

ASSEMBLY BILL NO. 377—ASSEMBLYWOMAN GANSERT

MARCH 16, 2007

Referred to Select Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes to certain provisions concerning sex offenders. (BDR 14-186)

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 sex offenders; extending the maximum period of probation or suspension of sentence for certain sexual offenses; revising certain provisions concerning the registration of offenders convicted of a crime against a child and sex offenders; authorizing the Division of Parole and Probation of the Department of Public Safety to establish a program for the use of global positioning systems to monitor and track certain sex offenders; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the period of probation or suspension of a sentence may not
2 be more than 5 years for a felony. (NRS 176A.500) **Section 4** of this bill extends
3 that period to not more than 10 years for certain sexual offenses.

4 Existing law provides for the registration of offenders convicted of a crime
5 against a child and sex offenders. (NRS 179D.230, 179D.240, 179D.450,
6 179D.460) Existing law also requires certain offenders and sex offenders to submit
7 a biological specimen to the Central Repository for Nevada Records of Criminal
8 History to determine the genetic markers of the specimen in certain circumstances.
9 (NRS 176.0911-176.0917) **Sections 6 and 9** of this bill require any nonresident
10 offender convicted of a crime against a child or nonresident sex offender to submit
11 a biological specimen to the appropriate local law enforcement agency at the time
12 the nonresident offender registers with the law enforcement agency.

13 **Sections 7 and 10** of this bill require an offender convicted of a crime against a
14 child or a sex offender to register initially with the local law enforcement agency of
15 the jurisdiction in which the offender or sex offender was convicted before the
16 offender or sex offender is released from prison. **Sections 8 and 11** of this bill
17 require an offender convicted of a crime against a child or a sex offender who has
18 not established a residence in a city or county to verify his registration with the



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appropriate local law enforcement agency in 30-day intervals until such time as the offender or sex offender establishes a residence. **Sections 14 and 18** of this bill amend existing law to require the Central Repository for Nevada Records of Criminal History to mail a verification form to each offender convicted of a crime against a child and sex offender on his birthday rather than the anniversary of the date of registration. (NRS 179D.260, 179D.480)

Section 23 of this bill authorizes the Division of Parole and Probation of the Department of Public Safety to establish a program for the use of global positioning systems to monitor and track sex offenders who have been assigned a Tier 2 or Tier 3 level of notification and who have been released on probation or parole. If the Division establishes such a program, **section 23** authorizes the State Board of Parole Commissioners or a court to require certain sex offenders to submit to such monitoring and tracking as a condition of probation, parole or participation in a judicial program for reentry of parolees and offenders into the community.

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, 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:~~ *without limitation:*

(1) *The duty to register initially pursuant to section 7 of this act;*

(2) 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)~~ (3) 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)~~ (4) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~(4)~~ (5) 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)~~ (6) 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



1 changes the date of commencement or termination of his enrollment
2 at an institution of higher education or if the defendant is, expects to
3 be or becomes a worker at an institution of higher education or
4 changes the date of commencement or termination of his work at an
5 institution of higher education.

6 (c) Require the defendant to read and sign a form confirming
7 that the requirements for registration have been explained to him.

8 2. The failure to provide the defendant with the information or
9 confirmation form required by paragraphs (b) and (c) of subsection
10 1 does not affect the duty of the defendant to register and to comply
11 with all other provisions for registration pursuant to NRS 179D.200
12 to 179D.290, inclusive ~~H~~, and sections 6, 7 and 8 of this act.

13 **Sec. 2.** NRS 176.0927 is hereby amended to read as follows:

14 176.0927 1. If a defendant is convicted of a sexual offense,
15 the court shall, following the imposition of a sentence:

16 (a) Notify the Central Repository of the conviction of the
17 defendant, so the Central Repository may carry out the provisions
18 for registration of the defendant pursuant to NRS 179D.450.

