

Amendment No. 301

Assembly Amendment to Assembly Bill No. 166	(BDR 15-861)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 166—ASSEMBLYMEN
TOLLES; AND ROBERTS

FEBRUARY 15, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to prostitution. (BDR 15-861)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; establishing the crime of advancing prostitution; revising the penalties for the crime of living from the earnings of a prostitute; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that any person who, without consideration, knowingly accepts, receives, levies or appropriates any money or other valuable thing from the proceeds of a prostitute is guilty of a category D felony. (NRS 201.320) **Section 3** of this bill provides that a person who commits any such act is guilty of the crime of living from the earnings of a prostitute and shall be punished: (1) for a category C felony if physical force or the immediate threat of physical force is used in the commission of the crime; or (2) for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime.

Section 1 of this bill establishes the crime of advancing prostitution and provides that a person **who owns, leases, operates, controls or manages any business or private property** is guilty of such a crime if ~~he or she, except as otherwise authorized by law: (1) aids another person in committing or engaging in prostitution; (2) procures or solicits customers for another person to engage in prostitution; (3) provides another person or premises for the purposes of prostitution; (4) operates or assists in the operation of a house of prostitution or a prostitution enterprise; or (5) engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution.] **the person: (1) knows or should know that illegal prostitution is being conducted at the business or upon such private property; (2) knows or should know that one or more prostitutes engaging in such illegal prostitution are victims of involuntary servitude or victims of sex trafficking against whom physical force or the immediate threat of physical force is being or has been used; and (3) fails to take reasonable steps to abate such illegal prostitution within 30 days after the person knows or should know about such illegal prostitution.** **Section 1** provides that a person who is guilty of advancing prostitution shall be punished ~~[(1)]~~ for a category C felony ~~[(1)]~~ physical force or the immediate threat of physical force is used in the commission of the crime; or (2) for a category D felony if no physical force or immediate threat of physical force is used in the commission of the crime.]~~

Sections 4-18 of this bill include a reference to the crime of advancing prostitution in each section of NRS that references the crime of living from the earnings of a prostitute.

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

1 **Section 1.** Chapter 201 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. ~~Except as otherwise authorized by law, a person shall not knowingly:~~
4 ~~(a) Aid another person in committing or engaging in prostitution;~~
5 ~~(b) Procure or solicit customers for another person to engage in prostitution;~~
6 ~~(c) Provide another person or premises for the purposes of prostitution;~~
7 ~~(d) Operate or assist in the operation of a house of prostitution or a~~
8 ~~prostitution enterprise; or~~
9 ~~(e) Engage in any other conduct designed to institute, aid or facilitate an act~~
10 ~~or enterprise of prostitution.~~

11 2. ~~A person who violates the provisions of subsection 1 is guilty of~~
12 ~~advancing prostitution and shall be punished:~~

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

15 ~~(b) Where no physical force or immediate threat of physical force is used, for~~
16 ~~a category D felony as provided in NRS 193.130.] A person who owns, leases,~~
17 ~~operates, controls or manages any business or private property and who:~~

18 ~~(a) Knows or should know that illegal prostitution is being conducted at the~~
19 ~~business or upon such private property;~~

20 ~~(b) Knows or should know that one or more prostitutes engaging in such~~
21 ~~illegal prostitution are victims of:~~

22 ~~(1) Involuntary servitude as described in NRS 200.463; or~~

23 ~~(2) Sex trafficking as described in subsection 2 of NRS 201.300 against~~
24 ~~whom physical force or the immediate threat of physical force is being or has~~
25 ~~been used; and~~

26 ~~(c) Fails to take reasonable steps to abate such illegal prostitution within 30~~
27 ~~days after the date on which the person knows the circumstances set forth in~~
28 ~~paragraphs (a) and (b).~~

29 ~~↳ is guilty of advancing prostitution.~~

30 2. ~~A person who is guilty of advancing prostitution shall be punished for a~~
31 ~~category C felony as provided in NRS 193.130.~~

