

SENATE BILL NO. 341—SENATORS TITUS, RAGGIO,
NOLAN, WIENER AND MATHEWS

MARCH 24, 2005

JOINT SPONSORS: ASSEMBLYMEN GANSERT AND PARKS

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning sex offenders and offenders convicted of crimes against children. (BDR 14-678)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; 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; expanding the crimes that constitute a sexual offense for



purposes of registration, community notification and determining certain penalties; 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 of sex offenders; 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.

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

Section 1. NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, ~~{before imposing sentence:}~~ *following the imposition of a 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.230.

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

(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 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 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 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:}~~ *following the imposition of a 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 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 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 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 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. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the ~~{district court in whose jurisdiction he resides}~~ **sentencing court or the State Board of Parole Commissioners** for release from lifetime supervision. The **sentencing court or the Board** shall grant a petition for release from a special sentence of lifetime supervision if:

(a) **The person has complied with the requirements of the provisions of NRS 179D.350 to 179D.550, inclusive;**

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least ~~{15}~~ **10** consecutive years after his last conviction or release from incarceration, whichever occurs later; and

~~{(b)}~~ (c) The person is not likely to pose a threat to the safety of others , **as determined by a person professionally qualified to conduct psychosexual evaluations,** if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions



1 for registration as a sex offender and to the provisions for
2 community notification, unless he is otherwise relieved from the
3 operation of those provisions pursuant to the provisions of NRS
4 179D.350 to 179D.800, inclusive.

5 5. As used in this section:

6 (a) "Offense that poses a threat to the safety or well-being of
7 others" has the meaning ascribed to it in NRS 179D.060.

8 (b) *"Person professionally qualified to conduct psychosexual
9 evaluations" has the meaning ascribed to it in NRS 176.133.*

10 (c) "Sexual offense" means:

11 (1) A violation of NRS 200.366, subsection 4 of NRS
12 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
13 NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
14 subsection 1 of NRS 201.195, NRS 201.230 ~~167~~, *201.450 or*
15 *201.540* or paragraph (a) or (b) of subsection 4 or paragraph (a) or
16 (b) of subsection 5 of NRS 201.560 ~~167~~, *NRS 212.187 or 433.554;*

17 (2) An attempt to commit an offense listed in subparagraph
18 (1); or

19 (3) An act of murder in the first or second degree,
20 kidnapping in the first or second degree, false imprisonment,
21 burglary or invasion of the home if the act is determined to be
22 sexually motivated at a hearing conducted pursuant to NRS 175.547.

23 **Sec. 4.** NRS 176A.410 is hereby amended to read as follows:

24 176A.410 1. Except as otherwise provided in subsection 3, if
25 a defendant is convicted of a sexual offense and the court grants
26 probation or suspends the sentence, the court shall, in addition to
27 any other condition ordered pursuant to NRS 176A.400, order as a
28 condition of probation or suspension of sentence that the defendant:

29 (a) *Submit to a search and seizure of his person, residence or*
30 *vehicle or any property under his control, at any time of the day*
31 *or night, without a warrant, by any parole and probation officer or*
32 *any peace officer, for the purpose of determining whether the*
33 *defendant has violated any condition of probation or suspension*
34 *of sentence or committed any crime;*

35 (b) Reside at a location only if it has been approved by the
36 parole and probation officer assigned to the defendant and keep the
37 parole and probation officer informed of his current address;

38 ~~(b)(c)~~ (c) Accept a position of employment or a position as a
39 volunteer only if it has been approved by the parole and probation
40 officer assigned to the defendant and keep the parole and probation
41 officer informed of the location of his position of employment or
42 position as a volunteer;

43 ~~(c)(d)~~ (d) Abide by any curfew imposed by the parole and
44 probation officer assigned to the defendant;



- 1 ~~(e)~~ (e) Participate in and complete a program of professional
2 counseling approved by the Division;
- 3 ~~(f)~~ (f) Submit to periodic tests, as requested by the parole and
4 probation officer assigned to the defendant, to determine whether
5 the defendant is using a controlled substance;
- 6 ~~(g)~~ (g) Submit to periodic polygraph examinations, as
7 requested by the parole and probation officer assigned to the
8 defendant;
- 9 ~~(h)~~ (h) Abstain from consuming, possessing or having under
10 his control any alcohol;
- 11 ~~(i)~~ (i) Not have contact or communicate with a victim of the
12 sexual offense or a witness who testified against the defendant or
13 solicit another person to engage in such contact or communication
14 on behalf of the defendant, unless approved by the parole and
15 probation officer assigned to the defendant, and a written agreement
16 is entered into and signed in the manner set forth in subsection 2;
- 17 ~~(j)~~ (j) Not use aliases or fictitious names;
- 18 ~~(k)~~ (k) Not obtain a post office box unless the defendant
19 receives permission from the parole and probation officer assigned to
20 the defendant;
- 21 ~~(l)~~ (l) Not have contact with a person less than 18 years of
22 age in a secluded environment unless another adult who has never
23 been convicted of a sexual offense is present and permission has
24 been obtained from the parole and probation officer assigned to the
25 defendant in advance of each such contact;
- 26 ~~(m)~~ (m) Unless approved by the parole and probation officer
27 assigned to the defendant and by a psychiatrist, psychologist or
28 counselor treating the defendant, if any, not be in or near:
- 29 (1) A playground, park, school or school grounds;
- 30 (2) A motion picture theater; or
- 31 (3) A business that primarily has children as customers or
32 conducts events that primarily children attend;
- 33 ~~(n)~~ (n) Comply with any protocol concerning the use of
34 prescription medication prescribed by a treating physician,
35 including, without limitation, any protocol concerning the use of
36 psychotropic medication;
- 37 ~~(o)~~ (o) Not possess any sexually explicit material that is
38 deemed inappropriate by the parole and probation officer assigned
39 to the defendant;
- 40 ~~(p)~~ (p) Not patronize a business which offers a sexually
41 related form of entertainment and which is deemed inappropriate by
42 the parole and probation officer assigned to the defendant;
- 43 ~~(q)~~ (q) Not possess any electronic device capable of accessing
44 the Internet and not access the Internet through any such device or
45 any other means, unless possession of such a device or such access



1 is approved by the parole and probation officer assigned to the
2 defendant; and

3 ~~(c)~~ (r) Inform the parole and probation officer assigned to the
4 defendant if the defendant expects to be or becomes enrolled as a
5 student at an institution of higher education or changes the date of
6 commencement or termination of his enrollment at an institution of
7 higher education. As used in this paragraph, "institution of higher
8 education" has the meaning ascribed to it in NRS 179D.045.

9 2. A written agreement entered into pursuant to paragraph ~~(b)~~
10 (i) of subsection 1 must state that the contact or communication is in
11 the best interest of the victim or witness, and specify the type of
12 contact or communication authorized. The written agreement must
13 be signed and agreed to by:

- 14 (a) The victim or the witness;
15 (b) The defendant;
16 (c) The parole and probation officer assigned to the defendant;
17 (d) The psychiatrist, psychologist or counselor treating the
18 defendant, victim or witness, if any; and
19 (e) If the victim or witness is a child under 18 years of age, each
20 parent, guardian or custodian of the child.

21 3. The court is not required to impose a condition of probation
22 or suspension of sentence listed in subsection 1 if the court finds
23 that extraordinary circumstances are present and the court enters
24 those extraordinary circumstances in the record.

25 4. As used in this section, "sexual offense" has the meaning
26 ascribed to it in NRS 179D.410.

27 **Sec. 5.** Chapter 179A of NRS is hereby amended by adding
28 thereto the provisions set forth as sections 6, 7 and 8 of this act.

29 **Sec. 6.** *"Offender convicted of a crime against a child" has*
30 *the meaning ascribed to it in NRS 179D.216.*

31 **Sec. 7.** *"Record of registration" has the meaning ascribed to*
32 *it in NRS 179D.150.*

33 **Sec. 8.** *"Sex offender" has the meaning ascribed to it in*
34 *NRS 179D.400.*

35 **Sec. 9.** NRS 179A.010 is hereby amended to read as follows:
36 179A.010 As used in this chapter, unless the context otherwise
37 requires, the words and terms defined in NRS 179A.020 to
38 179A.073, inclusive, *and sections 6, 7 and 8 of this act* have the
39 meanings ascribed to them in those sections.

