

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**SECOND REPRINT** **S.B. 412**

---

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.

~

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; revising various provisions governing community notification of juvenile sex offenders; revising various provisions governing attendance of juvenile sex offenders at the same public school or private school as their victims; 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  
12     NRS 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



\* S B 4 1 2 R 2 \*

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

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

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

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

14 176.0927 1. If a defendant is convicted of a sexual offense, the court  
15 shall, before imposing sentence:

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

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

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

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

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

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

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

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

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

44 176A.410 1. Except as otherwise provided in subsection ~~2~~ **3**, if a  
45 defendant is convicted of a sexual offense and the court grants probation or  
46 suspends the sentence, the court shall, in addition to any other condition  
47 ordered pursuant to NRS 176A.400, order as a condition of probation or  
48 suspension of sentence that the defendant:



\* S B 4 1 2 R 2 \*

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



\* S B 4 1 2 R 2 \*

1 *unless possession of such a device or such access is approved by the*  
2 *parole and probation officer assigned to the defendant.*

3 2. *A written agreement entered into pursuant to paragraph (h) of*  
4 *subsection 1 must state that the contact or communication is in the best*  
5 *interest of the victim or witness, and specify the type of contact or*  
6 *communication authorized. The written agreement must be signed and*  
7 *agreed to by:*

8 (a) *The victim or the witness;*

9 (b) *The defendant;*

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

11 (d) *The psychiatrist, psychologist or counselor treating the defendant,*  
12 *victim or witness, if any; and*

13 (e) *If the victim or witness is a child under 18 years of age, each*  
14 *parent, guardian or custodian of the child.*

15 3. The court is not required to impose a condition of probation or  
16 suspension of sentence listed in subsection 1 if the court finds that  
17 extraordinary circumstances are present and the court enters those  
18 extraordinary circumstances in the record.

19 ~~3.~~ 4. As used in this section, “sexual offense” has the meaning  
20 ascribed to it in NRS 179D.410.

21 **Sec. 4.** NRS 179D.230 is hereby amended to read as follows:

22 179D.230 1. If the ~~division~~ *central repository* receives notice from  
23 a court pursuant to NRS 176.0926 that an offender has been convicted of a  
24 crime against a child, the ~~division~~ *central repository* shall:

25 (a) If a record of registration has not previously been established for the  
26 offender ~~by the division, establish a record of registration for the offender~~  
27 ~~and forward the record of registration to the central repository;~~ *, notify the*  
28 *local law enforcement agency so that a record of registration may be*  
29 *established;* or

30 (b) If a record of registration has previously been established for the  
31 offender ~~, by the division,~~ update the record of registration for the  
32 offender and ~~forward the record of registration to the central repository;~~  
33 *notify the appropriate local law enforcement agency.*

34 2. If the offender named in the notice is granted probation or otherwise  
35 will not be incarcerated or confined, the central repository shall  
36 immediately provide notification concerning the offender to the appropriate  
37 local law enforcement agencies and, if the offender resides in a jurisdiction  
38 which is outside of this state, to the appropriate law enforcement agency in  
39 that jurisdiction.

40 3. If ~~the offender named in the notice~~ *an offender* is incarcerated or  
41 confined ~~and has previously been convicted of a crime against a child,~~  
42 before the offender is released:

43 (a) The ~~division~~ *department of prisons or a local law enforcement*  
44 *agency in whose facility the offender is incarcerated or confined* shall:

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

47 (I) The duty to register in this state during any period in which he  
48 is a resident of this state or a nonresident who is a student or worker within



1 this state and the time within which he is required to register pursuant to  
2 NRS 179D.240;

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 *agency for the jurisdiction in which he now resides, in person, and the*  
11 *jurisdiction in which he most recently resided, in person or* in writing, if  
12 he changes the address at which he resides, including if he moves from this  
13 state to another jurisdiction, or changes the primary address at which he is  
14 a student or worker; *and*

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

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

18 *(b) The central repository shall:*

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

21 ~~—(b) The central repository shall provide} ; and~~

22 *(2) Provide* notification concerning the offender to the appropriate  
23 local law enforcement agencies and, if the offender will reside upon release  
24 in a jurisdiction which is outside of this state, to the appropriate law  
25 enforcement agency in that jurisdiction.

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

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

34 ~~{6.}~~ 5. If the central repository receives notice from another  
35 jurisdiction or the Federal Bureau of Investigation that an offender  
36 convicted of a crime against a child is now residing or is a student or  
37 worker within this state ~~{~~

38 ~~—(a) The central repository shall immediately} , the central repository~~  
39 ~~shall:~~

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

42 (b) ~~{The division shall establish}~~ *Establish* a record of registration for  
43 the offender ~~{and forward the record of registration to the central~~  
44 ~~repository.}~~ *with the assistance of the local law enforcement agency.*

45 **Sec. 5.** NRS 179D.240 is hereby amended to read as follows:

46 179D.240 1. In addition to any other registration that is required  
47 pursuant to NRS 179D.230, each offender who, after July 1, 1956, is or has  
48 been convicted of a crime against a child shall register with a local law



1 enforcement agency ~~[and with the division]~~ pursuant to the provisions of  
2 this section.

