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Crimes; selling a person

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ada ruled in *Burke v. State*,¹³ that the *Tate* and *Williams* rationales apply to failure to pay restitution as well as failure to pay fines.¹⁴

JZ

13. 96 Nev. 449, 611 P.2d 203 (1980).

14. *Id.* at 452, 611 P.2d at 204-205.

Crimes; selling a person

NEV. REV. STAT. §§ 128.____, 200.____ (new); §§ 127.300, 128.106, 179.121 (amended).

AB 696 (Porter); 1989 STAT. Ch. 558

Chapter 558 makes it a crime to buy¹ or sell² any person or to hold a person in involuntary servitude.³ Chapter 558 also encompasses any person who knowingly aids another in the crime.⁴ When a parent attempts to sell a child, Chapter 558 requires the court to presume that the child is abandoned.⁵

Existing law provides that instrumentalities used in the commission of specified crimes are subject to forfeiture.⁶ Chapter 558 is one of those specified crimes.⁷

JZ

1. 1989 Nev. Stat. ch. 558, sec. 1, at 1186 (enacting NEV. REV. STAT. § 200.____) (it is a crime to pay money or any other consideration for a person).

2. *Id.* (it is a crime to accept money or other consideration for a person).

3. *Id.* (the act is punishable by imprisonment for life or for a definite term of not less than five years, plus a fine of up to \$50,000); *cf.* U.S. CONST. amend. XIII, § 3 (involuntary servitude prohibited). Chapter 558 makes an exception for licensed child-placing agencies. 1989 Nev. Stat. ch. 558, sec. 1, at 1186 (enacting NEV. REV. STAT. § 200.____). *See* NEV. REV. STAT. § 127.220 (1987) (definition of child-placing agency). *See generally* Los Angeles Times, April 5, 1989, § 1, at 20, col. 4 (woman accused of selling her child at the Reno airport).

4. 1989 Nev. Stat. ch. 558, sec. 1, at 1186 (enacting NEV. REV. STAT. § 200.____).

5. *See id.*, sec. 3, at 1186 (enacting NEV. REV. STAT. § 128.____). Chapter 558 does not state whether the presumption is rebuttable. *Id.* *But see* *Pyborn v. Quathamer*, 95 Nev. 145, 147, 605 P.2d 1147, 1148 (court did not allow rebuttal of presumption of abandonment raised by statute through non-support of child). Violation of Chapter 558 must be considered by the court in determining the fitness of a parent. 1989 Nev. Stat. ch. 558, sec. 4, at 1187 (amending NEV. REV. STAT. § 128.106).

6. NEV. REV. STAT. § 179.121 (1987) (amended by 1989 Nev. Stat. ch. 558, sec. 5, at 1187). Instrumentalities subject to forfeiture include tools, weapons, substances, machines, money, or securities. *Id.*

7. 1989 Nev. Stat. ch. 558, sec. 5, at 1187 (amending NEV. REV. STAT. § 179.121).