

Senate Bill No. 515—Committee on Judiciary

CHAPTER.....

AN ACT relating to public safety; revising the provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child; revising the provisions governing the statewide registry of sex offenders and offenders convicted of a crime against a child; revising the provisions governing psychosexual evaluations of certain sex offenders; and providing other matters properly relating thereto.

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

Section 1. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, before imposing sentence:

(a) Notify the division of the conviction of the defendant, so the division and the central repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.230.

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

(1) The duty to register in this state ~~and, if~~ *during any period in which he is a resident of this state or a nonresident who is a student or worker within this state and the time within which he is required to register pursuant to NRS 179D.240;*

(2) *The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;*

(3) *If he moves from this state to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction* ~~if the other jurisdiction requires registration; and~~
~~—(2); and~~

(4) The duty to notify the division, in writing, if he changes the address at which he resides, including if he moves from this state to another jurisdiction ~~and~~, *or changes the primary address at which he is a student or worker.*

(c) Require the defendant to read and sign a form confirming that the requirements for registration have been explained to him.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) *of subsection 1* does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS 179D.200 to 179D.290, inclusive.

~~[2.—If the crime against a child is an offense for which the suspension of sentence or the granting of probation is permitted, the court may not enter an order granting probation or suspending the sentence until the division has established a record of registration for the defendant and has provided a~~

~~copy of the record of registration to the central repository pursuant to NRS 179D.230.]~~

Sec. 2. NRS 176.0927 is hereby amended to read as follows:

176.0927 1. If a defendant is convicted of a sexual offense, the court shall, before imposing sentence:

(a) Notify the division of the conviction of the defendant, so the division and the central repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450.

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

(1) The duty to register in this state ~~[and, if]~~ *during any period in which he is a resident of this state or a nonresident who is a student or worker within this state and the time within which he is required to register pursuant to NRS 179D.460;*

(2) *The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;*

(3) *If he moves from this state to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction* ~~[if the other jurisdiction requires registration; and —(2)] ; and~~

(4) *The duty to notify the division, in writing, if he changes the address at which he resides, including if he moves from this state to another jurisdiction* ~~[;]~~ *, or changes the primary address at which he is a student or worker.*

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

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) *of subsection 1* does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS 179D.350 to 179D.550, inclusive.

~~[2.—If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, the court may not enter an order granting probation or suspending the sentence until the division has established a record of registration for the defendant and has provided a copy of the record of registration to the central repository pursuant to NRS 179D.450.]~~

Sec. 3. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section, the division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to or is found guilty of a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report ~~[must]~~ :

(a) **Must** be made before the imposition of sentence or the granting of probation ; and

(b) **If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted**, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to or are found guilty of gross misdemeanors.

Sec. 4. NRS 176.139 is hereby amended to read as follows:

176.139 1. If a defendant is convicted of a sexual offense ~~§~~ **for which the suspension of sentence or the granting of probation is permitted**, the division shall arrange for a psychosexual evaluation of the defendant as part of the division's presentence investigation and report to the court.

2. The psychosexual evaluation of the defendant must be conducted by a person professionally qualified to conduct psychosexual evaluations.

3. The person who conducts the psychosexual evaluation of the defendant must use diagnostic tools that are generally accepted as being within the standard of care for the evaluation of sex offenders, and the psychosexual evaluation of the defendant must include:

(a) A comprehensive clinical interview with the defendant; **and**

(b) A review of all investigative reports relating to the defendant's sexual offense and all statements made by victims of that offense . ~~§~~

~~—(c) A review of records relating to previous criminal offenses committed by the defendant; and~~

~~—(d) A review of records relating to previous evaluations and treatment of the defendant.]~~

4. The psychosexual evaluation of the defendant may include:

(a) **A review of records relating to previous criminal offenses committed by the defendant;**

(b) A review of records relating to previous evaluations and treatment of the defendant;

(c) A review of the defendant's records from school;

~~§(b)~~ **(d)** Interviews with the defendant's parents, the defendant's spouse or other persons who may be significantly involved with the defendant or who may have relevant information relating to the defendant's background; and

~~(c)~~ (e) The use of psychological testing, polygraphic examinations and arousal assessment.

5. The person who conducts the psychosexual evaluation of the defendant must be given access to all records of the defendant that are necessary to conduct the evaluation, and the defendant shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.

6. The person who conducts the psychosexual evaluation of the defendant shall prepare a comprehensive written report of the results of the evaluation and shall provide a copy of that report to the division.

7. If a psychosexual evaluation is conducted pursuant to this section, the court shall:

(a) Order the defendant, to the extent of his financial ability, to pay for the cost of the psychosexual evaluation; or

(b) If the defendant was less than 18 years of age when the sexual offense was committed and the defendant was certified and convicted as an adult, order the parents or guardians of the defendant, to the extent of their financial ability, to pay for the cost of the psychosexual evaluation. For the purposes of this paragraph, the court has jurisdiction over the parents or guardians of the defendant to the extent that is necessary to carry out the provisions of this paragraph.

Sec. 5. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of the presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Such information about his characteristics, his financial condition, the circumstances affecting his behavior and the circumstances of the offense, as may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the crime committed by the defendant has had upon the victim, including, but not limited to, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this ~~subsection~~ **paragraph** do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or **the** division and the extent of the information to be included in the report is solely at the discretion of the division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether he is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS that relate to the defendant and are made available pursuant to NRS 432B.290;

(f) The results of the evaluation of the defendant conducted pursuant to NRS 484.3796, if **such** an evaluation is required pursuant to that section;

(g) A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;

(h) A recommendation, if the division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;

(i) A written report of the results of a psychosexual evaluation of the defendant, if ~~{the defendant is convicted of a sexual offense;}~~ ***such an evaluation is required pursuant to NRS 176.139;*** and

(j) Such other information as may be required by the court.

2. The division may include in the report such additional information as it believes will be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 6. Chapter 179B of NRS is hereby amended by adding thereto the provisions set forth as sections 6.3 and 6.6 of this act.

