



2023 REPORT

# NEVADA

## Report Cards on Child & Youth Sex Trafficking

*State Action. National Change.*



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IN 2011, SHARED HOPE RELEASED THE NATION'S FIRST LEGAL FRAMEWORK THAT CHALLENGED states to enact laws that comprehensively address the crime of child sex trafficking. When we launched the Protected Innocence Challenge project—and issued the inaugural State Report Cards—the majority of states received an “F” grade, reflecting the reality that many states’ laws failed to even recognize the crime of child sex trafficking. Since then, we have been working to lay the foundation for transformational policy, practice, and cultural change by supporting state legislators and stakeholders in identifying gaps in the fabric of laws needed to address this heinous crime. By 2019, no state received an “F” grade, and a majority of the country received an “A” or “B.”

## PROTECTED INNOCENCE CHALLENGE

### NEVADA

2019	SCORE	GRADE	10	24	15	10	23.5	14.5
	97	A	10	25	15	10	27.5	15
2011	SCORE	GRADE	2.5	13	13.5	6.5	12.5	10
	58	F	10	25	15	10	27.5	15

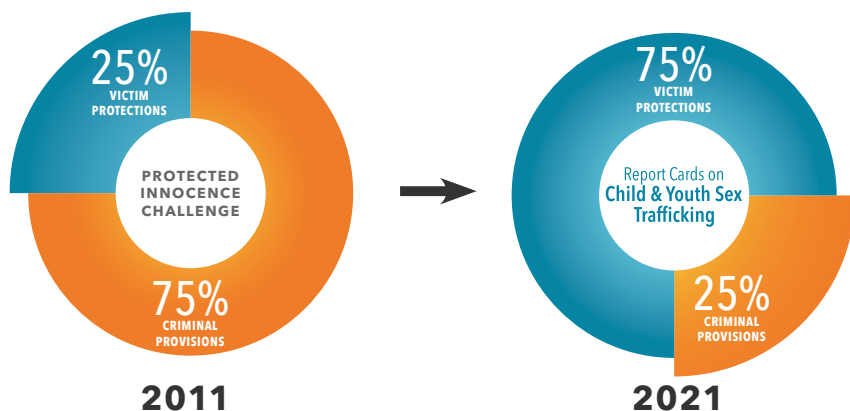
From 2011 to 2019, Nevada raised their grade under the Protected Innocence Challenge from an “F” to an “A,” enacting legislation aimed at holding offenders accountable and protecting survivors.

To view Nevada’s 2019 PIC report, visit [sharedhope.org/PICframe9/reportcards/PIC\\_RC\\_2019\\_NV.pdf](https://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_NV.pdf)

## A SHIFT IN FOCUS

THE PROTECTED INNOCENCE CHALLENGE PROJECT WAS SHARED HOPE’S VISION FOR MOBILIZING collective state action to ensure national change. Building on the progress already made under that project—while preserving its most fundamental components—we released a new, advanced legislative framework in 2020 that

focuses on new policy priorities reflective of feedback and research collected from the field. This framework is meant to challenge states to take the next step in the fight against sex trafficking by focusing on the area of law where the largest gaps remain—victim protections.



## ADVANCED LEGISLATIVE FRAMEWORK

### 6 ISSUE AREAS IDENTIFIED:

CRIMINAL PROVISIONS

IDENTIFICATION OF & RESPONSE TO VICTIMS

CONTINUUM OF CARE

ACCESS TO JUSTICE FOR TRAFFICKING SURVIVORS

TOOLS FOR A VICTIM-CENTERED CRIMINAL JUSTICE RESPONSE

PREVENTION & TRAINING

### 40 POLICY GOALS ANALYZED:

### 110 TOTAL POINTS AWARDED:

States earn up to 2.5 points per policy goal

Extra credit: Protections for labor and youth 18+

100 possible points

plus up to 10 points

### FINAL LETTER GRADES ASSIGNED:

**A** | 90-110 **B** | 80-89 **C** | 70-79 **D** | 60-69 **F** | <60

#### TIER RANKING

Another way the Report Cards on Child & Youth Sex Trafficking will measure progress is through a Tier system that will help states understand how they are doing compared to other states. Especially at this stage where grades are clustered at lower levels, the Tiers help to show states where they are on a spectrum. This provides another way for states to evaluate the progress they make beyond changes to their letter grade.

#### THE TIERS ARE STRUCTURED AS FOLLOWS:

- ▶ TIER 1 = TOP 10 SCORES
- ▶ TIER 2 = MIDDLE 31 SCORES
- ▶ TIER 3 = BOTTOM 10 SCORES

C

# NEVADA

## 2023 Report Card

TIER I









**GRADES ARE BASED SOLELY ON AN ANALYSIS OF STATE STATUTES.** While we recognize the critical importance of non-legislative responses to propel progress, grading on statutory law provides a clear mechanism for evaluating policy goals across all states while ensuring that survivor-centered reforms are an enduring part of states' responses.

### STATE HIGHLIGHTS:

- Between 2021-2023, raised score by 21.5 points.
- Second most improved in 2023 (raised score by 18 points this year alone).
- Currently ranked 8th in the nation.
- One of 10 states to raise their letter grade this year.
- Leads the nation for laws related to continuum of care.

### SAFE HARBOR STATUS:

One of 21 states that fail to fully prohibit the criminalization of minors for prostitution offenses, thus allowing commercially sexually exploited minors to be held criminally accountable for their own victimization.

Issue		Grade	Score	Summary
	1. Criminal Provisions	C	$\frac{13}{17.5}$	Policy goals accomplished related to buyer accountability under state CSEC laws, mis-take of age defenses, decoy defenses, and business entity liability under the trafficking law. Gaps remain related to buyer accountability under the trafficking law, trafficker accountability under state CSEC laws, and financial penalties.
	2. Identification of and Response to Victims	F	$\frac{13}{27.5}$	Policy goals accomplished related to third party control, screening through child welfare and the juvenile justice system, and child abuse definitions. Gaps remain related to foreign national victims, non-criminalization for prostitution offenses, expanded non-criminalization, juvenile court jurisdiction, and non-caregiver trafficking cases.
	3. Continuum of Care	B	$\frac{12}{15}$	Policy goal accomplished related to community-based services, services through child welfare and the juvenile justice system, and appropriations. Gaps remain related to MDT responses and extended foster care services.
	4. Access to Justice for Trafficking Survivors	C	$\frac{11.5}{15}$	Policy goal accomplished related to civil remedies. Gaps remain related to civil orders of protection, crime victims' compensation, vacatur, restitution, and statutes of limitation.
	5. Tools for a Victim-Centered Criminal Justice Response	C	$\frac{7}{10}$	Policy goals accomplished related to alternatives to live, in-court testimony and privileged communications. Gaps remain related to hearsay exceptions and victim-witness supports.
	6. Prevention and Training	F	$\frac{8.5}{15}$	Policy goal accomplished related to training for law enforcement. Gaps remain related to training for child welfare, juvenile justice agencies, prosecutors, and school personnel as well as prevention education in schools.
EXTRA CREDIT	 Youth		3	Protections related to appropriations, civil remedies, and privileged communications are extended to sex trafficked youth.
	 Child Labor Trafficking		3	Protections related to appropriations, civil remedies, and privileged communications are extended to child labor trafficking victims.

**OVERALL GRADE**  
TIER I

**C 71**

## WHAT IS SAFE HARBOR?

“Safe Harbor” refers to laws that insulate survivors from a punitive response and direct them toward funded, comprehensive, and protective services.