32 3. ~~For the purposes of this section, a person who owns, leases, operates,~~
33 ~~controls or manages any business or private property shall be deemed:~~

34 ~~(a) To know that illegal prostitution is being conducted at the business or~~
35 ~~upon the private property of the person if a law enforcement agency has notified~~
36 ~~the person who owns, leases, operates, controls or manages the business or~~
37 ~~private property, in writing, of at least three incidents of illegal prostitution that~~
38 ~~occurred at the business or upon the private property of the person within a~~
39 ~~period of 180 consecutive days.~~

40 ~~(b) To know that one or more prostitutes engaging in such illegal~~
41 ~~prostitution are victims of involuntary servitude as described in NRS 200.463 or~~
42 ~~sex trafficking as described in subsection 2 of NRS 201.300 against whom~~
43 ~~physical force or the immediate threat of physical force is being or has been used~~
44 ~~if, in light of all the surrounding facts and circumstances which are known to the~~
45 ~~person at the time, a reasonable person would believe, under those facts and~~
46 ~~circumstances, that one or more prostitutes engaging in such illegal prostitution~~
47 ~~are victims of involuntary servitude as described in NRS 200.463 or sex~~
48 ~~trafficking as described in subsection 2 of NRS 201.300 against whom physical~~
49 ~~force or the immediate threat of physical force is being or has been used.~~

1 *(c) To have taken reasonable steps to abate such illegal prostitution if the*
 2 *person has:*

3 *(1) Filed a report of such illegal prostitution with a law enforcement*
 4 *agency;*

5 *(2) Allowed a law enforcement agency to conduct surveillance or an*
 6 *unrestricted undercover operation;*

7 *(3) Promoted ongoing education about such illegal prostitution for*
 8 *employees; or*

9 *(4) Used any other available legal means to abate such illegal*
 10 *prostitution.*

11 **Sec. 2.** NRS 201.295 is hereby amended to read as follows:

12 201.295 As used in NRS 201.295 to 201.440, inclusive, *and section 1 of this*
 13 *act*, unless the context otherwise requires:

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

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

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

17 4. "Prostitute" means a male or female person who for a fee, monetary
 18 consideration or other thing of value engages in sexual intercourse, oral-genital
 19 contact or any touching of the sexual organs or other intimate parts of a person for
 20 the purpose of arousing or gratifying the sexual desire of either person.

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

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

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

27 **Sec. 3.** NRS 201.320 is hereby amended to read as follows:

28 201.320 1. A person who knowingly accepts, receives, levies or
 29 appropriates any money or other valuable thing, without consideration, from the
 30 proceeds of any prostitute, is guilty of ~~fa category D felony~~ *living from the*
 31 *earnings of a prostitute* and shall be punished :

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

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

36 2. Any such acceptance, receipt, levy or appropriation of money or valuable
 37 thing upon any proceedings or trial for violation of this section is presumptive
 38 evidence of lack of consideration.

39 **Sec. 4.** NRS 201.325 is hereby amended to read as follows:

40 201.325 1. In addition to any other penalty, the court may order a person
 41 convicted of a violation of any provision of NRS 201.300 or 201.320 *or section 1*
 42 *of this act* to pay restitution to the victim as provided in subsection 2.

43 2. Restitution ordered pursuant to this section may include, without
 44 limitation:

45 (a) The cost of medical and psychological treatment, including, without
 46 limitation, physical and occupational therapy and rehabilitation;

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

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

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

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

3 (f) Any and all other losses suffered by the victim as a result of the violation of
4 any provision of NRS 201.300 or 201.320 ~~or~~ *section 1 of this act*.

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

7 4. As used in this section, "victim" means any person:

8 (a) Against whom a violation of any provision of NRS 201.300 or 201.320 *or*
9 *section 1 of this act* has been committed; or

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

11 **Sec. 5.** NRS 201.345 is hereby amended to read as follows:

12 201.345 1. The Attorney General has concurrent jurisdiction with the
13 district attorneys of the counties in this State to prosecute any violation of NRS
14 201.300 or 201.320 ~~or~~ *section 1 of this act*.