40 **Sec. 10.** NRS 179A.100 is hereby amended to read as follows:
41 179A.100 1. The following records of criminal history may
42 be disseminated by an agency of criminal justice without any
43 restriction pursuant to this chapter:

- 44 (a) Any which reflect records of conviction only; and



1 (b) Any which pertain to an incident for which a person is
2 currently within the system of criminal justice, including parole or
3 probation.

4 2. Without any restriction pursuant to this chapter, a record of
5 criminal history or the absence of such a record may be:

6 (a) Disclosed among agencies which maintain a system for the
7 mutual exchange of criminal records.

8 (b) Furnished by one agency to another to administer the system
9 of criminal justice, including the furnishing of information by a
10 police department to a district attorney.

11 (c) Reported to the Central Repository.

12 3. An agency of criminal justice shall disseminate to a
13 prospective employer, upon request, records of criminal history
14 concerning a prospective employee or volunteer which:

15 (a) Reflect convictions only; or

16 (b) Pertain to an incident for which the prospective employee or
17 volunteer is currently within the system of criminal justice,
18 including parole or probation.

19 4. In addition to any other information to which an employer is
20 entitled or authorized to receive, the Central Repository shall
21 disseminate to a prospective or current employer the *information*
22 *contained in a record of registration concerning an employee,*
23 *prospective employee, volunteer or prospective volunteer who is a*
24 *sex offender or an offender convicted of a crime against a child,*
25 *regardless of whether the employee, prospective employee,*
26 *volunteer or prospective volunteer gives his written consent to the*
27 *release of that information. The Central Repository shall*
28 *disseminate such information in a manner that does not reveal the*
29 *name of an individual victim of an offense. A request for*
30 *information pursuant to this subsection must conform to the*
31 *requirements of the Central Repository and must include:*

32 (a) *The name and address of the employer, and the name and*
33 *signature of the person requesting the notice on behalf of the*
34 *employer;*

35 (b) *The name and address of the employer's facility in which*
36 *the employee, prospective employee, volunteer or prospective*
37 *volunteer is employed or volunteers or is seeking to become*
38 *employed or volunteer; and*

39 (c) *The name and other identifying information of the*
40 *employee, prospective employee, volunteer or prospective*
41 *volunteer.*

42 5. *In addition to any other information to which an employer*
43 *is entitled or authorized to receive, the Central Repository shall*
44 *disseminate to a prospective or current employer the* information
45 described in subsection 4 of NRS 179A.190 concerning an



1 employee, prospective employee, volunteer or prospective volunteer
2 who gives his written consent to the release of that information if
3 the employer submits a request in the manner set forth in NRS
4 179A.200 for obtaining a notice of information. The Central
5 Repository shall search for and disseminate such information in the
6 manner set forth in NRS 179A.210 for the dissemination of a notice
7 of information.

8 **6.** Except as otherwise provided in ~~this subsection,~~
9 **subsection 5**, the provisions of NRS 179A.180 to 179A.240,
10 inclusive, do not apply to an employer who requests information and
11 to whom information is disseminated pursuant to ~~this subsection.~~
12 ~~—5—~~ **subsections 4 and 5.**

13 **7.** Records of criminal history must be disseminated by an
14 agency of criminal justice upon request, to the following persons or
15 governmental entities:

16 (a) The person who is the subject of the record of criminal
17 history for the purposes of NRS 179A.150.

18 (b) The person who is the subject of the record of criminal
19 history or his attorney of record when the subject is a party in a
20 judicial, administrative, licensing, disciplinary or other proceeding
21 to which the information is relevant.

22 (c) The State Gaming Control Board.

23 (d) The State Board of Nursing.

24 (e) The Private Investigator's Licensing Board to investigate an
25 applicant for a license.

26 (f) A public administrator to carry out his duties as prescribed in
27 chapter 253 of NRS.

28 (g) A public guardian to investigate a ward or proposed ward or
29 persons who may have knowledge of assets belonging to a ward or
30 proposed ward.

31 (h) Any agency of criminal justice of the United States or of
32 another state or the District of Columbia.

33 (i) Any public utility subject to the jurisdiction of the Public
34 Utilities Commission of Nevada when the information is necessary
35 to conduct a security investigation of an employee or prospective
36 employee, or to protect the public health, safety or welfare.

37 (j) Persons and agencies authorized by statute, ordinance,
38 executive order, court rule, court decision or court order as
39 construed by appropriate state or local officers or agencies.

40 (k) Any person or governmental entity which has entered into a
41 contract to provide services to an agency of criminal justice relating
42 to the administration of criminal justice, if authorized by the
43 contract, and if the contract also specifies that the information will
44 be used only for stated purposes and that it will be otherwise
45 confidential in accordance with state and federal law and regulation.



(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

~~16-1~~ 8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 11. NRS 179A.105 is hereby amended to read as follows:

179A.105 An employer who fails to request :

1. *The information contained in a record of registration concerning a volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, as authorized pursuant to subsection 4 of NRS 179A.100; or*

2. *The information described in subsection 4 of NRS 179A.190 concerning ~~the criminal history of~~ a volunteer or prospective volunteer , as authorized pursuant to subsection ~~4~~ 5 of NRS 179A.100 ,*

↪ is not liable to a child served by the employer for civil damages suffered by the child as a result of an offense listed in subsection 4 of NRS 179A.190 committed against the child by such a volunteer or prospective volunteer.

Sec. 12. NRS 179A.140 is hereby amended to read as follows:

179A.140 1. Except as otherwise provided in this ~~subsection,~~ *section*, an agency of criminal justice may charge a reasonable fee for information relating to records of criminal history provided to any person or governmental entity.

2. An agency of criminal justice shall not charge a fee for providing such information to another agency of criminal justice if



1 the information is provided for purposes of the administration of
2 criminal justice, or for providing such information to the State
3 Disaster Identification Team of the Division of Emergency
4 Management of the Department.

5 3. The Central Repository shall not charge such a fee ~~for~~ :

6 (a) For information relating to a person regarding whom the
7 Central Repository provided a similar report within the immediately
8 preceding 6 months in conjunction with the application by that
9 person for professional licensure ~~f~~

10 ~~—2.1~~ ; or

11 (b) For information contained in a record of registration
12 concerning an employee, prospective employee, volunteer or
13 prospective volunteer who is a sex offender or an offender
14 convicted of a crime against a child or records of criminal history
15 requested by and provided to a nonprofit organization that is
16 recognized as exempt from taxation pursuant to 26 U.S.C. §
17 501(c)(3).

18 4. The Director may request an allocation from the
19 Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269
20 to cover the costs incurred by the Department to carry out the
21 provisions of paragraph (b) of subsection 3.

22 5. All money received or collected by the Department pursuant
23 to this section must be used to defray the cost of operating the
24 Central Repository.

25 Sec. 13. Chapter 179B of NRS is hereby amended by adding
26 thereto the provisions set forth as sections 14 to 17, inclusive, of this
27 act.

28 Sec. 14. “Community notification website” means the
29 website on the Internet established and maintained by the
30 Department pursuant to NRS 179B.250.

31 Sec. 15. Except as otherwise authorized pursuant to specific
32 statute, a person shall not use information obtained from the
33 community notification website for any purpose related to any of
34 the following:

35 1. Insurance, including health insurance.

36 2. Loans.

37 3. Credit.

38 4. Employment.

39 5. Education, scholarships or fellowships.

40 6. Housing or accommodations.

41 7. Benefits, privileges or services provided by any business
42 establishment.

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



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

4 2. In a civil action brought in the name of the State of
5 Nevada by the Attorney General, for a civil penalty not to exceed
6 \$25,000 and for the costs of the action, including investigative
7 costs and attorney's fees.

8 **Sec. 17.** 1. If there is reasonable cause to believe that a
9 person or group of persons has engaged in or is about to engage
10 in any act or practice, or any pattern of acts or practices, which
11 involves the use of information obtained from the community
12 notification website and which violates any provision of this
13 section, NRS 179B.250 or section 15 or 16 of this act, the Attorney
14 General may file an action for injunctive relief in the appropriate
15 district court to prevent the occurrence or continuance of that act
16 or practice or pattern of acts or practices.

17 2. An injunction pursuant to this section:

18 (a) May be issued without proof of actual damage sustained by
19 any person; and

20 (b) Does not preclude or affect the availability of any other
21 remedy including, without limitation, the criminal prosecution of a
22 violator or the filing or maintenance of a civil action for damages
23 or a civil penalty pursuant to section 16 of this act.

