

Since 2011, Shared Hope has laid the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders to identify gaps in the fabric of laws needed to address child sex trafficking. The Report Cards on Child & Youth Sex Trafficking build upon the progress already made, challenging states to take the next step in the fight against sex trafficking by focusing on the area where the largest gaps remain—victim protections. This report provides a thorough review of Nevada’s laws related to both criminalization and victim protections while providing recommendations for addressing gaps in the law.¹



ISSUE 1: Criminal Provisions

Policy Goal 1.1 The child sex trafficking law is expressly applicable to buyers of commercial sex with any minor under 18.

Nevada’s trafficking law could apply to buyers of commercial sex with minors based on the terms “causes” or, following federal precedent, “obtains.”² Pursuant to Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Pandering and sex trafficking: definition; penalties; exception),

A person:

(a) Is guilty of sex trafficking if the person:

¹ Evaluations of state laws are based on legislation enacted as of August 1, 2022.

² See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) (“recruits, entices, harbors, transports, provides, obtains, or maintains”) to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a “latent exemption for purchasers” because buyers can “engage in at least some of the prohibited conduct.” *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms “patronize” and “solicit” to the list of prohibited conduct and expressly states, “section 108 of this title amends section 1591 of title 18, United States Code, to add the words ‘solicits or patronizes’ to the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” *Id.* at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

However, to ensure buyers are held accountable as sex trafficking offenders, the trafficking law should be amended to expressly apply to persons who “patronize” a minor for commercial sex.

- 1.1.1 Recommendation: Amend Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Pandering and sex trafficking: definition; penalties; exception) to clarify that buyer conduct is included as a violation of Nev. Rev. Stat. Ann. § 201.300.

Policy Goal 1.2 Commercial sexual exploitation of children (CSEC) laws specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

Although Nev. Rev. Stat. Ann. § 201.354(1) (Engaging in prostitution or solicitation for prostitution: Penalty; exception) criminalizes both purchasing and soliciting commercial sex, it provides an exception for such conduct committed in a “licensed house of prostitution,” stating, “It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.”

- 1.2.1 Recommendation: Amend Nev. Rev. Stat. Ann. § 201.354(1) (Engaging in prostitution or solicitation for prostitution: Penalty; exception) to criminalize purchasing and soliciting commercial sex with a minor without limitation.

Policy Goal 1.3 Commercial sexual exploitation of children (CSEC) laws apply to traffickers and protect all minors under 18.

Nevada’s CSEC laws do not specifically apply to the actions of traffickers.

- 1.3.1 Recommendation: Enact a CSEC law that addresses an array of exploitive conduct engaged in by traffickers.

Policy Goal 1.4 Mistake of age is not an available defense under sex trafficking and commercial sexual exploitation of children (CSEC) laws.

Nevada law expressly prohibits a mistake of age defense in prosecutions for child sex trafficking but not CSEC. Pursuant to Nev. Rev. Stat. Ann. § 201.300(5) (Pandering and sex trafficking: definitions; penalties; exception), “In a prosecution for sex trafficking a child pursuant to subsection 2 [involving child sex trafficking], it is not a defense that the defendant did not have knowledge of the victim’s age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.”

- 1.4.1 Recommendation: Prohibit a mistake of age defense in CSEC cases.

Policy Goal 1.5 Use of a law enforcement decoy is not an available defense in child sex trafficking cases.

Although the trafficking law does not expressly prohibit an offender from raising a defense based on the use of a law enforcement decoy posing as a minor, Nevada’s criminal attempt statute, Nev. Rev. Stat. Ann. § 193.330 (Punishment for attempts), could provide prosecutors with an alternative avenue to prosecute those cases. Nev. Rev. Stat. Ann. § 193.330 states, “An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime.” Accordingly, an offender could be found guilty of attempting to

commit a child sex trafficking offense if the offender intended commit a trafficking offense but was prevented from accomplishing the offense since the intended victim was a law enforcement decoy rather than an actual minor.

Policy Goal 1.6 The trafficking law expressly allows for business entity liability and establishes a business-specific penalty scheme.

Nevada’s trafficking law does not expressly allow for business entity liability.

- 1.6.1 Recommendation: Ensure business entities can be held liable under state trafficking laws and establish a business-specific penalty scheme.

Policy Goal 1.7 State law mandates that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

A percentage of financial penalties, including asset forfeiture, paid by convicted trafficking offenders, but not by convicted CSEC offenders, is statutorily required to be directed toward victim services. Nev. Rev. Stat. Ann. § 201.351(1) (Forfeiture of assets derived from or relating to pandering child; temporary restraining order to preserve property subject to forfeiture; use of proceeds derived from forfeiture) provides,

1. All assets derived from or relating to any violation of NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception] . . . are subject to forfeiture pursuant to NRS 179.121 [Forfeiture of personal property and conveyances used in the commission of crime] and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121 [Forfeitures], inclusive.

. . . .

4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 [Distribution of proceeds from forfeited property] must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims which are designated to receive such distributions by the district attorney of the county.

Under Nev. Rev. Stat. Ann. § 179.121(1)(e), (2) (Forfeiture of personal property and conveyances used in the commission of crime), the following assets are subject to forfeiture:

1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes . . . :

. . . .

(e) A violation of 201.300

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 [Property subject to forfeiture] or 501.3857 [Forfeitures], all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony

Sex trafficking, as well as CSEC, offenders also face forfeiture under Nev. Rev. Stat. Ann. § 179.1164(1)(a) (Property subject to seizure and forfeiture; exceptions), which states, “Except as otherwise provided in subsection 2,

the following property³ is subject to seizure and forfeiture in a proceeding for forfeiture: (a) Any proceeds⁴ attributable to the commission or attempted commission of any felony.” However, a percentage of those forfeited assets is not directed toward a victim services fund.⁵

- 1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on CSEC offenders into a victim services fund.

³ Nev. Rev. Stat. Ann. § 179.1162 (“Property” defined) defines “property” as

1. Real property or interest in real property.
2. Fixture or improvement to real property.
3. Personal property, whether tangible or intangible, or interest in personal property.
4. Conveyance, including any aircraft, vehicle or vessel.
5. Money, security or negotiable instrument.
6. Proceeds.

⁴ Nev. Rev. Stat. Ann. § 179.1161 (“Proceeds” defined) defines “proceeds” as “any property, or that part of an item of property, derived directly or indirectly from the commission or attempted commission of a crime.”

⁵ Nev. Rev. Stat. Ann. § 179.1175(3) (Disposition of property after seizure and forfeiture) states,

When a court declares property to be forfeited, the plaintiff may:

- (a) Retain it for official use;
- (b) Sell any of it which is neither required by law to be destroyed nor harmful to the public; or
- (c) Remove it for disposition in accordance with the applicable provisions of NRS.



ISSUE 2: Identification of & Response to Victims

Policy Goal 2.1 The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control.

The definition of child sex trafficking victim includes all commercially sexually exploited children without requiring third party control. Under Nev. Rev. Stat. Ann. § 201.300(2)(a)(1) (Pandering and sex trafficking: definition; penalties; exception),

A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

Accordingly, Nevada’s child sex trafficking law applies directly to buyers of sex with minors through the terms “causes” and, following federal precedent, “obtains,”⁶ meaning a buyer can be charged regardless of whether a trafficker is involved or identified. As such, third party control is not required to establish the crime of child sex trafficking or, consequently, to identify a commercially sexually exploited child as a trafficking victim.

Policy Goal 2.2 State law provides policy guidance to facilitate access to services and assistance for trafficked foreign national children.

Nevada law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children.

Policy Goal 2.3 State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

Nevada law does not require child welfare to conduct trauma-informed CSEC screening of system-involved children and youth who are at risk of sex trafficking.

2.3.1 Recommendation: Enact a state law requiring child welfare to screen system-involved children and youth at risk of sex trafficking for experiences of commercial sexual exploitation.

⁶ See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Nev. Rev. Stat. Ann. § 201.300.

Policy Goal 2.4 State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

Nevada law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

- 2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

Policy Goal 2.5 State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest.

