

SENATE BILL NO. 474—COMMITTEE ON JUDICIARY

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Repeals provisions governing sex offenders which were originally enacted for purposes of the federal Adam Walsh Act. (BDR 14-1068)

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

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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 crimes; repealing and replacing certain provisions governing sex offenders and offenders convicted of a crime against a child; revising provisions governing registration and community notification concerning sex offenders and offenders convicted of a crime against a child; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 In 2006, Congress enacted the Adam Walsh Child Protection and Safety Act of
2 2006. (Public Law 109-248) The Act requires each state to enact certain laws
3 regarding the registration of sex offenders and offenders convicted of a crime
4 against a child and certain related community notification requirements. (42 U.S.C.
5 §§ 16901 et seq.) If a state fails to substantially carry out the Act, as determined by
6 the Attorney General of the United States, the state must receive a 10 percent
7 reduction in the funds that would otherwise be allocated to the state under the
8 Edward Byrne Memorial Justice Assistance Grant Program. (42 U.S.C. § 16925)
9 In 2007, the Nevada Legislature enacted Assembly Bill No. 579 (A.B. 579) to
10 implement the Adam Walsh Child Protection and Safety Act of 2006. (Chapter 485,
11 Statutes of Nevada 2007, p. 2744) Under A.B. 579, sex offenders and offenders
12 convicted of a crime against a child are required to register with certain law
13 enforcement agencies and are subject to community notification at a level that is
14 based on the type of offense committed. This bill repeals the provisions of A.B. 579
15 and replaces those provisions with the provisions of State law as they existed before
16 the enactment of A.B. 579.
17 **Sections 25-47, 66-68 and 70-74** of this bill reenact the provisions of State law
18 governing the registration of sex offenders and offenders convicted of a crime
19 against a child. **Sections 30, 31, 70 and 71** reenact provisions relating to the duty of
20 a sex offender or an offender convicted of a crime against a child to register with



21 certain law enforcement agencies. **Section 32** reenacts provisions relating to: (1)
22 the duty of an offender convicted of a crime against a child to appear in person at a
23 local law enforcement agency; and (2) notification of certain law enforcement
24 agencies of any change in his or her address and to provide updated information to
25 these agencies. **Section 109** of this bill repeals existing laws which require an
26 offender to appear in person at a local law enforcement agency to register at least
27 once every 90 days, every 180 days or every year, depending on the tier level
28 assigned to the offender, and **sections 33 and 72** instead require that the offender
29 mail a verification form to the Central Repository for Nevada Records of Criminal
30 History each year to verify the information in his or her registration record.

31 Existing law provides that the period for which registration is required is 15
32 years for a Tier I offender, 25 years for a Tier II offender and the life of the
33 offender for a Tier III offender, except that after a certain period and satisfying
34 certain conditions, a Tier I offender or an offender who is a Tier III offender
35 because of an adjudication of delinquency as a juvenile may petition a court to
36 reduce the period of time for which registration is required. (NRS 179D.490)
37 **Sections 34 and 73** replace those provisions with a provision that authorizes certain
38 offenders to petition a court to terminate the duty to register after a period of 15
39 years.

40 Under A.B. 579, sex offenders and offenders convicted of a crime against a
41 child are subject to community notification and the tier level of such notification is
42 based on the type of offense committed by a sex offender or offender convicted of a
43 crime against a child. (NRS 179D.475) **Sections 48-64** of this bill reenact the
44 provisions relating to the community notification of sex offenders which were in
45 effect before the enactment of A.B. 579 and which required a sex offender to be
46 designated as a Tier I, Tier II or Tier III offender based upon an assessment of the
47 risk of recidivism of the sex offender, with Tier I sex offenders being the least
48 likely to reoffend and Tier III sex offenders being the most likely to reoffend.
49 Under **sections 57 and 58**, the assessment must be conducted in compliance with
50 guidelines and procedures for community notification established by the Attorney
51 General. **Section 60** requires a sex offender to be given notice of the level of
52 notification assigned to the offender, whether Tier II or Tier III, and the procedures
53 for requesting reconsideration of his or her level of notification. **Section 61**
54 provides for a change in the level of notification under certain circumstances.
55 **Section 62** provides that if a sex offender is not convicted of a crime which poses a
56 threat to the safety or well-being of others for a period of 10 consecutive years, the
57 sex offender may petition the Attorney General for a reassessment of his or her risk
58 of recidivism and a reduction of his or her level of notification or, if the sex
59 offender is a Tier I offender, termination of the requirement of community
60 notification.

61 Under A.B. 579, a child who is 14 years of age or older and who is adjudicated
62 delinquent for committing certain sexual offenses is required to register as a sex
63 offender in the same manner as an adult and is subject to community notification.
64 (NRS 62F.220) **Sections 81-89** of this bill reenact provisions governing juvenile
65 sex offenders which were in effect before the enactment of A.B. 579. Under **section**
66 **85**, the juvenile court is required to notify the Attorney General when a child is
67 adjudicated delinquent for certain sexual offenses or a sexually motivated act so
68 that an assessment may be conducted of the risk of recidivism of the child pursuant
69 to guidelines and procedures established by the Attorney General pursuant to
70 **section 64**. **Section 85** further requires the child to remain under the supervision of
71 a probation or parole officer for at least 3 years and requires the child or a parent or
72 guardian of the child to inform the officer assigned to the child within 48 hours if
73 the child changes his or her residence. **Section 86** requires the probation or parole
74 officer assigned to a juvenile sex offender to provide notification concerning the
75 juvenile sex offender to certain law enforcement agencies.



76 **Section 87** allows a juvenile court to hold a hearing at any appropriate time to
77 determine whether to relieve a child who has been adjudicated delinquent for
78 certain sexual offenses or a sexually motivated act from community notification as
79 a juvenile sex offender. Under **section 88**, if the juvenile court has not previously
80 relieved a child from community notification as a juvenile sex offender, the
81 juvenile court must conduct a hearing when the child reaches 21 years of age. If the
82 juvenile court finds that the child has been rehabilitated and does not pose a threat
83 to the safety of others, the juvenile court must relieve the child from the
84 requirement for community notification. However, if the juvenile court determines
85 that the child has not been rehabilitated or poses a threat to the safety of others, the
86 juvenile court may deem the child an adult sex offender subject to the registration
87 and community notification requirements relating to adult sex offenders.

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

1 **Section 1.** NRS 171.1228 is hereby amended to read as
2 follows:

3 171.1228 1. A law enforcement officer, prosecutor or other
4 employee of a governmental entity shall not, as a condition of
5 investigating an alleged sexual offense, request or require a victim
6 of the alleged sexual offense to take or submit to a polygraphic
7 examination or other similar examination that is used, or the results
8 of which are used, for the purpose of rendering a diagnostic opinion
9 regarding the honesty or dishonesty of a person.

10 2. As used in this section, "sexual offense" has the meaning
11 ascribed to it in ~~NRS 179D.097~~ *section 43 of this act.*

12 **Sec. 2.** NRS 171.196 is hereby amended to read as follows:

13 171.196 1. If an offense is not triable in the Justice Court, the
14 defendant must not be called upon to plead. If the defendant waives
15 preliminary examination, the magistrate shall immediately hold the
16 defendant to answer in the district court.

17 2. If the defendant does not waive examination, the magistrate
18 shall hear the evidence within 15 days, unless for good cause shown
19 the magistrate extends such time. Unless the defendant waives
20 counsel, reasonable time must be allowed for counsel to appear.

21 3. Except as otherwise provided in this subsection, if the
22 magistrate postpones the examination at the request of a party, the
23 magistrate may order that party to pay all or part of the costs and
24 fees expended to have a witness attend the examination. The
25 magistrate shall not require a party who requested the postponement
26 of the examination to pay for the costs and fees of a witness if:

27 (a) It was not reasonably necessary for the witness to attend the
28 examination; or

29 (b) The magistrate ordered the extension pursuant to
30 subsection 4.



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1 4. If application is made for the appointment of counsel for an
2 indigent defendant, the magistrate shall postpone the examination
3 until:

4 (a) The application has been granted or denied; and

5 (b) If the application is granted, the attorney appointed or the
6 public defender has had reasonable time to appear.

7 5. The defendant may cross-examine witnesses against him or
8 her and may introduce evidence in his or her own behalf.

9 6. Hearsay evidence consisting of a statement made by the
10 alleged victim of the offense is admissible at a preliminary
11 examination conducted pursuant to this section only if the defendant
12 is charged with one or more of the following offenses:

13 (a) A sexual offense committed against a child who is under the
14 age of 16 years if the offense is punishable as a felony. As used in
15 this paragraph, "sexual offense" has the meaning ascribed to it in
16 ~~NRS 179D.097~~ *section 43 of this act.*

17 (b) Abuse of a child pursuant to NRS 200.508 if the offense is
18 committed against a child who is under the age of 16 years and the
19 offense is punishable as a felony.

20 (c) An act which constitutes domestic violence pursuant to NRS
21 33.018, which is punishable as a felony and which resulted in
22 substantial bodily harm to the alleged victim.

23 **Sec. 3.** NRS 172.135 is hereby amended to read as follows:

24 172.135 1. In the investigation of a charge, for the purpose of
25 either presentment or indictment, the grand jury can receive no other
26 evidence than such as is given by witnesses produced and sworn
27 before them or furnished by legal documentary evidence or by the
28 deposition of witnesses taken as provided in this title, except that the
29 grand jury may receive any of the following:

30 (a) An affidavit or declaration from an expert witness or other
31 person described in NRS 50.315 in lieu of personal testimony or a
32 deposition.

33 (b) An affidavit of an owner, possessor or occupant of real or
34 personal property or other person described in NRS 172.137 in lieu
35 of personal testimony or a deposition.

36 2. Except as otherwise provided in this subsection, the grand
37 jury can receive none but legal evidence, and the best evidence in
38 degree, to the exclusion of hearsay or secondary evidence. The
39 grand jury can receive hearsay evidence consisting of a statement
40 made by the alleged victim of an offense if the defendant is alleged
41 to have committed one or more of the following offenses:

42 (a) A sexual offense committed against a child who is under the
43 age of 16 years if the offense is punishable as a felony. As used in
44 this paragraph, "sexual offense" has the meaning ascribed to it in
45 ~~NRS 179D.097~~ *section 43 of this act.*



1 (b) Abuse of a child pursuant to NRS 200.508 if the offense is
2 committed against a child who is under the age of 16 years and the
3 offense is punishable as a felony.

4 (c) An act which constitutes domestic violence pursuant to NRS
5 33.018, which is punishable as a felony and which resulted in
6 substantial bodily harm to the alleged victim.

7 3. A statement made by a witness at any time that is
8 inconsistent with the testimony of the witness before the grand jury
9 may be presented to the grand jury as evidence.

10 **Sec. 4.** NRS 176.0913 is hereby amended to read as follows:

11 176.0913 1. If a defendant is convicted of an offense listed in
12 subsection 4:

13 (a) The name, social security number, date of birth, fingerprints
14 and any other information identifying the defendant must be
15 submitted to the Central Repository for Nevada Records of Criminal
16 History; and

17 (b) Unless a biological specimen was previously obtained upon
18 arrest pursuant to NRS 176.09123, a biological specimen must be
19 obtained from the defendant pursuant to the provisions of this
20 section and the specimen must be used for a genetic marker
21 analysis. If a biological specimen was previously obtained upon
22 arrest pursuant to NRS 176.09123, the court shall notify the Central
23 Repository for Nevada Records of Criminal History, who in turn
24 shall notify the appropriate forensic laboratory.

25 2. If the defendant is committed to the custody of the
26 Department of Corrections, the Department of Corrections shall
27 arrange for the biological specimen to be obtained from
28 the defendant. The Department of Corrections shall provide the
29 specimen to the forensic laboratory that has been designated by the
30 county in which the defendant was convicted to conduct or oversee
31 genetic marker analysis for the county pursuant to NRS 176.0917.

32 3. If the defendant is not committed to the custody of the
33 Department of Corrections, the Division shall arrange for the
34 biological specimen to be obtained from the defendant. The
35 Division shall provide the specimen to the forensic laboratory that
36 has been designated by the county in which the defendant was
37 convicted to conduct or oversee genetic marker analysis for the
38 county pursuant to NRS 176.0917. Any cost that is incurred to
39 obtain a biological specimen from a defendant pursuant to this
40 subsection is a charge against the county in which the defendant was
41 convicted and must be paid as provided in NRS 176.0915.

42 4. Except as otherwise provided in subsection 5, the provisions
43 of subsection 1 apply to a defendant who is convicted of:

44 (a) A felony;



1 (b) A crime against a child as defined in ~~NRS 179D.0357;~~
2 *section 26 of this act;*

3 (c) A sexual offense as defined in ~~NRS 179D.097;~~ *section 43*
4 *of this act;*

5 (d) Abuse or neglect of an older person or a vulnerable person
6 pursuant to NRS 200.5099;

7 (e) A second or subsequent offense for stalking pursuant to
8 NRS 200.575;

9 (f) An attempt or conspiracy to commit an offense listed in
10 paragraphs (a) to (e), inclusive;

11 (g) Failing to register with a local law enforcement agency as a
12 convicted person as required pursuant to NRS 179C.100, if the
13 defendant previously was:

14 (1) Convicted in this State of committing an offense listed in
15 paragraph (a), (d), (e) or (f); or

16 (2) Convicted in another jurisdiction of committing an
17 offense that would constitute an offense listed in paragraph (a), (d),
18 (e) or (f) if committed in this State;

19 (h) Failing to register with a local law enforcement agency after
20 being convicted of a crime against a child as required pursuant to
21 ~~NRS 179D.450;~~ *section 30 of this act;* or

22 (i) Failing to register with a local law enforcement agency after
23 being convicted of a sexual offense as required pursuant to
24 NRS 179D.450.

25 5. If it is determined that a defendant's biological specimen has
26 previously been submitted for conviction of a prior offense, an
27 additional sample is not required.

28 6. Except as otherwise authorized by federal law or by specific
29 statute, a biological specimen obtained pursuant to this section, the
30 DNA profile, the DNA record and any other information identifying
31 or matching a biological specimen with a person must not be shared
32 with or disclosed to any person other than the authorized personnel
33 who have possession and control of the biological specimen, the
34 DNA profile, the DNA record or other information identifying or
35 matching a biological specimen with a person, except pursuant to:

36 (a) A court order; or

37 (b) A request from a law enforcement agency during the course
38 of an investigation.

39 7. A person who violates any provision of subsection 6 is
40 guilty of a category C felony and shall be punished as provided in
41 NRS 193.130.

42 **Sec. 5.** NRS 176.09173 is hereby amended to read as follows:

43 176.09173 1. A forensic laboratory shall:

44 (a) Prescribe protocols and procedures for the collection,
45 submission, identification, genetic marker analysis, storage,



1 maintenance, uploading and disposition of biological specimens,
2 DNA profiles and DNA records.

3 (b) Securely upload DNA records to the State DNA Database.

4 (c) Acquire and maintain computer hardware and software
5 necessary to store, maintain and upload DNA profiles and DNA
6 records relating to:

7 (1) Crime scene evidence and forensic casework;

8 (2) Persons arrested for a felony and persons convicted of an
9 offense listed in subsection 4 of NRS 176.0913 who are required to
10 provide a biological specimen;

11 (3) Persons required to register as sex offenders pursuant to
12 NRS ~~179D.445, 179D.460 or 179D.480;~~ **179D.450 to 179D.550,**
13 ***inclusive, and sections 36 to 47, inclusive, of this act;***

14 (4) Unidentified persons or body parts;

15 (5) Missing persons;

16 (6) Relatives of missing persons;

17 (7) Anonymous DNA profiles used for forensic validation,
18 forensic protocol development, quality control purposes or
19 establishment of a population statistics database for use by criminal
20 justice agencies; and

21 (8) Voluntarily submitted DNA profiles.

22 2. A forensic laboratory may:

23 (a) Use all or part of the remainder of any biological specimen
24 stored in the forensic laboratory for:

25 (1) Retesting to confirm or update the original genetic
26 marker analysis; or

27 (2) Quality control testing of new forensic methods for
28 genetic marker analysis, provided that no personal identifying
29 information is included.

30 (b) Contract with providers of services to perform a genetic
31 marker analysis or to carry out functions on behalf of the forensic
32 laboratory. Any provider of services who contracts with a forensic
33 laboratory to perform a genetic marker analysis or to carry out
34 functions on behalf of the forensic laboratory is subject to the same
35 restrictions and requirements as the forensic laboratory.

36 3. A forensic laboratory shall not use any biological specimen,
37 DNA profile or DNA record for the purpose of identification of any
38 medical or genetic disorder.

39 **Sec. 6.** NRS 176.0923 is hereby amended to read as follows:

40 176.0923 "Crime against a child" has the meaning ascribed to
41 it in ~~NRS 179D.0357;~~ ***section 26 of this act.***

42 **Sec. 7.** NRS 176.0925 is hereby amended to read as follows:

43 176.0925 "Sexual offense" has the meaning ascribed to it in
44 ~~NRS 179D.097;~~ ***section 43 of this act.***



1 **Sec. 8.** NRS 176.0926 is hereby amended to read as follows:

2 176.0926 1. If a defendant is convicted of a crime against a
3 child, the court shall, following the imposition of a sentence:

4 (a) Notify the Central Repository of the conviction of the
5 defendant, so the Central Repository may carry out the provisions
6 for registration of the defendant pursuant to ~~NRS 179D.450;~~
7 *section 30 of this act.*

8 (b) Inform the defendant of the requirements for registration,
9 including, but not limited to:

10 (1) ~~The duty to register initially pursuant to NRS 179D.445;~~

11 ~~(2)~~ The duty to register in this State during any period in
12 which the defendant is a resident of this State or a nonresident who
13 is a student or worker within this State and the time within which
14 the defendant is required to register pursuant to ~~NRS 179D.450;~~

15 ~~(3)~~ *section 31 of this act;*

16 (2) The duty to register in any other jurisdiction, including,
17 without limitation, any jurisdiction outside the United States, during
18 any period in which the defendant is a resident of the other
19 jurisdiction or a nonresident who is a student or worker within the
20 other jurisdiction;

21 ~~(4)~~ (3) If the defendant moves from this State to another
22 jurisdiction, including, without limitation, any jurisdiction outside
23 the United States, the duty to register with the appropriate law
24 enforcement agency in the other jurisdiction;

25 ~~(5)~~ (4) The duty to notify the local law enforcement
26 agency in whose jurisdiction the defendant formerly resided, in
27 person or in writing, if the defendant changes the address at which
28 the defendant resides, including if the defendant moves from this
29 State to another jurisdiction, including, without limitation, any
30 jurisdiction outside the United States, or changes the primary
31 address at which the defendant is a student or worker; and

32 ~~(6)~~ (5) The duty to notify immediately the appropriate
33 local law enforcement agency if the defendant is, expects to be or
34 becomes enrolled as a student at an institution of higher education or
35 changes the date of commencement or termination of enrollment at
36 an institution of higher education or if the defendant is, expects to be
37 or becomes a worker at an institution of higher education or changes
38 the date of commencement or termination of the defendant's work at
39 an institution of higher education.

40 (c) Require the defendant to read and sign a form stating that the
41 requirements for registration have been explained and that the
42 defendant understands the requirements for registration.

43 2. The failure to provide the defendant with the information or
44 confirmation form required by paragraphs (b) and (c) of subsection
45 1 does not affect the duty of the defendant to register and to comply



1 with all other provisions for registration pursuant to ~~NRS 179D.010~~
2 ~~to 179D.550, inclusive.~~ *sections 25 to 35, inclusive, of this act.*

3 **Sec. 9.** NRS 176.0927 is hereby amended to read as follows:

4 176.0927 1. If a defendant is convicted of a sexual offense,
5 the court shall, following the imposition of a sentence:

6 (a) Notify the Central Repository of the conviction of the
7 defendant, so the Central Repository may carry out the provisions
8 for registration of the defendant pursuant to NRS 179D.450.

9 (b) Inform the defendant of the requirements for registration,
10 including, without limitation:

11 (1) ~~The duty to register initially pursuant to NRS 179D.445;~~

12 ~~— (2) —~~ The duty to register in this State during any period in
13 which the defendant is a resident of this State or a nonresident who
14 is a student or worker within this State and the time within which
15 the defendant is required to register pursuant to NRS 179D.460;

16 ~~(3)~~ (2) The duty to register in any other jurisdiction during
17 any period in which the defendant is a resident of the other
18 jurisdiction or a nonresident who is a student or worker within the
19 other jurisdiction;

20 ~~(4)~~ (3) If the defendant moves from this State to another
21 jurisdiction, the duty to register with the appropriate law
22 enforcement agency in the other jurisdiction;

23 ~~(5)~~ (4) The duty to notify the local law enforcement
24 agency in whose jurisdiction the defendant formerly resided, in
25 person or in writing, if the defendant changes the address at which
26 the defendant resides, including if the defendant moves from this
27 State to another jurisdiction, or changes the primary address at
28 which the defendant is a student or worker; and

29 ~~(6)~~ (5) The duty to notify immediately the appropriate
30 local law enforcement agency if the defendant is, expects to be or
31 becomes enrolled as a student at an institution of higher education or
32 changes the date of commencement or termination of enrollment at
33 an institution of higher education or if the defendant is, expects to be
34 or becomes a worker at an institution of higher education or changes
35 the date of commencement or termination of the defendant's work at
36 an institution of higher education.

37 (c) Require the defendant to read and sign a form stating that the
38 requirements for registration have been explained and that the
39 defendant understands the requirements for registration.

40 2. The failure to provide the defendant with the information or
41 confirmation form required by paragraphs (b) and (c) of subsection
42 1 does not affect the duty of the defendant to register and to comply
43 with all other provisions for registration pursuant to NRS
44 ~~179D.010~~ 179D.450 to 179D.550, inclusive ~~+~~ *and sections 36 to*
45 *47, inclusive, of this act.*



1 **Sec. 10.** NRS 176.0931 is hereby amended to read as follows:

2 176.0931 1. If a defendant is convicted of a sexual offense,
3 the court shall include in sentencing, in addition to any other
4 penalties provided by law, a special sentence of lifetime supervision.

5 2. The special sentence of lifetime supervision commences
6 after any period of probation or any term of imprisonment and any
7 period of release on parole.

8 3. A person sentenced to lifetime supervision may petition the
9 sentencing court or the State Board of Parole Commissioners for
10 release from lifetime supervision. The sentencing court or the Board
11 shall grant a petition for release from a special sentence of lifetime
12 supervision if:

13 (a) The person has complied with the requirements of the
14 provisions of NRS ~~179D.010~~ **179D.450** to 179D.550, inclusive ~~†~~
15 **, and sections 36 to 47, inclusive, of this act;**

16 (b) The person has not been convicted of an offense that poses a
17 threat to the safety or well-being of others for an interval of at least
18 10 consecutive years after the person's last conviction or release
19 from incarceration, whichever occurs later; and

20 (c) The person is not likely to pose a threat to the safety of
21 others, as determined by a person professionally qualified to
22 conduct psychosexual evaluations, if released from lifetime
23 supervision.

24 4. A person who is released from lifetime supervision pursuant
25 to the provisions of subsection 3 remains subject to the provisions
26 for registration as a sex offender and to the provisions for
27 community notification, unless the person is otherwise relieved from
28 the operation of those provisions pursuant to the provisions of NRS
29 ~~179D.010 to 179D.550,~~ **179D.450 to 179D.570**, inclusive ~~†~~, **and**
30 **sections 36 to 64, inclusive, of this act.**

31 5. As used in this section:

32 (a) "Offense that poses a threat to the safety or well-being of
33 others" ~~includes, without limitation:~~

34 ~~— (I) An offense that involves:~~

35 ~~— (I) A victim less than 18 years of age;~~

36 ~~— (II) A crime against a child as defined in~~
37 ~~NRS 179D.0357;~~

38 ~~— (III) A sexual offense as defined in NRS 179D.097;~~

39 ~~— (IV) A deadly weapon, explosives or a firearm;~~

40 ~~— (V) The use or threatened use of force or violence;~~

41 ~~— (VI) Physical or mental abuse;~~

42 ~~— (VII) Death or bodily injury;~~

43 ~~— (VIII) An act of domestic violence;~~

44 ~~— (IX) Harassment, stalking, threats of any kind or other~~
45 ~~similar acts;~~



1 ~~_____ (X) The forcible or unlawful entry of a home, building,~~
2 ~~structure, vehicle or other real or personal property; or~~

3 ~~_____ (XI) The infliction or threatened infliction of damage or~~
4 ~~injury, in whole or in part, to real or personal property.~~

5 ~~_____ (2) Any offense listed in subparagraph (1) that is committed~~
6 ~~in this State or another jurisdiction, including, without limitation, an~~
7 ~~offense prosecuted in:~~

8 ~~_____ (I) A tribal court.~~

9 ~~_____ (II) A court of the United States or the Armed Forces of~~
10 ~~the United States.] *has the meaning ascribed to it in section 24 of*~~
11 ~~*this act.*~~

12 (b) "Person professionally qualified to conduct psychosexual
13 evaluations" has the meaning ascribed to it in NRS 176.133.

