

SENATE BILL NO. 412—COMMITTEE ON JUDICIARY

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Revises various provisions pertaining to certain offenders. (BDR 14-798)

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 offenders; revising the provisions pertaining to the registration of certain offenders; revising the provisions pertaining to community notification regarding sex offenders; revising the provisions pertaining to the conditions of probation and parole of sex offenders; revising the provisions governing criminal liability for certain offenders who fail to register or fail to notify certain agencies of a change of address; 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 176.0926 is hereby amended to read as follows:
2 176.0926 1. If a defendant is convicted of a crime against a child, the
3 court shall, before imposing sentence:
4 (a) Notify the ~~division~~ *central repository* of the conviction of the
5 defendant, so the ~~division and the~~ central repository may carry out the
6 provisions for registration of the defendant pursuant to NRS 179D.230.
7 (b) Inform the defendant of the requirements for registration, including,
8 but not limited to:
9 (1) The duty to register in this state during any period in which he is a
10 resident of this state or a nonresident who is a student or worker within this
11 state and the time within which he is required to register pursuant to NRS
12 179D.240;
13 (2) The duty to register in any other jurisdiction during any period in
14 which he is a resident of the other jurisdiction or a nonresident who is a
15 student or worker within the other jurisdiction;
16 (3) If he moves from this state to another jurisdiction, the duty to
17 register with the appropriate law enforcement agency in the other
18 jurisdiction; and
19 (4) The duty to notify the ~~division,~~ *local law enforcement agency*
20 *in whose jurisdiction he formerly resided*, in writing, if he changes the
21 address at which he resides, including if he moves from this state to



1 another jurisdiction, or changes the primary address at which he is a
2 student or worker.

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

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

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

11 176.0927 1. If a defendant is convicted of a sexual offense, the court
12 shall, before imposing sentence:

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

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

18 (1) The duty to register in this state during any period in which he is a
19 resident of this state or a nonresident who is a student or worker within this
20 state and the time within which he is required to register pursuant to NRS
21 179D.460;

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

25 (3) If he moves from this state to another jurisdiction, the duty to
26 register with the appropriate law enforcement agency in the other
27 jurisdiction; and

28 (4) The duty to notify the ~~division~~ *local law enforcement agency*
29 *in whose jurisdiction he formerly resided*, in writing, if he changes the
30 address at which he resides, including if he moves from this state to
31 another jurisdiction, or changes the primary address at which he is a
32 student or worker.

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

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

40 **Sec. 3.** NRS 176A.410 is hereby amended to read as follows:

41 176A.410 1. Except as otherwise provided in subsection 2, if a
42 defendant is convicted of a sexual offense and the court grants probation or
43 suspends the sentence, the court shall, in addition to any other condition
44 ordered pursuant to NRS 176A.400, order as a condition of probation or
45 suspension of sentence that the defendant:

46 (a) Reside at a location only if it has been approved by the parole and
47 probation officer assigned to the defendant;

48 (b) Accept a position of employment only if it has been approved by the
49 parole and probation officer assigned to the defendant;



