

ASSEMBLY BILL NO. 183—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

FEBRUARY 16, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the protection of children from commercial sexual exploitation. (BDR 5-321)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 child welfare; requiring certain entities in the juvenile justice system and the child welfare system to screen certain children for commercial sexual exploitation; requiring such entities to take certain actions if the results of a screening indicate that a child is a victim of commercial sexual exploitation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires certain persons or entities to report the commercial sexual
- 2 exploitation of a child to an agency which provides child welfare services. (NRS
- 3 62C.015, 432B.220, 432C.110) Upon receiving such a report, existing law requires
- 4 an agency which provides child welfare services to: (1) conduct an assessment to
- 5 determine whether the child is a victim of commercial sexual exploitation; and (2)
- 6 take certain actions to protect the safety of the child and meet the other needs of the
- 7 child. (NRS 432C.130)
- 8 Existing law requires a local facility for the detention of children, a regional
- 9 facility for the treatment and rehabilitation of children and a state facility for the
- 10 detention of children to screen each child who is committed to, or placed under the
- 11 custody of, the facility to determine whether the child is in need of mental health
- 12 services or has a substance use disorder. (NRS 62C.035, 62E.513) **Sections 2 and 3**
- 13 of this bill additionally require such facilities to screen each child to determine
- 14 whether the child is a victim of commercial sexual exploitation. **Sections 2 and 3**
- 15 also: (1) require such facilities to report the commercial sexual exploitation of the
- 16 child to an agency which provides child welfare services if the results of the
- 17 screening indicate that the child is a victim of commercial sexual exploitation; and



18 (2) deem such a report to be a report of commercial sexual exploitation for
19 purposes of certain mandatory requirements and procedures for reporting abuse,
20 neglect or exploitation of a child. **Section 1** of this bill makes a conforming change
21 by removing certain requirements relating to the reporting of commercial sexual
22 exploitation of a child that are now addressed by **section 2**. **Section 6** of this bill
23 requires an agency which provides child welfare services to take certain actions to
24 protect the safety of the child and meet the other needs of the child upon receipt of
25 a report submitted pursuant to **sections 2 and 3**.

26 Existing law prescribes certain requirements relating to the method of screening
27 used by a local facility for the detention of children to comply with certain statutory
28 requirements relating to the screening of a child in its custody. (NRS 62E.516)
29 **Section 4** of this bill additionally requires the method of screening to be reliable
30 and valid for identifying a child who is a victim of commercial sexual exploitation.

31 **Section 5** of this bill requires an agency which provides child welfare services
32 to screen each child in its custody to determine whether the child is a victim of
33 commercial sexual exploitation. **Section 5** also: (1) prescribes requirements relating
34 to the method used by an agency which provides child welfare services to conduct
35 the screening; and (2) requires the agency to take the actions required by **section 6**
36 if the results of the screening indicate that the child is a victim of commercial
37 sexual exploitation.

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

1 **Section 1.** NRS 62C.015 is hereby amended to read as
2 follows:

3 62C.015 1. A child must not be adjudicated as delinquent or
4 in need of supervision for engaging in prostitution or solicitation for
5 prostitution pursuant to NRS 201.353 or 201.354 or paragraph (b) of
6 subsection 1 of NRS 207.030.

7 2. A child must not be placed in a state or local facility for the
8 detention of children if:

9 (a) The child is alleged to have violated:

10 (1) The provisions of NRS 197.190, 207.200 or 463.350; or

11 (2) A county or municipal ordinance imposing a curfew on a
12 child or prohibiting jaywalking or loitering for the purpose of
13 solicitation for prostitution; and

14 (b) There is reasonable cause to believe that the child is a
15 commercially sexually exploited child.

16 3. If a court finds that a child committed an act described in
17 subsection 2 and that clear and convincing evidence exists that the
18 child committed the act in connection with commercial sexual
19 exploitation, the court shall not adjudicate the child as a delinquent
20 child or a child in need of supervision based on that act. Upon such
21 a finding, the court shall report the commercial sexual exploitation
22 of the child to an agency which provides child welfare services.

23 4. ~~1A juvenile justice agency that has reasonable cause to~~
24 ~~believe that a child in its custody is or has been a commercially~~



~~sexually exploited child shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.~~

~~—5.]~~ As used in this section:

(a) “Commercial sexual exploitation” means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

(b) “Commercially sexually exploited child” has the meaning ascribed to it in NRS 424.0115.

~~[(c) “Juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.]~~

Sec. 2. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. Each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child:

(a) Is in need of mental health services; ~~or~~

(b) Has an alcohol or other substance use disorder ~~or~~; *or*

(c) Is a victim of commercial sexual exploitation.

2. The facility in which the child is detained shall ~~cause~~ :

(a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility ~~or~~; and

(b) Report the commercial sexual exploitation of the child to an agency which provides child welfare services as soon as practicable after conducting the screening if the results of the screening indicate that the child is a victim of commercial sexual exploitation.