Sec. 6.3. ***“Convicted” has the meaning ascribed to it in section 10.5 of this act.***

Sec. 6.6. ***“Offender convicted of a crime against a child” has the meaning ascribed to it in section 17 of this act.***

Sec. 7. NRS 179B.010 is hereby amended to read as follows:

179B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179B.020 to 179B.140, inclusive, ***and sections 6.3 and 6.6 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 179B.200 is hereby amended to read as follows:

179B.200 1. The director shall establish within the central repository a statewide registry of sex offenders and offenders convicted of a crime against a child that consists of the record of registration for each such offender and all other information concerning each such offender that is obtained pursuant to law.

2. ~~{On or before January 1, 1998, the}~~ ***The*** statewide registry must be organized so that a law enforcement officer may search the records of registration in the registry by entering certain search information, including, but not limited to:

(a) A name, alias, physical description or address of an offender.

(b) A geographic location where an offense was committed.

(c) The age, gender, race or general physical description of a victim.

(d) The method of operation used by an offender, including, but not limited to:

(1) The specific sexual acts committed against a victim;

(2) The method of obtaining access to a victim, such as the use of enticements, threats, forced entry or violence against a victim;

(3) The type of injuries inflicted on a victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; an

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(6) Any other distinctive characteristic of the behavior or personality of an offender.

3. Except as otherwise provided in this subsection or by specific statute, information in the statewide registry may be accessed only by a law enforcement officer in the regular course of his duties and officers and employees of the central repository. The director may permit the following persons to have access to information in the statewide registry:

(a) Except as otherwise provided in chapter 179A of NRS or by specific statute, an officer or employee of a governmental agency that is investigating the background of a person for the purposes of employment.

(b) Any other person for the limited purposes of research or statistical analysis.

4. Information contained in the statewide registry, including, but not limited to, the record of registration of an offender, shall be deemed a record of criminal history only for the purposes of those provisions of chapter 179A of NRS that are consistent with the provisions of this chapter.

Sec. 9. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. ~~{On or before January 1, 1998, the}~~ *The* department shall, in a manner prescribed by the director, establish within the central repository a program to provide the public with access to certain information contained in the statewide registry. *The program may include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed in accordance with the procedures set forth in this section.*

2. Before a search of the statewide registry is conducted on behalf of a requester seeking information from the program, the requester must provide his name, address and telephone number and the following information concerning the identity of the subject of the search:

(a) The name of the subject of the search and at least one of the following items:

- (1) The social security number of the subject of the search;
- (2) The identification number from a driver's license or an identification card issued to the subject of the search by this state; or
- (3) The date of birth of the subject of the search; or

(b) The name and address of the subject of the search and all of the following items:

- (1) The race or ethnicity of the subject of the search;
 - (2) The hair color and eye color of the subject of the search;
 - (3) The approximate height and weight of the subject of the search;
- and

(4) The approximate age of the subject of the search.

After conducting a search based upon information provided pursuant to paragraph (a) or (b), the central repository may require the requester to provide additional information to confirm the identity of the subject of the

search. The additional information may include, but is not limited to, the license number from a motor vehicle frequently driven by the subject of the search, the employer of the subject of the search or any information listed in paragraph (a) or (b) that was not provided for the initial search.

3. After conducting a search of the statewide registry on behalf of a requester, the central repository shall inform the requester that:

(a) No person listed in the statewide registry matches the information provided by the requester concerning the identity of the subject of the search;

(b) The requester needs to provide additional information concerning the identity of the subject of the search before the central repository may disclose the results of the search; or

(c) A person listed in the statewide registry matches the information provided by the requester concerning the identity of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the central repository ~~{shall}~~ :

(1) Shall inform the requester of each offense for which the subject of the search was convicted and the date and location of each conviction. ~~{The central repository shall}~~

(2) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the subject of the search if such an image is available.

(3) Shall not provide the requester with any other information that is included in the record of registration for the subject of the search.

4. For each inquiry to the program, the central repository shall:

(a) Charge a fee to the requester;

(b) Maintain a log of the information provided by the requester to the central repository and the information provided by the central repository to the requester; and

(c) Inform the requester that information obtained through the program may not be used to violate the law or the individual rights of another person and that such misuse of information obtained through the program may subject the requester to criminal prosecution or civil liability for damages.

5. A person may not use information obtained through the program as a substitute for information relating to sexual offenses that must be provided by the central repository pursuant to NRS 179A.190 to 179A.240, inclusive, or another provision of law.

Sec. 10. Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 10.5 to 19, inclusive, of this act.

Sec. 10.5. *“Convicted” includes, but is not limited to, an adjudication of delinquency or a finding of guilt by a court having jurisdiction over juveniles if the adjudication of delinquency or the finding of guilt is for the commission of any of the following offenses:*

1. A crime against a child that is listed in subsection 6 of NRS 179D.210.

2. A sexual offense that is listed in subsection 19 of NRS 179D.410.
3. A sexual offense that is listed in paragraph (b) of subsection 3 of NRS 62.600.

Sec. 11. “Nonconsensual” means against the victim’s will or under conditions in which a person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of the person’s conduct.

Sec. 12. “Primary address” means the address at which:

1. A student primarily attends any course of academic or vocational instruction within this state.
2. A worker primarily engages in any type of occupation, employment, work or volunteer service within this state.

Sec. 13. “Sexual penetration” means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of the victim. The term includes, but is not limited to, anal intercourse and sexual intercourse in what would be its ordinary meaning.

Sec. 14. “Student” means a person who is enrolled in and attends, on a full-time or part-time basis within this state, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:

1. A university, college or community college which is privately owned or which is part of the University and Community College System of Nevada.
2. A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.
3. A trade school or vocational school.
4. A public school, as defined in NRS 385.007, or a private school, as defined in NRS 394.103.

Sec. 15. 1. “Worker” means a person who engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work or volunteer service on a full-time or part-time basis within this state for:

- (a) Any period exceeding 14 days; or
 - (b) More than 30 days, in the aggregate, during any calendar year,
- whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation or for the purposes of a governmental or educational benefit.

2. The term includes, but is not limited to:

- (a) A person who is self-employed.
 - (b) An employee or independent contractor.
 - (c) A paid or unpaid intern, extern, aide, assistant or volunteer
- .