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

5 (a) A county; or

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

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

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

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

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

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

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

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

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

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

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

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

47 7. After the offender registers with the local law enforcement agency ~~[-~~

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



\* S B 4 1 2 R 2 \*

1 ~~— (b) If the offender has not previously registered with the division, the~~  
2 ~~offender shall, not later than 48 hours after registering with the local law~~  
3 ~~enforcement agency;~~

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

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

7 ~~— (3) Sign and date the record of registration in the presence of an~~  
8 ~~officer or employee of the division.] , the local law enforcement agency~~  
9 ~~shall forward to the central repository the information collected,~~  
10 ~~including the fingerprints and a photograph, of the offender.~~

11 8. If the ~~{division}~~ **central repository** has not previously established a  
12 record of registration for an offender described in subsection 7 ~~†~~

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

14 ~~(a) Establish~~ a record of registration for the offender; and ~~{forward the~~  
15 ~~record of registration to the central repository; and~~

16 ~~— (b) The central repository shall provide]~~

17 ~~(b) Provide~~ notification concerning the offender to the appropriate local  
18 law enforcement agencies.

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

20 179D.250 1. If an offender convicted of a crime against a child  
21 changes the address at which he resides, including moving from this state  
22 to another jurisdiction, or changes the primary address at which he is a  
23 student or worker, not later than 48 hours after changing such an address,  
24 the offender shall provide the new address, in ~~{writing,} person,~~ to the  
25 ~~{division} local law enforcement agency in whose jurisdiction he now~~  
26 ~~resides and, in person or in writing, to the local law enforcement agency~~  
27 ~~in whose jurisdiction he formerly resided~~ and shall provide all other  
28 information that is relevant to updating his record of registration, including,  
29 but not limited to, any change in his name, occupation, employment, work,  
30 volunteer service or driver's license and any change in the license number  
31 or description of a motor vehicle registered to or frequently driven by him.

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

35 (a) If the offender has changed an address within this state, the central  
36 repository shall immediately provide notification concerning the offender  
37 to the **appropriate** local law enforcement agency in whose jurisdiction the  
38 offender is now residing or is a student or worker and shall notify the local  
39 law enforcement agency in whose jurisdiction the offender last resided or  
40 was a student or worker; or

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

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

47 179D.260 1. Except as otherwise provided in subsection 4, each  
48 year, on the anniversary of the date that the ~~{division}~~ **central repository**  
49 establishes a record of registration for the offender, the central repository





1 shall mail to the offender, at the address last registered by the offender, a  
2 nonforwardable verification form. The offender shall complete and sign the  
3 form and mail the form to the central repository not later than 10 days after  
4 receipt of the form to verify that he still resides at the address he last  
5 registered.

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

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

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

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

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

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

26 179D.270 1. An offender convicted of a crime against a child shall  
27 comply with the provisions for registration for as long as the offender  
28 resides or is present within this state or is a nonresident offender who is a  
29 student or worker within this state, unless the duty of the offender to  
30 register is terminated pursuant to the provisions of this section.

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

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

47 4. If the court does not terminate the duty of the offender to register  
48 after a petition is heard pursuant to subsections 2 and 3, the offender may  
49 file another petition after each succeeding interval of 5 consecutive years if





1 the offender is not convicted of an offense that poses a threat to the safety  
2 or well-being of others.

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

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

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

9 (c) Has been convicted of:

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

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

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

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

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

17 179D.290 An offender convicted of a crime against a child who:

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

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

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

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

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

29 179D.450 1. If the ~~division~~ *central repository* receives notice from  
30 a court pursuant to NRS 176.0927 that a sex offender has been convicted of  
31 a sexual offense or pursuant to NRS 62.590 that a juvenile sex offender has  
32 been deemed to be an adult sex offender, the ~~division~~ *central repository*  
33 shall:

34 (a) If a record of registration has not previously been established for the  
35 sex offender ~~by the division, establish a record of registration for the sex~~  
36 ~~offender and forward the record of registration to the central repository;~~ ,  
37 *notify the local law enforcement agency so that a record of registration*  
38 *may be established;* or

39 (b) If a record of registration has previously been established for the sex  
40 ~~offender by the division;~~ update the record of registration for the sex  
41 offender and ~~forward the record of registration to the central repository;~~  
42 *notify the appropriate local law enforcement agencies.*

43 2. If the sex offender named in the notice is granted probation or  
44 otherwise will not be incarcerated or confined or if the sex offender named  
45 in the notice has been deemed to be an adult sex offender pursuant to NRS  
46 62.590 and is not otherwise incarcerated or confined:

47 (a) The central repository shall immediately provide notification  
48 concerning the sex offender to the appropriate local law enforcement  
49 agencies and, if the sex offender resides in a jurisdiction which is outside



\* S B 4 1 2 R 2 \*

1 of this state, to the appropriate law enforcement agency in that jurisdiction;  
2 and

3 (b) If the sex offender is subject to community notification, the  
4 ~~{division}~~ *central repository* shall arrange for the assessment of the risk of  
5 recidivism of the sex offender pursuant to the guidelines and procedures  
6 for community notification established by the attorney general pursuant to  
7 NRS 179D.600 to 179D.800, inclusive.