14 (c) "Sexual offense" means:

15 (1) A violation of NRS 200.366, subsection 4 of NRS
16 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
17 NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph
18 (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
19 NRS 201.560;

20 (2) An attempt to commit an offense listed in subparagraph
21 (1); or

22 (3) An act of murder in the first or second degree,
23 kidnapping in the first or second degree, false imprisonment,
24 burglary or invasion of the home if the act is determined to be
25 sexually motivated at a hearing conducted pursuant to NRS 175.547.

26 **Sec. 11.** NRS 176A.410 is hereby amended to read as follows:

27 176A.410 1. Except as otherwise provided in subsection 6, if
28 a defendant is convicted of a sexual offense and the court grants
29 probation or suspends the sentence, the court shall, in addition to
30 any other condition ordered pursuant to NRS 176A.400, order as a
31 condition of probation or suspension of sentence that the defendant:

32 (a) Submit to a search and seizure of the defendant's person,
33 residence or vehicle or any property under the defendant's control,
34 at any time of the day or night, without a warrant, by any parole and
35 probation officer or any peace officer, for the purpose of
36 determining whether the defendant has violated any condition of
37 probation or suspension of sentence or committed any crime.

38 (b) Reside at a location only if:

39 (1) The residence has been approved by the parole and
40 probation officer assigned to the defendant.

41 (2) If the residence is a facility that houses more than three
42 persons who have been released from prison, the facility is a facility
43 for transitional living for released offenders that is licensed pursuant
44 to chapter 449 of NRS.



1 (3) The defendant keeps the parole and probation officer
2 assigned to the defendant informed of the defendant's current
3 address.

4 (c) Accept a position of employment or a position as a volunteer
5 only if it has been approved by the parole and probation officer
6 assigned to the defendant and keep the parole and probation officer
7 informed of the location of the defendant's position of employment
8 or position as a volunteer.

9 (d) Abide by any curfew imposed by the parole and probation
10 officer assigned to the defendant.

11 (e) Participate in and complete a program of professional
12 counseling approved by the Division.

13 (f) Submit to periodic tests, as requested by the parole and
14 probation officer assigned to the defendant, to determine whether
15 the defendant is using a controlled substance.

16 (g) Submit to periodic polygraph examinations, as requested by
17 the parole and probation officer assigned to the defendant.

18 (h) Abstain from consuming, possessing or having under the
19 defendant's control any alcohol.

20 (i) Not have contact or communicate with a victim of the sexual
21 offense or a witness who testified against the defendant or solicit
22 another person to engage in such contact or communication on
23 behalf of the defendant, unless approved by the Chief Parole and
24 Probation Officer or the Chief Parole and Probation Officer's
25 designee and a written agreement is entered into and signed in the
26 manner set forth in subsection 5.

27 (j) Not use aliases or fictitious names.

28 (k) Not obtain a post office box unless the defendant receives
29 permission from the parole and probation officer assigned to the
30 defendant.

31 (l) Not have contact with a person less than 18 years of age in a
32 secluded environment unless another adult who has never been
33 convicted of a sexual offense is present and permission has been
34 obtained from the parole and probation officer assigned to the
35 defendant in advance of each such contact.

36 (m) Unless approved by the parole and probation officer
37 assigned to the defendant and by a psychiatrist, psychologist or
38 counselor treating the defendant, if any, not knowingly be within
39 500 feet of any place, or if the place is a structure, within 500 feet of
40 the actual structure, that is designed primarily for use by or for
41 children, including, without limitation, a public or private school, a
42 school bus stop, a center or facility that provides day care services, a
43 video arcade, an amusement park, a playground, a park, an athletic
44 field or a facility for youth sports, or a motion picture theater. The
45 provisions of this paragraph apply only to a defendant who is



1 *assigned* a Tier III ~~offender~~ *level of notification as defined in*
2 *section 55 of this act.*

3 (n) Comply with any protocol concerning the use of prescription
4 medication prescribed by a treating physician, including, without
5 limitation, any protocol concerning the use of psychotropic
6 medication.

7 (o) Not possess any sexually explicit material that is deemed
8 inappropriate by the parole and probation officer assigned to the
9 defendant.

10 (p) Not patronize a business which offers a sexually related form
11 of entertainment and which is deemed inappropriate by the parole
12 and probation officer assigned to the defendant.

13 (q) Not possess any electronic device capable of accessing the
14 Internet and not access the Internet through any such device or any
15 other means, unless possession of such a device or such access is
16 approved by the parole and probation officer assigned to the
17 defendant.

18 (r) Inform the parole and probation officer assigned to the
19 defendant if the defendant expects to be or becomes enrolled as a
20 student at an institution of higher education or changes the date of
21 commencement or termination of the defendant's enrollment at an
22 institution of higher education. As used in this paragraph,
23 "institution of higher education" has the meaning ascribed to it in
24 NRS 179D.045.

25 2. Except as otherwise provided in subsection 6, if a defendant
26 is convicted of an offense listed in subsection 6 of NRS 213.1255
27 against a child under the age of 14 years, the defendant is *assigned* a
28 Tier III ~~offender~~ *level of notification, as defined in section 55 of*
29 *this act*, and the court grants probation or suspends the sentence of
30 the defendant, the court shall, in addition to any other condition
31 ordered pursuant to subsection 1, order as a condition of probation
32 or suspension of sentence that the defendant:

33 (a) Reside at a location only if the residence is not located
34 within 1,000 feet of any place, or if the place is a structure, within
35 1,000 feet of the actual structure, that is designed primarily for use
36 by or for children, including, without limitation, a public or private
37 school, a school bus stop, a center or facility that provides day care
38 services, a video arcade, an amusement park, a playground, a park,
39 an athletic field or a facility for youth sports, or a motion picture
40 theater.

41 (b) As deemed appropriate by the Chief Parole and Probation
42 Officer, be placed under a system of active electronic monitoring
43 that is capable of identifying the defendant's location and
44 producing, upon request, reports or records of the defendant's



1 presence near or within a crime scene or prohibited area or the
2 defendant's departure from a specified geographic location.

3 (c) Pay any costs associated with the defendant's participation
4 under the system of active electronic monitoring, to the extent of the
5 defendant's ability to pay.

6 3. A defendant placed under the system of active electronic
7 monitoring pursuant to subsection 2 shall:

8 (a) Follow the instructions provided by the Division to maintain
9 the electronic monitoring device in working order.

10 (b) Report any incidental damage or defacement of the
11 electronic monitoring device to the Division within 2 hours after the
12 occurrence of the damage or defacement.

13 (c) Abide by any other conditions set forth by the Division with
14 regard to the defendant's participation under the system of active
15 electronic monitoring.

16 4. Except as otherwise provided in this subsection, a person
17 who intentionally removes or disables or attempts to remove or
18 disable an electronic monitoring device placed on a defendant
19 pursuant to this section is guilty of a gross misdemeanor. The
20 provisions of this subsection do not prohibit a person authorized by
21 the Division from performing maintenance or repairs to an
22 electronic monitoring device.

23 5. A written agreement entered into pursuant to paragraph (i) of
24 subsection 1 must state that the contact or communication is in the
25 best interest of the victim or witness, and specify the type of contact
26 or communication authorized. The written agreement must be
27 signed and agreed to by:

28 (a) The victim or the witness;

29 (b) The defendant;

30 (c) The parole and probation officer assigned to the defendant;

31 (d) The psychiatrist, psychologist or counselor treating the
32 defendant, victim or witness, if any;

33 (e) If the victim or witness is a child under 18 years of age, each
34 parent, guardian or custodian of the child; and

35 (f) The Chief Parole and Probation Officer or the Chief Parole
36 and Probation Officer's designee.

37 6. The court is not required to impose a condition of probation
38 or suspension of sentence listed in subsections 1 and 2 if the court
39 finds that extraordinary circumstances are present and the court
40 enters those extraordinary circumstances in the record.

41 7. As used in this section, "sexual offense" has the meaning
42 ascribed to it in ~~NRS 179D.097~~ **section 43 of this act.**

43 **Sec. 12.** NRS 179.245 is hereby amended to read as follows:

44 179.245 1. Except as otherwise provided in subsection 5 and
45 NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a



1 person may petition the court in which the person was convicted for
2 the sealing of all records relating to a conviction of:

3 (a) A category A or B felony after 15 years from the date of
4 release from actual custody or discharge from parole or probation,
5 whichever occurs later;

6 (b) A category C or D felony after 12 years from the date of
7 release from actual custody or discharge from parole or probation,
8 whichever occurs later;

9 (c) A category E felony after 7 years from the date of release
10 from actual custody or discharge from parole or probation,
11 whichever occurs later;

12 (d) Except as otherwise provided in paragraph (e), any gross
13 misdemeanor after 5 years from the date of release from actual
14 custody or discharge from probation, whichever occurs later;

15 (e) A violation of NRS 422.540 to 422.570, inclusive, other than
16 a felony, a violation of NRS 484C.110 or 484C.120 other than a
17 felony, or a battery which constitutes domestic violence pursuant to
18 NRS 33.018 other than a felony, after 7 years from the date of
19 release from actual custody or from the date when the person is no
20 longer under a suspended sentence, whichever occurs later; or

21 (f) Any other misdemeanor after 2 years from the date of release
22 from actual custody or from the date when the person is no longer
23 under a suspended sentence, whichever occurs later.

24 2. A petition filed pursuant to subsection 1 must:

25 (a) Be accompanied by the petitioner's current, verified records
26 received from:

27 (1) The Central Repository for Nevada Records of Criminal
28 History; and

29 (2) All agencies of criminal justice which maintain such
30 records within the city or county in which the conviction was
31 entered;

32 (b) If the petition references NRS 453.3365 or 458.330, include
33 a certificate of acknowledgment or the disposition of the
34 proceedings for the records to be sealed from all agencies of
35 criminal justice which maintain such records;

36 (c) Include a list of any other public or private agency, company,
37 official or other custodian of records that is reasonably known to the
38 petitioner to have possession of records of the conviction and to
39 whom the order to seal records, if issued, will be directed; and

40 (d) Include information that, to the best knowledge and belief of
41 the petitioner, accurately and completely identifies the records to be
42 sealed, including, without limitation, the:

43 (1) Date of birth of the petitioner;

44 (2) Specific conviction to which the records to be sealed
45 pertain; and



1 (3) Date of arrest relating to the specific conviction to which
2 the records to be sealed pertain.

3 3. Upon receiving a petition pursuant to this section, the court
4 shall notify the law enforcement agency that arrested the petitioner
5 for the crime and the prosecuting attorney, including, without
6 limitation, the Attorney General, who prosecuted the petitioner for
7 the crime. The prosecuting attorney and any person having relevant
8 evidence may testify and present evidence at the hearing on the
9 petition.

10 4. If, after the hearing, the court finds that, in the period
11 prescribed in subsection 1, the petitioner has not been charged with
12 any offense for which the charges are pending or convicted of any
13 offense, except for minor moving or standing traffic violations, the
14 court may order sealed all records of the conviction which are in the
15 custody of any agency of criminal justice or any public or private
16 agency, company, official or other custodian of records in the State
17 of Nevada, and may also order all such records of the petitioner
18 returned to the file of the court where the proceeding was
19 commenced from, including, without limitation, the Federal Bureau
20 of Investigation, the California Bureau of Criminal Identification
21 and Information and all other agencies of criminal justice which
22 maintain such records and which are reasonably known by either the
23 petitioner or the court to have possession of such records.

24 5. A person may not petition the court to seal records relating
25 to a conviction of:

26 (a) A crime against a child;

27 (b) A sexual offense;

28 (c) A violation of NRS 484C.110 or 484C.120 that is punishable
29 as a felony pursuant to paragraph (c) of subsection 1 of
30 NRS 484C.400;

31 (d) A violation of NRS 484C.430;

32 (e) A homicide resulting from driving or being in actual physical
33 control of a vehicle while under the influence of intoxicating liquor
34 or a controlled substance or resulting from any other conduct
35 prohibited by NRS 484C.110, 484C.130 or 484C.430;

36 (f) A violation of NRS 488.410 that is punishable as a felony
37 pursuant to NRS 488.427; or

38 (g) A violation of NRS 488.420 or 488.425.

39 6. If the court grants a petition for the sealing of records
40 pursuant to this section, upon the request of the person whose
41 records are sealed, the court may order sealed all records of the civil
42 proceeding in which the records were sealed.

43 7. As used in this section:

44 (a) "Crime against a child" has the meaning ascribed to it in
45 ~~NRS-179D-0357-1~~ **section 26 of this act.**



- 1 (b) "Sexual offense" means:
2 (1) Murder of the first degree committed in the perpetration
3 or attempted perpetration of sexual assault or of sexual abuse or
4 sexual molestation of a child less than 14 years of age pursuant to
5 paragraph (b) of subsection 1 of NRS 200.030.
6 (2) Sexual assault pursuant to NRS 200.366.
7 (3) Statutory sexual seduction pursuant to NRS 200.368, if
8 punishable as a felony.
9 (4) Battery with intent to commit sexual assault pursuant to
10 NRS 200.400.
11 (5) An offense involving the administration of a drug to
12 another person with the intent to enable or assist the commission of
13 a felony pursuant to NRS 200.405, if the felony is an offense listed
14 in this paragraph.
15 (6) An offense involving the administration of a controlled
16 substance to another person with the intent to enable or assist the
17 commission of a crime of violence pursuant to NRS 200.408, if the
18 crime of violence is an offense listed in this paragraph.
19 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
20 involved sexual abuse or sexual exploitation.
21 (8) An offense involving pornography and a minor pursuant
22 to NRS 200.710 to 200.730, inclusive.
23 (9) Incest pursuant to NRS 201.180.
24 (10) Open or gross lewdness pursuant to NRS 201.210, if
25 punishable as a felony.
26 (11) Indecent or obscene exposure pursuant to NRS 201.220,
27 if punishable as a felony.
28 (12) Lewdness with a child pursuant to NRS 201.230.
29 (13) Sexual penetration of a dead human body pursuant to
30 NRS 201.450.
31 (14) Sexual conduct between certain employees of a school
32 or volunteers at a school and a pupil pursuant to NRS 201.540.
33 (15) Sexual conduct between certain employees of a college
34 or university and a student pursuant to NRS 201.550.
35 (16) Luring a child or a person with mental illness pursuant
36 to NRS 201.560, if punishable as a felony.
37 (17) An attempt to commit an offense listed in this
38 paragraph.

39 **Sec. 13.** NRS 179.259 is hereby amended to read as follows:
40 179.259 1. Except as otherwise provided in subsections 3, 4
41 and 5, 5 years after an eligible person completes a program for
42 reentry, the court may order sealed all documents, papers and
43 exhibits in the eligible person's record, minute book entries and
44 entries on dockets, and other documents relating to the case in the
45 custody of such other agencies and officers as are named in the



1 court's order. The court may order those records sealed without a
2 hearing unless the Division of Parole and Probation of the
3 Department of Public Safety petitions the court, for good cause
4 shown, not to seal the records and requests a hearing thereon.

5 2. If the court orders sealed the record of an eligible person, the
6 court shall send a copy of the order to each agency or officer named
7 in the order. Each such agency or officer shall notify the court in
8 writing of its compliance with the order.

9 3. A professional licensing board is entitled, for the purpose of
10 determining suitability for a license or liability to discipline for
11 misconduct, to inspect and to copy from a record sealed pursuant to
12 this section.

13 4. The Division of Insurance of the Department of Business
14 and Industry is entitled, for the purpose of determining suitability
15 for a license or liability to discipline for misconduct, to inspect and
16 to copy from a record sealed pursuant to this section.

17 5. A person may not petition the court to seal records relating
18 to a conviction of a crime against a child or a sexual offense.

19 6. As used in this section:

20 (a) "Crime against a child" has the meaning ascribed to it in
21 ~~NRS 179D.0357.~~ *section 26 of this act.*

22 (b) "Eligible person" means a person who has:

23 (1) Successfully completed a program for reentry, which the
24 person participated in pursuant to NRS 209.4886, 209.4888,
25 213.625 or 213.632; and

26 (2) Been convicted of a single offense which was punishable
27 as a felony and which did not involve the use or threatened use of
28 force or violence against the victim. For the purposes of this
29 subparagraph, multiple convictions for an offense punishable as a
30 felony shall be deemed to constitute a single offense if those
31 offenses arose out of the same transaction or occurrence.

32 (c) "Program for reentry" means:

33 (1) A correctional program for reentry of offenders and
34 parolees into the community that is established by the Director of
35 the Department of Corrections pursuant to NRS 209.4887; or

36 (2) A judicial program for reentry of offenders and parolees
37 into the community that is established in a judicial district pursuant
38 to NRS 209.4883.

39 (d) "Sexual offense" has the meaning ascribed to it in paragraph
40 (b) of subsection 7 of NRS 179.245.

41 **Sec. 14.** NRS 179A.066 is hereby amended to read as follows:

42 179A.066 "Offender convicted of a crime against a child" has
43 the meaning ascribed to it in ~~NRS 179D.0559.~~ *section 28 of this*
44 *act.*



1 **Sec. 15.** NRS 179A.072 is hereby amended to read as follows:
2 179A.072 “Sex offender” has the meaning ascribed to it in

3 ~~NRS 179D.095.~~ *section 42 of this act.*

4 **Sec. 16.** NRS 179A.100 is hereby amended to read as follows:
5 179A.100 1. The following records of criminal history may

6 be disseminated by an agency of criminal justice without any
7 restriction pursuant to this chapter:

8 (a) Any which reflect records of conviction only; and

9 (b) Any which pertain to an incident for which a person is
10 currently within the system of criminal justice, including parole or
11 probation.

12 2. Without any restriction pursuant to this chapter, a record of
13 criminal history or the absence of such a record may be:

14 (a) Disclosed among agencies which maintain a system for the
15 mutual exchange of criminal records.

16 (b) Furnished by one agency to another to administer the system
17 of criminal justice, including the furnishing of information by a
18 police department to a district attorney.

19 (c) Reported to the Central Repository.

20 3. An agency of criminal justice shall disseminate to a
21 prospective employer, upon request, records of criminal history
22 concerning a prospective employee or volunteer which are the result
23 of a name-based inquiry and which:

24 (a) Reflect convictions only; or

25 (b) Pertain to an incident for which the prospective employee or
26 volunteer is currently within the system of criminal justice,
27 including parole or probation.

28 4. In addition to any other information to which an employer is
29 entitled or authorized to receive from a name-based inquiry, the
30 Central Repository shall disseminate to a prospective or current
31 employer, or a person or entity designated to receive the information
32 on behalf of such an employer, the information contained in a record
33 of registration concerning an employee, prospective employee,
34 volunteer or prospective volunteer who is a sex offender or an
35 offender convicted of a crime against a child, regardless of whether
36 the employee, prospective employee, volunteer or prospective
37 volunteer gives written consent to the release of that information.
38 The Central Repository shall disseminate such information in a
39 manner that does not reveal the name of an individual victim of an
40 offense . ~~for the information described in subsection 7 of NRS~~

41 ~~179B.250.~~ A request for information pursuant to this subsection
42 must conform to the requirements of the Central Repository and
43 must include:



1 (a) The name and address of the employer, and the name and
2 signature of the person or entity requesting the information on
3 behalf of the employer;

4 (b) The name and address of the employer's facility in which the
5 employee, prospective employee, volunteer or prospective volunteer
6 is employed or volunteers or is seeking to become employed or
7 volunteer; and

8 (c) The name and other identifying information of the employee,
9 prospective employee, volunteer or prospective volunteer.

10 5. In addition to any other information to which an employer is
11 entitled or authorized to receive, the Central Repository shall
12 disseminate to a prospective or current employer, or a person or
13 entity designated to receive the information on behalf of such an
14 employer, the information described in subsection 4 of NRS
15 179A.190 concerning an employee, prospective employee, volunteer
16 or prospective volunteer who gives written consent to the release of
17 that information if the employer submits a request in the manner set
18 forth in NRS 179A.200 for obtaining a notice of information. The
19 Central Repository shall search for and disseminate such
20 information in the manner set forth in NRS 179A.210 for the
21 dissemination of a notice of information.

22 6. Except as otherwise provided in subsection 5, the provisions
23 of NRS 179A.180 to 179A.240, inclusive, do not apply to an
24 employer who requests information and to whom such information
25 is disseminated pursuant to subsections 4 and 5.

26 7. Records of criminal history must be disseminated by an
27 agency of criminal justice, upon request, to the following persons or
28 governmental entities:

29 (a) The person who is the subject of the record of criminal
30 history for the purposes of NRS 179A.150.

31 (b) The person who is the subject of the record of criminal
32 history when the subject is a party in a judicial, administrative,
33 licensing, disciplinary or other proceeding to which the information
34 is relevant.

35 (c) The Nevada Gaming Control Board.

36 (d) The State Board of Nursing.

37 (e) The Private Investigator's Licensing Board to investigate an
38 applicant for a license.

39 (f) A public administrator to carry out the duties as prescribed in
40 chapter 253 of NRS.

41 (g) A public guardian to investigate a ward or proposed ward or
42 persons who may have knowledge of assets belonging to a ward or
43 proposed ward.

44 (h) Any agency of criminal justice of the United States or of
45 another state or the District of Columbia.



1 (i) Any public utility subject to the jurisdiction of the Public
2 Utilities Commission of Nevada when the information is necessary
3 to conduct a security investigation of an employee or prospective
4 employee or to protect the public health, safety or welfare.

5 (j) Persons and agencies authorized by statute, ordinance,
6 executive order, court rule, court decision or court order as
7 construed by appropriate state or local officers or agencies.

8 (k) Any person or governmental entity which has entered into a
9 contract to provide services to an agency of criminal justice relating
10 to the administration of criminal justice, if authorized by the
11 contract, and if the contract also specifies that the information will
12 be used only for stated purposes and that it will be otherwise
13 confidential in accordance with state and federal law and regulation.

14 (l) Any reporter for the electronic or printed media in a
15 professional capacity for communication to the public.

16 (m) Prospective employers if the person who is the subject of
17 the information has given written consent to the release of that
18 information by the agency which maintains it.

19 (n) For the express purpose of research, evaluative or statistical
20 programs pursuant to an agreement with an agency of criminal
21 justice.

22 (o) An agency which provides child welfare services, as defined
23 in NRS 432B.030.

24 (p) The Division of Welfare and Supportive Services of the
25 Department of Health and Human Services or its designated
26 representative, as needed to ensure the safety of investigators and
27 caseworkers.

28 (q) The Aging and Disability Services Division of the
29 Department of Health and Human Services or its designated
30 representative, as needed to ensure the safety of investigators and
31 caseworkers.

32 (r) An agency of this or any other state or the Federal
33 Government that is conducting activities pursuant to Part D of
34 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
35 42 U.S.C. §§ 651 et seq.

36 (s) The State Disaster Identification Team of the Division of
37 Emergency Management of the Department.

38 (t) The Commissioner of Insurance.

39 (u) The Board of Medical Examiners.

40 (v) The State Board of Osteopathic Medicine.

41 (w) The Board of Massage Therapists and its Executive
42 Director.

43 (x) The Board of Examiners for Social Workers.



1 (y) A multidisciplinary team to review the death of the victim of
2 a crime that constitutes domestic violence organized or sponsored
3 by the Attorney General pursuant to NRS 228.495.

4 8. Agencies of criminal justice in this State which receive
5 information from sources outside this State concerning transactions
6 involving criminal justice which occur outside Nevada shall treat the
7 information as confidentially as is required by the provisions of this
8 chapter.

9 **Sec. 17.** NRS 179B.030 is hereby amended to read as follows:

10 179B.030 "Crime against a child" has the meaning ascribed to
11 it in ~~NRS 179D.0357~~ *section 26 of this act.*

12 **Sec. 18.** NRS 179B.075 is hereby amended to read as follows:

13 179B.075 "Offender convicted of a crime against a child" has
14 the meaning ascribed to it in ~~NRS 179D.0559~~ *section 28 of this*
15 *act.*

16 **Sec. 19.** NRS 179B.110 is hereby amended to read as follows:

17 179B.110 "Sex offender" has the meaning ascribed to it in
18 ~~NRS 179D.095~~ *section 42 of this act.*

19 **Sec. 20.** NRS 179B.250 is hereby amended to read as follows:

20 179B.250 1. The Department shall establish and maintain
21 within the Central Repository a community notification website to
22 provide the public with access to certain information contained in
23 the statewide registry in accordance with the procedures set forth in
24 this section.