## WHY SAFE HARBOR?

These laws ensure survivors of child and youth sex trafficking are not involved in the juvenile or criminal justice system and receive trauma-informed care. Appropriate identification and access to services are vital to creating a just response for survivors of child and youth sex trafficking.

## SAFE HARBOR LAWS

Comprehensive Safe Harbor laws  
**SHOULD PROHIBIT  
ARRESTING, DETAINING,  
CHARGING, & PROSECUTING**  
all minors for prostitution offenses, regardless of  
whether a finding of trafficking victimization is  
made, and, instead, require law enforcement to  
direct child and youth survivors to  
**SPECIALIZED SERVICES & CARE.**

Safe Harbor laws  
**SHOULD ALSO PROHIBIT  
CRIMINALIZATION**  
of child sex trafficking survivors for other crimes  
committed as a result of their victimization.

Status	Safe Harbor Policy Goal
 Fully met	The definition of child sex trafficking victim in the criminal code includes all commercially sexually exploited children without requiring third party control (see Policy Goal 2.1 for further analysis and <a href="#">Issue Brief 2.1</a> for background).
 Fully met	State law mandates child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking (see Policy Goal 2.3 for further analysis and <a href="#">Issue Brief 2.3</a> for background).
 Fully met	State law mandates juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking (see Policy Goal 2.4 for further analysis and <a href="#">Issue Brief 2.4</a> for background).
 Not met	State law prohibits the criminalization of minors under 18 for prostitution offenses and establishes a services-referral protocol as an alternative to arrest (see Policy Goal 2.5 for further analysis and <a href="#">Issue Brief 2.5</a> for background).
 Partially met	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 (see Policy Goal 2.6 for further analysis and <a href="#">Issue Brief 2.6</a> for background).
 Not met	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 (see Policy Goal 2.7 for further analysis and <a href="#">Issue Brief 2.7</a> for background).
 Not met	State law provides child sex trafficking victims with an affirmative defense to violent felonies committed as a result of their trafficking victimization (see Policy Goal 2.8 for further analysis and <a href="#">Issue Brief 2.8</a> for background).
 Fully met	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 (see Policy Goal 3.1 for further analysis and <a href="#">Issue Brief 3.1</a> for background).
 Fully met	State funding is appropriated to support specialized services and a continuum of care for sex trafficked children regardless of system involvement (see Policy Goal 3.6 for further analysis and <a href="#">Issue Brief 3.6</a> for background).

## STATE SUMMARY:

Nevada law fails to fully prohibit the criminalization of minors for prostitution offenses. While protections exist, they are undermined by conflicting provisions that allow minors who have engaged in commercial sex to be subjected to punitive processes. Moreover, although state law prohibits the criminalization of child sex trafficking victims for status offenses and certain misdemeanor offenses, victims can still be charged with other offenses committed as a result of their victimization. Despite these failings, 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. Further, the state legislature appropriated funds to support the development and provision of specialized, community-based services.

**SAFE HARBOR RESOURCES:** For additional information, visit [reportcards.sharedhope.org/safeharbor/](https://reportcards.sharedhope.org/safeharbor/).

**SAFE HARBOR MAP:** To see our map of state Safe Harbor law development, visit [reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf](https://reportcards.sharedhope.org/wp-content/uploads/2022/11/SafeHarborMapDec2022.pdf).



This report provides a thorough analysis of Nevada’s statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.<sup>1</sup> This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state’s anti-child sex trafficking response; where such responses were submitted, they are included as “Insights from the Field” under the respective policy goal but are not factored into the state’s grade.

For more information on how to use this Analysis Report, click [here](#).



## 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.

① **PARTIALLY MET**

Nevada’s trafficking law could apply to buyers of commercial sex with minors based on the terms “causes” or, following federal precedent, “obtains.”<sup>2</sup> 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:

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<sup>1</sup> Evaluations of state laws are based on legislation enacted as of July 1, 2023.

<sup>2</sup> 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. (See [Issue Brief 1.1.](#))

**Policy Goal 1.2** Commercial sexual exploitation of children (CSEC) laws<sup>3</sup> specifically criminalize purchasing or soliciting commercial sex with any minor under 18.

● FULLY MET

Although Nev. Rev. Stat. Ann. § 201.354 (Engaging in prostitution or solicitation for prostitution: Penalty; exception) criminalizes purchasing and soliciting commercial sex and provides for a heightened penalty when the person patronized or solicited is a minor, Nev. Rev. Stat. Ann. § 201.354(1) provides an exception for acts 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.”

**INSIGHTS FROM THE FIELD**

“2021-State-Summary-Nevada.pdf (traffickinginstitute.org)

♣ In Nevada, one new criminal human trafficking case was filed in federal courts in 2021. Three defendants were convicted. 100 percent (1) of new defendants were charged with sex trafficking, and zero percent were charged with forced labor. Nevada federal courts ordered zero of three convicted human trafficking defendants to pay restitution to their victim(s) in 2021. Federal courts last ordered convicted Nevada trafficking defendants to pay restitution in 2018.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

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<sup>3</sup> The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of Nevada’s CSEC laws, see the appendix located at the end of this report.

### Policy Goal 1.3

Commercial sexual exploitation of children (CSEC) laws<sup>4</sup> apply to traffickers and protect all minors under 18.

○ NOT MET

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. (See [Issue Brief 1.3](#).)

#### INSIGHTS FROM THE FIELD

“Human Trafficking court (Nevada Human Trafficking – Statistics, Facts, Shelters Search ([htcourts.org](http://htcourts.org)))

- ♣ Human trafficking is illegal under Nevada and Federal laws. The federal Trafficking Victims Protection Act (22 USC 7102) forbids both sex trafficking and labor trafficking as it is against the 13th Amendment and Title 18 of the United States Code. Because of this, claims of human trafficking in Nevada are often heard in Federal District Court.
- ♣ In addition, the Nevada Revised Statute (NRS 200.463-468) defines human trafficking and prohibits the purchase or sale of a person; and involuntary servitude. Human trafficking in Nevada is categorized as a Class B felony punishable by five years in the Nevada state prison system and a \$50,000 maximum fine.
- ♣ For breaching NRS 200.467 (trafficking for financial gain), the maximum term is 10 years; for violating NRS 268, the maximum sentence is 20 years (trafficking for an unlawful purpose).
- ♣ In addition, Nevada has two laws against the trafficking of immigrants, as well as new legislation against trafficking in children (NRS 200.4685).
- ♣ Nevada ranks 2nd for the state with the highest rates of human trafficking according to the World Population Review report, with 5.77 per 100k residents. Based on the National Human Trafficking Hotline, a US national database for human trafficking, Nevada in 2021 recorded 201 cases from 571 tips received from well-wishers, victims, and survivors.
- ♣ Of the 201 cases, 296 victims were affected by the heinous crime, with the majority of the victims being children and women. Nevada recorded 168 female victims, 25 males, and 4 gender minorities victims from the country and foreigners.
- ♣ Most of these cases were categorized as sex trafficking, where these victims worked in motels, casinos, escorts and delivery services, strip clubs, brothels, and streets as prostitutes. Furthermore, Nevada recorded 157 sex trafficking incidents. The average of victims in this category was 24.4 years.
- ♣ On the other hand, 18 of the case involved forced labor, and 10 involved sex and labor trafficking. Most victims in these categories worked in casinos, restaurants, and food services.”<sup>†</sup>

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.

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<sup>4</sup> See *supra* note 3 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.



