

SENATE BILL NO. 286—COMMITTEE ON JUDICIARY

(ON BEHALF OF ADVISORY COMMISSION ON SENTENCING)

MARCH 7, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain committees that review issues pertaining to criminal justice. (BDR 14-774)

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

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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 criminal justice; establishing the legislative committee on criminal justice; eliminating the advisory commission on sentencing, the advisory council for community notification and the advisory board on industrial programs and amending various provisions relating thereto; 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.** NRS 176.0129 is hereby amended to read as follows:
- 2 176.0129 *1.* The department of administration shall, on an annual
- 3 basis, contract for the services of an independent contractor, in accordance
- 4 with the provisions of NRS 284.173, to:
- 5 ~~1.1~~ (a) Review *the* sentences imposed in this state ~~and~~ ;
- 6 (b) *Review* the practices of the state board of parole commissioners ;
- 7 and ~~project~~
- 8 (c) *Project* annually the number of persons who , *during the 10 years*
- 9 *immediately following the date of the projection*, will be:
- 10 ~~(a)~~ (1) In a facility or institution of the department of prisons;
- 11 ~~(b)~~ (2) On probation;
- 12 ~~(c)~~ (3) On parole; and
- 13 ~~(d)~~ (4) Serving a term of residential confinement . ~~1.~~
- 14 ~~during the 10 years immediately following the date of the projection; and~~
- 15 ~~2. Review preliminary proposals and information provided by the~~
- 16 ~~commission and project annually the number of persons who will be:~~
- 17 ~~—(a) In a facility or institution of the department of prisons;~~
- 18 ~~—(b) On probation;~~
- 19 ~~—(c) On parole; and~~



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1 ~~—(d) Serving a term of residential confinement,~~
2 ~~during the 10 years immediately following the date of the projection,~~
3 ~~assuming the preliminary proposals were recommended by the commission~~
4 ~~and enacted by the legislature.~~
5 *2. The department of prisons and the division shall provide the*
6 *independent contractor retained by the department of administration*
7 *pursuant to subsection 1 with any available statistical information*
8 *requested by the independent contractor for the purpose of performing*
9 *the projections required by subsection 1.*
10 **Sec. 2.** NRS 179A.290 is hereby amended to read as follows:
11 179A.290 1. The director of the department shall establish within the
12 central repository a program to compile and analyze data concerning
13 offenders who commit sexual offenses. The program must be designed to:
14 (a) Provide statistical data relating to the recidivism of offenders who
15 commit sexual offenses; and
16 (b) Use the data provided by the division of child and family services of
17 the department of human resources pursuant to NRS 62.920 to:
18 (1) Provide statistical data relating to the recidivism of juvenile sex
19 offenders after they become adults; and
20 (2) Assess the effectiveness of programs for the treatment of juvenile
21 sex offenders.
22 2. The division of parole and probation *of the department of motor*
23 *vehicles and public safety* and the department of prisons shall assist the
24 director of the department *of motor vehicles and public safety* in obtaining
25 data and in carrying out the program.
26 3. The director of the department *of motor vehicles and public safety*
27 shall report the statistical data and findings from the program to ~~†~~
28 ~~—(a) The~~ *the* legislature at the beginning of each regular session.
29 ~~†(b) The advisory commission on sentencing on or before January 31 of~~
30 ~~each even-numbered year.~~
31 4. The data acquired pursuant to this section is confidential and must
32 be used only for the purpose of research. The data and findings generated
33 pursuant to this section must not contain information that may reveal the
34 identity of a juvenile sex offender or the identity of an individual victim of
35 a crime.
36 **Sec. 3.** NRS 179D.030 is hereby amended to read as follows:
37 179D.030 “Community notification” means notification of a
38 community pursuant to the ~~{guidelines and procedures established}~~
39 *regulations adopted* by the attorney general pursuant to NRS 179D.600 to
40 179D.800, inclusive.
41 **Sec. 4.** NRS 179D.450 is hereby amended to read as follows:
42 179D.450 1. If the division receives notice from a court pursuant to
43 NRS 176.0927 that a sex offender has been convicted of a sexual offense
44 or pursuant to NRS 62.590 that a juvenile sex offender has been deemed to
45 be an adult sex offender, the division shall:
46 (a) If a record of registration has not previously been established for the
47 sex offender by the division, establish a record of registration for the sex
48 offender and forward the record of registration to the central repository; or