Although Nevada statutorily prohibits the prosecution of minors for prostitution and prostitution-related offenses,⁷ state law does not require law enforcement to refer impacted children to a direct services organization or child-serving agency in lieu of arrest and allows a child to be placed under court supervision pursuant to a supervision and consent decree. Under Nev. Rev. Stat. Ann. § 62C.015(1)–(4) (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual exploitation; report of commercial sexual exploitation to agency which provides child welfare services),

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 [Unlawful for prostitute to engage in prostitution or solicitation for prostitution except in licensed house of prostitution: Penalty; provision of certain information; dismissal] or 201.354 [Engaging in prostitution or solicitation for prostitution: Provision of certain information; criminal penalties; civil penalty; discharge and dismissal] or paragraph (b) of subsection 1 of NRS 207.030 [Prohibited acts; penalty].
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 [Obstructing public officer], 207.200 [Unlawful trespass upon land; warning against trespassing] or 463.350 [Gaming or employment in gaming prohibited for person under 21; exception]; 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.

⁷ Further, Nev. Rev. Stat. Ann. § 201.353 (Unlawful for prostitute to engage in prostitution or solicitation for prostitution except in licensed house of prostitution: Penalty; provision of certain information; dismissal) provides for the dismissal of prostitution or solicitation charges filed against a sex trafficking victim, stating,

1. It is unlawful for a prostitute to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.
.....
4. If, at any time before the trial of a person charged with a violation of subsection 1, the prosecuting attorney has reason to believe that the person is a victim of sex trafficking, the prosecuting attorney shall dismiss the charge. As used in this subsection, “sex trafficking” means a violation of subsection 2 of NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception].

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,⁸ 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.

Regarding court supervision, Nev. Rev. Stat. Ann. § 62C.240 (Court referral for court supervision pursuant to supervision and consent decree of child alleged to have engaged in prostitution or solicitation of prostitution; violation of supervision and consent decree or order; dismissal of petition) provides,

1. If the district attorney files a petition with the juvenile court alleging that a child who is less than 18 years of age has engaged in prostitution or the solicitation of prostitution, the juvenile court:
 - (a) Except as otherwise provided in paragraph (b) and NRS 62C.015, shall:
 - (1) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency; and
 - (2) Order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child, including, without limitation, any counseling and medical treatment for victims of sexual assault in accordance with the provisions of NRS 217.280 to 217.350, inclusive.
 - (b) If the child originated from a jurisdiction outside this State, may return the child to the jurisdiction from which the child originated.
2. If a child is placed under a supervision and consent decree pursuant to this section, the juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest.
3. If a child is alleged to have violated the provisions of a supervision and consent decree under this section or an order issued pursuant to this section:
 - (a) The district attorney must not file a petition alleging that the child has violated the decree or order and the allegation must be placed before the court pursuant to a motion or a request for judicial review. This paragraph does not prohibit the district attorney from filing a petition alleging that the child has committed a delinquent act.
 - (b) The juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child's best interest.
4. Except as otherwise provided in this subsection, if a child is placed under the supervision of the juvenile court pursuant to a supervision and consent decree under this section, the juvenile court shall dismiss the petition upon the successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services provided under the supervision and consent decree.

Consequently, although minors are protected from criminalization for conduct in violation of the state prostitution laws, law enforcement officers are not required to make a referral to services upon encountering a child engaged in commercial sex and the child may be placed under court supervision.

⁸ Nev. Rev. Stat. Ann. § 62C.015(5)(a) defines "commercial sexual exploitation" as "the sex trafficking of a child in violation of NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception] 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."

- 2.5.1 Recommendation: Strengthen existing law to establish a services-referral protocol in response to minors engaged in commercial sex in lieu of arrest and court supervision.

Policy Goal 2.6 State law prohibits the criminalization of child sex trafficking victims for status offenses, and misdemeanor and non-violent felony offenses committed as a result of their trafficking victimization.

Nevada law prohibits the criminalization of child sex trafficking victims for status offenses and certain misdemeanor offenses; however, victims can still be charged with non-violent felonies committed as a result of their trafficking victimization.

Under Nev. Rev. Stat. Ann. § 62C.015(2), (3) (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual exploitation; report of commercial sexual exploitation to agency which provides child welfare services),

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 [Obstructing public officer], 207.200 [Unlawful trespass upon land; warning against trespassing] or 463.350 [Gaming or employment in gaming prohibited for persons under 21; exception]; 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,⁹ 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.

- 2.6.1 Recommendation: Amend Nev. Rev. Stat. Ann. § 62C.015(2), (3) (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual exploitation; report of commercial sexual exploitation to agency which provides child welfare services) to prohibit the criminalization of child sex trafficking victims for any misdemeanors and non-violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.7 State law prohibits the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Nevada law does not prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization. However, Nev. Rev. Stat. Ann. § 201.303 (Rebuttable presumption that pandering, sex trafficking or facilitating sex trafficking committed under duress) does create a rebuttable presumption that a child sex trafficking victim charged with a trafficking offense acted under duress. Nev. Rev. Stat. Ann. § 201.303 states,

⁹ Nev. Rev. Stat. Ann. § 62C.015(5)(a) defines “commercial sexual exploitation” as “the sex trafficking of a child in violation of NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception] 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.”

If a violation of NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception] or 201.301 [Facilitating sex trafficking] is committed by a person who is:

1. Less than 18 years of age at the time of the commission of the violation;
2. Prosecuted in a criminal proceeding as an adult; and
3. A victim of sex trafficking or facilitating sex trafficking,

there is a rebuttable presumption that the person who committed the violation acted under duress.

- 2.7.1 Recommendation: Amend state law to prohibit the criminalization of child sex trafficking victims for sex trafficking and commercial sexual exploitation offenses, including accomplice and co-conspirator liability, committed as a result of their trafficking victimization.

Policy Goal 2.8 State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Nevada law does not provide child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

- 2.8.1 Recommendation: Enact a law that provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization.

Policy Goal 2.9 Juvenile court jurisdiction aligns with international human rights standards.

Nevada law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While Nevada law extends juvenile court jurisdiction to all minors under 18 years of age, governing state statute establishes a minimum age of 8 years for purposes of juvenile court jurisdiction, permits direct file in cases involving minors charged with certain offenses, and fails to require courts to consider the impact of trauma or past victimization in make discretionary transfer determinations.

	Minimum Age of Juvenile Court Jurisdiction	Maximum Age for Charging Youth in Juvenile Court	Automatic Transfers or Direct File	Discretionary Transfers	Requirement for Court to Consider Trauma or Past Victimization
Summary	8 for children charged with murder or a sexual offense; 10 for all other offenses.	17	Yes. Minors: (1) 16+ years of age charged with murder or attempted murder; (2) charged with a felony that resulted in a death or bodily harm arising from actions amounting to a school shooting or attack; or (3) were previously convicted in criminal court.	Yes. Minors: (1) 14+ years of age charged with felony; (2) 13+ years of age charged with murder or attempted murder; (3) 14+ years of age who escape or attempt to escape from a juvenile detention facility.	No.

Relevant Statute(s)	Nev. Rev. Stat. Ann. § 194.010(1), (2) (Persons capable of committing crimes)	Nev. Rev. Stat. Ann. § 62A.030(1)(a) (“Child” defined)	Nev. Rev. Stat. Ann. § 62B.330(3)(a)–(d) (Child alleged or adjudicated to have committed delinquent act; acts deemed not to be delinquent); Nev. Rev. Stat. Ann. § 62B.370(2) (When court must transfer case to juvenile court); Nev. Rev. Stat. Ann. § 62B.390 (Certification of child for criminal proceedings as adult)	Nev. Rev. Stat. Ann. § 62B.390(1) (Certification of child for criminal proceedings as adult); Nev. Rev. Stat. Ann. § 62B.400 (Child who escapes or attempts to escape from facility for detention of juveniles deemed escaped prisoner; when court may certify such child for criminal proceedings; when deemed delinquent act)	Nev. Rev. Stat. Ann. § 62B.390(3) (Certification of child for criminal proceedings as adult)
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Consequently, some minors may still be subject to age-inappropriate juvenile court responses due to state laws that: (1) fail to establish a minimum age for juvenile court jurisdiction that aligns with international human rights standards; (2) allow some juvenile cases to be subject to direct file; and (3) do not require the juvenile court to consider past trafficking victimization or trauma when making a transfer determination.

2.9.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

Policy Goal 2.10 State law defines child abuse to include child sex trafficking for purposes of accessing child welfare services.

