
ASSEMBLY BILL NO. 260—ASSEMBLYMEN TOLLES, OSCARSON;
HAMBRICK, KRASNER, MILLER, PICKARD AND WHEELER

MARCH 7, 2017

JOINT SPONSORS: SENATORS GANSERT,
CANNIZZARO, HARRIS AND HARDY

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the crime of prostitution. (BDR 18-821)

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 crimes; requiring the appointment of a Committee on Prostitution and Human Trafficking; requiring the Committee to adopt regulations for the evaluation, certification and monitoring of programs for the treatment of certain persons convicted of solicitation for prostitution; enacting various provisions governing the certification of such programs; authorizing justice courts and municipal courts to suspend the sentence of certain persons convicted of solicitation for prostitution; revising provisions and penalties for certain acts relating to prostitution; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person who engages in solicitation for prostitution,
2 or offers or agrees to engage in prostitution, for the first offense, is guilty of a
3 misdemeanor. (NRS 201.354, 207.030) **Section 4** of this bill increases the penalty
4 for engaging in solicitation for prostitution if a person offers to pay another person
5 a fee, monetary consideration or other thing of value with the intent to engage in
6 sexual conduct. A person who is found guilty of such an offense for a: (1) first
7 offense, is guilty of a misdemeanor and a mandatory fine of not less than \$400;



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8 (2) second offense, is guilty of a gross misdemeanor and a mandatory fine of not
9 less than \$800; and (3) third and subsequent offense, is guilty of a gross
10 misdemeanor and a mandatory fine of not less than \$1,300. **Section 4** additionally
11 requires the court to impose a civil penalty on a person who is found guilty of such
12 an offense, and provides that the civil penalties collected be used only for: (1)
13 enforcing certain crimes relating to solicitation for prostitution; and (2) programs of
14 treatment for persons who solicit prostitution. **Section 1** of this bill: (1) requires the
15 Attorney General to appoint a Committee on Prostitution and Human Trafficking;
16 (2) sets forth the membership for the Committee; (3) requires the Committee to
17 adopt regulations for the evaluation, certification and monitoring of programs
18 for treatment for persons who are convicted of a first-time offense of solicitation for
19 prostitution; (4) requires certain information to be included in such programs for
20 treatment; and (5) prescribes other duties of the Committee.

21 Existing law authorizes a justice of the peace or municipal judge to suspend the
22 sentence of a person convicted of a misdemeanor that constitutes domestic violence
23 upon the conditions that the person participate in certain programs for treatment
24 and comply with any other condition ordered by the justice of the peace or
25 municipal judge. (NRS 4.373, 5.055) **Sections 2 and 3** of this bill similarly
26 authorize a justice of the peace or municipal judge to suspend the sentence of a
27 person who is convicted of a misdemeanor that constitutes solicitation for
28 prostitution on the condition that the person actively participates in a program for
29 the treatment of persons who solicit prostitution and comply with any other
30 conditions ordered by the justice of the peace or municipal judge.

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

1 **Section 1.** Chapter 228 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Attorney General shall appoint a Committee on*
4 *Prostitution and Human Trafficking comprised of:*

5 *(a) One staff member of a program for victims of sex*
6 *trafficking;*

7 *(b) One staff member of a program for the treatment of*
8 *persons who solicit prostitution;*

9 *(c) One representative from an office of the district attorney*
10 *with experience in prosecuting criminal offenses;*

11 *(d) One representative from an office of the city attorney with*
12 *experience in prosecuting criminal offenses;*

13 *(e) One law enforcement officer;*

14 *(f) One provider of mental health care;*

15 *(g) Two victims of sex trafficking; and*

16 *(h) One justice of the peace or municipal judge.*

17 *2. At least two members of the Committee must be residents*
18 *of a county whose population is less than 100,000.*

19 *3. In carrying out the duties set forth in this section, the*
20 *Committee shall consult with and solicit input from the following*
21 *entities and interests:*



1 (a) *Mental health professionals;*

2 (b) *As determined appropriate by the Committee, other persons*
3 *and entities with expertise in matters relevant to prostitution and*
4 *sex trafficking; and*

