
ASSEMBLY BILL NO. 238—ASSEMBLYMEN HORNE, ANDERSON;
AIZLEY, BOBZIEN, BUCKLEY, DONDERO LOOP, HOGAN,
KIHUEN, MANENDO, MORTENSON, OCEGUERA,
OHRENSCHALL, SEGERBLOM AND SMITH

MARCH 4, 2009

JOINT SPONSORS: SENATORS PARKS; AND HORSFORD

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Provides that persons who are convicted of certain offenses involving pandering or prostitution of a child are subject to lifetime supervision. (BDR 14-177)

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

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

AN ACT relating to crimes; providing that persons who are convicted of certain offenses involving pandering or prostitution of a child are subject to lifetime supervision; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person is subject to lifetime supervision, following
2 probation, imprisonment or parole, if the person is convicted of certain sexual
3 offenses. (NRS 176.0931) This bill revises the list of such sexual offenses for
4 which a person is subject to lifetime supervision to include the following offenses
5 relating to pandering and prostitution, if the victim of the offense is less than 18
6 years of age when the offense is committed: (1) pandering, by inducing a person to
7 become a prostitute through threats or other actions; (2) pandering, by placing a
8 spouse in a house of prostitution through force, fraud, intimidation or threats; (3)
9 living from the earnings of a prostitute; (4) pandering, by detaining a person in a
10 house of prostitution because of any debt; and (5) pandering, by furnishing
11 transportation to induce a person to become a prostitute or engage in prostitution.
12 (NRS 201.300-201.340)



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

1 **Section 1.** NRS 176.0931 is hereby amended to read as
2 follows:

3 176.0931 1. If a defendant is convicted of a sexual offense,
4 the court shall include in sentencing, in addition to any other
5 penalties provided by law, a special sentence of lifetime supervision.

6 2. The special sentence of lifetime supervision commences
7 after any period of probation or any term of imprisonment and any
8 period of release on parole.

9 3. A person sentenced to lifetime supervision may petition the
10 sentencing court or the State Board of Parole Commissioners for
11 release from lifetime supervision. The sentencing court or the Board
12 shall grant a petition for release from a special sentence of lifetime
13 supervision if:

14 (a) The person has complied with the requirements of the
15 provisions of NRS 179D.010 to 179D.550, inclusive;

16 (b) The person has not been convicted of an offense that poses a
17 threat to the safety or well-being of others for an interval of at least
18 10 consecutive years after his last conviction or release from
19 incarceration, whichever occurs later; and

20 (c) The person is not likely to pose a threat to the safety of
21 others, as determined by a person professionally qualified to
22 conduct psychosexual evaluations, if released from lifetime
23 supervision.

24 4. A person who is released from lifetime supervision pursuant
25 to the provisions of subsection 3 remains subject to the provisions
26 for registration as a sex offender and to the provisions for
27 community notification, unless he is otherwise relieved from the
28 operation of those provisions pursuant to the provisions of NRS
29 179D.010 to 179D.550, inclusive.

30 5. As used in this section:

31 (a) "Offense that poses a threat to the safety or well-being of
32 others" includes, without limitation:

33 (1) An offense that involves:

34 (I) A victim less than 18 years of age;

35 (II) A crime against a child as defined in
36 NRS 179D.0357;

37 (III) A sexual offense as defined in NRS 179D.097;

38 (IV) A deadly weapon, explosives or a firearm;

39 (V) The use or threatened use of force or violence;

40 (VI) Physical or mental abuse;

41 (VII) Death or bodily injury;

42 (VIII) An act of domestic violence;



- 1 (IX) Harassment, stalking, threats of any kind or other
2 similar acts;
- 3 (X) The forcible or unlawful entry of a home, building,
4 structure, vehicle or other real or personal property; or
- 5 (XI) The infliction or threatened infliction of damage or
6 injury, in whole or in part, to real or personal property.
- 7 (2) Any offense listed in subparagraph (1) that is committed
8 in this State or another jurisdiction, including, without limitation, an
9 offense prosecuted in:
- 10 (I) A tribal court.
- 11 (II) A court of the United States or the Armed Forces of
12 the United States.
- 13 (b) "Person professionally qualified to conduct psychosexual
14 evaluations" has the meaning ascribed to it in NRS 176.133.
- 15 (c) "Sexual offense" means:
- 16 (1) A violation of NRS 200.366, subsection 4 of NRS
17 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
18 NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
19 subsection 1 of NRS 201.195, NRS 201.230 ~~for~~, *201.300 to*
20 *201.340, inclusive, if the victim of the offense is less than 18 years*
21 *of age when the offense is committed, NRS* 201.450 or paragraph
22 (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
23 NRS 201.560;
- 24 (2) An attempt to commit an offense listed in subparagraph
25 (1); or
- 26 (3) An act of murder in the first or second degree,
27 kidnapping in the first or second degree, false imprisonment,
28 burglary or invasion of the home if the act is determined to be
29 sexually motivated at a hearing conducted pursuant to NRS 175.547.
- 30 **Sec. 2.** The amendatory provisions of this act apply to offenses
31 committed on or after October 1, 2009.