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- 1 (c) Abide by any curfew imposed by the parole and probation officer
2 assigned to the defendant;
- 3 (d) Participate in and complete a program of professional counseling
4 approved by the division;
- 5 (e) Submit to periodic tests , *as requested by the parole and probation*
6 *officer assigned to the defendant*, to determine whether the defendant is
7 using a controlled substance ~~and submit~~ ;
- 8 ~~(f) Submit~~ to periodic ~~polygraph~~ *polygraph* examinations, as
9 requested by the parole and probation officer assigned to the defendant;
- 10 ~~(g)~~ *(g)* Abstain from consuming , *possessing or having under his*
11 *control any* alcohol;
- 12 ~~(h)~~ *(h)* Not have contact or communicate with a victim of the sexual
13 offense or a witness who testified against the defendant or solicit another
14 person to engage in such contact or communication on behalf of the
15 defendant ~~;~~
- 16 ~~(h)~~ , *unless approved by the parole and probation officer assigned to*
17 *the defendant*;
- 18 *(i)* Not use aliases or fictitious names;
- 19 ~~(j)~~ *(j)* Not obtain a post office box unless the defendant receives
20 permission from the parole and probation officer assigned to the defendant;
- 21 ~~(k)~~ *(k)* Not have contact with a person less than 18 years of age in a
22 secluded environment unless another adult who has never been convicted
23 of a sexual offense is present ~~;~~ *and*
- 24 ~~(k) Not~~ *and permission has been obtained from the parole and*
25 *probation officer assigned to the defendant in advance of each such*
26 *contact*;
- 27 *(l) Unless approved by the parole and probation officer assigned to the*
28 *defendant, not* be in or near:
- 29 (1) A playground, *park*, school or school grounds;
- 30 (2) A motion picture theater; or
- 31 (3) A business that primarily has children as customers or conducts
32 events that primarily children attend.
- 33 *(m) Comply with any protocol concerning the use of prescription*
34 *medication prescribed by a treating physician, including, without*
35 *limitation, any protocol concerning the use of psychotropic medication*;
- 36 *(n) Not possess any sexually explicit material that is deemed*
37 *inappropriate by the parole and probation officer assigned to the*
38 *defendant*;
- 39 *(o) Not patronize a business which offers a sexually related form of*
40 *entertainment and which is deemed inappropriate by the parole and*
41 *probation officer assigned to the defendant; and*
- 42 *(p) Not possess any electronic device capable of accessing the Internet*
43 *and not access the Internet through any such device or any other means,*
44 *unless possession of such a device or such access is approved by the*
45 *parole and probation officer assigned to the defendant.*
- 46 2. The court is not required to impose a condition of probation or
47 suspension of sentence listed in subsection 1 if the court finds that
48 extraordinary circumstances are present and the court enters those
49 extraordinary circumstances in the record.



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1 3. As used in this section, "sexual offense" has the meaning ascribed to
2 it in NRS 179D.410.

3 **Sec. 4.** NRS 179D.230 is hereby amended to read as follows:
4 179D.230 1. If the ~~division~~ *central repository* receives notice from
5 a court pursuant to NRS 176.0926 that an offender has been convicted of a
6 crime against a child, the ~~division~~ *central repository* shall:
7 (a) If a record of registration has not previously been established for the
8 offender ~~by the division, establish a record of registration for the offender~~
9 ~~and forward the record of registration to the central repository;~~ *, notify the*
10 *local law enforcement agency so that a record of registration may be*
11 *established;* or
12 (b) If a record of registration has previously been established for the
13 offender, ~~by the division,~~ update the record of registration for the
14 offender and ~~forward the record of registration to the central repository;~~
15 *notify the appropriate local law enforcement agency.*

16 2. If the offender named in the notice is granted probation or otherwise
17 will not be incarcerated or confined, the central repository shall
18 immediately provide notification concerning the offender to the appropriate
19 local law enforcement agencies and, if the offender resides in a jurisdiction
20 which is outside of this state, to the appropriate law enforcement agency in
21 that jurisdiction.

22 3. If ~~the offender named in the notice~~ *an offender* is incarcerated or
23 confined ~~and has previously been convicted of a crime against a child,~~
24 before the offender is released:
25 (a) The ~~division~~ *department of prisons or a local law enforcement*
26 *agency in whose facility the offender is incarcerated or confined* shall:
27 (1) Inform the offender of the requirements for registration,
28 including, but not limited to:
29 (I) The duty to register in this state during any period in which he
30 is a resident of this state or a nonresident who is a student or worker within
31 this state and the time within which he is required to register pursuant to
32 NRS 179D.240;
33 (II) The duty to register in any other jurisdiction during any period
34 in which he is a resident of the other jurisdiction or a nonresident who is a
35 student or worker within the other jurisdiction;
36 (III) If he moves from this state to another jurisdiction, the duty to
37 register with the appropriate law enforcement agency in the other
38 jurisdiction; and
39 (IV) The duty to notify the ~~division~~ *local law enforcement*
40 *agency for the jurisdiction in which he now resides and the jurisdiction*
41 *in which he most recently resided,* in writing, if he changes the address at
42 which he resides, including if he moves from this state to another
43 jurisdiction, or changes the primary address at which he is a student or
44 worker; *and*
45 (2) Require the offender to read and sign a form confirming that the
46 requirements for registration have been explained to him ~~and~~
47 ~~(3) and to forward the form to the central repository.~~
48 **(b) The central repository shall:**



