deponent subject to the protection of the deponent
16 deemed necessary by the court; and

17 (e) The deponent testifies under oath.

18 **Sec. 57.** NRS 176.515 is hereby amended to read as follows:

19 176.515 1. The court may grant a new trial to a defendant if
20 required as a matter of law or on the ground of newly discovered
21 evidence.

22 2. If trial was by the court without a jury, the court may vacate
23 the judgment if entered, take additional testimony and direct the
24 entry of a new judgment.

25 3. Except as otherwise provided in NRS 176.09187, a motion
26 for a new trial based on the ground of newly discovered evidence
27 may be made only within 2 years after the verdict or finding of guilt.

28 4. A motion for a new trial based on any other grounds must be
29 made within 7 days after the verdict or finding of guilt or within
30 such further time as the court may fix during the 7-day period.

31 5. The court may grant a motion to vacate a judgment if:

32 (a) The judgment is a conviction for a violation of NRS
33 201.354, for engaging in prostitution or solicitation for prostitution,
34 provided that the defendant was not alleged to be a customer of a
35 prostitute;

36 (b) The participation of the defendant in the offense was the
37 result of the defendant having been a victim of:

38 (1) Trafficking in persons as described in the Trafficking
39 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; ~~for~~

40 (2) ~~Involuntary servitude as described in NRS 200.463 or~~
41 ~~200.4631;~~ *Trafficking in furtherance of sexual servitude or*
42 *forced labor as described in section 19 of this act; or*

43 (3) *Forced labor or sexual servitude as described in*
44 *sections 20 and 21 of this act, respectively; and*



1 (c) The defendant makes a motion under this subsection with
2 due diligence after the defendant has ceased being a victim of
3 trafficking ~~for involuntary~~, *forced labor or sexual* servitude or has
4 sought services for victims of such trafficking ~~for involuntary~~,
5 *forced labor or sexual* servitude.

6 6. In deciding whether to grant a motion made pursuant to
7 subsection 5, the court shall take into consideration any reasonable
8 concerns for the safety of the defendant, family members of the
9 defendant or other victims that may be jeopardized by the bringing
10 of such a motion.

11 7. If the court grants a motion made pursuant to subsection 5,
12 the court:

13 (a) Shall vacate the judgment and dismiss the accusatory
14 pleading; and

15 (b) May take any additional action that the court deems
16 appropriate under the circumstances.

17 **Sec. 58.** NRS 179.118 is hereby amended to read as follows:

18 179.118 1. The proceeds from any sale or retention of
19 property declared to be forfeited and any interest accrued pursuant
20 to subsection 2 of NRS 179.1175 must be applied, first, to the
21 satisfaction of any protected interest established by a claimant in the
22 proceeding, then to the proper expenses of the proceeding for
23 forfeiture and resulting sale, including the expense of effecting the
24 seizure, the expense of maintaining custody, the expense of
25 advertising and the costs of the suit.

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

28 (a) Except as otherwise provided in this subsection, if the
29 plaintiff seized the property, in the special account established
30 pursuant to NRS 179.1187 by the governing body that controls the
31 plaintiff.

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

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

40 (d) If the property was seized pursuant to NRS 200.760, in the
41 State Treasury for credit to the Fund for the Compensation of
42 Victims of Crime to be used for the counseling and the medical
43 treatment of victims of crimes committed in violation of NRS
44 200.366, 200.710 to 200.730, inclusive, or 201.230.



1 (e) If the property was seized as the result of a violation of NRS
2 202.300, in the general fund of the county in which the complaint
3 for forfeiture was filed, to be used to support programs of
4 counseling of persons ordered by the court to attend counseling
5 pursuant to NRS 62E.290.

6 ~~[(f) If the property was forfeited pursuant to NRS 201.351, with
7 the county treasurer to be distributed in accordance with the
8 provisions of subsection 4 of NRS 201.351.]~~

9 **Sec. 59.** NRS 179.121 is hereby amended to read as follows:

10 179.121 1. All personal property, including, without
11 limitation, any tool, substance, weapon, machine, computer, money
12 or security, which is used as an instrumentality in any of the
13 following crimes is subject to forfeiture:

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

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

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

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

23 (e) A violation of NRS ~~200.463 to 200.468, inclusive, 201.300,~~
24 ~~201.320.]~~ 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610
25 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070
26 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285,
27 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145,
28 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169,
29 640A.230, 644.190 or 654.200 ~~+~~ **or section 19, 20 or 21 of this act.**