Sec. 16. *“Nonresident offender who is a student or worker within this state” and “nonresident offender” mean an offender convicted of a crime against a child who is a student or worker within this state but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.240.*

Sec. 17. 1. *“Offender convicted of a crime against a child” and “offender” mean a person who, after July 1, 1956, is or has been:*

(a) Convicted of a crime against a child that is listed in NRS 179D.210; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a crime against a child that is listed in subsection 6 of NRS 179D.210.

2. *The term includes, but is not limited to, a nonresident offender who is a student or worker within this state.*

Sec. 18. *“Nonresident sex offender who is a student or worker within this state” and “nonresident sex offender” mean a sex offender who is a student or worker within this state but who is not otherwise deemed a resident sex offender pursuant to subsection 2 or 3 of NRS 179D.460.*

Sec. 19. *“Nonresident sex offender who is a student or worker within this state” and “nonresident sex offender” mean a sex offender who is a student or worker within this state but who is not otherwise deemed a resident sex offender pursuant to subsection 2 or 3 of NRS 179D.460.*

Sec. 20. NRS 179D.010 is hereby amended to read as follows:

179D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179D.020 to 179D.090, inclusive, *and sections 10.5 to 15, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 21. NRS 179D.150 is hereby amended to read as follows:

179D.150 Except as otherwise provided in NRS 179D.530, a record of registration must include, if the information is available:

1. Information identifying the offender, including, but not limited to:

(a) The name of the offender and all aliases that he has used or under which he has been known;

(b) A complete physical description of the offender, a current photograph of the offender and the fingerprints of the offender;

(c) The date of birth and the social security number of the offender;

(d) The identification number from a driver’s license or an identification card issued to the offender by this state or any other jurisdiction; and

(e) Any other information that identifies the offender.

2. Information concerning the residence of the offender, including, but not limited to:

(a) The address at which the offender resides;

(b) The length of time he has resided at that address and the length of time he expects to reside at that address;

(c) The address or location of any other place where he expects to reside in the future and the length of time he expects to reside there; and

(d) The length of time he expects to remain in the county where he resides and in this state.

3. Information concerning *the offender's occupations*, employment *or work* or expected *occupations*, employment ~~{of the offender,}~~ *or work*, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender.

4. *Information concerning the offender's volunteer service or expected volunteer service in connection with any activity or organization within this state, including, but not limited to, the name, address and type of each such activity or organization.*

5. *Information concerning the offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this state, including, but not limited to, the name, address and type of each such educational institution or school.*

6. The license number and a description of all motor vehicles registered to or frequently driven by the offender.

~~{5.}~~ 7. The level of community notification assigned to the offender.

~~{6.}~~ 8. The following information for each offense for which the offender has been convicted:

(a) The court in which he was convicted;

(b) The name under which he was convicted;

(c) The name and location of each ~~{hospital or}~~ penal institution , *school, hospital, mental facility or other institution* to which he was committed;

(d) The specific location where the offense was committed;

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

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

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender.

Sec. 22. NRS 179D.200 is hereby amended to read as follows:

179D.200 As used in NRS 179D.200 to 179D.290, inclusive, *and sections 16 and 17 of this act*, unless the context otherwise requires, the words and terms defined in NRS 179D.210 and 179.220 *and sections 16 and 17 of this act* have the meanings ascribed to them in those sections.

Sec. 22.5. NRS 179D.210 is hereby amended to read as follows:

179D.210 “Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnaping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent of the victim.
2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent of the victim.
3. An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.
4. An attempt to commit an offense listed in this section.
5. An offense committed in another jurisdiction that, if committed in this state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:
 - (a) A tribal court.
 - (b) A court of the United States or the Armed Forces of the United States.
6. *An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:*
 - (a) A tribal court.*
 - (b) A court of the United States or the Armed Forces of the United States.*
 - (c) A court having jurisdiction over juveniles.*

Sec. 23. NRS 179D.230 is hereby amended to read as follows:

179D.230 1. If the division receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, the division shall:

(a) If a record of registration has not previously been established for the offender by the division, establish a record of registration for the offender and ~~provide a copy of~~ **forward** the record of registration to the central repository; or

(b) If a record of registration has previously been established for the offender by the division, update the record of registration for the offender and ~~provide a copy of~~ **forward** the record of registration to the central repository.

2. If the offender named in the notice ~~will be~~ **is** granted probation or otherwise will not be incarcerated or confined, the central repository shall immediately provide ~~a copy of the record of registration for~~ **notification concerning** the offender to the **appropriate** local law enforcement ~~agency in whose jurisdiction the offender resides or,~~ **agencies and,** if the offender

resides in a jurisdiction which is outside of this state , ~~{and which requires registration,}~~ to the appropriate law enforcement agency in that jurisdiction.

3. If the offender named in the notice is incarcerated or confined, before the offender is released:

(a) The division shall:

(1) Inform the offender of the requirements for registration, including, but not limited to:

(I) The duty to register in this state ~~{and, if}~~ *during any period in which he is a resident of this state or a nonresident who is a student or worker within this state and the time within which he is required to register pursuant to NRS 179D.240;*

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

(III) *If he moves from this state to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction* ~~{if the other jurisdiction requires registration; and~~

~~—(II)} ; and~~

(IV) *The duty to notify the division, in writing, if he changes the address at which he resides, including if he moves from this state to another jurisdiction* ~~{;}~~ *, or changes the primary address at which he is a student or worker;*

(2) Require the offender to read and sign a form confirming that the requirements for registration have been explained to him; and

(3) Update the record of registration for the offender and ~~{provide a copy of}~~ *forward* the record of registration to the central repository; and

(b) The central repository shall provide ~~{a copy of the record of registration for}~~ *notification concerning* the offender to the *appropriate* local law enforcement ~~{agency in whose jurisdiction the offender will reside upon release or,}~~ *agencies and,* if the offender will reside upon release in a jurisdiction which is outside of this state , ~~{and which requires registration,}~~ to the appropriate law enforcement agency in that jurisdiction.

4. If requested by the division, the department of prisons or a local law enforcement agency in whose facility the offender is incarcerated shall provide the offender with the information and the confirmation form required by paragraph (a) of subsection 3.