Nevada law defines “abuse or neglect of a child” to include commercial sexual exploitation of children but not child sex trafficking. Specifically, Nev. Rev. Stat. Ann. § 432B.020(1)(b) (“Abuse or neglect of a child” defined) defines “abuse or neglect of a child” to include “sexual exploitation,” which is defined under Nev. Rev. Stat. Ann. § 432B.110(1) (“Sexual exploitation” defined) to include “forcing, allowing or encouraging a child . . . [t]o solicit for or engage in prostitution.” Nev. Rev. Stat. Ann. § 432B.330(6)(a)(2) (Circumstances under which child is or may be in need of protection) also defines abuse to include “sexual exploitation.”

2.10.1 Recommendation: Amend the definition of “child abuse” to expressly include child sex trafficking.

Policy Goal 2.11 State law allows for child welfare involvement in non-familial child sex trafficking cases without hinging involvement on caregiver fault and provides for an alternative, specialized investigation in those cases.

Nevada’s child welfare code does not allow for a child welfare response in non-familial child sex trafficking cases regardless of caregiver fault. Specifically, Nev. Rev. Stat. Ann. § 432B.330(1)–(4) (Circumstances under which child is or may be in need of protection) limits the circumstances under which a child may be found to be “a child in need of protection” to acts committed by a “person responsible for the welfare of the child.” Further, a specialized investigation is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-familial trafficker.

2.11.1 Recommendation: Statutorily allow for child welfare involvement in child sex trafficking cases regardless of parent or caregiver fault and provide for a specialized investigation in those cases.



ISSUE 3: Continuum of Care

Policy Goal 3.1 State law mandates a process for coordinating access to specialized services for child sex trafficking victims that does not require involvement in child-serving systems.

Nevada law provides child sex trafficking victims with access to specialized, community-based services and establishes a clear process for connecting victims with those services. Specifically, Nev. Rev. Stat. Ann. § 424.275(1), (2) (Receiving center required to ensure the receipt of certain services by commercially sexually exploited children) requires receiving centers to provide or make available specialized services for commercially sexually exploited children, stating,

1. A receiving center¹⁰ must ensure that each child placed in the care of the receiving center or referred to the receiving center for outpatient care receives, as necessary, the following services:
 - (a) Mental health triage;
 - (b) Assessment of basic needs;
 - (c) Assessment of medical needs;
 - (d) Psychiatric evaluation;
 - (e) Referral to detoxification;
 - (f) Short-term placement;
 - (g) Mobile crisis response;
 - (h) Academic support;
 - (i) Preventative services for children who are at risk of commercial sexual exploitation, as defined in NRS 432C.050 [“Commercial sexual exploitation” defined];
 - (j) Therapeutic treatment to assist the child in safely transitioning to a home-based placement; and
 - (k) Any other services required by the regulations adopted pursuant to NRS 424.274 [Application for license; regulations; acceptance of gifts, grants and donations].
2. A receiving center may accept referrals to provide outpatient care to a child from an agency which provides child welfare services, a law enforcement agency, a community-based nonprofit organization, a provider of health care or other similar persons and entities.

Further, Nev. Rev. Stat. Ann. § 424.0195(2)(d) (Position of coordinator of services for commercially sexually exploited children: creation; duties) tasks the coordinator of services for commercially sexually exploited children with “develop[ing] a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children . . .” Under Nev. Rev. Stat. Ann. § 424.0195(3),

- The plan developed pursuant to paragraph (d) of subsection 2 must include, without limitation, plans to:
- (a) Provide specialized, evidence-based forms of housing, including, without limitation and where feasible and appropriate, home-based housing, receiving centers or other appropriate placements, to meet the needs of each commercially sexually exploited child in this State. All housing provided pursuant to this paragraph must:
 - (1) To the extent appropriate, allow residents freedom of movement inside and outside the house;
 - (2) Be secured from intrusion;
 - (3) To the extent appropriate, allow residents privacy and autonomy;

¹⁰ Nev. Rev. Stat. Ann. § 424.0175 (“Receiving center” defined) defines “receiving center” as “a secured facility that operates 24 hours each day, 7 days each week to provide specialized inpatient and outpatient services to commercially sexually exploited children.”

- (4) Provide a therapeutic environment to address the needs of commercially sexually exploited children;
 - (5) Coordinate with persons and entities that provide services to residents; and
 - (6) Be operated by persons who have training concerning the specific needs of commercially sexually exploited children and practices for interacting with victims of trauma.
- (b) Recruit providers of housing that meet the requirements of paragraph (a).
 - (c) Provide services to providers of housing for commercially sexually exploited children designed to increase the success of placements of such children.
 - (d) Provide legal representation to commercially sexually exploited children.
 - (e) Ensure that any receiving center or secured child care facility into which commercially sexually exploited children are placed provides therapeutic treatment to assist the child in safely transitioning to a home-based placement.

Policy Goal 3.2 State law provides for a survivor-centered multi-disciplinary team response to child sex trafficking cases.

Nevada does not statutorily require a multi-disciplinary team response to child sex trafficking cases.

- 3.2.1 Recommendation: Statutorily require a multi-disciplinary team response to child sex trafficking victims.

Policy Goal 3.3 State law requires child welfare to provide access to specialized services for identified sex trafficked children and youth.

Although Nevada law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims, the response is triggered upon receipt of a report alleging trafficking victimization, potentially leaving children who are already system-involved and later disclose or experience commercial sexual exploitation without access to those specialized services if a formal report is not generated.

Pursuant to Nev. Rev. Stat. Ann. § 62C.015 (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual exploitation; report of commercial sexual exploitation to agency which provides child welfare services), a child must be reported to child welfare services if there is reasonable likelihood of commercial sexual exploitation. Nev. Rev. Stat. Ann. § 62C.015(3) states,

If a court finds that a child committed an act described in subsection 2¹¹ 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.

¹¹ Pursuant to Nev. Rev. Stat. Ann. § 62C.015(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 [Obstructing public officer], 207.200 [Unlawful trespass upon land; warning against trespassing] or 463.350 [Gaming or employment in gaming prohibited for persons under 21; exception]; 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.

Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.

Similarly, Nev. Rev. Stat. Ann. § 432C.110(1) (Persons required to make report; when and to whom reports are required; penalty for failure to make report) states, “any person who knows or has reasonable cause to believe that a child is a commercially sexually exploited child may report the commercial sexual exploitation of the child to an agency which provides child welfare services.” Further, Nev. Rev. Stat. Ann. § 432C.110(2) provides,

[A]ny person who is required to make a report pursuant to NRS 432B.220 [Persons required to make report] and who, in his or her professional capacity, knows or has reasonable cause to believe that a child is a commercially sexually exploited child shall:

- (a) Report the commercial sexual exploitation of the child to an agency which provides child welfare services; and
- (b) Make such report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child is a commercially sexually exploited child.

Nev. Rev. Stat. Ann. § 432C.130(1)–(5) (Action upon receipt of report) provides for an assessment and services; it states,

1. Upon the receipt of a report pursuant to NRS 432C.110, an agency which provides child welfare services:

- (a) Shall conduct an initial assessment to determine whether there is reasonable cause to believe that the child:
 - (1) Is a victim of commercial sexual exploitation;
 - (2) Is a victim of the abuse or neglect of a child;
 - (3) Is in imminent danger of serious bodily harm; or
 - (4) Suffers from any unmet basic need, including, without limitation, the need for behavioral health services, medical services, detoxification services and educational services;
- (b) Upon the completion of an assessment of a child who resides within the jurisdiction of the agency which provides child welfare services pursuant to paragraph (a), shall:
 - (1) Engage in appropriate planning to ensure the safety of the child; and
 - (2) Refer the child for any services necessary to address an unmet basic need identified pursuant to subparagraph (4) of paragraph (a);
- (c) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation; and
- (d) If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the child resides to provide notification of the circumstances surrounding the child’s removal from the jurisdiction or placement in another location.

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

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

- (a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and
- (b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

4. If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and abuse or neglect of a child is identified, the agency which provides child welfare services may take any action authorized under chapter 432B of NRS. If the agency which provides child welfare

services places a child who is a victim of commercial sexual exploitation into protective custody pursuant to NRS 432B.390, the agency which provides child welfare services shall, whenever possible, place the child in a placement appropriate for the needs of the child, including, without limitation, the need for safety.

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

- (a) The child or his or her family refuses or fails to participate in such services; or
- (b) The person or organization determines that there is a serious risk to the health or safety of the child.