1 (1) Update the record of registration for the offender ~~and forward the~~
2 ~~record of registration to the central repository; and~~
3 ~~—(b) The central repository shall provide; and~~
4 (2) *Provide* notification concerning the offender to the appropriate
5 local law enforcement agencies and, if the offender will reside upon release
6 in a jurisdiction which is outside of this state, to the appropriate law
7 enforcement agency in that jurisdiction.
8 4. ~~If requested by the division, the department of prisons or a local~~
9 ~~law enforcement agency in whose facility the offender is incarcerated shall~~
10 ~~provide the offender with the information and the confirmation form~~
11 ~~required by paragraph (a) of subsection 3.~~
12 ~~—5. The failure to provide an offender with the information or~~
13 ~~confirmation form required by paragraph (a) of subsection 3 does not affect~~
14 ~~the duty of the offender to register and to comply with all other provisions~~
15 ~~for registration.~~
16 ~~16. 5.~~ If the central repository receives notice from another
17 jurisdiction or the Federal Bureau of Investigation that an offender
18 convicted of a crime against a child is now residing or is a student or
19 worker within this state ~~;~~
20 ~~—(a) The central repository shall immediately; , the central repository~~
21 ~~shall:~~
22 (a) *Immediately* provide notification concerning the offender to ~~the~~
23 ~~division and to~~ the appropriate local law enforcement agencies; and
24 (b) ~~The division shall establish~~ *Establish* a record of registration for
25 the offender ~~and forward the record of registration to the central~~
26 ~~repository; with the assistance of the local law enforcement agency.~~
27 **Sec. 5.** NRS 179D.240 is hereby amended to read as follows:
28 179D.240 1. In addition to any other registration that is required
29 pursuant to NRS 179D.230, each offender who, after July 1, 1956, is or has
30 been convicted of a crime against a child shall register with a local law
31 enforcement agency ~~and with the division~~ pursuant to the provisions of
32 this section.
33 2. Except as otherwise provided in subsection 3, if the offender resides
34 or is present for 48 hours or more within:
35 (a) A county; or
36 (b) An incorporated city that does not have a city police
37 department,
38 the offender shall be deemed a resident offender and shall register with the
39 sheriff's office of the county or, if the county or the city is within the
40 jurisdiction of a metropolitan police department, the metropolitan police
41 department, not later than 48 hours after arriving or establishing a
42 residence within the county or the city.
43 3. If the offender resides or is present for 48 hours or more within an
44 incorporated city that has a city police department, the offender shall be
45 deemed a resident offender and shall register with the city police
46 department not later than 48 hours after arriving or establishing a residence
47 within the city.
48 4. If the offender is a nonresident offender who is a student or worker
49 within this state, the offender shall register with the appropriate sheriff's



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1 office, metropolitan police department or city police department in whose
2 jurisdiction he is a student or worker not later than 48 hours after becoming
3 a student or worker within this state.

