

Nevada/Federal Sex Trafficking Laws

Assembly Bill 67 [https://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB67_EN.pdf]

- Establishes the crime of sex trafficking
- Makes victims eligible for state assistance
- Allows victims to sue their traffickers
- Increases penalties for traffickers
 - Up to life in prison (trafficking of juveniles)
 - Seize assets – liquidate to provide relief to victims

Assembly Bill 311 [<http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB311.pdf>]

- Creates Contingency Account for Victims of Human Trafficking
 - To provide programs and/or services for victims
 - Will accept gifts, grants, and donations

What is the definition of “human trafficking” in Nevada?

Human trafficking is the trade of people who are then usually forced to work as laborers or prostitutes. Most victims are transported from Mexico, East Asia, and Eastern Europe. Traffickers typically trap victims by promising them a job or an education in the U.S. Then the traffickers keep them subservient through physical, sexual and emotional abuse. Typical examples of human trafficking are:

- A factory owner transporting Mexican migrants to work at a Washoe County factory for little or no money;
- A drug lord transporting Columbian “drug mules” into Nevada; or
- A pimp trafficking Russian “mail order brides” to be prostitutes at a Las Vegas “gentleman’s club” (which may also qualify as the separate [Nevada crime of sex trafficking \(NRS 201.300\)](#))

Human trafficking is the most rapidly growing criminal industry worldwide.¹ Human trafficking is a crime under both Nevada state law and federal law:

Nevada state crime of human trafficking

- Nevada has two statutes outlawing trafficking of undocumented citizens (as well as one new statute regarding [child trafficking in Nevada \(NRS 200.4685\)](#)). What distinguishes them is the defendant's motives for trafficking:

Trafficking for financial gain

- NRS 200.467 makes it a crime to knowingly transport an illegal alien into Nevada when the purpose is for money or other financial gain. Note that a defendant may be liable even if he/she merely arranged or assisted in transporting the victim.

Example: A corrupt Henderson factory owner pays Hal and Henry to bring desperate migrant workers into Nevada to work at the factory for no pay. Hal buys the train tickets, and Henry accompanies the non-citizens on the train into Nevada. When police find out about this scheme, they arrest and book both Hal and Henry at the [Henderson Detention Center](#) for human trafficking.

It does not matter in the above example that Hal was not physically with or moving the victims. Merely orchestrating the transport makes him as criminally liable as Henry.

Trafficking for illegal purposes

- NRS 200.468 makes it a crime to knowingly transport an illegal alien into Nevada with the intent to either:
 - subject the person to the [Nevada crime of involuntary servitude \(NRS 200.463; NRS 200.4631; NRS 200;464; NRS 200.465\)](#); or
 - violate any state or federal labor law; or
 - commit a [felony in Nevada](#).³

- Note that someone may be convicted of human trafficking even if he/she fails to trap any victims. [North Las Vegas criminal defense attorney](#)

Example: Howard owns a factory in Las Vegas and wants free labor. He arranges for several illegal aliens to come into Nevada on the false promise of good jobs at his factory. In reality, Howard intends to keep them locked up in the factory to work for free.

However, after the victims arrive in Las Vegas, they manage to flee to police before they could be taken to the factory. The police then arrest and book Howard at the [Clark County Detention Center](#) for trafficking because he intended to subject the victims to involuntary servitude.

It does not matter in the above example that the victims never worked at the factory and that they fled to freedom. That Howard planned to import illegal aliens for the purpose of using them as indentured servants makes him liable.

Note a defendant may be convicted of both trafficking for financial gain and trafficking for illegal purposes in the same case.

Trafficking in children

NRS 200.4685 makes it unlawful to transport a child (under 18) in exchange for anything of value or for the purpose of avoiding responsibility for the child. Note that it does not matter whether the child is American.

Federal crime of human trafficking

Human trafficking is also a federal crime under the Thirteenth Amendment and [Title 18 of the U.S Code](#). Therefore, allegations of human trafficking in Nevada are usually litigated in [Federal District Court in Nevada](#).

The government agencies that enforce federal laws on human trafficking include:

- [Immigration and Customs Enforcement \(ICE\)](#), and
- [United States Department of Justice Civil Rights Division, Criminal Section](#)

Note that a person may be prosecuted in both state and federal court for the same human trafficking crime. And trafficking victims who escape or are freed may be able to apply for a T-Visa for resident status.

What are the penalties?

Both Nevada state and federal judges may impose lengthy prison sentences for trafficking people. Note that it may be possible for charges to get lessened or dismissed depending on the case.

Nevada penalties

The punishment for violating human trafficking laws in Nevada depends upon the defendant's motive for trafficking:

Trafficking illegal aliens for money or other financial gain in violation of NRS 200.467 is a category B felony carrying:

- one to ten (1 – 10) years in prison, and
- a fine of up to \$50,000 (at the judge's discretion)⁶
- Trafficking illegal aliens for an unlawful purpose in violation of NRS 200.468 is also a category B felony...but the prison sentence may be harsher:
 - one to twenty (1 to 20) years in prison, and
 - maybe a fine of up to \$50,000 (at the judge's discretion)⁷

Note that trafficking a child in exchange for something of value or to avoid responsibility for the child is a [category C felony in Nevada](#) under NRS 200.4685. The penalty is:

- one to ten (1 to 10) years in prison, and
- maybe a fine of up to \$10,000 (at the judge's discretion)⁸

Also note that victims may bring civil suits against people who transported them or profited from their trafficking. Depending on the case, victims may recover the following monetary judgments:

- actual damages,
- compensatory damages,
- punitive damages,
- treble damages, and/or
- attorney’s fees and costs.

3.2. Federal penalties

The federal punishment for human trafficking also depends upon the purpose of the crime:

Trafficking in people for forced labor carries up to twenty (20) years in [Federal Prison](#) as well as fines. But the sentence may be increased to life if the defendant committed the following crimes in the course of trafficking:

- the [federal crime of kidnapping \(or attempted kidnap\)](#), or
- aggravated sexual abuse (or attempted aggravated sexual abuse), or
- the [federal crime of murder \(or attempted murder\)](#)

Meanwhile, the federal penalties for trafficking children for commercial sexual exploitation depends on two factors:

- the age of the child, and
- whether the defendant used force, threats, fraud or coercion to knowingly transport or recruit the minor for prostitution

Age of Victim	Federal Trafficking Sentence
Under 14 years old	15 years to life in prison
14 – 17 years old (defendant used force, threats, fraud, or coercion)	15 years to life in prison

14 – 17 years old (defendant did not use force, threats, fraud, or coercion)	10 years to life in prison
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Can records of “human trafficking” convictions be sealed?

A conviction for trafficking an adult may be sealed five (5) years after the case is closed. But if the victim is a child (in violation of NRS 200.4685), a conviction may never be sealed.

Note that dismissed charges of human trafficking may be sealed right away precisely because there was no conviction. Learn more about [sealing criminal records in Nevada](#).

What are the immigration consequences?

As [crimes involving moral turpitude in Nevada](#), violations of NRS 200.267 or NRS 200.268 are deportable offenses. Aliens prosecuted for these offenses are advised to retain experienced counsel in attempt to get the case dropped or changed to a non-deportable charge. Learn more about the [criminal defense of immigrants in Nevada](#).

Source: Las Vegas Defense Group <https://www.shouselaw.com/nv/defense/laws/human-trafficking/>