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1 (b) If a record of registration has previously been established for the sex
2 offender by the division, update the record of registration for the sex
3 offender and forward the record of registration to the central repository.
4 2. If the sex offender named in the notice is granted probation or
5 otherwise will not be incarcerated or confined or if the sex offender named
6 in the notice has been deemed to be an adult sex offender pursuant to
7 NRS 62.590 and is not otherwise incarcerated or confined:
8 (a) The central repository shall immediately provide notification
9 concerning the sex offender to the appropriate local law enforcement
10 agencies and, if the sex offender resides in a jurisdiction which is outside
11 of this state, to the appropriate law enforcement agency in that jurisdiction;
12 and
13 (b) If the sex offender is subject to community notification, the division
14 shall arrange for the assessment of the risk of recidivism of the sex
15 offender pursuant to the ~~{guidelines and procedures}~~ **regulations** for
16 community notification ~~{established}~~ **adopted** by the attorney general
17 pursuant to NRS 179D.600 to 179D.800, inclusive.
18 3. If the sex offender named in the notice is incarcerated or confined,
19 before the sex offender is released:
20 (a) The division shall:
21 (1) Inform the sex offender of the requirements for registration,
22 including, but not limited to:
23 (I) The duty to register in this state during any period in which he
24 is a resident of this state or a nonresident who is a student or worker within
25 this state and the time within which he is required to register pursuant to
26 NRS 179D.460;
27 (II) The duty to register in any other jurisdiction during any period
28 in which he is a resident of the other jurisdiction or a nonresident who is a
29 student or worker within the other jurisdiction;
30 (III) If he moves from this state to another jurisdiction, the duty to
31 register with the appropriate law enforcement agency in the other
32 jurisdiction; and
33 (IV) The duty to notify the division, in writing, if he changes the
34 address at which he resides, including if he moves from this state to
35 another jurisdiction, or changes the primary address at which he is a
36 student or worker;
37 (2) Require the sex offender to read and sign a form confirming that
38 the requirements for registration have been explained to him;
39 (3) Update the record of registration for the sex offender and forward
40 the record of registration to the central repository; and
41 (4) If the sex offender is subject to community notification, arrange
42 for the assessment of the risk of recidivism of the sex offender pursuant to
43 the ~~{guidelines and procedures}~~ **regulations** for community notification
44 ~~{established}~~ **adopted** by the attorney general pursuant to NRS 179D.600 to
45 179D.800, inclusive; and
46 (b) The central repository shall provide notification concerning the sex
47 offender to the appropriate local law enforcement agencies and, if the sex
48 offender will reside upon release in a jurisdiction which is outside of this
49 state, to the appropriate law enforcement agency in that jurisdiction.



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

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

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

12 (a) The central repository shall immediately provide notification
13 concerning the sex offender to the division and to the appropriate local law
14 enforcement agencies;

15 (b) The division shall establish a record of registration for the sex
16 offender and forward the record of registration to the central repository;
17 and

18 (c) If the sex offender is subject to community notification, the division
19 shall arrange for the assessment of the risk of recidivism of the sex
20 offender pursuant to the ~~guidelines and procedures~~ *regulations* for
21 community notification ~~established~~ *adopted* by the attorney general
22 pursuant to NRS 179D.600 to 179D.800, inclusive.

23 **Sec. 5.** NRS 179D.460 is hereby amended to read as follows:

24 179D.460 1. In addition to any other registration that is required
25 pursuant to NRS 179D.450, each sex offender who, after July 1, 1956, is or
26 has been convicted of a sexual offense shall register with a local law
27 enforcement agency and with the division pursuant to the provisions of this
28 section.

