

ASSEMBLY BILL NO. 511—ASSEMBLYMEN OHRENSCHALL, CARPENTER,
BUCKLEY, ANDERSON, MANENDO, NOLAN, CLABORN, MCCLAIN, KOIVISTO,
WILLIAMS, PRICE, GIBBONS, NEIGHBORS, PARKS, GIUNCHIGLIANI, BEERS,
LEE, BERMAN, ARBERRY AND BACHE

MARCH 12, 1999

JOINT SPONSORS: SENATORS SHAFFER AND CARE

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing supervision of juvenile sex offenders. (BDR 5-836)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 juvenile courts; revising the provisions governing the supervision of certain juvenile sex offenders who are subject to certain notification requirements; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 62 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2.** *“Parole officer” means the chief of the youth parole bureau*
4 *of the division of child and family services of the department of human*
5 *resources or his designee.*
- 6 **Sec. 3.** *“Parole officer” means the chief of the youth parole bureau*
7 *of the division of child and family services of the department of human*
8 *resources or his designee.*
- 9 **Sec. 4.** NRS 62.405 is hereby amended to read as follows:
10 62.405 As used in NRS 62.405 to 62.485, inclusive, *and section 2 of*
11 *this act*, unless the context otherwise requires, the words and terms defined
12 in NRS 62.415 to 62.445, inclusive, *and section 2 of this act* have the
13 meanings ascribed to them in those sections.

1 **Sec. 5.** NRS 62.455 is hereby amended to read as follows:

2 62.455 1. In addition to the options set forth in NRS 62.211 and
3 62.213 and in addition to any other requirements set forth in this chapter, if
4 a child is adjudicated delinquent for an act that, if committed by an adult,
5 would be a sexual offense, the court shall:

6 (a) ~~{Place}~~ *If the child is committed to the custody of the division of*
7 *child and family services of the department of human resources pursuant*
8 *to NRS 62.213, place the child under the supervision of a parole officer,*
9 *for the purposes of NRS 62.405 to 62.485, inclusive, until the child is no*
10 *longer attending a public school or private school within this state.*

11 (b) *If the child is not committed to the custody of the division of child*
12 *and family services of the department of human resources pursuant to*
13 *NRS 62.213, place* the child under the supervision of a probation officer ,
14 *for the purposes of NRS 62.405 to 62.485, inclusive,* until the child is no
15 longer attending a public school or private school within this state.

16 ~~{(b)}~~ (c) Except as otherwise provided in NRS 62.475 and 62.485,
17 prohibit the child from attending a public school or private school that a
18 victim of the sexual offense is attending.

19 ~~{(c)}~~ (d) Order the parents or guardians of the child to inform the
20 probation officer *or parole officer* assigned to the child each time the child
21 expects to change the public school or private school that he is attending,
22 not later than 20 days before the expected date of the change.

23 ~~{(d)}~~ (e) Order the parents or guardians of the child, to the extent of
24 their financial ability, to reimburse all or part of the additional costs of
25 transporting the child, if such costs are incurred by a county school district
26 pursuant to NRS 392.251 to 392.271, inclusive.

27 ~~{(e)}~~ (f) Inform the parents or guardians of the child of the requirements
28 of NRS 62.405 to 62.485, inclusive, 392.251 to 392.271, inclusive, and
29 394.162 to 394.167, inclusive.

30 2. The court may authorize a superintendent or the executive head of a
31 private school who receives notification from a probation officer *or parole*
32 *officer* pursuant to NRS 62.465 to inform other appropriate educational
33 personnel that the child has been adjudicated delinquent for a sexual
34 offense.

35 3. The court may not terminate its jurisdiction concerning the child for
36 the purposes of carrying out the provisions of NRS 62.405 to 62.485,
37 inclusive, until the child is no longer attending a public school or private
38 school within this state.