8 3. If ~~{the}~~ *a* sex offender ~~{named in the notice}~~ is incarcerated or  
9 confined ~~{}~~ *and has previously been convicted of a sexual offense as*  
10 *described in NRS 179D.410*, before the sex offender is released:

11 (a) The ~~{division}~~ *department of prisons or a local law enforcement*  
12 *agency in whose facility the sex offender is incarcerated or confined*  
13 shall:

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

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

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

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

26 (IV) The duty to notify the ~~{division,}~~ *local law enforcement*  
27 *agency for the jurisdiction in which he now resides, in person, and the*  
28 *jurisdiction in which he formerly resided, in person or* in writing, if he  
29 changes the address at which he resides, including if he moves from this  
30 state to another jurisdiction, or changes the primary address at which he is  
31 a student or worker; *and*

32 (2) Require the sex offender to read and sign a form confirming that  
33 the requirements for registration have been explained to him ~~{}~~

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

35 (b) *The central repository shall:*

36 (1) Update the record of registration for the sex offender ~~{and~~  
37 ~~forward the record of registration to the central repository; and~~

38 ~~—(4)—~~ ;

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

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

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



1 4. ~~If requested by the division, the department of prisons or a local~~  
2 ~~law enforcement agency in whose facility the sex offender is incarcerated~~  
3 ~~shall provide the sex offender with the information and the confirmation~~  
4 ~~form 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 ~~16.~~ 5. If the central repository receives notice from another  
10 jurisdiction or the Federal Bureau of Investigation that a sex offender is  
11 now residing or is a student or worker within this state ~~1:~~  
12 ~~—(a) The~~ the central repository shall ~~immediately~~ ;  
13 (a) **Immediately** provide notification concerning the sex offender to ~~the~~  
14 ~~division and to~~ the appropriate local law enforcement agencies;  
15 (b) ~~The division shall establish~~ **Establish** a record of registration for  
16 the sex offender ; ~~and forward the record of registration to the central~~  
17 ~~repository;~~ 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 for community  
21 notification established by the attorney general pursuant to NRS 179D.600  
22 to 179D.800, inclusive.  
23 **Sec. 11.** 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  
28 this 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 *of the local law enforcement agency* in the presence of an  
10 officer of the local law enforcement 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;~~ *notify the local law enforcement agency if the sex*  
16 *offender changes the address at which he resides, including if he moves*  
17 *from this state to another jurisdiction, or changes the primary address at*  
18 *which he is a student or worker; and*
- 19     (b) Inform the sex offender of the duty to ~~notify the division if the sex~~  
20 ~~offender changes the address at which he resides, including if he moves~~  
21 ~~from this state to another jurisdiction, or changes the primary address at~~  
22 ~~which he is a student or worker; and~~
- 23     ~~—(c) Provide the sex offender with the appropriate address of the office of~~  
24 ~~the division at which the sex offender must register and provide~~  
25 ~~notification of each such change of address;~~ *register with the local law*  
26 *enforcement agency in whose jurisdiction the sex offender relocates.*
- 27    7. After the sex offender registers with the local law enforcement  
28 agency ~~;~~
- 29     ~~—(a) The local law enforcement agency shall notify the division of the~~  
30 ~~registration;~~
- 31     ~~—(b) If the sex offender has not previously registered with the division,~~  
32 ~~the sex offender shall, not later than 48 hours after registering with the~~  
33 ~~local law 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 sex offender.*
- 41    8. If the ~~{division}~~ *central repository* has not previously established a  
42 record of registration for a sex offender described in subsection 7 ~~;~~
- 43     ~~—(a) The division shall establish;~~ *the central repository shall:*
- 44     ~~(a) Establish~~ a record of registration for the sex offender ~~{and forward~~  
45 ~~the record of registration to the central repository;~~
- 46     ~~—(b) The central repository shall provide;~~
- 47     ~~(b) Provide~~ notification concerning the sex offender to the appropriate  
48 local law enforcement agencies; and



\* S B 4 1 2 R 2 \*

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

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

7 179D.470 1. If a sex offender changes the address at which he  
8 resides, including moving from this state to another jurisdiction, or changes  
9 the primary address at which he is a student or worker, not later than 48  
10 hours after changing such an address, the sex offender shall provide the  
11 new address, in ~~writing,~~ *person*, to the ~~division~~ *local law enforcement*  
12 *agency in whose jurisdiction he now resides and, in person or in writing,*  
13 *to the local law enforcement agency in whose jurisdiction he formerly*  
14 *resided* and shall provide all other information that is relevant to updating  
15 his record of registration, including, but not limited to, any change in his  
16 name, occupation, employment, work, volunteer service or driver's license  
17 and any change in the license number or description of a motor vehicle  
18 registered to or frequently driven by him.

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

22 (a) If the sex offender has changed an address within this state, the  
23 central repository shall immediately provide notification concerning the  
24 sex offender to the local law enforcement agency in whose jurisdiction the  
25 sex offender is now residing or is a student or worker and shall notify the  
26 local law enforcement agency in whose jurisdiction the sex offender last  
27 resided or was a student or worker; or

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

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

34 179D.480 1. Except as otherwise provided in subsections 2 and 5,  
35 each year, on the anniversary of the date that the ~~division~~ *central*  
36 *repository* establishes a record of registration for the sex offender, the  
37 central repository shall mail to the sex offender, at the address last  
38 registered by the sex offender, a nonforwardable verification form. The sex  
39 offender shall complete and sign the form and mail the form to the central  
40 repository not later than 10 days after receipt of the form to verify that he  
41 still resides at the address he last registered.