24 **Sec. 18.** NRS 179B.010 is hereby amended to read as follows:

25 179B.010 As used in this chapter, unless the context otherwise
26 requires, the words and terms defined in NRS 179B.020 to
27 179B.140, inclusive, *and section 14 of this act* have the meanings
28 ascribed to them in those sections.

29 **Sec. 19.** NRS 179B.100 is hereby amended to read as follows:

30 179B.100 "Requester" means a person who requests
31 information from the ~~{program,}~~ *community notification website*.

32 **Sec. 20.** NRS 179B.250 is hereby amended to read as follows:

33 179B.250 1. The Department shall ~~{, in a manner prescribed~~
34 ~~by the Director,}~~ establish *and maintain* within the Central
35 Repository a ~~{program,}~~ *community notification website* to provide
36 the public with access to certain information contained in the
37 statewide registry ~~{. The program may include, but is not limited to,~~
38 ~~the use of a secure website on the Internet or other electronic means~~
39 ~~of communication to provide the public with access to certain~~
40 ~~information contained in the statewide registry if such information is~~
41 ~~made available and disclosed}~~ in accordance with the procedures set
42 forth in this section.

43 2. For each inquiry to the ~~{program,}~~ *community notification*
44 *website*, the requester must provide:

45 (a) The name of the subject of the search;



1 (b) Any alias of the subject of the search;
2 (c) The zip code of the residence, place of work or school of the
3 subject of the search; or

4 (d) Any other information concerning the identity or location of
5 the subject of the search that is deemed sufficient in the discretion of
6 the Department.

7 3. For each inquiry to the ~~{program,}~~ **community notification**
8 **website** made by the requester, the Central Repository shall:

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

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

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

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

19 (b) ~~{Except as otherwise provided in this paragraph, may, in the~~
20 ~~discretion of the Department, disclose to the requester information~~
21 ~~concerning an offender who is assigned a Tier 2 level of~~
22 ~~notification. The Central Repository shall not disclose to the~~
23 ~~requester information concerning an offender who is assigned a Tier~~
24 ~~2 level of notification if the offender:~~

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

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

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

31 5. After each inquiry to the ~~{program,}~~ **community notification**
32 **website** made by the requester, the Central Repository shall inform
33 the requester that:

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

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

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

44 (d) An offender listed in the statewide registry matches the
45 information provided by the requester concerning the identity or



1 location of the subject of the search. If a search of the statewide
2 registry results in a match pursuant to this paragraph, the Central
3 Repository ~~†~~

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

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

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

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

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

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

21 *(2) A complete physical description of the offender.*

22 *(3) A current photograph of the offender.*

23 *(4) The year of birth of the offender.*

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

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

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

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

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

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

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

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

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

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

41 *(8) The tier level of notification assigned to the offender.*

42 *6. If a search of the statewide registry results in a match*
43 *pursuant to paragraph (d) of subsection 5, the Central Repository*
44 *shall not provide the requester with any ~~other~~ information that is*
45 *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.}~~ 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.

Sec. 21. NRS 179B.300 is hereby amended to read as follows:

179B.300 1. Information in the statewide registry, *including information in the community notification website*, that is accessed or disclosed pursuant to the provisions of this chapter must not reveal the name of an individual victim of an offense.

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

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

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

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

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

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

Sec. 22. Chapter 179D of NRS is hereby amended by adding thereto a new section to read as follows:

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:



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

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

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

16 3. The Central Repository shall share information pursuant
17 to this section as expeditiously as possible under the
18 circumstances.

19 4. The Central Repository may adopt regulations to carry out
20 the provisions of this section.

21 5. As used in this section:

22 (a) "Offender convicted of a crime against a child" has the
23 meaning ascribed to it in NRS 179D.216.

24 (b) "Sex offender" has the meaning ascribed to it in
25 NRS 179D.400.

26 Sec. 22.5. NRS 179D.035 is hereby amended to read as
27 follows:

28 179D.035 "Convicted" includes, but is not limited to, an
29 adjudication of delinquency or a finding of guilt by a court having
30 jurisdiction over juveniles if the adjudication of delinquency or the
31 finding of guilt is for the commission of any of the following
32 offenses:

33 1. A crime against a child that is listed in subsection 6 of
34 NRS 179D.210.

35 2. A sexual offense that is listed in subsection ~~19~~ 22 of
36 NRS 179D.410.

37 3. A sexual offense that is listed in paragraph (b) of subsection
38 2 of NRS 62F.260.

39 Sec. 23. NRS 179D.290 is hereby amended to read as follows:
40 179D.290 ~~1A~~

41 1. Except as otherwise provided in subsection 2, an offender
42 convicted of a crime against a child who:

43 ~~1A~~ (a) Fails to register with a local law enforcement agency;

44 ~~1B~~ (b) Fails to notify the local law enforcement agency of a
45 change of address;



~~13.1~~ (c) Provides false or misleading information to the Central Repository or a local law enforcement agency; or

~~14.1~~ (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.

Sec. 23.3. NRS 179D.400 is hereby amended to read as follows:

179D.400 1. "Sex offender" means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in NRS 179D.410; or

(b) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subsection ~~19.1~~ 22 of NRS 179D.410.

2. The term includes, but is not limited to:

(a) A sexually violent predator.

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

Sec. 23.7. NRS 179D.410 is hereby amended to read as follows:

179D.410 "Sexual offense" means any of the following offenses:

1. Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

2. Sexual assault pursuant to NRS 200.366.

3. Statutory sexual seduction pursuant to NRS 200.368.

4. Battery with intent to commit sexual assault pursuant to NRS 200.400.

5. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

6. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.



7. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

8. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

9. Incest pursuant to NRS 201.180.

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

11. Open or gross lewdness pursuant to NRS 201.210.

12. Indecent or obscene exposure pursuant to NRS 201.220.

13. Lewdness with a child pursuant to NRS 201.230.

14. Sexual penetration of a dead human body pursuant to NRS 201.450.

15. *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

16. Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~16.~~ 17. *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

18. *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

19. An attempt or conspiracy to commit an offense listed in subsections 1 to ~~15, inclusive.~~

~~17.~~ 18, inclusive.

20. An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~18.~~ 21. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

~~19.~~ 22. An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 24. NRS 179D.550 is hereby amended to read as follows:
179D.550 ~~[A]~~



1 ***1. Except as otherwise provided in subsection 2, a sex***
2 ***offender who:***

- 3 ~~(1-1)~~ ***(a)*** Fails to register with a local law enforcement agency;
4 ~~(2-1)~~ ***(b)*** Fails to notify the local law enforcement agency of a
5 change of address;
6 ~~(3-1)~~ ***(c)*** Provides false or misleading information to the Central
7 Repository or a local law enforcement agency; or
8 ~~(4-1)~~ ***(d)*** Otherwise violates the provisions of NRS 179D.350 to
9 179D.550, inclusive,

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

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

18 **Sec. 24.3.** NRS 179D.610 is hereby amended to read as
19 follows:

20 179D.610 1. "Sex offender" means a person who, after
21 July 1, 1956, is or has been:

- 22 (a) Convicted of a sexual offense listed in NRS 179D.620; or
23 (b) Adjudicated delinquent or found guilty by a court having
24 jurisdiction over juveniles of a sexual offense listed in subsection
25 ~~(1-1)~~ **22** of NRS 179D.620.

26 2. The term includes, but is not limited to:

- 27 (a) A sexually violent predator.
28 (b) A nonresident sex offender who is a student or worker
29 within this State.

30 **Sec. 24.7.** NRS 179D.620 is hereby amended to read as
31 follows:

32 179D.620 "Sexual offense" means any of the following
33 offenses:

34 1. Murder of the first degree committed in the perpetration or
35 attempted perpetration of sexual assault or of sexual abuse or sexual
36 molestation of a child less than 14 years of age pursuant to
37 paragraph (b) of subsection 1 of NRS 200.030.

38 2. Sexual assault pursuant to NRS 200.366.

39 3. Statutory sexual seduction pursuant to NRS 200.368, if
40 punished as a felony.

41 4. Battery with intent to commit sexual assault pursuant to
42 NRS 200.400.

43 5. An offense involving the administration of a drug to another
44 person with the intent to enable or assist the commission of a felony



1 pursuant to NRS 200.405, if the felony is an offense listed in this
2 section.