39 **Sec. 6.** NRS 62.465 is hereby amended to read as follows:

40 62.465 1. If a child has been adjudicated delinquent for a sexual
41 offense, the probation officer *or parole officer* assigned to the child shall
42 provide notification that the child has been adjudicated delinquent for a
43 sexual offense

to:

1 (a) The superintendent of the county school district in which the child
2 resides; or

3 (b) If the child is attending a private school within this state, the
4 executive head of the private school.

5 2. If the probation officer *or parole officer* assigned to the child is
6 informed by the parents or guardians of the child that the child expects to
7 change the public school or private school he is attending or if the
8 probation officer *or parole officer* otherwise becomes aware of such a
9 change, the probation officer *or parole officer* shall provide notification
10 that the child has been adjudicated delinquent for a sexual offense to:

11 (a) The superintendent of the county school district in which the child is
12 or will be residing; or

13 (b) If the child is or will be attending a private school within this state,
14 the executive head of the private school.

15 3. Notification provided pursuant to this section must include the name
16 of each victim of a sexual offense committed by the child if the victim is
17 attending a public school or private school within this state.

18 **Sec. 7.** NRS 62.475 is hereby amended to read as follows:

19 62.475 1. The court may permit a child who has been adjudicated
20 delinquent for a sexual offense to attend a public school or private school
21 that a victim of the sexual offense is attending if, upon the request of the
22 child, the superintendent or the executive head of the private school:

23 (a) The court develops and approves an alternative plan of supervision
24 for the child that protects the safety and the interests of the victim;

25 (b) The victim and the parents or guardians of the victim consent, in
26 writing, to the plan;

27 (c) The superintendent or the executive head of the private school
28 consents, in writing, to the plan; and

29 (d) The child and the parents or guardians of the child agree, in writing,
30 to comply with the conditions of the plan.

31 2. As part of an alternative plan of supervision, the court shall impose
32 reasonable conditions on the child and, if necessary to facilitate the
33 alternative plan, on the parents or guardians of the child. The conditions
34 must be designed to protect the safety and the interests of the victim and to
35 ensure that the child complies with the plan.

36 3. Upon its own motion or upon a request from the prosecuting
37 attorney, the victim, the parents or guardians of the victim or the probation
38 officer *or parole officer* assigned to the child, the court may modify or
39 rescind the alternative plan of supervision or a condition of the alternative
40 plan after providing notice and an opportunity to be heard to the child, the
41 parents or guardians of the child, the prosecuting attorney and the parties
42 who consented to the alternative plan. If a proposed modification is
43 reasonably likely to increase contact between the victim and the child, the

1 court may not make the modification without the written consent of the
2 victim and the parents or guardians of the victim. If the court rescinds the
3 alternative plan of supervision, the child is subject to the provisions of
4 NRS 62.405 to 62.485, inclusive, as if the alternative plan had not existed.

5 4. Before the court accepts the written consent of the victim and the
6 parents or guardians of the victim pursuant to this section, the court shall
7 inform them of their right to withhold consent and, except as otherwise
8 provided in NRS 62.485, their right to have the child not attend the public
9 school or private school the victim is attending.

10 **Sec. 8.** NRS 62.500 is hereby amended to read as follows:

11 62.500 As used in NRS 62.500 to 62.600, inclusive, *and section 3 of*
12 *this act*, unless the context otherwise requires, the words and terms defined
13 in NRS 62.510 to 62.550, inclusive, *and section 3 of this act* have the
14 meanings ascribed to them in those sections.

15 **Sec. 9.** NRS 62.570 is hereby amended to read as follows:

16 62.570 1. In addition to the options set forth in NRS 62.211 and
17 62.213 and in addition to any other requirements set forth in this chapter, if
18 a child is adjudicated delinquent for an act that, if committed by an adult,
19 would be a sexual offense, the court shall:

20 (a) Notify the attorney general of the adjudication, so the attorney
21 general may arrange for the assessment of the risk of recidivism of the
22 child pursuant to the guidelines and procedures for community
23 notification;