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

31 (a) A county; or

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

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

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

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



1 5. To register with a local law enforcement agency pursuant to this
2 section, the sex offender shall:
3 (a) Appear personally at the office of the appropriate local law
4 enforcement agency;
5 (b) Provide all information that is requested by the local law
6 enforcement agency, including, but not limited to, fingerprints and a
7 photograph; and
8 (c) Sign and date the record of registration or some other proof of
9 registration in the presence of an officer of the local law enforcement
10 agency.
11 6. When a sex offender registers, the local law enforcement agency
12 shall:
13 (a) Inform the sex offender of the duty to register and the time within
14 which the sex offender is required to register with the division if he has not
15 previously done so;
16 (b) Inform the sex offender of the duty to notify the division if the sex
17 offender changes the address at which he resides, including if he moves
18 from this state to another jurisdiction, or changes the primary address at
19 which he is a student or worker; and
20 (c) Provide the sex offender with the appropriate address of the office of
21 the division at which the sex offender must register and provide
22 notification of each such change of address.
23 7. After the sex offender registers with the local law enforcement
24 agency:
25 (a) The local law enforcement agency shall notify the division of the
26 registration.
27 (b) If the sex offender has not previously registered with the division,
28 the sex offender shall, not later than 48 hours after registering with the
29 local law enforcement agency:
30 (1) Appear personally at the appropriate office of the division;
31 (2) Provide all information that is requested by the division,
32 including, but not limited to, fingerprints and a photograph; and
33 (3) Sign and date the record of registration in the presence of an
34 officer or employee of the division.
35 8. If the division has not previously established a record of registration
36 for a sex offender described in subsection 7:
37 (a) The division shall establish a record of registration for the sex
38 offender and forward the record of registration to the central repository;
39 (b) The central repository shall provide notification concerning the sex
40 offender to the appropriate local law enforcement agencies; and
41 (c) If the sex offender is subject to community notification and has not
42 otherwise been assigned a level of notification, the division shall arrange
43 for the assessment of the risk of recidivism of the sex offender pursuant to
44 the ~~{guidelines and procedures}~~ **regulations** for community notification
45 ~~{established}~~ **adopted** by the attorney general pursuant to NRS 179D.600 to
46 179D.800, inclusive.
47 **Sec. 6.** NRS 179D.710 is hereby amended to read as follows:
48 179D.710 1. The attorney general shall ~~{consult with the advisory~~
49 ~~council for community notification and shall establish guidelines and~~



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1 ~~procedures~~ **adopt regulations** for community notification pursuant to NRS
2 179D.600 to 179D.800, inclusive.

3 2. The ~~{guidelines and procedures established}~~ **regulations adopted** by
4 the attorney general must be designed to promote, to the extent practicable,
5 the uniform application of the provisions of NRS 179D.600 to 179D.800,
6 inclusive.

7 3. The provisions of NRS 179D.600 to 179D.800, inclusive, must not
8 be construed to prevent law enforcement officers from providing the public
9 with notification concerning persons who pose a threat to the safety of the
10 public.

11 **Sec. 7.** NRS 179D.720 is hereby amended to read as follows:

12 179D.720 1. Except as otherwise provided in subsection 5, the
13 attorney general shall ~~{establish guidelines and procedures}~~ **adopt**
14 **regulations** for assessing the risk of recidivism of each sex offender who
15 resides within this state and each nonresident sex offender who is a student
16 or worker within this state.

17 2. The ~~{guidelines and procedures}~~ **regulations adopted** must identify
18 and incorporate factors relevant to the risk of recidivism of the sex
19 offender, including, but not limited to:

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

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

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

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

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

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

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

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

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

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

38 (8) Behavior while confined.