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

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

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

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

14 6. When an offender registers, the local law enforcement agency shall:

15 (a) Inform the offender of the duty to ~~register and the time within~~
16 ~~which the offender is required to register with the division if he has not~~
17 ~~previously done so;~~ *notify the local law enforcement agency if the*
18 *offender changes the address at which he resides or changes the primary*
19 *address at which he is a student or worker; and*

20 (b) Inform the offender of the duty to ~~notify the division if the offender~~
21 ~~changes the address at which he resides, including if he moves from this~~
22 ~~state to another jurisdiction, or changes the primary address at which he is~~
23 ~~a student or worker; and~~

24 ~~—(c) Provide the offender with the appropriate address of the office of the~~
25 ~~division at which the offender must register and provide notification of~~
26 ~~each such change of address.~~ *register with the local law enforcement*
27 *agency in whose jurisdiction the offender relocates.*

28 7. After the offender registers with the local law enforcement agency ~~+~~
29 ~~—(a) The local law enforcement agency shall notify the division of the~~
30 ~~registration.~~

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

34 ~~—(1) Appear personally at the appropriate office of the division;~~
35 ~~—(2) Provide all information that is requested by the division,~~
36 ~~including, but not limited to, fingerprints and a photograph; and~~
37 ~~—(3) Sign and date the record of registration in the presence of an~~
38 ~~officer or employee of the division.~~ *, the local law enforcement agency*
39 *shall forward to the central repository the information collected,*
40 *including the fingerprints and a photograph, of the registrant.*

41 8. If the ~~division~~ *central repository* has not previously established a
42 record of registration for an offender described in subsection 7 ~~+~~
43 ~~—(a) The division shall establish~~ *, the central repository shall:*

44 *(a) Establish* a record of registration for the offender; and ~~forward the~~
45 ~~record of registration to the central repository; and~~

46 ~~—(b) The central repository shall provide~~

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



1 **Sec. 6.** NRS 179D.250 is hereby amended to read as follows:

2 179D.250 1. If an offender convicted of a crime against a child
3 changes the address at which he resides, including moving from this state
4 to another jurisdiction, or changes the primary address at which he is a
5 student or worker, not later than 48 hours after changing such an address,
6 the offender shall provide the new address, in writing, to the ~~division~~
7 *local law enforcement agency in whose jurisdiction he now resides and to*
8 *the local law enforcement agency in whose jurisdiction he formerly*
9 *resided* and shall provide all other information that is relevant to updating
10 his record of registration, including, but not limited to, any change in his
11 name, occupation, employment, work, volunteer service or driver's license
12 and any change in the license number or description of a motor vehicle
13 registered to or frequently driven by him.

14 2. Upon receiving a change of address from an offender, the ~~division~~
15 *local law enforcement agency* shall immediately forward the new address
16 and any updated information to the central repository and:

17 (a) If the offender has changed an address within this state, the central
18 repository shall immediately provide notification concerning the offender
19 to the *appropriate* local law enforcement agency in whose jurisdiction the
20 offender is now residing or is a student or worker and shall notify the local
21 law enforcement agency in whose jurisdiction the offender last resided or
22 was a student or worker; or

23 (b) If the offender has changed an address from this state to another
24 jurisdiction, the central repository shall immediately provide notification
25 concerning the offender to the appropriate law enforcement agency in the
26 other jurisdiction and shall notify the local law enforcement agency in
27 whose jurisdiction the offender last resided or was a student or worker.

28 **Sec. 7.** NRS 179D.260 is hereby amended to read as follows:

29 179D.260 1. Except as otherwise provided in subsection 4, each
30 year, on the anniversary of the date that the ~~division~~ *central repository*
31 establishes a record of registration for the offender, the central repository
32 shall mail to the offender, at the address last registered by the offender, a
33 nonforwardable verification form. The offender shall complete and sign the
34 form and mail the form to the central repository not later than 10 days after
35 receipt of the form to verify that he still resides at the address he last
36 registered.

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

45 3. If the central repository does not receive a verification form from an
46 offender and otherwise cannot verify the address or location of the
47 offender, the central repository shall immediately notify ~~the division and~~
48 the appropriate local law enforcement agencies.



1 4. The central repository is not required to complete the mailing
2 pursuant to subsection 1:

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

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

8 **Sec. 8.** NRS 179D.270 is hereby amended to read as follows:

9 179D.270 1. An offender convicted of a crime against a child shall
10 comply with the provisions for registration for as long as the offender
11 resides or is present within this state or is a nonresident offender who is a
12 student or worker within this state, unless the duty of the offender to
13 register is terminated pursuant to the provisions of this section.