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

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

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



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

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

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

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

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

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

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

19 **Sec. 60.** NRS 179.460 is hereby amended to read as follows:

20 179.460 1. The Attorney General or the district attorney of
21 any county may apply to a Supreme Court justice or to a district
22 judge in the county where the interception is to take place for an
23 order authorizing the interception of wire or oral communications,
24 and the judge may, in accordance with NRS 179.470 to 179.515,
25 inclusive, grant an order authorizing the interception of wire or oral
26 communications by investigative or law enforcement officers having
27 responsibility for the investigation of the offense as to which the
28 application is made, when the interception may provide evidence of
29 the commission of murder, kidnapping, robbery, extortion, bribery,
30 escape of an offender in the custody of the Department of
31 Corrections, destruction of public property by explosives, a sexual
32 offense against a child, ~~sex trafficking,~~ a violation of ~~NRS~~
33 ~~200.463, 200.464 or 200.465, trafficking in persons in violation of~~
34 ~~NRS 200.467 or 200.468~~ *section 19, 20 or 21 of this act* or the
35 commission of any offense which is made a felony by the provisions
36 of chapter 453 or 454 of NRS.

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

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

43 (a) Incest pursuant to NRS 201.180;

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

45 (c) Sado-masochistic abuse pursuant to NRS 201.262;



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

6 **Sec. 61.** NRS 179D.0357 is hereby amended to read as

7 follows:
8 179D.0357 "Crime against a child" means any of the following
9 offenses if the victim of the offense was less than 18 years of age
10 when the offense was committed:

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

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

15 3. ~~Involuntary servitude of a child pursuant to NRS 200.4631,~~
16 ~~unless the offender is the parent or guardian of the victim.~~

17 ~~—4.— An offense involving [sex trafficking pursuant to subsection~~
18 ~~2 of NRS 201.300 or prostitution pursuant to NRS 201.320.~~

19 ~~—5.— a violation of section 19, 20 or 21 of this act.~~

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

21 ~~16.~~ 5. An offense committed in another jurisdiction that, if
22 committed in this State, would be an offense listed in this section.
23 This subsection includes, without limitation, an offense prosecuted
24 in:

25 (a) A tribal court.

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

28 ~~17.~~ 6. An offense against a child committed in another
29 jurisdiction, whether or not the offense would be an offense listed in
30 this section, if the person who committed the offense resides or has
31 resided or is or has been a student or worker in any jurisdiction in
32 which the person is or has been required by the laws of that
33 jurisdiction to register as an offender who has committed a crime
34 against a child because of the offense. This subsection includes,
35 without limitation, an offense prosecuted in:

36 (a) A tribal court.

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

39 (c) A court having jurisdiction over juveniles.

40 **Sec. 62.** NRS 179D.097 is hereby amended to read as follows:

41 179D.097 1. "Sexual offense" means any of the following
42 offenses:

43 (a) Murder of the first degree committed in the perpetration or
44 attempted perpetration of sexual assault or of sexual abuse or sexual



1 molestation of a child less than 14 years of age pursuant to
2 paragraph (b) of subsection 1 of NRS 200.030.

3 (b) Sexual assault pursuant to NRS 200.366.

4 (c) Statutory sexual seduction pursuant to NRS 200.368.

5 (d) Battery with intent to commit sexual assault pursuant to
6 subsection 4 of NRS 200.400.

7 (e) An offense involving the administration of a drug to another
8 person with the intent to enable or assist the commission of a felony
9 pursuant to NRS 200.405, if the felony is an offense listed in this
10 subsection.

11 (f) An offense involving the administration of a controlled
12 substance to another person with the intent to enable or assist the
13 commission of a crime of violence pursuant to NRS 200.408, if the
14 crime of violence is an offense listed in this section.

15 (g) Abuse of a child pursuant to NRS 200.508, if the abuse
16 involved sexual abuse or sexual exploitation.

17 (h) An offense involving pornography and a minor pursuant to
18 NRS 200.710 to 200.730, inclusive.

19 (i) Incest pursuant to NRS 201.180.

20 (j) Open or gross lewdness pursuant to NRS 201.210.

21 (k) Indecent or obscene exposure pursuant to NRS 201.220.

