
ASSEMBLY BILL NO. 274—ASSEMBLYWOMAN OHRENSCHALL

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning sex offenders and offenders convicted of crimes against children. (BDR 14-706)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to offenders; requiring sex offenders and offenders convicted of a crime against a child to register with each local jurisdiction in which they reside if they reside at multiple residences; establishing the Attorney General's Offender Information Website to provide certain information to the public concerning sex offenders and offenders convicted of a crime against a child; providing penalties; 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
2 follows:
3 176.0926 1. If a defendant is convicted of a crime against a
4 child, the court shall, before imposing sentence:
5 (a) Notify the Central Repository of the conviction of the
6 defendant, so the Central Repository may carry out the provisions
7 for registration of the defendant pursuant to NRS 179D.230.
8 (b) Inform the defendant of the requirements for registration,
9 including, but not limited to:



(1) The duty to register *in each local jurisdiction* in this State during any period in which he is a resident of ~~[this State]~~ *that local jurisdiction* or a nonresident who is a student or worker within ~~[this State]~~ *that local jurisdiction* and the time within which he is required to register pursuant to NRS 179D.240;

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

(3) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(4) The duty to notify ~~[the]~~ *each* local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes ~~[the]~~ *any* address *within that local jurisdiction* at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; ~~[and]~~

(5) *The duty to notify each appropriate local law enforcement agency, in person or in writing, if he establishes or eliminates an additional residence in a local jurisdiction in this State or in another jurisdiction; and*

(6) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

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

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

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

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

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.450.

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



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

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

(3) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(4) The duty to notify ~~[the]~~ *each* local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes ~~[the]~~ *any* address *within that local jurisdiction* at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; ~~[and]~~

(5) *The duty to notify each appropriate local law enforcement agency, in person or in writing, if he establishes or eliminates an additional residence in a local jurisdiction in this State or in another jurisdiction; and*

(6) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

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

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

Sec. 3. Chapter 179B of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 11, inclusive, of this act.

Sec. 4. *“Attorney General’s Offender Information Website” means the website on the Internet established and maintained by the Attorney General pursuant to section 5 of this act.*

Sec. 5. 1. *The Attorney General shall establish and maintain a website on the Internet, to be known as the Attorney General’s Offender Information Website, to make available to the*



1 *public certain information contained in the statewide registry in*
2 *accordance with the provisions of this section and sections 6 to 11,*
3 *inclusive, of this act.*

4 *2. The Attorney General's Offender Information Website*
5 *must provide to the public the following information concerning*
6 *an offender:*

7 *(a) The name of the offender and all aliases that the offender*
8 *has used or under which the offender has been known.*

9 *(b) A complete physical description of the offender.*

10 *(c) A current photograph of the offender.*

11 *(d) The date of birth of the offender.*

12 *(e) The complete address of any residence at which the*
13 *offender resides.*

14 *(f) The number of the street block, but not the specific street*
15 *number, of any location where the offender is currently:*

16 *(1) A student, as defined in NRS 179D.110; or*

17 *(2) A worker, as defined in NRS 179D.120.*

18 *(g) The following information for each offense for which the*
19 *offender has been convicted:*

20 *(1) The offense that was committed, including a citation to*
21 *the specific statute that the offender violated.*

22 *(2) The court in which the offender was convicted.*

23 *(3) The name under which the offender was convicted.*

24 *(4) The name and location of each penal institution, school,*
25 *hospital, mental facility or other institution to which the offender*
26 *was committed for the offense.*

27 *(5) The city, township or county where the offense was*
28 *committed.*

29 *(6) A general physical description of the victim of the*
30 *offense.*

31 *3. The Central Repository shall assist the Attorney General in*
32 *obtaining as expeditiously as possible the necessary information*
33 *from the statewide registry to establish and maintain the Attorney*
34 *General's Offender Information Website.*

35 **Sec. 6.** *1. An offender shall not access or view the Attorney*
36 *General's Offender Information Website.*

37 *2. An offender who violates this section is guilty of a gross*
38 *misdemeanor.*

39 **Sec. 7.** *A person may not use information obtained through*
40 *the Attorney General's Offender Information Website as a*
41 *substitute for information relating to the offenses listed in*
42 *subsection 4 of NRS 179A.190 that must be provided by the*
43 *Central Repository pursuant to NRS 179A.180 to 179A.240,*
44 *inclusive, or any other provision of law.*



