

Amendment No. 402

Senate Amendment to Senate Bill No. 341

(BDR 14-678)

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 2, 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 10 through 13 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, pages 2 and 3, by deleting lines 21 through 24 on page 2 and lines 1 through 7 on page 3, 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

BAW

Date: 4/19/2005

S.B. No. 341—Makes various changes concerning sex offenders and offenders convicted of crimes against children.



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. 2, page 3, line 24, by deleting:

“before imposing sentence:” and inserting:

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

Amend sec. 2, page 3, by deleting lines 30 through 33 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, pages 3 and 4, by deleting lines 41 through 44 on page 3 and lines 1 through 7 on page 4, 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 4, line 35, after “(a)” by inserting:

“The person has complied with the requirements of the provisions of NRS 179D.350 to 179D.550, inclusive;

(b)”.

Amend sec. 3, page 4, line 39, by deleting “(b)” and inserting “~~{(b)}~~ (c)”.

Amend sec. 13, page 11, line 24, by deleting “21,” and inserting “17,”.

Amend sec. 14, page 11, by deleting lines 26 through 28 and inserting:

“Sec. 14. *“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 15 through 17 and renumbering sec. 18 as sec. 15.

Amend sec. 18, page 12, line 34, by deleting:

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

“community notification website”.

Amend the bill as a whole by deleting sec. 19 and renumbering sections 20 through 22 as sections 16 through 18.

Amend sec. 20, page 13, by deleting lines 10 through 28 and inserting:

“Sec. 16. *Any person who uses information obtained from the community notification website in violation of the provisions of NRS 179B.250 or section 15 of this act is liable:*

1. In a civil action brought by or on behalf of a person injured by the violation, for damages, attorney’s fees and costs incurred as the result of the violation; and

2. In a civil action brought in the name of the State of Nevada by the Attorney General, for a civil penalty not to exceed \$25,000 and for the costs of the action, including investigative costs and attorney’s fees.”.

Amend sec. 21, page 13, by deleting lines 32 through 34 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 15 or 16 of this act, the Attorney”.

Amend sec. 21, page 13, line 44, by deleting “20” and inserting “16”.

Amend sec. 22, page 14, line 4, by deleting “[179B.140,] 179B.130,” and inserting “179B.140,”.

Amend the bill as a whole by renumbering sections 23 and 24 as sections 21 and 22 and adding new sections designated sections 19 and 20, following sec. 22, to read as follows:

“**Sec. 19.** 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. 20. 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.] 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.]~~ 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.}~~ **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. 23, page 14, lines 8 and 9, by deleting:

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

“community notification website,”.

Amend sec. 23, page 14, by deleting lines 28 through 40.

Amend sec. 24, pages 14 and 15, by deleting lines 43 through 45 on page 14 and lines 1 through 9 on page 15, and inserting:

“1. The Central Repository shall, in accordance with the requirements of this section, share information concerning sex offenders and offenders convicted of a crime against a child with:

(a) The State Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.

(b) The Department of Motor Vehicles to carry out the provisions of section 38 of this act.

2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.

3. The Central Repository shall share information pursuant to".

Amend the bill as a whole by deleting sections 25 through 30 and renumbering sec. 31 as sec. 23.

Amend sec. 31, page 22, lines 16 and 17, by deleting:

"the establishment or elimination of an additional residence or".

Amend the bill as a whole by deleting sections 32 through 35 and renumbering sections 36 through 48 as sections 24 through 36.

Amend sec. 36, page 28, lines 24 and 25, by deleting:

"the establishment or elimination of an additional residence or".

Amend sec. 37, page 30, by deleting lines 3 and 4 and inserting:

"4. The existence of the community notification website".

Amend sec. 47, page 37, by deleting lines 25 and 26 and inserting:

"(b) "Minor violation" means a violation that does not constitute a major violation.".

Amend the bill as a whole by deleting sec. 49 and renumbering sections 50 through 52 as sections 37 through 39.

Amend sec. 50, page 41, by deleting lines 1 and 2 and inserting:

"commence or continue working as a gaming employee. Unless".