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

6. If the central repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing *or is a student or worker* within this state:

(a) The central repository shall immediately ~~{notify}~~ *provide notification concerning the offender to* the division and *to* the *appropriate*

local law enforcement ~~[agency in whose jurisdiction the offender resides;]~~
~~agencies; and~~

(b) The division shall establish a record of registration for the offender and ~~[provide a copy of]~~ **forward** the record of registration to the central repository. ~~[-; and~~

~~—(c) The central repository shall provide a copy of the record of registration for the offender to the local law enforcement agency in whose jurisdiction the offender resides.]~~

Sec. 24. NRS 179D.240 is hereby amended to read as follows:

179D.240 1. In addition to any other registration that is required pursuant to NRS 179D.230, each offender who, after July 1, 1956, is or has been convicted of a crime against a child shall register with a local law enforcement agency **and with the division** pursuant to the provisions of this section.

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

(a) A county; or

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

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

3. If the offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender shall **be deemed a resident offender and shall** register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

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

5. To register with a local law enforcement agency pursuant to this section, the offender shall:

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

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

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

~~[5.]~~ 6. When an offender registers, the local law enforcement agency shall ~~[inform]~~ :

(a) *Inform* the offender of the duty to *register and the time within which the offender is required to register with the division if he has not previously done so;*

(b) *Inform the offender of the duty to* notify the division ~~[of a change of address and shall provide]~~ *if the offender changes the address at which he resides, including if he moves from this state to another jurisdiction, or changes the primary address at which he is a student or worker; and*

(c) *Provide* the offender with the *appropriate* address of the *office of the division* ~~[~~ *at which the offender must register and provide notification of each such change of address.*

7. After the offender registers ~~[]~~ *with* the local law enforcement agency :

(a) *The local law enforcement agency* shall notify the division of the registration.

(b) *If the offender has not previously registered with the division, the offender shall, not later than 48 hours after registering with the local law enforcement agency:*

(1) *Appear personally at the appropriate office of the division;*

(2) *Provide all information that is requested by the division, including, but not limited to, fingerprints and a photograph; and*

(3) *Sign and date the record of registration in the presence of an officer or employee of the division.*

8. If the division has not previously established a record of registration for ~~[the offender:]~~ *an offender described in subsection 7:*

(a) The division shall establish a record of registration for the offender and ~~[provide a copy of]~~ *forward* the record of registration to the central repository; and

(b) The central repository shall provide ~~[a copy of the record of registration for]~~ *notification concerning* the offender to the *appropriate* local law enforcement ~~[agency in whose jurisdiction the offender resides.]~~ *agencies.*

Sec. 25. NRS 179D.250 is hereby amended to read as follows:

179D.250 1. If an offender convicted of a crime against a child changes the address at which he resides, including moving from this state to another jurisdiction, *or changes the primary address at which he is a student or worker,* not later than 48 hours after changing ~~[his]~~ *such an* address, the offender shall provide ~~[his]~~ *the* new address, in writing, to the division and shall provide all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, *occupation, employment, work, volunteer service* or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him.

2. Upon receiving a change of address from an offender, the division shall immediately ~~[provide]~~ *forward* the new address and any updated information to the central repository and:

(a) If the offender ~~[is still residing]~~ *has changed an address* within this state, the central repository shall immediately provide ~~[a copy of the record of registration for]~~ *notification concerning* the offender to the local law enforcement agency in whose jurisdiction the offender is now residing *or is a student or worker* and shall notify the local law enforcement agency in whose jurisdiction the offender last resided ~~[;]~~ *or was a student or worker;*
or

(b) If the offender ~~[moved]~~ *has changed an address* from this state to another jurisdiction, ~~[that requires registration,]~~ the central repository shall immediately provide ~~[a copy of the record of registration]~~ *notification concerning the offender* to the appropriate law enforcement agency in the other jurisdiction and shall notify the local law enforcement agency in whose jurisdiction the offender last resided ~~[;]~~ *or was a student or worker.*

Sec. 26. NRS 179D.260 is hereby amended to read as follows:

179D.260 1. Except as otherwise provided in subsection 4, each year, on the anniversary of the date that the division establishes a record of registration for the offender, the central repository shall mail to the offender, at the address last registered by the offender, a nonforwardable verification form. The offender shall complete and sign the form and mail the form to the central repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.

2. An offender shall include with each verification form a current set of fingerprints, a current photograph and all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, *occupation*, employment, *work, volunteer service* or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him. The central repository shall provide all updated information to the division and *to the appropriate* local law enforcement ~~[agency in whose jurisdiction the offender resides.]~~ *agencies.*

3. If the central repository does not receive a verification form from an offender and otherwise cannot verify the address or location of the offender, the central repository shall immediately notify the division and the *appropriate* local law enforcement ~~[agency in whose jurisdiction the offender last resided.]~~ *agencies.*

4. The central repository is not required to complete the mailing pursuant to subsection 1 ~~[if the]~~ :

(a) *During any period in which an* offender is incarcerated or confined or has ~~[moved]~~ *changed his place of residence* from this state to another jurisdiction ~~[;]~~ *; or*

(b) *For a nonresident offender who is a student or worker within this state.*

Sec. 27. NRS 179D.270 is hereby amended to read as follows:

179D.270 1. An offender convicted of a crime against a child shall comply with the provisions for registration for as long as the offender resides or is present within this state ~~[;]~~ *or is a nonresident offender who is*

a student or worker within this state, unless the duty of the offender to register is terminated pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 5, if an offender complies with the provisions for registration for an interval of at least 15 consecutive years during which he is not convicted of an offense that poses a threat to the safety or well-being of others, the offender may file *a petition to terminate his duty to register* with the district court in whose jurisdiction he resides ~~[a petition to terminate his duty to register.]~~ *or, if he is a nonresident offender, in whose jurisdiction he is a student or worker.* For the purposes of this subsection, registration begins on the date that the division establishes a record of registration for the offender or the date that the offender is released, whichever occurs later.

