

Amendment No. 493

Assembly Amendment to Assembly Bill No. 274

(BDR 14-706)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 1, line 4, by deleting:

“before imposing sentence:” and inserting:

“~~before imposing sentence:~~ *following the imposition of a sentence:*”.

Amend section 1, page 2, by deleting lines 1 through 4 and inserting:

“(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is”.

Amend section 1, page 2, by deleting lines 12 through 22 and inserting:

“(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the 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

YMG/RRY

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A.B. No. 274—Makes various changes concerning sex offenders and offenders convicted of crimes against children.



(5) The duty to notify immediately the appropriate local law”.

Amend sec. 2, page 2, line 39, by deleting:

“before imposing sentence:” and inserting:

~~“before imposing sentence:”~~ ***following the imposition of a sentence:”***.

Amend sec. 2, page 3, by deleting lines 1 through 4 and inserting:

“(1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is”.

Amend sec. 2, page 3, by deleting lines 12 through 22 and inserting:

“(4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the 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

(5) The duty to notify immediately the appropriate local law”.

Amend sec. 3, page 3, line 38, by deleting “11,” and inserting “7,”.

Amend sec. 4, page 3, by deleting lines 40 through 42 and inserting:

“Sec. 4. “Community notification website” means the website on the Internet established and maintained by the Department pursuant to NRS 179B.250.”.

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sec. 8 as sec. 5.

Amend sec. 8, page 5, line 3, by deleting:

“Attorney General’s Offender Information Website” and inserting:

“community notification website”.

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 12 as sections 6 through 8.

Amend sec. 10, page 5, by deleting lines 25 and 26 and inserting:

“the community notification website in violation of the provisions of this section, NRS 179B.250 or section 5 of this act is liable.”.

Amend sec. 10, page 5, line 36, by deleting:

“Attorney General’s Offender Information Website” and inserting:

“community notification website”.

Amend sec. 11, page 6, by deleting lines 1 through 3 and inserting:

“involves the use of information obtained from the community notification website and which violates any provision of this section, NRS 179B.250 or section 5 or 6 of this act,”.

Amend sec. 11, page 6, line 13, by deleting “10” and inserting “6”.

Amend sec. 12, page 6, line 17, by deleting “[179B.140,] 179B.130,” and inserting “179B.140,”.

Amend the bill as a whole by renumbering sec. 13 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 12, to read as follows:

“Sec. 9. NRS 179B.100 is hereby amended to read as follows:

179B.100 “Requester” means a person who requests information from the ~~[program.]~~
community notification website.

Sec. 10. NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall ~~[, in a manner prescribed by the Director,]~~ establish ***and maintain*** within the Central Repository a ~~[program]~~ ***community notification website*** to provide the public with access to certain information contained in the statewide registry ~~[The program may~~

~~include, but is not limited to, the use of a secure website on the Internet or other electronic means of communication to provide the public with access to certain information contained in the statewide registry if such information is made available and disclosed]~~ in accordance with the procedures set forth in this section.

2. For each inquiry to the ~~[program,]~~ **community notification website**, the requester must provide:

- (a) The name of the subject of the search;
- (b) Any alias of the subject of the search;
- (c) The zip code of the residence, place of work or school of the subject of the search; or
- (d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

3. For each inquiry to the ~~[program,]~~ **community notification website** made by the requester, the Central Repository shall:

(a) Explain the levels of notification that are assigned to sex offenders pursuant to NRS 179D.730; and

(b) Explain that the Central Repository is prohibited by law from disclosing information concerning certain offenders, even if those offenders are listed in the statewide registry.

4. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository:

(a) Shall disclose to the requester information concerning an offender who is assigned a **Tier 2 or Tier 3** level of notification.

(b) ~~[Except as otherwise provided in this paragraph, may, in the discretion of the Department, disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification. The Central Repository shall not disclose to the requester information concerning an offender who is assigned a Tier 2 level of notification if the offender:~~

~~—— (1) Has been released from actual custody for 10 years or more; and~~

~~—— (2) Has not been convicted of committing a sexual offense during the immediately preceding 10 years.~~

~~—— (c)]~~ Shall not disclose to the requester information concerning an offender who is assigned a Tier 1 level of notification.