1 **Sec. 8.** *Except as otherwise authorized pursuant to specific*
2 *statute, a person shall not use information obtained from the*
3 *Attorney General's Offender Information Website for any purpose*
4 *related to any of the following:*

- 5 1. *Insurance, including health insurance.*
- 6 2. *Loans.*
- 7 3. *Credit.*
- 8 4. *Employment.*
- 9 5. *Education, scholarships or fellowships.*
- 10 6. *Housing or accommodations.*
- 11 7. *Benefits, privileges or services provided by any business*
12 *establishment.*

13 **Sec. 9.** *The provisions of sections 5 to 11, inclusive, of this*
14 *act do not prevent law enforcement officers, the Central*
15 *Repository and its officers and employees, the Office of the*
16 *Attorney General and its officers and employees, or any other*
17 *person from:*

- 18 1. *Accessing information in the statewide registry pursuant to*
19 *NRS 179B.200;*
- 20 2. *Carrying out any duty pursuant to chapter 179D of NRS;*
21 *or*
- 22 3. *Carrying out any duty pursuant to another provision of*
23 *law.*

24 **Sec. 10.** 1. *Any person who uses information obtained from*
25 *the Attorney General's Offender Information Website in violation*
26 *of the provisions of sections 5 to 11, inclusive, of this act is liable:*

27 (a) *In a civil action brought by or on behalf of a person*
28 *injured by the violation, for damages, attorney's fees and costs*
29 *incurred as the result of the violation; and*

30 (b) *In a civil action brought in the name of the State of Nevada*
31 *by the Attorney General, for a civil penalty not to exceed \$25,000*
32 *and for the costs of the action, including investigative costs and*
33 *attorney's fees.*

34 2. *In addition to any civil liability provided pursuant to*
35 *subsection 1, if any person uses information obtained from the*
36 *Attorney General's Offender Information Website to commit a*
37 *crime punishable as:*

38 (a) *A misdemeanor, the person is guilty of a gross*
39 *misdemeanor.*

40 (b) *A gross misdemeanor or felony, the person is guilty of a*
41 *category C felony and shall be punished as provided in*
42 *NRS 193.130.*

43 **Sec. 11.** 1. *If there is reasonable cause to believe that a*
44 *person or group of persons has engaged in or is about to engage*
45 *in any act or practice, or any pattern of acts or practices, which*



1 *involves the use of information obtained from the Attorney*
2 *General's Offender Information Website and which violates any*
3 *provision of this section or sections 5 to 10, inclusive, of this act,*
4 *the Attorney General may file an action for injunctive relief in the*
5 *appropriate district court to prevent the occurrence or continuance*
6 *of that act or practice or pattern of acts or practices.*

7 **2. An injunction pursuant to this section:**

8 (a) *May be issued without proof of actual damage sustained by*
9 *any person; and*

10 (b) *Does not preclude or affect the availability of any other*
11 *remedy, including, without limitation, the criminal prosecution of*
12 *a violator or the filing or maintenance of a civil action for*
13 *damages or a civil penalty pursuant to section 10 of this act.*

14 **Sec. 12.** NRS 179B.010 is hereby amended to read as follows:

15 179B.010 As used in this chapter, unless the context otherwise
16 requires, the words and terms defined in NRS 179B.020 to
17 ~~[179B.140,]~~ **179B.130**, inclusive, *and section 4 of this act* have the
18 meanings ascribed to them in those sections.

19 **Sec. 13.** NRS 179B.300 is hereby amended to read as follows:

20 179B.300 1. Information in the statewide registry, *including*
21 *information in the Attorney General's Offender Information*
22 *Website*, that is accessed or disclosed pursuant to the provisions of
23 this chapter must not reveal the name of an individual victim of an
24 offense.

25 2. The Central Repository and its officers and employees are
26 immune from criminal or civil liability for an act or omission
27 relating to information obtained, maintained or disclosed pursuant to
28 the provisions of this chapter, including, but not limited to, an act or
29 omission relating to:

30 (a) The accuracy of information in the statewide registry; or

31 (b) The disclosure of or the failure to disclose information in the
32 statewide registry.

33 3. A law enforcement agency and its officers and employees
34 are immune from criminal or civil liability for an act or omission
35 relating to information obtained pursuant to the provisions of this
36 chapter, including, but not limited to, an act or omission relating to:

37 (a) The accuracy of information obtained from the statewide
38 registry; or

39 (b) The disclosure of or the failure to disclose information
40 obtained from the statewide registry.