3 6. An offense involving the administration of a controlled
4 substance to another person with the intent to enable or assist the
5 commission of a crime of violence pursuant to NRS 200.408, if the
6 crime of violence is an offense listed in this section.

7 7. Abuse of a child pursuant to NRS 200.508, if the abuse
8 involved sexual abuse or sexual exploitation and is punished as a
9 felony.

10 8. An offense involving pornography and a minor pursuant to
11 NRS 200.710 to 200.730, inclusive.

12 9. Incest pursuant to NRS 201.180.

13 10. Solicitation of a minor to engage in acts constituting the
14 infamous crime against nature pursuant to NRS 201.195, if punished
15 as a felony.

16 11. Open or gross lewdness pursuant to NRS 201.210, if
17 punished as a felony.

18 12. Indecent or obscene exposure pursuant to NRS 201.220, if
19 punished as a felony.

20 13. Lewdness with a child pursuant to NRS 201.230.

21 14. Sexual penetration of a dead human body pursuant to
22 NRS 201.450.

23 15. *Sexual conduct between certain employees of schools or*
24 *volunteers at schools and pupils pursuant to NRS 201.540.*

25 16. Luring a child or mentally ill person pursuant to NRS
26 201.560, if punished as a felony.

27 ~~16.~~ 17. *Voluntary sexual conduct between a prisoner and*
28 *another person pursuant to NRS 212.187.*

29 18. *Abuse of a client in a mental health facility pursuant to*
30 *NRS 433.554.*

31 19. An attempt or conspiracy to commit an offense listed in
32 subsections 1 to ~~15, inclusive.~~

33 ~~17.~~ 18, inclusive.

34 20. An offense that is determined to be sexually motivated
35 pursuant to NRS 175.547 or 207.193.

36 ~~18.~~ 21. An offense committed in another jurisdiction that, if
37 committed in this State, would be an offense listed in this section.
38 This subsection includes, but is not limited to, an offense prosecuted
39 in:

40 (a) A tribal court.

41 (b) A court of the United States or the Armed Forces of the
42 United States.

43 ~~19.~~ 22. An offense of a sexual nature committed in another
44 jurisdiction and punished as a felony, whether or not the offense
45 would be an offense listed in this section, if the person who



1 committed the offense resides or has resided or is or has been a
2 student or worker in any jurisdiction in which the person is or has
3 been required by the laws of that jurisdiction to register as a sex
4 offender because of the offense. This subsection includes, but is not
5 limited to, an offense prosecuted in:

6 (a) A tribal court.

7 (b) A court of the United States or the Armed Forces of the
8 United States.

9 (c) A court having jurisdiction over juveniles.

10 **Sec. 25.** NRS 179D.730 is hereby amended to read as follows:

11 179D.730 1. Except as otherwise provided in this section, the
12 guidelines and procedures for community notification established by
13 the Attorney General must provide for the following levels of
14 notification, depending upon the risk of recidivism of the sex
15 offender:

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

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

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

33 2. If the sex offender is assigned a Tier 2 or Tier 3 level of
34 notification and the sex offender has committed a sexual offense
35 against a person less than 18 years of age, the law enforcement
36 agency in whose jurisdiction the sex offender resides or is a student
37 or worker shall provide the appropriate notification for Tier 2 or
38 Tier 3 and, in addition, shall notify:

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

41 (b) Businesses which are likely to encounter the sex offender
42 and which primarily have children as customers or conduct events
43 that primarily children attend. Notification pursuant to this
44 subsection must include a copy of a photograph of the sex offender.



1 As used in paragraph (a), “adult motion picture theater” has the
2 meaning ascribed to it in NRS 278.0221.

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

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

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

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

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

15 (e) *Convicted of two sexually violent offenses, and both*
16 *offenses were brought and tried separately, and the sex offender*
17 *has been arrested on three or more separate occasions for*
18 *commission of a sexually violent offense, a nonsexually violent*
19 *offense or an associated offense; or*

20 (f) *Convicted of one sexually violent offense and one*
21 *nonsexually violent offense, and both offenses were brought and*
22 *tried separately, and the sex offender has been arrested on three or*
23 *more separate occasions for commission of a sexually violent*
24 *offense, a nonsexually violent offense or an associated offense.*

25 4. *The existence of the community notification website must*
26 *not be construed to affect, in any manner, the responsibility to*
27 *provide notification pursuant to this section.*

28 5. *As used in this section:*

29 (a) *“Associated offense” includes any of the following*
30 *offenses:*

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

32 (2) *Stalking or aggravated stalking pursuant to*
33 *NRS 200.575.*

34 (3) *Any offense related to obscenity pursuant to NRS*
35 *201.235 to 201.254, inclusive.*

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

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

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

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

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



(c) "Sexually violent offense" has the meaning ascribed to it in NRS 179D.420.

Sec. 26. 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 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 *registration and* community notification.

3. If the juvenile court determines at the hearing that the child has not been rehabilitated to the satisfaction of the juvenile court or that the child is likely to pose a threat to the safety of others, the juvenile court shall deem the child to be an adult sex offender for the purposes of registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive.

4. *In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is not likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:*

(a) The number, date, nature and gravity of the act or acts committed by the child, including:

(1) Whether the act or acts were characterized by repetitive and compulsive behavior; and

(2) Whether the act or acts involved the use of a weapon, violence or infliction of serious bodily injury.

(b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.

(c) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(d) The behavior of the child while subject to the jurisdiction of the juvenile court, including the behavior of the child during any period of confinement.

(e) Whether the child has made any recent threats against a person or expressed any intent to commit any crimes in the future.



1 (f) Any physical conditions that minimize the risk of
2 recidivism, including physical disability or illness.

3 (g) Any other factor that the juvenile court finds relevant to
4 the determination of whether the child has been rehabilitated to
5 the satisfaction of the juvenile court and whether the child is not
6 likely to pose a threat to the safety of others.

7 5. If a child is deemed to be an adult sex offender pursuant to
8 this section, the juvenile court shall notify the Central Repository so
9 the Central Repository may carry out the provisions for registration
10 of the child as an adult sex offender pursuant to NRS 179D.450.

11 Sec. 27. NRS 200.366 is hereby amended to read as follows:

12 200.366 1. A person who subjects another person to sexual
13 penetration, or who forces another person to make a sexual
14 penetration on himself or another, or on a beast, against the will of
15 the victim or under conditions in which the perpetrator knows or
16 should know that the victim is mentally or physically incapable of
17 resisting or understanding the nature of his conduct, is guilty of
18 sexual assault.

19 2. Except as otherwise provided in subsections 3 and 4, a
20 person who commits a sexual assault is guilty of a category A
21 felony and shall be punished:

22 (a) If substantial bodily harm to the victim results from the
23 actions of the defendant committed in connection with or as a part
24 of the sexual assault, by imprisonment in the state prison:

25 (1) For life without the possibility of parole; **or**

26 (2) For life with the possibility of parole, with eligibility for
27 parole beginning when a minimum of 15 years has been served . ~~†~~

28 ~~or~~
29 ~~—— (3) For a definite term of 40 years, with eligibility for parole~~
30 ~~beginning when a minimum of 15 years has been served.]~~

31 (b) If no substantial bodily harm to the victim results, by
32 imprisonment in the state prison ~~†~~

33 ~~—— (1) For life,] for life~~ with the possibility of parole, with
34 eligibility for parole beginning when a minimum of 10 years has
35 been served . ~~†; or~~

36 ~~—— (2) For a definite term of 25 years, with eligibility for parole~~
37 ~~beginning when a minimum of 10 years has been served.]~~

38 3. Except as otherwise provided in subsection 4, a person who
39 commits a sexual assault against a child under the age of 16 years is
40 guilty of a category A felony and shall be punished:

41 (a) If the crime results in substantial bodily harm to the child, by
42 imprisonment in the state prison for life without the possibility of
43 parole.



(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison ~~for~~

~~— (1) For~~ **for** life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served . ~~for or~~

~~— (2) For a definite term of 40 years, with eligibility for parole beginning when a minimum of 15 years has been served.~~

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,
➔ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Sado-masochistic abuse pursuant to NRS 201.262; ~~for~~

(d) ***Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540;***

(e) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony ~~for~~; or

(f) ***Abuse of a client in a mental health facility pursuant to NRS 433.554.***

Sec. 28. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section, “battery” means any willful and unlawful use of force or violence upon the person of another.