42 2. Except as otherwise provided in subsection 5, if a sex offender has  
43 been declared to be a sexually violent predator, every 90 days, beginning  
44 on the date that the ~~division~~ *central repository* establishes a record of  
45 registration for the sex offender, the central repository shall mail to the sex  
46 offender, at the address last registered by the sex offender, a  
47 nonforwardable verification form. The sex offender shall complete and  
48 sign the form and mail the form to the central repository not later than 10



\* S B 4 1 2 R 2 \*

1 days after receipt of the form to verify that he still resides at the address he  
2 last registered.

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

11 4. If the central repository does not receive a verification form from a  
12 sex offender and otherwise cannot verify the address or location of the sex  
13 offender, the central repository shall immediately notify the ~~division and~~  
14 ~~the~~ appropriate local law enforcement agencies.

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

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

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

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

23 179D.490 1. A sex offender shall comply with the provisions for  
24 registration for as long as the sex offender resides or is present within this  
25 state or is a nonresident sex offender who is a student or worker within this  
26 state, unless the duty of the sex offender to register is terminated pursuant  
27 to the provisions of this section.

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

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

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



\* S B 4 1 2 R 2 \*

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

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

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

6 (c) Has been convicted of:

7 (1) One or more sexually violent offenses;

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

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

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

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

14 179D.550 A sex offender who:

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

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

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

21 4. Otherwise violates the provisions of NRS 179D.350 to 179D.550,  
22 inclusive,  
23 is guilty of a category D felony and shall be punished as provided in  
24 NRS 193.130.

25 **Sec. 16.** Chapter 62 of NRS is hereby amended by adding thereto the  
26 provisions set forth as sections 17 to 21, inclusive, of this act.

27 **Sec. 17.** *1. If a child is adjudicated delinquent for an act that, if*  
28 *committed by an adult, would constitute kidnapping in the first or second*  
29 *degree, false imprisonment, burglary or invasion of the home, the court*  
30 *shall, at the request of the prosecuting attorney, conduct a separate*  
31 *hearing to determine whether the act was sexually motivated.*

32 *2. At the hearing, only evidence concerning the question of whether*  
33 *the act was sexually motivated may be presented.*

34 *3. After hearing the evidence, the court shall determine whether the*  
35 *act was sexually motivated and shall enter its finding in the record.*

36 *4. For the purposes of this section, an act is "sexually motivated" if*  
37 *one of the purposes for which the child committed the act was his sexual*  
38 *gratification.*

39 **Sec. 18.** *"Sexually motivated act" means an act that is determined to*  
40 *be sexually motivated pursuant to section 17 of this act.*

41 **Sec. 19.** *1. A probation officer assigned to a child who is subject to*  
42 *the provisions of this section, NRS 62.405 to 62.485, inclusive, and*  
43 *section 18 of this act may submit a petition to the court requesting that*  
44 *the court terminate the applicability of the provisions of this section, NRS*  
45 *62.405 to 62.485, inclusive, and section 18 of this act with respect to the*  
46 *child if:*

47 *(a) At the time the child committed the sexual offense or the sexually*  
48 *motivated act for which the child was adjudicated delinquent, the child*



\* S B 4 1 2 R 2 \*



1 *and the victim of the sexual offense or sexually motivated act committed*  
2 *by the child were members of the same family or household;*

3 *(b) The child has complied with the terms and conditions of his*  
4 *probation, including, without limitation, the completion of any*  
5 *counseling in which the child was ordered to participate;*

6 *(c) The child's counselor recommends, in writing, that the court*  
7 *terminate the applicability of the provisions of this section, NRS 62.405*  
8 *to 62.485, inclusive, and section 18 of this act with respect to the child to*  
9 *allow the reunification of the family or household; and*

10 *(d) The victim and the parents or guardians of the victim consent, in*  
11 *writing, to the termination of the applicability of the provisions of this*  
12 *section, NRS 62.405 to 62.485, inclusive, and section 18 of this act with*  
13 *respect to the child to allow the reunification of the family or household.*

14 *2. If the court grants a petition requested pursuant to this section, the*  
15 *court shall notify the public school or private school which the child is*  
16 *attending, in writing, that the court has terminated the applicability of*  
17 *the provisions of this section, NRS 62.405 to 62.485, inclusive, and*  
18 *section 18 of this act with respect to the child.*

19 **Sec. 20.** *"Sexually motivated act" means an act that is determined to*  
20 *be sexually motivated pursuant to section 17 of this act.*

21 **Sec. 21.** *1. If a child who has been adjudicated delinquent for a*  
22 *sexual offense or a sexually motivated act has not previously been*  
23 *relieved of being subject to community notification as a juvenile sex*  
24 *offender, the court may, at any appropriate time, hold a hearing to*  
25 *determine whether the child should be relieved of being subject to*  
26 *community notification as a juvenile sex offender.*

27 *2. If the court determines at the hearing that the child has been*  
28 *rehabilitated to the satisfaction of the court and that the child is not likely*  
29 *to pose a threat to the safety of others, the court may relieve the child of*  
30 *being subject to community notification as a juvenile sex offender.*