**Policy Goal 1.4** Mistake of age is not an available defense in child sex trafficking prosecutions.

● FULLY MET

Nevada law expressly prohibits a mistake of age defense in prosecutions for child sex trafficking. 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.”

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

● FULLY MET

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. § 193.153 (Punishment for attempts), could provide prosecutors with an alternative avenue to prosecute those cases. Nev. Rev. Stat. Ann. § 193.153(1) states, in part, “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** Business entities can be held criminally liable for conduct that violates the trafficking law.

● FULLY MET

Nevada law allows business entities to be held criminally liable for conduct that violates the trafficking law. Pursuant to Nev. Rev. Stat. Ann. § 201.300(2)(a) (Pandering and sex trafficking: definition; penalties; exception),

A person:

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

- (1) Induces,<sup>5</sup> causes, recruits, harbors, transports,<sup>6</sup> 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.

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<sup>5</sup> Nev. Rev. Stat. Ann. § 201.295(3) (Definitions) defines “induce” as “to persuade, encourage, inveigle or entice.”

<sup>6</sup> 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.”

Further, Nev. Rev. Stat. Ann. § 201.301(1) (Facilitating sex trafficking) provides,

A person is guilty of facilitating sex trafficking if the person:

- (a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:
  - (1) Inducing<sup>7</sup> 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.

Importantly, Nev. Rev. Stat. Ann. § 0.039 (“Person” defined) defines “person” as “a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization.” Accordingly, business entities can be held liable for a trafficking violation.

**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.

① **PARTIALLY MET**

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.

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<sup>7</sup> See *supra* note 61 for the definition of “induce.”

....

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 property<sup>8</sup> is subject to seizure and forfeiture in a proceeding for forfeiture: (a) Any proceeds<sup>9</sup> 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.<sup>10</sup>

1.7.1 Recommendation: Statutorily direct a percentage of financial penalties levied on CSEC offenders into a victim services fund. (See [Issue Brief 1.7.](#))

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<sup>8</sup> Nev. Rev. Stat. Ann. § 179.1162 (“Property” defined) defines “property” to include the following:

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.

<sup>9</sup> 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.”

<sup>10</sup> 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

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### 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.

● **FULLY MET**

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,"<sup>11</sup> 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.

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<sup>11</sup> See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under Nev. Rev. Stat. Ann. § 201.300.

## INSIGHTS FROM THE FIELD

“DCFS Policy: 0214 COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)  
<https://dcfs.nv.gov/Policies/CW/0500/>  
Screening and Identification Using the NRIT

1. All children involved with the Agency, aged ten (10) years and older, will be screened using the Nevada Rapid Indicator Tool (NRIT) to assess if a child is
  - 1) A confirmed victim of commercial sexual exploitation,
  - 2) At high risk of commercial exploitation, or
  - 3) No indicators apply to this youth at this time.
2. The NRIT is not meant to be used as a questionnaire, rather it requires the person administering it to use their cumulative knowledge of the child to complete. The purpose of the NRIT is to provide assessment and prevention for CSEC. The NRIT does not rely on self-disclosure of sex trafficking by a minor as CSEC rarely self-identify as a victim or disclose abuse. Rather, it includes indicators to consider in determining whether there is reasonable cause to believe the child is a victim, or at risk of being a victim, of commercial sexual exploitation.  
A copy of the NRIT is CSEC Policy Attachment 01.
3. The following scenarios require an NRIT to be administered:
  - a. During the initial assessment phase of an investigation.
  - b. When a child has returned from a run-away episode, regardless of placement type, for example, child is in foster care, child is placed with relatives or fictive kin, child is in a higher level of care, or child is placed home with their parents.
  - c. Anytime in the life of the case where there are concerns that a child, regardless of age, may be a CSEC victim or is at risk of being a CSEC victim.”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

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

○ NOT MET

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. (See [Issue Brief 2.2.](#))



### Policy Goal 2.3

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

● FULLY MET

Nevada law requires child welfare to conduct trauma-informed CSEC screening. Pursuant to Enacted Assembly Bill 183, § 5(1), (2) (2023),<sup>12</sup>

1. Except as otherwise provided in subsection 4,<sup>13</sup> each child in the custody of an agency which provides child welfare services must be screened to determine whether the child is a victim of commercial sexual exploitation.
2. An agency which provides child welfare services shall:
  - (a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child is placed in its custody; and
  - (b) If the results of the screening indicate that the child is a victim of commercial sexual exploitation, take the actions prescribed by NRS 432C.130 [Action upon receipt of report].<sup>14</sup>

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<sup>12</sup> Assembly Bill 183, § 5 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>13</sup> Enacted Assembly Bill 183, § 5(4) (2023) states, “The requirement prescribed by subsection 1 does not apply if the agency which provides child welfare services has determined that no method for conducting the screening satisfies the requirements prescribed by subsection 3 for a child who is the same age as the child to whom the requirement applies.”

<sup>14</sup> See *infra* Policy Goal 3.3 for a full discussion of Nev. Rev. Stat. Ann. § 432C.130.

## INSIGHTS FROM THE FIELD

### “Policy 0214 COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)

#### Screening and Identification Using the NRIT

Note: if child is ever in immediate danger or at risk of harm, 9-1-1 should be called.

1. All children involved with the Agency, aged ten (10) years and older, will be screened using the Nevada Rapid Indicator Tool (NRIT) to assess if a child is

- 1) A confirmed victim of commercial sexual exploitation,
- 2) At high risk of commercial exploitation, or
- 3) No indicators apply to this youth at this time.

2. The NRIT is not meant to be used as a questionnaire, rather it requires the person administering it to use their cumulative knowledge of the child to complete. The purpose of the NRIT is to provide assessment and prevention for CSEC. The NRIT does not rely on self-disclosure of sex trafficking by a minor as CSEC rarely self-identify as a victim or disclose abuse. Rather, it includes indicators to consider in determining whether there is reasonable cause to believe the child is a victim, or at risk of being a victim, of commercial sexual exploitation. A copy of the NRIT is CSEC Policy Attachment 01.

3. The following scenarios require an NRIT to be administered:

- a. During the initial assessment phase of an investigation.
  - b. When a child has returned from a run-away episode, regardless of placement type, for example, child is in foster care, child is placed with relatives or fictive kin, child is in a higher level of care, or child is placed home with their parents.
  - c. Anytime in the life of the case where there are concerns that a child, regardless of age, may be a CSEC victim or is at risk of being a CSEC victim.
- ....”†

[The policy can be accessed in full at: <https://dcfs.nv.gov/Policies/CW/0500/>]

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

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

● **FULLY MET**

Nevada law requires juvenile justice agencies to conduct trauma-informed CSEC screening. Pursuant to Nev. Rev. Stat. Ann. § 62C.035(1)–(5)<sup>15</sup> (Screening required for child detained in facility for detention of children; time and method of conducting screening),

1. Except as otherwise provided in subsection 4,<sup>16</sup> each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 [Detention hearing required for child alleged to be delinquent within

<sup>15</sup> The text of Nev. Rev. Stat. Ann. § 62C.035 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 183 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>16</sup> Nev. Rev. Stat. Ann. § 62C.035(4) states, “The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of sexual exploitation.”

certain period; written consent of juvenile court required for release after such hearing] or 62C.050 [Release of child alleged to be in need of supervision required within certain period; exception] must be screened to determine whether the child:

....

(c) Is a victim of commercial sexual exploitation.

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

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

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

....