25 2. The community notification website is the source of record
26 for information available to the public concerning offenders listed in
27 the statewide registry . ~~}; and must:~~

28 ~~—(a) Be maintained in a manner that will allow the public to~~
29 ~~obtain relevant information for each offender by a single query for~~
30 ~~any given zip code or geographical radius set by the user;~~

31 ~~—(b) Include in its design all the search field capabilities needed~~
32 ~~for full participation in the Dru Sjodin National Sex Offender Public~~
33 ~~Website maintained by the Attorney General of the United States~~
34 ~~pursuant to 42 U.S.C. § 16920;~~

35 ~~—(c) Include, to the extent practicable, links to sex offender safety~~
36 ~~and education resources;~~

37 ~~—(d) Include instructions on how to seek correction of~~
38 ~~information that a person contends is erroneous; and~~

39 ~~—(e) Include a warning that the information on the website should~~
40 ~~not be used to unlawfully injure, harass or commit a crime against~~
41 ~~any person named in the registry or residing or working at any~~
42 ~~reported address and a notice that any such action could result in~~
43 ~~civil or criminal penalties.]~~

44 3. For each inquiry to the community notification website, the
45 requester may provide:



- 1 (a) The name of the subject of the search;
- 2 (b) Any alias of the subject of the search;
- 3 (c) The zip code of the residence, place of work or school of the
- 4 subject of the search; or
- 5 (d) Any other information concerning the identity or location of
- 6 the subject of the search that is deemed sufficient in the discretion of
- 7 the Department.

8 4. For each inquiry to the community notification website
9 made by the requester, the Central Repository shall:

10 (a) Explain the levels of ~~registration and community~~
11 notification that are assigned to sex offenders pursuant to ~~NRS~~
12 ~~179D.010 to 179D.550, inclusive;~~ *section 59 of this act*; and

13 (b) Explain that the Central Repository is prohibited by law
14 from disclosing certain information concerning certain offenders,
15 even if those offenders are listed in the statewide registry.

16 5. If an offender listed in the statewide registry matches the
17 information provided by the requester concerning the identity or
18 location of the subject of the search, the Central Repository ~~shall~~ :

19 (a) *Shall* disclose to the requester information in the statewide
20 registry concerning ~~the offender as provided pursuant to~~
21 ~~subsection 6.~~

22 ~~6.~~ *an offender who is assigned a Tier II or Tier III level of*
23 *notification.*

24 (b) *Shall not disclose to the requester information concerning*
25 *an offender who is assigned a Tier I level of notification.*

26 6. After each inquiry to the community notification website
27 made by the requester, the Central Repository shall inform the
28 requester that:

29 (a) No offender listed in the statewide registry matches the
30 information provided by the requester concerning the identity or
31 location of the subject of the search;

32 (b) The search of the statewide registry has not produced
33 information that is available to the public through the statewide
34 registry; ~~or~~

35 (c) *The requester needs to provide additional information*
36 *concerning the identity or location of the subject of the search*
37 *before the Central Repository may disclose the results of the*
38 *search; or*

39 (d) An offender listed in the statewide registry matches the
40 information provided by the requester concerning the identity or
41 location of the subject of the search. Except as otherwise provided
42 in *paragraph (b) of subsection 7,* 5, if a search of the statewide
43 registry results in a match pursuant to this paragraph, the Central
44 Repository shall provide the requester with the following
45 information:



- 1 (1) The name of the offender and all aliases that the offender
- 2 has used or under which the offender has been known.
- 3 (2) A complete physical description of the offender.
- 4 (3) A current photograph of the offender.
- 5 (4) The year of birth of the offender.
- 6 (5) The complete address of any residence at which the
- 7 offender resides. ~~{or will reside.}~~
- 8 (6) The ~~{address}~~ *number of the street block, but not the*
- 9 *specific street number*, of any location where the offender is ~~{or will~~
- 10 ~~be.}~~ *currently:*
- 11 (I) A student, as defined in NRS 179D.110; or
- 12 (II) A worker, as defined in NRS 179D.120.
- 13 (7) ~~{The license plate number and a description of any motor~~
- 14 ~~vehicle owned or operated by the offender.~~
- 15 ~~—— (8)}~~ The following information for each offense for which
- 16 the offender has been convicted:
- 17 (I) The offense that was committed, including a citation to
- 18 ~~{and the text of}~~ the specific statute that the offender violated.
- 19 (II) The court in which the offender was convicted.
- 20 (III) The name under which the offender was convicted.
- 21 (IV) The name and location of each penal institution,
- 22 school, hospital, mental facility or other institution to which the
- 23 offender was committed for the offense.
- 24 (V) The city, township or county where the offense was
- 25 committed.
- 26 ~~{(9)}~~ (8) The tier level of ~~{registration and community}~~
- 27 notification assigned to the offender pursuant to ~~{NRS 179D.010 to~~
- 28 ~~179D.550, inclusive.~~
- 29 ~~—— (10) Any other information required by federal law.}~~ *section*
- 30 *59 of this act.*
- 31 7. If a search of the statewide registry results in a match
- 32 pursuant to paragraph ~~{(e)}~~ (d) of subsection 6, the Central
- 33 Repository shall not provide the requester with ~~{:~~
- 34 ~~—— (a) The identity of any victim of a sexual offense or crime~~
- 35 ~~against a child;~~
- 36 ~~—— (b) Any information relating to a Tier I offender unless the~~
- 37 ~~offender has been convicted of a sexual offense against a child or a~~
- 38 ~~crime against a child;~~
- 39 ~~—— (c) The social security number of the offender;~~
- 40 ~~—— (d) The name of any location where the offender is or will be:~~
- 41 ~~—— (1) A student, as defined in NRS 179D.110; or~~
- 42 ~~—— (2) A worker, as defined in NRS 179D.120;~~
- 43 ~~—— (e) Any reference to arrests of the offender that did not result in~~
- 44 ~~conviction;~~



1 ~~—(f) Any other~~ any information that is included in the record of
2 registration for the offender other than the information required
3 pursuant to paragraph ~~[(e)] (d)~~ of subsection 6. ~~† or~~

4 ~~—(g) Any other information exempted from disclosure by the~~
5 ~~Attorney General of the United States pursuant to federal law.†~~

6 8. A person may not use information obtained through the
7 community notification website as a substitute for information
8 relating to the offenses listed in subsection 4 of NRS 179A.190 that
9 must be provided by the Central Repository pursuant to NRS
10 179A.180 to 179A.240, inclusive, or another provision of law.

11 9. The provisions of this section do not prevent law
12 enforcement officers, the Central Repository and its officers and
13 employees, or any other person from:

14 (a) Accessing information in the statewide registry pursuant to
15 NRS 179B.200;

16 (b) Carrying out any duty pursuant to chapter 179D of NRS; or

17 (c) Carrying out any duty pursuant to another provision of law.

18 10. As used in this section ~~[(†)]~~ :

19 (a) “Tier I ~~[(offender)]~~ level of notification” has the meaning
20 ascribed to it in ~~[(NRS 179D.113)]~~ *section 53 of this act.*

21 (b) “Tier II level of notification” has the meaning ascribed to
22 it in *section 54 of this act.*

23 (c) “Tier III level of notification” has the meaning ascribed to
24 it in *section 55 of this act.*

25 **Sec. 21.** NRS 179C.010 is hereby amended to read as follows:

26 179C.010 1. Except as otherwise provided in subsection 2, as
27 used in this chapter, unless the context otherwise requires,
28 “convicted person” means:

29 (a) A person convicted in the State of Nevada or convicted in
30 any place other than the State of Nevada of two or more offenses
31 punishable as felonies.

32 (b) A person convicted in the State of Nevada of an offense
33 punishable as a category A felony.

34 (c) A person convicted in the State of Nevada or convicted in
35 any place other than the State of Nevada of a crime that would
36 constitute a category A felony if committed in this State on or after
37 July 1, 2003.

38 2. For the purposes of this chapter, “convicted person” does not
39 include:

40 (a) A person who has been convicted of a crime against a child,
41 as defined in ~~[(NRS 179D.0357)]~~ *section 26 of this act*, or a sexual
42 offense, as defined in ~~[(NRS 179D.097)]~~ *section 43 of this act*; or

43 (b) Except as otherwise provided in this chapter, a person whose
44 conviction is or has been set aside in the manner provided by law.



1 **Sec. 22.** Chapter 179D of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 23 to 64, inclusive, of this
3 act.

4 **Sec. 23.** *“Nonconsensual” means against the victim’s will or*
5 *under conditions in which a person knows or reasonably should*
6 *know that the victim is mentally or physically incapable of*
7 *resisting, consenting or understanding the nature of the person’s*
8 *conduct.*

9 **Sec. 24. 1.** *“Offense that poses a threat to the safety or*
10 *well-being of others” includes, without limitation, an offense that*
11 *involves:*

12 *(a) A victim less than 18 years of age;*

13 *(b) A crime against a child as defined in section 26 of this act;*

14 *(c) A sexual offense as defined in section 43 of this act;*

15 *(d) A deadly weapon, explosives or a firearm;*

16 *(e) The use or threatened use of force or violence;*

17 *(f) Physical or mental abuse;*

18 *(g) Death or bodily injury;*

19 *(h) An act of domestic violence;*

20 *(i) Harassment, stalking, threats of any kind or other similar*
21 *acts;*

22 *(j) The forcible or unlawful entry of a home, building,*
23 *structure, vehicle or other real or personal property; or*

24 *(k) The infliction or threatened infliction of damage or injury,*
25 *in whole or in part, to real or personal property.*

26 **2.** *The term includes any offense listed in subsection 1 that is*
27 *committed in this State or another jurisdiction, including, without*
28 *limitation, an offense prosecuted in:*

29 *(a) A tribal court.*

30 *(b) A court of the United States or the Armed Forces of the*
31 *United States.*

32 **Sec. 25.** *As used in sections 25 to 35, inclusive, of this act,*
33 *unless the context otherwise requires, the words and terms defined*
34 *in sections 26 to 29, inclusive, of this act have the meanings*
35 *ascribed to them in those sections.*

36 **Sec. 26.** *“Crime against a child” means any of the following*
37 *offenses if the victim of the offense was less than 18 years of age*
38 *when the offense was committed:*

39 **1.** *Kidnapping pursuant to NRS 200.310 to 200.340,*
40 *inclusive, unless the offender is the parent or guardian of the*
41 *victim.*

42 **2.** *False imprisonment pursuant to NRS 200.460, unless the*
43 *offender is the parent or guardian of the victim.*



1 3. *Involuntary servitude of a minor pursuant to NRS*
2 *200.4631, unless the offender is the parent or guardian of the*
3 *victim.*

4 4. *An offense involving sex trafficking pursuant to NRS*
5 *201.300, trafficking in children pursuant to NRS 200.4685 or*
6 *prostitution pursuant to NRS 201.320.*

7 5. *An attempt to commit an offense listed in this section.*

8 6. *An offense committed in another jurisdiction that, if*
9 *committed in this State, would be an offense listed in this section.*
10 *This subsection includes, without limitation, an offense prosecuted*
11 *in:*

12 (a) *A tribal court.*

13 (b) *A court of the United States or the Armed Forces of the*
14 *United States.*

15 7. *An offense against a child committed in another*
16 *jurisdiction, whether or not the offense would be an offense listed*
17 *in this section, if the person who committed the offense resides or*
18 *has resided or is or has been a student or worker in any*
19 *jurisdiction in which the person is or has been required by the*
20 *laws of that jurisdiction to register as an offender who has*
21 *committed a crime against a child because of the offense. This*
22 *subsection includes, without limitation, an offense prosecuted in:*

23 (a) *A tribal court.*

24 (b) *A court of the United States or the Armed Forces of the*
25 *United States.*

26 (c) *A court having jurisdiction over juveniles.*

27 **Sec. 27.** *“Nonresident offender who is a student or worker*
28 *within this State” and “nonresident offender” mean an offender*
29 *convicted of a crime against a child who is a student or worker*
30 *within this State but who is not otherwise deemed a resident*
31 *offender pursuant to subsection 2 or 3 of section 31 of this act.*

32 **Sec. 28.** 1. *“Offender convicted of a crime against a child”*
33 *and “offender” mean a person who, after July 1, 1956, is or has*
34 *been:*

35 (a) *Convicted of a crime against a child that is listed in section*
36 *26 of this act; or*

37 (b) *Adjudicated delinquent or found guilty by a court having*
38 *jurisdiction over juveniles of a crime against a child that is listed*
39 *in subsection 7 of section 26 of this act.*

40 2. *The term includes, without limitation, a nonresident*
41 *offender who is a student or worker within this State.*

42 **Sec. 29.** *“Registration” means registration as an offender*
43 *convicted of a crime against a child pursuant to sections 25 to 35,*
44 *inclusive, of this act.*



1 **Sec. 30. 1. If the Central Repository receives notice from a**
2 *court pursuant to NRS 176.0926 that an offender has been*
3 *convicted of a crime against a child, the Central Repository shall:*

4 *(a) If a record of registration has not previously been*
5 *established for the offender, notify the local law enforcement*
6 *agency so that a record of registration may be established; or*

7 *(b) If a record of registration has previously been established*
8 *for the offender, update the record of registration for the offender*
9 *and notify the appropriate law enforcement agencies.*

10 2. *If the offender named in the notice is granted probation or*
11 *otherwise will not be incarcerated or confined, the Central*
12 *Repository shall immediately provide notification concerning the*
13 *offender to the appropriate law enforcement agencies and, if the*
14 *offender resides in a jurisdiction which is outside this State, to*
15 *the appropriate law enforcement agency in that jurisdiction.*

16 3. *If an offender is incarcerated or confined and has*
17 *previously been convicted of a crime against a child, before the*
18 *offender is released:*

19 *(a) The Department of Corrections or a local law enforcement*
20 *agency in whose facility the offender is incarcerated or confined*
21 *shall:*

22 *(1) Inform the offender of the requirements for*
23 *registration, including, without limitation:*

24 *(I) The duty to register in this State during any period in*
25 *which he or she is a resident of this State or a nonresident who is*
26 *a student or worker within this State and the time within which the*
27 *offender is required to register pursuant to section 31 of this act;*

28 *(II) The duty to register in any other jurisdiction during*
29 *any period in which he or she is a resident of the other jurisdiction*
30 *or a nonresident who is a student or worker within the other*
31 *jurisdiction;*

32 *(III) If the offender moves from this State to another*
33 *jurisdiction, the duty to register with the appropriate law*
34 *enforcement agency in the other jurisdiction;*

35 *(IV) The duty to notify the local law enforcement agency*
36 *for the jurisdiction in which the offender now resides, in person,*
37 *and the jurisdiction in which he or she most recently resided, in*
38 *person or in writing, if the offender changes the address at which*
39 *he or she resides, including if the offender moves from this State*
40 *to another jurisdiction, or changes the primary address at which*
41 *he or she is a student or worker; and*

42 *(V) The duty to notify immediately the appropriate local*
43 *law enforcement agency if the offender is, expects to be or*
44 *becomes enrolled as a student at an institution of higher education*
45 *or if the offender is, expects to be or becomes a worker at an*



1 *institution of higher education or changes the date of*
2 *commencement or termination of his or her work at an institution*
3 *of higher education; and*

4 (2) *Require the offender to read and sign a form*
5 *confirming that the requirements for registration have been*
6 *explained to the offender and to forward the form to the Central*
7 *Repository.*

8 (b) *The Central Repository shall:*

9 (1) *Update the record of registration for the offender; and*

10 (2) *Provide notification concerning the offender to the*
11 *appropriate local law enforcement agencies and, if the offender*
12 *will reside upon release in a jurisdiction which is outside this*
13 *State, to the appropriate law enforcement agency in that*
14 *jurisdiction.*

15 4. *The failure to provide an offender with the information or*
16 *confirmation form required by paragraph (a) of subsection 3 does*
17 *not affect the duty of the offender to register and to comply with*
18 *all other provisions for registration.*

19 5. *If the Central Repository receives notice from another*
20 *jurisdiction or the Federal Bureau of Investigation that an*
21 *offender convicted of a crime against a child is now residing or is*
22 *a student or worker within this State, the Central Repository shall:*

23 (a) *Immediately provide notification concerning the offender*
24 *to the appropriate local law enforcement agencies; and*

25 (b) *Establish a record of registration for the offender with the*
26 *assistance of the local law enforcement agency.*

27 **Sec. 31. 1.** *In addition to any other registration that is*
28 *required pursuant to section 30 of this act, each offender who,*
29 *after July 1, 1956, is or has been convicted of a crime against a*
30 *child shall register with a local law enforcement agency pursuant*
31 *to the provisions of this section.*

32 2. *Except as otherwise provided in subsection 3, if the*
33 *offender resides or is present for 48 hours or more within:*

34 (a) *A county; or*

35 (b) *An incorporated city that does not have a city police*
36 *department,*

37 *↪ the offender shall be deemed a resident offender and shall*
38 *register with the sheriff's office of the county or, if the county or*
39 *city is within the jurisdiction of a metropolitan police department,*
40 *the metropolitan police department, not later than 48 hours after*
41 *arriving or establishing a residence with the county or city.*

42 3. *If the offender resides or is present for 48 hours or more*
43 *within an incorporated city that has a city police department, the*
44 *offender shall be deemed a resident offender and shall register*



1 *with the city police department not later than 48 hours after*
2 *arriving or establishing a residence within the city.*

3 *4. If the offender is a nonresident offender who is a student*
4 *or worker within this State, the offender shall register with the*
5 *appropriate sheriff's office, metropolitan police department or city*
6 *police department in whose jurisdiction he or she is a student or*
7 *worker not later than 48 hours after becoming a student or worker*
8 *within this State.*

9 *5. A resident or nonresident offender shall immediately notify*
10 *the appropriate local law enforcement agency if:*

11 *(a) The offender is, expects to be or becomes enrolled as a*
12 *student at an institution of higher education or changes the date*
13 *of commencement or termination of his or her enrollment at an*
14 *institution of higher education; or*

15 *(b) The offender is, expects to be or becomes a worker at an*
16 *institution of higher education or changes the date of*
17 *commencement or termination of his or her work at an institution*
18 *of higher education.*

19 *↳ The offender shall provide the name, address and type of each*
20 *such institution of higher education.*

21 *6. To register with a local law enforcement agency pursuant*
22 *to this section, the offender shall:*

23 *(a) Appear personally at the office of the appropriate law*
24 *enforcement agency;*

25 *(b) Provide all information that is requested by the local law*
26 *enforcement agency, including, without limitation, fingerprints*
27 *and a photograph; and*

28 *(c) Sign and date the record of registration or some other*
29 *proof of registration in the presence of an officer of the local law*
30 *enforcement agency.*

31 *7. When an offender registers, the local law enforcement*
32 *agency shall:*

33 *(a) Inform the offender of the duty to notify the local law*
34 *enforcement agency if the offender changes the address at which*
35 *he or she resides or changes the primary address at which he or*
36 *she is a student or worker; and*

37 *(b) Inform the offender of the duty to register with the local*
38 *law enforcement agency in whose jurisdiction the offender*
39 *relocates.*

40 *8. After the offender registers with the local law enforcement*
41 *agency, the local law enforcement agency shall forward to the*
42 *Central Repository the information collected, including, without*
43 *limitation, the fingerprints and a photograph of the offender.*



1 9. *If the Central Repository has not previously established a*
2 *record of registration for an offender described in subsection 8,*
3 *the Central Repository shall:*

4 (a) *Establish a record of registration for the offender; and*

5 (b) *Provide notification concerning the offender to the*
6 *appropriate local law enforcement agencies.*

7 10. *When an offender notifies a local law enforcement*
8 *agency that:*

9 (a) *The offender is, expects to be or becomes enrolled as a*
10 *student at an institution of higher education or changes the date*
11 *of commencement or termination of his or her enrollment at an*
12 *institution of higher education; or*

13 (b) *The offender is, expects to be or becomes a worker at an*
14 *institution of higher education or changes the date of*
15 *commencement or termination of his or her work at an institution*
16 *of higher education,*

17 ↪ *and provides the name, address and type of each such*
18 *institution of higher education, the local law enforcement agency*
19 *shall immediately provide that information to the Central*
20 *Repository and to the appropriate campus police department.*

21 **Sec. 32.** 1. *If an offender convicted of a crime against a*
22 *child changes the address at which he or she resides, including,*
23 *without limitation, moving from this State to another jurisdiction,*
24 *or changes the primary address at which he or she is a student or*
25 *worker, not later than 48 hours after changing such address, the*
26 *offender shall provide the new address, in person, to the local law*
27 *enforcement agency in whose jurisdiction the offender now resides*
28 *and, in person or in writing, to the local law enforcement agency*
29 *in whose jurisdiction the offender formerly resided and shall*
30 *provide all other information that is relevant to updating the*
31 *offender's record of registration, including, without limitation,*
32 *any change in the offender's name, occupation, employment,*
33 *work, volunteer service or driver's license and any change in the*
34 *license number or description of a motor vehicle registered to or*
35 *frequently driven by the offender.*

36 2. *Upon receiving a change of address from an offender, the*
37 *local law enforcement agency shall immediately forward the new*
38 *address and any updated information to the Central Repository*
39 *and:*

40 (a) *If the offender has changed an address within this State,*
41 *the Central Repository shall immediately provide notification*
42 *concerning the offender to the appropriate local law enforcement*
43 *agency in whose jurisdiction the offender is now residing or is a*
44 *student or worker and shall notify the local law enforcement*



1 agency in whose jurisdiction the offender last resided or was a
2 student or worker; or

3 (b) If the offender has changed an address from this State to
4 another jurisdiction, the Central Repository shall immediately
5 provide notification concerning the offender to the appropriate
6 law enforcement agency in the other jurisdiction and shall notify
7 the local law enforcement agency in whose jurisdiction the
8 offender last resided or was a student or worker.

9 **Sec. 33.** 1. Except as otherwise provided in subsection 4,
10 each year, on the anniversary of the date that the Central
11 Repository establishes a record of registration for the offender, the
12 Central Repository shall mail to the offender, at the address last
13 registered by the offender, a nonforwardable verification form.
14 The offender shall complete and sign the form and mail the form
15 to the Central Repository not later than 10 days after receipt of the
16 form to verify that he or she still resides at the address he or she
17 last registered.

18 2. An offender shall include with each verification form a
19 current set of fingerprints, a current photograph and all other
20 information that is relevant to updating his or her record of
21 registration, including, without limitation, any change in his
22 or her name, occupation, employment, work, volunteer service or
23 driver's license and any change in the license number or
24 description of a motor vehicle registered to or frequently driven by
25 him or her. The Central Repository shall provide all updated
26 information to the appropriate local law enforcement agencies.

27 3. If the Central Repository does not receive a verification
28 form from an offender and otherwise cannot verify the address or
29 location of the offender, the Central Repository shall immediately
30 notify the appropriate local law enforcement agencies.

31 4. The Central Repository is not required to complete the
32 mailing pursuant to subsection 1:

33 (a) During any period in which an offender is incarcerated or
34 confined or has changed his or her place of residence from this
35 State to another jurisdiction; or

36 (b) For a nonresident offender who is a student or worker
37 within this State.

38 **Sec. 34.** 1. An offender convicted of a crime against a child
39 shall comply with the provisions for registration for as long as the
40 offender resides or is present within this State or is a nonresident
41 offender who is a student or worker within this State, unless the
42 duty of the offender to register is terminated pursuant to the
43 provisions of this section.