19 (b) Inform the defendant of the requirements for registration,
20 including, ~~but not limited to:~~ without limitation:

21 (1) *The duty to register initially pursuant to section 10 of*
22 *this act;*

23 (2) The duty to register in this State during any period in
24 which he is a resident of this State or a nonresident who is a student
25 or worker within this State and the time within which he is required
26 to register pursuant to NRS 179D.460;

27 ~~(2)~~ (3) The duty to register in any other jurisdiction during
28 any period in which he is a resident of the other jurisdiction or a
29 nonresident who is a student or worker within the other jurisdiction;

30 ~~(3)~~ (4) If he moves from this State to another jurisdiction,
31 the duty to register with the appropriate law enforcement agency in
32 the other jurisdiction;

33 ~~(4)~~ (5) The duty to notify the local law enforcement agency
34 in whose jurisdiction he formerly resided, in person or in writing, if
35 he changes the address at which he resides, including if he moves
36 from this State to another jurisdiction, or changes the primary
37 address at which he is a student or worker; and

38 ~~(5)~~ (6) The duty to notify immediately the appropriate local
39 law enforcement agency if the defendant is, expects to be or
40 becomes enrolled as a student at an institution of higher education or
41 changes the date of commencement or termination of his enrollment
42 at an institution of higher education or if the defendant is, expects to
43 be or becomes a worker at an institution of higher education or
44 changes the date of commencement or termination of his work at an
45 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 ~~[]~~, *and sections 9, 10 and 11 of this act.*

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 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 ~~[]~~, *and sections 9, 10 and 11 of this act;*

(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 10 consecutive years after his last conviction or release from incarceration, whichever occurs later; and

(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 for registration as a sex offender and to the provisions for community notification, unless he is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.350 to 179D.800, inclusive ~~[]~~, *and sections 9, 10 and 11 of this act.*

5. As used in this section:

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

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

(c) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,



1 NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
2 subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or
3 paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
4 subsection 5 of NRS 201.560;

5 (2) An attempt to commit an offense listed in subparagraph
6 (1); or

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

11 **Sec. 4.** NRS 176A.500 is hereby amended to read as follows:

12 176A.500 1. The period of probation or suspension of
13 sentence may be indeterminate or may be fixed by the court and
14 may at any time be extended or terminated by the court, but the
15 period, including any extensions thereof, must not be more than:

16 (a) Three years for a:

17 (1) Gross misdemeanor; or

18 (2) Suspension of sentence pursuant to NRS 176A.260 or
19 453.3363; ~~for~~

20 (b) ~~Five~~ *Except as otherwise provided by paragraph (c), 5*
21 *years for a felony* ~~;~~ *or*

22 *(c) Ten years for any sexual offense as defined in*
23 *NRS 176.0931.*

24 2. At any time during probation or suspension of sentence, the
25 court may issue a warrant for violating any of the conditions of
26 probation or suspension of sentence and cause the defendant to be
27 arrested. Except for the purpose of giving a dishonorable discharge
28 from probation, and except as otherwise provided in this subsection,
29 the time during which a warrant for violating any of the conditions
30 of probation is in effect is not part of the period of probation. If the
31 warrant is cancelled or probation is reinstated, the court may include
32 any amount of that time as part of the period of probation.

33 3. Any parole and probation officer or any peace officer with
34 power to arrest may arrest a probationer without a warrant, or may
35 deputize any other officer with power to arrest to do so by giving
36 him a written statement setting forth that the probationer has, in the
37 judgment of the parole and probation officer, violated the conditions
38 of probation. Except as otherwise provided in subsection 4, the
39 parole and probation officer, or the peace officer, after making an
40 arrest shall present to the detaining authorities, if any, a statement of
41 the charges against the probationer. The parole and probation officer
42 shall at once notify the court which granted probation of the arrest
43 and detention or residential confinement of the probationer and shall
44 submit a report in writing showing in what manner the probationer
45 has violated the conditions of probation.



1 4. A parole and probation officer or a peace officer may
2 immediately release from custody without any further proceedings
3 any person he arrests without a warrant for violating a condition of
4 probation if the parole and probation officer or peace officer
5 determines that there is no probable cause to believe that the person
6 violated the condition of probation.

7 **Sec. 5.** Chapter 179D of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 6 to 11, inclusive, of this
9 act.