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

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

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

(a) ~~[Has been convicted of more than one crime against a child; or
—(b)—]~~ Is subject to ~~[the provisions for registration]~~ *community notification or to lifetime supervision pursuant to NRS 176.0931* as a sex offender ~~[pursuant to NRS 179D.350 to 179D.550, inclusive.]~~ ;

(b) *Has been declared to be a sexually violent predator, as defined in NRS 179D.430; or*

(c) *Has been convicted of:*

(1) *One or more sexually violent offenses, as defined in NRS 179D.420;*

(2) *Two or more sexual offenses, as defined in NRS 179D.410, against persons less than 18 years of age;*

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

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

Sec. 28. NRS 179D.290 is hereby amended to read as follows:

179D.290 An offender convicted of a crime against a child who:

1. Fails to register ~~[:]~~ *with a local law enforcement agency or with the division;*

2. Fails to notify the division of a change of address;

3. Provides false or misleading information to the division, the central repository or a local law enforcement agency; or

4. Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive,
is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 29. NRS 179D.350 is hereby amended to read as follows:

179D.350 As used in NRS 179D.350 to 179D.550, inclusive, *and section 18 of this act*, unless the context otherwise requires, the words and terms defined in NRS 179D.360 to 179D.430, inclusive, *and section 18 of this act* have the meanings ascribed to them in those sections.

Sec. 30. NRS 179D.400 is hereby amended to read as follows:

179D.400 **1.** “Sex offender” means a person who, after July 1, 1956, is or has been ~~convicted~~ :

(a) *Convicted* of a sexual offense listed in NRS 179D.410 ~~§~~ ; or

(b) *Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection 19 of NRS 179D.410.*

2. The term includes, but is not limited to ~~§a~~ :

(a) *A sexually violent predator.*

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

Sec. 31. NRS 179D.410 is hereby amended to read as follows:

179D.410 “Sexual offense” means ~~§~~ *any of the following offenses:*

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

2. Sexual assault pursuant to NRS 200.366 . ~~§~~

3. Statutory sexual seduction pursuant to NRS 200.368 . ~~§~~

4. Battery with intent to commit sexual assault pursuant to NRS 200.400 . ~~§~~

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

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

7. Abuse of a child pursuant NRS 200.508, if the abuse involved sexual abuse or sexual exploitation . ~~§~~

~~—6. §~~ **8.** An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive . ~~§~~

~~—7. §~~ **9.** Incest pursuant to NRS 201.180 . ~~§~~

~~—8. §~~ **10.** Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195 . ~~§~~

~~—9. §~~ **11.** Open or gross lewdness pursuant to NRS 201.210 . ~~§~~

~~—10. §~~ **12.** Indecent or obscene exposure pursuant to NRS 201.220 . ~~§~~

- ~~11.] 13.~~ Lewdness with a child pursuant to NRS 201.230 . ~~§~~
- ~~12.] 14.~~ Sexual penetration of a dead human body pursuant to NRS 201.450 . ~~§~~
- ~~13.] 15.~~ Annoyance or molestation of a minor pursuant to NRS 207.260 . ~~§~~
- ~~14.] 16.~~ An attempt to commit an offense listed in subsections 1 to ~~13,~~ inclusive;
- ~~15.] 15, inclusive.~~
17. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193 . ~~§-or~~
- ~~16.] 18.~~ An offense committed in another jurisdiction that, if committed in this state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:
- (a) A tribal court.
 - (b) A court of the United States or the Armed Forces of the United States.
19. *An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:*
- (a) *A tribal court.*
 - (b) *A court of the United States or the Armed Forces of the United States.*
 - (c) *A court having jurisdiction over juveniles.*
- Sec. 32.** NRS 179D.420 is hereby amended to read as follows:
179D.420 “Sexually violent offense” means ~~§~~ *any of the following offenses:*
- 1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030 . ~~§~~
 - 2. Sexual assault pursuant to NRS 200.366 . ~~§~~
 - 3. Battery with intent to commit sexual assault pursuant to NRS 200.400 . ~~§~~
 - 4. *An offense involving pornography and a minor pursuant to NRS 200.710.*
 - 5. An attempt to commit an offense listed in ~~subsection 1, 2 or 3;~~ ~~5.] subsections 1 to 4, inclusive.~~
 - 6. An offense that is determined to be sexually motivated pursuant to NRS 175.547 . ~~§-or~~
 - ~~6.] 7.~~ An offense committed in another jurisdiction that, if committed in this state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

- (a) A tribal court.
- (b) A court of the United States or the Armed Forces of the United States.

8. Any other offense listed in NRS 179D.410 if, during the commission of the offense, the offender engaged in or attempted to engage in:

- (a) Sexual penetration of a child less than 12 years of age; or**
- (b) Nonconsensual sexual penetration of any other person.**

Sec. 33. NRS 179D.430 is hereby amended to read as follows:

179D.430 “Sexually violent predator” means ~~{a}~~:

1. A person who:

- ~~{1-}~~ **(a)** Has been convicted of a sexually violent offense;
- ~~{2-}~~ **(b)** Suffers from a mental disorder or personality disorder; and
- ~~{3-}~~ **(c)** Has been declared to be a sexually violent predator pursuant to

NRS 179D.510 ~~{-}~~; or

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

Sec. 34. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the division receives notice from a court pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62.590 that a juvenile sex offender has been deemed to be an adult sex offender, the division shall:

(a) If a record of registration has not previously been established for the sex offender by the division, establish a record of registration for the sex offender and ~~{provide a copy of}~~ **forward** the record of registration to the central repository; or

(b) If a record of registration has previously been established for the sex offender by the division, update the record of registration for the sex offender and ~~{provide a copy of}~~ **forward** the record of registration to the central repository.