2. A person who is convicted of battery with the intent to commit mayhem, robbery or grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.



3. A person who is convicted of battery with the intent to kill is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

4. A person who is convicted of battery with the intent to commit sexual assault shall be punished:

(a) If the crime results in substantial bodily harm to the victim, for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole; **or**

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been ~~served; or~~

~~— (3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been~~ served,

↳ as determined by the verdict of the jury, or the judgment of the court if there is no jury.

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, for a category ~~[B]~~ A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of ~~[not more than 15 years.]~~ **life with the possibility of parole.**

(c) If the crime does not result in substantial bodily harm to the victim and the victim is a child under the age of 16, for a category ~~[B]~~ A felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of ~~[not more than 15 years.]~~ **life with the possibility of parole.**

↳ In addition to any other penalty, a person convicted pursuant to this subsection may be punished by a fine of not more than \$10,000.

Sec. 29. NRS 200.730 is hereby amended to read as follows:

200.730 A person who knowingly and willfully has in his possession for any purpose any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

1. For the first offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. For any subsequent offense, is guilty of a category ~~[B]~~ A felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of ~~[not more than 10 years,]~~ **life with the possibility of parole**, and may be further punished by a fine of not more than \$5,000.



Sec. 30. NRS 200.750 is hereby amended to read as follows:

200.750 A person punishable pursuant to NRS 200.710 or 200.720 shall be punished for a category A felony by imprisonment in the state prison:

1. If the minor is 14 years of age or older ~~for~~:

~~—(a) For~~, for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served ~~for~~ ~~or~~

~~—(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~
~~for~~, and shall be further punished by a fine of not more than \$100,000.

2. If the minor is less than 14 years of age, for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and shall be further punished by a fine of not more than \$100,000.

Sec. 31. NRS 201.180 is hereby amended to read as follows:

201.180 Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void ~~for~~ who intermarry with each other ~~for~~ or who commit fornication or adultery with each other ~~for~~ shall be punished for a category ~~for~~ A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of ~~not more than 10 years,~~ *life with the possibility of parole*, and may be further punished by a fine of not more than \$10,000.

Sec. 32. NRS 201.195 is hereby amended to read as follows:

201.195 1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature:

(a) If the minor actually engaged in such acts as a result and:

(1) The minor was less than 14 years of age, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

(2) The minor was 14 years of age or older, is guilty of a category ~~for~~ A felony and shall be punished ~~as provided in NRS 193.130,~~ *by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.*

(b) If the minor did not engage in such acts:

(1) For the first offense, is guilty of a gross misdemeanor.

(2) For any subsequent offense, is guilty of a category ~~for~~ A felony and shall be punished ~~as provided in NRS 193.130,~~ *by imprisonment in the state prison for life with the possibility of*



parole, with eligibility for parole beginning when a minimum of 5 years has been served.

2. As used in this section, the “infamous crime against nature” means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

Sec. 33. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of lewdness with a child.

2. Except as otherwise provided in subsection 3, a person who commits lewdness with a child is guilty of a category A felony and shall be punished by imprisonment in the state prison for ~~life~~:

~~—(a) Life~~ *life* with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000. ~~life or~~

~~—(b) A definite term of 20 years, with eligibility for parole after a minimum of 2 years has been served, and may further be punished by a fine of not more than \$10,000.]~~

3. A person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

4. For the purpose of this section, “other sexual offense against a child” has the meaning ascribed to it in subsection 5 of NRS 200.366.

Sec. 34. NRS 201.450 is hereby amended to read as follows:

201.450 1. A person who commits a sexual penetration on the dead body of a human being is guilty of a category A felony and shall be punished by imprisonment in the state prison ~~for~~:

~~—(a) For~~ *for* life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served ~~for~~:

~~—(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served;~~



1 ~~—(c) By~~ ***1, and shall be further punished by*** a fine of not more
2 than \$20,000. ~~1; or~~

3 ~~—(d) By both fine and imprisonment.]~~

4 2. For the purposes of this section, “sexual penetration” means
5 cunnilingus, fellatio or any intrusion, however slight, of any part of
6 a person’s body or any object manipulated or inserted by a person
7 into the genital or anal openings of the body of another, including,
8 without limitation, sexual intercourse in what would be its ordinary
9 meaning if practiced upon the living.

10 **Sec. 34.5.** NRS 213.1214 is hereby amended to read as
11 follows:

12 213.1214 1. The Board shall not release on parole a prisoner
13 convicted of an offense listed in subsection 5 unless a panel
14 consisting of:

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

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

20 (c) A psychologist licensed to practice in this State or a
21 psychiatrist licensed to practice medicine in this State,
22 ➤ certifies that the prisoner was under observation while confined
23 in an institution of the Department of Corrections and does not
24 represent a high risk to reoffend based upon a currently accepted
25 standard of assessment.

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

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

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

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

41 (a) Sexual assault pursuant to NRS 200.366.

42 (b) Statutory sexual seduction pursuant to NRS 200.368.

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

45 (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.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) *Sexual conduct between certain employees of schools or volunteers at schools and pupils pursuant to NRS 201.540.*

(m) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony.

~~[(m)]~~ (n) *Voluntary sexual conduct between a prisoner and another person pursuant to NRS 212.187.*

(o) *Abuse of a client in a mental health facility pursuant to NRS 433.554.*

(p) An attempt to commit an offense listed in paragraphs (a) to ~~[(l)], inclusive.~~

~~—(n)]~~ (m), inclusive.

(q) *An offense that is determined to be sexually motivated pursuant to NRS 175.547.*

(r) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 35. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for ~~the~~:

(a) *The* limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110 ~~[(a)]~~; and

(b) *The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.*

3. A person who ~~violates~~ *commits a violation of* a condition imposed on him pursuant to the program of lifetime supervision is guilty of ~~[(a)]~~:

(a) *If the violation constitutes a minor violation, a misdemeanor.*



1 ***(b) If the violation constitutes a major violation, a*** category B
2 felony and shall be punished by imprisonment in the state prison for
3 a minimum term of not less than 1 year and a maximum term of not
4 more than 6 years, and may be further punished by a fine of not
5 more than \$5,000.

6 ***4. For the purposes of prosecution of a violation by a person***
7 ***of a condition imposed upon him pursuant to the program of***
8 ***lifetime supervision, the violation shall be deemed to have***
9 ***occurred in, and may only be prosecuted in, the county in which***
10 ***the court that imposed the sentence of lifetime supervision***
11 ***pursuant to NRS 176.0931 is located, regardless of whether the acts***
12 ***or conduct constituting the violation took place, in whole or in***
13 ***part, within or outside that county or within or outside this State.***

14 ***5. As used in this section:***

15 ***(a) "Major violation" means a violation which poses a threat***
16 ***to the safety or well-being of others and which involves:***

17 ***(1) The commission of any crime that is punishable as a***
18 ***gross misdemeanor or felony or any crime that involves a victim***
19 ***who is less than 18 years of age;***

20 ***(2) The use of a deadly weapon, explosives or a firearm;***

21 ***(3) The use or threatened use of force or violence against a***
22 ***person;***

23 ***(4) Death or bodily injury of a person;***

24 ***(5) An act of domestic violence;***

25 ***(6) Harassment, stalking or threats of any kind; or***

26 ***(7) The forcible or unlawful entry of a home, building,***
27 ***structure or vehicle in which a person is present.***

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

30 **Sec. 36.** NRS 458.300 is hereby amended to read as follows:

31 458.300 Subject to the provisions of NRS 458.290 to 458.350,
32 inclusive, an alcoholic or a drug addict who has been convicted of a
33 crime is eligible to elect to be assigned by the court to a program of
34 treatment for the abuse of alcohol or drugs pursuant to NRS 453.580
35 before he is sentenced unless:

36 1. The crime is ~~fel~~ :

37 ***(a) A*** crime against the person punishable as a felony or gross
38 misdemeanor as provided in chapter 200 of NRS ~~for the crime is an~~
39 ***;***

40 ***(b) A crime against a child as defined in NRS 179D.210;***

41 ***(c) A sexual offense as defined in NRS 179D.410; or***

42 ***(d) An*** act which constitutes domestic violence as set forth in
43 NRS 33.018;

44 2. The crime is that of trafficking of a controlled substance;

45 3. The crime is a violation of NRS 484.379 or 484.3795;



1 4. The alcoholic or drug addict has a record of two or more
2 convictions of a crime described in subsection 1 or 2, a similar
3 crime in violation of the laws of another state, or of three or more
4 convictions of any felony;

5 5. Other criminal proceedings alleging commission of a felony
6 are pending against the alcoholic or drug addict;

7 6. The alcoholic or drug addict is on probation or parole and
8 the appropriate parole or probation authority does not consent to the
9 election; or

10 7. The alcoholic or drug addict elected and was admitted,
11 pursuant to NRS 458.290 to 458.350, inclusive, to a program of
12 treatment not more than twice within the preceding 5 years.

