

SENATE BILL NO. 421—SENATORS TITUS AND HORSFORD

MARCH 19, 2007

JOINT SPONSOR: ASSEMBLYWOMAN KIRKPATRICK

Referred to Committee on Finance

SUMMARY—Makes various changes relating to facilities for transitional living for released offenders. (BDR 16-1307)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; providing for the regulation of facilities for transitional living for released offenders by the Division of Parole and Probation of the Department of Public Safety; establishing specific requirements for such facilities that provide transitional housing for sex offenders; enacting certain provisions governing the residence of certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; eliminating the regulation of facilities for transitional living for released offenders by the State Board of Health and the Health Division of the Department of Health and Human Services; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 11 and 12** of this bill provide for the regulation of facilities for
2 transitional living for released offenders by the Division of Parole and Probation of
3 the Department of Public Safety. **Sections 13 and 14** of this bill establish
4 provisions relating to transitional housing facilities for sex offenders. **Section 15** of
5 this bill requires the Division to submit to the Director of the Legislative Counsel
6 Bureau a written report containing certain information concerning facilities for
7 transitional living for released offenders.



* S B 4 2 1 *

Existing law sets forth certain conditions to be imposed on sex offenders placed under a program of lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1255) **Sections 16, 17 and 19** prohibit sex offenders placed under a program of lifetime supervision or released on parole, probation or a suspended sentence from residing in certain places in which another person convicted of a sexual offense resides, unless the residence is a licensed transitional housing facility for sex offenders or a governmental transitional housing facility. **Sections 16, 17 and 19** also require the parole and probation officer assigned to such sex offenders to verify each month that the sex offender has not violated his residency restriction.

Sections 22, 23 and 25 eliminate provisions relating to the regulation of facilities for transitional living for released offenders by the State Board of Health and the Health Division of the Department of Health and Human Services. (NRS 449.0055, 449.0356, 449.037, 449.050)

Section 24 of this bill makes an appropriation in the sum of \$500,000 to the Department of Corrections for the acquisition and installation of facilities to be used for transitional housing for sex offenders.

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

Section 1. NRS 209.511 is hereby amended to read as follows:
209.511 1. When an offender is released from prison by expiration of his term of sentence, by pardon or by parole, the Director:

(a) May furnish him with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give him notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require him to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give him notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) May provide him with clothing suitable for reentering society;

(f) May provide him with the cost of transportation to his place of residence anywhere within the continental United States, or to the place of his conviction;

(g) May, but is not required to, release him to a facility for transitional living for released offenders that is licensed pursuant to ~~chapter 449 of NRS;~~ *section 11 of this act*; and

(h) Shall require him to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (e), (f) and (h) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims



1 against the State are paid to the extent that the costs have not been
2 paid in accordance with subsection 5 of NRS 209.221 and
3 NRS 209.246.

4 3. As used in this section, "facility for transitional living for
5 released offenders" has the meaning ascribed to it in ~~NRS~~
6 ~~449.0055.]~~ *section 4 of this act.*

7 **Sec. 2.** Chapter 213 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 3 to 15, inclusive, of this
9 act.

10 **Sec. 3.** *"Division" means the Division of Parole and*
11 *Probation of the Department of Public Safety.*

12 **Sec. 4. 1.** *"Facility for transitional living for released*
13 *offenders" means a residence that provides housing and a living*
14 *environment for persons who have been released from prison and*
15 *who require assistance with reintegration into the community.*

16 2. *The term includes:*

17 (a) *A transitional housing facility for sex offenders; and*

18 (b) *A transitional housing facility for traditional offenders.*

19 3. *The term does not include a governmental transitional*
20 *housing facility.*

21 4. *As used in this section, "person who has been released*
22 *from prison" means:*

23 (a) *A parolee.*

24 (b) *A person who is participating in a judicial program*
25 *pursuant to NRS 209.4886 or 213.625 or a correctional program*
26 *pursuant to NRS 209.4888 or 213.632.*

27 (c) *A person who is supervised by the Division through*
28 *residential confinement pursuant to NRS 213.371 to 213.410,*
29 *inclusive.*

30 (d) *A person who has been released from prison by expiration*
31 *of his term of sentence.*

32 **Sec. 5.** *"Governmental transitional housing facility" means a*
33 *facility for transitional living for released offenders that is*
34 *operated or maintained by a state or local government or an*
35 *agency thereof.*

36 **Sec. 6.** *"Sex offender" means any person who is or has been*
37 *convicted of a sexual offense.*