41 **4. The Office of the Attorney General and its officers and**
42 *employees are immune from criminal or civil liability for an act or*
43 *omission relating to information obtained, maintained or disclosed*
44 *pursuant to the provisions of this chapter, including, but not*
45 *limited to, an act or omission relating to:*



1 (a) *The accuracy of information obtained from the statewide*
2 *registry;*

3 (b) *The accuracy of information in the Attorney General's*
4 *Offender Information Website;*

5 (c) *The disclosure of or the failure to disclose information*
6 *obtained from the statewide registry; or*

7 (d) *The disclosure of or the failure to disclose information in*
8 *the Attorney General's Offender Information Website.*

9 **Sec. 14.** NRS 179D.090 is hereby amended to read as follows:

10 179D.090 "Resides" means the place *or places* where an
11 offender resides or, if the offender is incarcerated or confined, the
12 place *or places* where the offender will reside upon release.

13 **Sec. 15.** NRS 179D.150 is hereby amended to read as follows:

14 179D.150 Except as otherwise provided in NRS 179D.530, a
15 record of registration must include, if the information is available:

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

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

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

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

24 (d) The identification number from a driver's license or an
25 identification card issued to the offender by this State or any other
26 jurisdiction; and

27 (e) Any other information that identifies the offender.

28 2. Information concerning ~~the residence~~ *all residences* of the
29 offender, including, but not limited to:

30 (a) ~~The address~~ *All addresses or places* at which the offender
31 resides;

32 (b) The length of time he has resided at ~~that~~ *each* address *or*
33 *place* and the length of time he expects to reside at ~~that address;~~
34 *each address or place;*

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

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

40 3. Information concerning the offender's occupations,
41 employment or work or expected occupations, employment or work,
42 including, but not limited to, the name, address and type of business
43 of all current and expected future employers of the offender.

44 4. Information concerning the offender's volunteer service or
45 expected volunteer service in connection with any activity or



1 organization within this State, including, but not limited to, the
2 name, address and type of each such activity or organization.

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

8 6. Information concerning whether:

9 (a) The offender is, expects to be or becomes enrolled as a
10 student at an institution of higher education or changes the date of
11 commencement or termination of his enrollment at an institution of
12 higher education; or

13 (b) The offender is, expects to be or becomes a worker at an
14 institution of higher education or changes the date of
15 commencement or termination of his work at an institution of higher
16 education,

17 including, but not limited to, the name, address and type of each
18 such institution of higher education.

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

21 8. The level of community notification assigned to the
22 offender.

23 9. The following information for each offense for which the
24 offender has been convicted:

25 (a) The court in which he was convicted;

26 (b) The name under which he was convicted;

27 (c) The name and location of each penal institution, school,
28 hospital, mental facility or other institution to which he was
29 committed;

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

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

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

35 (1) Specific sexual acts committed against the victim;

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

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

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

41 (5) The type of property taken; and

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



1 **Sec. 16.** NRS 179D.230 is hereby amended to read as follows:

2 179D.230 1. If the Central Repository receives notice from a
3 court pursuant to NRS 176.0926 that an offender has been convicted
4 of a crime against a child, the Central Repository shall:

5 (a) If a record of registration has not previously been established
6 for the offender, notify the local law enforcement agency so that a
7 record of registration may be established; or

8 (b) If a record of registration has previously been established for
9 the offender, update the record of registration for the offender and
10 notify the appropriate local law enforcement agencies.

11 2. If the offender named in the notice is granted probation or
12 otherwise will not be incarcerated or confined, the Central
13 Repository shall immediately provide notification concerning the
14 offender to the appropriate local law enforcement agencies and, if
15 the offender resides in a jurisdiction which is outside of this State, to
16 the appropriate law enforcement agency in that jurisdiction.

17 3. If an offender is incarcerated or confined and has previously
18 been convicted of a crime against a child, before the offender is
19 released:

20 (a) The Department of Corrections or a local law enforcement
21 agency in whose facility the offender is incarcerated or confined
22 shall:

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

25 (I) The duty to register in this State during any period in
26 which he is a resident of this State or a nonresident who is a student
27 or worker within this State and the time within which he is required
28 to register pursuant to NRS 179D.240;

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

32 (III) If he moves from this State to another jurisdiction,
33 the duty to register with the appropriate law enforcement agency in
34 the other jurisdiction;

35 (IV) The duty to notify the local law enforcement agency
36 for the jurisdiction in which he now resides, in person, and the
37 jurisdiction in which he most recently resided, in person or in
38 writing, if he changes ~~the~~ any address at which he resides,
39 including if he moves from this State to another jurisdiction, or
40 changes the primary address at which he is a student or worker;
41 ~~and~~

42 (V) *The duty to notify the appropriate local law*
43 *enforcement agency, in person or in writing, if he establishes or*
44 *eliminates an additional residence in this State or in another*
45 *jurisdiction; and*



(VI) The duty to notify immediately the appropriate local law enforcement agency if the offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

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

(b) The Central Repository shall:

(1) Update the record of registration for the offender; and

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

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

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender to the appropriate local law enforcement agencies; and

(b) Establish a record of registration for the offender with the assistance of the local law enforcement agency.

