

ASSEMBLY BILL NO. 209—ASSEMBLYMEMBER ORENTLICHER

PREFILED FEBRUARY 3, 2025

Referred to Committee on Judiciary

SUMMARY—Provides immunity from criminal liability for engaging in prostitution or committing certain acts while engaged in prostitution. (BDR 15-781)

FISCAL NOTE: Effect on Local Government: No.
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 crimes; providing immunity from criminal liability for engaging in prostitution or committing certain acts while engaged in prostitution under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a peace officer who detains, arrests or issues a citation to
2 a prostitute for a violation of the prohibition against unlawfully engaging in
3 prostitution or solicitation for prostitution to provide information relating to certain
4 assistance for which the prostitute might be eligible. Existing law also requires a
5 prosecuting attorney to dismiss the charge against a prostitute for such a violation if
6 the prosecuting attorney has reason to believe that the prostitute is a victim of sex
7 trafficking. (NRS 201.353)

8 **Section 2** of this bill declares that it is the public policy of this State to
9 encourage the ability of victims and witnesses of serious violent crimes to report
10 and participate in the criminal justice system without fear of criminal prosecution
11 for engaging in prostitution or committing certain acts while engaged in
12 prostitution. **Section 3** of this bill provides that a person who violates certain
13 provisions of existing law relating to prostitution, controlled substances or certain
14 acts relating to vagrancy is immune from criminal liability if, during the course of
15 allegedly engaging in prostitution, the person: (1) is a victim or witness to certain
16 serious violent offenses; and (2) seeks certain assistance. **Section 4** of this bill
17 applies the definitions in existing law relating to prostitution to **sections 2 and 3**.



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
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *The Legislature hereby declares that the public policy*
4 *of this State is to encourage victims and witnesses of serious*
5 *violent crimes to report such crimes and to participate in the*
6 *criminal justice system. Those persons who are working in sex*
7 *industries that are criminalized by state law often do not report*
8 *serious crimes committed against themselves, or committed*
9 *against others in their presence, because of fear of arrest and*
10 *prosecution for sex work and low-level drug crimes. Providing*
11 *immunity from criminal liability to persons engaging in*
12 *prostitution or committing certain acts while engaged in*
13 *prostitution ensures that victims and witnesses of serious violent*
14 *crimes that occur during prostitution offenses may come forward*
15 *to report the perpetrators without fear of arrest and prosecution.*

16 **Sec. 3. 1.** *Notwithstanding any other provision of law, a*
17 *person described in subsection 2 is immune from criminal liability*
18 *for committing:*

19 (a) *A violation of any provision of NRS 201.353 or 207.030*
20 *relating to prostitution;*

21 (b) *A violation of Chapter 453 of NRS relating to:*

22 (1) *Drug paraphernalia, including, without limitation, NRS*
23 *453.554 to 453.566, inclusive;*

24 (2) *Possession, unless it is for the purpose of sale or*
25 *violates the provisions of NRS 453.3385, subsection 2 of NRS*
26 *453.3393 or 453.3405; or*

27 (3) *Use of a controlled substance, including, without*
28 *limitation, NRS 453.336; or*

29 (c) *Any of the following offenses:*

30 (1) *Obstructing a public officer pursuant to NRS 197.190;*

31 (2) *Breaching the peace pursuant to NRS 203.010;*

32 (3) *Loitering or any act of vagrancy pursuant to*
33 *NRS 207.030;*

34 (4) *Trespass pursuant to NRS 207.200; or*

35 (5) *Any similar offense punishable by a county, city or town*
36 *ordinance.*

37 2. *A person qualifies for the immunity provided pursuant to*
38 *subsection 1 if the person commits any of the offenses described in*
39 *subsection 1 during the course of allegedly engaging in*
40 *prostitution and:*

41 (a) *Is a victim of or witness to any of the following offenses:*

42 (1) *Human trafficking as defined in NRS 49.25425;*



1 (2) *Murder or voluntary manslaughter pursuant to NRS*
2 *200.010 to 200.260, inclusive;*

3 (3) *Kidnapping pursuant to NRS 200.310 to 200.340,*
4 *inclusive;*

5 (4) *Sexual assault pursuant to NRS 200.366;*

6 (5) *False imprisonment pursuant to NRS 200.460;*

7 (6) *Assault pursuant to NRS 200.471;*

8 (7) *Harassment pursuant to NRS 200.571;*

9 (8) *Stalking or aggravated stalking pursuant to*
10 *NRS 200.575;*

11 (9) *Open or gross lewdness pursuant to NRS 201.210;*

12 (10) *Lewdness with a child pursuant to NRS 201.230;*

13 (11) *An offense involving pandering or sex trafficking in*
14 *violation of NRS 201.300, prostitution in violation of NRS 201.320*
15 *or advancing prostitution in violation of NRS 201.395;*

16 (12) *Luring a child or person with mental illness pursuant*
17 *to NRS 201.560;*

18 (13) *Extortion pursuant to NRS 205.320;*

19 (14) *Sending or delivering threatening or obscene letters or*
20 *writings pursuant to NRS 207.180;*

21 (15) *Coercion pursuant to NRS 207.190;*

22 (16) *Vehicular manslaughter pursuant to NRS 484B.657;*

23 *or*

24 (17) *Vehicular homicide pursuant to NRS 484C.130; and*

25 (b) *Seeks assistance from a law enforcement agency, 911*
26 *emergency service or medical provider and the evidence for the*
27 *charges listed in paragraph (a) was obtained as a result of:*

28 (1) *The person seeking assistance;*

29 (2) *The immediate need for assistance; or*

30 (3) *The reporting of a need for assistance.*

31 3. *Nothing in this section prohibits the prosecution of a*
32 *person for any offense other than those listed in subsection 1 or*
33 *limits the ability of a district attorney or law enforcement officer to*
34 *obtain or use evidence from a report or recording or any other*
35 *statement provided pursuant to paragraph (b) of subsection 2 to*
36 *prosecute an offense other than those listed in subsection 1.*

37 **Sec. 4.** NRS 201.295 is hereby amended to read as follows:

38 201.295 As used in NRS 201.295 to 201.440, inclusive, *and*
39 *sections 2 and 3 of this act*, unless the context otherwise requires:

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

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

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

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



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

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

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

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

11 **Sec. 5.** The amendatory provisions of this act apply to any
12 offense committed on or after October 1, 2025.

