TO: The Honorable Steve Yeager, Chair, Honorable Rochelle Nguyen, Vice Chairwoman, and Honorable Members of the Assembly Judiciary Committee

FROM: Marci Hamilton, Founder & CEO, CHILD USA; Professor, University of Pennsylvania and Kathryn Robb, Executive Director, CHILD USAdvocacy

RE: Nevada AB 113, elimination of criminal SOL for sex trafficking

DATE: April 7, 2021

Dear Chairman Yeager, Vice Chairwoman Nguyen, and Members of the Assembly Judiciary Committee,

Thank you for allowing us, Professor Marci Hamilton of CHILD USA and Kathryn Robb of CHILD USAdvocacy, to submit testimony regarding AB 113, which will increase access to justice for victims of sex trafficking and enhance protection for children in Nevada.

By way of introduction, Marci Hamilton is the Founder & CEO of CHILD USA, an interdisciplinary think tank dedicated to the prevention of child abuse and neglect at the University of Pennsylvania, where she is a Professor in the Fels Institute of Government. She authored *Justice Denied: What America Must Do to Protect Its Children* (Cambridge University Press 2008, 2012), which makes the case for statute of limitations (SOL) reform in the child sex abuse arena, and is the leading expert on the history and constitutionality of SOL reform.

CHILD USA is the leading nonprofit think tank dedicated to the prevention of child abuse and neglect. It is also the leader in the field of statute of limitations, or “SOL” reform, and the only organization to track child sex abuse SOLs in every state, D.C., and the federal government.

Kathryn Robb is the Executive Director of CHILD USAdvocacy, a 501(c)(4) advocacy organization dedicated to protecting children’s civil liberties and keeping children safe from abuse and neglect. CHILD USAdvocacy draws on the combined expertise of the nation’s leading experts and child advocates, specifically its sister organization, CHILD USA. Kathryn is also a survivor of child sex abuse. We commend you and the Committee for taking up AB 113.

AB 113 would eliminate the criminal SOL for sex trafficking of adults and children, as well as remove the age-based reporting requirements. If passed, this legislation will bring Nevada closer to being a leader in the fight to protect children’s rights.
I. The Science of Delayed Disclosure Supports SOL Reform for Child Sex Trafficking

There is a worldwide epidemic of child sex trafficking, with millions of people being trafficked for sex, 94% of which are women and girls.¹ In 2019, Polaris Project worked on various types of trafficking situations involving 22,326 individual survivors in the United States through the National Trafficking Hotline; at least 200 of those cases involved Nevada victims of sex trafficking.² According to the National Center for Missing and Exploited Children, 1 out of 6 children reported missing is “likely [a victim] of child sex trafficking” based on case information.³

The trauma stemming from child sex abuse, including trafficking, is complex and individualized, and it impacts victims throughout their lifetimes. There is an overwhelming body of science exposing the ways in which the trauma of sexual abuse during childhood impacts memory formation and the repression of memories.⁴ It is now settled that PTSD, memory deficits, and complete disassociation are common coping mechanisms for child victims.⁵ As a result, it can take years for a victim to acknowledge their abuse.

Trauma is only one of the barriers preventing children from disclosing abuse. “Among other barriers, children often lack the knowledge needed to recognize sexual abuse, lack the ability to articulate that they have been abused, don’t have an adult they can disclose their abuse to, don’t have opportunities to disclose abuse, and aren’t believed when they try to disclose.”⁶ Studies suggest that many victims, as much as 33%, never disclose their abuse, even as adults.⁷ The disclosure of child sex abuse is a process and not a discrete event in which a victim comes to terms with their abuse. Often this happens in the context of therapy; sometimes it is triggered many years after the abuse by an event the victim associates with the abuse; other times it happens gradually and over time as a victim recovers their memory.⁸

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⁷ Id
⁸ Hoskell, at 24.
In fact, the average age of disclosure of child sex abuse, including child sex trafficking, in a study of 1,000 victims was 52 years-old. Yet, until recently, many states blocked criminal charges and civil lawsuits well before age 52. By the time most victims were ready to come forward, the courthouse doors were locked, shutting victims out of justice.