5. If a local facility for the detention of children reports the commercial sexual exploitation of a child pursuant to subsection 2, the report made pursuant to subsection 2 shall be deemed to be a report of commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 [Persons required to make report; when and to whom reports are required; penalty for failure to make report] and:

(a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS [Protection of Children from Sexual Exploitation]; and

(b) The report may be used in the same manner as other reports that are made pursuant to NRS 432.110.

Similarly, under Nev. Rev. Stat. Ann. § 62E.513<sup>17</sup> (Commitment of child to regional facility for treatment and rehabilitation of children or facility for detention of children: screening required; time and method for conducting screening),

1. Except as otherwise provided in subsection 5,<sup>18</sup> each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 [Violation of probation or parole: placement in facility for detention of children or county jail] must be screened to determine whether the child:

....

(c) Is a victim of commercial sexual exploitation.

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

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

(b) Additionally screen each child committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has an alcohol or other substance use disorder once every 6 months or when significant changes to the child's case plan developed pursuant to NRS 62E.507 [Individualized case plan for child placed under supervision of juvenile court or probation officer or committed to regional facility for treatment and rehabilitation of children; reentry planning meeting before release of child from regional facility for treatment and rehabilitation of children] or 62E.525 [Commitment of child to division of child and family services: consideration of assessments and screenings in determination of placement of child; development of length of stay matrix and release criteria for state facility for detention of children; individualized each plan for child committed to custody; reentry, planning meeting before release from facility], as applicable, are made.

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<sup>17</sup> The text of Nev. Rev. Stat. Ann. § 62E.513 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 183 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>18</sup> Nev. Rev. Stat. Ann. § 62E.513(5) states, "The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation."

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

....

6. If a facility reports the commercial sexual exploitation of a child pursuant to subsection 3, the report made pursuant to subsection 3 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 [Persons required to make report; when and to whom reports are required; penalty for failure to make report] and:

- (a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS [Protection of Children from Sexual Exploitation]; and
- (b) The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.

**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.

○ NOT MET

Nevada law fails to fully prohibit the criminalization of minors for prostitution offenses. While protections exist,<sup>19</sup> they are undermined by conflicting provisions that allow minors who have engaged in commercial sex to be subjected to punitive processes. Under Nev. Rev. Stat. Ann. § 62C.015(1)–(3)<sup>20</sup> (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

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<sup>19</sup> In addition to the minor-specific protections discussed in this policy goal, 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 any 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].

<sup>20</sup> The text of Nev. Rev. Stat. Ann. § 62C.015 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 183 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

- (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,<sup>21</sup> 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.

Despite this protection, 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) allows a child to be placed under court supervision pursuant to a supervision and consent decree. It 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 [Disposition of cases by juvenile court], 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, victims may still be subject to arrest and other punitive outcomes for violations of the state prostitution laws.

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<sup>21</sup> Nev. Rev. Stat. Ann. § 62C.015(4)(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 by removing conflicting provisions that allow minors who have engaged in commercial sex to be subjected to punitive processes. (See [Issue Brief 2.5.](#))

**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.

● **PARTIALLY MET**

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,<sup>22</sup> 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. (See [Issue Brief 2.6.](#))

**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.

○ **NOT MET**

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

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<sup>22</sup> Nev. Rev. Stat. Ann. § 62C.015(4)(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.” See *supra* note 20.

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,

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. (See [Issue Brief 2.7](#).)

**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.

○ NOT MET

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. (See [Issue Brief 2.8](#).)

**Policy Goal 2.9** Juvenile court jurisdiction provides for a developmentally appropriate response.

● PARTIALLY MET

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 Permits 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	Yes. Minors: (1) 14+ years of age charged with felony; (2) 13+ years of age charged with murder or attempted murder; or (3) 14+ years of age who escape or attempt to escape	No.

			to a school shooting or attack; or (3) were previously convicted in criminal court.	from a juvenile detention facility.	
<b>Relevant Statute(s)</b>	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)

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 domestic 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. (*See [Issue Brief 2.9](#).*)

**Policy Goal 2.10** State law defines child abuse to include child sex trafficking to ensure access to child welfare services.

● FULLY MET

Nevada law defines “abuse or neglect of a child” to include commercial sexual exploitation of children. 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.”

## INSIGHTS FROM THE FIELD

### “Policy 0214 Commercial Sexual Exploitation of Children

The purpose of this policy is to ensure certain measures will be taken when a child has been identified as a victim of commercial sexual exploitation or at high risk of commercial sexual exploitation. Once identified, proper authorities will be notified and CSEC children will receive prompt screening, assessment and services. This policy guides caseworkers on how to respond to a child victim of commercial sexual exploitation or those at high risk of exploitation. d Indicator Tool (NRIT) to assess if a child is.”<sup>†</sup>

[The policy can be accessed in full at: <https://dcfs.nv.gov/Policies/CW/0500/>]

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

**Policy Goal 2.11** State law allows for child welfare involvement in sex trafficking cases that do not involve caregiver fault and provides for an alternative, specialized response in those cases.

○ NOT MET

Nevada’s child welfare code does not allow for a child welfare response in non-caregiver child sex trafficking cases. 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 response is not statutorily required for children reported to child welfare due to trafficking victimization perpetrated by a non-caregiver 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 response in those cases. (See [\*Issue Brief 2.11\*](#).)

## INSIGHTS FROM THE FIELD

### “Policy 0214 Commercial Sexual Exploitation of Children

The purpose of this policy is to ensure certain measures will be taken when a child has been identified as a victim of commercial sexual exploitation or at high risk of commercial sexual exploitation. Once identified, proper authorities will be notified and CSEC children will receive prompt screening, assessment and services. This policy guides caseworkers on how to respond to a child victim of commercial sexual exploitation or those at high risk of exploitation.

When no maltreatment is alleged against the person responsible for the child’s welfare (as defined by NRS 432B.130), the Child Welfare Agency may conduct an assessment 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 provide appropriate services.”<sup>†</sup>

[The policy can be accessed in full at: <https://dcfs.nv.gov/Policies/CW/0500/>]

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.*





## 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.

● **FULLY MET**

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 center<sup>23</sup> 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;

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<sup>23</sup> 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.”

- (2) Be secured from intrusion;
- (3) To the extent appropriate, allow residents privacy and autonomy;
- (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.

### INSIGHTS FROM THE FIELD

“Contingency Account for Victims of Human Trafficking NRS 217.500

The Contingency Account for Victims of Human Trafficking was created by NRS 217.500 and became effective July 1, 2013, with legislation through AB311. The legislation authorizes the Director of the Department of Health and Human Services (DHHS) to administer funds from the Account to nonprofit corporations and agencies and political subdivisions of this State for the purposes of establishing or providing programs and services to victims of human trafficking. This account is solely funded by donations and not State general fund dollars. On May 31, 2016, Governor Brian Sandoval signed Executive Order 2016-14 creating the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition) in response to the sex trafficking provisions of Public Law (PL) 113-183, the Preventing Sex Trafficking and Strengthening Families Act of 2014, and a growing awareness of the need to identify and serve these child victims. The Executive Order directed the CSEC Coalition to mobilize resources to provide a coordinated response to stopping commercial sexual exploitation of children, aiding its victims and bringing perpetrators of this crime to justice; and to support the implementation of PL 113-183. It also required the development of a statewide strategic plan to address these mandates.”<sup>†</sup>

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

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

○ **NOT MET**

Nevada does not statutorily require a multi-disciplinary team response to child sex trafficking cases.<sup>24</sup>

<sup>24</sup> Although Nev. Rev. Stat. Ann. § 432C.130(2) (Action upon receipt of report) requires child welfare to “use the resources of a children’s advocacy center [CAC] when conducting [a CSE] assessment,” the CAC’s role appears limited to aiding with that assessment. Neither child welfare nor the CAC is tasked with coordinating a multi-disciplinary team response meant to address the specialized service needs of the child.

