

ASSEMBLY BILL NO. 8—COMMITTEE ON JUDICIARY

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

PREFILED DECEMBER 19, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to children.
(BDR 11-191)

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: No.

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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 children; revising provisions concerning
advertisements for the placement of children for adoption
or permanent free care; prohibiting certain transfers of
children; prohibiting the trafficking of children; providing
a penalty; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

1 Existing law provides that any person or organization, other than an agency
2 which provides child welfare services or a licensed child-placing agency, who
3 advertises in any periodical or newspaper, or by radio or other public medium, that
4 the person or organization will place children for adoption or accept, supply,
5 provide or obtain children for adoption is guilty of a misdemeanor. (NRS 127.310)
6 **Section 1** of this bill specifically applies this prohibition to a person or organization
7 who advertises through a computerized communication system, including, without
8 limitation, electronic mail, an Internet website or an Internet account.
9 **Section 4** of this bill enacts provisions prohibiting the trafficking of children.
10 **Section 4** provides that a person shall not recruit, transport, transfer, harbor,
11 provide, obtain, maintain or solicit a child in furtherance of a transaction, or
12 advertise or facilitate a transaction, pursuant to which a parent of a child or a person
13 with custody of a child places the child in the physical custody of another person
14 who is not related to the child, for the purpose of permanently avoiding or divesting
15 himself or herself of responsibility for the child. **Section 4** further provides that
16 certain placements of a child are not prohibited, including, without limitation, the
17 placement of a child with a relative or stepparent, the placement of a child with or



18 by a licensed child-placing agency or agency which provides child welfare services
19 and the placement of a child with a person that is approved by a court of competent
20 jurisdiction. A person who violates **section 4** is guilty of a category C felony, and
21 **section 5** of this bill requires a court to order that a person convicted of a violation
22 of **section 4** pay restitution to the victim of the crime.

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

1 **Section 1.** NRS 127.310 is hereby amended to read as follows:
2 127.310 1. Except as otherwise provided in NRS 127.240,
3 127.283 and 127.285, any person or organization other than an
4 agency which provides child welfare services who, without holding
5 a valid unrevoked license to place children for adoption issued by
6 the Division:

7 (a) Places, arranges the placement of, or assists in placing or in
8 arranging the placement of, any child for adoption or permanent free
9 care; or

10 (b) Advertises ~~in any periodical or newspaper, or by radio or~~
11 ~~other public medium,~~ that he or she will place children for adoption
12 ~~or permanent free care,~~ or accept, supply, provide or obtain
13 children for adoption ~~or permanent free care,~~ or causes any
14 advertisement to be ~~published in or by any public medium~~
15 *disseminated* soliciting, requesting or asking for any child or
16 children for adoption ~~or permanent free care,~~
17 *is* guilty of a misdemeanor.

18 2. Any person who places, accepts placement of, or aids, abets
19 or counsels the placement of any child in violation of NRS 127.280,
20 127.2805 and 127.2815 is guilty of a misdemeanor.

21 3. A periodical, newspaper, radio station, *Internet website* or
22 other public medium is not subject to any criminal penalty or civil
23 liability for ~~publishing or broadcasting~~ *disseminating* an
24 advertisement that violates the provisions of this section.

25 4. A child-placing agency shall include in any advertisement
26 concerning its services ~~published in any periodical or newspaper or~~
27 ~~by radio or other public medium~~ a statement which:

28 (a) Confirms that the child-placing agency holds a valid,
29 unrevoked license issued by the Division; and

30 (b) Indicates any license number issued to the child-placing
31 agency by the Division.

32 **5. As used in this section:**

33 (a) *“Advertise” or “advertisement” means a communication*
34 *that originates within this State by any public medium, including,*
35 *without limitation, a newspaper, periodical, telephone book listing,*
36 *outdoor advertising, sign, radio, television or a computerized*



1 *communication system, including, without limitation, electronic*
2 *mail, an Internet website or an Internet account.*

3 *(b) "Internet account" means an account created within a*
4 *bounded system established by an Internet-based service that*
5 *requires a user to input or store information in an electronic*
6 *device in order to view, create, use or edit the account information,*
7 *profile, display, communications or stored data of the user.*

8 **Sec. 2.** (Deleted by amendment.)