44 2. Except as otherwise provided in subsection 5, if an
45 offender complies with the provisions for registration for an



1 *interval of at least 15 consecutive years during which he or she is*
2 *not convicted of an offense that poses a threat to the safety or well-*
3 *being of others, the offender may file a petition to terminate his or*
4 *her duty to register with the district court in whose jurisdiction he*
5 *or she resides or, if the offender is a nonresident offender, in*
6 *whose jurisdiction he or she is a student or worker. For the*
7 *purposes of this subsection, registration begins on the date that*
8 *the Central Repository establishes a record of registration for the*
9 *offender or the date that the offender is released, whichever*
10 *occurs later.*

11 3. *If the offender satisfies the requirements of subsection 2,*
12 *the court shall hold a hearing on the petition at which the offender*
13 *and any other interested person may present witnesses and other*
14 *evidence. If the court determines from the evidence presented at*
15 *the hearing that the offender is not likely to pose a threat to the*
16 *safety of others, the court shall terminate the duty of the offender*
17 *to register.*

18 4. *If the court does not terminate the duty of the offender to*
19 *register after a petition is heard pursuant to subsections 2 and 3,*
20 *the offender may file another petition after each succeeding*
21 *interval of 5 consecutive years if the offender is not convicted of*
22 *an offense that poses a threat to the safety or well-being of others.*

23 5. *An offender may not file a petition to terminate his or her*
24 *duty to register pursuant to this section if the offender:*

25 (a) *Is subject to community notification or to lifetime*
26 *supervision pursuant to NRS 176.0931 as a sex offender;*

27 (b) *Has been declared to be a sexually violent predator as*
28 *defined in section 45 of this act; or*

29 (c) *Has been convicted of:*

30 (1) *One or more sexually violent offenses as defined in*
31 *section 44 of this act;*

32 (2) *Two or more sexual offenses, as defined in section 43 of*
33 *this act, against persons less than 18 years of age;*

34 (3) *Two or more crimes against a child; or*

35 (4) *At least one of each offense listed in subparagraphs (2)*
36 *and (3).*

37 **Sec. 35. 1.** *Except as otherwise provided in subsection 2, an*
38 *offender convicted of a crime against a child who:*

39 (a) *Fails to register with a local law enforcement agency;*

40 (b) *Fails to notify the local law enforcement agency of a*
41 *change of address;*

42 (c) *Provides false or misleading information to the Central*
43 *Repository or a local law enforcement agency; or*

44 (d) *Otherwise violates the provisions of sections 25 to 35,*
45 *inclusive, of this act,*



1 ↪ is guilty of a category D felony and shall be punished as
2 provided in NRS 193.130.

3 2. An offender convicted of a crime against a child who
4 commits a second or subsequent violation of subsection 1 within 7
5 years after the first violation is guilty of a category C felony and
6 shall be punished as provided in NRS 193.130. A court shall not
7 grant probation to or suspend the sentence of a person convicted
8 pursuant to this subsection.

9 **Sec. 36.** As used in NRS 179D.450 to 179D.550, inclusive,
10 and sections 36 to 47, inclusive, of this act, unless the context
11 otherwise requires, the words and terms defined in sections 37 to
12 45, inclusive, of this act have the meanings ascribed to them in
13 those sections.

14 **Sec. 37.** “Mental disorder” means a congenital or acquired
15 condition affecting the emotional or volitional capacity of a person
16 which predisposes that person to the commission of violent sexual
17 acts. The term includes, without limitation, a mental disorder that
18 is listed in the most recent edition of the Diagnostic and Statistical
19 Manual of Mental Disorders published by the American
20 Psychiatric Association.

21 **Sec. 38.** “Nonresident sex offender who is a student or
22 worker within this State” and “nonresident sex offender” mean a
23 sex offender who is a student or worker within this State but who
24 is not otherwise deemed a resident sex offender pursuant to
25 subsection 2 or 3 of NRS 179D.460.

26 **Sec. 39.** “Personality disorder” includes, without limitation,
27 a personality disorder that is listed in the most recent edition of the
28 Diagnostic and Statistical Manual of Mental Disorders published
29 by the American Psychiatric Association.

30 **Sec. 40.** “Qualified professional” means a person who has
31 received training in evaluating sex offenders and is:

32 1. A psychiatrist licensed to practice medicine in this State
33 and certified by the American Board of Psychiatry and Neurology,
34 Inc.; or

35 2. A psychologist licensed to practice in this State.

36 **Sec. 41.** “Registration” means registration as a sex offender
37 pursuant to NRS 179D.450 to 179D.550, inclusive, and sections 36
38 to 47, inclusive, of this act.

39 **Sec. 42.** 1. “Sex offender” means a person who, after
40 July 1, 1956, is or has been:

41 (a) Convicted of a sexual offense listed in section 43 of this
42 act; or

43 (b) Adjudicated delinquent or found guilty by a court having
44 jurisdiction over juveniles of a sexual offense listed in paragraph
45 (v) of subsection 1 of section 43 of this act.



1 2. *The term includes, without limitation:*

2 (a) *A sexually violent predator.*

3 (b) *A nonresident sex offender who is a student or worker*
4 *within this State.*

5 **Sec. 43. 1. "Sexual offense" means any of the following**
6 **offenses:**

7 (a) *Murder of the first degree committed in the perpetration or*
8 *attempted perpetration of sexual assault, sexual abuse of a child*
9 *or sexual molestation of a child less than 14 years of age pursuant*
10 *to paragraph (b) of subsection 1 of NRS 200.030.*

11 (b) *Sexual assault pursuant to NRS 200.366.*

12 (c) *Statutory sexual seduction pursuant to NRS 200.368.*

13 (d) *Battery with intent to commit sexual assault pursuant to*
14 *subsection 4 of NRS 200.400.*

15 (e) *An offense involving the administration of a drug to*
16 *another person with the intent to enable or assist the commission*
17 *of a felony pursuant to NRS 200.405, if the felony is an offense*
18 *listed in this subsection.*

19 (f) *An offense involving the administration of a controlled*
20 *substance to another person with the intent to enable or assist the*
21 *commission of a crime of violence pursuant to NRS 200.408, if the*
22 *crime of violence is an offense listed in this section.*

23 (g) *Abuse of a child pursuant to NRS 200.508, if the abuse*
24 *involved sexual abuse or sexual exploitation.*

25 (h) *An offense involving pornography and a minor pursuant to*
26 *NRS 200.710 to 200.730, inclusive.*

27 (i) *Incest pursuant to NRS 201.180.*

28 (j) *Open or gross lewdness pursuant to NRS 201.210.*

29 (k) *Indecent or obscene exposure pursuant to NRS 201.220.*

30 (l) *Lewdness with a child pursuant to NRS 201.230.*

31 (m) *Sex trafficking pursuant to subsection 2 of NRS 201.300.*

32 (n) *Sexual penetration of a dead human body pursuant to*
33 *NRS 201.450.*

34 (o) *Sexual conduct between certain employees of a school or*
35 *volunteers at a school and a pupil pursuant to NRS 201.540.*

36 (p) *Sexual conduct between certain employees of a college or*
37 *university and a student pursuant to NRS 201.550.*

38 (q) *Luring a child or a person with mental illness pursuant to*
39 *NRS 201.560, if punished as a felony.*

40 (r) *Any other offense that has an element involving a sexual*
41 *act or sexual conduct with another.*

42 (s) *An attempt or conspiracy to commit an offense listed in*
43 *paragraphs (a) to (r), inclusive.*

44 (t) *An offense that is determined to be sexually motivated*
45 *pursuant to NRS 175.547 or 207.193.*



1 (u) An offense committed in another jurisdiction that, if
2 committed in this State, would be an offense listed in this
3 subsection. This paragraph includes, without limitation, an
4 offense prosecuted in:

5 (1) A tribal court.

6 (2) A court of the United States or the Armed Forces of the
7 United States.

8 (v) An offense of a sexual nature committed in another
9 jurisdiction, whether or not the offense would be an offense listed
10 in this section, if the person who committed the offense resides or
11 has resided or is or has been a student or worker in any
12 jurisdiction in which the person is or has been required by the
13 laws of that jurisdiction to register as a sex offender because of the
14 offense. This paragraph includes, without limitation, an offense
15 prosecuted in:

16 (1) A tribal court.

17 (2) A court of the United States or the Armed Forces of the
18 United States.

19 (3) A court having jurisdiction over juveniles.

20 2. Except for the offenses described in paragraphs (o) and (p)
21 of subsection 1, the term does not include an offense involving
22 consensual sexual conduct if the victim was:

23 (a) An adult, unless the adult was under the custodial
24 authority of the offender at the time of the offense; or

25 (b) At least 13 years of age and the offender was not more than
26 4 years older than the victim at the time of the commission of the
27 offense.

28 **Sec. 44. "Sexually violent offense" means any of the**
29 **following offenses:**

30 1. Murder of the first degree committed in the perpetration or
31 attempted perpetration of sexual assault, sexual abuse of a child
32 or sexual molestation of a child less than 14 years of age pursuant
33 to paragraph (b) of subsection 1 of NRS 200.030.

34 2. Sexual assault pursuant to NRS 200.366.

35 3. Battery with intent to commit sexual assault pursuant to
36 NRS 200.400.

37 4. An offense involving pornography and a minor pursuant to
38 NRS 200.710.

39 5. An attempt to commit an offense listed in subsections 1 to
40 4, inclusive.

41 6. An offense that is determined to be sexually motivated
42 pursuant to NRS 175.547.

43 7. An offense committed in another jurisdiction that, if
44 committed in this State, would be an offense listed in this section.



1 *This subsection includes, without limitation, an offense prosecuted*
2 *in:*

3 (a) *A tribal court.*

4 (b) *A court of the United States or the Armed Forces of the*
5 *United States.*

6 8. *Any other offense listed in section 43 of this act if, during*
7 *the commission of the offense, the offender engaged in or*
8 *attempted to engage in:*

9 (a) *Sexual penetration of a child less than 12 years of age; or*

10 (b) *Nonconsensual sexual penetration of any other person.*

11 **Sec. 45.** *“Sexually violent predator” means:*

12 1. *A person who:*

13 (a) *Has been convicted of a sexually violent offense;*

14 (b) *Suffers from a mental disorder or personality disorder; and*

15 (c) *Has been declared to be a sexually violent predator*
16 *pursuant to section 46 of this act.*

17 2. *A person who has been declared to be a sexually violent*
18 *predator pursuant to the laws of another jurisdiction.*

19 **Sec. 46.** 1. *If a sex offender is convicted of a sexually*
20 *violent offense, or if a sex offender is convicted of a sexual offense*
21 *and the sex offender previously has been convicted of a sexually*
22 *violent offense, the prosecuting attorney may petition the court in*
23 *which the sex offender was sentenced for a declaration that the*
24 *sex offender is a sexually violent predator for the purposes of this*
25 *chapter. The petition must be filed before the sex offender is*
26 *released.*

27 2. *If the prosecuting attorney files a petition pursuant to*
28 *subsection 1, the court shall schedule a hearing on the petition*
29 *and shall order the sex offender to submit to an evaluation by a*
30 *panel consisting of two qualified professionals, two persons who*
31 *are advocates of victims’ rights and two persons who represent law*
32 *enforcement agencies. As part of the evaluation by the panel, the*
33 *two qualified professionals shall conduct a psychological*
34 *examination of the sex offender. The panel shall prepare a report*
35 *of its conclusions, including, without limitation, the conclusions of*
36 *the two qualified professionals regarding whether the sex offender*
37 *suffers from a mental disorder or personality disorder, and shall*
38 *provide a copy of the report to the court.*

39 3. *If, after reviewing the report and considering the evidence*
40 *presented at the hearing, the court determines that the sex*
41 *offender suffers from a mental disorder or personality disorder,*
42 *the court shall enter an order declaring the sex offender to be a*
43 *sexually violent predator for the purposes of this chapter.*

44 4. *If the court determines that the sex offender does not*
45 *suffer from a mental disorder or personality disorder, the sex*



1 *offender remains subject to registration and community*
2 *notification as a sex offender pursuant to the provisions of this*
3 *chapter.*

4 *5. A panel conducting an evaluation of a sex offender*
5 *pursuant to subsection 2 must be given access to all records of the*
6 *sex offender that are necessary to conduct the evaluation, and the*
7 *sex offender shall be deemed to have waived all rights of*
8 *confidentiality and all privileges relating to those records for the*
9 *limited purpose of the evaluation.*

10 *Sec. 47. In addition to the information that must be included*
11 *in a record of registration pursuant to NRS 179D.151, the record*
12 *of registration for a sex offender declared to be a sexually violent*
13 *predator must include a notation regarding whether the sex*
14 *offender has previously received treatment for his or her mental*
15 *disorder or personality disorder.*

16 *Sec. 48. As used in sections 48 to 64, inclusive, of this act,*
17 *unless the context otherwise requires, the words and terms defined*
18 *in sections 49 to 55, inclusive, of this act have the meanings*
19 *ascribed to them in those sections.*

20 *Sec. 49. "Nonresident sex offender who is a student or*
21 *worker within this State" and "nonresident sex offender" mean a*
22 *sex offender who is a student or worker within this State but who*
23 *is not otherwise deemed a resident sex offender pursuant to*
24 *subsection 2 or 3 of NRS 179D.460.*

25 *Sec. 50. 1. "Sex offender" means a person who, after*
26 *July 1, 1956, is or has been:*

27 *(a) Convicted of a sexual offense listed in section 51 of this*
28 *act; or*

29 *(b) Adjudicated delinquent or found guilty by a court having*
30 *jurisdiction over juveniles of a sexual offense listed in paragraph*
31 *(u) of subsection 1 of section 51 of this act.*

32 *2. The term includes, without limitation:*

33 *(a) A sexually violent predator.*

34 *(b) A nonresident sex offender who is a student or worker*
35 *within this State.*

36 *Sec. 51. 1. "Sexual offense" means any of the following*
37 *offenses:*

38 *(a) Murder of the first degree committed in the perpetration or*
39 *attempted perpetration of sexual assault, sexual abuse of a child*
40 *or sexual molestation of a child less than 14 years of age pursuant*
41 *to paragraph (b) of subsection 1 of NRS 200.030.*

42 *(b) Sexual assault pursuant to NRS 200.366.*

43 *(c) Statutory sexual seduction pursuant to NRS 200.368, if*
44 *punished as a felony.*



1 (d) *Battery with intent to commit sexual assault pursuant to*
2 *subsection 4 of NRS 200.400.*

3 (e) *An offense involving the administration of a drug to*
4 *another person with the intent to enable or assist the commission*
5 *of a felony pursuant to NRS 200.405, if the felony is an offense*
6 *listed in this section.*

7 (f) *An offense involving the administration of a controlled*
8 *substance to another person with the intent to enable or assist the*
9 *commission of a crime of violence pursuant to NRS 200.408, if the*
10 *crime of violence is an offense listed in this section.*

11 (g) *Abuse of a child pursuant to NRS 200.508, if the abuse*
12 *involved sexual abuse or sexual exploitation.*

13 (h) *An offense involving pornography and a minor pursuant to*
14 *NRS 200.710 to 200.730, inclusive.*

15 (i) *Incest pursuant to NRS 201.180.*

16 (j) *Open or gross lewdness pursuant to NRS 201.210.*

17 (k) *Indecent or obscene exposure pursuant to NRS 201.220.*

18 (l) *Lewdness with a child pursuant to NRS 201.230.*

19 (m) *Sex trafficking pursuant to subsection 2 of NRS 201.300.*

20 (n) *Sexual penetration of a dead human body pursuant to*
21 *NRS 201.450.*

22 (o) *Sexual conduct between certain employees of a school or*
23 *volunteers at a school and a pupil pursuant to NRS 201.540.*

24 (p) *Sexual conduct between certain employees of a college or*
25 *university and a student pursuant to NRS 201.550.*

26 (q) *Luring a child or a person with mental illness pursuant to*
27 *NRS 201.560, if punished as a felony.*

28 (r) *An attempt or conspiracy to commit an offense listed in*
29 *paragraphs (a) to (q), inclusive.*

30 (s) *An offense that is determined to be sexually motivated*
31 *pursuant to NRS 175.547 or 207.193.*

32 (t) *An offense committed in another jurisdiction that, if*
33 *committed in this State, would be an offense listed in this section.*
34 *This paragraph includes, without limitation, an offense prosecuted*
35 *in:*

36 (1) *A tribal court.*

37 (2) *A court of the United States or the Armed Forces of the*
38 *United States.*

39 (u) *An offense of a sexual nature committed in another*
40 *jurisdiction, whether or not the offense would be an offense listed*
41 *in this section, if the person who committed the offense resides or*
42 *has resided or is or has been a student or worker in any*
43 *jurisdiction in which the person is or has been required by the*
44 *laws of that jurisdiction to register as a sex offender because of the*



1 *offense. This paragraph includes, without limitation, an offense*
2 *prosecuted in:*

3 *(1) A tribal court.*

4 *(2) A court of the United States or the Armed Forces of the*
5 *United States.*

6 *(3) A court having jurisdiction over juveniles.*

7 *2. Except for the offenses described in paragraphs (o) and (p)*
8 *of subsection 1, the term does not include an offense involving*
9 *consensual sexual conduct if the victim was:*

10 *(a) An adult, unless the adult was under the custodial*
11 *authority of the offender at the time of the offense; or*

12 *(b) At least 13 years of age and the offender was not more than*
13 *4 years older than the victim at the time of the commission of the*
14 *offense.*

15 *Sec. 52. "Sexually violent predator" has the meaning*
16 *ascribed to it in section 45 of this act.*

17 *Sec. 53. "Tier I level of notification" means community*
18 *notification pursuant to paragraph (a) of subsection 1 of section*
19 *59 of this act.*

20 *Sec. 54. "Tier II level of notification" means community*
21 *notification pursuant to paragraph (b) of subsection 1 of section*
22 *59 of this act.*

23 *Sec. 55. "Tier III level of notification" means community*
24 *notification pursuant to paragraph (c) of subsection 1 of section*
25 *59 of this act.*

26 *Sec. 56. 1. There is hereby created an Advisory Council for*
27 *Community Notification. The Council consists of:*

28 *(a) Three members, of whom not more than two may be of the*
29 *same political party, appointed by the Governor; and*

30 *(b) Four members, of whom not more than two may be of the*
31 *same political party, appointed by the Legislative Commission.*

32 *2. Each member serves a term of 4 years. Members may be*
33 *reappointed for additional terms of 4 years in the same manner as*
34 *the original appointments.*

35 *3. A vacancy occurring in the membership of the Council*
36 *must be filled in the same manner as the original appointments.*

37 *4. The Council shall consult with and provide*
38 *recommendations to the Attorney General concerning the*
39 *guidelines and procedures for community notification.*

40 *Sec. 57. 1. The Attorney General shall consult with the*
41 *Advisory Council for Community Notification and shall establish*
42 *guidelines and procedures for community notification pursuant to*
43 *sections 48 to 64, inclusive, of this act.*

44 *2. The guidelines and procedures established by the Attorney*
45 *General must be designed to promote, to the extent practicable, the*



1 *uniform application of the provisions of sections 48 to 64,*
2 *inclusive, of this act.*

3 3. *The provisions of sections 48 to 64, inclusive, of this act*
4 *must not be construed to prevent:*

5 (a) *Law enforcement officers from providing the public with*
6 *notification concerning persons who pose a threat to the safety of*
7 *the public.*

8 (b) *A campus police department from providing the campus*
9 *community with notification concerning persons who pose a threat*
10 *to the safety of the campus community.*

11 **Sec. 58.** 1. *Except as otherwise provided in subsection 5,*
12 *the Attorney General shall establish guidelines and procedures for*
13 *assessing the risk of recidivism of each sex offender who resides*
14 *within this State and each nonresident sex offender who is a*
15 *student or worker within this State.*

16 2. *The guidelines and procedures must identify and*
17 *incorporate factors relevant to the risk of recidivism of the sex*
18 *offender, including, without limitation:*

19 (a) *Conditions of release that minimize the risk of recidivism,*
20 *including, without limitation, probation or parole, counseling,*
21 *therapy or treatment;*

22 (b) *Physical conditions that minimize the risk of recidivism,*
23 *including, without limitation, advanced age or debilitating illness;*
24 *and*

25 (c) *Any criminal history of the sex offender indicative of a*
26 *high risk of recidivism, including, without limitation:*

27 (1) *Whether the conduct of the sex offender was found to*
28 *be characterized by repetitive and compulsive behavior;*

29 (2) *Whether the sex offender committed the sexual offense*
30 *against a child;*

31 (3) *Whether the sexual offense involved the use of a*
32 *weapon, violence or infliction of serious bodily injury;*

33 (4) *The number, date and nature of prior offenses;*

34 (5) *Whether psychological or psychiatric profiles indicate a*
35 *risk of recidivism;*

36 (6) *The response of the sex offender to treatment;*

37 (7) *Any recent threats against a person or expressions of*
38 *intent to commit additional crimes; and*

39 (8) *Behavior while confined.*

40 3. *The assessment of the risk of recidivism of a sex offender*
41 *may be based upon information concerning the sex offender*
42 *obtained from agencies of this State and agencies from other*
43 *jurisdictions.*

44 4. *Each person who is conducting the assessment must be*
45 *given access to all records of the sex offender that are necessary to*



1 *conduct the assessment, and the sex offender shall be deemed to*
2 *have waived all rights of confidentiality and all privileges relating*
3 *to those records for the limited purpose of the assessment.*

4 *5. The Attorney General may provide in the guidelines and*
5 *procedures for a provisional waiver of the assessment of the risk*
6 *of recidivism of any nonresident sex offender who is not likely to*
7 *be a student or worker within this State for more than 30*
8 *consecutive days and who is not likely to pose a substantial threat*
9 *to the safety of the public. If a nonresident sex offender is granted*
10 *such a provisional waiver, the nonresident sex offender:*

11 *(a) Shall be deemed to be assigned provisionally a Tier I level*
12 *of notification; and*

13 *(b) May be assessed and assigned any other level of*
14 *notification pursuant to the provisions of sections 48 to 64,*
15 *inclusive, of this act and the guidelines and procedures for*
16 *community notification established by the Attorney General if, at*
17 *any time during the period of the provisional waiver, there is any*
18 *cause to believe that the nonresident sex offender will be a student*
19 *or worker within this State for an extended period or that the sex*
20 *offender poses a threat to the safety of the public.*

21 **Sec. 59. 1.** *Except as otherwise provided in this section, the*
22 *guidelines and procedures for community notification established*
23 *by the Attorney General must provide for the following levels of*
24 *notification, depending upon the risk of recidivism of the sex*
25 *offender:*

26 *(a) If the risk of recidivism is low, the sex offender must be*
27 *assigned a Tier I level of notification, and the law enforcement*
28 *agency in whose jurisdiction the sex offender resides or is a*
29 *student or worker shall notify other law enforcement agencies that*
30 *are likely to encounter the sex offender.*

31 *(b) If the risk of recidivism is moderate, the sex offender must*
32 *be assigned a Tier II level of notification, and the law enforcement*
33 *agency in whose jurisdiction the sex offender resides or is a*
34 *student or worker shall provide notification pursuant to paragraph*
35 *(a) and shall notify schools and religious and youth organizations*
36 *that are likely to encounter the sex offender.*

37 *(c) If the risk of recidivism is high, the sex offender must be*
38 *assigned a Tier III level of notification, and the law enforcement*
39 *agency in whose jurisdiction the sex offender resides or is a*
40 *student or worker shall provide notification pursuant to*
41 *paragraphs (a) and (b) and shall notify the public through means*
42 *designed to reach members of the public who are likely to*
43 *encounter the sex offender.*

44 **2.** *If the sex offender is assigned a Tier II or Tier III level of*
45 *notification and the sex offender has committed a sexual offense*



1 *against a person less than 18 years of age, the law enforcement*
2 *agency in whose jurisdiction the sex offender resides or is a*
3 *student or worker shall provide the appropriate notification for*
4 *Tier II or Tier III and, in addition, shall provide a notification that*
5 *includes a photograph of the sex offender to:*

6 *(a) Motion picture theaters, other than adult motion picture*
7 *theaters, which are likely to encounter the sex offender; and*

8 *(b) Businesses which are likely to encounter the sex offender*
9 *and which primarily have children as customers or conduct events*
10 *that primarily children attend.*

11 *3. A sex offender must be assigned a Tier III level of*
12 *notification if the sex offender has been:*

13 *(a) Declared to be a sexually violent predator;*

14 *(b) Convicted of three or more sexually violent offenses, and at*
15 *least two of the offenses were brought and tried separately;*

16 *(c) Convicted of two sexually violent offenses and one or more*
17 *nonsexually violent offenses, and at least two of the offenses were*
18 *brought and tried separately;*

19 *(d) Convicted of one sexually violent offense and two or more*
20 *nonsexually violent offenses, and at least two of the offenses were*
21 *brought and tried separately;*

22 *(e) Convicted of two sexually violent offenses, and both*
23 *offenses were brought and tried separately, and the sex offender*
24 *has been arrested on three or more separate occasions for*
25 *commission of a sexually violent offense, a nonsexually violent*
26 *offense or an associated offense; or*

27 *(f) Convicted of one sexually violent offense and one*
28 *nonsexually violent offense, and both offenses were brought and*
29 *tried separately, and the sex offender has been arrested on three or*
30 *more separate occasions for commission of a sexually violent*
31 *offense, a nonsexually violent offense or an associated offense.*

32 *4. The existence of a community notification website must not*
33 *be construed to affect, in any manner, the responsibility to provide*
34 *notification pursuant to this section.*

35 *5. As used in this section:*

36 *(a) "Adult motion picture theater" has the meaning ascribed to*
37 *it in NRS 278.0221.*

38 *(b) "Associated offense" includes any of the following*
39 *offenses:*

40 *(1) Harassment pursuant to NRS 200.571.*

41 *(2) Stalking or aggravated stalking pursuant to*
42 *NRS 200.575.*

43 *(3) Any offense related to obscenity pursuant to NRS*
44 *201.235 to 201.254, inclusive.*



1 (4) Any offense related to obscene, threatening or annoying
2 telephone calls pursuant to NRS 201.255.