22 (l) Lewdness with a child pursuant to NRS 201.230.

23 (m) Sexual penetration of a dead human body pursuant to
24 NRS 201.450.

25 (n) Luring a child or a person with mental illness pursuant to
26 NRS 201.560, if punished as a felony.

27 (o) ~~Sex trafficking~~ *Trafficking in furtherance of sexual*
28 *servitude pursuant to paragraph (b) of subsection 1 of section 19*
29 *of this act.*

30 (p) *Sexual servitude* pursuant to ~~NRS 201.300.~~

31 ~~(p)~~ *section 21 of this act.*

32 (q) Any other offense that has an element involving a sexual act
33 or sexual conduct with another.

34 ~~(q)~~ (r) An attempt or conspiracy to commit an offense listed in
35 paragraphs (a) to ~~(p)~~ (q), inclusive.

36 ~~(r)~~ (s) An offense that is determined to be sexually motivated
37 pursuant to NRS 175.547 or 207.193.

38 ~~(s)~~ (t) An offense committed in another jurisdiction that, if
39 committed in this State, would be an offense listed in this
40 subsection. This paragraph includes, without limitation, an offense
41 prosecuted in:

42 (1) A tribal court.

43 (2) A court of the United States or the Armed Forces of the
44 United States.



1 ~~(u)~~ (u) An offense of a sexual nature committed in another
2 jurisdiction, whether or not the offense would be an offense listed in
3 this section, if the person who committed the offense resides or has
4 resided or is or has been a student or worker in any jurisdiction in
5 which the person is or has been required by the laws of that
6 jurisdiction to register as a sex offender because of the offense. This
7 paragraph includes, without limitation, an offense prosecuted in:

8 (1) A tribal court.

9 (2) A court of the United States or the Armed Forces of the
10 United States.

11 (3) A court having jurisdiction over juveniles.

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

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

16 (b) At least 13 years of age and the offender was not more than
17 4 years older than the victim at the time of the commission of the
18 offense.

19 **Sec. 63.** NRS 179D.115 is hereby amended to read as follows:

20 179D.115 “Tier II offender” means an offender convicted of a
21 crime against a child or a sex offender, other than a Tier III
22 offender, whose crime against a child is punishable by
23 imprisonment for more than 1 year or whose sexual offense:

24 1. If committed against a child, constitutes:

25 (a) Luring a child pursuant to NRS 201.560, if punishable as a
26 felony;

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

29 (c) An offense involving ~~sex~~ trafficking *in furtherance of*
30 *sexual servitude pursuant to paragraph (b) of subsection 1 of*
31 *section 19 of this act;*

32 (d) *An offense involving sexual servitude* pursuant to ~~NRS~~
33 ~~201.300 or prostitution pursuant to NRS 201.320;~~

34 ~~—(d)—~~ *section 21 of this act;*

35 (e) An offense involving pornography and a minor pursuant to
36 NRS 200.710 to 200.730, inclusive; or

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

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

41 3. If committed in another jurisdiction, is an offense that, if
42 committed in this State, would be an offense listed in this section.
43 This subsection includes, without limitation, an offense prosecuted
44 in:

45 (a) A tribal court; or



1 (b) A court of the United States or the Armed Forces of the
2 United States; or

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

6 **Sec. 64.** NRS 179D.495 is hereby amended to read as follows:

7 179D.495 If a person who is required to register pursuant to
8 NRS 179D.010 to 179D.550, inclusive, has been convicted of an
9 offense described in paragraph ~~(e)~~ (q) of subsection 1 of NRS
10 179D.097, paragraph ~~(e)~~ (f) of subsection 1 or subsection 3 of
11 NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central
12 Repository shall determine whether the person is required to register
13 as a Tier I offender, Tier II offender or Tier III offender.

14 **Sec. 65.** NRS 217.070 is hereby amended to read as follows:

15 217.070 “Victim” means:

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

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

20 3. A minor who was sexually abused, as “sexual abuse” is
21 defined in NRS 432B.100;

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

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

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

31 7. A resident who is physically injured or killed as the direct
32 result of an act of international terrorism as defined in 18 U.S.C. §
33 2331(1); ~~or~~

34 8. A person who is trafficked ~~in violation of subsection 2 of~~
35 ~~NRS 201.300.1 as described in paragraph (b) of subsection 1 of~~
36 *section 19 of this act; or*

37 9. *A person who is held in sexual servitude as described in*
38 *section 21 of this act.*

39 ↪ The term includes a person who was harmed by any of these acts
40 whether the act was committed by an adult or a minor.