2. If the sex offender named in the notice ~~{will be}~~ **is** granted probation or otherwise will not be incarcerated or confined or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62.590 and is not otherwise incarcerated or confined:

(a) The central repository shall immediately provide ~~{a copy of the record of registration for}~~ **notification concerning** the sex offender to the **appropriate** local law enforcement ~~{agency in whose jurisdiction the sex offender resides or,}~~ **agencies and**, if the sex offender resides in a jurisdiction which is outside of this state, ~~{and which requires registration,}~~ to the appropriate law enforcement agency in that jurisdiction; and

(b) If the sex offender is subject to community notification, the division shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

3. If the sex offender named in the notice is incarcerated or confined, before the sex offender is released:

(a) The division shall:

(1) Inform the sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register in this state ~~{and, if}~~ *during any period in which he is a resident of this state or a nonresident who is a student or worker within this state and the time within which he is required to register pursuant to NRS 179D.460;*

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

(III) *If he moves from this state to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction* ~~{if the other jurisdiction requires registration;~~

~~—(II)} ; and~~

(IV) The duty to notify the division, in writing, if he changes the address at which he resides, including if he moves from this state to another jurisdiction ~~{;}~~ *, or changes the primary address at which he is a student or worker;*

(2) Require the sex offender to read and sign a form confirming that the requirements for registration have been explained to him;

(3) Update the record of registration for the sex offender and ~~{provide a copy of}~~ *forward* the record of registration to the central repository; and

(4) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive; and

(b) The central repository shall provide ~~{a copy of the record of registration for}~~ *notification concerning* the sex offender to the *appropriate* local law enforcement ~~{agency in whose jurisdiction the sex offender will reside upon release or,}~~ *agencies and,* if the sex offender will reside upon release in a jurisdiction which is outside of this state, ~~{and which requires registration,}~~

4. If requested by the division, the department of prisons or a local law enforcement agency in whose facility the sex offender is incarcerated shall provide the sex offender with the information and the confirmation form required by paragraph (a) of subsection 3.

5. The failure to provide a sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the sex offender to register and to comply with all other provisions for registration.

6. If the central repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex offender is now residing *or is a student or worker* within this state:

(a) The central repository shall immediately ~~notify~~ **provide notification concerning the sex offender to** the division and **to the appropriate** local law enforcement ~~agency in whose jurisdiction the sex offender resides;~~ **agencies;**

(b) The division shall establish a record of registration for the sex offender and ~~provide a copy of~~ **forward** the record of registration to the central repository; **and**

(c) ~~The central repository shall provide a copy of the record of registration for the sex offender to the local law enforcement agency in whose jurisdiction the sex offender resides; and~~

~~—(d)~~ If the sex offender is subject to community notification, the division shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 35. NRS 179D.460 is hereby amended to read as follows:

179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each sex offender who, after July 1, 1956, is or has been convicted of a sexual offense shall register with a local law enforcement agency **and with the division** pursuant to the provisions of this section.

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

(a) A county; or

(b) An incorporated city that does not have a city police department, the sex offender shall **be deemed a resident sex offender and shall** register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the sex offender shall **be deemed a resident sex offender and shall** register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

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

5. To register with a local law enforcement agency pursuant to this section, the sex offender shall:

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

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

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

~~[5.]~~ **6.** When a sex offender registers, the local law enforcement agency shall ~~[inform]~~ :

*(a) Inform the sex offender of the duty to **register and the time within which the sex offender is required to register with the division if he has not previously done so;***

*(b) Inform the sex offender of the duty to notify the division ~~[of a change of address and shall provide]~~ **if the sex offender changes the address at which he resides, including if he moves from this state to another jurisdiction, or changes the primary address at which he is a student or worker; and***

*(c) Provide the sex offender with the **appropriate** address of the **office of the division** ~~[]~~ **at which the sex offender must register and provide notification of each such change of address.***

7. After the sex offender registers ~~[]~~ **with** the local law enforcement agency :

*(a) **The local law enforcement agency** shall notify the division of the registration.*

*(b) **If the sex offender has not previously registered with the division, the sex offender shall, not later than 48 hours after registering with the local law enforcement agency:***

*(1) **Appear personally at the appropriate office of the division;***

*(2) **Provide all information that is requested by the division, including, but not limited to, fingerprints and a photograph; and***

*(3) **Sign and date the record of registration in the presence of an officer or employee of the division.***

8. If the division has not previously established a record of registration for ~~[the sex offender:]~~ **a sex offender described in subsection 7:**

(a) The division shall establish a record of registration for the sex offender and ~~[provide a copy of]~~ **forward** the record of registration to the central repository;

(b) The central repository shall provide ~~[a copy of the record of registration for]~~ **notification concerning** the sex offender to the **appropriate** local law enforcement ~~[agency in whose jurisdiction the sex offender resides;]~~ **agencies;** and

(c) If the sex offender is subject to community notification and has not otherwise been assigned a level of notification, the division shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 36. NRS 179D.470 is hereby amended to read as follows:

179D.470 1. If a sex offender changes the address at which he resides, including moving from this state to another jurisdiction, *or changes the primary address at which he is a student or worker*, not later than 48 hours after changing ~~his~~ *such an* address, the sex offender shall provide ~~his~~ *the* new address, in writing, to the division and shall provide all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, *occupation*, employment, *work, volunteer service* or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him.

2. Upon receiving a change of address from a sex offender, the division shall immediately ~~provide~~ *forward* the new address and any updated information to the central repository and:

(a) If the sex offender ~~is still residing~~ *has changed an address* within this state, the central repository shall immediately provide ~~a copy of the record of registration for~~ *notification concerning* the sex offender to the local law enforcement agency in whose jurisdiction the sex offender is now residing *or is a student or worker* and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided ~~is~~ *or was a student or worker; or*

(b) If the sex offender ~~moved~~ *has changed an address* from this state to another jurisdiction, ~~that requires registration,~~ the central repository shall immediately provide ~~a copy of the record of registration~~ *notification concerning the sex offender* to the appropriate law enforcement agency in the other jurisdiction and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided ~~is~~ *or was a student or worker.*

Sec. 37. NRS 179D.480 is hereby amended to read as follows:

179D.480 1. Except as otherwise provided in subsections 2 and 5, each year, on the anniversary of the date that the division establishes a record of registration for the sex offender, the central repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the central repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.

2. Except as otherwise provided in subsection 5, if a sex offender has been declared to be a sexually violent predator, every 90 days, beginning on the date that the *division establishes a record of registration for the* sex offender, ~~is released,~~ the central repository shall mail to the sex offender, at the address last registered by the sex offender, a nonforwardable verification form. The sex offender shall complete and sign the form and mail the form to the central repository not later than 10 days after receipt of the form to verify that he still resides at the address he last registered.