31 **Sec. 22.** *NRS 62.405 is hereby amended to read as follows:*  
32 *62.405 As used in NRS 62.405 to 62.485, inclusive, and sections 18*  
33 *and 19 of this act, unless the context otherwise requires, the words and*  
34 *terms defined in NRS 62.415 to 62.445, inclusive, and section 18 of this*  
35 *act have the meanings ascribed to them in those sections.*

36 **Sec. 23.** *NRS 62.435 is hereby amended to read as follows:*

37 *62.435 "Sexual offense" means:*

- 38 *1. Sexual assault pursuant to NRS 200.366;*
- 39 *2. Battery with intent to commit sexual assault pursuant to*  
40 *NRS 200.400;*
- 41 *3. An offense involving pornography and a minor pursuant to NRS*  
42 *200.710 to 200.730, inclusive;*
- 43 *4. Open or gross lewdness pursuant to NRS 201.210 ~~HB~~, if punishable*  
44 *as a felony;*
- 45 *5. Indecent or obscene exposure pursuant to NRS 201.220 ~~HB~~, if*  
46 *punishable as a felony;*
- 47 *6. Lewdness with a child pursuant to NRS 201.230;*
- 48 *7. Sexual penetration of a dead human body pursuant to NRS 201.450;*



1 8. Annoyance or molestation of a minor pursuant to NRS 207.260 ~~is~~,  
2 *if punishable as a felony*; or

3 9. An attempt to commit an offense listed in this section ~~is~~, *if*  
4 *punishable as a felony*.

5 **Sec. 24.** NRS 62.455 is hereby amended to read as follows:

6 62.455 1. In addition ~~to the options set forth in NRS 62.211 and~~  
7 ~~62.213 and in addition~~ to any other ~~requirements set forth in this chapter,~~  
8 *action authorized or required pursuant to this chapter and except as*  
9 *otherwise provided in section 19 of this act*, if a child is adjudicated  
10 delinquent for an act that, if committed by an adult, would be a sexual  
11 offense, *or for a sexually motivated act*, the court shall:

12 (a) Place the child under the supervision of a probation officer ~~until the~~  
13 ~~child is no longer attending a public school or private school within this~~  
14 ~~state.~~ *for a period of not less than 3 years.*

15 (b) Except as otherwise provided in NRS 62.475 and 62.485, prohibit  
16 the child from attending a public school or private school that a victim of  
17 the sexual offense *or the sexually motivated act* is attending ~~is~~ *for the*  
18 *period ordered by the court pursuant to paragraph (a).*

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

23 (d) Order the parents or guardians of the child, to the extent of their  
24 financial ability, to reimburse all or part of the additional costs of  
25 transporting the child, if such costs are incurred by a county school district  
26 pursuant to NRS 392.251 to 392.271, inclusive ~~is~~, *and sections 34 and 35*  
27 *of this act.*

28 (e) Inform the parents or guardians of the child of the requirements of  
29 NRS 62.405 to 62.485, inclusive, *and sections 18 and 19 of this act*,  
30 392.251 to 392.271, inclusive, *and sections 34 and 35 of this act*, and  
31 394.162 to 394.167, inclusive ~~is~~, *and sections 42 and 43 of this act.*

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

36 ~~or a sexually motivated act.~~

37 3. *Except as otherwise provided in section 19 of this act, the* court  
38 may not terminate its jurisdiction concerning the child for the purposes of  
39 carrying out the provisions of NRS 62.405 to 62.485, inclusive, ~~until the~~  
40 ~~child is no longer attending a public school or private school within this~~  
41 ~~state.~~ *and sections 18 and 19 of this act, for the period ordered by the*  
42 *court pursuant to paragraph (a) of subsection 1.*

43 **Sec. 25.** NRS 62.465 is hereby amended to read as follows:

44 62.465 1. If a child has been adjudicated delinquent for a sexual  
45 offense ~~is~~ *or a sexually motivated act*, the probation officer assigned to the  
46 child shall provide notification that the child has been adjudicated  
47 delinquent for a sexual offense *or a sexually motivated act* to:

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



\* S B 4 1 2 R 2 \*

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

2. If the probation officer assigned to the child is informed by the parents or guardians of the child that the child expects to change the public school or private school ~~that~~ *that the child* is attending or if the probation officer otherwise becomes aware of such a change, the probation officer shall provide notification that the child has been adjudicated delinquent for a sexual offense *or a sexually motivated act* to:

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

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

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

**Sec. 26.** NRS 62.475 is hereby amended to read as follows:

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

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

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

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

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

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

3. Upon its own motion or upon a request from the prosecuting attorney, the victim, the parents or guardians of the victim or the probation officer assigned to the child, the court may modify or rescind the alternative plan of supervision or a condition of the alternative plan after providing notice and an opportunity to be heard to the child, the parents or guardians of the child, the prosecuting attorney and the parties who consented to the alternative plan. If a proposed modification is reasonably likely to increase contact between the victim and the child, the court may not make the modification without the written consent of the victim and the parents or guardians of the victim. If the court rescinds the alternative plan of supervision, the child is subject to the provisions of NRS 62.405 to 62.485, inclusive, *and sections 18 and 19 of this act* as if the alternative plan had not existed.



\* S B 4 1 2 R 2 \*

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

6 **Sec. 27.** NRS 62.485 is hereby amended to read as follows:  
7 62.485 1. If the court does not approve an alternative plan of  
8 supervision pursuant to NRS 62.475 for a child who has been adjudicated  
9 delinquent for a sexual offense ~~H~~ *or a sexually motivated act*, the  
10 superintendent or the executive head of the private school may request that  
11 the court approve an alternative plan of attendance for the child.