Sec. 17. NRS 179D.240 is hereby amended to read as follows:

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

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

(a) A county; or

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

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



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

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

5. A resident or nonresident offender shall immediately notify the appropriate local law enforcement agency if:

(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

➔ The offender shall provide the name, address and type of each such institution of higher education.

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

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

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

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

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

(a) Inform the offender of the duty to notify the local law enforcement agency if the offender *establishes or eliminates an additional residence within the jurisdiction of the local law enforcement agency*, changes ~~the~~ any address at which he resides or changes the primary address at which he is a student or worker; and

(b) Inform the offender of the duty to register with ~~the~~ each local law enforcement agency in whose jurisdiction the offender relocates.



8. After the offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the offender.

9. If the Central Repository has not previously established a record of registration for an offender described in subsection 8, the Central Repository shall:

(a) Establish a record of registration for the offender; and

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

10. When an offender notifies a local law enforcement agency that:

(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 18. NRS 179D.250 is hereby amended to read as follows:

179D.250 1. If an offender convicted of a crime against a child *establishes an additional residence, eliminates an additional residence*, changes ~~the~~ any address at which he resides, including moving from this State to another jurisdiction, or changes the primary address at which he is a student or worker, not later than 48 hours after *establishing or eliminating the additional residence* or changing such an address, the offender shall provide the *address of the established or eliminated additional residence or the* new address, in person, to ~~the~~ each local law enforcement agency in whose jurisdiction he now resides and, in person or in writing, to ~~the~~ each local law enforcement agency in whose jurisdiction he formerly resided and shall provide all other information that is relevant to updating his record of registration, including, but not limited to, any change in his name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by him.

2. Upon receiving *notification of the establishment or elimination of an additional residence or* a change of address from an offender, the local law enforcement agency shall immediately



forward *notification of the establishment or elimination of the additional residence or of* the new address and any updated information to the Central Repository and:

(a) If the offender has *established or eliminated an additional residence or* changed an address within this State, the Central Repository shall immediately provide notification concerning the offender to ~~the~~ *each* appropriate local law enforcement agency in whose jurisdiction the offender is now residing or is a student or worker and shall notify ~~the~~ *each* local law enforcement agency in whose jurisdiction the offender last resided or was a student or worker; or

(b) If the offender has *established or eliminated an additional residence or* changed an address from this State to another jurisdiction, the Central Repository shall immediately provide notification concerning the offender to the appropriate law enforcement agency in the other jurisdiction and shall notify ~~the~~ *each* local law enforcement agency in whose jurisdiction the offender last resided or was a student or worker.

Sec. 19. NRS 179D.260 is hereby amended to read as follows:

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

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

3. If the Central Repository does not receive a verification form from an offender and otherwise cannot verify ~~the~~ *each* address or location of the offender, the Central Repository shall immediately notify the appropriate local law enforcement agencies.

4. The Central Repository is not required to complete the mailing pursuant to subsection 1:

(a) During any period in which an offender is incarcerated or confined or has changed ~~this place of~~ *all places of* residence from this State to another jurisdiction; or



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

Sec. 20. NRS 179D.290 is hereby amended to read as follows:

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

1. Fails to register with a local law enforcement agency;

2. Fails to notify the local law enforcement agency of *the establishment or elimination of an additional residence or* a change of address;

3. Provides false or misleading information to the Central Repository or a local law enforcement agency; or

4. Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive,

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

Sec. 21. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62F.250 that a juvenile sex offender has been deemed to be an adult sex offender, the Central Repository shall:

(a) If a record of registration has not previously been established for the sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the sex offender, update the record of registration for the sex offender and notify the appropriate local law enforcement agencies.

