

Amendment No. 46

Assembly Amendment to Assembly Bill No. 183	(BDR 5-321)
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.

KMD/KRO



Date: 4/4/2023

A.B. No. 183—Revises provisions relating to the protection of children from commercial sexual exploitation. (BDR 5-321)



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:

Existing law requires certain persons or entities to report the commercial sexual exploitation of a child to an agency which provides child welfare services. (NRS 62C.015, 432B.220, 432C.110) Upon receiving such a report, existing law requires an agency which provides child welfare services to: (1) conduct an assessment to determine whether the child is a victim of commercial sexual exploitation; and (2) take certain actions to protect the safety of the child and meet the other needs of the child. (NRS 432C.130)

Existing law requires a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children and a state facility for the detention of children to screen each child who is committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has a substance use disorder. (NRS 62C.035, 62E.513) ~~Sections~~ **With certain exceptions, sections 2 and 3** of this bill additionally require such facilities to screen each child to determine whether the child is a victim of commercial sexual exploitation. **Sections 2 and 3** also: (1) require such facilities to report the commercial sexual exploitation of the child to an agency which provides child welfare services if the results of the screening indicate that the child is a victim of commercial sexual exploitation; and (2) deem such a report to be a report of commercial sexual exploitation for purposes of certain mandatory requirements and procedures for reporting abuse, neglect or exploitation of a child. **Section 1** of this bill makes a conforming change by removing certain requirements relating to the reporting of commercial sexual exploitation of a child that are now addressed by **section 2. Section 6** of this bill requires an agency which provides child welfare services to take certain actions to protect the safety of the child and meet the other needs of the child upon receipt of a report submitted pursuant to **sections 2 and 3.**

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

~~[Section]~~ **With certain exceptions, section 5** of this bill requires an agency which provides child welfare services to screen each child in its custody to determine whether the child is a victim of commercial sexual exploitation. **Section 5** also: (1) prescribes requirements relating to the method used by an agency which provides child welfare services to conduct the screening; and (2) requires the agency to take the actions required by **section 6** if the results of the screening indicate that the child is a victim of commercial sexual exploitation.

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

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

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

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

(a) The child is alleged to have violated:

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

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

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

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

~~4. [A juvenile justice agency that has reasonable cause to 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.]~~

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

2 62C.035 1. ~~Each~~ *Except as otherwise provided in subsection 4, each*
 3 child who is taken into custody by a peace officer or probation officer and detained
 4 in a local facility for the detention of children while awaiting a detention hearing
 5 pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the
 6 child:

- 7 (a) Is in need of mental health services; ~~for~~
- 8 (b) Has an alcohol or other substance use disorder ~~for~~; *or*
- 9 (c) *Is a victim of commercial sexual exploitation.*

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

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

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

17 3. The method for conducting the screening required pursuant to:

18 (a) Paragraph (a) or (b) of subsection 1 must satisfy the requirements of NRS
 19 62E.516.

20 (b) Paragraph (c) of subsection 1 must:

21 (1) Satisfy the requirements of NRS 62E.516; and

22 (2) Be reliable and valid for identifying whether a child who is the same
 23 age as the child to whom the requirement applies is a victim of commercial sexual
 24 exploitation.

25 4. The requirement prescribed by paragraph (c) of subsection 1 does not
 26 apply if the method for conducting the screening is not reliable and valid for
 27 identifying whether a child who is the same age as the child to whom the
 28 requirement applies is a victim of commercial sexual exploitation.

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

33 (a) *The child welfare agency shall act upon the report pursuant to chapter*
 34 *432C of NRS; and*

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

37 ~~5.~~ 6. *As used in this section, “commercial sexual exploitation” has the*
 38 *meaning ascribed to it in NRS 432C.050.*

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

40 62E.513 1. ~~Each~~ *Except as otherwise provided in subsection 5, each*
 41 child who is adjudicated delinquent and committed by the juvenile court to a
 42 regional facility for the treatment and rehabilitation of children or state facility for
 43 the detention of children or ordered by the juvenile court to be placed in a facility
 44 for the detention of children pursuant to NRS 62E.710 must be screened to
 45 determine whether the child:

- 46 (a) Is in need of mental health services; ~~for~~
- 47 (b) Has an alcohol or other substance use disorder ~~for~~
- 48 ~~for~~; *or*
- 49 (c) *Is a victim of commercial sexual exploitation.*

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

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

4 (b) Additionally screen each child committed to, or placed under the custody
 5 of, the facility to determine whether the child is in need of mental health services
 6 or has an alcohol or other substance use disorder once every 6 months or when
 7 significant changes to the child’s case plan developed pursuant to NRS 62E.507 or
 8 62E.525, as applicable, are made.

