

Nevada's human trafficking law, "pandering and sex trafficking," expressly includes sex trafficking of minors and does not require force, fraud, or coercion or third party control. State law provides for a specialized service response and prohibits the criminalization of minors for prostitution and solicitation offenses; if the child is identified as a trafficking victim, the child will also be protected from criminalization from certain other offenses related to his or her victimization.

Final Score
97

Final Grade
A

10	24	15	10	23.5	14.5
10	25	15	10	27.5	15

Criminalization of Domestic Minor Sex Trafficking

Nevada law includes sex trafficking of minors as a specific form of trafficking and does not require force, fraud, or coercion. Nevada's commercial sexual exploitation of children (CSEC) laws include: "engaging in prostitution or solicitation for prostitution," "employing or exhibiting minor in certain injurious, immoral or dangerous activities," and "unlawful to use minor in producing pornography or as subject of sexual portrayal in performance." The prostitution law refers to the human trafficking law, thereby acknowledging the intersection of prostitution with trafficking victimization. Nevada's racketeering law includes sex trafficking and CSEC offenses.

Criminal Provisions for Demand



Nevada's child sex trafficking law applies to buyers following federal precedent through the term "obtains." The "engaging in prostitution or solicitation for prostitution" statute establishes a felony for buying sex, carrying penalties ranging from 1-4 years imprisonment and a fine up to \$5,000 for a first violation. Buyers convicted of child sex trafficking face life imprisonment, with fines ranging from \$10,000-\$500,000 and varying opportunities for parole depending on the age of the minor victim and any force used. A buyer cannot assert a mistake of age defense in a prosecution for child sex trafficking, but the defense is not prohibited for CSEC. The statute penalizing communications with a child with the intent to solicit, persuade, or lure the child to engage in sexual conduct applies to buyers using the Internet or electronic communications to contact victims. Buyers may be ordered to pay restitution and are subject to asset forfeiture. Penalties for possessing child sexual abuse material (CSAM) are not sufficiently high. Convictions for sex trafficking, CSAM, and non-commercial sex offenses require sex offender registration.

Criminal Provisions for Traffickers



Child sex trafficking is punishable by up to life imprisonment and a fine up to \$500,000; additionally, traffickers could be in violation of racketeering and money laundering laws. Using a minor in the production of CSAM also carries substantial penalties. Financial penalties include fines, restitution, and asset forfeiture. The statute on "communicating with a child with the intent to persuade or lure the child to engage in sexual conduct" provides a means of prosecuting traffickers who use the Internet or electronic communications to recruit minors for illegal sex acts. Traffickers convicted of a crime against a child or a sexual offense must register as sex offenders, and those convicted of a crime involving a sexual act may be required to register, except when the victim is over 12 and not more than 4 years younger than the offender. A conviction under the trafficking law may indirectly serve as grounds for terminating parental rights based on laws relating to reunification and sex offender registration.

Criminal Provisions for Facilitators

Financially benefitting from facilitating sex trafficking is punishable under the trafficking law by up to life imprisonment and a fine up to \$500,000. Facilitators also may be guilty of facilitating sex trafficking under a separate statute, which is punishable

by 3–10 years imprisonment. Financial penalties include fines, restitution, and asset forfeiture. Nevada law prohibits the sale and facilitation of child sex tourism. Promoting and selling CSAM carries substantial penalties.



Protective Provisions for the Child Victims

All commercially sexually exploited children are defined as juvenile sex trafficking victims. The sex trafficking law prohibits a defendant from asserting a defense based on the willingness of the minor to engage in the commercial sex act. State law prohibits the criminalization of all minors for prostitution and solicitation offenses; non-criminalization for other offenses hinges on a finding of victimization. Specialized services are available through a non-punitive avenue. Although child sex trafficking is not included within the definition of abuse or neglect, sexual exploitation through prostitution or production of CSAM is included. However, “person responsible for a child’s welfare” is defined as an adult “continually or regularly found in the same household as the child,” which presents a barrier to child welfare intervention in non-familial trafficking cases. Child sex trafficking victims are exempt from some, but not all, ineligibility criteria for crime victims’ compensation; ineligibility criteria include filing deadlines and accomplice liability. Trafficking victims may be allowed to testify through videotaped deposition, are permitted to apply

for a fictitious address, and may be protected from the trauma of cross-examination by a “rape shield” law. Additionally, children under 14 may testify through closed-circuit television. Nevada law provides a mechanism for minors to vacate delinquency adjudications and seal related records for certain offenses committed as a result of the minor’s trafficking victimization without mandating a waiting period. A court must consider awarding restitution in any criminal case. Sex trafficking victims may bring a civil claim against any person who caused or profited from the human trafficking. In Nevada, most felonies have a 3 year statute of limitations, but certain enumerated felonies, including sex trafficking, have a 4 year statute of limitations. If, however, a trafficking victim files a report with law enforcement within that time period, the case may be prosecuted at any time. The civil statute of limitations for personal injury is generally 2 years, but that time frame is tolled during minority, until the injury/victim status was discovered, or the final act of trafficking occurred.



Criminal Justice Tools for Investigation and Prosecution

Nevada law mandates training on sexual exploitation of minors and continuing education on human trafficking. Nevada requires both parties to consent to audiotaping over the telephone but allows single party consent to in-person communications. Wiretapping is expressly authorized in investigations of sex trafficking, but not CSEC. The “engaging in prostitution or soliciting for prostitution” law prohibits a defense to prosecution based on the use

of a law enforcement decoy posing as a minor for investigatory purposes. Also, law enforcement may utilize the Internet or electronic communications to investigate cases where the offender seeks to engage a child under 16 in sexual conduct. Reporting missing and exploited children and located children is required by law.



The Report Card is based on the Protected Innocence Challenge Legislative Framework, an analysis of state laws performed by Shared Hope International, and sets a national standard of protection against domestic minor sex trafficking. To access the Protected Innocence Challenge Legislative Framework Methodology, all state Report Cards, and foundational analysis and recommendations, please visit: www.sharedhope.org/reportcards.