**II. AB 113 Will Serve the Public Good by Increasing Victims’ Access to Justice and Preventing Future Abuse**

Statutes of limitations or SOLs are judicial housekeeping rules: they set the deadline for pressing criminal charges or filing a civil lawsuit. An SOL is an arbitrary and technical legal rule that has prevented victims from naming their perpetrators publicly for fear of retaliation and from obtaining justice. Current Nevada law provides that a prosecution for child sex trafficking may be commenced at any time if a victim reports their abuse by age 36, while limiting prosecutions to age 46 if a victim discovers their abuse after age 36. However, victims over age 17 only have

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10 *NEV. REV. STAT. ANN.* §§ 171.095(1)(b)(1)-(2); 171.083.
Historically, a wall of ignorance and secrecy has been constructed around child sex abuse, which has been reinforced by short SOLs that kept victims out of the legal system. Perpetrators and institutions have benefitted from short SOLs and until recently, most states have shut down most cases. That is a major reason we knew so little about the epidemic of child sex abuse and child sex trafficking. Yet, it is in society’s interest to have sex abuse survivors identify hidden child predators to the public—whenever the survivor is ready.

As well as providing already-existing victims of abuse a path to justice, SOL reform protects society at large. By allowing prosecutors and victims all the time they need to prosecute a child sex trafficking case, hidden predators are brought into the light and are prevented from further abusing more children. Preventing further abuse only serves to help—society—by reducing the costs of healthcare for victims, allowing more healthy people into the workforce, and increasing the ability of children to grow into healthy adults. SOL reform also educates the public about the danger of child sexual abuse.

III. Nevada Should Join the National Trend Toward Meaningful SOL Reform for Child Sex Abuse by Removing Barriers to Criminal Prosecution for Sex Trafficking

There is a national and global movement for SOL reform. The trend is toward elimination of civil and criminal SOLs and the revival of expired civil claims. For an analysis of the SOL reform

movement from 2002 through 2020, see CHILD USA’s Report: History of US SOL Reform: 2002-2020. 12 2019 was a banner year for helping child sex abuse survivors access justice by changing the statutes of limitations. With the public more awake than they’ve ever been to the injustice survivors faced by being shut out of courts, there was a surge of SOL reform, with 23 states and Washington D.C changing their SOLs for the better in 2019. 13 The powerful SOL reform wave rode its way into 2020, with 30 states introducing legislation, but the outbreak of Covid-19 slowed its momentum. Despite significant disruptions by Covid-19 in 2020, 8 states passed new and improved SOL laws for child sex abuse. 14 By April of 2021, 31 states have already introduced SOL reform bills and Kentucky and Arizona passed new laws extending SOLs for sex trafficking. 15

This proposed elimination of the criminal SOL in AB 113 is in line with the recent trend to eliminate criminal SOLs and to give adult victims time to come forward in accordance with the delayed disclosure of abuse science. Nevada stands alongside 15 other states seeking to eliminate criminal SOLs for child sex abuse in 2021. 16 Nevada has already eliminated the criminal SOL for child victims if they report their abuse by age 36, so AB 113 rightly expands elimination to include all victims, regardless of when they disclose their abuse.

Once again, we commend you for supporting this legislation, which is desperately needed to help survivors of childhood sex abuse, and for taking up the cause of sex trafficking victims. Nevada’s children deserve SOL reform to protect them today and into the future. Eliminating the barriers to prosecution of sex trafficking is a positive step for Nevada’s children and families. Please do not hesitate to contact us if you have questions regarding SOL reform or if we can be of assistance in any way on other child protection issues.

Sincerely,

[Signature]

Marci A. Hamilton, Esq.
Professor, Fels Institute of Government
University of Pennsylvania

Founder & CEO
CHILD USA
3508 Market Street, Suite 202
Philadelphia, PA 19104
(215) 539-1906

Kathryn Robb, Esq.
Executive Director
CHILD USAdvocacy
3508 Market St., Suite 201
Philadelphia, PA 19104

15 See id.