3. A sex offender shall include with each verification form a current set of fingerprints, a current photograph and all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, **occupation, employment, work, volunteer service** or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him. The central repository shall provide all updated information to the division and **to the appropriate local law enforcement agency in whose jurisdiction the sex offender resides.**

4. If the central repository does not receive a verification form from a sex offender and otherwise cannot verify the address or location of the sex offender, the central repository shall immediately notify the division and the **appropriate local law enforcement agency in whose jurisdiction the sex offender last resided.**

5. The central repository is not required to complete the mailing pursuant to subsection 1 or 2 **if the** :

(a) During any period in which a sex offender is incarcerated or confined or has moved changed his place of residence from this state to another jurisdiction ; or

(b) For a nonresident sex offender who is a student or worker within this state.

Sec. 38. NRS 179D.490 is hereby amended to read as follows:

179D.490 1. A sex offender shall comply with the provisions for registration for as long as the sex offender resides or is present within this state **or is a nonresident sex offender who is a student or worker within this state,** unless the duty of the sex offender to register is terminated pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 5, if a sex offender complies with the provisions for registration for an interval of at least 15 consecutive years during which he is not convicted of an offense that poses a threat to the safety or well-being of others, the sex offender may file **a petition to terminate his duty to register** with the district court in whose jurisdiction he resides **or, if he is a nonresident sex offender, in whose jurisdiction he is a student or worker.** For the purposes of this subsection, registration begins on the date that the division establishes a record of registration for the sex offender or the date that the sex offender is released, whichever occurs later.

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

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

5. A sex offender may not file a petition to terminate his duty to register pursuant to this section if the sex offender:

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

(b) ~~Has been convicted of a sexually violent offense; or~~
~~—(c)—~~ Has been declared to be a sexually violent predator ~~§~~; or

(c) *Has been convicted of:*

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

(2) *Two or more sexual offenses against persons less than 18 years of age;*

(3) *Two or more crimes against a child, as defined in NRS 179D.210; or*

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

Sec. 39. NRS 179D.550 is hereby amended to read as follows:

179D.550 A sex offender who:

1. Fails to register ~~§~~ *with a local law enforcement agency or with the division;*

2. Fails to notify the division of a change of address;

3. Provides false or misleading information to the division, the central repository or a local law enforcement agency; or

4. Otherwise violates the provisions of NRS 179D.350 to 179D.550, inclusive,

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

Sec. 40. NRS 179D.600 is hereby amended to read as follows:

179D.600 As used in NRS 179D.600 to 179D.800, inclusive, unless the context otherwise requires, the words and terms defined in NRS 179D.610 to 179D.660, inclusive, *and section 19 of this act* have the meanings ascribed to them in those sections.

Sec. 41. NRS 179D.610 is hereby amended to read as follows:

179D.610 1. “Sex offender” means a person who, after July 1, 1956, is or has been ~~§convicted~~ :

(a) *Convicted* of a sexual offense listed in NRS 179D.620 ~~§~~; or

(b) *Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection 19 of NRS 179D.620.*

2. The term includes, but is not limited to ~~§a~~ :

(a) *A sexually violent predator.*

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

Sec. 42. NRS 179D.620 is hereby amended to read as follows:

179D.620 “Sexual offense” means ~~§~~ *any of the following offenses:*

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

2. Sexual assault pursuant to NRS 200.366 . ~~§~~

3. Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony . ~~§~~

4. Battery with intent to commit sexual assault pursuant to NRS 200.400 . ~~§~~

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

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

7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony . ~~§~~

~~6.~~ 8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive . ~~§~~

~~7.~~ 9. Incest pursuant to NRS 201.180 . ~~§~~

~~8.~~ 10. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony . ~~§~~

~~9.~~ 11. Open or gross lewdness pursuant to NRS 201.210, if punished as a felony . ~~§~~

~~10.~~ 12. Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony . ~~§~~

~~11.~~ 13. Lewdness with a child pursuant to NRS 201.230 . ~~§~~

~~12.~~ 14. Sexual penetration of a dead human body pursuant to NRS 201.450 . ~~§~~

~~13.~~ 15. Annoyance or molestation of a minor pursuant to NRS 207.260, if punished as a felony . ~~§~~

~~14.~~ 16. An attempt to commit an offense listed in subsections 1 to ~~13.~~ 15, inclusive, if punished as a felony . ~~§~~

~~15.~~ 17. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193 . ~~§ or~~

~~16.~~ 18. An offense committed in another jurisdiction that, if committed in this state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

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

19. An offense of a sexual nature committed in another jurisdiction and punished as a felony, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

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

(c) A court having jurisdiction over juveniles.

Sec. 43. NRS 179D.720 is hereby amended to read as follows:

179D.720 1. ~~The~~ *Except as otherwise provided in subsection 5, the* attorney general shall establish guidelines and procedures for assessing the risk of recidivism of each sex offender who resides within this state ~~and~~ *and each nonresident sex offender who is a student or worker within this state.*

2. The guidelines and procedures must identify and incorporate factors relevant to the risk of recidivism of the sex offender, including, but not limited to:

(a) Conditions of release that minimize the risk of recidivism, including probation or parole, counseling, therapy or treatment;

(b) Physical conditions that minimize the risk of recidivism, including advanced age or debilitating illness; and

(c) Any criminal history of the sex offender indicative of a high risk of recidivism, including, but not limited to:

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

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

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

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

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

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

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

(8) Behavior while confined.

~~2-3~~ 3. The assessment of the risk of recidivism of a sex offender may be based upon information concerning the sex offender obtained from agencies of this state and agencies from other jurisdictions.