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

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

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

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

37 (a) Is subject to community notification or to lifetime supervision
38 pursuant to NRS 176.0931 as a sex offender;

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

41 (c) Has been convicted of:

42 (1) One or more sexually violent offenses, as defined in NRS
43 179D.420;

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

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

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

48 **Sec. 9.** NRS 179D.290 is hereby amended to read as follows:

49 179D.290 An offender convicted of a crime against a child who:



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- 1 1. Fails to register with a local law enforcement agency ; ~~for with the~~
- 2 ~~division;~~
- 3 2. Fails to notify the ~~division~~ *local law enforcement agency* of a
- 4 change of address;
- 5 3. Provides false or misleading information to ~~the division;~~ the
- 6 central repository or a local law enforcement agency; or
- 7 4. Otherwise violates the provisions of NRS 179D.200 to 179D.290,
- 8 inclusive,
- 9 is guilty of a category D felony and shall be punished as provided in NRS
- 10 193.130.

11 **Sec. 10.** NRS 179D.450 is hereby amended to read as follows:

12 179D.450 1. If the ~~division~~ *central repository* receives notice from

13 a court pursuant to NRS 176.0927 that a sex offender has been convicted of

14 a sexual offense or pursuant to NRS 62.590 that a juvenile sex offender has

15 been deemed to be an adult sex offender, the ~~division~~ *central repository*

16 shall:

17 (a) If a record of registration has not previously been established for the

18 sex offender ~~by the division, establish a record of registration for the sex~~

19 ~~offender and forward the record of registration to the central repository;~~ ,

20 *notify the local law enforcement agency so that a record of registration*

21 *may be established;* or

22 (b) If a record of registration has previously been established for the sex

23 ~~offender by the division,~~ update the record of registration for the sex

24 offender and ~~forward the record of registration to the central repository;~~

25 *notify the appropriate local law enforcement agencies.*

26 2. If the sex offender named in the notice is granted probation or

27 otherwise will not be incarcerated or confined or if the sex offender named

28 in the notice has been deemed to be an adult sex offender pursuant to NRS

29 62.590 and is not otherwise incarcerated or confined:

30 (a) The central repository shall immediately provide notification

31 concerning the sex offender to the appropriate local law enforcement

32 agencies and, if the sex offender resides in a jurisdiction which is outside

33 of this state, to the appropriate law enforcement agency in that jurisdiction;

34 and

35 (b) If the sex offender is subject to community notification, the

36 ~~division~~ *central repository* shall arrange for the assessment of the risk of

37 recidivism of the sex offender pursuant to the guidelines and procedures

38 for community notification established by the attorney general pursuant to

39 NRS 179D.600 to 179D.800, inclusive.

40 3. If ~~the~~ *a* sex offender ~~named in the notice~~ is incarcerated or

41 confined ~~;~~ *and has previously been convicted of a sexual offense as*

42 *described in NRS 179D.410,* before the sex offender is released:

43 (a) The ~~division~~ *department of prisons or a local law enforcement*

44 *agency in whose facility the sex offender is incarcerated or confined*

45 shall:

46 (1) Inform the sex offender of the requirements for registration,

47 including, but not limited to:

48 (I) The duty to register in this state during any period in which he

49 is a resident of this state or a nonresident who is a student or worker within



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1 this state and the time within which he is required to register pursuant to
2 NRS 179D.460;

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

6 (III) If he moves from this state to another jurisdiction, the duty to
7 register with the appropriate law enforcement agency in the other
8 jurisdiction; and

9 (IV) The duty to notify the ~~{division}~~ **local law enforcement**
10 **agencies for the jurisdiction in which he now resides and the jurisdiction**
11 **in which he formerly resided** in writing, if he changes the address at which
12 he resides, including if he moves from this state to another jurisdiction, or
13 changes the primary address at which he is a student or worker; **and**

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

16 ~~—(3)— and to forward the form to the central repository.~~

17 **(b) The central repository shall:**

18 **(1)** Update the record of registration for the sex offender ~~{and~~
19 ~~forward the record of registration to the central repository; and~~

20 ~~—(4)— ;~~

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

26 ~~{(b) The central repository shall provide}~~

27 **(3) Provide** notification concerning the sex offender to the
28 appropriate local law enforcement agencies and, if the sex offender will
29 reside upon release in a jurisdiction which is outside of this state, to the
30 appropriate law enforcement agency in that jurisdiction.

