

SENATE BILL NO. 7—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 14, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the solicitation of a child for prostitution. (BDR 15-406)

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 ~~fornited material~~ is material to be omitted.

AN ACT relating to crimes; providing that a person who solicits for prostitution a peace officer posing as a child or another person who is assisting a peace officer by posing as a child is guilty of soliciting a child for prostitution; increasing the penalties for the solicitation of a child for prostitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from engaging in prostitution or solicitation
2 therefor, except in a licensed house of prostitution. Existing law provides that a
3 customer who violates such a prohibition by soliciting a child for prostitution is
4 guilty: (1) for a first offense, of a category E felony; (2) for a second offense, of a
5 category D felony; and (3) for a third or subsequent offense, of a category C felony.
6 (NRS 201.354) **Section 5** of this bill increases such penalties and provides that such
7 a person is guilty: (1) for a first offense, of a category D felony; (2) for a second
8 offense, of a category C felony; and (3) for a third or subsequent offense, of a
9 category B felony and shall be punished by imprisonment in the state prison for a
10 minimum term of not less than 1 year and a maximum term of not more than 6
11 years, and may be further punished by a fine of not more than \$15,000. **Section 5**
12 also provides that a person is guilty of soliciting a child for prostitution if the
13 person solicits for prostitution: (1) a peace officer who is posing as a child; or (2) a
14 person who is assisting a peace officer by posing as a child.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** NRS 201.354 is hereby amended to read as follows:

6 201.354 1. It is unlawful for any person to engage in
7 prostitution or solicitation therefor, except in a licensed house of
8 prostitution.

9 2. *Any person who violates subsection 1 by soliciting for*
10 *prostitution:*

11 (a) *A peace officer who is posing as a child; or*

12 (b) *A person who is assisting a peace officer by posing as a*
13 *child,*

14 *↪ is guilty of soliciting a child for prostitution.*

15 3. A prostitute who violates subsection 1 is guilty of a
16 misdemeanor.

17 ~~3.~~ 4. Except as otherwise provided in subsection ~~5.~~ 6, a
18 customer who violates ~~subsection 1.~~ *this section:*

19 (a) For a first offense, is guilty of a misdemeanor and shall be
20 punished as provided in NRS 193.150, and by a fine of not less than
21 \$400.

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

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

28 ~~4.~~ 5. In addition to any other penalty imposed, the court shall
29 order a person who violates subsection ~~3.~~ 4 to pay a civil penalty of
30 not less than \$200 per offense. The civil penalty must be paid to the
31 district attorney or city attorney of the jurisdiction in which the
32 violation occurred. If the civil penalty imposed pursuant to this
33 subsection:

34 (a) Is not within the person's present ability to pay, in lieu of
35 paying the penalty, the court may allow the person to perform
36 community service for a reasonable number of hours, the value of
37 which would be commensurate with the civil penalty.

38 (b) Is not entirely within the person's present ability to pay, in
39 lieu of paying the entire civil penalty, the court may allow the
40 person to perform community service for a reasonable number of
41 hours, the value of which would be commensurate with the amount
42 of the reduction of the civil penalty.



1 ~~[5.]~~ 6. A customer who violates ~~[subsection 1]~~ *this section* by
2 soliciting a child for prostitution:

3 (a) For a first offense, is guilty of a category ~~[E]~~ *D* felony and
4 shall be punished as provided in NRS 193.130, and by a fine of not
5 more than \$5,000.

6 (b) For a second offense, is guilty of a category ~~[D]~~ *C* felony
7 and shall be punished as provided in NRS 193.130.

8 (c) For a third or subsequent offense, is guilty of a category ~~[C]~~
9 *B* felony and shall be punished ~~[as provided in NRS 193.130.]~~ *by*
10 *imprisonment in the state prison for a minimum term of not less*
11 *than 1 year and a maximum term of not more than 6 years, and*
12 *may be further punished by a fine of not more than \$15,000.* The
13 court shall not grant probation to or suspend the sentence of a
14 person punished pursuant to this paragraph.

15 ~~[6.]~~ 7. Any civil penalty collected by a district attorney or city
16 attorney pursuant to subsection ~~[4]~~ *5* must be deposited in the
17 county or city treasury, as applicable, to be used for:

18 (a) The enforcement of this section; and

19 (b) Programs of treatment for persons who solicit prostitution
20 which are certified by the Division of Public and Behavioral Health
21 of the Department of Health and Human Services.

22 ↪ Not less than 50 percent of the money deposited in the county or
23 city treasury, as applicable, pursuant to this subsection must be used
24 for the enforcement of this section.

25 ~~[7.]~~ 8. If a person who violates subsection 1 is ordered
26 pursuant to NRS 4.373 or 5.055 to participate in a program for the
27 treatment of persons who solicit prostitution, upon fulfillment of
28 the terms and conditions of the program, the court may discharge
29 the person and dismiss the proceedings against the person. If the
30 court discharges the person and dismisses the proceedings against
31 the person, a nonpublic record of the discharge and dismissal must
32 be transmitted to and retained by the Division of Parole and
33 Probation of the Department of Public Safety solely for the use of
34 the courts in determining whether, in later proceedings, the person
35 qualifies under this section for participation in a program of
36 treatment for persons who solicit prostitution. Except as otherwise
37 provided in this subsection, discharge and dismissal under this
38 subsection is without adjudication of guilt and is not a conviction
39 for purposes of employment, civil rights or any statute or regulation
40 or license or questionnaire or for any other public or private
41 purpose, but is a conviction for the purpose of additional penalties
42 imposed for a second or subsequent conviction or the setting of bail.
43 Discharge and dismissal restores the person discharged, in the
44 contemplation of the law, to the status occupied before the
45 proceedings. The person may not be held thereafter under any law to



1 be guilty of perjury or otherwise giving a false statement by reason
2 of failure to recite or acknowledge the proceedings in response to an
3 inquiry made of the person for any purpose. Discharge and dismissal
4 under this subsection may occur only once with respect to any
5 person. A professional licensing board may consider a proceeding
6 under this subsection in determining suitability for a license or
7 liability to discipline for misconduct. Such a board is entitled for
8 those purposes to a truthful answer from the applicant or licensee
9 concerning any such proceeding with respect to the applicant or
10 licensee.

11 ~~[8.]~~ **9.** Except as limited by subsection ~~[9.]~~ **10**, if a person is
12 discharged and the proceedings against the person are dismissed
13 pursuant to subsection ~~[7.]~~ **8**, the court shall, without a hearing,
14 order sealed all documents, papers and exhibits in that person's
15 record, minute book entries and entries on dockets, and other
16 documents relating to the case in the custody of such other agencies
17 and officers as are named in the court's order. The court shall cause
18 a copy of the order to be sent to each agency or officer named in the
19 order. Each such agency or officer shall notify the court in writing
20 of its compliance with the order.

21 ~~[9.]~~ **10.** A professional licensing board is entitled, for the
22 purpose of determining suitability for a license or liability to
23 discipline for misconduct, to inspect and to copy from a record
24 sealed pursuant to this section.

25 **Sec. 6.** (Deleted by amendment.)

26 **Sec. 7.** This act becomes effective on July 1, 2019.