3 (5) Any offense related to burglary or invasion of the home
4 pursuant to NRS 205.060 to 205.080, inclusive.

5 (c) "Community notification website" has the meaning
6 ascribed to it in NRS 179B.023.

7 (d) "Nonsexually violent offense" means an offense that:

8 (1) Involves the use or threatened use of force or violence
9 against the victim; and

10 (2) Is not a sexual offense as defined pursuant to section 43
11 of this act.

12 (e) "Sexually violent offense" has the meaning ascribed to it in
13 section 44 of this act.

14 **Sec. 60.** A sex offender who is assigned a Tier II or Tier III
15 level of notification must be provided with notice indicating:

16 1. The level of notification he or she has been assigned; and

17 2. The procedures the sex offender must follow to request
18 reconsideration of the level of notification, unless the level of
19 notification is not subject to reconsideration pursuant to a specific
20 statute.

21 **Sec. 61.** 1. Except as otherwise provided in subsection 5 of
22 section 58 of this act, the level of notification assigned to a sex
23 offender may be changed in accordance with the guidelines and
24 procedures established by the Attorney General pursuant to
25 sections 48 to 64, inclusive, of this act, if the sex offender has been
26 assigned a level of notification pursuant to sections 48 to 64,
27 inclusive, of this act, and the sex offender:

28 (a) Is convicted of an offense that poses a threat to the safety
29 or well-being of others;

30 (b) Annoys, harasses, threatens or intimidates a victim of one
31 of the sex offender's sexual offenses; or

32 (c) Commits an overt act which is sexually motivated or
33 involves the use or threatened use of force or violence and which
34 causes harm or creates a reasonable apprehension of harm.

35 2. As used in this section:

36 (a) "Sexual offense" includes, without limitation, a sexual
37 offense punishable as a misdemeanor or gross misdemeanor.

38 (b) "Sexually motivated" means that one of the purposes for
39 which the person committed the act was his or her sexual
40 gratification.

41 **Sec. 62.** 1. Except as otherwise provided in subsection 6, if
42 a sex offender is subject to community notification for an interval
43 of at least 10 consecutive years during which he or she is not
44 convicted of an offense that poses a threat to the safety or



1 well-being of others, the sex offender may petition the Attorney
2 General for a reassessment of his or her risk of recidivism.

3 2. If the sex offender satisfies the requirements of subsection
4 1, the Attorney General shall arrange for a reassessment. The
5 reassessment must be conducted in the same manner as an
6 assessment of the risk of recidivism.

7 3. If the sex offender is assigned a Tier I level of notification
8 before the reassessment is conducted, the sex offender may be:

9 (a) Reassigned the Tier I level of notification that he or she is
10 currently assigned; or

11 (b) Relieved from being subject to community notification.

12 4. If the sex offender is assigned a Tier II or Tier III level of
13 notification before the reassessment is conducted, the sex offender
14 may be:

15 (a) Reassigned the level of notification that he or she is
16 currently assigned; or

17 (b) Reassigned a level of notification that is one tier below the
18 level of notification that he or she is currently assigned.

19 5. After receiving a reassessment pursuant to subsections 1
20 and 2, the sex offender may file another petition for a
21 reassessment after each succeeding interval of 5 consecutive years
22 if the sex offender is not convicted of an offense that poses a
23 threat to the safety or well-being of others.

24 6. If a sex offender has been declared to be a sexually violent
25 predator, the sex offender may not receive a reassessment
26 pursuant to the provisions of this section.

27 **Sec. 63.** *The law enforcement agency in whose jurisdiction a
28 sex offender resides or is a student or worker shall disclose
29 information regarding the sex offender to the appropriate persons
30 pursuant to the guidelines and procedures established by the
31 Attorney General pursuant to sections 48 to 64, inclusive, of this
32 act.*

33 **Sec. 64. 1.** *The Attorney General shall establish guidelines
34 and procedures for community notification concerning juvenile
35 sex offenders who are subject to the provisions of sections 81 to
36 89, inclusive, of this act. The guidelines and procedures for
37 community notification concerning juvenile sex offenders must be,
38 to the extent practicable, consistent with the guidelines and
39 procedures for community notification concerning adult sex
40 offenders established by the Attorney General pursuant to sections
41 48 to 64, inclusive, of this act.*

42 2. Upon receiving notification from a probation officer or
43 parole officer, as appropriate, assigned to a juvenile sex offender
44 pursuant to sections 81 to 89, inclusive, of this act, the local law
45 enforcement agency receiving the notification shall disclose



1 *information regarding the juvenile sex offender to the appropriate*
2 *persons pursuant to the guidelines and procedures established by*
3 *the Attorney General pursuant to sections 48 to 64, inclusive, of*
4 *this act.*

5 *3. Each person who is conducting an assessment of the risk*
6 *of recidivism of a juvenile sex offender must be given access to all*
7 *records of the juvenile sex offender that are necessary to conduct*
8 *the assessment, including, without limitation, records compiled*
9 *pursuant to title 5 of NRS, and the juvenile sex offender shall be*
10 *deemed to have waived all right of confidentiality and all*
11 *privileges relating to those records for the limited purpose of the*
12 *assessment.*

13 **Sec. 65.** NRS 179D.010 is hereby amended to read as follows:

14 179D.010 As used in this chapter, unless the context otherwise
15 requires, the words and terms defined in NRS 179D.015 to
16 179D.120, inclusive, *and sections 23 and 24 of this act* have the
17 meanings ascribed to them in those sections.

18 **Sec. 66.** NRS 179D.030 is hereby amended to read as follows:

19 179D.030 "Community notification" means notification of a
20 community pursuant to the provisions of ~~NRS 179D.475~~ *sections*
21 *48 to 64, inclusive, of this act.*

22 **Sec. 67.** NRS 179D.035 is hereby amended to read as follows:

23 179D.035 "Convicted" includes, but is not limited to, an
24 adjudication of delinquency *or a finding of guilt* by a court having
25 jurisdiction over juveniles if ~~†~~

26 ~~1. The†~~ *the* adjudication of delinquency *or the finding of guilt*
27 *is for the commission of †† any of the following offenses:*

28 *1. A crime against a child that is listed in subsection 7 of*
29 *section 26 of this act.*

30 *2. A sexual offense that is listed in ~~NRS 62F.200; and~~*

31 ~~2. The offender was 14 years of age or older at the time of the~~
32 ~~offense.†~~ *paragraph (v) of subsection 1 of section 43 of this act.*

33 *3. A sexual offense that is listed in paragraph (u) of*
34 *subsection 1 of section 51 of this act.*

35 *4. A sexual offense that is listed in paragraph (b) of*
36 *subsection 2 of section 89 of this act.*

37 **Sec. 68.** NRS 179D.151 is hereby amended to read as follows:

38 179D.151 1. ~~††~~ *Except as otherwise provided in section 47*
39 *of this act, a* record of registration must include, if the information
40 is available:

41 (a) Information identifying the offender or sex offender,
42 including, but not limited to:

43 (1) The name of the offender or sex offender and all aliases
44 that the offender or sex offender has used or under which he or she
45 has been known;



1 (2) A complete physical description of the offender or sex
2 offender, a current photograph of the offender or sex offender and
3 the fingerprints and palm prints of the offender or sex offender;

4 (3) The date of birth and the social security number of the
5 offender or sex offender;

6 (4) The identification number from a driver's license or an
7 identification card issued to the offender or sex offender by this
8 State or any other jurisdiction and a photocopy of such driver's
9 license or identification card;

10 (5) Information indicating whether the DNA profile and
11 DNA record of the offender or sex offender has been entered in
12 CODIS; and

13 (6) Any other information that identifies the offender or sex
14 offender.

15 (b) Except as otherwise provided in paragraph (c), information
16 concerning the residence of the offender or sex offender, including,
17 but not limited to:

18 (1) The address at which the offender or sex offender resides;

19 (2) The length of time the offender or sex offender has
20 resided at that address and the length of time the offender or sex
21 offender expects to reside at that address;

22 (3) The address or location of any other place where the
23 offender or sex offender expects to reside in the future and the
24 length of time the offender or sex offender expects to reside there;
25 and

26 (4) The length of time the offender or sex offender expects to
27 remain in the county where the offender or sex offender resides and
28 in this State.

29 (c) If the offender or sex offender has no fixed residence, the
30 address of any dwelling that is providing the offender or sex
31 offender temporary shelter, or any other location where the offender
32 or sex offender habitually sleeps, including, but not limited to, the
33 cross streets, intersection, direction and identifiable landmarks of
34 the city, county, state and zip code of that location.

35 (d) Information concerning the offender's or sex offender's
36 occupations, employment or work or expected occupations,
37 employment or work, including, but not limited to, the name,
38 address and type of business of all current and expected future
39 employers of the offender or sex offender.

40 (e) Information concerning the offender's or sex offender's
41 volunteer service or expected volunteer service in connection with
42 any activity or organization within this State, including, but not
43 limited to, the name, address and type of each such activity or
44 organization.



1 (f) Information concerning the offender's or sex offender's
2 enrollment or expected enrollment as a student in any public or
3 private educational institution or school within this State, including,
4 but not limited to, the name, address and type of each such
5 educational institution or school.

6 (g) Information concerning whether:

7 (1) The offender or sex offender is, expects to be or becomes
8 enrolled as a student at an institution of higher education or changes
9 the date of commencement or termination of the offender's or sex
10 offender's enrollment at an institution of higher education; or

11 (2) The offender or sex offender is, expects to be or becomes
12 a worker at an institution of higher education or changes the date of
13 commencement or termination of the offender's or sex offender's
14 work at an institution of higher education,
15 including, but not limited to, the name, address and type of each
16 such institution of higher education.

17 (h) The license plate number and a description of all motor
18 vehicles registered to or frequently driven by the offender or sex
19 offender.

20 (i) The level of ~~registration and~~ community notification of the
21 offender or sex offender.

22 (j) The criminal history of the offender or sex offender,
23 including, without limitation:

24 (1) The dates of all arrests and convictions of the offender or
25 sex offender;

26 (2) The status of parole, probation or supervised release of
27 the offender or sex offender;

28 (3) The status of the registration of the offender or sex
29 offender; and

30 (4) The existence of any outstanding arrest warrants for the
31 offender or sex offender.

32 (k) The following information for each offense for which the
33 offender or sex offender has been convicted:

34 (1) The court in which the offender or sex offender was
35 convicted;

36 (2) The text of the provision of law defining each offense;

37 (3) The name under which the offender or sex offender was
38 convicted;

39 (4) The name and location of each penal institution, school,
40 hospital, mental facility or other institution to which the offender or
41 sex offender was committed;

42 (5) The specific location where the offense was committed;

43 (6) The age, the gender, the race and a general physical
44 description of the victim; and



1 (7) The method of operation that was used to commit the
2 offense, including, but not limited to:

3 (I) Specific sexual acts committed against the victim;
4 (II) The method of obtaining access to the victim, such as
5 the use of enticements, threats, forced entry or violence against the
6 victim;

7 (III) The type of injuries inflicted on the victim;
8 (IV) The types of instruments, weapons or objects used;
9 (V) The type of property taken; and
10 (VI) Any other distinctive characteristic of the behavior
11 or personality of the offender or sex offender.

12 ~~[(I) Any other information required by federal law.]~~

13 2. As used in this section:

14 (a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

15 (b) "DNA profile" has the meaning ascribed to it in
16 NRS 176.09115.

17 (c) "DNA record" has the meaning ascribed to it in
18 NRS 176.09116.

19 **Sec. 69.** NRS 179D.170 is hereby amended to read as follows:

20 179D.170 Upon receiving from a local law enforcement
21 agency, pursuant to NRS 179D.010 to 179D.550, inclusive ~~[(I)], and~~
22 *sections 25 to 64, inclusive, of this act:*

23 1. A record of registration;

24 2. Fingerprints, palm prints or a photograph of an offender or
25 sex offender;

26 3. A new address of an offender or sex offender; or

27 4. Any other updated information,

28 → the Central Repository shall immediately provide the record of
29 registration, fingerprints, palm prints, photograph, new address or
30 updated information to the Federal Bureau of Investigation.

31 **Sec. 70.** NRS 179D.450 is hereby amended to read as follows:

32 179D.450 1. If the Central Repository receives notice from a
33 court ~~[pursuant to NRS 176.0926 that an offender has been~~
34 ~~convicted of a crime against a child,]~~ pursuant to NRS 176.0927 that
35 a sex offender has been convicted of a sexual offense or pursuant to
36 ~~[NRS 62F.220] section 88 of this act~~ that a juvenile ~~[has been~~
37 ~~adjudicated delinquent for an offense for which the juvenile is~~
38 ~~subject to registration and community notification pursuant to NRS~~
39 ~~179D.010 to 179D.550, inclusive,]~~ *sex offender has been deemed*
40 *to be an adult sex offender,* the Central Repository shall:

41 (a) If a record of registration has not previously been established
42 for the ~~[offender or]~~ sex offender, notify the local law enforcement
43 agency so that a record of registration may be established; or

44 (b) If a record of registration has previously been established for
45 the ~~[offender or]~~ sex offender, update the record of registration for



1 the ~~{offender or}~~ sex offender and notify the appropriate local law
2 enforcement agencies.

3 2. If the ~~{offender or}~~ sex offender named in the notice is
4 granted probation or otherwise will not be incarcerated or confined
5 ~~{, the}~~ *or if the sex offender named in the notice has been deemed*
6 *to be an adult sex offender pursuant to section 88 of this act and is*
7 *not otherwise incarcerated or confined:*

8 (a) *The Central Repository shall* ~~{~~
9 ~~—(a) Immediately}~~ *immediately* provide notification concerning
10 the ~~{offender or}~~ sex offender to the appropriate local law
11 enforcement agencies and, if the ~~{offender or}~~ sex offender resides
12 in a jurisdiction which is outside of this State, to the appropriate law
13 enforcement agency in that jurisdiction; and

14 (b) ~~{Immediately provide}~~ *If the sex offender is subject to*
15 *community notification* ~~{concerning the offender or sex offender~~
16 ~~pursuant to the provisions of NRS 179D.475.}~~ *, the Central*
17 *Repository shall arrange for the assessment of the risk of*
18 *recidivism of the sex offender pursuant to the guidelines and*
19 *procedures for community notification established by the Attorney*
20 *General pursuant to sections 48 to 64, inclusive, of this act.*

21 3. If ~~{an offender or}~~ a sex offender is incarcerated or confined
22 and has previously been convicted of ~~{a crime against a child as~~
23 ~~described in NRS 179D.0357 or}~~ a sexual offense as described in
24 ~~{NRS 179D.097.}~~ *section 43 of this act*, before the ~~{offender or}~~ sex
25 offender is released:

26 (a) The Department of Corrections or a local law enforcement
27 agency in whose facility the ~~{offender or}~~ sex offender is
28 incarcerated or confined shall:

29 (1) Inform the ~~{offender or}~~ sex offender of the requirements
30 for registration, including, but not limited to:

31 (I) ~~{The duty to register initially with the appropriate law~~
32 ~~enforcement agency in the jurisdiction in which the offender or sex~~
33 ~~offender was convicted if the offender or sex offender is not a~~
34 ~~resident of that jurisdiction pursuant to NRS 179D.445;~~

35 ~~—(H)}~~ The duty to register in this State during any period in
36 which the ~~{offender or}~~ sex offender is a resident of this State or a
37 nonresident who is a student or worker within this State and the time
38 within which the ~~{offender or}~~ sex offender is required to register
39 pursuant to NRS 179D.460;

40 ~~{(H)}~~ (II) The duty to register in any other jurisdiction
41 during any period in which the ~~{offender or}~~ sex offender is a
42 resident of the other jurisdiction or a nonresident who is a student or
43 worker within the other jurisdiction;



1 ~~{(IV)}~~ *(III)* If the ~~{offender-or}~~ sex offender moves from
2 this State to another jurisdiction, the duty to register with the
3 appropriate law enforcement agency in the other jurisdiction;

4 ~~{(V)}~~ *(IV)* The duty to notify the local law enforcement
5 agency for the jurisdiction in which the ~~{offender-or}~~ sex offender
6 now resides, in person, and the jurisdiction in which the ~~{offender-
7 or}~~ sex offender formerly resided, in person or in writing, if the
8 ~~{offender-or}~~ sex offender changes the address at which the
9 ~~{offender-or}~~ sex offender resides, including if the ~~{offender-or}~~ sex
10 offender moves from this State to another jurisdiction, or changes
11 the primary address at which the ~~{offender-or}~~ sex offender is a
12 student or worker; and

13 ~~{(VI)}~~ *(V)* The duty to notify immediately the appropriate
14 local law enforcement agency if the ~~{offender-or}~~ sex offender is,
15 expects to be or becomes enrolled as a student at an institution of
16 higher education or changes the date of commencement or
17 termination of the ~~{offender-or}~~ sex offender's enrollment at an
18 institution of higher education or if the ~~{offender-or}~~ sex offender is,
19 expects to be or becomes a worker at an institution of higher
20 education or changes the date of commencement or termination of
21 the ~~{offender-or}~~ sex offender's work at an institution of higher
22 education; and

23 (2) Require the ~~{offender-or}~~ sex offender to read and sign a
24 form stating that the requirements for registration have been
25 explained ~~{and that the offender or sex offender understands the
26 requirements for registration,}~~ *to the sex offender* and to forward the
27 form to the Central Repository.

28 (b) The Central Repository shall:

29 (1) Update the record of registration for the ~~{offender-or}~~ sex
30 offender;

31 (2) ~~{Provide}~~ *If the sex offender is subject to community
32 notification, arrange for the assessment of the risk of recidivism of
33 the sex offender pursuant to the guidelines and procedures for
34 community notification ~~{concerning the offender or sex offender}~~
35 ~~{established by the Attorney General pursuant to ~~{the provisions of~~
36 ~~NRS 179D.475;}~~ sections 48 to 64, inclusive, of this act;}~~* and

37 (3) Provide notification concerning the ~~{offender-or}~~ sex
38 offender to the appropriate local law enforcement agencies and, if
39 the ~~{offender-or}~~ sex offender will reside upon release in a
40 jurisdiction which is outside of this State, to the appropriate law
41 enforcement agency in that jurisdiction.

42 4. The failure to provide ~~{an offender-or}~~ *a* sex offender with
43 the information or confirmation form required by paragraph (a) of
44 subsection 3 does not affect the duty of the ~~{offender-or}~~ sex



1 offender to register and to comply with all other provisions for
2 registration.

3 5. If the Central Repository receives notice from another
4 jurisdiction or the Federal Bureau of Investigation that ~~{an offender~~
5 ~~or}~~ a sex offender is now residing or is a student or worker within
6 this State, the Central Repository shall:

7 (a) Immediately provide notification concerning the ~~{offender~~
8 ~~or}~~ sex offender to the appropriate local law enforcement agencies;

9 (b) Establish a record of registration for the ~~{offender or}~~ sex
10 offender; and

11 (c) ~~{Immediately provide}~~ *If the sex offender is subject to*
12 *community notification, arrange for the assessment of the risk of*
13 *recidivism of the sex offender pursuant to the guidelines and*
14 *procedures for community notification ~~{concerning the offender or~~*
15 *sex offender} *established by the Attorney General pursuant to ~~{the~~*
16 *provisions of NRS 179D.475.} *sections 48 to 64, inclusive, of this*
17 *act.***

18 **Sec. 71.** NRS 179D.460 is hereby amended to read as follows:

19 179D.460 1. In addition to any other registration that is
20 required pursuant to NRS 179D.450, each ~~{offender or}~~ sex offender
21 who, after July 1, 1956, is or has been convicted of a ~~{crime against~~
22 ~~a child or a}~~ sexual offense shall register with a local law
23 enforcement agency pursuant to the provisions of this section.

24 2. Except as otherwise provided in subsection 3, if the
25 ~~{offender or}~~ sex offender resides or is present for 48 hours or more
26 within:

27 (a) A county; or

28 (b) An incorporated city that does not have a city police
29 department,

30 ~~↳~~ the ~~{offender or}~~ sex offender shall be deemed a resident
31 ~~{offender or}~~ sex offender and shall register with the sheriff's office
32 of the county or, if the county or the city is within the jurisdiction of
33 a metropolitan police department, the metropolitan police
34 department, not later than 48 hours after arriving or establishing a
35 residence within the county or the city.

36 3. If the ~~{offender or}~~ sex offender resides or is present for 48
37 hours or more within an incorporated city that has a city police
38 department, the ~~{offender or}~~ sex offender shall be deemed a
39 resident ~~{offender or}~~ sex offender and shall register with the city
40 police department not later than 48 hours after arriving or
41 establishing a residence within the city.

42 4. If the ~~{offender or}~~ sex offender is a nonresident offender or
43 sex offender who is a student or worker within this State, the
44 ~~{offender or}~~ sex offender shall register with the appropriate
45 sheriff's office, metropolitan police department or city police



1 department in whose jurisdiction the {offender-or} sex offender is a
2 student or worker not later than 48 hours after becoming a student or
3 worker within this State.

4 5. A resident or nonresident {offender-or} sex offender shall
5 immediately notify the appropriate local law enforcement agency if:

6 (a) The {offender-or} sex offender is, expects to be or becomes
7 enrolled as a student at an institution of higher education or changes
8 the date of commencement or termination of the {offender-or} sex
9 offender's enrollment at an institution of higher education; or

10 (b) The {offender-or} sex offender is, expects to be or becomes a
11 worker at an institution of higher education or changes the date of
12 commencement or termination of the {offender-or} sex offender's
13 work at an institution of higher education.

14 ➤ The {offender-or} sex offender shall provide the name, address
15 and type of each such institution of higher education.

16 6. To register with a local law enforcement agency pursuant to
17 this section, the {offender-or} sex offender shall:

18 (a) Appear personally at the office of the appropriate local law
19 enforcement agency;

20 (b) Provide all information that is requested by the local law
21 enforcement agency, including, but not limited to, fingerprints and a
22 photograph; and

23 (c) Sign and date the record of registration or some other proof
24 of registration of the local law enforcement agency in the presence
25 of an officer of the local law enforcement agency.

26 7. When {an-offender-or} a sex offender registers, the local law
27 enforcement agency shall:

28 (a) Inform the {offender-or} sex offender of the duty to notify the
29 local law enforcement agency if the {offender-or} sex offender
30 changes the address at which the {offender-or} sex offender resides,
31 including if the {offender-or} sex offender moves from this State to
32 another jurisdiction, or changes the primary address at which the
33 {offender-or} sex offender is a student or worker; and

34 (b) Inform the {offender-or} sex offender of the duty to register
35 with the local law enforcement agency in whose jurisdiction the sex
36 offender relocates.

37 8. After the {offender-or} sex offender registers with the local
38 law enforcement agency, the local law enforcement agency shall
39 forward to the Central Repository the information collected,
40 including the fingerprints and a photograph of the {offender-or} sex
41 offender.

42 9. If the Central Repository has not previously established a
43 record of registration for {an-offender-or} a sex offender described in
44 subsection 8, the Central Repository shall:



- 1 (a) Establish a record of registration for the ~~{offender-or}~~ sex
2 offender;
- 3 (b) Provide notification concerning the ~~{offender-or}~~ sex
4 offender to the appropriate local law enforcement agencies; and
- 5 (c) ~~{Provide}~~ *If the sex offender is subject to* community
6 notification ~~{concerning the offender-or}~~ *and has not otherwise*
7 *been assigned a level of notification, arrange for the assessment of*
8 *the risk of recidivism of the* sex offender pursuant to the ~~{provisions~~
9 ~~of NRS 179D.475.}~~ *guidelines and procedures for community*
10 *notification established by the Attorney General pursuant to*
11 *sections 48 to 64, inclusive, of this act.*

12 10. When ~~{an offender-or}~~ a sex offender notifies a local law
13 enforcement agency that:

- 14 (a) The ~~{offender-or}~~ sex offender is, expects to be or becomes
15 enrolled as a student at an institution of higher education or changes
16 the date of commencement or termination of the ~~{offender-or}~~ sex
17 offender's enrollment at an institution of higher education; or
- 18 (b) The ~~{offender-or}~~ sex offender is, expects to be or becomes a
19 worker at an institution of higher education or changes the date of
20 commencement or termination of the ~~{offender-or}~~ sex offender's
21 work at an institution of higher education,
22 ➤ and provides the name, address and type of each such institution
23 of higher education, the local law enforcement agency shall
24 immediately provide that information to the Central Repository and
25 to the appropriate campus police department.