- 3.2.1 Recommendation: Statutorily require a multi-disciplinary team response to child sex trafficking victims. (See [Issue Brief 3.2](#).)

#### INSIGHTS FROM THE FIELD

“Policy 0214 Commercial Sexual Exploitation of Children

Initiate Coordinated Response Protocol

Upon identification of a CSEC, a CSEC MDT is initiated to provide the CSEC with a coordinated, interagency approach to comprehensive assessment, safety planning, linkage to crisis services, service coordination and case management. There are multiple ways a CSEC MDT (Coordinated Model Response Protocol chapters 5 and 6) may be initiated and coordinated, including but not limited to the following examples:

1. Coordinating a Rapid Response MDT – Within two (2) hours.
  - a. In instances when the CSEC is identified by law enforcement, the response is considered urgent and in need of a Rapid Response MDT. The CSEC Mentor-Advocate (CMA) is met on-scene by one other MDT core member. This responding MDT coordinates efforts to address the CSEC’s immediate needs, conduct an initial needs assessment, develop an immediate CSEC safety plan, identify a placement resource, and coordinate services and supportive actions until the initial meeting of the full MDT. Participants of this Rapid Response MDT may include the CSEC, the CMA, the responding MDT core member, and the family/caregiver, if appropriate.
2. Coordinating a seventy-two (72) hour MDT
  - a. Within seventy-two (72) hours following an urgent response and for all non-urgent responses to the identification of a CSEC, the full MDT reviews and address’s the CSEC’s immediate needs. Depending upon the originating circumstance, these include initiating or following-up on immediate needs for clothing, food, placement and medical services, refining and implementing the CSEC safety plan, and coordinating services and supportive actions.
3. Coordinating at scheduled intervals
  - a. MDTs meet at regularly-scheduled times to review the implementation of the case plan. They monitor the services provided, address barriers, ensure services are coordinated and revise the service plan, as needed.
4. Coordinating when circumstances change
  - a. MDTs reconvene immediately when significant events occur in order to address the CSEC’s changing service needs in a timely manner. Examples of such events include when the CSEC returns from a runaway, disrupts from placement or is arrested. These circumstances may also call for a Rapid Response MDT.”†

[The policy can be accessed in full at: <https://dcfs.nv.gov/Policies/CW/0500/>]

†This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

### Policy Goal 3.3

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

● FULLY MET

Nevada law requires child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims.<sup>25</sup> Specifically, Enacted Assembly Bill 183, § 5(1), (2)(a) (2023)<sup>26</sup> requires child welfare to screen any child placed in its custody for experiences of commercial sexual exploitation, stating,

1. Except as otherwise provided in subsection 4,<sup>27</sup> each child in the custody of an agency which provides child welfare services must be screened to determine whether the child is a victim of commercial sexual exploitation.
2. An agency which provides child welfare services shall:
  - (a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child is placed in its custody; and

“If the results of the screening indicate that the child is a victim of commercial sexual exploitation,” Enacted Assembly Bill 183, § 5(2)(b) (2023) requires the agency to “take the actions prescribed by NRS 432C.130.” Under Nev. Rev. Stat. Ann. § 432C.130(1)–(5)<sup>28</sup> (Action upon receipt of report),

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

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<sup>25</sup> Additionally, 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;<sup>25</sup> 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.

<sup>26</sup> Assembly Bill 183, § 5 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>27</sup> Enacted Assembly Bill 183, § 5(4) (2023) states, “The requirement prescribed by subsection 1 does not apply if the agency which provides child welfare services has determined that no method for conducting the screening satisfies the requirements prescribed by subsection 3 for a child who is the same age as the child to whom the requirement applies.”

<sup>28</sup> The text of Nev. Rev. Stat. Ann. § 432C.130 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 183 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

- (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.



## INSIGHTS FROM THE FIELD

### “[DCFS Policy] Individualized Service Planning

While the caseworker will not complete the assessment of CSEC or provide the direct services, they will be responsible to ensure the needs of the CSEC are met, through coordination with the MDT. When planning for the CSEC, consider their well-being, in the psychological, emotional, spiritual, educational, physical, and social aspects. CSEC Policy Attachment 06 Holistic Services List, groups services by area, that are often needed by and beneficial to CSEC in their recovery process.

1. At a minimum, each CSEC should receive a clinical assessment as indicated above in assessing ongoing needs and underlying concerns section.
2. CSEC will have specific needs and goals documented in UNITY Case Notes, type “CSEC.”
3. Goals will be determined through discussion with the CSEC, their CSEC MDT and the clinical assessment. The goals will indicate desired behaviors or conditions that reflect or support improved functioning and well-being for the CSEC.
4. To avoid overwhelming the CSEC, three or four goals should be prioritized. Whenever possible, allow the CSEC to determine what is priority, this can lead to enhanced motivation, autonomy and trust for the CSEC.
5. A CSEC’s stage of change should continually be assessed and considered as the CSEC may have a different perspective on where they are at with respect to their recovery and service needs.
6. Caseworkers should ensure that referrals for CSEC to service providers will be best served by service providers that have experience and training working with CSEC, who are victim centered and trauma informed.

### Assessing and Providing Services to CSEC Who Are Not in the Custody of a Child Welfare Agency

1. If after an initial screening (at intake) there is reasonable cause to believe the child is:

- a victim of commercial sexual exploitation, and
- no familial abuse or neglect is identified

The Agency will conduct an assessment to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into an agreement with the Agency to make such an assessment and if, appropriate provide counseling, training or other services relating to commercial sexual exploitation. A Child Welfare Agency may choose to assess these youth with internal staff or enter into a written agreement/contract with community agencies to assess and provide services to the child and their family.

If the child resides in another jurisdiction the Child Welfare Agency may initiate contact with an agency which provides child welfare 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. The agreement with a person or organization who provides services to the CSEC and their family shall require that person or organization to notify the Agency if the:

- CSEC or his or her family refuses to participate in services, or
- person or organization determines that there is a serious risk to the health or safety of the child.

Should the CSEC or his or her family refuse to participate in services, the Agency will be notified to reassess and determine if there should be an investigation under 432B.”<sup>†</sup>

[The policy can be accessed in full at: <https://dcfs.nv.gov/Policies/CW/0500/>]

<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor’s request.

### INSIGHTS FROM THE FIELD (CONT.)

“To address this unmet need, on May 31, 2016, Executive Order 2016-14 (Executive Order) established the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition). The Executive Order directed the CSEC Coalition to prepare a comprehensive statewide strategic plan and recommendations on how to address the sex trafficking provisions of PL 113-183, including, but not limited to, the following:

1. Align efforts by promoting strategic and coordinated services for victims at the state, county, local and tribal levels.
2. Improve understanding by expanding and coordinating child-sex-trafficking-related research, data and evaluations to support evidence-based victim services.
3. Expand access to services by providing outreach, training and technical assistance to increase victim identification and expand the availability of services.
4. Improve outcomes by promoting effective, culturally-appropriate, trauma-informed services that improve the short- and long-term health, safety and well-being of child victims.
5. Develop public awareness campaigns to better inform communities across Nevada about the commercial sexual exploitation of children.”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

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

● **FULLY MET**

Nevada law requires a juvenile justice agency to refer child sex trafficking victims to a child serving entity. Pursuant to Nev. Rev. Stat. Ann. § 62E.513(1)–(6)<sup>29</sup> (Commitment of child to regional facility for treatment and rehabilitation of children or facility for detention of children: screening required; time and method for conducting screening),

1. Except as otherwise provided in subsection 5,<sup>30</sup> each child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 [Violation of probation or parole: placement in facility for detention of children or county jail] must be screened to determine whether the child:

.....