In addition to the response outlined above, Nev. Rev. Stat. Ann. § 217.098(1), (2) (Designation of human trafficking specialized; directory of services for victims of human trafficking; statewide plan; state of Nevada human trafficking coalition; review of plan) requires the Division of Child and Family Services to develop a statewide plan for identifying victims and coordinating services and assistance; it states,

1. The Administrator of the Division of Child and Family Services of the Department shall:

....

(c) In cooperation with the Attorney General and any other state agency, federal agency, public or private entity or other stakeholder the Administrator deems appropriate:

- (1) Develop a statewide plan for the delivery of services to victims of human trafficking;¹² and

....

2. The plan developed pursuant to subparagraph (1) of paragraph (c) of subsection 1 may provide for:

- (a) The identification of victims of human trafficking;
- (b) Assistance to victims of human trafficking with applying for governmental benefits and services to which they may be entitled;
- (c) Resources for victims of human trafficking, including, without limitation, medical, psychological, housing, education, job training, child care, victims' compensation, legal and other services;
- (d) Developing strategies to increase awareness about human trafficking and the services available to victims of human trafficking among state and local agencies that provide social services, public and private agencies that may provide services to victims of human trafficking and the public;
- (e) The establishment and maintenance of community-based services for victims of human trafficking; and
- (f) Assistance to victims of human trafficking with family reunification or to return to their place of origin, if the victim so desires.

3.3.1 Recommendation: Strengthen existing law by requiring child welfare to provide access to specialized services for all child sex trafficking victims without hinging access on whether or not a formal report has been filed.

¹² Nev. Rev. Stat. Ann. § 217.098(4) defines "victim of human trafficking" as follows:

[A] person against whom a violation of any provision of NRS 200.463 to 200.465 [including involuntary servitude and related offenses], inclusive, 200.467 [Trafficking in persons for financial gain; penalties], 200.468 [Trafficking in persons for illegal purposes], 201.300 [Pandering and sex trafficking: definitions; penalties; exception] or 201.320 [Living from earnings of prostitute; penalty], or 18 U.S.C. §§ 1589 [Forced labor], 1590 [Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor] or 1591 [Sex trafficking of children or by force, fraud, or coercion] has been committed.

Policy Goal 3.4 State law requires the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

Nevada law requires a juvenile justice agency to refer child sex trafficking victims to a child serving entity. Pursuant to Nev. Rev. Stat. Ann. § 62C.015(4) (Treatment of child who engages in prostitution or solicitation for prostitution or who engages in certain unlawful acts in connection with commercial sexual exploitation; report of commercial sexual exploitation to agency which provides child welfare services),

A juvenile justice agency¹³ 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 exploitation¹⁴ of the child to an agency which provides child welfare services.

Further, a child who has been placed under the juvenile court’s jurisdiction pursuant to a supervision and consent decree for a prostitution or prostitution-related offense may access services under Nev. Rev. Stat. Ann. § 62C.240 (Court referral for court supervision pursuant to supervision and consent decree of child alleged to have engaged in prostitution or solicitation of prostitution; violation of supervision and consent decree or order; dismissal of petition), which states,

1. If the district attorney files a petition with the juvenile court alleging that a child who is less than 18 years of age has engaged in prostitution or the solicitation of prostitution, the juvenile court:
 - (a) Except as otherwise provided in paragraph (b) and NRS 62C.015, shall:
 - (1) Place the child under the supervision of the juvenile court pursuant to a supervision and consent decree, without a formal adjudication of delinquency; and
 - (2) Order that the terms and conditions of the supervision and consent decree include, without limitation, services to address the sexual exploitation of the child and any other needs of the child, including, without limitation, any counseling and medical treatment for victims of sexual assault in accordance with the provisions of NRS 217.280 to 217.350, inclusive.
 - (b) If the child originated from a jurisdiction outside this State, may return the child to the jurisdiction from which the child originated.
2. If a child is placed under a supervision and consent decree pursuant to this section, the juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child’s best interest.
3. If a child is alleged to have violated the provisions of a supervision and consent decree under this section or an order issued pursuant to this section:
 - (a) The district attorney must not file a petition alleging that the child has violated the decree or order and the allegation must be placed before the court pursuant to a motion or a request for judicial review. This paragraph does not prohibit the district attorney from filing a petition alleging that the child has committed a delinquent act.
 - (b) The juvenile court may issue any order authorized by chapter 62E of NRS, including, without limitation, any placement of the child that the juvenile court finds to be in the child’s best interest.
4. Except as otherwise provided in this subsection, if a child is placed under the supervision of the juvenile court pursuant to a supervision and consent decree under this section, the juvenile court shall dismiss the petition upon the successful completion of the terms and conditions of the supervision and consent decree or at the time the child reaches 18 years of age, whichever is earlier. A child who has reached 18 years of age may consent to remain under the supervision of the juvenile court for the purpose of receiving services provided under the supervision and consent decree.

¹³ Nev. Rev. Stat. Ann. § 62C.015(5)(c) defines “juvenile justice agency” as “the Youth Parole Bureau or a director of juvenile services.”

¹⁴ Nev. Rev. Stat. Ann. § 62C.015(5)(a) defines “commercial sexual exploitation” as “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.”

Policy Goal 3.5 State law extends foster care services to older foster youth.

Nevada law extends foster care services to youth under 21 years of age through the Extended Young Adult Support Services Program. However, these services are not extended to youth under 23 years of age as permitted under federal law.¹⁵ Pursuant to Nev. Rev. Stat. Ann. § 432B.5919(1) (Division of child and family services to establish and administer program; annual report; regulations),

The Division of Child and Family Services shall establish and administer the Extended Young Adult Support Services Program to provide extended support services to young adults pursuant to the provisions of of NRS 432B.5909 to 532B.601, inclusive and the Fostering Connections to Success and Increasing Adoptions Act of 2008, Pub. L. No. 110-351, 42 U.S.C. § 675.

Nev. Rev. Stat. Ann. § 432B.5915 (“Young adult” defined) defines “young adult” a “a person who is at least 18 years of age but less than 21 years of age and whose plan for permanent placement adopted pursuant to 432B.553 was, on his or her 18th birthday, a permanent living arrangement other than reunification with his or her parents.”

Under Nev. Rev. Stat. Ann. § 432B.593 (Agency which provides child welfare services to meet with child to determine whether child intends to request continuation of jurisdiction; effect of such meeting; child who has independent living agreement not prohibited from requesting continuation of jurisdiction),

1. At least 120 days before the date on which a child who is in the custody of an agency which provides child welfare services reaches the age or 18 years, the agency which provides child welfare services shall meet with the child to:
 - (a) Provide information to the child regarding the Program, including, without limitation, eligibility requirements for participation in the Program and extended young adult support services available to participants in the program.
 - (b) Determine whether the child intends to request to participate in the Program.
2. Notwithstanding a determination made by a child during a meeting held pursuant to subsection 1, and notwithstanding any previous decision to terminate participation in the Program, any time before reaching the age of 21 years, a young adult may request to participate in the Program.
3. The agency which provided child welfare services to a young adult before his or her 18th birthday:
 - (a) Shall, upon the request of the young adult to participate in the Program made on or after his or her 18th birthday, assist the young adult to enroll in the Program.
 - (b) May refer the young adult to an attorney who provides legal services without a charge to assist the young adult to enroll in the Program.
4. A child who enters into an agreement with an agency which provides child welfare services before the child reaches the age of 18 years to allow the child to live independently is not prohibited from electing to participate in the Program, and would be entitled to the same rights and protections set forth in NRS 432.591 to 432B.595, inclusive . . . as provided to any other young adult under the Program.

Nev. Rev. Stat. Ann. § 432B.594(1), (3) (Transfer of custody to private agency – Reports) governs Program eligibility, stating,

1. To be eligible to participate in the Program, a young adult must:
 - (a) Enter into a written agreement with the agency that provides child welfare services that satisfies the requirements prescribed in subsection 3;
 - (b) Be:

¹⁵ For more information, see Shared Hope Int’l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/wp-content/uploads/2022/10/2022-Issue-Briefs-3.5.pdf> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

- (1) Enrolled in a program of secondary education or an educational program leading to a general educational development certificate or an equivalent document;
 - (2) Enrolled in a program of postsecondary or vocational education;
 - (3) Enrolled or participating in a program or activity designed to promote employment or remove obstacles to employment;
 - (4) Employed at least 80 hours per month; or
 - (5) Incapable of satisfying any of the requirements prescribed in paragraphs (1) to (4), inclusive, due to a documented medical or cognitive condition; and
- (c) Make a good faith effort to achieve the goals set forth in the plan developed pursuant to NRS 432B.595

....