10 **Sec. 6.** *1. Unless the offender is required to submit a*
11 *biological specimen to the Division pursuant to NRS 176.0916, a*
12 *local law enforcement agency shall arrange for a biological*
13 *specimen to be obtained from any nonresident offender who is or*
14 *has been convicted of a crime against a child at the time the*
15 *offender registers with the local law enforcement agency pursuant*
16 *to NRS 179D.230 or 179D.240.*

17 *2. After a biological specimen is obtained from the offender*
18 *pursuant to this section, the local law enforcement agency shall:*

19 *(a) Provide the biological specimen to the forensic laboratory*
20 *that has been designated by the county in which the offender is*
21 *present or residing to conduct or oversee genetic marker testing*
22 *for the county pursuant to NRS 176.0917; and*

23 *(b) Submit the name, social security number, date of birth and*
24 *any other information identifying the offender to the Central*
25 *Repository.*

26 *3. An offender, to the extent of his financial ability, shall pay*
27 *the sum of \$150 to the local law enforcement agency as a fee for*
28 *obtaining the biological specimen and for conducting the analysis*
29 *to determine the genetic markers of the biological specimen.*
30 *Except as otherwise provided in subsection 4, the fee required*
31 *pursuant to this subsection must be collected from an offender at*
32 *the time the biological specimen is obtained from the offender.*

33 *4. An offender may arrange to make monthly payments of the*
34 *fee required pursuant to subsection 3. If such arrangements are*
35 *made, the local law enforcement agency shall provide an offender*
36 *with a monthly statement that specifies the date on which the next*
37 *payment is due.*

38 *5. Any unpaid balance for a fee required pursuant to*
39 *subsection 3 is a charge against the local law enforcement agency.*

40 *6. The local law enforcement agency shall deposit money that*
41 *is collected pursuant to this section with the appropriate county*
42 *treasurer for deposit in an account for the local law enforcement*
43 *agency. The money deposited in the account must be used to pay*
44 *for the actual amount charged to the local law enforcement*
45 *agency for obtaining biological specimens from offenders, and for*



1 *conducting an analysis to determine the genetic markers of the*
2 *specimens.*

3 **Sec. 7. 1.** *In addition to any other registration that is*
4 *required pursuant to NRS 179D.230, each offender who, on or*
5 *after October 1, 2007, is or has been convicted of a crime against a*
6 *child shall initially register with the appropriate local law*
7 *enforcement agency of the jurisdiction in which the offender was*
8 *convicted pursuant to the provisions of this section.*

9 **2.** *To register initially with a local law enforcement agency*
10 *pursuant to this section, the offender shall, before completing a*
11 *sentence of imprisonment with respect to the offense giving rise to*
12 *the requirement to register or not later than 3 business days after*
13 *the date of sentencing for that offense if the offender is not*
14 *sentenced to a term of imprisonment:*

15 *(a) Appear personally at the office of the appropriate local law*
16 *enforcement agency;*

17 *(b) Provide all information that is requested by the local law*
18 *enforcement agency, including, without limitation, fingerprints*
19 *and a photograph; and*

20 *(c) Sign and date the record of registration or some other*
21 *proof of registration in the presence of an officer of the local law*
22 *enforcement agency.*

23 **Sec. 8.** *In addition to any other registration that is required*
24 *pursuant to NRS 179D.230 or 179D.240 or section 7 of this act, if*
25 *an offender who is or has been convicted of a crime against a*
26 *child is present for 48 hours or more within a county or an*
27 *incorporated city, but has not established a residence within such*
28 *county or city, the offender shall:*

29 **1.** *Register with the appropriate sheriff's office or*
30 *metropolitan police department pursuant to NRS 179D.240; and*

31 **2.** *If he continues to remain in the county or city, verify such*
32 *registration within 30 days after the registration and at regular 30-*
33 *day intervals thereafter by appearing in person at the appropriate*
34 *sheriff's office or metropolitan police department until such time*
35 *as the offender establishes a place of residence within the county*
36 *or city.*

37 **Sec. 9. 1.** *Unless the sex offender is required to submit a*
38 *biological specimen to the Division pursuant to NRS 176.0916, a*
39 *local law enforcement agency shall arrange for a biological*
40 *specimen to be obtained from any nonresident sex offender who is*
41 *or has been convicted of a sexual offense at the time the sex*
42 *offender registers with the local law enforcement agency pursuant*
43 *to NRS 179D.450 or 179D.460.*



1 2. After a biological specimen is obtained from the sex
2 offender pursuant to this section, the local law enforcement
3 agency shall:

4 (a) Provide the biological specimen to the forensic laboratory
5 that has been designated by the county in which the sex offender is
6 present or residing to conduct or oversee genetic marker testing
7 for the county pursuant to NRS 176.0917; and

8 (b) Submit the name, social security number, date of birth and
9 any other information identifying the sex offender to the Central
10 Repository.