2. If the sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62F.250 and is not otherwise incarcerated or confined:

(a) The Central Repository shall immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and

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

3. If a sex offender is incarcerated or confined and has previously been convicted of a sexual offense as described in NRS 179D.410, before the sex offender is released:



(a) The Department of Corrections or a local law enforcement agency in whose facility the sex offender is incarcerated or confined shall:

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

(I) The duty to register *in each local jurisdiction* in this State during any period in which he is a resident of ~~[this State]~~ *that local jurisdiction* or a nonresident who is a student or worker within ~~[this State]~~ *that local jurisdiction* and the time within which he is required to register pursuant to NRS 179D.460;

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

(III) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(IV) The duty to notify the local law enforcement agency for ~~[the]~~ *each* jurisdiction in which he now resides, in person, and ~~[the]~~ *each* jurisdiction in which he formerly resided, in person or in writing, if he changes ~~[the]~~ *any* address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(V) *The duty to notify each appropriate local law enforcement agency, in person or in writing, if he establishes or eliminates an additional residence in a local jurisdiction in this State or in another jurisdiction; and*

(VI) The duty to notify immediately the appropriate local law enforcement agency if the sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

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

(b) The Central Repository shall:

(1) Update the record of registration for the sex offender;

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



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

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

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the sex offender; and

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

Sec. 22. NRS 179D.460 is hereby amended to read as follows:

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

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

(a) A county; or

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

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

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

4. If the sex offender is a nonresident sex offender who is a student or worker within this State, the sex offender shall register with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction he is a student or



1 worker not later than 48 hours after becoming a student or worker
2 within this State.

3 5. A resident or nonresident sex offender shall immediately
4 notify the appropriate local law enforcement agency if:

5 (a) The sex offender is, expects to be or becomes enrolled as a
6 student at an institution of higher education or changes the date of
7 commencement or termination of his enrollment at an institution of
8 higher education; or

9 (b) The sex offender is, expects to be or becomes a worker at an
10 institution of higher education or changes the date of
11 commencement or termination of his work at an institution of higher
12 education.

13 ➤ The sex offender shall provide the name, address and type of
14 each such institution of higher education.

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

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

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

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

25 7. When a sex offender registers, the local law enforcement
26 agency shall:

27 (a) Inform the sex offender of the duty to notify ~~the~~ *each* local
28 law enforcement agency if the sex offender *establishes or*
29 *eliminates an additional residence*, changes ~~the~~ *any* address at
30 which he resides, including if he moves from this State to another
31 jurisdiction, or changes the primary address at which he is a student
32 or worker; and

33 (b) Inform the sex offender of the duty to register with ~~the~~
34 *each* local law enforcement agency in whose jurisdiction the sex
35 offender relocates.

36 8. After the sex offender registers with the local law
37 enforcement agency, the local law enforcement agency shall
38 forward to the Central Repository the information collected,
39 including the fingerprints and a photograph of the sex offender.

40 9. If the Central Repository has not previously established a
41 record of registration for a sex offender described in subsection 8,
42 the Central Repository shall:

43 (a) Establish a record of registration for the sex offender;

44 (b) Provide notification concerning the sex offender to the
45 appropriate local law enforcement agencies; and



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

10. When a sex offender notifies a local law enforcement agency that:

(a) The sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,

and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 23. NRS 179D.470 is hereby amended to read as follows:

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

2. Upon receiving *notification of the establishment or elimination of an additional residence or* a change of address from a sex offender, the local law enforcement agency shall immediately forward *notification of the establishment or elimination of the additional residence or of* the new address and any updated information to the Central Repository and:

(a) If the sex offender has *established or eliminated an additional residence or* changed an address within this State, the Central Repository shall immediately provide notification



1 concerning the sex offender to ~~the~~ *each* local law enforcement
2 agency in whose jurisdiction the sex offender is now residing or is a
3 student or worker and shall notify ~~the~~ *each* local law enforcement
4 agency in whose jurisdiction the sex offender last resided or was a
5 student or worker; or

6 (b) If the sex offender has *established or eliminated an*
7 *additional residence or* changed an address from this State to
8 another jurisdiction, the Central Repository shall immediately
9 provide notification concerning the sex offender to the appropriate
10 law enforcement agency in the other jurisdiction and shall notify
11 ~~the~~ *each* local law enforcement agency in whose jurisdiction the
12 sex offender last resided or was a student or worker.

13 **Sec. 24.** NRS 179D.480 is hereby amended to read as follows:

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

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

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

42 4. If the Central Repository does not receive a verification form
43 from a sex offender and otherwise cannot verify ~~the~~ *each* address
44 or location of the sex offender, the Central Repository shall
45 immediately notify the appropriate local law enforcement agencies.