24 (b) ~~Place~~ *If the child is committed to the custody of the division of*
25 *child and family services of the department of human resources pursuant*
26 *to NRS 62.213, place the child under the supervision of a parole officer,*
27 *for the purposes of NRS 62.500 to 62.600, inclusive, until the child*
28 *reaches 21 years of age or is no longer subject to community notification*
29 *as a juvenile sex offender pursuant to NRS 62.500 to 62.600, inclusive;*

30 (c) *If the child is not committed to the custody of the division of child*
31 *and family services of the department of human resources pursuant to*
32 *NRS 62.213, place* the child under the supervision of a probation officer ,
33 *for the purposes of NRS 62.500 to 62.600, inclusive,* until the child
34 reaches 21 years of age or is no longer subject to community notification
35 as a juvenile sex offender pursuant to NRS 62.500 to 62.600, inclusive;

36 ~~(c)~~ (d) Inform the child and the parents or guardians of the child that
37 the child is subject to community notification as a juvenile sex offender
38 and may be subject to registration and community notification as an adult
39 sex offender pursuant to NRS 62.590; and

40 ~~(d)~~ (e) Order the child, and the parents or guardians of the child
41 during the minority of the child, to inform the probation officer *or parole*
42 *officer* assigned to the child of a change of the address at which the child
43 resides not later than 48 hours after the change of address.

1 2. The court may not terminate its jurisdiction concerning the child for
2 the purposes of carrying out the provisions of NRS 62.500 to 62.600,
3 inclusive, until the child reaches 21 years of age or is no longer subject to
4 community notification as a juvenile sex offender pursuant to NRS 62.500
5 to 62.600, inclusive.

6 **Sec. 10.** NRS 62.580 is hereby amended to read as follows:

7 62.580 1. If a child has been adjudicated delinquent for a sexual
8 offense, the probation officer *or parole officer* assigned to the child shall
9 notify the local law enforcement agency in whose jurisdiction the child
10 resides that the child:

11 (a) Has been adjudicated delinquent for a sexual offense; and

12 (b) Is subject to community notification as a juvenile sex offender.

13 2. If the probation officer *or parole officer* assigned to the child is
14 informed by the child or the parents or guardians of the child that the child
15 has changed the address at which he resides, the probation officer *or*
16 *parole officer* shall notify:

17 (a) The local law enforcement agency in whose jurisdiction the child
18 last resided that the child has moved; and

19 (b) The local law enforcement agency in whose jurisdiction the child is
20 now residing that the child:

21 (1) Has been adjudicated delinquent for a sexual offense; and

22 (2) Is subject to community notification as a juvenile sex offender.

23 **Sec. 11.** NRS 179D.800 is hereby amended to read as follows:

24 179D.800 1. The attorney general shall establish guidelines and
25 procedures for community notification concerning juvenile sex offenders
26 who are subject to the provisions of NRS 62.500 to 62.600, inclusive. The
27 guidelines and procedures for community notification concerning juvenile
28 sex offenders must be, to the extent practicable, consistent with the
29 guidelines and procedures for community notification concerning adult sex
30 offenders established by the attorney general pursuant to NRS 179D.600 to
31 179D.800, inclusive.

32 2. Upon receiving notification from a probation officer *or parole*
33 *officer* assigned to *supervise* a juvenile sex offender pursuant to NRS
34 62.500 to 62.600, inclusive, the local law enforcement agency receiving
35 the notification shall disclose information regarding the juvenile sex
36 offender to the appropriate persons pursuant to the guidelines and
37 procedures established by the attorney general pursuant to NRS 179D.600
38 to 179D.800, inclusive.

39 3. Each person who is conducting an assessment of the risk of
40 recidivism of a juvenile sex offender must be given access to all records of
41 the juvenile sex offender that are necessary to conduct the assessment,
42 including, but not limited to, records compiled pursuant to chapter 62 of
43 NRS, and the juvenile sex offender shall be deemed to have waived all

1 rights of confidentiality and all privileges relating to those records for the
2 limited purpose of the assessment.