9 ~~2.~~ 3. The facility to which the child is committed or in which the child is
 10 placed shall ~~cause the screening required pursuant to subsection 1 to be conducted~~
 11 report the commercial sexual exploitation of the child to an agency which
 12 provides child welfare services as soon as practicable after conducting the
 13 screening required by subsection 1 if the results of the screening indicate that the
 14 child ~~has been committed to or placed in the facility.~~

15 ~~3.~~ is a victim of commercial sexual exploitation.

16 4. The method for conducting ~~the~~ screening required pursuant to :

17 (a) Paragraph (a) or (b) of subsection 1 ~~by this section~~ must satisfy the
 18 requirements of NRS 62E.516.

19 (b) Paragraph (c) of subsection 1 must:

20 (1) Satisfy the requirements of NRS 62E.516; and

21 (2) Be reliable and valid for identifying whether a child who is the same
 22 age as the child to whom the requirement applies is a victim of commercial sexual
 23 exploitation.

24 5. The requirement prescribed by paragraph (c) of subsection 1 does not
 25 apply if the method for conducting the screening is not reliable and valid for
 26 identifying whether a child who is the same age as the child to whom the
 27 requirement applies is a victim of commercial sexual exploitation.

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

32 (a) The child welfare agency shall act upon the report pursuant to chapter
 33 432C of NRS; and

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

36 ~~6.~~ 7. As used in this section, “commercial sexual exploitation” has the
 37 meaning ascribed to it in NRS 432C.050.

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

39 62E.516 1. Each local facility for the detention of children shall conduct the
 40 screening required pursuant to NRS 62C.035 using a method that has been
 41 approved by the Division of Child and Family Services. The Division shall approve
 42 a method upon determining that the method is:

43 (a) Based on research; and

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

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

46 (2) Has an alcohol or other substance use disorder ~~or~~; or

47 (3) Is a victim of commercial sexual exploitation.

48 2. Each local facility for the detention of children shall submit its method for
 49 conducting the screening required pursuant to NRS 62C.035 to the Division of
 50 Child and Family Services for approval on or before July 1 of each fifth year after
 51 the date on which the method was initially approved by the Division. Before a local
 52 facility for the detention of children may begin using a new method for conducting

1 the screening required pursuant to NRS 62C.035, the facility must obtain approval
2 of the method from the Division pursuant to subsection 1.

3 3. If the Division of Child and Family Services does not approve a method for
4 conducting the screening required pursuant to NRS 62C.035 that is submitted by a
5 local facility for the detention of children, and the facility does not submit a new
6 method for conducting the screening for approval within 90 days after the denial,
7 the Division of Child and Family Services shall notify the appropriate board of
8 county commissioners or other governing body which administers the facility and
9 the chief judge of the appropriate judicial district that the facility has not received
10 approval of its method for conducting the screening as required by this section.

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

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

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

21 7. The Division of Child and Family Services shall adopt such regulations as
22 are necessary to carry out the provisions of this section and NRS 62C.035 and
23 62E.513, including, without limitation, regulations prescribing the requirements for:

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

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

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

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

31 1. ~~Each~~ *Except as otherwise provided in subsection 4, each child in the*
32 *custody of an agency which provides child welfare services must be screened to*
33 *determine whether the child is a victim of commercial sexual exploitation.*

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

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

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

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

41 (a) *Based on research; and*

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

44 4. *The requirement prescribed by subsection 1 does not apply if the agency*
45 *which provides child welfare services has determined that no method for*
46 *conducting the screening satisfies the requirements prescribed by subsection 3 for*
47 *a child who is the same age as the child to whom the requirement applies.*

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

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

51 432C.130 1. Upon the receipt of a report pursuant to NRS **62C.035,**
52 **62E.513 or** 432C.110, an agency which provides child welfare services:

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

3 (1) Is a victim of commercial sexual exploitation;
4 (2) Is a victim of the abuse or neglect of a child;
5 (3) Is in immediate danger of serious bodily harm; or
6 (4) Suffers from any unmet basic need, including, without limitation, the
7 need for behavioral health services, medical services, detoxification services and
8 educational services;

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

12 (1) Engage in appropriate planning to ensure the safety of the child; and
13 (2) Refer the child for any services necessary to address an unmet basic
14 need identified pursuant to subparagraph (4) of paragraph (a);

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

17 (d) If the child resides in another jurisdiction, may initiate contact with an
18 agency which provides child welfare services in the jurisdiction in which the child
19 resides to provide notification of the circumstances surrounding the child's removal
20 from the jurisdiction or placement in another location.

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

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

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

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

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

45 5. If an agency which provides child welfare services has entered into an
46 agreement with a person or an organization to provide services to a child or his or
47 her family and the person or organization will provide such services pursuant to
48 subsection 3, the agency shall require the person or organization to notify the
49 agency if:

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

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

1 6. As used in this section:

2 (a) "Abuse or neglect of a child" has the meaning ascribed to it in NRS
3 432B.020.

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

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

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

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

13 **Sec. 7.** 1. This section becomes effective upon passage and approval.

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

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

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