3. The written agreement to participate in the Program required by subsection 1 must be filed with the court and must include, without limitation, provisions which specify that:
- (a) The young adult voluntarily requested to participate in the Program;
 - (b) While participating in the Program, the young adult is entitled to continue to receive services from the agency which provides child welfare services and to receive monetary payments in the manner prescribed in the plan developed pursuant to NRS 432B.595 in an amount sufficient to assist the young adult to achieve self-sufficiency which does not exceed the rate of payment for foster care;
 - (c) While participating in the Program, the young adult will no longer be under the legal custody of the agency which provides child welfare services, and any proceedings conducted pursuant to NRS 432B.410 to 432B.590, inclusive, will terminate;
 - (d) The young adult may, at any time, request that his or her participation in the Program be terminated; and
 - (e) If there is an issue concerning the participant, the participant and the agency which provides child welfare services agree to attempt to resolve the issue before requesting a hearing before the court to address the issue.

Nev. Rev. Stat. Ann. § 432B.595(1) (Written plan to assist child to transition to independent living; duties of agency which provides child welfare services during period that court retains jurisdiction) provides that “[u]pon the request of a young adult who satisfies the requirements of subsection 1 of NRS 432B.594 to participate in the program, the agency which provides child welfare services shall develop a written extended youth support services plan to assist the young adult in transitioning to self-sufficiency”

- 3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

Policy Goal 3.6 State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement.

The Nevada state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.



ISSUE 4: Access to Justice for Trafficking Survivors

Policy Goal 4.1 State law allows trafficking victims to seek emergency civil orders of protection.

Nevada law expressly allows victims of CSEC, but not trafficking, to seek ex parte civil orders of protection against their exploiters. Pursuant to Nev. Rev. Stat. Ann. § 33.400 (Parent or guardian authorized to petition for order on behalf of child; contents of order; appeal of extended order; penalty for violation of order),

1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order¹⁶ against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:

. . . .

(b) Sexual abuse or sexual exploitation of the child.

Nev. Rev. Stat. Ann. § 432B.110 (“Sexual exploitation” defined) defines “sexual exploitation” to include CSEC conduct; however, child sex trafficking is not expressly included. Specifically, Nev. Rev. Stat. Ann. § 432B.110 states,

1. To solicit for or engage in prostitution;
2. To view a pornographic film or literature; and
3. To engage in:
 - (a) Filming, photographing or recording on videotape; or
 - (b) Posing, modeling, depiction or a live performance before an audience, which involves the exhibition of a child's genitals or any sexual conduct with a child, as defined in NRS 200.700 [Definitions].

Importantly, Nev. Rev. Stat. Ann. § 33.400(3), (4) allows emergency orders of protection to be granted on an ex parte basis, stating,

3. If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty or guilty but mentally ill during the trial, the court may issue a temporary or extended order
4. A temporary order may be granted with or without notice to the adverse party

¹⁶ Pursuant to Nev. Rev. Stat. Ann. § 33.400(2),

If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:

- (a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.
- (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.
- (c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.

- 4.1.1 Recommendation: Strengthen state law to allow victims of trafficking to obtain ex parte civil orders of protection against their exploiters.

Policy Goal 4.2 Ineligibility factors for crime victims' compensation do not prevent victims of child sex trafficking and commercial sexual exploitation of children (CSEC) from accessing compensation.

Nevada's crime victims' compensation laws exempt victims of child sex trafficking, but not CSEC, from some, but not all, ineligibility factors, leaving some commercially sexually exploited children without access to an award.

For purposes of accessing crime victims' compensation, Nev. Rev. Stat. Ann. § 217.070(1) (a), (h)–(i) (“Victim” defined) defines “victims” as follows:

[A] person who suffers direct or threatened physical, financial or psychological harm as a result of the commission of a crime,¹⁷ including, without limitation:

(a) A person who is injured or killed as the direct result of a criminal act;

.....

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 [Pandering: definition; penalties; exception];

(i) A person who is subjected to facilitating sex trafficking in violation of subsection 1 of NRS 201.301 [Facilitating sex trafficking];

Despite this broad definition, certain ineligibility factors may still limit a commercially sexually exploited child's ability to seek crime victims' compensation. Pursuant to Nev. Rev. Stat. Ann. § 217.100(1)–(3) (Application for compensation; limitation on time for submitting application; order for payment; medical reports),

1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270 [Compensation for certain victims of criminal acts], inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed, unless waived by the Director or a person designated by the Director for good cause shown,¹⁸ and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.¹⁹

¹⁷ Nev. Rev. Stat. Ann. § 217.035 (“Crime” defined) defines “crime” as “An act or omission committed within this state which, if committed by an adult, is forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline”

¹⁸ Notably, Nev. Rev. Stat. Ann. § 217.100 does not explain what constitutes “good cause” for purposes of this section.

¹⁹ Nev. Rev. Stat. Ann. § 217.100(5) provides an exception to filing and reporting deadlines for victims of “sexual abuse.” In defining victim of sexual abuse, Nev. Rev. Stat. Ann. § 217.070 refers to the definition of “sexual abuse” under Nev. Rev. Stat. Ann. § 432B.100 (“Sexual abuse” defined), which states,

“Sexual abuse” includes acts upon a child constituting:

1. Incest under NRS 201.180;
2. Lewdness with a child under NRS 201.230;
3. Sado-masochistic abuse under NRS 201.262;
4. Sexual assault under NRS 200.366;
5. Statutory sexual seduction under NRS 200.368;

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.
3. Where the person entitled to make application is:

Further, Nev. Rev. Stat. Ann. § 217.220 (Award of compensation prohibited under certain circumstances; exceptions) prohibits compensation from being awarded if the victim is found to be a “coconspirator, codefendant, [or] accomplice . . . of the offender whose crime caused the victim’s injuries.”

Notably, Nevada law carves out an exception to ineligibility based on contributory conduct and provocation. Because the exception is offense-specific, however, only victims of trafficking, not CSEC, will be protected. Under Nev. Rev. Stat. Ann. § 217.180(1), (2) (Order for compensation; considerations),

1. Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall award compensation unless the injury or death of the victim was substantially attributable to a wrongful act of the victim or substantially provoked by the victim.
2. If the case involves a victim of . . . facilitating sex trafficking or sex trafficking, the compensation officer shall not consider the wrongful act, provocation or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

Because child sex trafficking and CSEC victims are not expressly exempt from the other ineligibility factors noted above, however, some commercially sexually exploited children may not have access to an award.

- 4.2.1 Recommendation: Statutorily exempt victims of child sex trafficking and CSEC from ineligibility factors for crime victims’ compensation.

Policy Goal 4.3 Sex trafficked children and youth may vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Nevada law allows sex trafficked children and youth to vacate delinquency adjudications and criminal convictions but only for certain offenses arising from their victimization. Nev. Rev. Stat. Ann. § 179.247(1)–(7) (Vacating judgement and Sealing of records after conviction of certain offenses: Persons eligible; petition; notice; order) applies to criminal convictions arising from trafficking victimization. It states,

1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:
 - (a) Vacating the judgment; and
 - (b) Sealing all documents, papers and exhibits in the person’s record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court’s order.
2. A person may file a petition pursuant to subsection 1 if the person was convicted of:
 - (a) A violation of 201.353 [Unlawful for prostitute to engage in prostitution or solicitation for prostitution except in licensed house of prostitution: Penalty; provision of certain information; dismissal] or 201.354 [Engaging in prostitution or solicitation for prostitution: Provision of certain

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6. Open or gross lewdness under NRS 201.210; and
 7. Mutilation of the genitalia of a female child, aiding, abetting, encouraging or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child under NRS 200.5083.

Accordingly, victims of child sex trafficking and CSEC are not protected by the exception in Nev. Rev. Stat. § 217.100(5).

- information; criminal penalties; civil penalty; discharge and dismissal], for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;
- (b) A crime under the laws of this State, other than a crime of violence; or
- (c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

.....

4. The court may grant a petition filed pursuant to subsection 1 if:
 - (a) The petitioner was convicted of a violation of an offense described in subsection 2;
 - (b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:
 - (1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or
 - (2) Involuntary servitude as described in NRS 200.463 or 200.4631; and
 - (c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

.....