- (c) Is a victim of commercial sexual exploitation.

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

- (a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed or placed in the facility; and
- (b) Additionally screen each child committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has an alcohol or other substance use disorder once every 6 months or when significant changes to the child's case plan developed pursuant to NRS 62E.507 [Individualized case plan for child placed under supervision of juvenile court]

<sup>29</sup> See *supra* note 17.

<sup>30</sup> Nev. Rev. Stat. Ann. § 62E.513(5) states, “The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.”

- or probation officer or committed to regional facility for treatment and rehabilitation of children; reentry planning meeting before release of child from regional facility for treatment and rehabilitation of children] or 62E.525 [Commitment of child to division of child and family services: consideration of assessments and screenings in determination of placement of child; development of length of stay matrix and release criteria for state facility for detention of children; individualized each plan for child committed to custody; reentry, planning meeting before release from facility], as applicable, are made.
3. The facility to which the child is committed or in which the child is placed shall report the commercial sexual exploitation of the child to an agency which provides child welfare services as soon as practicable after conducting the screening required by subsection 1 if the results of the screening indicate that the child is a victim of commercial sexual exploitation.
- ....
6. If a facility reports the commercial sexual exploitation of a child pursuant to subsection 3, the report made pursuant to subsection 3 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 [Persons required to make report; when and to whom reports are required; penalty for failure to make report] and:
- (a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS [Protection of Children from Sexual Exploitation]; and
  - (b) The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.

Similarly, under Nev. Rev. Stat. Ann. § 62C.035(1)–(5)<sup>31</sup> (Screening required for child detained in facility for detention of children; time and method of conducting screening),

1. Except as otherwise provided in subsection 4,<sup>32</sup> each child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 [Detention hearing required for child alleged to be delinquent within certain period; written consent of juvenile court required for release after such hearing] or 62C.050 [Release of child alleged to be in need of supervision required within certain period; exception] must be screened to determine whether the child:
- ....
- (c) Is a victim of commercial sexual exploitation.
2. The facility in which the child is detained shall:
- (a) Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility; and
  - (b) Report the commercial sexual exploitation of the child to an agency which provides child welfare services as soon as practicable after conducting the screening if the results of the screening indicate that the child is a victim of commercial sexual exploitation.
- ....
5. If a local facility for the detention of children reports the commercial sexual exploitation of a child pursuant to subsection 2, the report made pursuant to subsection 2 shall be deemed to be a report of commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 [Persons required to make report; when and to whom reports are required; penalty for failure to make report] and:
- (a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS [Protection of Children from Sexual Exploitation]; and
  - (b) The report may be used in the same manner as other reports that are made pursuant to NRS 432.110.

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<sup>31</sup> See *supra* note 15.

<sup>32</sup> Nev. Rev. Stat. Ann. § 62C.035(4) states, “The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of sexual exploitation.”

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.

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

① **PARTIALLY MET**

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.<sup>33</sup> 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 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.

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<sup>33</sup> For more information, see Shared Hope Int'l, *Issue Brief 3.5: Continuum of Care*, <https://reportcards.sharedhope.org/issue-briefs/#IB3.5> (discussing federal laws that allow for funded foster care services to be extended to youth under 23 years of age).

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 of 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:
    - (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. (*See Issue Brief 3.5.*)

**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.

● FULLY MET

The Nevada state legislature appropriated funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

2023 Legislative Session				
Bill	Recipient	Amount	Intended Purpose	Term
SB 389	Account for Victims of Human Trafficking administered by the Director of the Department of Health and Human Services	\$1,000,000 <sup>34</sup>	For the purposes of (1) establishing or providing programs or services to victims of human trafficking; and (2) fundraising for the direct benefit of the account. Nev. Rev. Stat. Ann. § 217.530(2)(a). Any nonprofit organization or agency may apply for an allocation. Nev. Rev. Stat. Ann. § 217.540(1).	FY 2023-2024 Authorized for expenditure as a continuing appropriation for these purposes. Nev. Rev. Stat. Ann. § 217.530(2)(b).
2023 Legislative Session				
AB 525	The Cupcake Girls	\$10,000	For services for persons affected by sex trafficking.	Cannot be committed for expenditure after 6/30/25

<sup>34</sup> Pursuant to Nev. Rev. Stat. Ann. § 217.530(5) (Creation; administration; use; limitations), “Any money remaining in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.”



2023 Legislative Session				
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# EXTRA CREDIT



The Nevada Legislature appropriated funds during to support the provision of community-based services for human trafficking victims, including youth survivors of sex trafficking.



The Nevada Legislature appropriated funds to support the provision of community-based services for human trafficking victims, including child labor trafficking victims.



## ISSUE 4: Access to Justice for Trafficking Survivors

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

🔴 **PARTIALLY MET**

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 order<sup>35</sup> 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,

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<sup>35</sup> 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.

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 . . . .

- 4.1.1 Recommendation: Strengthen state law to allow victims of trafficking to obtain ex parte civil orders of protection against their exploiters. (See [Issue Brief 4.1.](#))

**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.

**1 PARTIALLY MET**

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,<sup>36</sup> 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. While Nev. Rev. Stat. Ann. § 217.100(1)–(3)<sup>37</sup> (Application for compensation; limitation on time for submitting application; order for payment; medical reports) does provide an extension to filing deadlines in trafficking and sexual abuse cases, deadlines could still pose as a barrier. It states,

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 or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 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,<sup>38</sup> 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

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<sup>36</sup> 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 . . . ."

<sup>37</sup> The text of Nev. Rev. Stat. Ann. § 217.100 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 389 during the 2023 Regular Session of the Nevada state legislature (effective July 1, 2023).

<sup>38</sup> Notably, Nev. Rev. Stat. Ann. § 217.100 does not explain what constitutes "good cause" for purposes of this section.

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.<sup>39</sup>

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.

....

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

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. (See [\*Issue Brief 4.2\*](#).)

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<sup>39</sup> 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;
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).

## INSIGHTS FROM THE FIELD

[“https://voc.nv.gov/VOC/Eligibility/](https://voc.nv.gov/VOC/Eligibility/)

The VOCP can help victims for crimes such as:

Assault/Battery  
Sexual assault  
Domestic violence  
Physical abuse  
Child abuse  
Elder abuse  
Homicide  
Drunk driving

To qualify the following must be established:

The crime must be reported to the police, child protective services, or other law enforcement agency within 5 days of the crime, unless the victim is physically or mentally unable to file within 5 days. The application must be submitted to the VOCP within two years of the crime. Minor victims of sexual assault, molestation or pornography have until age 21 to file an application. Victims must cooperate with law enforcement during the investigation and prosecution of the crime. Also, a victim cannot have participated in or been involved in committing the crime. Applicants must cooperate with the VOCP.”\*

*\*This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

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

#### 1 PARTIALLY MET

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 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. (*See Issue Brief 4.3.*)

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

● PARTIALLY MET

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. (*See Issue Brief 4.4.*)

#### Policy Goal 4.5

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

● FULLY MET

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.