13 **Sec. 37.** NRS 463.335 is hereby amended to read as follows:

14 463.335 1. The Legislature finds that, to protect and promote
15 the health, safety, morals, good order and general welfare of the
16 inhabitants of the State of Nevada and to carry out the policy
17 declared in NRS 463.0129, it is necessary that the Board:

18 (a) Ascertain and keep itself informed of the identity, prior
19 activities and present location of all gaming employees and
20 independent agents in the State of Nevada; and

21 (b) Maintain confidential records of such information.

22 2. Except as otherwise provided in subsection 4, a person may
23 not be employed as a gaming employee or serve as an independent
24 agent unless he is temporarily registered or registered as a gaming
25 employee pursuant to this section. An applicant for registration or
26 renewal of registration as a gaming employee must file an
27 application for registration or renewal of registration with the Board.
28 Whenever a registered gaming employee, whose registration has not
29 expired, has not been objected to by the Board, or has not been
30 suspended or revoked becomes employed as a gaming employee at
31 another or additional gaming establishment, he must file a change of
32 employment notice within 10 days with the Board. The application
33 for registration and change of employment notice must be filed
34 through the licensee for whom the applicant will commence or
35 continue working as a gaming employee, unless otherwise filed with
36 the Board as prescribed by regulation of the Commission.

37 3. The Board shall prescribe the forms for the application for
38 registration as a gaming employee and the change of employment
39 notice.

40 4. An independent agent is not required to be registered as a
41 gaming employee if he is not a resident of this State and has
42 registered with the Board in accordance with the provisions of the
43 regulations adopted by the Commission.

44 5. A complete application for registration or renewal of
45 registration as a gaming employee or a change of employment



1 notice received by a licensee must be mailed or delivered to the
2 Board within 5 business days of receipt unless the date is
3 administratively extended by the Chairman of the Board for good
4 cause. A licensee is not responsible for the accuracy or
5 completeness of any application for registration or renewal of
6 registration as a gaming employee or any change of employment
7 notice.

8 6. The Board shall immediately conduct an investigation of
9 each person who files an application for registration or renewal of
10 registration as a gaming employee to determine whether he is
11 eligible for registration as a gaming employee. In conducting the
12 investigation, two complete sets of the applicant's fingerprints must
13 be submitted to the Central Repository for Nevada Records of
14 Criminal History for:

15 (a) A report concerning the criminal history of the applicant; and

16 (b) Submission to the Federal Bureau of Investigation for a
17 report concerning the criminal history of the applicant.

18 ➤ The investigation need not be limited solely to consideration of
19 the results of the report concerning the criminal history of the
20 applicant. The fee for processing an application for registration or
21 renewal of registration as a gaming employee may be charged only
22 to cover the actual investigative and administrative costs related to
23 processing the application and the fees charged by the Central
24 Repository for Nevada Records of Criminal History and the Federal
25 Bureau of Investigation to process the fingerprints of an applicant
26 pursuant to this subsection.

27 7. Upon receipt of a change of employment notice, the Board
28 may conduct any investigations of the gaming employee that the
29 Board deems appropriate to determine whether the gaming
30 employee may remain registered as a gaming employee. The filing
31 of a change of employment notice constitutes an application for
32 registration as a gaming employee, and if the Board, after
33 conducting its investigation, suspends or objects to the continued
34 registration of the gaming employee, the provisions of subsections
35 11 to 17, inclusive, apply to such suspension by or objection of the
36 Board. No fee may be charged by the Board to cover the actual
37 investigative and administrative costs related to processing a change
38 of employment notice.

39 8. Except as otherwise prescribed by regulation of the
40 Commission, an applicant for registration or renewal of registration
41 as a gaming employee is deemed temporarily registered as a gaming
42 employee as of the date a complete application for registration or
43 renewal of registration is submitted to the licensee for which he will
44 commence or continue working as a gaming employee. Unless
45 objected to by the Board or suspended or revoked, the initial



1 registration of an applicant as a gaming employee expires 5 years
2 after the date employment commences with the applicable licensee
3 or, in the case of an independent agent, 5 years after the date he
4 contracts with an applicable licensee. Any subsequent renewal of
5 registration as a gaming employee, unless objected to by the Board
6 or suspended or revoked, expires 5 years after the expiration date of
7 the most recent registration or renewal of registration of the gaming
8 employee.

9 9. If, within 120 days after receipt by the Board of a complete
10 application for registration or renewal of registration as a gaming
11 employee, including classifiable fingerprints, or a change of
12 employment notice, the Board has not notified the applicable
13 licensee of any suspension or objection, the applicant shall be
14 deemed to be registered as a gaming employee. A complete
15 application for registration or renewal of registration as a gaming
16 employee is composed of:

17 (a) The fully completed form for application for registration as a
18 gaming employee prescribed in subsection 3;

19 (b) Two complete sets of the fingerprints of the applicant, unless
20 directly forwarded electronically or by another means to the Central
21 Repository for Nevada Records of Criminal History;

22 (c) The fee for processing the application for registration or
23 renewal of registration as a gaming employee prescribed by the
24 Board pursuant to subsection 6, unless otherwise prescribed by
25 regulation of the Commission; and

26 (d) A completed statement as prescribed in subsections 1 and 2
27 of NRS 463.3351.

28 ➔ If the Board determines after receiving an application for
29 registration or renewal of registration as a gaming employee that the
30 application is incomplete, the Board may suspend the temporary
31 registration as a gaming employee of the applicant who filed the
32 incomplete application. An applicant whose temporary registration
33 is suspended shall not be eligible to work as a gaming employee
34 until such time as he files a complete application.

35 10. A person who is temporarily registered or registered as a
36 gaming employee is eligible for employment in any licensed gaming
37 establishment in this State until such registration is objected to by
38 the Board, expires or is suspended or revoked. The Commission
39 shall adopt regulations to:

40 (a) Establish uniform procedures for the registration of gaming
41 employees;

42 (b) Establish uniform criteria for objection by the Board of an
43 application for registration; and

44 (c) Provide for the creation and maintenance of a system of
45 records that contain information regarding the current place of



1 employment of each person who is registered as a gaming employee
2 and each person whose registration as a gaming employee has
3 expired, was objected to by the Board, or was suspended or revoked.
4 The system of records must be accessible by **licensees** :

5 **(1) Licensees** for the limited purpose of complying with
6 subsection 2 **H** ; and

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

10 11. If the Board, within the 120-day period prescribed in
11 subsection 9, notifies:

12 (a) The applicable licensee; and

13 (b) The applicant,

14 ➔ that the Board suspends or objects to the temporary registration
15 of an applicant as a gaming employee, the licensee shall
16 immediately terminate the applicant from employment or reassign
17 him to a position that does not require registration as a gaming
18 employee. The notice of suspension or objection by the Board which
19 is sent to the applicant must include a statement of the facts upon
20 which the Board relied in making its suspension or objection.

21 12. Any person whose application for registration or renewal of
22 registration as a gaming employee has been suspended or objected
23 to by the Board may, not later than 60 days after receiving notice of
24 the suspension or objection, apply to the Board for a hearing. A
25 failure of a person whose application has been objected to or
26 suspended to apply for a hearing within 60 days or his failure to
27 appear at a hearing of the Board conducted pursuant to this section
28 shall be deemed to be an admission that the suspension or objection
29 is well-founded, and the failure precludes administrative or judicial
30 review. At the hearing, the Board shall take any testimony deemed
31 necessary. After the hearing, the Board shall review the testimony
32 taken and any other evidence, and shall, within 45 days after the
33 date of the hearing, mail to the applicant its decision sustaining or
34 reversing the suspension or the objection to the registration of the
35 applicant as a gaming employee.