Amend sec. 50, page 41, lines 8 and 9, by deleting:

"except as otherwise provided in section 49 of this act and".

Amend sec. 50, page 41, line 29, by deleting "~~and~~" and inserting "and".

Amend sec. 50, page 41, by deleting lines 31 through 33 and inserting:

“of NRS 463.3351.”.

Amend sec. 50, page 42, by deleting lines 10 and 11 and inserting:

“The system of records must be accessible by ~~licensees~~ :

(1) *Licensees* for the limited purpose of complying with subsection 2 ~~[-]~~ ; *and*

(2) *The Central Repository for Nevada Records of Criminal History for the limited purpose of complying with section 22 of this act.*”.

Amend sec. 50, page 44, line 8, by deleting “this section” and inserting:

“~~[this section]~~ *subsections 1 to 15, inclusive,*”.

Amend sec. 50, page 44, between lines 37 and 38, by inserting:

“18. If the Central Repository for Nevada Records of Criminal History, in accordance with the provisions of section 22 of this act, provides the Board with the name and other identifying information of a registered gaming employee who is not in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person that, unless he provides the Board with verifiable documentation confirming that he is currently in compliance with the provisions of chapter 179D of NRS within 15 days after receipt of such notice, the Board shall, notwithstanding any other provisions of this section, conduct a hearing for the purpose of determining whether the registration of the person as a gaming employee must be suspended for noncompliance with the provisions of chapter 179D of NRS.

19. Notwithstanding any other provisions of this section, if a person notified by the Board pursuant to subsection 18 does not provide the Board, within the 15 days prescribed therein, with verifiable documentation establishing that he is currently in compliance with the provisions of

chapter 179D of NRS, the Chairman of the Board shall, within 10 days thereof, appoint a hearing examiner to conduct a hearing to determine whether the person is, in fact, not in compliance with the provisions of chapter 179D of NRS. The hearing examiner shall, within 5 days after the date he is appointed by the Chairman, notify the person of the date of the hearing. The hearing must be held within 20 days after the date on which the hearing examiner is appointed by the Chairman, unless administratively extended by the Chairman for good cause. At the hearing, the hearing examiner may take any testimony deemed necessary and shall render a decision sustaining or reversing the findings of the Central Repository for Nevada Records of Criminal History. The hearing examiner shall notify the person of his decision within 5 days after the date on which the decision is rendered. A failure of a person to appear at a hearing conducted pursuant to this section shall be deemed to be an admission that the findings of the hearing examiner are well founded.

20. If, after conducting the hearing prescribed in subsection 19, the hearing examiner renders a decision that the person who is the subject of the hearing:

(a) Is not in compliance with the provisions of chapter 179D of NRS, the Board shall, notwithstanding any other provisions of this section:

- (1) Suspend the registration of the person as a gaming employee;*
- (2) Notify the person to contact the Central Repository for Nevada Records of Criminal History to determine the actions that he must take to be in compliance with the provisions of chapter 179D of NRS; and*
- (3) Notify the licensee for which the person is employed as a gaming employee, in the manner prescribed in subsection 21, that the Board has suspended the registration of the person*

as a gaming employee and that the licensee must immediately terminate the person from employment or reassign him to a position that does not require registration as a gaming employee.

(b) Is in compliance with the provisions of chapter 179D of NRS, the Board shall notify the person and the Central Repository for Nevada Records of Criminal History, in the manner prescribed in subsection 21, of the findings of the hearing examiner.

21. Notice as provided pursuant to subsections 18, 19 and 20 is sufficient if it is mailed to the person's last known address as indicated on the most recent application for registration as a gaming employee or the record of the hearing, or to the person at his place of gaming employment. The date of mailing may be proven by a certificate signed by an officer or employee of the Board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

22. The Board shall remove a suspension entered in accordance with subsection 20 and reinstate the registration of a person as a gaming employee upon receipt of verifiable documentation confirming that the person is currently in compliance with the provisions of chapter 179D of NRS.”.

