

ASSEMBLY BILL NO. 472—COMMITTEE ON JUDICIARY

MARCH 28, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing whether to deem juvenile sex offender as adult sex offender. (BDR 5-1369)

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

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

AN ACT relating to juvenile justice; revising the provisions governing whether to deem a juvenile sex offender as an adult sex offender; and providing other matters properly relating thereto.

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

Section 1. NRS 62F.250 is hereby amended to read as follows:

62F.250 Except as otherwise provided in NRS 62F.200 to 62F.260, inclusive:

1. If a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act is not relieved of being subject to community notification as a juvenile sex offender before the child reaches 21 years of age, the juvenile court shall hold a hearing when the child reaches 21 years of age to determine whether the child should be deemed an adult sex offender for the purposes of registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive.

2. If the juvenile court determines at the hearing that the child has ***not*** been rehabilitated to the satisfaction of the juvenile court and that the child is ~~not~~ likely to pose a threat to the safety of others, the juvenile court shall ~~relieve the child of being subject to community notification.~~ ***deem the child to be an adult sex offender***



1 *for the purposes of registration and community notification*
2 *pursuant to NRS 179D.350 to 179D.800, inclusive. The district*
3 *attorney has the burden of proof to satisfy the juvenile court by a*
4 *preponderance of evidence that the juvenile court should find the*
5 *child has not been rehabilitated and is likely to pose a threat to the*
6 *safety of others and should deem the child to be an adult sex*
7 *offender for the purposes of registration and community*
8 *notification pursuant to NRS 179D.350 to 179D.800, inclusive. In*
9 *addition to any other factors the juvenile court considers relevant*
10 *in making such a determination, the juvenile court shall consider:*

11 *(a) Any history of delinquent or criminal acts committed by the*
12 *child;*

13 *(b) Whether the child has attended counseling or received*
14 *psychiatric or psychological care, and the opinion of the counselor*
15 *or medical professional as to the rehabilitation of the child and the*
16 *likelihood that the child will commit a sexual offense or sexually*
17 *motivated act in the future;*

18 *(c) Other evidence concerning the likelihood that the child will*
19 *commit a sexual offense or a sexually motivated act in the future;*

20 *(d) Whether the child has satisfactorily completed a program*
21 *for the treatment of sex offenders or a similar program;*

22 *(e) Whether the child has successfully completed a program of*
23 *other treatment at a treatment facility, if a program of other*
24 *treatment was previously ordered by the juvenile court; and*

25 *(f) The circumstances surrounding the delinquent act,*
26 *including, without limitation, the age of the victim, the*
27 *relationship between the victim and the child, the extent of the*
28 *sexual contact, any mental or physical disabilities of the victim*
29 *and whether bodily harm resulted to the victim.*

30 3. If the juvenile court determines at the hearing that the child
31 has not been rehabilitated to the satisfaction of the juvenile court or
32 that the child is likely to pose a threat to the safety of others, the
33 juvenile court shall ~~deem~~ *relieve* the child *of being subject to* ~~be~~
34 ~~an adult sex offender for the purposes of registration and~~
35 ~~community notification . [pursuant to NRS 179D.350 to 179D.800,~~
36 ~~inclusive.]~~

37 4. If a child is deemed to be an adult sex offender pursuant to
38 this section, the juvenile court shall notify the Central Repository so
39 the Central Repository may carry out the provisions for registration
40 of the child as an adult sex offender pursuant to NRS 179D.450.