7. If the court grants a petition filed pursuant to subsection 1, the court shall:
 - (a) Vacate the judgment and dismiss the accusatory pleading; and
 - (b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

In addition, Nev. Rev. Stat. Ann. § 62E.275(1)–(5) (Vacating and sealing records of adjudication of delinquency for certain unlawful acts by child who was victim of trafficking or involuntary servitude) allows child sex trafficking victims to vacate delinquency adjudications, stating,

1. If a child has been adjudicated delinquent for an unlawful act listed in subsection 2, the child may petition the juvenile court for an order:
 - (a) Vacating the adjudication; and
 - (b) Sealing all records relating to the adjudication.
2. A child may file a petition pursuant to subsection 1 if the child was adjudicated delinquent for an unlawful act in violation of:
 - (a) NRS 201.533 or 201.354 for engaging in prostitution or solicitation for prostitution, provided that the child was not alleged to be a customer of a prostitute;
 - (b) NRS 207.200, for unlawful trespass;
 - (c) Paragraph (b) of subsection 1 of NRS 463.350, for loitering; or
 - (d) A county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.
3. The juvenile court may grant a petition filed pursuant to subsection 1 if:
 - (a) The petitioner was adjudicated delinquent for an unlawful act described in subsection 2;
 - (b) The participation of the petitioner in the unlawful act was the result of the petitioner having been a victim of:
 - (1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or
 - (2) Involuntary servitude as described in NRS 200.463 or 200.4631; and
 - (c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

.....

5. If the court grants a petition filed pursuant to subsection 1, the court shall:
 - (a) Vacate the adjudication and dismiss the accusatory pleading; and
 - (b) Order sealed all records relating to the adjudication.

As noted above, however, both Nev. Rev. Stat. Ann. § 179.247 and Nev. Rev. Stat. Ann. § 62E.275 limit relief to certain offenses, which fails to recognize the array of crimes trafficking victims may be induced to commit and leaves many survivors without any avenue for relief.

- 4.3.1 Recommendation: Strengthen existing law by allowing sex trafficked children and youth to vacate delinquency adjudications and criminal convictions for any offense arising from trafficking victimization.

Policy Goal 4.4 State law mandates restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.

Restitution is discretionary in child sex trafficking and CSEC cases. Pursuant to Nev. Rev. Stat. Ann. § 201.325(1), (2) (Power of courts to order restitution),

1. In addition to any other penalty, the court may order a person convicted of a violation of any provision of NRS 201.300 [Pandering and sex trafficking: definitions; penalties; exception], 201.320 [Living from earnings of prostitute; penalty] or 201.395 [Advancing prostitution: definition; penalty] to pay restitution to the victim as provided in subsection 2.
2. Restitution ordered pursuant to this section may include, without limitation:
 - (a) The cost of medical and psychological treatment, including, without limitation, physical and occupational therapy and rehabilitation;
 - (b) The cost of transportation, temporary housing and child care;
 - (c) The return of property, the cost of repairing damaged property or the full value of the property if it is destroyed or damaged beyond repair;
 - (d) Expenses incurred by a victim in relocating away from the defendant or his or her associates, if the expenses are verified by law enforcement to be necessary for the personal safety of the victim;
 - (e) The cost of repatriation of the victim to his or her home country, if applicable; and
 - (f) Any and all other losses suffered by the victim as a result of the violation of any provision of NRS 201.300, 201.320, or 201.395.

Restitution is available more generally to victims of other crimes under Nev. Rev. Stat. Ann. § 176.033(3) (Sentence of imprisonment required or permitted by statute: definite period for misdemeanor or gross misdemeanor; minimum and maximum term for felony unless definite term required by statute; restitution; modification of sentence), which allows the court to order restitution if deemed appropriate. Specifically, Nev. Rev. Stat. Ann. § 176.033(3) states, “If a sentence of imprisonment is required or permitted by statute, the court shall: . . . If restitution is appropriate, set an amount of restitution for each victim of the offense”

Further, Nev. Rev. Stat. Ann. § 176A.430(1) (Restitution) provides,

The court shall order as a condition of probation or suspension of sentence, in appropriate circumstances, that the defendant make full or partial restitution to the person or persons named in the order, at the times and in the amounts specified in the order unless the court finds that restitution is impracticable. Such an order may require payment for medical or psychological treatment of any person whom the defendant has injured. In appropriate circumstances, the court shall include as a condition of probation or suspension of sentence that the defendant execute an assignment of wages earned while on probation or subject to the conditions of suspension of sentence to the Division for restitution.

- 4.4.1 Recommendation: Statutorily mandate restitution in child sex trafficking and CSEC cases.

Policy Goal 4.5 State law provides child sex trafficking victims with a trafficking-specific civil remedy.

Nevada law allows victims of child sex trafficking to pursue civil remedies against their exploiters. Nev. Rev. Stat. Ann. § 41.1399 (Action by victim of human trafficking; venue; damages and other relief; attorney’s fees and costs; statute of limitations; joinder of parties; limitation on defenses) states,

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.
.....
4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney’s fees and costs to the plaintiff.
.....
10. For the purposes of this section:
 - (a) A victim of human trafficking is a person against whom a violation of any provision of NRS 200.463 to 200.468 [involving involuntary servitude; purchase or sale of person; and trafficking in persons], inclusive, 201.300 [Pandering and sex trafficking: definitions; penalties; exception] or 201.320 [Living from the earnings of prostitute; penalties] or 201.395 [Advancing prostitution: definition; penalty], or 18 U.S.C. § 1589 [Forced labor], 1590 [Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor] or 1591 [Sex trafficking of children or by force, fraud, or coercion] has been committed.
 - (b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300 or 201.320 or 201.395, or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

EXTRA CREDIT



Nevada law provides sex trafficked youth with a trafficking-specific civil remedy under Nev. Rev. Stat. Ann. § 41.1399, which expressly includes victims of both state and federal sex trafficking laws regardless of the victim’s age.



Nevada law provides child labor trafficking victims with a trafficking-specific civil remedy under Nev. Rev. Stat. Ann. § 41.1399, which expressly includes victims of both state and federal labor trafficking laws.

Policy Goal 4.6

Statutes of limitation for criminal and civil actions for child sex trafficking or commercial sexual exploitation of children (CSEC) offenses are eliminated to allow prosecutors and victims a realistic opportunity to pursue criminal action and legal remedies.

Generally, Nevada law lengthens, but does not eliminate, statutes of limitation for prosecuting child sex trafficking and CSEC offenses or for filing trafficking-specific civil actions. Pursuant to Nev. Rev. Stat. Ann. § 171.085(3) (Limitation for felonies), an indictment for “[s]ex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.” However, Nev. Rev. Stat. Ann. § 171.095(1)(b) (Limitations for offenses committed in secret manner, offenses constituting sexual abuse or sex trafficking of child, and offenses regarding personal identifying information) extends that time period for cases involving minor victims, stating,

An indictment must be found, or an information or complaint filed, for any offense constituting . . . sex trafficking of a child as defined in NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception], before the victim is:

- (1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or
- (2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.

Further, Nev. Rev. Stat. Ann. § 171.083(1)–(4) (No limitation for sexual assault or sex trafficking if written report filed with law enforcement officer during period of limitation; effect of disability on period of limitation) allows prosecutions for sex trafficking to commence at any time if the victim filed a report with law enforcement before the criminal statute of limitation expired. It states,

1. Except as otherwise provided in NRS 171.080 [No statute of limitation for murder, sexual assault arising out of same facts and circumstances as murder or terrorism], if, at any time during the period of limitation prescribed in NRS 171.085 [Limitations for felonies] and 171.095 [Limitations for offenses committed in secret manner, offenses constituting sexual abuse or sex trafficking of a child, and offenses regarding personal identifying information], . . . a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking, files with a law enforcement officer a written report concerning the . . . or sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for . . . sex trafficking must be commenced.

3. If a victim of . . . sex trafficking is under a disability during any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a written report concerning . . . sex trafficking is not otherwise filed pursuant to subsection 1, the period during which the victim is under the disability must be excluded from any calculation of the period of limitation prescribed in NRS 171.085 and 171.095.

4. For the purposes of this section, a victim of . . . sex trafficking is under a disability if the victim is insane, intellectually disabled, mentally incompetent or in a medically comatose or vegetative state.