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

42 4. Each person who is conducting the assessment must be given access
43 to all records of the sex offender that are necessary to conduct the
44 assessment, and the sex offender shall be deemed to have waived all rights
45 of confidentiality and all privileges relating to those records for the limited
46 purpose of the assessment.

47 5. The attorney general may provide in the ~~{guidelines and procedures}~~
48 **regulations** for a provisional waiver of the assessment of the risk of
49 recidivism of any nonresident sex offender who is not likely to be a student



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1 or worker within this state for more than 30 consecutive days and who is
2 not likely to pose a substantial threat to the safety of the public. If a
3 nonresident sex offender is granted such a provisional waiver, the
4 nonresident sex offender:

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

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

14 **Sec. 8.** NRS 179D.730 is hereby amended to read as follows:

15 179D.730 1. Except as otherwise provided in this section, the
16 ~~{guidelines and procedures}~~ **regulations** for community notification
17 ~~{established}~~ **adopted** by the attorney general must provide for the
18 following levels of notification, depending upon the risk of recidivism of
19 the sex offender:

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

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

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

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

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

44 (b) Businesses which are likely to encounter the sex offender and which
45 primarily have children as customers or conduct events that primarily
46 children attend. Notification pursuant to this subsection must include a
47 copy of a photograph of the sex offender. As used in paragraph (a), "adult
48 motion picture theater" has the meaning ascribed to it in NRS 278.0221.



1 3. If the sex offender has been declared to be a sexually violent
2 predator, the sex offender must be assigned a Tier 3 level of notification.
3 **Sec. 9.** NRS 179D.750 is hereby amended to read as follows:
4 179D.750 1. Except as otherwise provided in subsection 5 of
5 NRS 179D.720, if a sex offender has been assigned a level of notification
6 pursuant to NRS 179D.600 to 179D.800, inclusive, and the sex offender:
7 (a) Is convicted of an offense that poses a threat to the safety or well-
8 being of others;
9 (b) Annoys, harasses, threatens or intimidates a victim of one of his
10 sexual offenses; or
11 (c) Commits an overt act which is sexually motivated or involves the
12 use or threatened use of force or violence and which causes harm or creates
13 a reasonable apprehension of harm,
14 the level of notification assigned to the sex offender may be changed in
15 accordance with the ~~{guidelines and procedures established}~~ **regulations**
16 **adopted** by the attorney general pursuant to NRS 179D.600 to 179D.800,
17 inclusive.
18 2. As used in this section:
19 (a) "Sexual offense" includes, but is not limited to, a sexual offense
20 punishable as a misdemeanor or gross misdemeanor.
21 (b) "Sexually motivated" means that one of the purposes for which the
22 person committed the act was his sexual gratification.
23 **Sec. 10.** NRS 179D.770 is hereby amended to read as follows:
24 179D.770 The law enforcement agency in whose jurisdiction a sex
25 offender resides or is a student or worker shall disclose information
26 regarding the sex offender to the appropriate persons pursuant to the
27 ~~{guidelines and procedures established}~~ **regulations adopted** by the
28 attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.
29 **Sec. 11.** NRS 179D.800 is hereby amended to read as follows:
30 179D.800 1. The attorney general shall ~~{establish guidelines and~~
31 ~~{procedures}~~ **adopt regulations** for community notification concerning
32 juvenile sex offenders who are subject to the provisions of NRS 62.500 to
33 62.600, inclusive. The ~~{guidelines and procedures}~~ **regulations** for
34 community notification concerning juvenile sex offenders must be, to the
35 extent practicable, consistent with the ~~{guidelines and procedures}~~
36 **regulations** for community notification concerning adult sex offenders
37 ~~{established}~~ **adopted** by the attorney general pursuant to NRS 179D.600 to
38 179D.800, inclusive.
39 2. Upon receiving notification from a probation officer assigned to a
40 juvenile sex offender pursuant to NRS 62.500 to 62.600, inclusive, the
41 local law enforcement agency receiving the notification shall disclose
42 information regarding the juvenile sex offender to the appropriate persons
43 pursuant to the ~~{guidelines and procedures established}~~ **regulations**
44 **adopted** by the attorney general pursuant to NRS 179D.600 to 179D.800,
45 inclusive.
46 3. Each person who is conducting an assessment of the risk of
47 recidivism of a juvenile sex offender must be given access to all records of
48 the juvenile sex offender that are necessary to conduct the assessment,
49 including, but not limited to, records compiled pursuant to chapter 62 of