5. After each inquiry to the ~~[program]~~ **community notification website** made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry;

(c) The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or

(d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. If a search of the statewide registry results in a match pursuant to this paragraph, the Central Repository ~~[-~~

~~—— (1) Shall inform the requester of the name or any alias of the offender and the zip codes of the residence, work place and school of the offender.~~

~~—— (2) Shall inform the requester of each offense for which the offender was convicted, describing each offense in language that is understandable to the ordinary layperson, and the date and location of each conviction.~~

~~—— (3) Shall inform the requester of the age of the victim and offender at the time of each offense.~~

~~—— (4) May, through the use of a secure website on the Internet or other electronic means of communication, provide the requester with a photographic image of the offender if such an image is available.~~

~~—— (5) Shall~~ *shall provide the requester with the following information:*

(1) The name of the offender and all aliases that the offender has used or under which the offender has been known.

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides.

(6) The number of the street block, but not the specific street number, of any location where the offender is currently:

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

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

(V) The city, township or county where the offense was committed.

6. *If a search of the statewide registry results in a match pursuant to paragraph (d) of subsection 5, the Central Repository shall* not provide the requester with any ~~other~~ information that is included in the record of registration for the offender ~~—6.1 other than the information required pursuant to paragraph (d) of subsection 5.~~

7. For each inquiry to the ~~program~~ **community notification website**, the Central Repository shall maintain a log of the information provided by the requester to the Central Repository and the information provided by the Central Repository to the requester.

~~7.1~~ 8. A person may not use information obtained through the ~~program~~ **community notification website** as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

~~8.1~~ 9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

- (a) Accessing information in the statewide registry pursuant to NRS 179B.200;
- (b) Carrying out any duty pursuant to chapter 179D of NRS; or
- (c) Carrying out any duty pursuant to another provision of law.”.

Amend sec. 13, page 6, lines 21 and 22, by deleting:

“**Attorney General’s Offender Information Website**,” and inserting:

“community notification website,”.

Amend sec. 13, pages 6 and 7, by deleting lines 41 through 45 on page 6 and lines 1 through 8 on page 7.

Amend the bill as a whole by deleting sections 14 through 19 and renumbering sec. 20 as sec. 12.

Amend sec. 20, page 14, by deleting lines 4 through 15 and inserting:

“179D.290 **1.** An offender convicted of a crime against a child who:

~~{1-}~~ **(a)** Fails to register with a local law enforcement agency;

~~{2-}~~ **(b)** Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ **(c)** Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ **(d)** Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive,

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

2. An offender convicted of a crime against a child who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.

Amend the bill as a whole by deleting sections 21 through 24 and renumbering sections 25 through 29 as sections 13 through 17.

Amend sec. 25, page 20, by deleting lines 9 through 19 and inserting:

“179D.550 **1.** A sex offender who:

~~{1-}~~ **(a)** Fails to register with a local law enforcement agency;

~~{2-}~~ (b) Fails to notify the local law enforcement agency of a change of address;

~~{3-}~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~{4-}~~ (d) Otherwise violates the provisions of NRS 179D.350 to 179D.550, inclusive,

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

2. A sex offender who commits a second or subsequent violation of subsection 1 within 7 years after the first violation is guilty of a category C felony and shall be punished as provided in NRS 193.130. A court shall not grant probation to or suspend the sentence of a person convicted pursuant to this subsection.”.

Amend sec. 26, page 21, by deleting lines 34 and 35 and inserting:

“4. The existence of the community notification website”.

Amend sec. 27, page 22, by deleting lines 12 and 13 and inserting:

“Sec. 15. NRS 179B.080 is hereby repealed.”.

Amend sec. 28, page 22, by deleting lines 14 through 20 and inserting:

“Sec. 16. The Department of Public Safety shall, as expeditiously as possible after July 1, 2005, but not later than January 1, 2006, comply with the requirements for the community notification website established pursuant to NRS 179B.250.”.

Amend the bill as a whole by deleting the leadlines of repealed sections and adding the text of the repealed section to read as follows:

“

TEXT OF REPEALED SECTION

179B.080 “Program” defined. “Program” means the program established within the Central Repository pursuant to NRS 179B.250 to provide the public with access to certain information contained in the statewide registry.”.

Amend the title of the bill by deleting the first through seventh lines and inserting:

“AN ACT relating to offenders; revising provisions concerning requirements for providing certain notices and information relating to a defendant who has been convicted of a crime against a child or a sexual offense; requiring the Department of Public Safety to establish and maintain a community notification website to provide certain information to the public concerning certain sex offenders; increasing penalties for a second or subsequent violation of certain requirements concerning registration and notification of offenders convicted of a crime against a child and sex offenders;”.