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

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

39 ~~{6.—}~~ 5. If the central repository receives notice from another
40 jurisdiction or the Federal Bureau of Investigation that a sex offender is
41 now residing or is a student or worker within this state ~~;~~

42 ~~—(a) The~~ the central repository shall ~~{immediately}~~ ;

43 **(a) Immediately** provide notification concerning the sex offender to ~~{the~~
44 ~~division and to}~~ the appropriate local law enforcement agencies;

45 **(b)** ~~{The division shall establish}~~ **Establish** a record of registration for
46 the sex offender ; ~~{and forward the record of registration to the central~~
47 ~~repository;}~~ and

48 **(c)** If the sex offender is subject to community notification, ~~{the division~~
49 ~~shall}~~ arrange for the assessment of the risk of recidivism of the sex



1 offender pursuant to the guidelines and procedures for community
2 notification established by the attorney general pursuant to NRS 179D.600
3 to 179D.800, inclusive.

4 **Sec. 11.** NRS 179D.460 is hereby amended to read as follows:

5 179D.460 1. In addition to any other registration that is required
6 pursuant to NRS 179D.450, each sex offender who, after July 1, 1956, is or
7 has been convicted of a sexual offense shall register with a local law
8 enforcement agency ~~and with the division~~ pursuant to the provisions of
9 this section.

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

12 (a) A county; or

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

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

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

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

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

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

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

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

40 6. When a sex offender registers, the local law enforcement agency
41 shall:

42 (a) Inform the sex offender of the duty to ~~register and the time within~~
43 ~~which the sex offender is required to register with the division if he has not~~
44 ~~previously done so;~~ *notify the local law enforcement agency if the sex*
45 *offender changes the address at which he resides, including if he moves*
46 *from this state to another jurisdiction, or changes the primary address at*
47 *which he is a student or worker; and*

48 (b) Inform the sex offender of the duty to ~~notify the division if the sex~~
49 ~~offender changes the address at which he resides, including if he moves~~



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1 ~~from this state to another jurisdiction, or changes the primary address at~~
2 ~~which he is a student or worker; and~~

3 ~~—(c) Provide the sex offender with the appropriate address of the office of~~
4 ~~the division at which the sex offender must register and provide~~
5 ~~notification of each such change of address.]~~ *register with the local law*
6 *enforcement agency in whose jurisdiction the sex offender relocates.*

7 7. After the sex offender registers with the local law enforcement
8 agency ~~[-~~:

9 ~~—(a) The local law enforcement agency shall notify the division of the~~
10 ~~registration.~~

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

14 ~~—(1) Appear personally at the appropriate office of the division;~~

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

17 ~~—(3) Sign and date the record of registration in the presence of an~~
18 ~~officer or employee of the division.]~~ *, the local law enforcement agency*
19 *shall forward to the central repository the information collected,*
20 *including the fingerprints and a photograph, of the registrant.*

21 8. If the ~~{division}~~ *central repository* has not previously established a
22 record of registration for a sex offender described in subsection 7 ~~[-~~:

23 ~~—(a) The division shall establish]~~ *, the central repository shall:*

24 *(a) Establish* a record of registration for the sex offender ~~[and forward~~
25 ~~the record of registration to the central repository;~~

26 ~~—(b) The central repository shall provide]~~ ;

27 *(b) Provide* notification concerning the sex offender to the appropriate
28 local law enforcement agencies; and

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

34 **Sec. 12.** NRS 179D.470 is hereby amended to read as follows:

35 179D.470 1. If a sex offender changes the address at which he
36 resides, including moving from this state to another jurisdiction, or changes
37 the primary address at which he is a student or worker, not later than 48
38 hours after changing such an address, the sex offender shall provide the
39 new address, in writing, to the ~~{division}~~ *local law enforcement agency in*
40 *whose jurisdiction he now resides and the local law enforcement agency*
41 *in whose jurisdiction he formerly resided* and shall provide all other
42 information that is relevant to updating his record of registration, including,
43 but not limited to, any change in his name, occupation, employment, work,
44 volunteer service or driver's license and any change in the license number
45 or description of a motor vehicle registered to or frequently driven by him.

46 2. Upon receiving a change of address from a sex offender, the
47 ~~{division}~~ *local law enforcement agency* shall immediately forward the
48 new address and any updated information to the central repository and:



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1 (a) If the sex offender has changed an address within this state, the
2 central repository shall immediately provide notification concerning the
3 sex offender to the local law enforcement agency in whose jurisdiction the
4 sex offender is now residing or is a student or worker and shall notify the
5 local law enforcement agency in whose jurisdiction the sex offender last
6 resided or was a student or worker; or

7 (b) If the sex offender has changed an address from this state to another
8 jurisdiction, the central repository shall immediately provide notification
9 concerning the sex offender to the appropriate law enforcement agency in
10 the other jurisdiction and shall notify the local law enforcement agency in
11 whose jurisdiction the sex offender last resided or was a student or worker.

12 **Sec. 13.** NRS 179D.480 is hereby amended to read as follows:

13 179D.480 1. Except as otherwise provided in subsections 2 and 5,
14 each year, on the anniversary of the date that the ~~{division}~~ **central**
15 **repository** establishes a record of registration for the sex offender, the
16 central repository shall mail to the sex offender, at the address last
17 registered by the sex offender, a nonforwardable verification form. The sex
18 offender shall complete and sign the form and mail the form to the central
19 repository not later than 10 days after receipt of the form to verify that he
20 still resides at the address he last registered.

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

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

38 4. If the central repository does not receive a verification form from a
39 sex offender and otherwise cannot verify the address or location of the sex
40 offender, the central repository shall immediately notify the ~~{division and~~
41 ~~the}~~ appropriate local law enforcement agencies.

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

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

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



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1 **Sec. 14.** NRS 179D.490 is hereby amended to read as follows:

2 179D.490 1. A sex offender shall comply with the provisions for
3 registration for as long as the sex offender resides or is present within this
4 state or is a nonresident sex offender who is a student or worker within this
5 state, unless the duty of the sex offender to register is terminated pursuant
6 to the provisions of this section.

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

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

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

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

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

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

33 (c) Has been convicted of:

34 (1) One or more sexually violent offenses;

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

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

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

40 **Sec. 15.** NRS 179D.550 is hereby amended to read as follows:

41 179D.550 A sex offender who:

42 1. Fails to register with a local law enforcement agency ; ~~for with the~~
43 ~~division;~~

44 2. Fails to notify the ~~division~~ *local law enforcement agency* of a
45 change of address;

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

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



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

3 **Sec. 16.** NRS 62.590 is hereby amended to read as follows:

4 62.590 Except as otherwise provided in NRS 62.500 to 62.600,
5 inclusive:

6 1. If a child has been adjudicated delinquent for a sexual offense, the
7 court shall hold a hearing when the child reaches 21 years of age to
8 determine whether the child should be deemed an adult sex offender for the
9 purposes of registration and community notification pursuant to NRS
10 179D.350 to 179D.800, inclusive.

11 2. If the court determines at the hearing that the child has been
12 rehabilitated to the satisfaction of the court and that the child is not likely
13 to pose a threat to the safety of others, the court shall relieve the child of
14 being subject to community notification.

15 3. If the court determines at the hearing that the child has not been
16 rehabilitated to the satisfaction of the court or that the child is likely to pose
17 a threat to the safety of others, the court shall deem the child to be an adult
18 sex offender for the purposes of registration and community notification
19 pursuant to NRS 179D.350 to 179D.800, inclusive.