9 **Sec. 3.** (Deleted by amendment.)

10 **Sec. 4.** Chapter 200 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *1. Except as otherwise provided in this section, a person shall*
13 *not:*

14 *(a) Recruit, transport, transfer, harbor, provide, obtain,*
15 *maintain or solicit a child in furtherance of a transaction, or*
16 *advertise or facilitate a transaction, pursuant to which a parent of*
17 *the child or a person with custody of the child places the child in*
18 *the physical custody of another person who is not a relative of the*
19 *child, for the purpose of permanently avoiding or divesting himself*
20 *or herself of responsibility for the child.*

21 *(b) Sell, transfer or arrange for the sale or transfer of a child*
22 *to another person for money or anything of value or receive a*
23 *child in exchange for money or anything of value.*

24 *2. The provisions of subsection 1 do not apply to:*

25 *(a) A placement of a child with a relative, stepparent, child-*
26 *placing agency or an agency which provides child welfare*
27 *services;*

28 *(b) A placement of a child by a child-placing agency or an*
29 *agency which provides child welfare services;*

30 *(c) A temporary placement of a child with another person by a*
31 *parent of the child or a person with legal or physical custody of*
32 *the child, with an intent to return for the child, including, without*
33 *limitation, a temporary placement of a child while the parent of*
34 *the child or the person with legal or physical custody of the child*
35 *is on vacation, incarcerated, serving in the military, receiving*
36 *medical treatment or incapacitated;*

37 *(d) A placement of a child in accordance with NRS 127.330,*
38 *159.205 or 159.215;*

39 *(e) A placement of a child that is approved by a court of*
40 *competent jurisdiction; or*

41 *(f) Delivery of a child to a provider of emergency services*
42 *pursuant to NRS 432B.630.*

43 *3. A person who violates the provisions of subsection 1 is*
44 *guilty of trafficking in children and shall be punished for a*
45 *category C felony as provided in NRS 193.130.*



1 **4. As used in this section:**

2 **(a) “Advertise” has the meaning ascribed to it in NRS 127.310.**

3 **(b) “Agency which provides child welfare services” has the**
4 **meaning ascribed to it in NRS 432B.030.**

5 **(c) “Child” means a person who is less than 18 years of age.**

6 **(d) “Child-placing agency” has the meaning ascribed to it in**
7 **NRS 127.220.**

8 **Sec. 5.** NRS 200.469 is hereby amended to read as follows:

9 200.469 1. In addition to any other penalty, the court may
10 order a person convicted of violation of any provision of NRS
11 200.467 or 200.468 **or section 4 of this act** to pay restitution to the
12 victim as provided in subsection 2.

13 2. Restitution ordered pursuant to this section may include,
14 without limitation:

15 (a) The cost of medical and psychological treatment, including,
16 without limitation, physical and occupational therapy and
17 rehabilitation;

18 (b) The cost of transportation, temporary housing and child care;

19 (c) The return of property, the cost of repairing damaged
20 property or the full value of the property if it is destroyed or
21 damaged beyond repair;

22 (d) Expenses incurred by a victim in relocating away from the
23 defendant or his or her associates, if the expenses are verified by law
24 enforcement to be necessary for the personal safety of the victim;

25 (e) The cost of repatriation of the victim to his or her home
26 country, if applicable; and

27 (f) Any and all other losses suffered by the victim as a result of
28 the violation of any provision of NRS 200.467 or 200.468 **or**
29 **section 4 of this act.**

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

33 4. As used in this section, “victim” means any person:

34 (a) Against whom a violation of any provision of NRS 200.467
35 or 200.468 **or section 4 of this act** has been committed; or

36 (b) Who is the surviving child of such a person.