26 **Sec. 72.** NRS 179D.480 is hereby amended to read as follows:

- 27 179D.480 1. Except as otherwise provided in ~~{subsection 3,~~
28 ~~an offender convicted of a crime against a child or a sex offender~~
29 ~~shall appear in person in at least one jurisdiction in which the~~
30 ~~offender or sex offender resides or is a student or worker:~~
- 31 ~~—(a) Not less frequently than annually, if the offender or sex~~
32 ~~offender is a Tier I offender;~~
- 33 ~~—(b) Not less frequently than every 180 days, if the offender or~~
34 ~~sex offender is a Tier II offender; or~~
- 35 ~~—(c) Not less frequently than every 90 days, if the offender or sex~~
36 ~~offender is a Tier III offender;~~
- 37 ➤ ~~and shall allow the appropriate local law enforcement agency to~~
38 ~~collect} subsections 2 and 5, each year, on the anniversary of the~~
39 ~~date that the Central Repository establishes a record of~~
40 ~~registration for the sex offender, the Central Repository shall mail~~
41 ~~to the sex offender, at the address last registered by the sex~~
42 ~~offender, a nonforwardable verification form. The sex offender~~
43 ~~shall complete and sign the form and mail the form to the Central~~
44 ~~Repository not later than 10 days after receipt of the form to verify~~



1 *that the sex offender still resides at the address the sex offender*
2 *last registered.*

3 2. *Except as otherwise provided in subsection 5, if a sex*
4 *offender has been declared to be a sexually violent predator, every*
5 *90 days, beginning on the date that the Central Repository*
6 *establishes a record of registration for the sex offender, the*
7 *Central Repository shall mail to the sex offender, at the address*
8 *last registered by the sex offender, a nonforwardable verification*
9 *form. The sex offender shall complete and sign the form and mail*
10 *the form to the Central Repository not later than 10 days after*
11 *receipt of the form to verify that the sex offender still resides at the*
12 *address the sex offender last registered.*

13 3. *A sex offender shall include with each verification form a*
14 *current set of fingerprints , ~~and palm prints,~~ a current photograph*
15 *and all other information that is relevant to updating the ~~offender~~*
16 *~~or~~ sex offender's record of registration, including, but not limited to,*
17 *any change in the ~~offender or~~ sex offender's name, occupation,*
18 *employment, work, volunteer service or driver's license and any*
19 *change in the license number or description of a motor vehicle*
20 *registered to or frequently driven by the ~~offender or~~ sex offender.*

21 ~~2. If an offender or sex offender does not comply with the~~
22 ~~provisions of subsection 1.~~ *The Central Repository shall provide*
23 *all updated information to the appropriate law enforcement*
24 *agencies.*

25 4. *If the Central Repository does not receive a verification*
26 *form from a sex offender and otherwise cannot verify the address*
27 *or location of the sex offender, the Central Repository shall ~~:~~*

28 ~~—(a) Immediately~~ *immediately* notify the appropriate local law
29 enforcement agencies . ~~and the Attorney General of the United~~
30 ~~States; and~~

31 ~~—(b) Update the record of registration for the sex offender to~~
32 ~~reflect the failure to comply with the provisions of subsection 1.~~

33 ~~—3. An offender or sex offender~~

34 5. *The Central Repository* is not required to ~~comply with the~~
35 ~~provisions of~~ *complete the mailing pursuant to* subsection 1
36 ~~during~~ *or 2:*

37 (a) *During* any period in which ~~the offender or~~ a sex offender
38 is incarcerated or confined ~~;~~ *or has changed his or her place of*
39 *residence from this State to another jurisdiction; or*

40 (b) *For a nonresident sex offender who is a student or worker*
41 *within this State.*

42 **Sec. 73.** NRS 179D.490 is hereby amended to read as follows:

43 179D.490 1. ~~An offender convicted of a crime against a~~
44 ~~child or a~~ *A* sex offender shall comply with the provisions for
45 registration for as long as the ~~offender or~~ sex offender resides or is



1 present within this State or is a nonresident offender or sex offender
2 who is a student or worker within this State, unless ~~the period of~~
3 ~~time during which the offender or sex offender has~~ the duty *of the*
4 *sex offender* to register is ~~reduced~~ *terminated* pursuant to the
5 provisions of this section.

6 2. Except as otherwise provided in subsection ~~3,~~ *the full*
7 *period of registration is:*

8 ~~—(a) Fifteen years, if the offender or sex offender is a Tier I~~
9 ~~offender;~~

10 ~~—(b) Twenty five years, if the offender or sex offender is a Tier II~~
11 ~~offender; and~~

12 ~~—(c) The life of the offender or sex offender, if the offender or sex~~
13 ~~offender is a Tier III offender;~~

14 ~~→ exclusive of any time during which the offender or sex offender~~
15 ~~is incarcerated or confined.~~

16 ~~—3. If an offender or~~ *5, if a* sex offender complies with the
17 provisions for registration ~~†~~

18 ~~—(a) For~~ *for* an interval of at least ~~10~~ *15* consecutive years ~~†,~~ *if*
19 ~~the offender or sex offender is a Tier I offender; or~~

20 ~~—(b) For an interval of at least 25 consecutive years, if the~~
21 ~~offender or sex offender is a Tier III offender adjudicated delinquent~~
22 ~~for the offense which required registration as an offender or sex~~
23 ~~offender;~~

24 ~~→~~ during which the ~~offender or~~ sex offender is not convicted of
25 an offense ~~for which imprisonment for more than 1 year may be~~
26 ~~imposed, is not convicted of a sexual offense, successfully~~
27 ~~completes any periods of supervised release, probation or parole,~~
28 ~~and successfully completes a sex offender treatment program~~
29 ~~certified by the State or by the Attorney General of the United~~
30 ~~States,† that poses a threat to the safety or well-being of others,~~ the
31 ~~offender or~~ sex offender may file a petition to ~~reduce the period~~
32 ~~of time during which the offender or sex offender has a~~ *terminate*
33 *the sex offender's* duty to register with the district court in whose
34 jurisdiction the ~~offender or~~ sex offender resides or, if he or she is a
35 nonresident ~~offender or~~ sex offender, in whose jurisdiction the
36 ~~offender or~~ sex offender is a student or worker. For the purposes of
37 this subsection, registration begins on the date that the Central
38 Repository ~~for appropriate agency of another jurisdiction~~
39 establishes a record of registration for the ~~offender or~~ sex offender
40 or the date that the ~~offender or~~ sex offender is released, whichever
41 occurs later.

42 ~~4.†~~ *3.* If the ~~offender or~~ sex offender satisfies the
43 requirements of subsection ~~3,†~~ *2,* the court shall hold a hearing on
44 the petition at which the ~~offender or~~ sex offender and any other
45 interested person may present witnesses and other evidence. If the



1 court determines from the evidence presented at the hearing that the
2 ~~offender or~~ sex offender ~~satisfies the requirements of subsection~~
3 ~~3.] is not likely to pose a threat to the safety of others,~~ the court
4 shall ~~]:~~

5 ~~—(a) If the offender or sex offender is a Tier I offender, reduce the~~
6 ~~period of time during which the offender or sex offender is required~~
7 ~~to register by 5 years; and~~

8 ~~—(b) If the offender or sex offender is a Tier III offender~~
9 ~~adjudicated delinquent for the offense which required registration as~~
10 ~~an offender or sex offender, reduce the period of time during which~~
11 ~~the offender or sex offender is required to register from the life of~~
12 ~~the offender or sex offender to that period of time for which the~~
13 ~~offender or sex offender meets the requirements of subsection 3.]~~
14 ~~terminate the duty of the sex offender to register.~~

15 *4. If the court does not terminate the duty of the sex offender*
16 *to register after a petition is heard pursuant to subsections 2 and*
17 *3, the sex offender may file another petition after each succeeding*
18 *interval of 5 consecutive years if the sex offender is not convicted*
19 *of an offense that poses a threat to the safety or well-being of*
20 *others.*

21 *5. A sex offender may not file a petition to terminate the sex*
22 *offender's duty to register pursuant to this section if the sex*
23 *offender:*

24 *(a) Is subject to community notification or to lifetime*
25 *supervision pursuant to NRS 176.0931;*

26 *(b) Has been declared to be a sexually violent predator; or*

27 *(c) Has been convicted of:*

28 *(1) One or more sexually violent offenses;*

29 *(2) Two or more sexually violent offenses against persons*
30 *less than 18 years of age;*

31 *(3) Two or more crimes against a child as defined in section*
32 *26 of this act; or*

33 *(4) At least one of each offense listed in subparagraphs (2)*
34 *and (3).*

35 **Sec. 74.** NRS 179D.550 is hereby amended to read as follows:

36 179D.550 1. Except as otherwise provided in subsection 2,
37 ~~an offender or] a~~ sex offender who:

38 (a) Fails to register with a local law enforcement agency;

39 (b) Fails to notify the local law enforcement agency of a change
40 of ~~name, residence, employment or student status as required~~
41 ~~pursuant to NRS 179D.447;] address;~~

42 (c) Provides false or misleading information to the Central
43 Repository or a local law enforcement agency; or



1 (d) Otherwise violates the provisions of NRS ~~[179D.010]~~
2 **179D.450** to 179D.550, inclusive, **and sections 36 to 47, inclusive,**
3 **of this act,**

4 is guilty of a category D felony and shall be punished as provided
5 in NRS 193.130.

6 2. ~~[An offender or]~~ **A** sex offender who commits a second or
7 subsequent violation of subsection 1 within 7 years after the first
8 violation is guilty of a category C felony and shall be punished as
9 provided in NRS 193.130. A court shall not grant probation to or
10 suspend the sentence of a person convicted pursuant to this
11 subsection.

12 ~~[3.—If a local law enforcement agency is aware that an offender~~
13 ~~or sex offender in its jurisdiction has failed to comply with a~~
14 ~~provision of NRS 179D.010 to 179D.550, inclusive, the local law~~
15 ~~enforcement agency must take any appropriate action to ensure~~
16 ~~compliance.]~~

17 **Sec. 75.** NRS 179D.570 is hereby amended to read as follows:

18 179D.570 1. The Central Repository shall, in accordance
19 with the requirements of this section, share information concerning
20 sex offenders and offenders convicted of a crime against a child
21 with:

22 (a) The Nevada Gaming Control Board to carry out the
23 provisions of NRS 463.335 pertaining to the registration of a
24 gaming employee who is a sex offender or an offender convicted of
25 a crime against a child. The Central Repository shall, at least once
26 each calendar month, provide the Nevada Gaming Control Board
27 with the name and other identifying information of each offender
28 who is not in compliance with the provisions of this chapter, in the
29 manner and form agreed upon by the Central Repository and the
30 Nevada Gaming Control Board.

31 (b) The Department of Motor Vehicles to carry out the
32 provisions of NRS 483.283, 483.861 and 483.929.

33 2. The information shared by the Central Repository pursuant
34 to this section must indicate whether a sex offender or an offender
35 convicted of a crime against a child is in compliance with the
36 provisions of this chapter.

37 3. The Central Repository shall share information pursuant to
38 this section as expeditiously as possible under the circumstances.

39 4. The Central Repository may adopt regulations to carry out
40 the provisions of this section.

41 **5. As used in this section:**

42 (a) **“Offender convicted of a crime against a child” has the**
43 **meaning ascribed to it in section 28 of this act.**

44 (b) **“Sex offender” has the meaning ascribed to it in section 42**
45 **of this act.**



1 **Sec. 76.** NRS 40.770 is hereby amended to read as follows:

2 40.770 1. Except as otherwise provided in subsection 6, in
3 any sale, lease or rental of real property, the fact that the property is
4 or has been:

5 (a) The site of a homicide, suicide or death by any other cause,
6 except a death that results from a condition of the property;

7 (b) The site of any crime punishable as a felony other than a
8 crime that involves the manufacturing of any material, compound,
9 mixture or preparation which contains any quantity of
10 methamphetamine; or

11 (c) Occupied by a person exposed to the human
12 immunodeficiency virus or suffering from acquired immune
13 deficiency syndrome or any other disease that is not known to be
14 transmitted through occupancy of the property,
15 ↳ is not material to the transaction.

16 2. In any sale, lease or rental of real property, the fact that a sex
17 offender, as defined in ~~NRS 179D.095,~~ *section 42 of this act*,
18 resides or is expected to reside in the community is not material to
19 the transaction, and the seller, lessor or landlord or any agent of the
20 seller, lessor or landlord does not have a duty to disclose such a fact
21 to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

22 3. In any sale, lease or rental of real property, the fact that a
23 facility for transitional living for released offenders that is licensed
24 pursuant to chapter 449 of NRS is located near the property being
25 sold, leased or rented is not material to the transaction.

26 4. A seller, lessor or landlord or any agent of the seller, lessor
27 or landlord is not liable to the buyer, lessee or tenant in any action at
28 law or in equity because of the failure to disclose any fact described
29 in subsection 1, 2 or 3 that is not material to the transaction or of
30 which the seller, lessor or landlord or agent of the seller, lessor or
31 landlord had no actual knowledge.

32 5. Except as otherwise provided in an agreement between a
33 buyer, lessee or tenant and that person's agent, an agent of the
34 buyer, lessee or tenant is not liable to the buyer, lessee or tenant in
35 any action at law or in equity because of the failure to disclose any
36 fact described in subsection 1, 2 or 3 that is not material to the
37 transaction or of which the agent of the buyer, lessee or tenant had
38 no actual knowledge.

39 6. For purposes of this section, the fact that the property is or
40 has been the site of a crime that involves the manufacturing of any
41 material, compound, mixture or preparation which contains any
42 quantity of methamphetamine is not material to the transaction if:

43 (a) All materials and substances involving methamphetamine
44 have been removed from or remediated on the property by an entity
45 certified or licensed to do so; or



1 (b) The property has been deemed safe for habitation by the
2 board of health.

3 7. As used in this section:

4 (a) "Board of health" has the meaning ascribed to it in
5 NRS 439.4797.

6 (b) "Facility for transitional living for released offenders" has
7 the meaning ascribed to it in NRS 449.0055.

8 **Sec. 77.** NRS 48.045 is hereby amended to read as follows:

9 48.045 1. Evidence of a person's character or a trait of his or
10 her character is not admissible for the purpose of proving that the
11 person acted in conformity therewith on a particular occasion,
12 except:

13 (a) Evidence of a person's character or a trait of his or her
14 character offered by an accused, and similar evidence offered by the
15 prosecution to rebut such evidence;

16 (b) Evidence of the character or a trait of character of the victim
17 of the crime offered by an accused, subject to the procedural
18 requirements of NRS 48.069 where applicable, and similar evidence
19 offered by the prosecution to rebut such evidence; and

20 (c) Unless excluded by NRS 50.090, evidence of the character
21 of a witness, offered to attack or support his or her credibility,
22 within the limits provided by NRS 50.085.

23 2. Evidence of other crimes, wrongs or acts is not admissible to
24 prove the character of a person in order to show that the person
25 acted in conformity therewith. It may, however, be admissible for
26 other purposes, such as proof of motive, opportunity, intent,
27 preparation, plan, knowledge, identity, or absence of mistake or
28 accident.

29 3. Nothing in this section shall be construed to prohibit the
30 admission of evidence in a criminal prosecution for a sexual offense
31 that a person committed another crime, wrong or act that constitutes
32 a separate sexual offense. As used in this subsection, "sexual
33 offense" has the meaning ascribed to it in ~~NRS 179D.097~~ *section*
34 *43 of this act.*

35 **Sec. 78.** NRS 62A.030 is hereby amended to read as follows:

36 62A.030 1. "Child" means:

37 (a) A person who is less than 18 years of age;

38 (b) A person who is less than 21 years of age and subject to the
39 jurisdiction of the juvenile court for an unlawful act that was
40 committed before the person reached 18 years of age; or

41 (c) A person who is otherwise subject to the jurisdiction of the
42 juvenile court as a juvenile sex offender pursuant to the provisions
43 of ~~NRS 62F.200, 62F.220 and 62F.260~~ *sections 81 to 89,*
44 *inclusive, of this act.*

45 2. The term does not include:



1 (a) A person who is excluded from the jurisdiction of the
2 juvenile court pursuant to NRS 62B.330;

3 (b) A person who is transferred to the district court for criminal
4 proceedings as an adult pursuant to NRS 62B.335; or

5 (c) A person who is certified for criminal proceedings as an
6 adult pursuant to NRS 62B.390 or 62B.400.

7 **Sec. 79.** NRS 62B.410 is hereby amended to read as follows:

8 62B.410 Except as otherwise provided in NRS 62F.110 and
9 ~~62F.220,~~ *sections 85 and 88 of this act*, if a child is subject to the
10 jurisdiction of the juvenile court, the juvenile court:

11 1. May terminate its jurisdiction concerning the child at any
12 time, either on its own volition or for good cause shown; or

13 2. May retain jurisdiction over the child until the child reaches
14 21 years of age.

15 **Sec. 80.** Chapter 62F of NRS is hereby amended by adding
16 thereto the provisions set forth as sections 81 to 89, inclusive, of this
17 act.

18 **Sec. 81.** *As used in sections 81 to 89, inclusive, of this act,*
19 *unless the context otherwise requires, the words and terms defined*
20 *in sections 82 and 83 of this act have the meanings ascribed to*
21 *them in those sections.*

22 **Sec. 82.** *“Community notification” means notification of a*
23 *community pursuant to the guidelines and procedures established*
24 *by the Attorney General for juvenile sex offenders pursuant to*
25 *section 64 of this act.*

26 **Sec. 83.** *“Sexual offense” means:*

27 1. *Sexual assault pursuant to NRS 200.366;*

28 2. *Battery with intent to commit sexual assault pursuant to*
29 *NRS 200.400;*

30 3. *An offense involving pornography and a minor pursuant to*
31 *NRS 200.710 or 200.720;*

32 4. *Lewdness with a child pursuant to NRS 201.230; or*

33 5. *An attempt to commit an offense listed in this section.*

34 **Sec. 84.** *Except as otherwise provided in subsection 2 of*
35 *section 89 of this act, the provisions of sections 81 to 89, inclusive,*
36 *of this act do not apply to a child who is subject to registration and*
37 *community notification pursuant to NRS 179D.450 to 179D.570,*
38 *inclusive, and sections 36 to 64, inclusive, of this act, before*
39 *reaching 21 years of age.*

40 **Sec. 85.** 1. *In addition to any other action authorized or*
41 *required pursuant to the provisions of this title, if a child is*
42 *adjudicated delinquent for an unlawful act that would have been a*
43 *sexual offense if committed by an adult or is adjudicated*
44 *delinquent for a sexually motivated act, the juvenile court shall:*



1 (a) *Notify the Attorney General of the adjudication so that the*
2 *Attorney General may arrange for the assessment of the risk of*
3 *recidivism of the child pursuant to the guidelines and procedures*
4 *for community notification established pursuant to section 64 of*
5 *this act;*

6 (b) *Place the child under the supervision of a probation officer*
7 *or parole officer, as appropriate, for a period of not less than 3*
8 *years;*

9 (c) *Inform the child and the parent or guardian of the child*
10 *that the child is subject to community notification as a juvenile sex*
11 *offender and may be subject to registration and community*
12 *notification pursuant to NRS 179D.450 to 179D.570, inclusive,*
13 *and sections 36 to 64, inclusive, of this act, if the child is deemed*
14 *an adult sex offender pursuant to section 88 of this act; and*

15 (d) *Order the child, and the parent or guardian of the child*
16 *during the minority of the child, while the child is subject to*
17 *community notification as a juvenile sex offender, to inform the*
18 *probation officer or parole officer, as appropriate, assigned to the*
19 *child of a change of the address at which the child resides not*
20 *later than 48 hours after the change of address.*

21 2. *The juvenile court may not terminate its jurisdiction over*
22 *the child for the purposes of carrying out the provisions of*
23 *sections 81 to 89, inclusive, of this act until the child is no longer*
24 *subject to community notification as a juvenile sex offender*
25 *pursuant to sections 81 to 89, inclusive, of this act.*

26 **Sec. 86. 1.** *If a child has been adjudicated delinquent for a*
27 *sexual offense or a sexually motivated act, the probation officer or*
28 *parole officer, as appropriate, assigned to the child shall notify the*
29 *local law enforcement agency in whose jurisdiction the child*
30 *resides that the child:*

31 (a) *Has been adjudicated delinquent for a sexual offense or a*
32 *sexually motivated act; and*

33 (b) *Is subject to community notification as a juvenile sex*
34 *offender.*

35 2. *If the probation officer or parole officer, as appropriate,*
36 *assigned to the child is informed by the child or the parent or*
37 *guardian of the child that the child has changed the address at*
38 *which the child resides or if the probation officer or parole officer*
39 *otherwise becomes aware of such a change, the probation officer*
40 *or parole officer shall notify:*

41 (a) *The local law enforcement agency in whose jurisdiction the*
42 *child last resided that the child has moved; and*

43 (b) *The local law enforcement agency in whose jurisdiction the*
44 *child is now residing that the child:*



1 (1) *Has been adjudicated delinquent for a sexual offense or*
2 *a sexually motivated act; and*

3 (2) *Is subject to community notification as a juvenile sex*
4 *offender.*

5 **Sec. 87.** *1. If a child who has been adjudicated delinquent*
6 *for a sexual offense or a sexually motivated act has not previously*
7 *been relieved of being subject to community notification as a*
8 *juvenile sex offender, the juvenile court may, at any appropriate*
9 *time, hold a hearing to determine whether the child should be*
10 *relieved of being subject to community notification as a juvenile*
11 *sex offender.*

12 *2. If the juvenile court determines at the hearing that the*
13 *child has been rehabilitated to the satisfaction of the juvenile court*
14 *and that the child is not likely to pose a threat to the safety of*
15 *others, the juvenile court may relieve the child of being subject to*
16 *community notification as a juvenile sex offender.*

17 **Sec. 88.** *Except as otherwise provided in sections 81 to 89,*
18 *inclusive, of this act:*

19 *1. If a child who has been adjudicated delinquent for a sexual*
20 *offense or a sexually motivated act is not relieved of being subject*
21 *to community notification as a juvenile sex offender before the*
22 *child reaches 21 years of age, the juvenile court shall hold a*
23 *hearing when the child reaches 21 years of age to determine*
24 *whether the child should be deemed an adult sex offender for the*
25 *purposes of registration and community notification pursuant to*
26 *NRS 179D.450 to 179D.570, inclusive, and sections 36 to 64,*
27 *inclusive, of this act.*

28 *2. If the juvenile court determines at the hearing that the*
29 *child has been rehabilitated to the satisfaction of the juvenile court*
30 *and that the child is not likely to pose a threat to the safety of*
31 *others, the juvenile court shall relieve the child of being subject to*
32 *registration and community notification as a juvenile sex offender.*

33 *3. If the juvenile court determines at the hearing that the*
34 *child has not been rehabilitated to the satisfaction of the juvenile*
35 *court or that the child is likely to pose a threat to the safety of*
36 *others, the juvenile court shall deem the child an adult sex*
37 *offender who is subject to registration and community notification*
38 *pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 36*
39 *to 64, inclusive, of this act.*

40 *4. In determining at the hearing whether the child has been*
41 *rehabilitated to the satisfaction of the juvenile court and whether*
42 *the child is likely to pose a threat to the safety of others, the*
43 *juvenile court shall consider the following factors:*

44 *(a) The number, date, nature and gravity of the act or acts*
45 *committed by the child, including:*



1 (1) *Whether the act or acts were characterized by repetitive*
2 *and compulsive behavior; and*

3 (2) *Whether the act or acts involved the use of a weapon,*
4 *violence or infliction of serious bodily injury.*

5 (b) *The extent to which the child has received counseling,*
6 *therapy or treatment, and the response of the child to any such*
7 *counseling, therapy or treatment.*

8 (c) *Whether psychological or psychiatric profiles indicate a*
9 *risk of recidivism.*

10 (d) *The behavior of the child while subject to the jurisdiction*
11 *of the juvenile court, including, without limitation, the behavior of*
12 *the child during any period of confinement.*

13 (e) *Whether the child has made any recent threats against a*
14 *person or expressed any intent to commit any crimes in the future.*

15 (f) *Any physical conditions that minimize the risk of*
16 *recidivism, including, without limitation, physical disability or*
17 *illness.*

18 (g) *Any other factor that the juvenile court finds relevant to*
19 *the determination of whether the child has been rehabilitated to*
20 *the satisfaction of the juvenile court and whether the child is likely*
21 *to pose a threat to the safety of others.*

22 5. *If a child is deemed an adult sex offender pursuant to this*
23 *section, the juvenile court shall notify the Central Repository so*
24 *that the Central Repository may carry out the provisions for*
25 *registration of the child as an adult sex offender pursuant to*
26 *NRS 179D.450.*

27 **Sec. 89. 1.** *The records relating to a child must not be*
28 *sealed pursuant to the provisions of NRS 62H.100 to 62H.170,*
29 *inclusive, while the child is subject to community notification as a*
30 *juvenile sex offender.*

31 2. *If a child is deemed an adult sex offender pursuant to*
32 *section 88 of this act, is convicted of a sexual offense, as defined*
33 *in section 43 of this act, before reaching 21 years of age or is*
34 *otherwise subject to registration and community notification*
35 *pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 36*
36 *to 64, inclusive, of this act before reaching 21 years of age:*

37 (a) *The records relating to the child must not be sealed*
38 *pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive;*
39 *and*

40 (b) *Each delinquent act committed by the child that would*
41 *have been a sexual offense, as defined in section 43 of this act, if*
42 *committed by an adult shall be deemed to be a criminal conviction*
43 *for the purposes of:*



1 ***(1) Registration and community notification pursuant to***
2 ***NRS 179D.450 to 179D.570, inclusive, and sections 36 to 64,***
3 ***inclusive, of this act; and***

4 ***(2) The statewide registry established within the Central***
5 ***Repository pursuant to chapter 179B of NRS.***

6 **Sec. 90.** NRS 62H.110 is hereby amended to read as follows:

7 62H.110 The provisions of NRS 62H.100 to 62H.170,
8 inclusive, do not apply to:

9 1. Information maintained in the standardized system
10 established pursuant to NRS 62H.200;

11 2. Information that must be collected by the Division of Child
12 and Family Services pursuant to NRS 62H.220;

13 3. Records that are subject to the provisions of ~~NRS 62F.260;~~
14 ***section 89 of this act;*** or

15 4. Records relating to a traffic offense that would have been a
16 misdemeanor if committed by an adult.