11 3. A sex offender, to the extent of his financial ability, shall
12 pay the sum of \$150 to the local law enforcement agency as a fee
13 for obtaining the biological specimen and for conducting the
14 analysis to determine the genetic markers of the biological
15 specimen. Except as otherwise provided in subsection 4, the fee
16 required pursuant to this subsection must be collected from a sex
17 offender at the time the biological specimen is obtained from the
18 sex offender.

19 4. A sex offender may arrange to make monthly payments of
20 the fee required pursuant to subsection 3. If such arrangements
21 are made, the local law enforcement agency shall provide a sex
22 offender with a monthly statement that specifies the date on which
23 the next payment is due.

24 5. Any unpaid balance for a fee required pursuant to
25 subsection 3 is a charge against the local law enforcement agency.

26 6. The local law enforcement agency shall deposit money that
27 is collected pursuant to this section with the appropriate county
28 treasurer for deposit in an account for the local law enforcement
29 agency. The money deposited in the account must be used to pay
30 for the actual amount charged to the local law enforcement
31 agency for obtaining biological specimens from sex offenders, and
32 for conducting an analysis to determine the genetic markers of the
33 specimens.

34 **Sec. 10.** 1. In addition to any other registration that is
35 required pursuant to NRS 179D.450, each sex offender who, after
36 October 1, 2007, is or has been convicted of a sexual offense shall
37 register initially with a local law enforcement agency of the
38 jurisdiction in which the sex offender was convicted pursuant to
39 the provisions of this section.

40 2. To register initially with a local law enforcement agency
41 pursuant to this section, the sex offender shall, before completing
42 a sentence of imprisonment with respect to the offense giving rise
43 to the requirement to register or not later than 3 business days
44 after the date of sentencing for that offense if the sex offender is
45 not sentenced to a term of imprisonment:



1 (a) *Appear personally at the office of the appropriate local law*
2 *enforcement agency;*

3 (b) *Provide all information that is requested by the local law*
4 *enforcement agency, including, without limitation, fingerprints*
5 *and a photograph; and*

6 (c) *Sign and date the record of registration or some other*
7 *proof of registration in the presence of an officer of the local law*
8 *enforcement agency.*

9 **Sec. 11.** *In addition to any other registration that is required*
10 *pursuant to NRS 179D.450 or 179D.460 or section 10 of this act, if*
11 *a sex offender who is or has been convicted of a sexual offense is*
12 *present for 48 hours or more within a county or an incorporated*
13 *city, but has not established a residence within such county or city,*
14 *the sex offender shall:*

15 1. *Register with the appropriate sheriff's office or*
16 *metropolitan police department pursuant to NRS 179D.460; and*

17 2. *If he continues to remain in the county or city, verify such*
18 *registration within 30 days after the registration and at regular 30-*
19 *day intervals thereafter by appearing in person at the appropriate*
20 *sheriff's office or metropolitan police department until such time*
21 *as the sex offender establishes a place of residence within the*
22 *county or city.*

23 **Sec. 12.** NRS 179D.200 is hereby amended to read as follows:
24 179D.200 As used in NRS 179D.200 to 179D.290, inclusive,
25 *and sections 6, 7 and 8 of this act*, unless the context otherwise
26 requires, the words and terms defined in NRS 179D.210 to
27 179D.220, inclusive, have the meanings ascribed to them in those
28 sections.