36 13. The Board may suspend or object to the registration of an
37 applicant as a gaming employee for any cause deemed reasonable
38 by the Board. The Board may object to or suspend the registration if
39 the applicant has:

40 (a) Failed to disclose or misstated information or otherwise
41 attempted to mislead the Board with respect to any material fact
42 contained in the application for registration as a gaming employee;

43 (b) Knowingly failed to comply with the provisions of this
44 chapter or chapter 463B, 464 or 465 of NRS or the regulations of
45 the Commission at a place of previous employment;



1 (c) Committed, attempted or conspired to commit any crime of
2 moral turpitude, embezzlement or larceny or any violation of any
3 law pertaining to gaming, or any crime which is inimical to the
4 declared policy of this State concerning gaming;

5 (d) Committed, attempted or conspired to commit a crime which
6 is a felony or gross misdemeanor in this State or an offense in
7 another state or jurisdiction which would be a felony or gross
8 misdemeanor if committed in this State and which relates to the
9 applicant's suitability or qualifications to work as a gaming
10 employee;

11 (e) Been identified in the published reports of any federal or
12 state legislative or executive body as being a member or associate of
13 organized crime, or as being of notorious and unsavory reputation;

14 (f) Been placed and remains in the constructive custody of any
15 federal, state or municipal law enforcement authority; or

16 (g) Had registration as a gaming employee revoked or
17 committed any act which is a ground for the revocation of
18 registration as a gaming employee or would have been a ground for
19 revoking registration as a gaming employee if the applicant had then
20 been registered as a gaming employee.

21 ➤ If the Board registers or does not suspend or object to the
22 registration of an applicant as a gaming employee, it may specially
23 limit the period for which the registration is valid, limit the job
24 classifications for which the registered gaming employee may be
25 employed and establish such individual conditions for the renewal
26 and effectiveness of the registration as the Board deems appropriate,
27 including required submission to unscheduled tests for the presence
28 of alcohol or controlled substances.

29 14. Any applicant aggrieved by the decision of the Board may,
30 within 15 days after the announcement of the decision, apply in
31 writing to the Commission for review of the decision. Review is
32 limited to the record of the proceedings before the Board. The
33 Commission may sustain, modify or reverse the Board's decision.
34 The decision of the Commission is subject to judicial review
35 pursuant to NRS 463.315 to 463.318, inclusive.

36 15. The Chairman of the Board may designate a member of the
37 Board or the Board may appoint a hearing examiner and authorize
38 that person to perform on behalf of the Board any of the following
39 functions required of the Board by this section concerning the
40 registration or renewal of registration of gaming employees:

41 (a) Conducting a hearing and taking testimony;

42 (b) Reviewing the testimony and evidence presented at the
43 hearing;

44 (c) Making a recommendation to the Board based upon the
45 testimony and evidence or rendering a decision on behalf of



1 the Board to sustain or reverse the suspension of or the objection to
2 the registration of an applicant as a gaming employee; and

3 (d) Notifying the applicant of the decision.

4 16. Notice by the Board as provided pursuant to ~~[this section]~~
5 **subsections 1 to 15, inclusive**, is sufficient if it is mailed to the
6 applicant's last known address as indicated on the application for
7 registration as a gaming employee or the record of the hearing, as
8 the case may be. The date of mailing may be proven by a certificate
9 signed by an officer or employee of the Board which specifies the
10 time the notice was mailed. The notice shall be deemed to have been
11 received by the applicant 5 days after it is deposited with the United
12 States Postal Service with the postage thereon prepaid.

13 17. Except as otherwise provided in this subsection, all records
14 acquired or compiled by the Board or Commission relating to any
15 application made pursuant to this section, all lists of persons
16 registered as gaming employees, all lists of persons suspended or
17 objected to by the Board and all records of the names or identity of
18 persons engaged in the gaming industry in this State are confidential
19 and must not be disclosed except in the proper administration of this
20 chapter or to an authorized law enforcement agency. Upon receipt of
21 a request from the Welfare Division of the Department of Human
22 Resources pursuant to NRS 425.400 for information relating to a
23 specific person who has applied for registration as a gaming
24 employee or is registered as a gaming employee, the Board shall
25 disclose to the Division his social security number, residential
26 address and current employer as that information is listed in the files
27 and records of the Board. Any record of the Board or Commission
28 which shows that the applicant has been convicted of a crime in
29 another state must show whether the crime was a misdemeanor,
30 gross misdemeanor, felony or other class of crime as classified by
31 the state in which the crime was committed. In a disclosure of the
32 conviction, reference to the classification of the crime must be based
33 on the classification in the state where it was committed.

34 **18. If the Central Repository for Nevada Records of Criminal**
35 **History, in accordance with the provisions of section 22 of this act,**
36 **provides the Board with the name and other identifying**
37 **information of a registered gaming employee who is not in**
38 **compliance with the provisions of chapter 179D of NRS, the**
39 **Board shall notify the person that, unless he provides the Board**
40 **with verifiable documentation confirming that he is currently in**
41 **compliance with the provisions of chapter 179D of NRS within 15**
42 **days after receipt of such notice, the Board shall, notwithstanding**
43 **any other provisions of this section, conduct a hearing for the**
44 **purpose of determining whether the registration of the person as a**



1 gaming employee must be suspended for noncompliance with the
2 provisions of chapter 179D of NRS.

3 19. Notwithstanding any other provisions of this section, if a
4 person notified by the Board pursuant to subsection 18 does not
5 provide the Board, within the 15 days prescribed therein, with
6 verifiable documentation establishing that he is currently in
7 compliance with the provisions of chapter 179D of NRS, the
8 Chairman of the Board shall, within 10 days thereof, appoint a
9 hearing examiner to conduct a hearing to determine whether the
10 person is, in fact, not in compliance with the provisions of chapter
11 179D of NRS. The hearing examiner shall, within 5 days after the
12 date he is appointed by the Chairman, notify the person of the date
13 of the hearing. The hearing must be held within 20 days after the
14 date on which the hearing examiner is appointed by the
15 Chairman, unless administratively extended by the Chairman for
16 good cause. At the hearing, the hearing examiner may take any
17 testimony deemed necessary and shall render a decision sustaining
18 or reversing the findings of the Central Repository for Nevada
19 Records of Criminal History. The hearing examiner shall notify
20 the person of his decision within 5 days after the date on which the
21 decision is rendered. A failure of a person to appear at a hearing
22 conducted pursuant to this section shall be deemed to be an
23 admission that the findings of the hearing examiner are well
24 founded.

25 20. If, after conducting the hearing prescribed in subsection
26 19, the hearing examiner renders a decision that the person who is
27 the subject of the hearing:

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

31 (1) Suspend the registration of the person as a gaming
32 employee;

33 (2) Notify the person to contact the Central Repository for
34 Nevada Records of Criminal History to determine the actions that
35 he must take to be in compliance with the provisions of chapter
36 179D of NRS; and

37 (3) Notify the licensee for which the person is employed as
38 a gaming employee, in the manner prescribed in subsection 21,
39 that the Board has suspended the registration of the person as a
40 gaming employee and that the licensee must immediately
41 terminate the person from employment or reassign him to a
42 position that does not require registration as a gaming employee.

43 (b) Is in compliance with the provisions of chapter 179D of
44 NRS, the Board shall notify the person and the Central Repository



1 *for Nevada Records of Criminal History, in the manner prescribed*
2 *in subsection 21, of the findings of the hearing examiner.*

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

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

18 **Sec. 38.** Chapter 483 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 1. *The Department shall not issue a driver's license,*
21 *commercial driver's license or identification card to an offender*
22 *or renew the driver's license, commercial driver's license or*
23 *identification card of an offender until the Department has*
24 *received information submitted by the Central Repository*
25 *pursuant to section 22 of this act or other satisfactory evidence*
26 *indicating that the offender is in compliance with the provisions of*
27 *chapter 179D of NRS.*

28 2. *If an offender is not in compliance with the provisions of*
29 *chapter 179D of NRS, the Department:*

30 (a) *Shall not issue a driver's license, commercial driver's*
31 *license or identification card to the offender or renew the driver's*
32 *license, commercial driver's license or identification card of the*
33 *offender; and*

34 (b) *Shall advise the offender to contact the Central Repository*
35 *to determine the actions that the offender must take to be in*
36 *compliance with the provisions of chapter 179D of NRS.*

37 3. *A driver's license, commercial driver's license or*
38 *identification card issued to an offender expires on the first*
39 *anniversary date of the offender's birthday, measured in the case*
40 *of an original license or identification card, a renewal license or*
41 *identification card and a renewal of an expired license or*
42 *identification card, from the birthday nearest the date of issuance*
43 *or renewal.*

44 4. *The Department may adopt regulations to carry out the*
45 *provisions of this section.*



1 **5. As used in this section:**

2 **(a) "Central Repository" means the Central Repository for**
3 **Nevada Records of Criminal History.**

4 **(b) "Offender" includes an "offender convicted of a crime**
5 **against a child" as defined in NRS 179D.216 and a "sex offender"**
6 **as defined in NRS 179D.400.**

7 **Sec. 39.** NRS 483.250 is hereby amended to read as follows:

8 483.250 The Department shall not issue any license pursuant to
9 the provisions of NRS 483.010 to 483.630, inclusive:

10 1. To any person who is under the age of 18 years, except that
11 the Department may issue:

12 (a) A restricted license to a person between the ages of 14 and
13 18 years pursuant to the provisions of NRS 483.267 and 483.270.