15 2. When acting pursuant to this section, the Attorney General may commence
16 an investigation and file a criminal action without leave of court and the Attorney
17 General has exclusive charge of the conduct of the prosecution.

18 **Sec. 6.** NRS 201.350 is hereby amended to read as follows:

19 201.350 It shall not be a defense to a prosecution for any of the acts
20 prohibited in NRS 201.300 or 201.320 *or section 1 of this act* that any part of such
21 act or acts shall have been committed outside this state, and the offense shall in
22 such case be deemed and alleged to have been committed, and the offender tried
23 and punished, in any county in which the prostitution was consummated, or any
24 overt act in furtherance of the offense shall have been committed.

25 **Sec. 7.** NRS 201.351 is hereby amended to read as follows:

26 201.351 1. All assets derived from or relating to any violation of NRS
27 201.300 or 201.320 *or section 1 of this act* are subject to forfeiture pursuant to
28 NRS 179.121 and a proceeding for their forfeiture may be brought pursuant to NRS
29 179.1156 to 179.121, inclusive.

30 2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to
31 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice
32 or hearing, a temporary restraining order to preserve property which would be
33 subject to forfeiture pursuant to this section if:

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

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

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

43 4. Any proceeds derived from a forfeiture of property pursuant to this section
44 and remaining after the distribution required by subsection 1 of NRS 179.118 must
45 be deposited with the county treasurer and distributed to programs for the
46 prevention of child prostitution or for services to victims which are designated to
47 receive such distributions by the district attorney of the county.

48 **Sec. 8.** NRS 201.352 is hereby amended to read as follows:

49 201.352 1. If a person is convicted of a violation of subsection 2 of NRS
50 201.300 or NRS 201.320 ~~or~~ *section 1 of this act*, the victim of the violation is a
51 child when the offense is committed and physical force or violence or the
52 immediate threat of physical force or violence is used upon the child, the court may,
53 in addition to the term of imprisonment prescribed by statute for the offense and

1 any fine imposed pursuant to subsection 2, impose a fine of not more than
2 \$500,000.

3 2. If a person is convicted of a violation of subsection 2 of NRS 201.300 or
4 NRS 201.320 ~~or~~ *or section 1 of this act*, the victim of the offense is a child when
5 the offense is committed and the offense also involves a conspiracy to commit a
6 violation of subsection 2 of NRS 201.300 or NRS 201.320 ~~or~~ *or section 1 of this*
7 *act*, the court may, in addition to the punishment prescribed by statute for the
8 offense of a provision of subsection 2 of NRS 201.300 or NRS 201.320 *or section 1*
9 *of this act* and any fine imposed pursuant to subsection 1, impose a fine of not more
10 than \$500,000.

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

14 **Sec. 9.** NRS 202.876 is hereby amended to read as follows:

15 202.876 "Violent or sexual offense" means any act that, if prosecuted in this
16 State, would constitute any of the following offenses:

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

19 2. Mayhem pursuant to NRS 200.280.

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

21 4. Sexual assault pursuant to NRS 200.366.

22 5. Robbery pursuant to NRS 200.380.

23 6. Administering poison or another noxious or destructive substance or liquid
24 with intent to cause death pursuant to NRS 200.390.

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

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

29 9. False imprisonment pursuant to NRS 200.460 if the false imprisonment
30 involves the use or threatened use of force or violence against the victim or the use
31 or threatened use of a firearm or a deadly weapon.

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

33 11. Battery which is committed with the use of a deadly weapon or which
34 results in substantial bodily harm as described in NRS 200.481 or battery which is
35 committed by strangulation as described in NRS 200.481 or 200.485.

36 12. An offense involving pornography and a minor pursuant to NRS 200.710
37 or 200.720.