17 **Sec. 91.** NRS 62H.120 is hereby amended to read as follows:

18 62H.120 Any decree or order entered concerning a child within
19 the purview of this title must contain, for the benefit of the child, an
20 explanation of the contents of NRS 62H.100 to 62H.170, inclusive,
21 and, if applicable, ~~NRS 62F.260;~~ ***section 89 of this act.***

22 **Sec. 92.** NRS 118A.335 is hereby amended to read as follows:

23 118A.335 1. Except as otherwise provided in subsection 6, a
24 landlord of dwelling units intended and operated exclusively for
25 persons 55 years of age and older may not employ any person who
26 will work 36 hours or more per week and who will have access to
27 all dwelling units to perform work on the premises unless the person
28 has obtained a work card issued pursuant to subsection 2 by the
29 sheriff of the county in which the dwelling units are located and
30 renewed that work card as necessary.

31 2. The sheriff of a county shall issue a work card to each
32 person who is required by this section to obtain a work card and
33 who complies with the requirements established by the sheriff for
34 the issuance of such a card. A work card issued pursuant to this
35 section must be renewed:

36 (a) Every 5 years; and

37 (b) Whenever the person changes his or her employment to
38 perform work for an employer other than the employer for which the
39 person's current work card was issued.

40 3. Except as otherwise provided in subsection 4, if the sheriff
41 of a county requires an applicant for a work card to be investigated:

42 (a) The applicant must submit with his or her application a
43 complete set of his or her fingerprints and written permission
44 authorizing the sheriff to forward the fingerprints to the Central



1 Repository for Nevada Records of Criminal History for submission
2 to the Federal Bureau of Investigation for its report.

3 (b) The sheriff shall submit the fingerprints to the Central
4 Repository for Nevada Records of Criminal History for submission
5 to the Federal Bureau of Investigation to determine the criminal
6 history of the applicant.

7 (c) The sheriff may issue a temporary work card pending the
8 determination of the criminal history of the applicant by the Federal
9 Bureau of Investigation.

10 4. The sheriff of a county shall not require an investigation of
11 the criminal history of an employee or independent contractor of an
12 agency or facility governed by NRS 449.122 to 449.125, inclusive,
13 and 449.174 who has had his or her fingerprints submitted to the
14 Central Repository for Nevada Records of Criminal History
15 pursuant to NRS 449.123 for an investigation of his or her criminal
16 history within the immediately preceding 6 months.

17 5. The sheriff shall not issue a work card to any person who:

18 (a) Has been convicted of a category A, B or C felony or of a
19 crime in another state which would be a category A, B or C felony if
20 committed in this State;

21 (b) Has been convicted of a sexual offense;

22 (c) Has been convicted of a crime against any person who is 60
23 years of age or older or against a vulnerable person for which an
24 additional term of imprisonment may be imposed pursuant to NRS
25 193.167 or the laws of any other jurisdiction;

26 (d) Has been convicted of a battery punishable as a gross
27 misdemeanor; or

28 (e) Within the immediately preceding 5 years:

29 (1) Has been convicted of a theft; or

30 (2) Has been convicted of a violation of any state or federal
31 law regulating the possession, distribution or use of a controlled
32 substance.

33 6. The following persons are not required to obtain a work card
34 pursuant to this section:

35 (a) A person who holds a permit to engage in property
36 management pursuant to chapter 645 of NRS.

37 (b) An independent contractor. As used in this paragraph,
38 "independent contractor" means a person who performs services for
39 a fixed price according to the person's own methods and without
40 subjection to the supervision or control of the landlord, except as to
41 the results of the work, and not as to the means by which the
42 services are accomplished.

43 (c) An offender in the course and scope of his or her
44 employment in a work program directed by the warden, sheriff,



1 administrator or other person responsible for administering a prison,
2 jail or other detention facility.

3 (d) A person performing work through a court-assigned
4 restitution or community-service program.

5 7. If the sheriff does not issue a work card to a person because
6 the information received from the Central Repository for Nevada
7 Records of Criminal History indicates that the person has been
8 convicted of a crime listed in subsection 5 and the person believes
9 that the information provided by the Central Repository is incorrect,
10 the person may immediately inform the sheriff. If the sheriff is so
11 informed, the sheriff shall give the person at least 30 days in which
12 to correct the information before terminating the temporary work
13 card issued pursuant to subsection 3.

14 8. As used in this section, unless the context otherwise
15 requires:

16 (a) "Sexual offense" has the meaning ascribed to it in ~~NRS~~
17 ~~179D.097.~~ *section 43 of this act.*

18 (b) "Vulnerable person" has the meaning ascribed to it in
19 NRS 200.5092.

20 **Sec. 93.** NRS 200.368 is hereby amended to read as follows:

21 200.368 A person who commits statutory sexual seduction
22 shall be punished:

23 1. If the person is 21 years of age or older at the time of the
24 commission of the offense, for a category B felony by imprisonment
25 in the state prison for a minimum term of not less than 1 year and a
26 maximum term of not more than 10 years, and may be further
27 punished by a fine of not more than \$10,000.

28 2. Except as otherwise provided in subsection 3, if the person
29 is under the age of 21 years, for a gross misdemeanor.

30 3. If the person is under the age of 21 years and has previously
31 been convicted of a sexual offense, as defined in ~~NRS 179D.097,~~
32 *section 43 of this act*, for a category D felony as provided in
33 NRS 193.130.

34 **Sec. 94.** NRS 200.737 is hereby amended to read as follows:

35 200.737 1. A minor shall not knowingly and willfully use an
36 electronic communication device to transmit or distribute a sexual
37 image of himself or herself to another person.

38 2. A minor shall not knowingly and willfully use an electronic
39 communication device to transmit or distribute a sexual image of
40 another minor who is older than, the same age as or not more than 4
41 years younger than the minor transmitting the sexual image.

42 3. A minor shall not knowingly and willfully possess a sexual
43 image that was transmitted or distributed as described in subsection
44 1 or 2 if the minor who is the subject of the sexual image is older
45 than, the same age as or not more than 4 years younger than the



1 minor who possesses the sexual image. It is an affirmative defense
2 to a violation charged pursuant to this subsection if the minor who
3 possesses a sexual image:

4 (a) Did not knowingly purchase, procure, solicit or request the
5 sexual image or take any other action to cause the sexual image to
6 come into his or her possession; and

7 (b) Promptly and in good faith, and without retaining or
8 allowing any person, other than a law enforcement agency or a
9 school official, to access any sexual image:

10 (1) Took reasonable steps to destroy each image; or

11 (2) Reported the matter to a law enforcement agency or a
12 school official and gave the law enforcement agency or school
13 official access to each image.

14 4. A minor who violates subsection 1:

15 (a) For the first violation:

16 (1) Is a child in need of supervision, as that term is used in
17 title 5 of NRS, and is not a delinquent child; and

18 (2) Is not considered a sex offender or juvenile sex offender
19 and is not subject to registration or community notification as a
20 juvenile sex offender pursuant to title 5 of NRS, or as a sex offender
21 pursuant to NRS ~~179D.010 to 179D.550,~~ **179D.450 to 179D.570,**
22 **inclusive ~~H~~, and sections 36 to 64, inclusive, of this act.**

23 (b) For the second or a subsequent violation:

24 (1) Commits a delinquent act, and the court may order the
25 detention of the minor in the same manner as if the minor had
26 committed an act that would have been a misdemeanor if committed
27 by an adult; and

28 (2) Is not considered a sex offender or juvenile sex offender
29 and is not subject to registration or community notification as a
30 juvenile sex offender pursuant to title 5 of NRS, or as a sex offender
31 pursuant to NRS ~~179D.010 to 179D.550,~~ **179D.450 to 179D.570,**
32 **inclusive ~~H~~, and sections 36 to 64, inclusive, of this act.**

33 5. A minor who violates subsection 2:

34 (a) Commits a delinquent act, and the court may order the
35 detention of the minor in the same manner as if the minor had
36 committed an act that would have been a misdemeanor if committed
37 by an adult; and

38 (b) Is not considered a sex offender or juvenile sex offender and
39 is not subject to registration or community notification as a juvenile
40 sex offender pursuant to title 5 of NRS, or as a sex offender
41 pursuant to NRS ~~179D.010 to 179D.550,~~ **179D.450 to 179D.570,**
42 **inclusive ~~H~~, and sections 36 to 64, inclusive, of this act.**

43 6. A minor who violates subsection 3:

44 (a) Is a child in need of supervision, as that term is used in title 5
45 of NRS, and is not a delinquent child; and



1 (b) Is not considered a sex offender or juvenile sex offender and
2 is not subject to registration or community notification as a juvenile
3 sex offender pursuant to title 5 of NRS, or as a sex offender
4 pursuant to NRS ~~179D.010 to 179D.550,~~ *179D.450 to 179D.570,*
5 *inclusive ~~179D.450 to 179D.550,~~ and sections 36 to 64, inclusive, of this act.*

6 7. As used in this section:

7 (a) "Electronic communication device" means any electronic
8 device that is capable of transmitting or distributing a sexual image,
9 including, without limitation, a cellular phone, personal digital
10 assistant, computer, computer network and computer system.

11 (b) "Minor" means a person who is under 18 years of age.

12 (c) "School official" means a principal, vice principal, school
13 counselor or school police officer.

14 (d) "Sexual conduct" has the meaning ascribed to it in
15 NRS 200.700.

16 (e) "Sexual image" means any visual depiction, including,
17 without limitation, any photograph or video, of a minor simulating
18 or engaging in sexual conduct or of a minor as the subject of a
19 sexual portrayal.

20 (f) "Sexual portrayal" has the meaning ascribed to it in
21 NRS 200.700.

22 **Sec. 95.** NRS 200.780 is hereby amended to read as follows:

23 200.780 1. Except as otherwise provided in subsection 3, a
24 person commits the crime of unlawful dissemination of an intimate
25 image when, with the intent to harass, harm or terrorize another
26 person, the person electronically disseminates or sells an intimate
27 image which depicts the other person and the other person:

28 (a) Did not give prior consent to the electronic dissemination or
29 the sale of the intimate image;

30 (b) Had a reasonable expectation that the intimate image would
31 be kept private and would not be made visible to the public; and

32 (c) Was at least 18 years of age when the intimate image was
33 created.

34 2. A person who commits the crime of unlawful dissemination
35 of an intimate image is guilty of a category D felony and shall be
36 punished as provided in NRS 193.130.

37 3. The provisions of this section do not apply to the electronic
38 dissemination of an intimate image for the purpose of:

39 (a) A legitimate public interest;

40 (b) Reporting unlawful conduct;

41 (c) Any lawful law enforcement or correctional activity;

42 (d) Investigation or prosecution of a violation of this section; or

43 (e) Preparation for or use in any legal proceeding.

44 4. A person who commits the crime of unlawful dissemination
45 of an intimate image is not considered a sex offender and is not



1 subject to registration or community notification as a sex offender
2 pursuant to NRS ~~179D.010~~ **179D.450** to 179D.550, inclusive ~~H~~ ,
3 **and sections 36 to 47, inclusive, of this act.**

4 **Sec. 96.** NRS 201.210 is hereby amended to read as follows:

5 201.210 1. A person who commits any act of open or gross
6 lewdness is guilty:

7 (a) Except as otherwise provided in this subsection, for the first
8 offense, of a gross misdemeanor.

9 (b) For any subsequent offense, or if the person has previously
10 been convicted of a sexual offense as defined in ~~NRS 179D.097,~~
11 **section 43 of this act,** of a category D felony and shall be punished
12 as provided in NRS 193.130.

13 (c) For an offense committed in the presence of a child under the
14 age of 18 years or a vulnerable person as defined in paragraph (a) of
15 subsection 8 of NRS 200.5092, of a category D felony and shall be
16 punished as provided in NRS 193.130.

17 2. For the purposes of this section, the breast feeding of a child
18 by the mother of the child does not constitute an act of open or gross
19 lewdness.

20 **Sec. 97.** NRS 201.220 is hereby amended to read as follows:

21 201.220 1. A person who makes any open and indecent or
22 obscene exposure of his or her person, or of the person of another, is
23 guilty:

24 (a) Except as otherwise provided in this subsection, for the first
25 offense, of a gross misdemeanor.

26 (b) For any subsequent offense, or if the person has previously
27 been convicted of a sexual offense as defined in ~~NRS 179D.097,~~
28 **section 43 of this act,** of a category D felony and shall be punished
29 as provided in NRS 193.130.

30 (c) For an offense committed in the presence of a child under the
31 age of 18 years or a vulnerable person as defined in paragraph (a) of
32 subsection 8 of NRS 200.5092, of a category D felony and shall be
33 punished as provided in NRS 193.130.

34 2. For the purposes of this section, the breast feeding of a child
35 by the mother of the child does not constitute an act of open and
36 indecent or obscene exposure of her body.

37 **Sec. 98.** NRS 213.1099 is hereby amended to read as follows:

38 213.1099 1. Except as otherwise provided in this section and
39 NRS 213.1215, the Board may release on parole a prisoner who is
40 otherwise eligible for parole pursuant to NRS 213.107 to 213.157,
41 inclusive.

42 2. In determining whether to release a prisoner on parole, the
43 Board shall consider:

44 (a) Whether there is a reasonable probability that the prisoner
45 will live and remain at liberty without violating the laws;



1 (b) Whether the release is incompatible with the welfare of
2 society;

3 (c) The seriousness of the offense and the history of criminal
4 conduct of the prisoner;

5 (d) The standards adopted pursuant to NRS 213.10885 and the
6 recommendation, if any, of the Chief; and

7 (e) Any documents or testimony submitted by a victim notified
8 pursuant to NRS 213.131 or 213.10915.

9 3. When a person is convicted of a felony and is punished by a
10 sentence of imprisonment, the person remains subject to the
11 jurisdiction of the Board from the time the person is released on
12 parole under the provisions of this chapter until the expiration of the
13 maximum term or the maximum aggregate term of imprisonment
14 imposed by the court, as applicable, less any credits earned to
15 reduce his or her sentence pursuant to chapter 209 of NRS.

16 4. Except as otherwise provided in NRS 213.1215, the Board
17 may not release on parole a prisoner whose sentence to death or to
18 life without possibility of parole has been commuted to a lesser
19 penalty unless the Board finds that the prisoner has served at least
20 20 consecutive years in the state prison, is not under an order to be
21 detained to answer for a crime or violation of parole or probation in
22 another jurisdiction, and does not have a history of:

23 (a) Recent misconduct in the institution, and has been
24 recommended for parole by the Director of the Department of
25 Corrections;

26 (b) Repetitive criminal conduct;

27 (c) Criminal conduct related to the use of alcohol or drugs;

28 (d) Repetitive sexual deviance, violence or aggression; or

29 (e) Failure in parole, probation, work release or similar
30 programs.

31 5. In determining whether to release a prisoner on parole
32 pursuant to this section, the Board shall not consider whether the
33 prisoner will soon be eligible for release pursuant to NRS 213.1215.

34 6. The Board shall not release on parole an offender convicted
35 of an offense listed in ~~NRS 179D.097~~ *section 43 of this act* until
36 the ~~Central Repository for Nevada Records of Criminal History~~
37 *law enforcement agency in whose jurisdiction the offender will be*
38 *released on parole* has been provided an opportunity to give the
39 notice required *by the Attorney General* pursuant to ~~NRS~~
40 ~~179D.475~~ *sections 48 to 64, inclusive, of this act.*

41 **Sec. 99.** NRS 213.1243 is hereby amended to read as follows:

42 213.1243 1. The Board shall establish by regulation a
43 program of lifetime supervision of sex offenders to commence after
44 any period of probation or any term of imprisonment and any period



1 of release on parole. The program must provide for the lifetime
2 supervision of sex offenders by parole and probation officers.

3 2. Lifetime supervision shall be deemed a form of parole for:

4 (a) The limited purposes of the applicability of the provisions of
5 NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and
6 subsection 2 of NRS 213.110; and

7 (b) The purposes of the Interstate Compact for Adult Offender
8 Supervision ratified, enacted and entered into by the State of Nevada
9 pursuant to NRS 213.215.

10 3. Except as otherwise provided in subsection 9, the Board
11 shall require as a condition of lifetime supervision that the sex
12 offender reside at a location only if:

13 (a) The residence has been approved by the parole and probation
14 officer assigned to the person.

15 (b) If the residence is a facility that houses more than three
16 persons who have been released from prison, the facility is a facility
17 for transitional living for released offenders that is licensed pursuant
18 to chapter 449 of NRS.

19 (c) The person keeps the parole and probation officer informed
20 of his or her current address.

21 4. Except as otherwise provided in subsection 9, the Board
22 shall require as a condition of lifetime supervision that the sex
23 offender, unless approved by the parole and probation officer
24 assigned to the sex offender and by a psychiatrist, psychologist or
25 counselor treating the sex offender, if any, not knowingly be within
26 500 feet of any place, or if the place is a structure, within 500 feet of
27 the actual structure, that is designed primarily for use by or for
28 children, including, without limitation, a public or private school, a
29 school bus stop, a center or facility that provides day care services, a
30 video arcade, an amusement park, a playground, a park, an athletic
31 field or a facility for youth sports, or a motion picture theater. The
32 provisions of this subsection apply only to a sex offender who is
33 *assigned* a Tier ~~3-offender~~ *III level of notification as defined in*
34 *section 55 of this act.*

35 5. Except as otherwise provided in subsection 9, if a sex
36 offender is convicted of a sexual offense listed in subsection 6 of
37 NRS 213.1255 against a child under the age of 14 years, the sex
38 offender is *assigned* a Tier ~~3-offender~~ *III level of notification, as*
39 *defined in section 55 of this act*, and the sex offender is sentenced
40 to lifetime supervision, the Board shall require as a condition of
41 lifetime supervision that the sex offender:

42 (a) Reside at a location only if the residence is not located
43 within 1,000 feet of any place, or if the place is a structure, within
44 1,000 feet of the actual structure, that is designed primarily for use
45 by or for children, including, without limitation, a public or private



1 school, a school bus stop, a center or facility that provides day care
2 services, a video arcade, an amusement park, a playground, a park,
3 an athletic field or a facility for youth sports, or a motion picture
4 theater.

5 (b) As deemed appropriate by the Chief, be placed under a
6 system of active electronic monitoring that is capable of identifying
7 his or her location and producing, upon request, reports or records
8 of his or her presence near or within a crime scene or prohibited area
9 or his or her departure from a specified geographic location.

10 (c) Pay any costs associated with his or her participation under
11 the system of active electronic monitoring, to the extent of his or her
12 ability to pay.

13 6. A sex offender placed under the system of active electronic
14 monitoring pursuant to subsection 5 shall:

15 (a) Follow the instructions provided by the Division to maintain
16 the electronic monitoring device in working order.

17 (b) Report any incidental damage or defacement of the
18 electronic monitoring device to the Division within 2 hours after the
19 occurrence of the damage or defacement.

20 (c) Abide by any other conditions set forth by the Division with
21 regard to his or her participation under the system of active
22 electronic monitoring.

23 7. Except as otherwise provided in this subsection, a person
24 who intentionally removes or disables or attempts to remove or
25 disable an electronic monitoring device placed on a sex offender
26 pursuant to this section is guilty of a gross misdemeanor. The
27 provisions of this subsection do not prohibit a person authorized by
28 the Division from performing maintenance or repairs to an
29 electronic monitoring device.

30 8. Except as otherwise provided in subsection 7, a sex offender
31 who commits a violation of a condition imposed on him or her
32 pursuant to the program of lifetime supervision is guilty of a
33 category B felony and shall be punished by imprisonment in the
34 state prison for a minimum term of not less than 1 year and a
35 maximum term of not more than 6 years, and may be further
36 punished by a fine of not more than \$5,000.

37 9. The Board is not required to impose a condition pursuant to
38 the program of lifetime supervision listed in subsections 3, 4 and 5
39 if the Board finds that extraordinary circumstances are present and
40 the Board states those extraordinary circumstances in writing.

41 10. The Board shall require as a condition of lifetime
42 supervision that the sex offender not have contact or communicate
43 with a victim of the sexual offense or a witness who testified against
44 the sex offender or solicit another person to engage in such contact
45 or communication on behalf of the sex offender, unless approved by



1 the Chief or his or her designee and a written agreement is entered
2 into and signed.

3 11. If a court issues a warrant for arrest for a violation of this
4 section, the court shall cause to be transmitted, in the manner
5 prescribed by the Central Repository for Nevada Records of
6 Criminal History, notice of the issuance of the warrant for arrest in a
7 manner which ensures that such notice is received by the Central
8 Repository within 3 business days.

9 12. For the purposes of prosecution of a violation by a sex
10 offender of a condition imposed upon him or her pursuant to the
11 program of lifetime supervision, the violation shall be deemed to
12 have occurred in, and may only be prosecuted in, the county in
13 which the court that imposed the sentence of lifetime supervision
14 pursuant to NRS 176.0931 is located, regardless of whether the acts
15 or conduct constituting the violation took place, in whole or in part,
16 within or outside that county or within or outside this State.

17 **Sec. 100.** NRS 213.1245 is hereby amended to read as
18 follows:

19 213.1245 1. Except as otherwise provided in subsection 3, if
20 the Board releases on parole a prisoner convicted of an offense
21 listed in ~~NRS 179D.097,~~ *section 43 of this act*, the Board shall, in
22 addition to any other condition of parole, require as a condition of
23 parole that the parolee:

24 (a) Reside at a location only if:

25 (1) The residence has been approved by the parole and
26 probation officer assigned to the parolee.

27 (2) If the residence is a facility that houses more than three
28 persons who have been released from prison, the facility is a facility
29 for transitional living for released offenders that is licensed pursuant
30 to chapter 449 of NRS.

31 (3) The parolee keeps the parole and probation officer
32 informed of his or her current address.

33 (b) Accept a position of employment or a position as a volunteer
34 only if it has been approved by the parole and probation officer
35 assigned to the parolee and keep the parole and probation officer
36 informed of the location of his or her position of employment or
37 position as a volunteer.

38 (c) Abide by any curfew imposed by the parole and probation
39 officer assigned to the parolee.

40 (d) Participate in and complete a program of professional
41 counseling approved by the Division.

42 (e) Submit to periodic tests, as requested by the parole and
43 probation officer assigned to the parolee, to determine whether the
44 parolee is using a controlled substance.



1 (f) Submit to periodic polygraph examinations, as requested by
2 the parole and probation officer assigned to the parolee.

3 (g) Abstain from consuming, possessing or having under his or
4 her control any alcohol.