41 **Sec. 66.** NRS 217.180 is hereby amended to read as follows:

42 217.180 1. Except as otherwise provided in subsection 2, in
43 determining whether to make an order for compensation, the
44 compensation officer shall consider the provocation, consent or any
45 other behavior of the victim that directly or indirectly contributed to



1 the injury or death of the victim, the prior case or social history, if
2 any, of the victim, the need of the victim or the dependents of the
3 victim for financial aid and other relevant matters.

4 2. If the case involves a victim of domestic violence, sexual
5 assault or sex trafficking, the compensation officer shall not
6 consider the provocation, consent or any other behavior of the
7 victim that directly or indirectly contributed to the injury or death of
8 the victim.

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

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

13 (b) Insurance;

14 (c) The employer of the victim; or

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

16 ➔ the applicant shall report the amount received or that the
17 applicant is likely to receive to the compensation officer. Any of
18 those sources that are obligated to pay an amount after the award of
19 compensation shall pay the Board the amount of compensation that
20 has been paid to the applicant and pay the remainder of the amount
21 due to the applicant. The compensation officer shall deduct the
22 amounts that the applicant has received or is likely to receive from
23 those sources from the applicant's total expenses.

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

27 5. As used in this section:

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

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

30 (1) Public assistance, as defined in NRS 422A.065;

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

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

34 (c) "Sex trafficking" means ~~an act described in subsection 2 of NRS~~
35 ~~201.300.~~ *an act described in paragraph (b) of subsection 1 of*
36 *section 19 or 21 of this act.*

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

39 **Sec. 67.** NRS 217.400 is hereby amended to read as follows:

40 217.400 As used in NRS 217.400 to 217.475, inclusive, unless
41 the context otherwise requires:

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



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

3 3. "Domestic violence" means:

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

7 (b) Any of the following acts committed by a person against a
8 family or household member, a person with whom he or she had or
9 is having a dating relationship or with whom he or she has a child in
10 common, or upon his or her minor child or a minor child of that
11 person:

12 (1) A battery.

13 (2) An assault.

14 (3) Compelling the other by force or threat of force to
15 perform an act from which he or she has the right to refrain or to
16 refrain from an act which he or she has the right to perform.

17 (4) A sexual assault.

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

21 (I) Stalking.

22 (II) Arson.

23 (III) Trespassing.

24 (IV) Larceny.

25 (V) Destruction of private property.

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

27 (6) False imprisonment.

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

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

35 5. "Participant" means an adult, child or incompetent person
36 for whom a fictitious address has been issued pursuant to NRS
37 217.462 to 217.471, inclusive.

38 6. "Victim of domestic violence" includes the dependent
39 children of the victim.

40 7. "Victim of human trafficking" means a person who is a
41 victim of:

42 (a) ~~Involuntary servitude as set forth in NRS 200.463 or~~
43 ~~200.464.~~

44 ~~—(b) A violation of any provision of NRS 200.465.~~



1 ~~—(e) Trafficking in [persons in violation of any provision of NRS~~
2 ~~200.467 or 200.468.~~

3 ~~—(d) Sex trafficking in violation of any provision of~~
4 ~~NRS 201.300.~~

5 ~~—(e) A violation of NRS 201.320.] furtherance of forced labor or~~
6 ~~sexual servitude as described in section 19 of this act.~~

7 *(b) Forced labor as described in section 20 of this act.*

8 *(c) Sexual servitude as described in section 21 of this act.*

9 8. “Victim of sexual assault” means a person who has been
10 sexually assaulted as defined in NRS 200.366 or a person upon
11 whom a sexual assault has been attempted.

12 9. “Victim of stalking” means a person who is a victim of the
13 crime of stalking or aggravated stalking as set forth in NRS 200.575.