38 13. Intentional transmission of the human immunodeficiency virus pursuant
39 to NRS 201.205.

40 14. Open or gross lewdness pursuant to NRS 201.210.

41 15. Lewdness with a child pursuant to NRS 201.230.

42 16. An offense involving pandering or sex trafficking in violation of NRS
43 201.300 or prostitution in violation of NRS 201.320 ~~or~~ *or section 1 of this act*.

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

47 18. An attempt, conspiracy or solicitation to commit an offense listed in this
48 section.

49 **Sec. 10.** NRS 207.360 is hereby amended to read as follows:

50 207.360 "Crime related to racketeering" means the commission of, attempt to
51 commit or conspiracy to commit any of the following crimes:

52 1. Murder;

- 1 2. Manslaughter, except vehicular manslaughter as described in NRS
- 2 484B.657;
- 3 3. Mayhem;
- 4 4. Battery which is punished as a felony;
- 5 5. Kidnapping;
- 6 6. Sexual assault;
- 7 7. Arson;
- 8 8. Robbery;
- 9 9. Taking property from another under circumstances not amounting to
- 10 robbery;
- 11 10. Extortion;
- 12 11. Statutory sexual seduction;
- 13 12. Extortionate collection of debt in violation of NRS 205.322;
- 14 13. Forgery, including, without limitation, forgery of a credit card or debit
- 15 card in violation of NRS 205.740;
- 16 14. Obtaining and using personal identifying information of another person in
- 17 violation of NRS 205.463;
- 18 15. Establishing or possessing a financial forgery laboratory in violation of
- 19 NRS 205.46513;
- 20 16. Any violation of NRS 199.280 which is punished as a felony;
- 21 17. Burglary;
- 22 18. Grand larceny;
- 23 19. Bribery or asking for or receiving a bribe in violation of chapter 197 or
- 24 199 of NRS which is punished as a felony;
- 25 20. Battery with intent to commit a crime in violation of NRS 200.400;
- 26 21. Assault with a deadly weapon;
- 27 22. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, except a
- 28 violation of NRS 453.3393, or NRS 453.375 to 453.401, inclusive;
- 29 23. Receiving or transferring a stolen vehicle;
- 30 24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as
- 31 a felony;
- 32 25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of
- 33 NRS;
- 34 26. Receiving, possessing or withholding stolen goods valued at \$650 or
- 35 more;
- 36 27. Embezzlement of money or property valued at \$650 or more;
- 37 28. Obtaining possession of money or property valued at \$650 or more, or
- 38 obtaining a signature by means of false pretenses;
- 39 29. Perjury or subornation of perjury;
- 40 30. Offering false evidence;
- 41 31. Any violation of NRS 201.300, 201.320 or 201.360 ~~(c)~~ *or section 1 of this*
- 42 *act*;
- 43 32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud
- 44 pursuant to NRS 686A.291;
- 45 33. Any violation of NRS 205.506, 205.920 or 205.930;
- 46 34. Any violation of NRS 202.445 or 202.446;
- 47 35. Any violation of NRS 205.377;
- 48 36. Involuntary servitude in violation of any provision of NRS 200.463 or
- 49 200.464 or a violation of any provision of NRS 200.465; or
- 50 37. Trafficking in persons in violation of any provision of NRS 200.467 or
- 51 200.468.

1 **Sec. 11.** NRS 41.1399 is hereby amended to read as follows:

2 41.1399 1. Any person who is a victim of human trafficking may bring a
3 civil action against any person who caused, was responsible for or profited from the
4 human trafficking.

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

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

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

16 5. The statute of limitations for an action brought under this section does not
17 commence until:

18 (a) The plaintiff discovers or reasonably should have discovered that he or she
19 is a victim of human trafficking and that the defendant caused, was responsible for
20 or profited from the human trafficking;

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

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

24 ↳ whichever is later.

25 6. The statute of limitations for an action brought under this section is tolled
26 for any period during which the plaintiff was under a disability. For the purposes of
27 this subsection, a plaintiff is under a disability if the plaintiff is insane, a person
28 with an intellectual disability, mentally incompetent or in a medically comatose or
29 vegetative state.