Otherwise, Nev. Rev. Stat. Ann. § 171.085(4) (Limitations for felonies) provides for a 3-year statute of limitation for most felonies.²⁰

Regarding civil actions, Nev. Rev. Stat. Ann. § 41.1399(5)–(7) (Action by victim of human trafficking; venue; damages and other relief; attorney’s fees and costs; statute of limitations; joinder of parties; limitation on defenses) provides,

²⁰ Nev. Rev. Stat. Ann. § 171.080 (No statute of limitation for murder or terrorism) only eliminates the statute of limitations for actions related to murder or terrorism.

5. The statute of limitations for an action brought under this section does not commence until:
 - (a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;
 - (b) The plaintiff reaches 18 years of age; or
 - (c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred, whichever is later.
6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.
7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section..

Generally, Nev. Rev. Stat. Ann. § 11.190(4)(e) requires civil actions based on personal injury to commence within 2 years.

- 4.6.1 Recommendation: Strengthen existing law to allow prosecutions for child sex trafficking and CSEC offenses to commence at any time and eliminate the statute of limitation for filing trafficking-specific civil actions.



ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

Policy Goal 5.1 State law provides a child sex trafficking-specific hearsay exception that applies to non-testimonial evidence to reduce reliance on victim testimony.

Although Nevada law does not expressly allow non-testimonial, out-of-court statements made by commercially sexually exploited children to be admitted into evidence, there is a broad hearsay exception that applies to victims of criminal conduct that encompasses the abuse experienced by child sex trafficking victims; however, this protection is only available to younger minors. Pursuant to Nev. Rev. Stat. Ann. § 51.385(1), (2) (Admissibility; notice of unavailability or inability of child to testify),

1. In addition to any other provision for admissibility made by statute or rule of court, a statement made by a child under the age of 10 years describing any act of sexual conduct performed with or on the child or any act of physical abuse of the child is admissible in a criminal proceeding regarding that act of sexual conduct or physical abuse if:
 - (a) The court finds, in a hearing out of the presence of the jury, that the time, content and circumstances of the statement provide sufficient circumstantial guarantees of trustworthiness; and
 - (b) The child testifies at the proceeding or is unavailable or unable to testify.
2. In determining the trustworthiness of a statement, the court shall consider, without limitation, whether:
 - (a) The statement was spontaneous;
 - (b) The child was subjected to repetitive questioning;
 - (c) The child had a motive to fabricate;
 - (d) The child used terminology unexpected of a child of similar age; and
 - (e) The child was in a stable mental state.

Notably, child victims who are 10 years of age or older are not protected by this hearsay exception.

- 5.1.1 Recommendation: Strengthen existing hearsay protections to expressly apply in child sex trafficking and CSEC cases.

Policy Goal 5.2 State law provides child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

Nevada law provides commercially sexually exploited children with an alternative to live, in-court testimony; however, certain protections are limited to minors under 14 years of age. Specifically, Nev. Rev. Stat. Ann. § 174.227 (Videotaped depositions; order of court; notice to parties; cross examination; use) allows for admission of a videotaped deposition in lieu of a child's live testimony, stating,

1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:
 -
 - (b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age;
 - (c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300; or
 - (d) A victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking.

The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.

.....

3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Importantly, this protection applies to all child sex trafficking victims, regardless of age, as well as victims of Nevada's CSEC offenses who are under 14 years of age. However, Nev. Rev. Stat. Ann. § 174.228 (Videotaped depositions: use) states,

A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

.....

2. In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300 or a victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Alternatively, Nev. Rev. Stat. Ann. § 50.580 (Standards for determining whether child witness may testify by alternative method) states,

1. In a criminal proceeding, the presiding officer may allow a child witness²¹ to testify by an alternative method²² only in the following situations:²³
 - (a) The child may testify otherwise than in an open forum in the presence and full view of the finder of fact if the presiding officer finds by clear and convincing evidence that the child would suffer serious emotional trauma that would substantially impair the child's ability to communicate with the finder of fact if required to testify in the open forum.
 - (b) The child may testify other than face-to-face with the defendant if the presiding officer finds by clear and convincing evidence that the child would suffer serious emotional trauma that would substantially impair the child's ability to communicate with the finder of fact if required to be confronted face-to-face by the defendant.
2. In a noncriminal proceeding, the presiding officer may allow a child witness to testify by an alternative method if the presiding officer finds by a preponderance of the evidence that allowing the child to testify by an alternative method is necessary to serve the best interests of the child or enable the child to communicate with the finder of fact. In making this finding, the presiding officer shall consider:
 - (a) The nature of the proceeding;
 - (b) The age and maturity of the child;
 - (c) The relationship of the child to the parties in the proceeding;
 - (d) The nature and degree of emotional trauma that the child may suffer in testifying; and
 - (e) Any other relevant factor.

Notably, child victims who are 14 years of age or older are not permitted to testify by an alternative method under Nev. Rev. Stat. Ann. § 50.580, thereby increasing their risk of re-traumatization from testifying.

²¹ Nev. Rev. Stat. Ann. § 50.530 (“Child witness” defined) defines “child witness” as “a child under 14 years who has been or will be called to testify in a proceeding.”

²² Nev. Rev. Stat. Ann. § 50.520 (“Alternative method” defined) defines “alternative method” as follows:

“Alternative method” means a method by which a child witness testifies which does not include all of the following:

1. Having the child testify in person in an open forum;
2. Having the child testify in the presence and full view of the finder of fact and presiding officer; and
3. Allowing all of the parties to be present, to participate and to view and be viewed by the child

²³ Pursuant to Nev. Rev. Stat. Ann. § 50.590 (Factors for determining whether to permit alternative method),

If the presiding officer determines that a standard pursuant to NRS 50.580 has been met, the presiding officer shall determine whether to allow a child witness to testify by an alternative method. In making this determination, the presiding officer shall consider:

1. Alternative methods reasonably available;
2. Available means for protecting the interests of or reducing emotional trauma to the child without resorting to an alternative method;
3. The nature of the case;
4. The relative rights of the parties;
5. The importance of the proposed testimony of the child;
6. The nature and degree of emotional trauma that the child may suffer if an alternative method is not used; and
7. Any other relevant factor.

Policy Goal 5.3

Child sex trafficking victims have access to victim protections in the criminal justice system.

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
Summary	Not statutorily required.	Not statutorily required.	Court records, history, and records that reveal the identity of a victim of sex trafficking, including but not limited to photographs, name, address, or telephone numbers are kept confidential. Sex trafficking victims may also choose a pseudonym to be used instead of their name on all files, records, and documents pertaining to the offense.
Relevant Statute(s)	None.	None.	Nev. Rev. Stat. Ann. § 200.3771(1)(a)–(d) (Victims of certain sexual offenses: Confidentiality or records and reports that reveal identity; when disclosure permitted; penalty)

5.3.1 Recommendation: Statutorily require that child sex trafficking victims have the right to a victim advocate and are provided courtroom supports when testifying against their exploiter.

Policy Goal 5.4

State law provides for privileged communications between caseworkers and child sex trafficking victims.

Nevada law provides for a child sex trafficking-specific caseworker privilege that protects a child sex trafficking victim’s communications with their caseworker from being disclosed. Under Nev. Rev. Stat. Ann. § 49.2547 (General rule of privilege),

Except as otherwise provided in NRS 49.2549 [Exceptions],²⁴ a victim who seeks advice, counseling or assistance from a victim's advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in NRS 49.2546.

²⁴ Nev. Rev. Stat. Ann. § 49.2549 (Exceptions) provides,

There is no privilege pursuant to NRS 49.2547 if:

1. The purpose of the victim in seeking services from a victim’s advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;

Further, Nev. Rev. Stat. Ann. § 49.2546(1) (When communication deemed to be confidential; “communication” defined) states,

A communication²⁵ shall be deemed to be confidential if the communication is between a victim and a victim’s advocate and is not intended to be disclosed to third persons other than:

- (a) A person who is present to further the interest of the victim;
- (b) A person reasonably necessary for the transmission of the communication; or
- (c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim’s family.

Victims of child sex trafficking are expressly protected under these provisions based on the definition of “victim.” Nev. Rev. Stat. Ann. § 49.2544 (“Victim” defined) defines “victim” as “a person who alleges that an act of domestic violence, human trafficking²⁶ or sexual assault has been committed against the person.”

EXTRA CREDIT



Nevada law prevents disclosure of confidential communications made between a sex trafficking victim and their caseworker under Nev. Rev. Stat. Ann. § 49.2547 regardless of the victim’s age.