#### 1 PARTIALLY MET

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.<sup>40</sup>

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,

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<sup>40</sup> 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. (See [\*Issue Brief 4.6.\*](#))



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

### Policy Goal 5.1

Non-testimonial evidence may be admitted through a child sex trafficking-specific hearsay exception to reduce reliance of victim testimony.

#### ● PARTIALLY MET

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. (*See [Issue Brief 5.1.](#)*)

### Policy Goal 5.2

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

#### ● FULLY MET

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 witness<sup>41</sup> to testify by an alternative method<sup>42</sup> only in the following situations:<sup>43</sup>
  - (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.

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<sup>41</sup> 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.”

<sup>42</sup> 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

<sup>43</sup> 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.

① **PARTIALLY MET**

	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
<b>Summary</b>	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.
<b>Relevant Statute(s)</b>	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. (See [Issue Brief 5.3](#).)

**Policy Goal 5.4**

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

● **FULLY MET**

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<sup>44</sup> (General rule of privilege),

Except as otherwise provided in NRS 49.2549 [Exceptions],<sup>45</sup> 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

<sup>44</sup> The text of Nev. Rev. Stat. Ann. § 49.2547 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 51 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>45</sup> Nev. Rev. Stat. Ann. § 49.2549 (Exceptions) provides,

from disclosing, confidential communications set forth in NRS 49.2546 [When communication deemed to be confidential; “communication” defined].

Under Nev. Rev. Stat. Ann. § 49.2546(1)<sup>46</sup> (When communication deemed to be confidential; “communication” defined),

A communication<sup>47</sup> 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 definitions of “victim” and “victim advocate.” Nev. Rev. Stat. Ann. § 49.2544 (“Victim” defined) defines “victim” as “a person who alleges that an act of domestic violence, human trafficking<sup>48</sup> or sexual assault has been committed against the person.” “Victim advocate” is defined under Nev. Rev. Stat. Ann. § 49.2545(1)(a)<sup>49</sup> (“Victim’s advocate” defined) to include the following persons:

[A] person who has completed relevant training<sup>50</sup> and who, with or without compensation:

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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;
- 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.

<sup>46</sup> The text of Nev. Rev. Stat. Ann. § 49.2546 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 51 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>47</sup> 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) A program or organization described in paragraphs (a) to (d), inclusive, of subsection 1 of NRS 49.2545 for whom the victim’s advocate works.

<sup>48</sup> 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].”

<sup>49</sup> The text of Nev. Rev. Stat. Ann. § 49.2545 cited here and elsewhere in this report includes amendments made by the enactment of Assembly Bill 51 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).

<sup>50</sup> Enacted Assembly Bill 51, § 13.3 (2023) defines “relevant training” as follows:

[A]t least 20 cumulative hours of instruction in:

- (1) Ethics;
- (2) Civil and criminal laws relating to domestic violence, sexual assault or human trafficking;

(1) Works for:

- (a) A program of a university, state college or community college within the Nevada System of Higher Education which provides assistance to victims;
- (b) A program of a tribal organization which provides assistance to victims;
- (c) An organization which provides services to victims of domestic violence, sexual assault or human trafficking; or
- (d) A nonprofit organization which provides assistance to victims . . . .

Additionally, child sex trafficking victims may benefit from privileged communications protections provided to certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

Statute	Profession	Relevant Limitations
Nev. Rev. Stat. Ann. § 49.209 (General rule of privilege)	Psychologist	None.
Nev. Rev. Stat. Ann. § 49.252 (General rule of privilege)	Licensed social worker	None.
Nev. Rev. Stat. Ann. § 49.2504 (General rule of privilege)	Clinical professional counselor	None.
Nev. Rev. Stat. Ann. § 49.290 (Counselor and pupil)	School counselor, school psychologist, school psychological examiner	None.

- 
- (3) Relevant laws relating to confidentiality of communication as defined in NRS 49.2546, and privilege pursuant to this chapter [Privileges];
  - (4) Trauma-informed care; and
  - (5) Any other relevant topics necessary to meet the needs of victims of domestic violence, sexual assault or human trafficking.

Assembly bill 51, § 13.3 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).



## 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.



## 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.

🔴 **PARTIALLY MET**

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. (*See [Issue Brief 6.1.](#)*)

## INSIGHTS FROM THE FIELD

“[Department of Health and Human Services, DCFS, Policy 0214] COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (CSEC)

### JURISDICTIONAL ACTION

Development of Internal Policies:

1. Child Welfare agencies that contract community agencies to assess and serve CSEC youth and their families shall require the community providers to receive relevant CSEC specific training . . .

....

3. Child Welfare agencies shall ensure that staff who serve CSEC have additional training in complex trauma and a thorough understanding of what CSEC have been through in order to effectively engage and work with CSEC.

....”†

[The policy can be accessed in full at: <https://dcfs.nv.gov/Policies/CW/0500/>]

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

## Policy Goal 6.2

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

○ NOT MET

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. (See [Issue Brief 6.2](#).)

### INSIGHTS FROM THE FIELD

“To address this unmet need, on May 31, 2016, Executive Order 2016-14 (Executive Order) established the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition). Objective 5d. Codify a requirement for mental health, health care and law enforcement professionals; judges, prosecutors and public defenders; teachers, school social workers and other school personnel; cosmetology, hospitality and transportation personnel; and brothels; and any other disciplines identified as needing training to participate in CSEC awareness and discipline-specific training.”†

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

## Policy Goal 6.3

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

● FULLY MET

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 officer<sup>51</sup> 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.

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<sup>51</sup> 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;

- (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(2)(a)(3)(VI)<sup>52</sup> (Peace officers’ standards and training commission: powers and duties; regulations), which states,

The Commission shall adopt regulations establishing minimum standards for:

- (a) The certification and decertification, recruitment, selection, and training of peace officers. The standards adopted pursuant to this paragraph must:

. . . .

- (3) Establish standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

. . . .

- (VI) Human trafficking . . . .

- 
- (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.

<sup>52</sup> The text of Nev. Rev. Stat. Ann. § 289.510 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 225 during the 2023 Regular Session of the Nevada state legislature (effective October 1, 2023).



### INSIGHTS FROM THE FIELD

“To address this unmet need, on May 31, 2016, Executive Order 2016-14 (Executive Order) established the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition). Objective 5d. Codify a requirement for mental health, health care and law enforcement professionals; judges, prosecutors and public defenders; teachers, school social workers and other school personnel; cosmetology, hospitality and transportation personnel; and brothels; and any other disciplines identified as needing training to participate in CSEC awareness and discipline-specific training.”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

#### Policy Goal 6.4

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

○ NOT MET

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. (See [Issue Brief 6.4](#).)

### INSIGHTS FROM THE FIELD

“To address this unmet need, on May 31, 2016, Executive Order 2016-14 (Executive Order) established the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition). Objective 5d. Codify a requirement for mental health, health care and law enforcement professionals; judges, prosecutors and public defenders; teachers, school social workers and other school personnel; cosmetology, hospitality and transportation personnel; and brothels; and any other disciplines identified as needing training to participate in CSEC awareness and discipline-specific training.”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

#### Policy Goal 6.5

State law mandates child sex trafficking training for school personnel.

ⓘ PARTIALLY MET

Nevada law authorizes training for school personnel on power-based violence, including sexual exploitation. Pursuant to Enacted Assembly Bill 245, § 1.2(1)(a), (b) (2023),<sup>53</sup>

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<sup>53</sup> Assembly Bill 245, § 1.2 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective July 1, 2023).