29 **Sec. 13.** NRS 179D.220 is hereby amended to read as follows:
30 179D.220 "Registration" means registration as an offender
31 convicted of a crime against a child pursuant to NRS 179D.200 to
32 179D.290, inclusive ~~H~~, *and sections 6, 7 and 8 of this act.*

33 **Sec. 14.** NRS 179D.260 is hereby amended to read as follows:
34 179D.260 1. Except as otherwise provided in subsection 4,
35 each year, on the ~~[anniversary of the date that the Central~~
36 ~~Repository establishes a record of registration for]~~ *date of birth of*
37 *the offender, the Central Repository shall mail to the offender, at the*
38 *address last registered by the offender, a nonforwardable*
39 *verification form. The offender shall complete and sign the form and*
40 *mail the form to the Central Repository not later than 10 days after*
41 *receipt of the form to verify that he still resides at the address he last*
42 *registered.*

43 2. An offender shall include with each verification form a
44 current set of fingerprints, a current photograph and all other
45 information that is relevant to updating his record of registration,



1 including, but not limited to, any change in his name, occupation,
2 employment, work, volunteer service or driver's license and any
3 change in the license number or description of a motor vehicle
4 registered to or frequently driven by him. The Central Repository
5 shall provide all updated information to the appropriate local law
6 enforcement agencies.

7 3. If the Central Repository does not receive a verification form
8 from an offender and otherwise cannot verify the address or location
9 of the offender, the Central Repository shall immediately notify the
10 appropriate local law enforcement agencies.

11 4. The Central Repository is not required to complete the
12 mailing pursuant to subsection 1:

13 (a) During any period in which an offender is incarcerated or
14 confined or has changed his place of residence from this State to
15 another jurisdiction; or

16 (b) For a nonresident offender who is a student or worker within
17 this State.

18 *5. If the date of birth of the offender is on February 29 in a*
19 *leap year, for the purposes of this section, his date of birth shall be*
20 *deemed to be on February 28.*

21 **Sec. 15.** NRS 179D.290 is hereby amended to read as follows:

22 179D.290 1. Except as otherwise provided in subsection 2,
23 an offender convicted of a crime against a child who:

24 (a) Fails to register with a local law enforcement agency;

25 (b) Fails to notify the local law enforcement agency of a change
26 of address;

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

29 (d) Otherwise violates the provisions of NRS 179D.200 to
30 179D.290, inclusive, *and sections 6, 7 and 8 of this act,*

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

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

39 **Sec. 16.** NRS 179D.350 is hereby amended to read as follows:

40 179D.350 As used in NRS 179D.350 to 179D.550, inclusive,
41 *and sections 9, 10 and 11 of this act,* unless the context otherwise
42 requires, the words and terms defined in NRS 179D.360 to
43 179D.430, inclusive, have the meanings ascribed to them in those
44 sections.



1 **Sec. 17.** NRS 179D.390 is hereby amended to read as follows:
2 179D.390 "Registration" means registration as a sex offender
3 pursuant to NRS 179D.350 to 179D.550, inclusive ~~[]~~, and sections
4 *9, 10 and 11 of this act.*

5 **Sec. 18.** NRS 179D.480 is hereby amended to read as follows:
6 179D.480 1. Except as otherwise provided in subsections 2
7 and 5, each year, on the ~~[anniversary of the date that the Central~~
8 ~~Repository establishes a record of registration for]~~ *date of birth of*
9 the sex offender, the Central Repository shall mail to the sex
10 offender, at the address last registered by the sex offender, a
11 nonforwardable verification form. The sex offender shall complete
12 and sign the form and mail the form to the Central Repository not
13 later than 10 days after receipt of the form to verify that he still
14 resides at the address he last registered.

15 2. Except as otherwise provided in subsection 5, if a sex
16 offender has been declared to be a sexually violent predator, every
17 90 days, beginning on the date that the Central Repository
18 establishes a record of registration for the sex offender, the Central
19 Repository shall mail to the sex offender, at the address last
20 registered by the sex offender, a nonforwardable verification form.
21 The sex offender shall complete and sign the form and mail the form
22 to the Central Repository not later than 10 days after receipt of the
23 form to verify that he still resides at the address he last registered.

24 3. A sex offender shall include with each verification form a
25 current set of fingerprints, a current photograph and all other
26 information that is relevant to updating his record of registration,
27 including, but not limited to, any change in his name, occupation,
28 employment, work, volunteer service or driver's license and any
29 change in the license number or description of a motor vehicle
30 registered to or frequently driven by him. The Central Repository
31 shall provide all updated information to the appropriate local law
32 enforcement agencies.