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

4 **Sec. 12.** NRS 62.520 is hereby amended to read as follows:

5 62.520 "Community notification" means notification of a community
6 pursuant to the ~~{guidelines and procedures established}~~ **regulations**
7 **adopted** by the attorney general for juvenile sex offenders pursuant to
8 NRS 179D.800.

9 **Sec. 13.** NRS 62.570 is hereby amended to read as follows:

10 62.570 1. In addition to the options set forth in NRS 62.211 and
11 62.213 and in addition to any other requirements set forth in this chapter, if
12 a child is adjudicated delinquent for an act that, if committed by an adult,
13 would be a sexual offense, the court shall:

14 (a) Notify the attorney general of the adjudication, so the attorney
15 general may arrange for the assessment of the risk of recidivism of the
16 child pursuant to the ~~{guidelines and procedures}~~ **regulations** for
17 community notification;

18 (b) Place the child under the supervision of a probation officer until the
19 child reaches 21 years of age or is no longer subject to community
20 notification as a juvenile sex offender pursuant to NRS 62.500 to 62.600,
21 inclusive;

22 (c) Inform the child and the parents or guardians of the child that the
23 child is subject to community notification as a juvenile sex offender and
24 may be subject to registration and community notification as an adult sex
25 offender pursuant to NRS 62.590; and

26 (d) Order the child, and the parents or guardians of the child during the
27 minority of the child, to inform the probation officer assigned to the child
28 of a change of the address at which the child resides not later than 48 hours
29 after the change of address.

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

35 **Sec. 14.** NRS 209.011 is hereby amended to read as follows:

36 209.011 As used in this chapter, unless the context otherwise requires,
37 the **words and** terms defined in NRS ~~{209.015}~~ **209.021** to 209.085,
38 inclusive, have the meanings ascribed to them in those sections.

39 **Sec. 15.** NRS 209.459 is hereby amended to read as follows:

40 209.459 The director shall , ~~{present the recommendations of the~~
41 ~~advisory board on industrial programs to the board of state prison~~
42 ~~commissioners and,}~~ with the approval of the board , ~~{of state prison~~
43 ~~commissioners,}~~ establish and carry out a program for the employment of
44 offenders in services and manufacturing conducted by institutions of the
45 department or by private employers.

46 **Sec. 16.** Chapter 218 of NRS is hereby amended by adding thereto the
47 provisions set forth as sections 17 to 22, inclusive, of this act.



1 *Sec. 17. As used in sections 17 to 22, inclusive, of this act, unless the*
2 *context otherwise requires, "committee" means the legislative committee*
3 *on criminal justice.*

4 *Sec. 18. 1. The legislative committee on criminal justice is hereby*
5 *created.*

6 *2. The committee consists of eight legislative members who must be*
7 *appointed as follows:*

8 *(a) The majority leader of the senate shall appoint one member from*
9 *the senate who served as a member of the senate standing committee on*
10 *judiciary during the immediately preceding session of the legislature and*
11 *three other members from the senate. Of the four members appointed to*
12 *the committee pursuant to this paragraph, at least one member must be a*
13 *member of the minority political party in the senate.*

14 *(b) The speaker of the assembly shall appoint one member from the*
15 *assembly who served as a member of the assembly standing committee on*
16 *judiciary during the immediately preceding session of the legislature and*
17 *three other members from the assembly. Of the four members appointed*
18 *to the committee pursuant to this paragraph, at least one member must*
19 *be a member of the minority political party in the assembly.*