3. The method for conducting the screening required pursuant to subsection 1 must satisfy the requirements of NRS 62E.516.

4. If a local facility for the detention of children reports the commercial sexual exploitation of a child pursuant to subsection 2, the report made pursuant to subsection 2 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 and:

(a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS; and

(b) The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.

5. As used in this section, “commercial sexual exploitation” has the meaning ascribed to it in NRS 432C.050.



Sec. 3. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. Each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child:

- (a) Is in need of mental health services; ~~or~~
- (b) Has an alcohol or other substance use disorder ~~;~~

~~;~~ *or*
(c) *Is a victim of commercial sexual exploitation.*

2. *The facility to which the child is committed or in which the child is placed shall:*

(a) *Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed or placed in the facility; and*

(b) *Additionally screen each child committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has an alcohol or other substance use disorder* once every 6 months or when significant changes to the child's case plan developed pursuant to NRS 62E.507 or 62E.525, as applicable, are made.

~~2.~~ 3. The facility to which the child is committed or in which the child is placed shall ~~cause the screening required pursuant to subsection 1 to be conducted~~ *report the commercial sexual exploitation of the child to an agency which provides child welfare services* as soon as practicable after *conducting the screening required by subsection 1 if the results of the screening indicate that the child* ~~has been committed to or placed in the facility.~~
~~—3.~~ *is a victim of commercial sexual exploitation.*

4. The method for conducting ~~the~~ a screening required ~~pursuant to subsection 1~~ *by this section* must satisfy the requirements of NRS 62E.516.

5. *If a facility reports the commercial sexual exploitation of a child pursuant to subsection 3, the report made pursuant to subsection 3 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 and:*

(a) *The child welfare agency shall act upon the report pursuant to chapter 432C of NRS; and*

(b) *The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.*

6. *As used in this section, "commercial sexual exploitation" has the meaning ascribed to it in NRS 432C.050.*



1 **Sec. 4.** NRS 62E.516 is hereby amended to read as follows:

2 62E.516 1. Each local facility for the detention of children
3 shall conduct the screening required pursuant to NRS 62C.035 using
4 a method that has been approved by the Division of Child and
5 Family Services. The Division shall approve a method upon
6 determining that the method is:

7 (a) Based on research; and

8 (b) Reliable and valid for identifying a child who:

9 (1) Is in need of mental health services; ~~for~~

10 (2) Has an alcohol or other substance use disorder ~~is~~; **or**

11 **(3) *Is a victim of commercial sexual exploitation.***

12 2. Each local facility for the detention of children shall submit
13 its method for conducting the screening required pursuant to NRS
14 62C.035 to the Division of Child and Family Services for approval
15 on or before July 1 of each fifth year after the date on which the
16 method was initially approved by the Division. Before a local
17 facility for the detention of children may begin using a new method
18 for conducting the screening required pursuant to NRS 62C.035, the
19 facility must obtain approval of the method from the Division
20 pursuant to subsection 1.

21 3. If the Division of Child and Family Services does not
22 approve a method for conducting the screening required pursuant to
23 NRS 62C.035 that is submitted by a local facility for the detention
24 of children, and the facility does not submit a new method for
25 conducting the screening for approval within 90 days after the
26 denial, the Division of Child and Family Services shall notify the
27 appropriate board of county commissioners or other governing body
28 which administers the facility and the chief judge of the appropriate
29 judicial district that the facility has not received approval of its
30 method for conducting the screening as required by this section.

31 4. Upon receiving the notice required by subsection 3, the
32 appropriate board of county commissioners or governing body and
33 the chief judge shall take appropriate action to ensure that the
34 facility complies with the requirements of this section and
35 NRS 62C.035.

36 5. Each regional facility for the treatment and rehabilitation of
37 children shall conduct the screening required pursuant to NRS
38 62E.513 using the assessment tool that has been approved by the
39 Commission pursuant to NRS 62B.610.

40 6. Each state facility for the detention of children shall use the
41 assessment tool for conducting the screening required pursuant to
42 NRS 62E.513 selected by the Commission pursuant to
43 NRS 62B.610.

44 7. The Division of Child and Family Services shall adopt such
45 regulations as are necessary to carry out the provisions of this



1 section and NRS 62C.035 and 62E.513, including, without
2 limitation, regulations prescribing the requirements for:

3 (a) Transmitting information obtained from the screening
4 conducted pursuant to NRS 62C.035 and 62E.513; and

5 (b) Protecting the confidentiality of information obtained from
6 such screening.