20 4. If a child is deemed to be an adult sex offender pursuant to this
21 section, the court shall notify the ~~division,~~ *central repository*, so the
22 ~~division and the~~ central repository may carry out the provisions for
23 registration of the child as an adult sex offender pursuant to NRS
24 179D.450.

25 **Sec. 17.** NRS 213.1245 is hereby amended to read as follows:

26 213.1245 1. Except as otherwise provided in subsection 2, if the
27 board releases on parole a prisoner convicted of an offense listed in NRS
28 179D.620, the board shall, in addition to any other condition of parole,
29 require as a condition of parole that the parolee:

30 (a) Reside at a location only if it has been approved by the parole and
31 probation officer assigned to the parolee;

32 (b) Accept a position of employment only if it has been approved by the
33 parole and probation officer assigned to the parolee;

34 (c) Abide by any curfew imposed by the parole and probation officer
35 assigned to the parolee;

36 (d) Participate in and complete a program of professional counseling
37 approved by the division;

38 (e) Submit to periodic tests *, as requested by the parole and probation*
39 *officer assigned to the parolee*, to determine whether the parolee is using a
40 controlled substance ~~and submit~~ ;

41 *(f) Submit* to periodic ~~polygraphic~~ *polygraph* examinations, as
42 requested by the parole and probation officer assigned to the parolee;

43 ~~(g)~~ *(g)* Abstain from consuming *, possessing or having under his*
44 *control any* alcohol;

45 ~~(h)~~ *(h)* Not have contact or communicate with a victim of the offense
46 or a witness who testified against the parolee or solicit another person to
47 engage in such contact or communication on behalf of the parolee ~~;~~

48 ~~(h)~~ *, unless approved by the parole and probation officer assigned to*
49 *the parolee;*



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- 1 *(i)* Not use aliases or fictitious names;
2 ~~+(j)~~ *(j)* Not obtain a post office box unless the parolee receives
3 permission from the parole and probation officer assigned to the parolee;
4 ~~+(k)~~ *(k)* Not have contact with a person less than 18 years of age in a
5 secluded environment unless another adult who has never been convicted
6 of an offense listed in NRS 179D.410 is present ~~+~~and
7 ~~+(k)~~ ~~Not~~ *and permission has been obtained from the parole and*
8 *probation officer assigned to the parolee in advance of each such*
9 *contact;*
10 *(l) Unless approved by the parole and probation officer assigned to the*
11 *parolee, not* be in or near:
12 (1) A playground, *park*, school or school grounds;
13 (2) A motion picture theater; or
14 (3) A business that primarily has children as customers or conducts
15 events that primarily children attend ~~+~~;
16 *(m) Comply with any protocol concerning the use of prescription*
17 *medication prescribed by a treating physician, including, without*
18 *limitation, any protocol concerning the use of psychotropic medication;*
19 *(n) Not possess any sexually explicit material that is deemed*
20 *inappropriate by the parole and probation officer assigned to the parolee;*
21 *(o) Not patronize a business which offers a sexually related form of*
22 *entertainment and which is deemed inappropriate by the parole and*
23 *probation officer assigned to the parolee; and*
24 *(p) Not possess any electronic device capable of accessing the Internet*
25 *and not access the Internet through any such device or any other means,*
26 *unless possession of such a device or such access is approved by the*
27 *parole and probation officer assigned to the parolee.*
28 2. The board is not required to impose a condition of parole listed in
29 subsection 1 if the board finds that extraordinary circumstances are present
30 and the board states those extraordinary circumstances in writing.
31 **Sec. 18.** 1. Except as otherwise provided in subsection 2, the
32 amendatory provisions of this act apply to offenses committed on, before
33 or after July 1, 2001.
34 2. The amendatory provisions of sections 9 and 15 of this act do not
35 apply to offenses committed before October 1, 2001.
36 **Sec. 19.** This act becomes effective on July 1, 2001.