12 2. An alternative plan of attendance:  
13 (a) Must be designed to prevent contact between the victim and the  
14 child during school hours and during extracurricular activities conducted  
15 on school grounds; and  
16 (b) Must not interfere with or alter the schedule of classes or the  
17 extracurricular activities of the victim.

18 3. Before approving an alternative plan of attendance, the court shall  
19 provide notice and an opportunity to be heard to the child, the parents or  
20 guardians of the child, the prosecuting attorney, the victim and the parents  
21 or guardians of the victim.

22 4. If the court approves an alternative plan of attendance, the  
23 prosecuting attorney, the victim or the parents or guardians of the victim  
24 may petition the court to modify or rescind the alternative plan on the basis  
25 that:  
26 (a) The alternative plan is not protecting the safety or the interests of the  
27 victim; or  
28 (b) The child or the public school or private school is not complying  
29 with the alternative plan.

30 5. Upon receiving a petition to modify or rescind an alternative plan of  
31 attendance, the court may modify or rescind the alternative plan after  
32 providing notice and an opportunity to be heard to the child, the parents or  
33 guardians of the child, the prosecuting attorney, the victim, the parents or  
34 guardians of the victim and the superintendent or the executive head of the  
35 private school. If the court rescinds the alternative plan of attendance, the  
36 child is subject to the provisions of NRS 62.405 to 62.485, inclusive, *and*  
37 *sections 18 and 19 of this act* as if the alternative plan had not existed.

38 **Sec. 28.** NRS 62.500 is hereby amended to read as follows:  
39 62.500 As used in NRS 62.500 to 62.600, inclusive, *and sections 20*  
40 *and 21 of this act*, unless the context otherwise requires, the words and  
41 terms defined in NRS 62.510 to 62.550, inclusive, *and section 20 of this*  
42 *act* have the meanings ascribed to them in those sections.

43 **Sec. 29.** NRS 62.570 is hereby amended to read as follows:  
44 62.570 1. In addition to ~~the options set forth in NRS 62.211 and~~  
45 ~~62.213 and in addition to any other requirements set forth in~~ *any other*  
46 *action authorized or required pursuant to* this chapter, if a child is  
47 adjudicated delinquent for an act that, if committed by an adult, would be a  
48 sexual offense ~~H~~ *or for a sexually motivated act*, the court shall:



\* S B 4 1 2 R 2 \*

- 1 (a) Notify the attorney general of the adjudication, so the attorney  
2 general may arrange for the assessment of the risk of recidivism of the  
3 child pursuant to the guidelines and procedures for community notification;  
4 (b) Place the child under the supervision of a probation officer ~~until the~~  
5 ~~child reaches 21 years of age or is no longer subject to community~~  
6 ~~notification as a juvenile sex offender pursuant to NRS 62.500 to 62.600,~~  
7 ~~inclusive;~~ *for a period of not less than 3 years;*  
8 (c) Inform the child and the parents or guardians of the child that the  
9 child is subject to community notification as a juvenile sex offender and  
10 may be subject to registration and community notification as an adult sex  
11 offender pursuant to NRS 62.590; and  
12 (d) Order the child, and the parents or guardians of the child during the  
13 minority of the child, *while the child is subject to community notification*  
14 *as a juvenile sex offender,* to inform the probation officer assigned to the  
15 child of a change of the address at which the child resides not later than 48  
16 hours after the change of address.
- 17 2. The court may not terminate its jurisdiction concerning the child for  
18 the purposes of carrying out the provisions of NRS 62.500 to 62.600,  
19 inclusive, *and sections 20 and 21 of this act,* until the child ~~reaches 21~~  
20 ~~years of age or~~ is no longer subject to community notification as a juvenile  
21 sex offender pursuant to NRS 62.500 to 62.600, inclusive ~~†~~, *and sections*  
22 *20 and 21 of this act.*
- 23 **Sec. 30.** NRS 62.580 is hereby amended to read as follows:  
24 62.580 1. If a child has been adjudicated delinquent for a sexual  
25 offense ~~†~~ *or a sexually motivated act,* the probation officer assigned to the  
26 child shall notify the local law enforcement agency in whose jurisdiction  
27 the child resides that the child:  
28 (a) Has been adjudicated delinquent for a sexual offense ~~†~~ *or a*  
29 *sexually motivated act;* and  
30 (b) Is subject to community notification as a juvenile sex offender.
- 31 2. If the probation officer assigned to the child is informed by the child  
32 or the parents or guardians of the child that the child has changed the  
33 address at which he resides ~~†~~ *or if the probation officer otherwise*  
34 *becomes aware of such a change,* the probation officer shall notify:  
35 (a) The local law enforcement agency in whose jurisdiction the child  
36 last resided that the child has moved; and  
37 (b) The local law enforcement agency in whose jurisdiction the child is  
38 now residing that the child:  
39 (1) Has been adjudicated delinquent for a sexual offense ~~†~~ *or a*  
40 *sexually motivated act;* and  
41 (2) Is subject to community notification as a juvenile sex offender.
- 42 **Sec. 31.** NRS 62.590 is hereby amended to read as follows:  
43 62.590 Except as otherwise provided in NRS 62.500 to 62.600,  
44 inclusive ~~†~~, *and sections 20 and 21 of this act:*  
45 1. If a child *who* has been adjudicated delinquent for a sexual offense  
46 ~~†~~ *or a sexually motivated act is not relieved of being subject to*  
47 *community notification as a juvenile sex offender before the child*  
48 *reaches 21 years of age,* the court shall hold a hearing when the child  
49 reaches 21 years of age to determine whether the child should be deemed



1 an adult sex offender for the purposes of registration and community  
2 notification pursuant to NRS 179D.350 to 179D.800, inclusive.