30 7. A defendant in an action brought under this section is estopped from
31 asserting that the action was not brought within the statute of limitations if the
32 defendant, or any person acting on behalf of the defendant, has induced the plaintiff
33 to delay bringing an action under this section by subjecting the plaintiff to duress,
34 threats, intimidation, manipulation or fraud or any other conduct inducing the
35 plaintiff to delay bringing an action under this section.

36 8. In the discretion of the court in an action brought under this section:

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

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

41 9. The consent of a victim is not a defense to a cause of action brought under
42 this section.

43 10. For the purposes of this section:

44 (a) A victim of human trafficking is a person against whom a violation of any
45 provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 **↔ or section**
46 ***1 of this act***, or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

47 (b) It is not necessary that the defendant be investigated, arrested, prosecuted
48 or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive,
49 201.300 or 201.320 **↔ or section 1 of this act**, or 18 U.S.C. § 1589, 1590 or 1591
50 to be found liable in an action brought under this section.

1 **Sec. 12.** NRS 49.25425 is hereby amended to read as follows:

2 49.25425 “Human trafficking” means a violation of any provision of NRS
3 200.463 to 200.468, inclusive, 201.300 or 201.320 *or section 1 of this act* or 18
4 U.S.C. § 1589, 1590 or 1591.

5 **Sec. 13.** NRS 179.121 is hereby amended to read as follows:

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

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

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

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

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

17 (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320,
18 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive,
19 370.380, 370.382, 370.395, 370.405, 465.070 to 465.086, inclusive, 630.400,
20 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230,
21 635.167, 636.145, 637.090, 637B.290, 639.100, 639.2813, 640.169, 640A.230,
22 644A.900 or 654.200 ~~§~~ *or section 1 of this act.*

23 2. Except as otherwise provided for conveyances forfeitable pursuant to NRS
24 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which
25 are used or intended for use during the commission of a felony or a violation of
26 NRS 202.287, 202.300 or 465.070 to 465.086, inclusive, are subject to forfeiture
27 except that:

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

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

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

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

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

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

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

47 (c) There is a cartridge in the magazine and the magazine is in the firearm or
48 there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

49 4. As used in this section, “act of terrorism” has the meaning ascribed to it in
50 NRS 202.4415.

1 **Sec. 14.** NRS 179D.0357 is hereby amended to read as follows:

2 179D.0357 “Crime against a child” means any of the following offenses if the
3 victim of the offense was less than 18 years of age when the offense was
4 committed:

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

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

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

11 4. An offense involving sex trafficking pursuant to subsection 2 of NRS
12 201.300 or prostitution pursuant to NRS 201.320 ~~§~~ *or section 1 of this act.*

13 5. An attempt to commit an offense listed in this section.

14 6. An offense committed in another jurisdiction that, if committed in this
15 State, would be an offense listed in this section. This subsection includes, without
16 limitation, an offense prosecuted in:

17 (a) A tribal court.

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

19 7. An offense against a child committed in another jurisdiction, whether or
20 not the offense would be an offense listed in this section, if the person who
21 committed the offense resides or has resided or is or has been a student or worker in
22 any jurisdiction in which the person is or has been required by the laws of that
23 jurisdiction to register as an offender who has committed a crime against a child
24 because of the offense. This subsection includes, without limitation, an offense
25 prosecuted in:

26 (a) A tribal court.

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

28 (c) A court having jurisdiction over juveniles.