7 **8. As used in this section, "commercial sexual exploitation"**
8 **has the meaning ascribed to it in NRS 432C.050.**

9 **Sec. 5.** Chapter 432B of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 **1. Each child in the custody of an agency which provides**
12 **child welfare services must be screened to determine whether the**
13 **child is a victim of commercial sexual exploitation.**

14 **2. An agency which provides child welfare services shall:**

15 **(a) Cause the screening required pursuant to subsection 1 to**
16 **be conducted as soon as practicable after the child is placed in its**
17 **custody; and**

18 **(b) If the results of the screening indicate that the child is a**
19 **victim of commercial sexual exploitation, take the actions**
20 **prescribed by NRS 432C.130.**

21 **3. The method for conducting the screening required**
22 **pursuant to subsection 1 must be:**

23 **(a) Based on research; and**

24 **(b) Reliable and valid for identifying a child who is a victim of**
25 **commercial sexual exploitation.**

26 **4. As used in this section, "commercial sexual exploitation"**
27 **has the meaning ascribed to it in NRS 432C.050.**

28 **Sec. 6.** NRS 432C.130 is hereby amended to read as follows:

29 432C.130 1. Upon the receipt of a report pursuant to NRS
30 **62C.035, 62E.513 or 432C.110**, an agency which provides child
31 welfare services:

32 (a) Shall conduct an assessment to determine whether there is
33 reasonable cause to believe that the child:

34 (1) Is a victim of commercial sexual exploitation;

35 (2) Is a victim of the abuse or neglect of a child;

36 (3) Is in immediate danger of serious bodily harm; or

37 (4) Suffers from any unmet basic need, including, without

38 limitation, the need for behavioral health services, medical services,
39 detoxification services and educational services;

40 (b) Upon the completion of an assessment of a child who resides
41 within the jurisdiction of the agency which provides child welfare
42 services pursuant to paragraph (a), shall:

43 (1) Engage in appropriate planning to ensure the safety of the
44 child; and



1 (2) Refer the child for any services necessary to address an
2 unmet basic need identified pursuant to subparagraph (4) of
3 paragraph (a);

4 (c) Shall make a report to the appropriate law enforcement
5 agency for the purpose of identifying the perpetrator of the
6 commercial sexual exploitation; and

7 (d) If the child resides in another jurisdiction, may initiate
8 contact with an agency which provides child welfare services in the
9 jurisdiction in which the child resides to provide notification of the
10 circumstances surrounding the child's removal from the jurisdiction
11 or placement in another location.

12 2. An agency which provides child welfare services shall use
13 the resources of a children's advocacy center when conducting an
14 assessment pursuant to paragraph (a) of subsection 1 when such
15 resources are available and appropriate based on the circumstances
16 contained in the report received pursuant to NRS 432C.110.

17 3. If an agency which provides child welfare services conducts
18 an assessment pursuant to paragraph (a) of subsection 1 and no
19 abuse or neglect of a child is identified, the agency may:

20 (a) Conduct an assessment of the family of the child to
21 determine which services, if any, the family needs or refer the
22 family to a person or an organization that has entered into a written
23 agreement with the agency to make such an assessment; and

24 (b) If appropriate, provide to the child and his or her family
25 counseling, training or other services relating to commercial sexual
26 exploitation or refer the child and his or her family to a person or an
27 organization that has entered into an agreement with the agency to
28 provide those services.

29 4. If an agency which provides child welfare services conducts
30 an assessment pursuant to paragraph (a) of subsection 1 and abuse
31 or neglect of a child is identified, the agency which provides child
32 welfare services may take any action authorized under chapter 432B
33 of NRS. If the agency which provides child welfare services places
34 a child who is a victim of commercial sexual exploitation into
35 protective custody pursuant to NRS 432B.390, the agency which
36 provides child welfare services shall, whenever possible, place the
37 child in a placement appropriate for the needs of the child,
38 including, without limitation, the need for safety.

39 5. If an agency which provides child welfare services has
40 entered into an agreement with a person or an organization to
41 provide services to a child or his or her family and the person or
42 organization will provide such services pursuant to subsection 3, the
43 agency shall require the person or organization to notify the agency
44 if:



1 (a) The child or his or her family refuses or fails to participate in
2 such services; or

3 (b) The person or organization determines that there is a serious
4 risk to the health or safety of the child.

5 6. As used in this section:

6 (a) "Abuse or neglect of a child" has the meaning ascribed to it
7 in NRS 432B.020.

8 (b) "Children's advocacy center" means a public or private
9 entity that provides an environment friendly to children where
10 multidisciplinary teams work to:

11 (1) Investigate and help children recover from abuse or
12 neglect; and

13 (2) Hold perpetrators of abuse or neglect of children
14 accountable.

15 (c) "Multidisciplinary team" means a team of different types of
16 professionals convened by a children's advocacy center to respond
17 to the abuse or neglect of a child, including, without limitation, law
18 enforcement officers, representatives of agencies which provide
19 child welfare services, district attorneys or their deputies, providers
20 of health care and advocates for victims of abuse or neglect of
21 children.

22 **Sec. 7.** 1. The section becomes effective upon passage and
23 approval.

24 2. Sections 1 to 6, inclusive, of this act become effective:

25 (a) Upon passage and approval for purposes of adopting any
26 regulations or performing any other preparatory administrative tasks
27 that are necessary to carry out the provisions of this act; and

28 (b) On October 1, 2023, for all other purposes.