5 (h) Not have contact or communicate with a victim of the
6 offense or a witness who testified against the parolee or solicit
7 another person to engage in such contact or communication on
8 behalf of the parolee, unless approved by the Chief or his or her
9 designee and a written agreement is entered into and signed in the
10 manner set forth in subsection 2.

11 (i) Not use aliases or fictitious names.

12 (j) Not obtain a post office box unless the parolee receives
13 permission from the parole and probation officer assigned to the
14 parolee.

15 (k) Not have contact with a person less than 18 years of age in a
16 secluded environment unless another adult who has never been
17 convicted of an offense listed in ~~NRS 179D.097~~ **section 43 of this**
18 **act** is present and permission has been obtained from the parole and
19 probation officer assigned to the parolee in advance of each such
20 contact.

21 (l) Unless approved by the parole and probation officer assigned
22 to the parolee and by a psychiatrist, psychologist or counselor
23 treating the parolee, if any, not knowingly be within 500 feet of any
24 place, or if the place is a structure, within 500 feet of the actual
25 structure, that is designed primarily for use by or for children,
26 including, without limitation, a public or private school, a school
27 bus stop, a center or facility that provides day care services, a video
28 arcade, an amusement park, a playground, a park, an athletic field or
29 a facility for youth sports, or a motion picture theater. The
30 provisions of this paragraph apply only to a parolee who is **assigned**
31 a Tier ~~3-offender~~ **III level of notification as defined in section 55**
32 **of this act.**

33 (m) Comply with any protocol concerning the use of
34 prescription medication prescribed by a treating physician,
35 including, without limitation, any protocol concerning the use of
36 psychotropic medication.

37 (n) Not possess any sexually explicit material that is deemed
38 inappropriate by the parole and probation officer assigned to the
39 parolee.

40 (o) Not patronize a business which offers a sexually related form
41 of entertainment and which is deemed inappropriate by the parole
42 and probation officer assigned to the parolee.

43 (p) Not possess any electronic device capable of accessing the
44 Internet and not access the Internet through any such device or any



1 other means, unless possession of such a device or such access is
2 approved by the parole and probation officer assigned to the parolee.

3 (q) Inform the parole and probation officer assigned to the
4 parolee if the parolee expects to be or becomes enrolled as a student
5 at an institution of higher education or changes the date of
6 commencement or termination of his or her enrollment at an
7 institution of higher education. As used in this paragraph,
8 "institution of higher education" has the meaning ascribed to it in
9 NRS 179D.045.

10 2. A written agreement entered into pursuant to paragraph (h)
11 of subsection 1 must state that the contact or communication is in
12 the best interest of the victim or witness, and specify the type of
13 contact or communication authorized. The written agreement must
14 be signed and agreed to by:

15 (a) The victim or the witness;

16 (b) The parolee;

17 (c) The parole and probation officer assigned to the parolee;

18 (d) The psychiatrist, psychologist or counselor treating the
19 parolee, victim or witness, if any;

20 (e) If the victim or witness is a child under 18 years of age, each
21 parent, guardian or custodian of the child; and

22 (f) The Chief or his or her designee.

23 3. The Board is not required to impose a condition of parole
24 listed in subsection 1 if the Board finds that extraordinary
25 circumstances are present and the Board states those extraordinary
26 circumstances in writing.

27 **Sec. 101.** NRS 213.1255 is hereby amended to read as
28 follows:

29 213.1255 1. Except as otherwise provided in subsection 4, in
30 addition to any conditions of parole required to be imposed pursuant
31 to NRS 213.1245, as a condition of releasing on parole a prisoner
32 who was convicted of committing an offense listed in subsection 6
33 against a child under the age of 14 years and who is *assigned* a Tier
34 ~~3 offender,~~ *III level of notification as defined in section 55 of this*
35 *act,* the Board shall require that the parolee:

36 (a) Reside at a location only if the residence is not located
37 within 1,000 feet of any place, or if the place is a structure, within
38 1,000 feet of the actual structure, that is designed primarily for use
39 by or for children, including, without limitation, a public or private
40 school, a school bus stop, a center or facility that provides day care
41 services, a video arcade, an amusement park, a playground, a park,
42 an athletic field or a facility for youth sports, or a motion picture
43 theater.

44 (b) As deemed appropriate by the Chief, be placed under a
45 system of active electronic monitoring that is capable of identifying



1 his or her location and producing, upon request, reports or records
2 of his or her presence near or within a crime scene or prohibited area
3 or his or her departure from a specified geographic location.

4 (c) Pay any costs associated with his or her participation under
5 the system of active electronic monitoring, to the extent of his or her
6 ability to pay.

7 2. A parolee placed under the system of active electronic
8 monitoring pursuant to subsection 1 shall:

9 (a) Follow the instructions provided by the Division to maintain
10 the electronic monitoring device in working order.

11 (b) Report any incidental damage or defacement of the
12 electronic monitoring device to the Division within 2 hours after the
13 occurrence of the damage or defacement.

14 (c) Abide by any other conditions set forth by the Division with
15 regard to his or her participation under the system of active
16 electronic monitoring.

17 3. Except as otherwise provided in this subsection, a person
18 who intentionally removes or disables or attempts to remove or
19 disable an electronic monitoring device placed on a parolee pursuant
20 to this section is guilty of a gross misdemeanor. The provisions of
21 this subsection do not prohibit a person authorized by the Division
22 from performing maintenance or repairs to an electronic monitoring
23 device.

24 4. The Board is not required to impose a condition of parole
25 listed in subsection 1 if the Board finds that extraordinary
26 circumstances are present and the Board states those extraordinary
27 circumstances in writing.

28 5. In addition to any conditions of parole required to be
29 imposed pursuant to subsection 1 and NRS 213.1245, as a condition
30 of releasing on parole a prisoner who was convicted of committing
31 an offense listed in subsection 6 against a child under the age of 14
32 years, the Board shall, when appropriate:

33 (a) Require the parolee to participate in psychological
34 counseling.

35 (b) Prohibit the parolee from being alone with a child unless
36 another adult who has never been convicted of a sexual offense is
37 present.

38 6. The provisions of subsections 1 and 5 apply to a prisoner
39 who was convicted of:

40 (a) Sexual assault pursuant to paragraph (c) of subsection 3 of
41 NRS 200.366;

42 (b) Abuse or neglect of a child pursuant to subparagraph (1) of
43 paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a)
44 of subsection 2 of NRS 200.508;



1 (c) An offense punishable pursuant to subsection 2 of
2 NRS 200.750;

3 (d) Lewdness with a child pursuant to NRS 201.230;

4 (e) Luring a child or a person with mental illness pursuant to
5 NRS 201.560, if punished as a felony; or

6 (f) Any combination of the crimes listed in this subsection.

7 **Sec. 102.** NRS 391.760 is hereby amended to read as follows:

8 391.760 1. If a superintendent has reason to believe that
9 cause exists for the dismissal of a licensed employee and the
10 superintendent is of the opinion that the immediate suspension of
11 the employee is necessary in the best interests of the pupils in the
12 district, the superintendent may suspend the employee without
13 notice and without a hearing. Notwithstanding the provisions of
14 NRS 391.750, a superintendent may suspend a licensed employee
15 who has been officially charged but not yet convicted of a felony or
16 a crime involving moral turpitude or immorality. If the charge is
17 dismissed or if the employee is found not guilty, the employee must
18 be reinstated with back pay, plus interest, and normal seniority. The
19 superintendent shall notify the employee in writing of the
20 suspension.

21 2. Within 5 days after a suspension becomes effective, the
22 superintendent shall begin proceedings pursuant to the provisions of
23 NRS 391.680 to 391.810, inclusive, to effect the employee's
24 dismissal. The employee is entitled to continue to receive his or her
25 salary and other benefits after the suspension becomes effective
26 until the date on which the dismissal proceedings are commenced.
27 The superintendent may recommend that an employee who has been
28 charged with a felony or a crime involving immorality be dismissed
29 for another ground set forth in NRS 391.750.

30 3. If sufficient grounds for dismissal do not exist, the employee
31 must be reinstated with full compensation, plus interest.

32 4. A licensed employee who furnishes to the school district a
33 bond or other security which is acceptable to the board as a
34 guarantee that the employee will repay any amounts paid to him or
35 her pursuant to this subsection as salary during a period of
36 suspension is entitled to continue to receive his or her salary from
37 the date on which the dismissal proceedings are commenced until
38 the decision of the board or the report of the hearing officer, if the
39 report is final and binding. The board shall not unreasonably refuse
40 to accept security other than a bond. An employee who receives
41 salary pursuant to this subsection shall repay it if the employee is
42 dismissed or not reemployed as a result of a decision of the board or
43 a report of a hearing officer.

44 5. A licensed employee who is convicted of a crime which
45 requires registration pursuant to NRS ~~179D.010~~ 179D.450 to



1 179D.550, inclusive, *and sections 36 to 47, inclusive, of this act*, or
2 is convicted of an act forbidden by NRS 200.508, 201.190, 201.265,
3 201.540, 201.560 or 207.260 forfeits all rights of employment from
4 the date of his or her arrest.

5 6. A licensed employee who is convicted of any crime and who
6 is sentenced to and serves any sentence of imprisonment forfeits all
7 rights of employment from the date of his or her arrest or the date on
8 which his or her employment terminated, whichever is later.

9 7. A licensed employee who is charged with a felony or a
10 crime involving immorality or moral turpitude and who waives his
11 or her right to a speedy trial while suspended may receive no more
12 than 12 months of back pay and seniority upon reinstatement if the
13 employee is found not guilty or the charges are dismissed, unless
14 proceedings have been begun to dismiss the employee upon one of
15 the other grounds set forth in NRS 391.750.

16 8. A superintendent may discipline a licensed employee by
17 suspending the employee with loss of pay at any time after a hearing
18 has been held which affords the due process provided for in this
19 chapter. The grounds for suspension are the same as the grounds
20 contained in NRS 391.750. An employee may be suspended more
21 than once during the employee's contract year, but the total number
22 of days of suspension may not exceed 20 in 1 contract year. Unless
23 circumstances require otherwise, the suspensions must be
24 progressively longer.

25 **Sec. 103.** NRS 432B.393 is hereby amended to read as
26 follows:

27 432B.393 1. Except as otherwise provided in this section, an
28 agency which provides child welfare services shall make reasonable
29 efforts to preserve and reunify the family of a child:

30 (a) Before the placement of the child in foster care, to prevent or
31 eliminate the need to remove the child from the home; and

32 (b) To make it possible for the safe return of the child to the
33 home.

34 2. In determining the reasonable efforts required by subsection
35 1, the health and safety of the child must be the paramount concern.
36 The agency which provides child welfare services may make
37 reasonable efforts to place the child for adoption or with a legal
38 guardian concurrently with making the reasonable efforts required
39 pursuant to subsection 1. If the court determines that continuation of
40 the reasonable efforts required by subsection 1 is inconsistent with
41 the plan for the permanent placement of the child, the agency which
42 provides child welfare services shall make reasonable efforts to
43 place the child in a timely manner in accordance with that plan and
44 to complete whatever actions are necessary to finalize the permanent
45 placement of the child.



1 3. An agency which provides child welfare services is not
2 required to make the reasonable efforts required by subsection 1 if
3 the court finds that:

4 (a) A parent or other person responsible for the child's welfare
5 has:

6 (1) Committed, aided or abetted in the commission of, or
7 attempted, conspired or solicited to commit murder or voluntary
8 manslaughter;

9 (2) Caused the abuse or neglect of the child, or of another
10 child of the parent or other person responsible for the child's
11 welfare, which resulted in substantial bodily harm to the abused or
12 neglected child;

13 (3) Caused the abuse or neglect of the child, a sibling of the
14 child or another child in the household, and the abuse or neglect was
15 so extreme or repetitious as to indicate that any plan to return the
16 child to the home would result in an unacceptable risk to the health
17 or welfare of the child; or

18 (4) Abandoned the child for 60 or more days, and the identity
19 of the parent of the child is unknown and cannot be ascertained
20 through reasonable efforts;

21 (b) A parent of the child has, for the previous 6 months, had the
22 ability to contact or communicate with the child and made no more
23 than token efforts to do so;

24 (c) The parental rights of a parent to a sibling of the child have
25 been terminated by a court order upon any basis other than the
26 execution of a voluntary relinquishment of those rights by a natural
27 parent, and the court order is not currently being appealed;

28 (d) The child or a sibling of the child was previously removed
29 from the home, adjudicated to have been abused or neglected,
30 returned to the home and subsequently removed from the home as a
31 result of additional abuse or neglect;

32 (e) The child is less than 1 year of age, the father of the child is
33 not married to the mother of the child and the father of the child:

34 (1) Has failed within 60 days after learning of the birth of the
35 child, to visit the child, to commence proceedings to establish his
36 paternity of the child or to provide financial support for the child; or

37 (2) Is entitled to seek custody of the child but fails to do so
38 within 60 days after learning that the child was placed in foster care;

39 (f) The child was delivered to a provider of emergency services
40 pursuant to NRS 432B.630;

41 (g) The child, a sibling of the child or another child in the
42 household has been sexually abused or has been subjected to neglect
43 by pervasive instances of failure to protect the child from sexual
44 abuse; or



1 (h) A parent of the child is required to register as a sex offender
2 pursuant to the provisions of chapter 179D of NRS . ~~for the~~
3 ~~provisions of the federal Adam Walsh Child Protection and Safety~~
4 ~~Act of 2006, 42 U.S.C. §§ 16901 et seq.]~~

5 4. Except as otherwise provided in subsection 6, for the
6 purposes of this section, unless the context otherwise requires,
7 "reasonable efforts" have been made if an agency which provides
8 child welfare services to children with legal custody of a child has
9 exercised diligence and care in arranging appropriate, accessible and
10 available services that are designed to improve the ability of a
11 family to provide a safe and stable home for each child in the
12 family, with the health and safety of the child as its paramount
13 concerns. The exercise of such diligence and care includes, without
14 limitation, obtaining necessary and appropriate information
15 concerning the child for the purposes of NRS 127.152, 127.410 and
16 424.038.

17 5. In determining whether reasonable efforts have been made
18 pursuant to subsection 4, the court shall:

19 (a) Evaluate the evidence and make findings based on whether a
20 reasonable person would conclude that reasonable efforts were
21 made;

22 (b) Consider any input from the child;

23 (c) Consider the efforts made and the evidence presented since
24 the previous finding of the court concerning reasonable efforts;

25 (d) Consider the diligence and care that the agency is legally
26 authorized and able to exercise;

27 (e) Recognize and take into consideration the legal obligations
28 of the agency to comply with any applicable laws and regulations;

29 (f) Base its determination on the circumstances and facts
30 concerning the particular family or plan for the permanent
31 placement of the child at issue;

32 (g) Consider whether any of the efforts made were contrary to
33 the health and safety of the child;

34 (h) Consider the efforts made, if any, to prevent the need to
35 remove the child from the home and to finalize the plan for the
36 permanent placement of the child;

37 (i) Consider whether the provisions of subsection 6 are
38 applicable; and

39 (j) Consider any other matters the court deems relevant.

40 6. An agency which provides child welfare services may
41 satisfy the requirement of making reasonable efforts pursuant to this
42 section by taking no action concerning a child or making no effort to
43 provide services to a child if it is reasonable, under the
44 circumstances, to do so.



1 7. In determining whether reasonable efforts are not required
2 pursuant to subsection 3 or whether reasonable efforts have been
3 made pursuant to subsection 4, the court shall ensure that each
4 determination is:

- 5 (a) Made by the court on a case-by-case basis;
- 6 (b) Based upon specific evidence; and
- 7 (c) Expressly stated by the court in its order.

8 **Sec. 104.** NRS 458.300 is hereby amended to read as follows:

9 458.300 Subject to the provisions of NRS 458.290 to 458.350,
10 inclusive, an alcoholic or a drug addict who has been convicted of a
11 crime is eligible to elect to be assigned by the court to a program of
12 treatment for the abuse of alcohol or drugs pursuant to NRS 453.580
13 before he or she is sentenced unless:

14 1. The crime is:

15 (a) A crime against the person punishable as a felony or gross
16 misdemeanor as provided in chapter 200 of NRS;

17 (b) A crime against a child as defined in ~~NRS 179D.0357;~~
18 *section 26 of this act;*

19 (c) A sexual offense as defined in ~~NRS 179D.097;~~ *section 43*
20 *of this act;* or

21 (d) An act which constitutes domestic violence as set forth in
22 NRS 33.018;

23 2. The crime is that of trafficking of a controlled substance;

24 3. The crime is a violation of NRS 484C.110, 484C.120,
25 484C.130 or 484C.430;

26 4. The alcoholic or drug addict has a record of two or more
27 convictions of a crime described in subsection 1 or 2, a similar
28 crime in violation of the laws of another state, or of three or more
29 convictions of any felony;

30 5. Other criminal proceedings alleging commission of a felony
31 are pending against the alcoholic or drug addict;

32 6. The alcoholic or drug addict is on probation or parole and
33 the appropriate parole or probation authority does not consent to the
34 election; or

35 7. The alcoholic or drug addict elected and was admitted,
36 pursuant to NRS 458.290 to 458.350, inclusive, to a program of
37 treatment not more than twice within the preceding 5 years.

38 **Sec. 105.** NRS 458A.210 is hereby amended to read as
39 follows:

40 458A.210 Subject to the provisions of NRS 458A.200 to
41 458A.260, inclusive, a problem gambler who has been convicted of
42 a crime and who committed the crime in furtherance or as a result of
43 problem gambling is eligible to elect to be assigned by the court to a
44 program for the treatment of problem gambling before he or she is
45 sentenced unless:



- 1 1. The crime is:
 - 2 (a) A crime against the person punishable as a felony or gross
 - 3 misdemeanor as provided in chapter 200 of NRS;
 - 4 (b) A crime against a child as defined in ~~NRS 179D.0357;~~
 - 5 *section 26 of this act;*
 - 6 (c) A sexual offense as defined in ~~NRS 179D.097;~~ *section 43*
 - 7 *of this act;* or
 - 8 (d) An act which constitutes domestic violence as set forth in
 - 9 NRS 33.018;
 - 10 2. The problem gambler has a record of two or more
 - 11 convictions of a crime described in subsection 1 or a similar crime
 - 12 in violation of the laws of another state, or of three or more
 - 13 convictions of any felony;
 - 14 3. Other criminal proceedings alleging commission of a felony
 - 15 are pending against the problem gambler;
 - 16 4. The problem gambler is on probation or parole, except that
 - 17 the problem gambler is eligible to make the election if the
 - 18 appropriate probation or parole authority consents to the election or
 - 19 the court finds that the problem gambler is eligible to make the
 - 20 election after considering any objections made by the appropriate
 - 21 probation or parole authority; or
 - 22 5. The problem gambler has previously been assigned by a
 - 23 court to a program for the treatment of problem gambling, except
 - 24 that the problem gambler is eligible to make the election if the court,
 - 25 in its discretion, finds that the problem gambler is eligible to make
 - 26 such an election.
- 27 **Sec. 106.** NRS 483.283 is hereby amended to read as follows:
- 28 483.283 1. The Department shall not issue a driver's license
- 29 to an offender or renew the driver's license of an offender until the
- 30 Department has received information submitted by the Central
- 31 Repository pursuant to NRS 179D.570 or other satisfactory
- 32 evidence indicating that the offender is in compliance with the
- 33 provisions of chapter 179D of NRS.
- 34 2. If an offender is not in compliance with the provisions of
- 35 chapter 179D of NRS, the Department:
- 36 (a) Shall not issue a driver's license to the offender or renew the
- 37 driver's license of the offender; and
- 38 (b) Shall advise the offender to contact the Central Repository to
- 39 determine the actions that the offender must take to be in
- 40 compliance with the provisions of chapter 179D of NRS.
- 41 3. A driver's license issued to an offender expires on the first
- 42 anniversary date of the offender's birthday, measured in the case of
- 43 an original license, or a renewal license and a renewal of an expired
- 44 license, from the birthday nearest the date of issuance or renewal.



1 4. The Department may adopt regulations to carry out the
2 provisions of this section.

3 5. As used in this section:

4 (a) "Central Repository" means the Central Repository for
5 Nevada Records of Criminal History.

6 (b) "Offender" includes an "offender convicted of a crime
7 against a child" as defined in ~~NRS 179D.0559~~ *section 28 of this*
8 *act* and a "sex offender" as defined in ~~NRS 179D.095~~ *section 42*
9 *of this act.*

10 **Sec. 107.** NRS 483.861 is hereby amended to read as follows:

11 483.861 1. The Department shall not issue an identification
12 card to an offender or renew the identification card of an offender
13 until the Department has received information submitted by the
14 Central Repository pursuant to NRS 179D.570 or other satisfactory
15 evidence indicating that the offender is in compliance with the
16 provisions of chapter 179D of NRS.

17 2. If an offender is not in compliance with the provisions of
18 chapter 179D of NRS, the Department:

19 (a) Shall not issue an identification card to the offender or renew
20 the identification card of the offender; and

21 (b) Shall advise the offender to contact the Central Repository to
22 determine the actions that the offender must take to be in
23 compliance with the provisions of chapter 179D of NRS.

24 3. An identification card issued to an offender expires on the
25 first anniversary date of the offender's birthday, measured in the
26 case of an original identification card, a renewal identification card
27 and a renewal of an expired identification card, from the birthday
28 nearest the date of issuance or renewal.

29 4. The Department may adopt regulations to carry out the
30 provisions of this section.

31 5. As used in this section:

32 (a) "Central Repository" means the Central Repository for
33 Nevada Records of Criminal History.

34 (b) "Offender" includes, without limitation, an "offender
35 convicted of a crime against a child" as defined in ~~NRS~~
36 ~~179D.0559~~ *section 28 of this act* and a "sex offender" as defined in
37 ~~NRS 179D.095~~ *section 42 of this act.*

38 **Sec. 108.** NRS 483.929 is hereby amended to read as follows:

39 483.929 1. The Department shall not issue a commercial
40 driver's license to an offender or renew the commercial driver's
41 license of an offender until the Department has received information
42 submitted by the Central Repository pursuant to NRS 179D.570 or
43 other satisfactory evidence indicating that the offender is in
44 compliance with the provisions of chapter 179D of NRS.



1 2. If an offender is not in compliance with the provisions of
2 chapter 179D of NRS, the Department:

3 (a) Shall not issue a commercial driver's license to the offender
4 or renew the commercial driver's license of the offender; and

5 (b) Shall advise the offender to contact the Central Repository to
6 determine the actions that the offender must take to be in
7 compliance with the provisions of chapter 179D of NRS.

8 3. A commercial driver's license issued to an offender expires
9 on the first anniversary date of the offender's birthday, measured in
10 the case of an original license, a renewal license and a renewal of an
11 expired license, from the birthday nearest the date of issuance or
12 renewal.

13 4. The Department may adopt regulations to carry out the
14 provisions of this section.

15 5. As used in this section:

16 (a) "Central Repository" means the Central Repository for
17 Nevada Records of Criminal History.

18 (b) "Offender" includes, without limitation, an "offender
19 convicted of a crime against a child" as defined in ~~NRS~~
20 ~~179D.0559~~ *section 28 of this act* and a "sex offender" as defined in
21 ~~NRS 179D.095~~ *section 42 of this act*.

22 **Sec. 109.** NRS 62F.200, 62F.220, 62F.260, 179D.0357,
23 179D.0557, 179D.0559, 179D.075, 179D.095, 179D.097,
24 179D.113, 179D.115, 179D.117, 179D.441, 179D.443, 179D.445,
25 179D.475 and 179D.495 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

62F.200 "Sexual offense" defined.

**62F.220 Certain duties of juvenile court with respect to
juvenile sex offenders; jurisdiction of juvenile court not
terminated until child no longer subject to registration and
community notification.**

**62F.260 Records not sealed during period of registration
and community notification.**

179D.0357 "Crime against a child" defined.

**179D.0557 "Nonresident offender or sex offender who is a
student or worker within this State" and "nonresident offender
or sex offender" defined.**

**179D.0559 "Offender convicted of a crime against a child"
and "offender" defined.**

179D.075 "Registration" defined.



- 179D.095 “Sex offender” defined.
- 179D.097 “Sexual offense” defined.
- 179D.113 “Tier I offender” defined.
- 179D.115 “Tier II offender” defined.
- 179D.117 “Tier III offender” defined.
- 179D.441 Duty to register and to keep registration current.
- 179D.443 Information required for registration; provision of biological specimen; duties of local law enforcement agency.
- 179D.445 Initial registration with local law enforcement agency of jurisdiction in which convicted.
- 179D.475 Community notification.
- 179D.495 Duty of Central Repository to determine whether person is required to register as a Tier I, Tier II or Tier III offender.