20 *3. The committee shall consult with an advisory committee consisting*
21 *of nine members who are appointed for terms of 2 years commencing on*
22 *July 1 of each odd-numbered year as follows:*

23 *(a) One member who is a district judge, appointed by the governing*
24 *body of the Nevada District Judges' Association;*

25 *(b) One member who is a district attorney, appointed by the governing*
26 *body of the Nevada District Attorneys' Association;*

27 *(c) One member who is an attorney in private practice, experienced in*
28 *defending criminal actions, appointed by the governing body of the State*
29 *Bar of Nevada;*

30 *(d) One member who is a representative of a law enforcement agency,*
31 *appointed by the governor;*

32 *(e) One member who is a representative of the division of parole and*
33 *probation of the department of motor vehicles and public safety,*
34 *appointed by the chief parole and probation officer;*

35 *(f) One member who has been a victim of a crime or is a*
36 *representative of an organization supporting the rights of victims of*
37 *crime, appointed by the governor;*

38 *(g) One member who is a county commissioner, appointed by the*
39 *governing body of the Nevada Association of Counties;*

40 *(h) One member who is a representative of the department of prisons,*
41 *appointed by the director of the department; and*

42 *(i) One member who is a representative of the central repository for*
43 *Nevada records of criminal history, appointed by the director of the*
44 *department of motor vehicles and public safety.*

45 *The members of the advisory committee are nonvoting members of the*
46 *committee. When meeting as the advisory committee, the members shall*
47 *comply with the provisions of chapter 241 of NRS.*

48 *4. The legislative members of the committee shall elect a chairman*
49 *from one house of the legislature and a vice chairman from the other*



1 *house. Each chairman and vice chairman holds office for a term of 2*
2 *years commencing on July 1 of each odd-numbered year.*

3 *5. Any member of the committee who is not a candidate for*
4 *reelection or who is defeated for reelection continues to serve until the*
5 *next session of the legislature convenes.*

6 *6. Vacancies on the committee must be filled in the same manner as*
7 *original appointments.*

8 *7. The committee shall report annually to the legislative commission*
9 *concerning its activities and any recommendations.*

10 **Sec. 19.** *1. The members of the committee shall meet throughout*
11 *each year at the times and places specified by a call of the chairman or a*
12 *majority of the committee.*

13 *2. The research director of the legislative counsel bureau or a person*
14 *he designates shall act as the nonvoting recording secretary.*

15 *3. The committee shall prescribe regulations for its own management*
16 *and government.*

17 *4. Except as otherwise provided in subsection 5, five voting members*
18 *of the committee constitute a quorum.*

19 *5. Any recommended legislation proposed by the committee must be*
20 *approved by a majority of the members of the senate and by a majority of*
21 *the members of the assembly appointed to the committee.*

22 *6. Each legislative member of the committee, except during a regular*
23 *or special session of the legislature, and any member of the advisory*
24 *committee who is not employed by a local government, is entitled to*
25 *receive the compensation provided for a majority of the members of the*
26 *legislature during the first 60 days of the preceding regular session for*
27 *each day or portion of a day during which he attends a meeting of the*
28 *committee or is otherwise engaged in the business of the committee plus*
29 *the per diem allowance provided for state officers and employees*
30 *generally and the travel expenses provided pursuant to NRS 218.2207.*
31 *The salaries and expenses paid pursuant to this subsection and the*
32 *expenses of the committee must be paid from the legislative fund.*

33 *7. A local government that employs a member of the advisory*
34 *committee shall pay the regular salary, per diem allowance and travel*
35 *expenses of that member for each day or portion of a day during which*
36 *he attends a meeting of the committee or is otherwise engaged in the*
37 *business of the committee.*

38 **Sec. 20.** *1. The committee shall research, investigate, evaluate,*
39 *review and comment upon issues related to criminal justice within this*
40 *state.*

41 *2. In carrying out its functions and duties, the committee may:*

42 *(a) Conduct investigations and hold hearings.*

43 *(b) Request that the legislative counsel bureau assist in any research,*
44 *investigation, evaluation, hearing or review conducted by the committee.*

45 *(c) Make recommendations concerning the manner in which the*
46 *system of criminal justice is administered within this state and provide*
47 *those recommendations to governing bodies, agencies, officers,*
48 *employees and instrumentalities of federal, state or local government and*



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1 to any other person who is concerned with criminal justice within this
2 state.