5 (c) *Any other person determined appropriate by the*
6 *Committee.*

7 4. *The Committee shall:*

8 (a) *Adopt regulations for the evaluation, certification and*
9 *monitoring of programs for the treatment of persons who solicit*
10 *prostitution;*

11 (b) *Review, monitor and certify programs for the treatment of*
12 *persons who solicit prostitution;*

13 (c) *Review and evaluate programs provided to peace officers*
14 *for training related to prostitution and sex trafficking and make*
15 *recommendations to the Peace Officers' Standards and Training*
16 *Commission regarding such training;*

17 (d) *To the extent that money is available, arrange for the*
18 *provision of legal services, including, without limitation, assisting*
19 *a person in a motion to vacate a judgment if the judgment is a*
20 *conviction for a violation of NRS 201.354 for engaging in*
21 *prostitution or solicitation for prostitution pursuant to subsection*
22 *5 of NRS 176.515; and*

23 (e) *Submit on or before March 1 of each odd-numbered year a*
24 *report to the Director of the Legislative Counsel Bureau for*
25 *distribution to the regular session of the Legislature. The report*
26 *must include, without limitation, a summary of the work of the*
27 *Committee and recommendations for any necessary legislation*
28 *concerning prostitution or sex trafficking.*

29 5. *The regulations governing certification of programs for*
30 *the treatment of persons who solicit prostitution adopted pursuant*
31 *to paragraph (a) of subsection 4 must include, without limitation:*

32 (a) *A program of treatment that includes information,*
33 *counseling and services regarding:*

34 (1) *Sex addiction;*

35 (2) *Sexually transmitted diseases;*

36 (3) *Mental health;*

37 (4) *Substance abuse; and*

38 (5) *The prevention of prostitution.*

39 (b) *A list of employees or volunteers which may provide the*
40 *treatment required by a program described in paragraph (a) and*
41 *such list may include, without limitation, a person who is a:*

42 (1) *Physician pursuant to chapter 630 of NRS;*

43 (2) *Psychologist pursuant to chapter 641 of NRS;*

44 (3) *Clinical professional counselor pursuant to chapter*
45 *641A of NRS;*



1 (4) *Clinical social worker pursuant to chapter 641B of*
2 *NRS;*

3 (5) *Former prostitute as defined in NRS 201.295;*

4 (6) *Family member of a person arrested for soliciting*
5 *prostitution;*

6 (7) *Representative of a neighborhood association or*
7 *community that is adversely affected by prostitution or sex*
8 *trafficking; or*

9 (8) *Representative of an organization created for the*
10 *awareness or prevention of sex trafficking, or the advocacy of*
11 *victims of sex trafficking.*

12 (c) *Include, without limitation, provisions allowing a program*
13 *that is located in another state to become certified in this State to*
14 *provide treatment to persons who:*

15 (1) *Reside in this State; and*

16 (2) *Are ordered by a court in this State to participate in a*
17 *program for the treatment of persons who solicit prostitution.*

18 6. *The Committee shall, at its first meeting and annually*
19 *thereafter, elect a Chair from among its members.*

20 7. *The Committee shall meet regularly at least semiannually*
21 *and may meet at other times upon the call of the Chair. Any five*
22 *members of the Committee constitute a quorum for the purpose of*
23 *voting. A majority vote of the quorum is required to take action*
24 *with respect to any matter.*

25 8. *The Attorney General shall provide the Committee with*
26 *such staff as is necessary to carry out the duties of the Committee.*

27 9. *While engaged in the business of the Committee, each*
28 *member and employee of the Committee is entitled to receive the*
29 *per diem allowance and travel expenses provided for state officers*
30 *and employees generally.*

31 10. *As used in this section:*

32 (a) *“Mental health professional” has the meaning ascribed to*
33 *it in NRS 629.550.*

34 (b) *“Prostitution” has the meaning ascribed to it in*
35 *NRS 201.295.*

36 (b) *“Sex trafficking” means a violation of subsection 2 of*
37 *NRS 201.300.*

38 **Sec. 2.** NRS 4.373 is hereby amended to read as follows:

39 4.373 1. Except as otherwise provided in ~~{subsection 2,}~~
40 *subsections 2 and 3*, NRS 211A.127 or another specific statute, or
41 unless the suspension of a sentence is expressly forbidden, a justice
42 of the peace may suspend, for not more than 2 years, the sentence of
43 a person convicted of a misdemeanor. If the circumstances warrant,
44 the justice of the peace may order as a condition of suspension that
45 the offender:



1 (a) Make restitution to the owner of any property that is lost,
2 damaged or destroyed as a result of the commission of the offense;

3 (b) Engage in a program of community service, for not more
4 than 200 hours;

5 (c) Actively participate in a program of professional counseling
6 at the expense of the offender;

7 (d) Abstain from the use of alcohol and controlled substances;

8 (e) Refrain from engaging in any criminal activity;

9 (f) Engage or refrain from engaging in any other conduct
10 deemed appropriate by the justice of the peace;

11 (g) Submit to a search and seizure by the chief of a department
12 of alternative sentencing, an assistant alternative sentencing officer
13 or any other law enforcement officer at any time of the day or night
14 without a search warrant; and

15 (h) Submit to periodic tests to determine whether the offender is
16 using a controlled substance or consuming alcohol.

17 2. If a person is convicted of a misdemeanor that constitutes
18 domestic violence pursuant to NRS 33.018, the justice of the peace
19 may, after the person has served any mandatory minimum period of
20 confinement, suspend the remainder of the sentence of the person
21 for not more than 3 years upon the condition that the person actively
22 participate in:

23 (a) A program of treatment for the abuse of alcohol or drugs
24 which is certified by the Division of Public and Behavioral Health
25 of the Department of Health and Human Services;

26 (b) A program for the treatment of persons who commit
27 domestic violence that has been certified pursuant to NRS 228.470;
28 or

29 (c) The programs set forth in paragraphs (a) and (b),
30 and that the person comply with any other condition of
31 suspension ordered by the justice of the peace.

32 3. *If a person is convicted of a misdemeanor that constitutes*
33 *solicitation for prostitution pursuant to NRS 201.354 or paragraph*
34 *(b) of subsection 1 of NRS 207.030, the justice of the peace may*
35 *suspend the sentence for not more than 3 years upon the condition*
36 *that the person:*

37 (a) *Actively participate in a program for the treatment of*
38 *persons who solicit prostitution that has been certified pursuant to*
39 *section 1 of this act; and*

40 (b) *Comply with any other condition of suspension ordered by*
41 *the justice of the peace.*

42 4. The justice of the peace may order reports from a person
43 whose sentence is suspended at such times as the justice of the
44 peace deems appropriate concerning the compliance of the offender
45 with the conditions of suspension. If the offender complies with the



1 conditions of suspension to the satisfaction of the justice of the
2 peace, the sentence may be reduced to not less than the minimum
3 period of confinement established for the offense.

4 ~~4.~~ 5. The justice of the peace may issue a warrant for the
5 arrest of an offender who violates or fails to fulfill a condition of
6 suspension.

7 **Sec. 3.** NRS 5.055 is hereby amended to read as follows:

8 5.055 1. Except as otherwise provided in ~~subsection 2,~~
9 **subsections 2 and 3,** NRS 211A.127 or another specific statute, or
10 unless the suspension of a sentence is expressly forbidden, a
11 municipal judge may suspend, for not more than 2 years, the
12 sentence of a person convicted of a misdemeanor. If the
13 circumstances warrant, the municipal judge may order as a
14 condition of suspension that the offender:

15 (a) Make restitution to the owner of any property that is lost,
16 damaged or destroyed as a result of the commission of the offense;

17 (b) Engage in a program of community service, for not more
18 than 200 hours;

19 (c) Actively participate in a program of professional counseling
20 at the expense of the offender;

21 (d) Abstain from the use of alcohol and controlled substances;

22 (e) Refrain from engaging in any criminal activity;

23 (f) Engage or refrain from engaging in any other conduct
24 deemed appropriate by the municipal judge;

25 (g) Submit to a search and seizure by the chief of a department
26 of alternative sentencing, an assistant alternative sentencing officer
27 or any other law enforcement officer at any time of the day or night
28 without a search warrant; and

29 (h) Submit to periodic tests to determine whether the offender is
30 using any controlled substance or alcohol.