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

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

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

17 **Sec. 32.** NRS 213.1245 is hereby amended to read as follows:

18 213.1245 1. Except as otherwise provided in subsection ~~2,~~ *3*, if the  
19 board releases on parole a prisoner convicted of an offense listed in NRS  
20 179D.620, the board shall, in addition to any other condition of parole,  
21 require as a condition of parole that the parolee:

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

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

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

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

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

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

35 ~~(f)~~ *(g)* Abstain from consuming *, possessing or having under his*  
36 *control any* alcohol;

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

40 ~~(h)~~ *, unless approved by the parole and probation officer assigned to*  
41 *the parolee, and a written agreement is entered into and signed in the*  
42 *manner set forth in subsection 2;*

43 *(i)* Not use aliases or fictitious names;

44 ~~(i)~~ *(j)* Not obtain a post office box unless the parolee receives  
45 permission from the parole and probation officer assigned to the parolee;

46 ~~(i)~~ *(k)* Not have contact with a person less than 18 years of age in a  
47 secluded environment unless another adult who has never been convicted  
48 of an offense listed in NRS 179D.410 is present ~~;~~ *and*





- 1 ~~—(k) Not~~ and permission has been obtained from the parole and  
2 probation officer assigned to the parolee in advance of each such  
3 contact;  
4 (l) Unless approved by the parole and probation officer assigned to the  
5 parolee and by a psychiatrist, psychologist or counselor treating the  
6 parolee, if any, not be in or near:  
7 (1) A playground, *park*, school or school grounds;  
8 (2) A motion picture theater; or  
9 (3) A business that primarily has children as customers or conducts  
10 events that primarily children attend ~~H~~;  
11 (m) Comply with any protocol concerning the use of prescription  
12 medication prescribed by a treating physician, including, without  
13 limitation, any protocol concerning the use of psychotropic medication;  
14 (n) Not possess any sexually explicit material that is deemed  
15 inappropriate by the parole and probation officer assigned to the parolee;  
16 (o) Not patronize a business which offers a sexually related form of  
17 entertainment and which is deemed inappropriate by the parole and  
18 probation officer assigned to the parolee; and  
19 (p) Not possess any electronic device capable of accessing the Internet  
20 and not access the Internet through any such device or any other means,  
21 unless possession of such a device or such access is approved by the  
22 parole and probation officer assigned to the parolee.  
23 2. A written agreement entered into pursuant to paragraph (h) of  
24 subsection 1 must state that the contact or communication is in the best  
25 interest of the victim or witness, and specify the type of contact or  
26 communication authorized. The written agreement must be signed and  
27 agreed to by:  
28 (a) The victim or the witness;  
29 (b) The parolee;  
30 (c) The parole and probation officer assigned to the parolee;  
31 (d) The psychiatrist, psychologist or counselor treating the parolee,  
32 victim or witness, if any; and  
33 (e) If the victim or witness is a child under 18 years of age, each  
34 parent, guardian or custodian of the child.  
35 3. The board is not required to impose a condition of parole listed in  
36 subsection 1 if the board finds that extraordinary circumstances are present  
37 and the board states those extraordinary circumstances in writing.  
38 **Sec. 33.** Chapter 392 of NRS is hereby amended by adding thereto the  
39 provisions set forth as sections 34 and 35 of this act.  
40 **Sec. 34.** “Sexual offense” has the meaning ascribed to it in NRS  
41 62.435.  
42 **Sec. 35.** “Sexually motivated act” has the meaning ascribed to it in  
43 section 18 of this act.  
44 **Sec. 36.** NRS 392.251 is hereby amended to read as follows:  
45 392.251 As used in NRS 392.251 to 392.271, inclusive, *and sections*  
46 *34 and 35 of this act*, unless the context otherwise requires, the words and  
47 terms defined in NRS 392.254, 392.258 and 392.261 *and sections 34 and*  
48 *35 of this act* have the meanings ascribed to them in those sections.





1     **Sec. 37.** NRS 392.254 is hereby amended to read as follows:  
2     392.254 “Notification” means a notification which indicates that a  
3     child has been adjudicated delinquent for a sexual offense *or a sexually*  
4     *motivated act* and which is provided by a probation officer pursuant to  
5     NRS 62.465.

6     **Sec. 38.** NRS 392.258 is hereby amended to read as follows:  
7     392.258 “Offender” means a child identified in a notification as the  
8     child who has been adjudicated delinquent for a sexual offense ~~†~~ *or a*  
9     *sexually motivated act.*

10    **Sec. 39.** NRS 392.261 is hereby amended to read as follows:  
11    392.261 “Victim” means a child identified in a notification as a victim  
12    of a sexual offense *or a sexually motivated act* committed by the offender.