5. The Central Repository is not required to complete the mailing pursuant to subsection 1 or 2:

(a) During any period in which a sex offender is incarcerated or confined or has changed ~~this place~~ *all places* of residence from this State to another jurisdiction; or

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

Sec. 25. NRS 179D.550 is hereby amended to read as follows:

179D.550 A sex offender who:

1. Fails to register with a local law enforcement agency;

2. Fails to notify the local law enforcement agency of *the establishment or elimination of an additional residence or* a change of address;

3. Provides false or misleading information to the Central Repository or a local law enforcement agency; or

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

➡ is guilty of a category ~~B~~ *C* felony and shall be punished as provided in NRS 193.130.

Sec. 26. NRS 179D.730 is hereby amended to read as follows:

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

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

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

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

2. If the sex offender is assigned a Tier 2 or Tier 3 level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, the law enforcement



1 agency in whose jurisdiction the sex offender resides or is a student
2 or worker shall provide the appropriate notification for Tier 2 or
3 Tier 3 and, in addition, shall notify:

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

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

12 3. ~~If the sex offender has been declared to be a sexually~~
13 ~~violent predator, the~~ A sex offender must be assigned a Tier 3 level
14 of notification ~~if the sex offender has been:~~

15 (a) *Declared to be a sexually violent predator;*

16 (b) *Convicted of three or more sexually violent offenses, and at*
17 *least two of the offenses were brought and tried separately;*

18 (c) *Convicted of two sexually violent offenses and one or more*
19 *nonsexually violent offenses, and at least two of the offenses were*
20 *brought and tried separately;*

21 (d) *Convicted of one sexually violent offense and two or more*
22 *nonsexually violent offenses, and at least two of the offenses were*
23 *brought and tried separately;*

24 (e) *Convicted of two sexually violent offenses, and both*
25 *offenses were brought and tried separately, and the sex offender*
26 *has been arrested on three or more separate occasions for*
27 *commission of a sexually violent offense, a nonsexually violent*
28 *offense or an associated offense; or*

29 (f) *Convicted of one sexually violent offense and one*
30 *nonsexually violent offense, and both offenses were brought and*
31 *tried separately, and the sex offender has been arrested on three or*
32 *more separate occasions for commission of a sexually violent*
33 *offense, a nonsexually violent offense or an associated offense.*

34 4. *The existence of the Attorney General's Offender*
35 *Information Website established pursuant to section 5 of this act*
36 *must not be construed to affect, in any manner, the responsibility*
37 *to provide notification pursuant to this section.*

38 5. *As used in this section:*

39 (a) *"Associated offense" includes any of the following*
40 *offenses:*

41 (1) *Harassment pursuant to NRS 200.571.*

42 (2) *Stalking or aggravated stalking pursuant to*
43 *NRS 200.581.*

44 (3) *Any offense related to obscenity pursuant to NRS*
45 *201.235 to 201.254, inclusive.*



1 (4) *Any offense related to obscene, threatening or annoying*
2 *telephone calls pursuant to NRS 201.255.*

3 (5) *Any offense related to burglary or invasion of the home*
4 *pursuant to NRS 205.060 to 205.080, inclusive.*

5 (b) *“Nonsexually violent offense” means an offense that:*

6 (1) *Involves the use or threatened use of force or violence*
7 *against the victim; and*

8 (2) *Is not a sexual offense as defined pursuant to*
9 *NRS 179D.410.*

10 (c) *“Sexually violent offense” has the meaning ascribed to it in*
11 *NRS 179D.420.*

12 **Sec. 27.** NRS 179B.080, 179B.100, 179B.140 and 179B.250
13 are hereby repealed.

14 **Sec. 28.** 1. The Attorney General shall, as expeditiously as
15 possible after July 1, 2005, but not later than January 1, 2006, create
16 and place into operation the Attorney General’s Offender
17 Information Website established pursuant to section 5 of this act.

18 2. The Central Repository for Nevada Records of Criminal
19 History shall assist the Attorney General in creating and placing into
20 operation the Attorney General’s Offender Information Website.

21 **Sec. 29.** This act becomes effective on July 1, 2005.

LEADLINES OF REPEALED SECTIONS

179B.080 “Program” defined.

179B.100 “Requester” defined.

179B.140 “Subject of the search” defined.

179B.250 Establishment of program; information to be
included with each inquiry to the program; duties
authorizations and prohibitions of Central Repository.