33 4. If the Central Repository does not receive a verification form
34 from a sex offender and otherwise cannot verify the address or
35 location of the sex offender, the Central Repository shall
36 immediately notify the appropriate local law enforcement agencies.

37 5. The Central Repository is not required to complete the
38 mailing pursuant to subsection 1 or 2:

39 (a) During any period in which a sex offender is incarcerated or
40 confined or has changed his place of residence from this State to
41 another jurisdiction; or

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



1 **6. If the date of birth of the sex offender is on February 29 in**
2 **a leap year, for the purposes of this section, his date of birth shall**
3 **be deemed to be on February 28.**

4 **Sec. 19.** NRS 179D.550 is hereby amended to read as follows:

5 179D.550 1. Except as otherwise provided in subsection 2, a
6 sex offender who:

7 (a) Fails to register with a local law enforcement agency;

8 (b) Fails to notify the local law enforcement agency of a change
9 of address;

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

12 (d) Otherwise violates the provisions of NRS 179D.350 to
13 179D.550, inclusive, **and sections 9, 10 and 11 of this act,**

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

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

21 **Sec. 20.** NRS 62F.210 is hereby amended to read as follows:

22 62F.210 Except as otherwise provided in subsection 2 of NRS
23 62F.260, the provisions of NRS 62F.200 to 62F.260, inclusive, do
24 not apply to a child who is subject to registration and community
25 notification pursuant to NRS 179D.350 to 179D.800, inclusive, **and**
26 **sections 9, 10 and 11 of this act** before reaching 21 years of age.

27 **Sec. 21.** NRS 62F.250 is hereby amended to read as follows:

28 62F.250 Except as otherwise provided in NRS 62F.200 to
29 62F.260, inclusive:

30 1. If a child who has been adjudicated delinquent for a sexual
31 offense or a sexually motivated act is not relieved of being subject
32 to community notification as a juvenile sex offender before the child
33 reaches 21 years of age, the juvenile court shall hold a hearing when
34 the child reaches 21 years of age to determine whether the child
35 should be deemed an adult sex offender for the purposes of
36 registration and community notification pursuant to NRS 179D.350
37 to 179D.800, inclusive **⚡, and sections 9, 10 and 11 of this act.**

38 2. If the juvenile court determines at the hearing that the child
39 has been rehabilitated to the satisfaction of the juvenile court and
40 that the child is not likely to pose a threat to the safety of others, the
41 juvenile court shall relieve the child of being subject to registration
42 and community notification.

43 3. If the juvenile court determines at the hearing that the child
44 has not been rehabilitated to the satisfaction of the juvenile court or
45 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 ~~§~~, and sections 9, 10 and 11 of this act.

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.

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

(g) Any other factor that the juvenile court finds relevant to the determination of 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.

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

Sec. 22. NRS 62F.260 is hereby amended to read as follows:

62F.260 1. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to community notification as a juvenile sex offender.

2. If a child is deemed to be an adult sex offender pursuant to NRS 62F.250, is convicted of a sexual offense, as defined in NRS 179D.410, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, and sections 9, 10 and 11 of this act before reaching 21 years of age:



(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and

(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:

(1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive ~~§~~, *and sections 9, 10 and 11 of this act*; and

(2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.

Sec. 23. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division may establish a program for the use of global positioning systems to monitor and track a sex offender who is released on parole or probation and who has been assigned a Tier 2 or Tier 3 level of notification pursuant to NRS 179D.730.

2. If the Division establishes a program pursuant to subsection 1:

(a) The Board may require a sex offender who has been assigned a Tier 2 or Tier 3 level of notification pursuant to NRS 179D.730 to submit to monitoring and tracking through the program established pursuant to subsection 1 as a condition of his parole or probation; and

(b) A reentry court may require a sex offender who has been assigned a Tier 2 or Tier 3 level of notification pursuant to NRS 179D.730 to submit to monitoring and tracking through the program established pursuant to subsection 1 as a condition of participation in a judicial program established pursuant to NRS 209.4883.