14 **Sec. 68.** NRS 217.520 is hereby amended to read as follows:

15 217.520 “Victim of human trafficking” means a person who is
16 a victim of:

17 1. ~~Involuntary servitude as set forth in NRS 200.463 or~~
18 ~~200.464.~~

19 ~~2. A violation of any provision of NRS 200.465.~~

20 ~~3.] Trafficking in [persons in violation of any provision of~~
21 ~~NRS 200.467 or 200.468.~~

22 ~~4. Pandering in violation of any provision of NRS 201.300.~~

23 ~~5. A violation of NRS 201.320.] furtherance of forced labor~~
24 ~~or sexual servitude as described in section 19 of this act.~~

25 *2. Forced labor as described in section 20 of this act.*

26 *3. Sexual servitude as described in section 21 of this act.*

27 **Sec. 69.** NRS 432.157 is hereby amended to read as follows:

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

32 2. The Attorney General shall appoint the Children’s Advocate.
33 The Children’s Advocate is in the unclassified service of the State.

34 3. The Children’s Advocate:

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

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

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

40 4. The Children’s Advocate may:

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

43 (b) If requested, advise a political subdivision of this state
44 concerning its duty to protect missing or exploited children;



1 (c) Recommend legislation concerning missing or exploited
2 children; and

3 (d) Investigate and prosecute any alleged crime involving the
4 exploitation of children, including, without limitation, ~~{sex}~~
5 trafficking in ~~[violation of subsection 2 of NRS 201.300 or a~~
6 ~~violation of NRS 201.320.] a minor in furtherance of sexual~~
7 *servitude as described in paragraph (b) of subsection 1 of section*
8 *19 of this act and holding a minor in sexual servitude as described*
9 *in section 21 of this act.*

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

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

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

23 8. Money in the Special Account may only be used for the
24 support of the Office of Advocate for Missing or Exploited Children
25 and its activities pursuant to ~~subsection 2 of NRS 201.300, NRS~~
26 ~~201.320 and] NRS~~ 432.150 to 432.220, inclusive.

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

30 **Sec. 70.** NRS 613.080 is hereby amended to read as follows:

31 613.080 1. The immigration to this State of all slaves and
32 other people bound by contract to involuntary servitude for a term of
33 years is hereby prohibited.

34 2. It is unlawful for any company, person or persons to collect
35 the wages or compensation for the labor of the persons described in
36 subsection 1.

37 3. It is unlawful for any corporation, company, person or
38 persons to pay to any owner or agent of the owner of any such
39 persons mentioned in subsection 1 any wages or compensation for
40 the labor of such slaves or persons so bound by the contract to
41 involuntary servitude.

42 4. Unless a greater penalty is provided in ~~[NRS 200.463,~~
43 ~~200.4631, 200.464 or 200.468.] section 19, 20 or 21 of this act,~~ a
44 violation of any of the provisions of this section is a gross
45 misdemeanor.



1 **Sec. 71.** For the purposes of the registration and community
2 notification of sex offenders and offenders convicted of a crime
3 against a child pursuant to chapter 179D of NRS, a person who was
4 convicted of a violation of NRS 201.300 before October 1, 2015, is
5 deemed to have been convicted of a violation of section 19 of this
6 act.
7 **Sec. 72.** NRS 41.1399, 200.463, 200.4631, 200.464, 200.465,
8 200.466, 200.467, 200.468, 200.469, 201.300, 201.320, 201.325,
9 201.345, 201.350, 201.351, 201.352 and 201.360 are hereby
10 repealed.

LEADLINES OF REPEALED SECTIONS

41.1399 Action by victim of human trafficking; venue; damages and other relief; attorney's fees and costs; statute of limitations; joinder of parties; limitation on defenses.

200.463 Involuntary servitude; penalties.

200.4631 Involuntary servitude of minors; penalties.

200.464 Recruiting, enticing, harboring, transporting, providing or obtaining another person to be held in involuntary servitude; benefiting from another person being held in involuntary servitude; penalty.

200.465 Assuming rights of ownership over another person; purchase or sale of person; penalty.

200.466 Power of court to order restitution for violation of NRS 200.463, 200.464 or 200.465

200.467 Trafficking in persons for financial gain; penalties.

200.468 Trafficking in persons for illegal purposes; penalty.

200.469 Power of court to order restitution for violation of NRS 200.467 or 200.468.

201.300 Pandering and sex trafficking: Definitions; penalties; exception.

201.320 Living from earnings of prostitute; penalty.

201.325 Power of court to order restitution.

201.345 Attorney General has concurrent jurisdiction with district attorneys.

201.350 Venue.

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

201.352 Additional fine for certain violations.

201.360 Placing person in house of prostitution; penalties.