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

30 179D.115 “Tier II offender” means an offender convicted of a crime against a
31 child or a sex offender, other than a Tier III offender, whose crime against a child is
32 punishable by imprisonment for more than 1 year or whose sexual offense:

33 1. If committed against a child, constitutes:

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

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

37 (c) An offense involving sex trafficking pursuant to NRS 201.300 or
38 prostitution pursuant to NRS 201.320 ~~§~~ *or section 1 of this act;*

39 (d) An offense involving pornography and a minor pursuant to NRS 200.710 to
40 200.730, inclusive; or

41 (e) Any other offense that is comparable to or more severe than the offenses
42 described in ~~[42 U.S.C. § 16911(3);]~~ *34 U.S.C. § 20911(3);*

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

45 3. If committed in another jurisdiction, is an offense that, if committed in this
46 State, would be an offense listed in this section. This subsection includes, without
47 limitation, an offense prosecuted in:

48 (a) A tribal court; or

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

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

1 **Sec. 16.** NRS 217.400 is hereby amended to read as follows:

2 217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context
3 otherwise requires:

4 1. “Dating relationship” means frequent, intimate associations primarily
5 characterized by the expectation of affectional or sexual involvement. The term
6 does not include a casual relationship or an ordinary association between persons in
7 a business or social context.

8 2. “Division” means the Division of Child and Family Services of the
9 Department of Health and Human Services.

10 3. “Domestic violence” means:

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

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

18 (1) A battery.

19 (2) An assault.

20 (3) Compelling the other by force or threat of force to perform an act from
21 which he or she has the right to refrain or to refrain from an act which he or she has
22 the right to perform.

23 (4) A sexual assault.

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

26 (I) Stalking.

27 (II) Arson.

28 (III) Trespassing.

29 (IV) Larceny.

30 (V) Destruction of private property.

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

32 (6) False imprisonment.

33 (7) Unlawful entry of the other’s residence, or forcible entry against the
34 other’s will if there is a reasonably foreseeable risk of harm to the other from the
35 entry.

36 4. “Family or household member” means a spouse, a former spouse, a parent
37 or other adult person who is related by blood or marriage or is or was actually
38 residing with the person committing the act of domestic violence.

39 5. “Participant” means an adult, child or incapacitated person for whom a
40 fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

41 6. “Victim of domestic violence” includes the dependent children of the
42 victim.

43 7. “Victim of human trafficking” means a person who is a victim of:

44 (a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

45 (b) A violation of any provision of NRS 200.465.

46 (c) Trafficking in persons in violation of any provision of NRS 200.467 or
47 200.468.

48 (d) Sex trafficking in violation of any provision of NRS 201.300.

49 (e) A violation of NRS 201.320 ~~or~~ **or section 1 of this act.**

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

1 9. "Victim of stalking" means a person who is a victim of the crime of
2 stalking or aggravated stalking as set forth in NRS 200.575.

3 **Sec. 17.** NRS 217.520 is hereby amended to read as follows:

4 217.520 "Victim of human trafficking" means a person who is a victim of:

5 1. Involuntary servitude as set forth in NRS 200.463 or 200.464.

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

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

9 4. Pandering in violation of any provision of NRS 201.300.

10 5. A violation of NRS 201.320 ~~§~~ *or section 1 of this act.*

11 **Sec. 18.** NRS 432.157 is hereby amended to read as follows:

12 432.157 1. The Office of Advocate for Missing or Exploited Children is
13 hereby created within the Office of the Attorney General. The Advocate for
14 Missing or Exploited Children may be known as the Children's Advocate.

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

17 3. The Children's Advocate:

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

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

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

23 4. The Children's Advocate may:

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

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

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

29 (d) Investigate and prosecute any alleged crime involving the exploitation of
30 children, including, without limitation, sex trafficking in violation of subsection 2
31 of NRS 201.300 or a violation of NRS 201.320 ~~§~~ *or section 1 of this act.*

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

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

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

44 8. Money in the Special Account may only be used for the support of the
45 Office of Advocate for Missing or Exploited Children and its activities pursuant to
46 subsection 2 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive ~~§~~,
47 *and section 1 of this act.*

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

50 **Sec. 19.** The amendatory provisions of this act apply to an offense committed
51 on or after the effective date of this act.

52 **Sec. 20.** This act becomes effective upon passage and approval.