3 **Sec. 12.** NRS 210.290 is hereby amended to read as follows:

4 210.290 Inmates may be discharged from the school upon reaching the
5 age of 18 years and ~~{shall}~~ **must** be discharged upon reaching the age of 20
6 years ~~{,}~~ **, except that an inmate who is discharged remains subject to the**
7 **supervision of the chief of the youth parole bureau for the purposes of**
8 **NRS 62.405 to 62.485, inclusive, or 62.500 to 62.600, inclusive, if**
9 **applicable.**

10 **Sec. 13.** NRS 210.715 is hereby amended to read as follows:

11 210.715 Inmates may be discharged from the school upon reaching the
12 age of 18 years and ~~{shall}~~ **must** be discharged upon reaching the age of 20
13 years ~~{,}~~ **, except that an inmate who is discharged remains subject to the**
14 **supervision of the chief of the youth parole bureau for the purposes of**
15 **NRS 62.405 to 62.485, inclusive, or 62.500 to 62.600, inclusive, if**
16 **applicable.**

17 **Sec. 14.** NRS 210.740 is hereby amended to read as follows:

18 210.740 The chief of the youth parole bureau shall:

19 1. Supervise all persons released on parole from the Nevada youth
20 training center and the Caliente youth center, and all persons released by
21 other states for juvenile parole in Nevada pursuant to interstate compact.

22 2. Furnish to each person so paroled a written statement of the
23 conditions of the parole and instructions regarding those conditions.

24 3. **Supervise each person assigned to him pursuant to NRS 62.455 or**
25 **62.570.**

26 4. Keep himself informed concerning the conduct and condition of all
27 persons under his supervision.

28 ~~{4.}~~ 5. Coordinate his functions with those of the superintendents of
29 the Nevada youth training center and the Caliente youth center.

30 **Sec. 15.** NRS 210.750 is hereby amended to read as follows:

31 210.750 1. Each person who is paroled from the Nevada youth
32 training center or the Caliente youth center must be placed in a reputable
33 home and in either an educational or work program or both. The chief of
34 the youth parole bureau may pay the expenses incurred in providing
35 alternative placements for residential programs and for structured
36 nonresidential programs from money appropriated to the bureau for that
37 purpose.

38 2. The chief may accept money of parolees for safekeeping pending
39 their discharges from parole. The chief must deposit the money in federally
40 insured accounts in banks or savings and loan associations. He shall keep
41 or cause to be kept a fair and full account of the money, and shall submit
42 such reports concerning the accounts to the administrator of the division of

1 child and family services of the department of human resources as the
2 administrator may require.

3 3. When any person so paroled has proven his ability to make an
4 acceptable adjustment outside the center or, in the opinion of the chief, is
5 no longer amenable to treatment as a juvenile, the chief shall apply to the
6 committing court for a dismissal of all proceedings and accusations
7 pending against the person ~~H~~, *except that the person remains subject to*
8 *the supervision of the chief for the purposes of NRS 62.405 to 62.485,*
9 *inclusive, or 62.500 to 62.600, inclusive, if applicable.*

10 4. Before the chief recommends that the committing court revoke a
11 person's parole, he shall ascertain from the superintendent of the
12 appropriate center whether adequate facilities remain available at the
13 center to provide the necessary care for the person. If the superintendent
14 advises that there are not such facilities available, that there is not enough
15 money available for support of the person at the center or that the person is
16 not suitable for admission to the center, the chief shall report that fact to
17 the administrator of the division of child and family services, who shall
18 recommend a suitable alternative to the court.

19 **Sec. 16.** NRS 392.254 is hereby amended to read as follows:

20 392.254 "Notification" means a notification which indicates that a
21 child has been adjudicated delinquent for a sexual offense and which is
22 provided by a probation officer *or parole officer* pursuant to NRS 62.465.

23 **Sec. 17.** NRS 394.163 is hereby amended to read as follows:

24 394.163 "Notification" means a notification which indicates that a
25 child has been adjudicated delinquent for a sexual offense and which is
26 provided by a probation officer *or parole officer* pursuant to NRS 62.465.