Nevada law prevents disclosure of confidential communications made between a child labor trafficking victim and their caseworker under Nev. Rev. Stat. Ann. § 49.2547 based on the definition of “victim” under Nev. Rev. Stat. Ann. § 49.2544, which applies broadly to all cases involving human trafficking, including both sex and labor trafficking.

2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person . . . , but only as to that portion of the communication;
3. The communication is relevant to an issue of breach of duty by the victim’s advocate to the victim or by the victim to the victim’s advocate; or
4. Disclosure of the communication is otherwise required by law.

²⁵ Nev. Rev. Stat. Ann. § 49.2546(2) defines “communication” as follows:

[A]ll records concerning the victim and the services provided to the victim which are within the possession of:

- (a) The victim’s advocate; or
- (b) The nonprofit program, the program of a university, state college or community college within the Nevada System of Higher Education or the program of a tribal organization for whom the victim’s advocate works.

²⁶ Nev. Rev. Stat. Ann. § 49.25425 (“Human trafficking” defined) defines “human trafficking” as “a violation of any provision of NRS 200.463 to 200.468 [Involuntary servitude; purchase or sale of persons; trafficking in persons], inclusive, 201.300 [Pandering and sex trafficking; definitions; penalties; exception], 201.320 [Living from earnings of prostitute; penalty], 201.395 [Advancing prostitution: definition; penalty] or 18 U.S.C. § 1589 [Forced labor], 1590 [Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor] or 1591 [Sex trafficking of children or by force, fraud, or coercion].”



ISSUE 6: Prevention & Training

Policy Goal 6.1 State law mandates statewide training for child welfare agencies on identification and response to child sex trafficking.

Staff of specialized housing placements must receive trafficking-specific training; however, Nevada law does not mandate such training for child welfare agencies. Pursuant to Nev. Rev. Stat. Ann. § 424.0195(2)(d), (3)(a)(6) (Coordinator of services for commercially sexually exploited children; Duties),

2. The coordinator of services for commercially sexually exploited children shall, in collaboration with other state and local agencies, including, without limitation, agencies which provide child welfare services and juvenile justice agencies, and other interested persons, including, without limitation, nonprofit organizations that provide legal services and persons who advocate for victims:

....

(d) Develop a plan to establish the infrastructure to provide treatment, housing and services to commercially sexually exploited children that meets the requirements of subsection 3 and update the plan as necessary.

3. The plan developed pursuant to paragraph (d) of subsection 2 must include, without limitation, plans to:

(a) Provide specialized, evidence-based forms of housing, including, without limitation and where feasible and appropriate, home-based housing, receiving centers or other appropriate placements, to meet the needs of each commercially sexually exploited child in this State. All housing provided pursuant to this paragraph must:

....

(6) Be operated by persons who have training concerning the specific needs of commercially sexually exploited children and practices for interacting with victims of trauma.

6.1.1 Recommendation: Statutorily mandate statewide training for child welfare agencies on identification and response to child sex trafficking.

Policy Goal 6.2 State law mandates statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Nevada law does not mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

6.2.1 Recommendation: Statutorily mandate statewide training for juvenile justice agencies on identification and response to child sex trafficking.

Policy Goal 6.3 State law mandates ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

Nevada law mandates trafficking-specific, continuing education for all peace officers as well as training on the sexual exploitation of children for category I peace officers and officers who are regularly assigned to investigate those cases.

Pursuant to Nev. Rev. Stat. Ann. § 432B.610(1) (Training of certain peace officers for detection and investigation of and response to cases of sexual abuse or sexual exploitation of children; regulations),

The Peace Officers' Standards and Training Commission shall:

- (a) Require each category I peace officer²⁷ to complete a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.
- (b) Not certify any person as a category I peace officer unless the person has completed the program of training required pursuant to paragraph (a).
- (c) Establish a program to provide the training required pursuant to paragraph (a).
- (d) Adopt regulations necessary to carry out the provisions of this section.

Further, Nev. Rev. Stat. Ann. § 432B.620(1) (Certification of peace officers who regularly investigate cases of sexual abuse or sexual exploitation of children; regulations) requires a peace officer who is regularly assigned to investigate “cases of sexual abuse or sexual exploitation of children under the age of 18 [to] be certified to carry out those duties by the Peace Officers' Standards and Training Commission.” Under Nev. Rev. Stat. Ann. § 432B.620(2),

The Peace Officers' Standards and Training Commission shall require each peace officer assigned to investigate regularly cases of sexual abuse or sexual exploitation of children under the age of 18 years to complete, within 1 year after the peace officer is assigned to investigate those cases and each year thereafter, a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.

Lastly, trafficking-specific continuing education is provided for under Nev. Rev. Stat. Ann. § 289.510(1)(c)(3)(VI) (Peace Officers' Standards and Training Commission: Powers and duties; regulations), which requires “all peace officers [to] annually complete not less than 12 hours of continuing education in courses that address . . . [h]uman trafficking”

Policy Goal 6.4 State law mandates trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

Nevada law does not mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily mandate trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

²⁷ Nev. Rev. Stat. Ann. § 432B.610(2) defines “category I peace officer” to include the following:

- (a) Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;
- (b) Personnel of the Nevada Highway Patrol whose principal duty is to enforce one or more laws of this State, and any person promoted from such a duty to a supervisory position related to such a duty;
- (c) Marshals, police officers and correctional officers of cities and towns;
- (d) Members of the Police Department of the Nevada System of Higher Education;
- (e) Employees of the Division of State Parks of the State Department of Conservation and Natural Resources designated by the Administrator of the Division who exercise police powers specified in NRS 289.260;
- (f) The Chief, investigators and agents of the Investigation Division of the Department of Public Safety;
- (g) The personnel of the Department of Wildlife who exercise those powers of enforcement conferred by title 45 and chapter 488 of NRS; and
- (h) School police officers employed or appointed by the board of trustees of any county school district.

Policy Goal 6.5 State law mandates child sex trafficking training for school personnel.

Nevada law does not mandate training on child sex trafficking for school personnel.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel.

Policy Goal 6.6 State law mandates child sex trafficking prevention education in schools.

Nevada law does not mandate child sex trafficking prevention education in schools.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools.

State Laws Addressing Child Sex Trafficking

1. Nev. Rev. Stat. Ann. § 201.300(2) (Pandering and sex trafficking: definition; penalties; exception) states,

A person:

- (a) Is guilty of sex trafficking if the person:

- (1) Induces,²⁸ causes, recruits, harbors, transports,²⁹ provides, obtains or maintains a child to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;
- (2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;
- (3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;
- (4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person; or
- (5) Receives anything of value with the specific intent of facilitating a violation of this paragraph.

- (b) Who is found guilty of sex trafficking:

....

- (2) A child:

- (I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

- (II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

- (III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

2. Nev. Rev. Stat. Ann. § 201.301 (Facilitating sex trafficking) states,

1. A person is guilty of facilitating sex trafficking if the person:
-

²⁸ Nev. Rev. Stat. Ann. § 201.295(3) (Definitions) defines “induce” as “to persuade, encourage, inveigle or entice.”

²⁹ Nev. Rev. Stat. Ann. § 201.295(7) defines “transports” as “to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.”

- (a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:
 - (1) Inducing³⁰ the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300 [Pandering and sex trafficking: definition; penalties; exception];
 - (2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or
 - (3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 [Unlawful to use minor in producing pornography or as subject of sexual portrayal in performance] or 200.720 [Promotion of sexual performance of minor unlawful];
 - (b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:
 - (1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;
 - (2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or
 - (3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720; or
 - (c) Travels to or within this State by any means with the intent of engaging in:
 - (1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or
 - (2) Any act involving a child that is prohibited by NRS 200.710 or 200.720.
2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:
-
- (b) If the victim is less than 18 years of age, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

³⁰ See *supra* note 28 for the definition of “induce.”

State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

1. Nev. Rev. Stat. Ann. § 201.354(1) (Engaging in prostitution or solicitation for prostitution: Penalty; exception) states, “It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.” If the person solicited is a minor, a violation of Nev. Rev. Stat. Ann. § 201.354(1) is punishable as a category D felony by imprisonment for 1–4 years and a possible fine up to \$5,000. Nev. Rev. Stat. Ann. §§ 201.354(5)(a), 193.130(2)(d).