3. If the Division establishes a program pursuant to subsection 1, the Division shall charge each parolee or probationer a fee to defray the cost of his participation in the program. The Chief may waive the fee, in whole or in part, if he determines that payment of the fee would create an economic hardship on the parolee or probationer. Unless the fee is waived pursuant to this section, the payment by the parolee or probationer of the fee is a condition of his parole or probation.

4. As used in this section, "reentry court" has the meaning ascribed to it in NRS 209.488.

Sec. 24. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 23 of this act*, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.



3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 25. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section and NRS 213.1214 and 213.1215, the Board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive ~~§~~, and *section 23 of this act*.

2. In determining whether to release a prisoner on parole, the Board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner;

(d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the Chief; and

(e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.130.

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the Board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.



4. Except as otherwise provided in NRS 213.1215, the Board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction H and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the Director of the Department of Corrections;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the Board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The Board shall not release on parole an offender convicted of an offense listed in NRS 179D.410 until the law enforcement agency in whose jurisdiction the offender will be released on parole has been provided an opportunity to give the notice required by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 26. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and he is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, he must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been



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1 charged with a felony or a crime involving immorality be dismissed
2 for another ground set forth in NRS 391.312.

3 3. If sufficient grounds for dismissal do not exist, the employee
4 must be reinstated with full compensation, plus interest.

5 4. A licensed employee who furnishes to the school district a
6 bond or other security which is acceptable to the board as a
7 guarantee that he will repay any amounts paid to him pursuant to
8 this subsection as salary during a period of suspension is entitled to
9 continue to receive his salary from the date on which the dismissal
10 proceedings are commenced until the decision of the board or the
11 report of the hearing officer, if the report is final and binding. The
12 board shall not unreasonably refuse to accept security other than a
13 bond. An employee who receives salary pursuant to this subsection
14 shall repay it if he is dismissed or not reemployed as a result of a
15 decision of the board or a report of a hearing officer.

16 5. A licensed employee who is convicted of a crime which
17 requires registration pursuant to NRS 179D.200 to 179D.290,
18 inclusive, *and sections 6, 7 and 8 of this act*, or 179D.350 to
19 179D.550, inclusive, *and sections 9, 10 and 11 of this act* or is
20 convicted of an act forbidden by NRS 200.508, 201.190, 201.265,
21 201.540, 201.560 or 207.260 forfeits all rights of employment from
22 the date of his arrest.

23 6. A licensed employee who is convicted of any crime and who
24 is sentenced to and serves any sentence of imprisonment forfeits all
25 rights of employment from the date of his arrest or the date on
26 which his employment terminated, whichever is later.

27 7. A licensed employee who is charged with a felony or a
28 crime involving immorality or moral turpitude and who waives his
29 right to a speedy trial while suspended may receive no more than 12
30 months of back pay and seniority upon reinstatement if he is found
31 not guilty or the charges are dismissed, unless proceedings have
32 been begun to dismiss the employee upon one of the other grounds
33 set forth in NRS 391.312.

34 8. A superintendent may discipline a licensed employee by
35 suspending the employee with loss of pay at any time after a hearing
36 has been held which affords the due process provided for in this
37 chapter. The grounds for suspension are the same as the grounds
38 contained in NRS 391.312. An employee may be suspended more
39 than once during the employee's contract year, but the total number
40 of days of suspension may not exceed 20 in 1 contract year. Unless
41 circumstances require otherwise, the suspensions must be
42 progressively longer.

43 **Sec. 27.** 1. Notwithstanding the amendatory provisions of
44 sections 14 and 18 of this act, for each offender convicted of a crime
45 against a child or sex offender who has a record of registration



1 established by the Central Repository for Nevada Records of
2 Criminal History on October 1, 2007, the Central Repository shall,
3 before October 1, 2008, mail the nonforwardable verification form
4 described in section 14 or 18 of this act to the offender on his date of
5 birth and on the anniversary of the date that the Central Repository
6 established a record of registration for the offender. The offender
7 who receives the form shall comply with the amendatory provisions
8 of section 14 or 18 of this act, as applicable.

9 2. As used in this section:

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

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