38 **Sec. 7.** *"Sexual offense" has the meaning ascribed to it in*
39 *NRS 179D.410.*

40 **Sec. 8.** *"Transitional housing facility for sex offenders"*
41 *means a facility for transitional living for released offenders that*
42 *provides housing and a living environment for sex offenders.*

43 **Sec. 9.** *"Transitional housing facility for traditional*
44 *offenders" means a facility for transitional living for released*



1 *offenders that provides housing and a living environment for*
2 *offenders who are not sex offenders.*

3 **Sec. 10.** *The provisions of sections 3 to 15, inclusive, of this*
4 *act do not apply to a governmental transitional housing facility.*

5 **Sec. 11.** *1. The Division shall adopt regulations providing*
6 *for the licensing and operation of facilities for transitional living*
7 *for released offenders.*

8 *2. The regulations governing the licensing and operation of*
9 *facilities for transitional living for released offenders must:*

10 *(a) Provide for the licensure of at least two different types of*
11 *facilities, including, without limitation:*

12 *(1) A transitional housing facility for sex offenders; and*

13 *(2) A transitional housing facility for traditional offenders.*

14 *(b) Provide that each alcohol and drug abuse program*
15 *operated or provided by a facility for transitional living for*
16 *released offenders must be certified by the Division of Mental*
17 *Health and Developmental Services of the Department of Health*
18 *and Human Services in accordance with the requirements set*
19 *forth in chapter 458 of NRS and any regulations adopted pursuant*
20 *thereto. As used in this paragraph, "alcohol and drug abuse*
21 *program" has the meaning ascribed to it in NRS 458.010.*

22 *(c) Require a facility to notify, upon applying for a license,*
23 *upon being issued a license and upon the anniversary of the*
24 *issuance of a license, the following persons and entities of the fact*
25 *that the facility is seeking a license, has been issued a license or is*
26 *continuing its operation:*

27 *(1) The local law enforcement agency in whose jurisdiction*
28 *the facility is located.*

29 *(2) Any public school or private school located within 500*
30 *feet of the facility.*

31 *(3) Each residential home, apartment complex,*
32 *condominium complex and manufactured home park located*
33 *within 500 feet of the facility.*

34 *(d) Establish standards and procedures for the suspension or*
35 *revocation of a license issued by the Division.*

36 *2. The Division may adopt any other regulations as it deems*
37 *necessary or convenient to carry out the provisions of sections 3 to*
38 *15, inclusive, of this act.*

39 *3. As used in this section:*

40 *(a) "Manufactured home park" has the meaning ascribed to it*
41 *in NRS 118B.017.*

42 *(b) "Private school" has the meaning ascribed to it in*
43 *NRS 394.103.*

44 *(c) "Public school" has the meaning ascribed to it in*
45 *NRS 385.007.*



1 **Sec. 12. 1.** *The Division shall establish, by regulation, fees*
2 *for the initial licensing and renewal of the initial licensing of a*
3 *facility for transitional living for released offenders.*

4 2. *The fee established pursuant to subsection 1 must be based*
5 *on the type of facility that is being licensed and must be calculated*
6 *to produce the revenue estimated to cover the costs related to the*
7 *license, but in no case may a fee for a license exceed the actual*
8 *cost to the Division of issuing or renewing the license.*

9 3. *If an application for a license for a facility for transitional*
10 *living for released offenders is denied, any amount of the fee paid*
11 *pursuant to this section that exceeds the expenses and costs*
12 *incurred by the Division must be refunded to the applicant.*

13 **Sec. 13.** *A transitional housing facility for sex offenders*
14 *licensed by the Division:*

15 1. *Shall provide security 24 hours each day, 7 days each*
16 *week, in compliance with a plan for security approved by the*
17 *Division.*

18 2. *Shall maintain at its main entrance a visible and*
19 *conspicuous exterior sign identifying itself as, in letters at least 4*
20 *inches tall, a "Division of Parole and Probation Licensed*
21 *Transitional Housing Facility for Sex Offenders."*

22 3. *Shall not provide housing to a sex offender for a*
23 *consecutive period that is longer than 90 days, unless the Division*
24 *approves an extension.*

25 **Sec. 14.** *The Division shall maintain a file on each sex*
26 *offender housed in a transitional housing facility for sex*
27 *offenders. The file must contain information concerning:*

28 1. *The efforts of the Division in placing the sex offender in*
29 *other housing.*