3 (d) Recommend to the legislature any appropriate legislation
4 concerning criminal justice or any matter that affects criminal justice
5 within this state.

6 **Sec. 21. 1.** If the committee conducts investigations or holds
7 hearings in carrying out its functions and duties:

8 (a) The secretary of the committee or, in his absence, a member
9 designated by the committee, may administer oaths.

10 (b) The secretary or chairman of the committee may cause the
11 deposition of witnesses, residing within or outside of this state, to be
12 taken in the manner prescribed by rule of court for taking depositions in
13 civil actions in the district courts.

14 (c) The chairman of the committee may issue subpoenas to compel the
15 attendance of witnesses and the production of books and papers.

16 2. If a witness refuses to attend or testify or produce books or papers
17 as required by the subpoena, the chairman of the committee may report
18 to the district court by a petition which sets forth that:

19 (a) Due notice has been given of the time and place of attendance of
20 the witness or the production of the books or papers;

21 (b) The witness has been subpoenaed by the committee pursuant to
22 this section; and

23 (c) The witness has failed or refused to attend or produce the books or
24 papers required by the subpoena before the committee that is named in
25 the subpoena, or has refused to answer questions propounded to him.

26 The petition may request an order of the court compelling the witness to
27 attend and testify or produce the books and papers before the committee.

28 3. Upon such a petition, the court shall enter an order directing the
29 witness to appear before the court at a time and place to be fixed by the
30 court in its order, the time to be not more than 10 days after the date of
31 the order, and to show cause why he has not attended or testified or
32 produced the books or papers before the committee. A certified copy of
33 the order must be served upon the witness.

34 4. If it appears to the court that the subpoena was regularly issued by
35 the committee, the court shall enter an order that the witness appear
36 before the committee at the time and place fixed in the order and testify
37 or produce the required books or papers. Failure to obey the order
38 constitutes contempt of court.

39 **Sec. 22.** Each witness who appears before the committee by its
40 order, except a state officer or employee, is entitled to receive for his
41 attendance the fees and mileage provided for witnesses in civil cases in
42 the courts of record of this state. The fees and mileage must be audited
43 and paid upon the presentation of proper claims sworn to by the witness
44 and approved by the secretary and chairman of the committee.

45 **Sec. 23.** NRS 176.0121, 176.0123, 176.0125, 176.0127, 179D.700,
46 209.015, 209.4813 and 209.4814 are hereby repealed.

47 **Sec. 24.** The attorney general shall, not later than January 1, 2002,
48 adopt regulations for community notification pursuant to NRS 179D.600 to
49 179D.800, inclusive. The guidelines and procedures for community



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- 1 notification established by the attorney general shall be deemed to be
2 effective until the regulations for community notification adopted by the
3 attorney general become effective.
4 **Sec. 25.** This act becomes effective on July 1, 2001.

LEADLINES OF REPEALED SECTIONS

- 176.0121 “Commission” defined.
176.0123 Creation; members and appointing authorities;
chairman; terms; vacancies; salaries and per diem.
176.0125 Duties of commission.
176.0127 Department of prisons and division of parole and
probation to provide information to and assist commission.
179D.700 Advisory council for community notification; creation;
members; vacancies; recommendations concerning notification.
209.015 “Advisory board” defined.
209.4813 Advisory board on industrial programs: Creation;
members; chairman; term of appointed members; payment of
compensation, allowances and travel expenses.
209.4814 Advisory board on industrial programs: Duties.