The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

- (a) Allow for cooperation and training between the school district and the community-based organization that assists victims of power-based violence to establish an understanding of the:
  - (1) Responsibilities that the school district and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and
  - (2) Procedures of the school district for providing support and services to pupils and employees.
- (b) Require a community-based organization that assists victims of power-based violence to:
  - (1) Assist with developing policies, programming or training for the school district regarding power-based violence;
  - ....
  - (4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.

Enacted Assembly Bill 245, § 3.3 (2023)<sup>54</sup> and Enacted Assembly Bill 245, § 3.6 (2023)<sup>55</sup> impose similar responsibilities on charter schools and universities for profoundly gifted pupils, respectively.

Importantly, Enacted Assembly Bill 245, § 4.3 (2023)<sup>56</sup> defines “power-based violence” to include:

[A]ny form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power over the person. The term includes, without limitation:

- ....
- 4. Gender-based violence;
- ....
- 8. Sexual exploitation;

Resultingly, resources and training regarding sexual exploitation may be, or become, available for use by school personnel. However, state law does not statutorily require school personnel to receive such training, nor is the training required to include information specific to child sex trafficking.

- 6.5.1 Recommendation: Statutorily mandate trafficking-specific prevention education training for school personnel. (*See [Issue Brief 6.5.](#)*)

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<sup>54</sup> Assembly Bill 245, § 3.3 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective July 1, 2023).

<sup>55</sup> Assembly Bill 245, § 3.6 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective July 1, 2023).

<sup>56</sup> Assembly Bill 245, § 4.3 cited here and elsewhere in this report was enacted during the 2023 Regular Session of the Nevada state legislature (effective July 1, 2023).

## INSIGHTS FROM THE FIELD

“To address this unmet need, on May 31, 2016, Executive Order 2016-14 (Executive Order) established the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition). Objective 5d. Codify a requirement for mental health, health care and law enforcement professionals; judges, prosecutors and public defenders; teachers, school social workers and other school personnel; cosmetology, hospitality and transportation personnel; and brothels; and any other disciplines identified as needing training to participate in CSEC awareness and discipline-specific training.”<sup>†</sup>

*<sup>†</sup>This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

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

#### ❶ PARTIALLY MET

Nevada law authorizes prevention education on power-based violence, including sexual exploitation. Pursuant to Enacted Assembly Bill 245, § 1.2(1)(b)(3) (2023),<sup>57</sup>

The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

....

(b) Require a community-based organization that assists victims of power-based violence to:

....

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and

Enacted Assembly Bill 245, § 3.3 (2023)<sup>58</sup> and Enacted Assembly Bill 245, § 3.6 (2023)<sup>59</sup> impose similar responsibilities on charter schools and universities for profoundly gifted pupils, respectively.

Importantly, Enacted Assembly Bill 245, § 4.3 (2023)<sup>60</sup> defines “power-based violence” to include:

[A]ny form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power over the person. The term includes, without limitation:

....

4. Gender-based violence;

....

8. Sexual exploitation;

Resultingly, resources and education on sexual exploitation prevention may be available to students; however, prevention education is not mandated and is not required to include information specific to child sex trafficking.

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<sup>57</sup> See *supra* note 53.

<sup>58</sup> See *supra* note 54.

<sup>59</sup> See *supra* note 55.

<sup>60</sup> See *supra* note 56.

- 6.6.1 Recommendation: Statutorily mandate developmentally and age-appropriate child sex trafficking prevention education in schools. (See [Issue Brief 6.6.](#))

#### INSIGHTS FROM THE FIELD

“To address this unmet need, on May 31, 2016, Executive Order 2016-14 (Executive Order) established the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children (CSEC Coalition). Objective 5d. Codify a requirement for mental health, health care and law enforcement professionals; judges, prosecutors, and public defenders; teachers, school social workers and other school personnel; cosmetology, hospitality and transportation personnel; and brothels; and any other disciplines identified as needing training to participate in CSEC awareness and discipline-specific training.”†

*†This information was gathered through our Insights from the Field process and was anonymized at the contributor's request.*

# KEYSTONE STATUTES

## 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,<sup>61</sup> causes, recruits, harbors, transports,<sup>62</sup> 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:

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<sup>61</sup> Nev. Rev. Stat. Ann. § 201.295(3) (Definitions) defines “induce” as “to persuade, encourage, inveigle or entice.”

<sup>62</sup> 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) Inducing<sup>63</sup> 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.

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<sup>63</sup> See *supra* note 61 for the definition of “induce.”

## State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

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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).

## RESOURCES

**REPORT CARDS PROJECT:** For more information on the Report Cards Project, visit [reportcards.sharedhope.org](https://reportcards.sharedhope.org).

**TOOLKIT:** To see how your state compares, visit [reportcards.sharedhope.org/toolkit](https://reportcards.sharedhope.org/toolkit).

**ISSUE BRIEFS:** To better understand a policy goal, visit [reportcards.sharedhope.org/issue-briefs](https://reportcards.sharedhope.org/issue-briefs).

**SURVEY CHARTS:** To see where the nation stands as a whole on a particular issue, visit [reportcards.sharedhope.org/state-survey-charts](https://reportcards.sharedhope.org/state-survey-charts).

## HIGHLIGHTED RESOURCES

### Community-Based Services White Paper



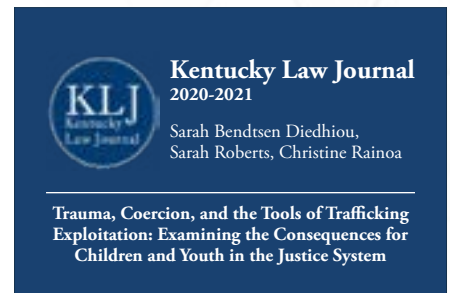
This white paper discusses the importance of providing comprehensive, trauma-informed services to all child sex trafficking victims, regardless of system involvement, and provides examples of state statutory responses.

### Victim-Offender Intersectionality Report



This report examines the phenomenon of sex trafficking survivors entering the criminal justice system for allegedly engaging in sex trafficking conduct and provides tools for criminal justice stakeholders to assist in identifying and responding to these cases in a trauma-informed manner.

### Trauma, Coercion, and the Tools of Trafficking Exploitation



This law journal article examines the harms of relying on a juvenile justice-based response for serving child sex trafficking victims, the importance of enacting strong non-criminalization laws, the intertwined nature of sex trafficking victimization and criminalized conduct, and the importance of using a trauma-informed lens in response.

## TECHNICAL ASSISTANCE

For legislators and policy advocates assisting elected officials in creating legislation, request a consultation with our Policy Team online at [sharedhope.org/legislative-technical-assistance](https://sharedhope.org/legislative-technical-assistance). We will set up a meeting to discuss your legislative goals and create a customized plan for ongoing technical assistance, bill drafting services, and legislative support.

## ADVOCACY ACTION CENTER

The Advocacy Action Center is an online resource that allows individuals to join the fight against child sex trafficking either through legislator engagement or by signing a petition. For more information, visit [act.sharedhope.org/actioncenter](https://act.sharedhope.org/actioncenter).



Contact your legislators, letting them know you want greater protections for child sex trafficking victims and increased accountability for their exploiters.



Sign a petition to show your support for issues that advance justice for child sex trafficking survivors.



Help end the criminalization of child sex trafficking survivors! Several states can still criminalize child sex trafficking victims for prostitution. Sign the petition to show your support for changing these laws.