
ASSEMBLY BILL NO. 30—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED FEBRUARY 4, 2005

Referred to Committee on Judiciary

SUMMARY—Expands list of sexual offenses for which certification by panel is required before prisoner convicted of such offense may be released on parole. (BDR 16-572)

FISCAL NOTE: Effect on Local Government: No.
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 parole; expanding the list of sexual offenses for which certification by a panel is required before the State Board of Parole Commissioners may release the prisoner on parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the State Board of Parole Commissioners from releasing a prisoner on parole if the prisoner was convicted of one or more specific sexual offenses, unless a panel consisting of certain specialists certifies that the prisoner does not pose a high risk to reoffend. (NRS 213.1214)

This bill expands the list of sexual offenses for which such certification is required to include any crime that is determined to be sexually motivated pursuant to NRS 175.547. That statute provides for a separate hearing to be held in certain circumstances after a criminal defendant pleads or is found guilty of one or more specific crimes to determine whether the crime committed was sexually motivated, meaning that one of the purposes for which the person committed the crime was for his sexual gratification.



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

Section 1. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Board shall not release on parole a prisoner convicted of an offense listed in subsection 5 unless a panel consisting of:

(a) The Administrator of the Division of Mental Health and Developmental Services of the Department of Human Resources or his designee;

(b) The Director of the Department of Corrections or his designee; and

(c) A psychologist licensed to practice in this State or a psychiatrist licensed to practice medicine in this State,

↪ certifies that the prisoner was under observation while confined in an institution of the Department of Corrections and does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. A prisoner who has been certified pursuant to subsection 1 and who returns for any reason to the custody of the Department of Corrections may not be paroled unless a panel recertifies him in the manner set forth in subsection 1.

3. The panel may revoke the certification of a prisoner certified pursuant to subsection 1 at any time.

4. This section does not create a right in any prisoner to be certified or to continue to be certified. No prisoner may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a prisoner pursuant to this section or for refusing to place a prisoner before a panel for certification pursuant to this section.

5. The provisions of this section apply to a prisoner convicted of any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(h) Open or gross lewdness pursuant to NRS 201.210.



- 1 (i) Indecent or obscene exposure pursuant to NRS 201.220.
2 (j) Lewdness with a child pursuant to NRS 201.230.
3 (k) Sexual penetration of a dead human body pursuant to
4 NRS 201.450.
5 (l) Luring a child or mentally ill person pursuant to NRS
6 201.560, if punished as a felony.
7 (m) An attempt to commit an offense listed in paragraphs (a) to
8 (l), inclusive.
9 (n) Coercion or attempted coercion that is determined to be
10 sexually motivated pursuant to NRS 207.193.
11 *(o) An offense that is determined to be sexually motivated*
12 *pursuant to NRS 175.547.*

13 **Sec. 2.** The amendatory provisions of this act apply to any
14 person who is subject to the provisions of NRS 213.1214 on or after
15 the effective date of this act, regardless of the date of his conviction.

16 **Sec. 3.** This act becomes effective upon passage and approval.