13    **Sec. 40.** NRS 392.264 is hereby amended to read as follows:  
14    392.264 1. If a superintendent of a school district receives  
15    notification and a victim identified in the notification is a pupil in the  
16    school district, the superintendent shall not permit ~~the~~ *an* offender *who is*  
17    *subject to the provisions of NRS 62.405 to 62.485, inclusive, and sections*  
18    *18 and 19 of this act,* to attend a public school that a victim is attending  
19    unless:

20    (a) An alternative plan of supervision is approved by the court pursuant  
21    to NRS 62.475; or

22    (b) An alternative plan of attendance is approved by the court pursuant  
23    to NRS 62.485.

24    2. If the court does not approve an alternative plan of supervision or an  
25    alternative plan of attendance for the offender and the school district in  
26    which the offender resides does not have another public school in the  
27    district for the offender to attend, the superintendent of the school district  
28    shall negotiate an agreement with:

29    (a) The superintendent of an adjoining school district within this state  
30    for the offender to attend a public school in that adjoining school district;  
31    or

32    (b) The superintendent, or another appropriate administrator, of an  
33    adjoining school district in an adjoining state for the offender to attend a  
34    public school in that adjoining school district.

35    3. The superintendent of the school district in which the offender  
36    resides shall inform the person with whom he is negotiating that the  
37    offender has been adjudicated delinquent for a sexual offense ~~†~~ *or a*  
38    *sexually motivated act,* but the superintendent shall not disclose the name  
39    of a victim.

40    4. An agreement which is made pursuant to this section and which is  
41    presented to a board of trustees for approval:

42    (a) Must not contain the name of a victim;

43    (b) Must comply with the provisions of subsections 2 and 3 of NRS  
44    392.010; and

45    (c) Must be approved by the superintendent of public instruction.

46    5. A board of trustees may terminate an agreement entered into  
47    pursuant to this section if, because of a change in circumstances, the  
48    offender is able to attend a public school in the school district in which he  
49    resides without violating subsection 1.



1     **Sec. 41.** Chapter 394 of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 42 and 43 of this act.

3     **Sec. 42.** *“Sexual offense” has the meaning ascribed to it in*  
4 *NRS 62.435.*

5     **Sec. 43.** *“Sexually motivated act” has the meaning ascribed to it in*  
6 *section 18 of this act.*

7     **Sec. 44.** NRS 394.162 is hereby amended to read as follows:  
8 394.162 As used in NRS 394.162 to 394.167, inclusive, *and sections*  
9 *42 and 43 of this act*, unless the context otherwise requires, the words and  
10 terms defined in NRS 394.163, 394.164 and 394.165 *and sections 42 and*  
11 *43 of this act* have the meanings ascribed to them in those sections.

12     **Sec. 45.** NRS 394.163 is hereby amended to read as follows:  
13 394.163 “Notification” means a notification which indicates that a  
14 child has been adjudicated delinquent for a sexual offense *or a sexually*  
15 *motivated act* and which is provided by a probation officer pursuant to  
16 NRS 62.465.

17     **Sec. 46.** NRS 394.164 is hereby amended to read as follows:  
18 394.164 “Offender” means a child identified in a notification as the  
19 child who has been adjudicated delinquent for a sexual offense ~~or~~ *or a*  
20 *sexually motivated act.*

21     **Sec. 47.** NRS 394.165 is hereby amended to read as follows:  
22 394.165 “Victim” means a child identified in a notification as a victim  
23 of a sexual offense *or a sexually motivated act* committed by the offender.

24     **Sec. 48.** NRS 394.166 is hereby amended to read as follows:  
25 394.166 If the executive head of a private school receives notification  
26 and a victim identified in the notification is attending a private school  
27 under his authority, ~~the~~ *the executive head* shall not permit ~~the~~ *an*  
28 offender *who is subject to the provisions of NRS 62.405 to 62.485,*  
29 *inclusive, and sections 18 and 19 of this act,* to attend the private school  
30 that a victim is attending unless:

31     1. An alternative plan of supervision is approved by the court pursuant  
32 to NRS 62.475; or

33     2. An alternative plan of attendance is approved by the court pursuant  
34 to NRS 62.485.

35     **Sec 49.** 1. Except as otherwise provided in this section, the  
36 amendatory provisions of this act apply to offenses or delinquent acts  
37 committed before, on or after July 1, 2001.

38     2. The amendatory provisions of section 8 of this act do not affect the  
39 date on which registration is deemed to have begun for an offender  
40 convicted of a crime against a child pursuant to subsection 2 of  
41 NRS 179D.270.

42     3. The amendatory provisions of section 9 of this act do not apply to  
43 violations of NRS 179D.290 committed before July 1, 2001.

44     4. The amendatory provisions of section 14 of this act do not affect the  
45 date on which registration is deemed to have begun for a sex offender  
46 pursuant to subsection 2 of NRS 179D.490.

47     5. The amendatory provisions of section 15 of this act do not apply to  
48 violations of NRS 179D.550 committed before July 1, 2001.



\* S B 4 1 2 R 2 \*

1       6. The amendatory provisions of sections 17 and 23 of this act do not  
2       apply to delinquent acts committed before July 1, 2001.  
3       **Sec. 50.** This act becomes effective on July 1, 2001.



\* S B 4 1 2 R 2 \*