31 2. If a person is convicted of a misdemeanor that constitutes
32 domestic violence pursuant to NRS 33.018, the municipal judge
33 may, after the person has served any mandatory minimum period of
34 confinement, suspend the remainder of the sentence of the person
35 for not more than 3 years upon the condition that the person actively
36 participate in:

37 (a) A program of treatment for the abuse of alcohol or drugs
38 which is certified by the Division of Public and Behavioral Health
39 of the Department of Health and Human Services;

40 (b) A program for the treatment of persons who commit
41 domestic violence that has been certified pursuant to NRS 228.470;
42 or

43 (c) The programs set forth in paragraphs (a) and (b),

44 and that the person comply with any other condition of
45 suspension ordered by the municipal judge.



1 3. *If a person is convicted of a misdemeanor that constitutes*
2 *solicitation for prostitution pursuant to NRS 201.354 or paragraph*
3 *(b) of subsection 1 of NRS 207.030, the municipal judge may*
4 *suspend the sentence for not more than 3 years upon the condition*
5 *that the person:*

6 (a) *Actively participate in a program for the treatment of*
7 *persons who solicit prostitution that has been certified pursuant to*
8 *section 1 of this act; and*

9 (b) *Comply with any other condition of suspension ordered by*
10 *the municipal judge.*

11 4. The municipal judge may order reports from a person whose
12 sentence is suspended at such times as the municipal judge deems
13 appropriate concerning the compliance of the offender with the
14 conditions of suspension. If the offender complies with the
15 conditions of suspension to the satisfaction of the municipal judge,
16 the sentence may be reduced to not less than the minimum period of
17 confinement established for the offense.

18 ~~4.4~~ 5. The municipal judge may issue a warrant for the arrest
19 of an offender who violates or fails to fulfill a condition of
20 suspension.

21 **Sec. 4.** NRS 201.354 is hereby amended to read as follows:

22 201.354 1. It is unlawful for any person to engage in
23 prostitution or solicitation therefor, except in a licensed house of
24 prostitution.

25 2. Except as otherwise provided in ~~subsection~~ *subsections* 3
26 ~~4~~ *and 5*, a person who violates subsection 1 is guilty of a
27 misdemeanor.

28 3. *A person who violates subsection 1 by offering to pay*
29 *another person a fee, monetary consideration or other thing of*
30 *value with the intent to engage in sexual conduct:*

31 (a) *For a first offense, is guilty of a misdemeanor and shall be*
32 *punished as provided in NRS 193.150, and by a fine of not less*
33 *than \$400.*

34 (b) *For a second offense, is guilty of a gross misdemeanor and*
35 *shall be punished as provided in NRS 193.140, and by a fine of not*
36 *less than \$800.*

37 (c) *For a third or subsequent offense, is guilty of a gross*
38 *misdemeanor and shall be punished as provided in NRS 193.140,*
39 *and by a fine of not less than \$1,300.*

40 4. *In addition to any other penalty imposed, the court shall*
41 *order a person who violates subsection 3 to pay a civil penalty of*
42 *not less than \$200 per offense. The civil penalty must be paid to*
43 *the district attorney or city attorney of the jurisdiction in which the*
44 *violation occurred.*



1 **5.** A person who violates subsection 1 by soliciting a child for
2 prostitution:
3 (a) For a first offense, is guilty of a category E felony and shall
4 be punished as provided in NRS 193.130, and by a fine of not more
5 than \$5,000.
6 (b) For a second offense, is guilty of a category D felony and
7 shall be punished as provided in NRS 193.130.
8 (c) For a third or subsequent offense, is guilty of a category C
9 felony and shall be punished as provided in NRS 193.130. The court
10 shall not grant probation to or suspend the sentence of a person
11 punished pursuant to this paragraph.
12 **6. Any civil penalty collected by a district attorney or city**
13 **attorney pursuant to subsection 4 must be deposited in the county**
14 **or city treasury, as applicable, to be used for:**
15 **(a) The enforcement of this section; and**
16 **(b) Programs of treatment for persons who solicit prostitution**
17 **certified pursuant to section 1 of this act.**
18 **Sec. 5.** The provisions of subsection 1 of NRS 218D.380 do
19 not apply to any provision of this act which adds or revises a
20 requirement to submit a report to the Legislature.

