

ASSEMBLY BILL NO. 158—ASSEMBLYMEN HAMBRICK, KRASNER,
ELLISON; KRAMER, LEAVITT AND WHEELER

FEBRUARY 15, 2019

JOINT SPONSORS: SENATORS HANSEN; PARKS AND PICKARD

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal procedures for certain juvenile offenders who are also victims of certain crimes. (BDR 14-143)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; authorizing a court to take certain actions when determining the sentence of a person convicted as an adult for an offense committed when the person was less than 18 years of age if the person was a victim of sex trafficking or sexual assault and committed the offense against the abuser; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that if a person is convicted as an adult for an offense
2 that the person committed when he or she was less than 18 years of age, the court:
3 (1) is required to consider the differences between juvenile and adult offenders; and
4 (2) after considering such differences, is authorized to reduce the person’s sentence.
5 (NRS 176.017) **Section 1** of this bill additionally provides that if a person is
6 convicted as an adult for an offense that the person committed when he or she was
7 less than 18 years of age and the court finds by clear and convincing evidence that,
8 during the 1-year period immediately preceding the commission of the offense, the
9 person was a victim of sex trafficking or sexual assault and committed the offense
10 against his or her abuser, the court is authorized to: (1) depart from any mandatory
11 minimum sentence or mandatory additional penalty; (2) suspend any portion of an
12 otherwise applicable sentence; or (3) both.

13 **Section 3** of this bill specifies that such provisions apply to an offense
14 committed: (1) on or after October 1, 2019; and (2) before October 1, 2019, if the
15 person is convicted on or after October 1, 2019.



1 WHEREAS, In the United States, child protective services
2 agencies have estimated that 63,000 children each year are victims
3 of sexual abuse; and

4 WHEREAS, It is estimated that one in every 9 girls and one in
5 every 53 boys under 18 years of age in the United States experience
6 sexual abuse or sexual assault by an adult; and

7 WHEREAS, In 93 percent of reported cases involving the sexual
8 abuse of a child in the United States, the victim knows the abuser;
9 and

10 WHEREAS, The National Center for Missing and Exploited
11 Children has estimated that at least 100,000 children in the United
12 States are victims of commercial sexual exploitation each year; and

13 WHEREAS, It is estimated that victims of child sexual abuse are
14 four times more likely to abuse drugs, four times more likely to
15 experience post-traumatic stress disorder as adults and three times
16 more likely to experience a major depressive episode as adults; and

17 WHEREAS, Persons who traffic or sexually abuse children often
18 subject their victims to prolonged stages of grooming by targeting a
19 victim, gaining the victim's trust, filling a need of the victim,
20 isolating the victim, sexualizing the relationship with the victim and
21 maintaining control of the victim; and

22 WHEREAS, The Legislature finds that children who are victims
23 of sex trafficking or sexual assault and commit crimes against their
24 abusers should not be subject to lengthy prison sentences, but
25 should instead be treated as victims and receive appropriate
26 treatment and services; and

27 WHEREAS, The Legislature finds that, for the purpose of
28 ensuring that a more just solution can be found, judges should be
29 given greater flexibility in cases involving children who are victims
30 of sex trafficking or sexual assault and commit crimes against their
31 abusers; and

32 WHEREAS, Children who are victims of sex trafficking or sexual
33 assault and commit crimes against their abusers are subject to
34 punishment that is extreme, and it is the intent of the Legislature to
35 prevent future injustice against such victims; now, therefore,

36
37 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
38 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
39

40 **Section 1.** Chapter 176 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 *Notwithstanding any other provision of law, if a person is*
43 *convicted as an adult for an offense that the person committed*
44 *when he or she was less than 18 years of age and the court finds*
45 *by clear and convincing evidence that, at any time during the*



1 *1-year period immediately preceding the commission of the*
2 *offense, the person against whom the offense was committed*
3 *trafficked the person who committed the offense in violation of*
4 *subsection 2 of NRS 201.300 or sexually assaulted the person who*
5 *committed the offense in violation of NRS 200.366, the court may,*
6 *in its discretion, take either or both of the following actions:*

7 *1. Depart from any mandatory minimum sentence or*
8 *mandatory additional penalty; or*

9 *2. Suspend any portion of an otherwise applicable sentence.*

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

11 **Sec. 3.** The amendatory provisions of section 1 of this act
12 apply to:

13 1. An offense committed on or after October 1, 2019; and

14 2. An offense committed before October 1, 2019, if the person
15 is convicted on or after October 1, 2019.