14 (b) An instruction permit to a person who is at least 15 1/2 years
15 of age pursuant to the provisions of subsection 1 of NRS 483.280.

16 (c) A restricted instruction permit to a person under the age of
17 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

18 (d) Except as otherwise provided in paragraph (e), a license to a
19 person between the ages of 15 3/4 and 18 years if:

20 (1) He has completed a course:

21 (I) In automobile driver education pursuant to NRS
22 389.090; or

23 (II) Provided by a school for training drivers licensed
24 pursuant to NRS 483.700 to 483.780, inclusive, if the course
25 complies with the applicable regulations governing the
26 establishment, conduct and scope of automobile driver education
27 adopted by the State Board of Education pursuant to NRS 389.090;

28 (2) He has at least 50 hours of experience in driving a motor
29 vehicle with a restricted license, instruction permit or restricted
30 instruction permit issued pursuant to NRS 483.267, 483.270 or
31 483.280;

32 (3) His parent or legal guardian signs and submits to the
33 Department a form provided by the Department which attests that
34 the person who wishes to obtain the license has completed the
35 training and experience required by subparagraphs (1) and (2); and

36 (4) He has held an instruction permit for at least:

37 (I) Ninety days before he applies for the license, if he was
38 under the age of 16 years at the time he obtained the instruction
39 permit;

40 (II) Sixty days before he applies for the license, if he was
41 at least 16 years of age but less than 17 years of age at the time he
42 obtained the instruction permit; or

43 (III) Thirty days before he applies for the license, if he
44 was at least 17 years of age but less than 18 years of age at the time
45 he obtained the instruction permit.



1 (e) A license to a person who is between the ages of 15 3/4 and
2 18 years if:

3 (1) The public school in which he is enrolled is located in a
4 county whose population is less than 50,000 or in a city or town
5 whose population is less than 25,000;

6 (2) The public school does not offer automobile driver
7 education;

8 (3) He has at least 50 hours of experience in driving a motor
9 vehicle with a restricted license, instruction permit or restricted
10 instruction permit issued pursuant to NRS 483.267, 483.270 or
11 483.280;

12 (4) His parent or legal guardian signs and submits to the
13 Department a form provided by the Department which attests that
14 the person who wishes to obtain the license has completed the
15 experience required by subparagraph (3); and

16 (5) He has held an instruction permit for at least:

17 (I) Ninety days before he applies for the license, if he was
18 under the age of 16 years at the time he obtained the instruction
19 permit;

20 (II) Sixty days before he applies for the license, if he was
21 at least 16 years of age but less than 17 years of age at the time he
22 obtained the instruction permit; or

23 (III) Thirty days before he applies for the license, if he
24 was at least 17 years of age but less than 18 years of age at the time
25 he obtained the instruction permit.

26 2. To any person whose license has been revoked until the
27 expiration of the period during which he is not eligible for a license.

28 3. To any person whose license has been suspended, but upon
29 good cause shown to the Administrator, the Department may issue a
30 restricted license to him or shorten any period of suspension.

31 4. To any person who has previously been adjudged to be
32 afflicted with or suffering from any mental disability or disease and
33 who has not at the time of application been restored to legal
34 capacity.

35 5. To any person who is required by NRS 483.010 to 483.630,
36 inclusive, to take an examination, unless he has successfully passed
37 the examination.

38 6. To any person when the Administrator has good cause to
39 believe that by reason of physical or mental disability that person
40 would not be able to operate a motor vehicle safely.

41 7. To any person who is not a resident of this State.

42 8. To any child who is the subject of a court order issued
43 pursuant to title 5 of NRS which delays his privilege to drive.



9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

10. To any person who is not eligible for the issuance a license pursuant to section 38 of this act.

Sec. 40. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS 483.247  *and section 38 of this act*, every driver's license expires on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.010 to 483.630, inclusive, considered to have the anniversary of his birth fall on February 28.

2. Every license is renewable at any time before its expiration upon application and payment of the required fee.

3. The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the license of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

Sec. 41. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, 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 is:

(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or

(b) A seasonal resident who does not hold a valid Nevada driver's license.

2. The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to	
a person 65 years of age or older	\$4
An original or duplicate identification card issued to	
a person under 18 years of age.....	3
A renewal of an identification card for a person	
under 18 years of age	3
An original or duplicate identification card issued to	
any other person.....	9



1 A renewal of an identification card for any person at
2 least 18 years of age, but less than 65 years of
3 age \$9
4 A new photograph or change of name, or both..... 4
5

6 3. The Department shall not charge a fee for:

7 (a) An identification card issued to a person who has voluntarily
8 surrendered his driver's license pursuant to NRS 483.420; or

9 (b) A renewal of an identification card for a person 65 years of
10 age or older.

11 4. The increase in fees authorized in NRS 483.347 must be
12 paid in addition to the fees charged pursuant to this section.

13 5. As used in this section, "photograph" has the meaning
14 ascribed to it in NRS 483.125.

15 **Sec. 42.** NRS 483.875 is hereby amended to read as follows:

16 483.875 1. Except as otherwise provided in NRS 483.870 ~~§~~
17 *and section 38 of this act*, an identification card and a renewal of an
18 identification card issued pursuant to NRS 483.810 to 483.890,
19 inclusive, expires on the fourth anniversary of the birthday of the
20 holder of the identification card, measured from the birthday nearest
21 the date of issuance or renewal. Any applicant whose date of birth
22 was on February 29 in a leap year is, for the purposes of NRS
23 483.810 to 483.890, inclusive, considered to have the anniversary of
24 his birth fall on February 28.

25 2. An identification card is renewable at any time before its
26 expiration upon application and payment of the required fee.

27 **Sec. 43.** NRS 483.928 is hereby amended to read as follows:

28 483.928 A person who wishes to be issued a commercial
29 driver's license by this State must:

30 1. Apply to the Department for a commercial driver's license;

31 2. In accordance with standards contained in regulations
32 adopted by the Department:

33 (a) Pass a knowledge test for the type of motor vehicle he
34 operates or expects to operate; and

35 (b) Pass a driving skills test for driving a commercial motor
36 vehicle taken in a motor vehicle which is representative of the type
37 of motor vehicle he operates or expects to operate;

38 3. Comply with all other requirements contained in the
39 regulations adopted by the Department pursuant to NRS 483.908;

40 ~~and~~

41 4. *Not be ineligible to be issued a commercial driver's license*
42 *pursuant to section 38 of this act; and*

43 5. For the issuance of a commercial driver's license with an
44 endorsement for hazardous materials, submit a complete set of
45 fingerprints and written permission authorizing the Department to



1 forward the fingerprints to the Central Repository for Nevada
2 Records of Criminal History and all applicable federal agencies to
3 process the fingerprints for a background check of the applicant in
4 accordance with Section 1012 of the Uniting and Strengthening
5 America by Providing Appropriate Tools Required to Intercept and
6 Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C.
7 § 5103a.

8 **Sec. 44.** NRS 179B.080 is hereby repealed.

9 **Sec. 44.5.** The amendatory provisions of section 34.5 of this
10 act apply to any person who is subject to the provisions of NRS
11 213.1214 on or after July 1, 2005, whether or not the person was
12 convicted before, on or after July 1, 2005.

13 **Sec. 45.** 1. This section and sections 3, 4, 27 to 36, inclusive,
14 and 44.5 of this act become effective on July 1, 2005.

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

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.