Amend sec. 51, pages 44 and 45, by deleting lines 43 through 45 on page 44 and lines 1 through 14 on page 45, and inserting:

“identification card of an offender until the Department has received information submitted by the Central Repository pursuant to section 22 of this act or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the”.

Amend sec. 51, page 45, line 23, by deleting “4.” and inserting “3.”.

Amend sec. 51, page 45, line 30, by deleting “5.” and inserting “4.”.

Amend sec. 51, page 45, line 32, by deleting “6.” and inserting “5.”.

Amend sec. 52, page 47, line 35, by deleting “5I” and inserting “38”.

Amend the bill as a whole by deleting sec. 53 and renumbering sec. 54 as sec. 40.

Amend sec. 54, page 49, line 37, by deleting “5I” and inserting “38”.

Amend the bill as a whole by deleting sec. 55 and renumbering sec. 56 as sec. 41.

Amend sec. 56, page 51, by deleting lines 14 and 15 and inserting:

“inclusive, *and who is not ineligible to receive an identification card pursuant to section 38 of this act*, is entitled to receive an identification card if he”.

Amend sec. 56, page 51, by deleting line 22 and inserting “2. The”.

Amend sec. 56, page 51, by deleting lines 39 through 43 and inserting:

“3. The Department shall not charge a fee for:”.

Amend sec. 56, page 52, line 3, by deleting “[4.] 5.” and inserting “4.”.

Amend sec. 56, page 52, line 5, by deleting “[5.] 6.” and inserting “5.”.

Amend the bill as a whole by deleting sec. 57 and renumbering sec. 58 as sec. 42.

Amend sec. 58, page 52, line 36, by deleting “5I” and inserting “38”.

Amend the bill as a whole by deleting sec. 59 and renumbering sections 60 and 61 as sections 43 and 44.

Amend sec. 60, page 54, by deleting lines 40 and 41 and inserting:

“4. *Not be ineligible to be issued a commercial driver’s license pursuant to section 38 of this act; and*”.

Amend sec. 61, page 55, by deleting lines 7 and 8 and inserting:

“**Sec. 44.** NRS 179B.080 is hereby repealed.”.

Amend the bill as a whole by deleting sections 62 through 64 and renumbering sec. 65 as sec. 45.

Amend sec. 65, page 56, by deleting line 12 and inserting:

“**Sec. 45.** 1. This section and sections 3, 4 and 27 to 36, inclusive, of this act become effective on July 1, 2005.

2. Sections 1, 2, 5 to 26, inclusive, and 37 to 44, inclusive, of this act become effective on July 1, 2006.”.

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 to read as follows:

“AN ACT relating to offenders; revising the provisions concerning requirements for providing

certain notices and information relating to sex offenders and offenders convicted of a

crime against a child; revising the provisions pertaining to lifetime supervision of sex

offenders; providing that the court must require a sex offender to consent to warrantless

searches as a condition of probation or suspension of sentence under certain circumstances; allowing an employer to obtain certain information concerning sex offenders and offenders convicted of a crime against a child from the Central Repository for Nevada Records of Criminal History; requiring the Central Repository to provide certain information to nonprofit organizations without charge; 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; clarifying the standard for determining whether a juvenile sex offender will be subject to registration and community notification as an adult sex offender; revising and increasing the penalties for certain sexual offenses; excluding sex offenders and offenders convicted of a crime against a child from participation in a program of sentencing diversion for alcoholics and drug addicts; providing that sex offenders and offenders convicted of a crime against a child may not renew their drivers' licenses, commercial drivers' licenses or identification cards if they are not in compliance with the requirements concerning offender registration; providing that sex offenders and offenders convicted of a crime against a child must renew their drivers' licenses, commercial drivers' licenses or identification cards annually; providing for suspension of the registration as a gaming employee of a sex offender or offender convicted of a crime against a child who is not in compliance with the requirements concerning offender registration; making various other changes pertaining to sex offenders and offenders convicted of a crime against a child; providing penalties; and providing other matters properly relating thereto.”.