~~3-3~~ 4. Each person who is conducting the assessment must be given access to all records of the sex offender that are necessary to conduct the assessment, and the sex offender shall be deemed to have waived all rights

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

5. The attorney general may provide in the guidelines and procedures for a provisional waiver of the assessment of the risk of recidivism of any nonresident sex offender who is not likely to be a student or worker within this state for more than 30 consecutive days and who is not likely to pose a substantial threat to the safety of the public. If a nonresident sex offender is granted such a provisional waiver, the nonresident sex offender:

(a) Shall be deemed to be assigned provisionally a Tier 1 level of notification; and

(b) May be assessed and assigned any other level of notification pursuant to the provisions of NRS 179D.600 to 179D.800, inclusive, and the guidelines and procedures for community notification established by the attorney general if, at any time during the period of the provisional waiver, there is any cause to believe that the nonresident sex offender will be a student or worker within this state for an extended period or that he poses a threat to the safety of the public.

Sec. 44. NRS 179D.730 is hereby amended to read as follows:

179D.730 1. Except as otherwise provided in this section, the guidelines and procedures for community notification established by the attorney general must provide for the following levels of notification, depending upon the risk of recidivism of the sex offender:

(a) If the risk of recidivism is low, the sex offender must be assigned a Tier 1 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides ***or is a student or worker*** shall notify other law enforcement agencies ***that are*** likely to encounter the sex offender.

(b) If the risk of recidivism is moderate, the sex offender must be assigned a Tier 2 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides ***or is a student or worker*** shall provide notification pursuant to paragraph (a) and shall notify schools and religious and youth organizations that are likely to encounter the sex offender.

(c) If the risk of recidivism is high, the sex offender must be assigned a Tier 3 level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides ***or is a student or worker*** shall provide notification pursuant to paragraphs (a) and (b) and shall notify the public through means designed to reach members of the public ***who are*** likely to encounter the sex offender.

2. If the sex offender is assigned a Tier 2 or Tier 3 level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, the law enforcement agency in whose jurisdiction the sex offender resides ***or is a student or worker*** shall provide the appropriate notification for Tier 2 or Tier 3 and, in addition, shall notify:

- (a) Motion picture theaters, other than adult motion picture theaters, which are likely to encounter the sex offender; and
- (b) Businesses which are likely to encounter the sex offender and which primarily have children as customers or conduct events that primarily children attend.

Notification pursuant to this subsection must include a copy of a photograph of the sex offender. As used in paragraph (a), "adult motion picture theater" has the meaning ascribed to it in NRS 278.0221.

3. If the sex offender has been declared to be a sexually violent predator, the sex offender must be assigned a Tier 3 level of notification.

Sec. 45. NRS 179D.750 is hereby amended to read as follows:

179D.750 1. ~~It is~~ *Except as otherwise provided in subsection 5 of NRS 179D.720, if* a sex offender has been assigned a level of notification pursuant to NRS 179D.600 to 179D.800, inclusive, and the sex offender:

- (a) Is convicted of an offense that poses a threat to the safety or well-being of others;
 - (b) Annoys, harasses, threatens or intimidates a victim of one of his sexual offenses; or
 - (c) Commits an overt act which is sexually motivated or involves the use or threatened use of force or violence and which causes harm or creates a reasonable apprehension of harm,
- the level of notification assigned to the sex offender may be changed in accordance with the guidelines and procedures established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

2. As used in this section:

- (a) "Sexual offense" includes, but is not limited to, a sexual offense punishable as a misdemeanor or gross misdemeanor.
- (b) "Sexually motivated" means that one of the purposes for which the person committed the act was his sexual gratification.

Sec. 46. NRS 179D.760 is hereby amended to read as follows:

179D.760 1. Except as otherwise provided in subsection 6, if a sex offender is subject to community notification for an interval of at least 10 consecutive years during which he is not convicted of an offense that poses a threat to the safety or well-being of others, the sex offender may petition the attorney general for a reassessment of his risk of recidivism.

2. If the sex offender satisfies the requirements of subsection 1, the attorney general shall arrange for a reassessment. The reassessment must be conducted in the same manner as an assessment of the risk of recidivism.

3. If the sex offender is assigned a Tier 1 level of notification before the reassessment is conducted, the sex offender may be:

- (a) Reassigned the Tier 1 level of notification that he is currently assigned; or
- (b) Relieved from being subject to community notification.

4. If the sex offender is assigned a Tier 2 or Tier 3 level of notification before the reassessment is conducted, the sex offender may be:

- (a) Reassigned the level of notification that he is currently assigned; o

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

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

6. If a sex offender has been declared to be a sexually violent predator, the sex offender may not receive a reassessment pursuant to the provisions of this section . ~~[until the court in which he was sentenced determines that he is no longer a sexually violent predator pursuant to NRS 179D.520.]~~

Sec. 47. NRS 179D.770 is hereby amended to read as follows:

179D.770 The law enforcement agency in whose jurisdiction a sex offender resides *or is a student or worker* shall disclose information regarding the sex offender to the appropriate persons pursuant to the guidelines and procedures established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 48. NRS 62.560 is hereby amended to read as follows:

62.560 Except as otherwise provided in subsection 3 of NRS 62.600, the provisions of NRS 62.500 to 62.600, inclusive, do not apply to a child who is subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, ~~[because he has been convicted of a sexual offense, as defined in NRS 179D.410, as an adult]~~ before reaching 21 years of age.

Sec. 49. NRS 62.600 is hereby amended to read as follows:

62.600 1. The records relating to a child must not be sealed pursuant to the provisions of NRS 62.370 while the child is subject to community notification as a juvenile sex offender.

2. Except as otherwise provided in NRS 62.345, if ~~[the]~~ *a* child is relieved of being subject to community notification as a juvenile sex offender pursuant to NRS 62.590, all records relating to the child must be automatically sealed when the child reaches 24 years of age as provided in subsection 4 of NRS 62.370.

3. If ~~[the]~~ *a* child is deemed to be an adult sex offender pursuant to NRS 62.590 ~~[or is otherwise]~~ , *is* convicted of a sexual offense, as defined in NRS 179D.410, ~~[as an adult]~~ *before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive,* before reaching 21 years of age:

(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62.370; and

(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:

(1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive; and

(2) The statewide registry established within the central repository pursuant to chapter 179B of NRS.

Sec. 50. NRS 179D.520 is hereby repealed.

Sec. 51. The amendatory provisions of sections 28 and 39 of this act do not apply to offenses committed before the effective date of this act.

Sec. 52. This act becomes effective upon passage and approval.

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