30 2. *The anticipated length of stay of the sex offender in the*
31 *facility.*

32 3. *The number of sex offenders residing in the facility.*

33 4. *The services to be provided to the sex offender while the*
34 *sex offender resides in the facility.*

35 **Sec. 15.** *On or before February 1 of each odd-numbered*
36 *year, the Division shall submit to the Director of the Legislative*
37 *Counsel Bureau for transmittal to the next regular session of the*
38 *Legislature a written report that contains the following*
39 *information concerning facilities for transitional living for*
40 *released offenders:*

41 1. *The number of facilities that are currently licensed by the*
42 *Division and whether the license of any facility has been*
43 *suspended or revoked.*



1 **2. The type of facility, including, without limitation, whether**
2 **it is a transitional housing facility for sex offenders or a**
3 **transitional housing facility for traditional offenders.**

4 **3. The total number of offenders in each facility and a**
5 **description of the offenses committed by each offender.**

6 **4. The address of each facility.**

7 **Sec. 16.** NRS 213.1243 is hereby amended to read as follows:

8 213.1243 1. The Board shall establish by regulation a
9 program of lifetime supervision of sex offenders to commence after
10 any period of probation or any term of imprisonment and any period
11 of release on parole. The program must provide for the lifetime
12 supervision of sex offenders by parole and probation officers.

13 **2. The Board shall, in addition to any other conditions of**
14 **lifetime supervision, require as a condition of lifetime supervision**
15 **that the person reside at a location only if the residence is not the**
16 **same address, the same condominium unit, the same**
17 **condominium complex or the same apartment complex in which**
18 **another person convicted of a sexual offense resides, unless the**
19 **residence is a licensed transitional housing facility for sex**
20 **offenders or a governmental transitional housing facility.**

21 **3.** Lifetime supervision shall be deemed a form of parole for:

22 (a) The limited purposes of the applicability of the provisions of
23 NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and
24 subsection 2 of NRS 213.110; and

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

28 ~~13-1~~ **4.** A person who commits a violation of a condition
29 imposed on him pursuant to the program of lifetime supervision is
30 guilty of:

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

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

37 ~~14-1~~ **5.** For the purposes of prosecution of a violation by a
38 person of a condition imposed upon him pursuant to the program of
39 lifetime supervision, the violation shall be deemed to have occurred
40 in, and may only be prosecuted in, the county in which the court that
41 imposed the sentence of lifetime supervision pursuant to NRS
42 176.0931 is located, regardless of whether the acts or conduct
43 constituting the violation took place, in whole or in part, within or
44 outside that county or within or outside this State.



~~[5-]~~ 6. *The parole and probation officer assigned to the person shall verify that the person is in compliance with the provisions of subsection 2 at least once per month.*

7. As used in this section:

(a) *“Governmental transitional housing facility” has the meaning ascribed to it in section 5 of this act.*

(b) “Major violation” means a violation which poses a threat to the safety or well-being of others and which involves:

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

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

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

(4) Death or bodily injury of a person;

(5) An act of domestic violence;

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

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

~~[(b)]~~ (c) “Minor violation” means a violation that does not constitute a major violation.

(d) *“Sexual offense” has the meaning ascribed to it in NRS 179D.410.*

(e) *“Transitional housing facility for sex offenders” has the meaning ascribed to it in section 8 of this act.*

Sec. 17. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if ~~[(a)]~~:

(1) *The residence* has been approved by the parole and probation officer assigned to the parolee. ~~[(and keep)]~~

(2) *The parolee keeps* the parole and probation officer assigned to the parolee informed of his current address. ~~[(a)]~~

(3) *The residence is not the same address, the same condominium unit, the same condominium complex or the same apartment complex in which another person convicted of a sexual offense resides, unless the residence is a licensed transitional housing facility for sex offenders or a governmental transitional housing facility.*

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer



1 informed of the location of his position of employment or position
2 as a volunteer . [§]

3 (c) Abide by any curfew imposed by the parole and probation
4 officer assigned to the parolee . [§]

5 (d) Participate in and complete a program of professional
6 counseling approved by the Division . [§]

7 (e) Submit to periodic tests, as requested by the parole and
8 probation officer assigned to the parolee, to determine whether the
9 parolee is using a controlled substance . [§]

10 (f) Submit to periodic polygraph examinations, as requested by
11 the parole and probation officer assigned to the parolee . [§]

12 (g) Abstain from consuming, possessing or having under his
13 control any alcohol . [§]

14 (h) Not have contact or communicate with a victim of the
15 offense or a witness who testified against the parolee or solicit
16 another person to engage in such contact or communication on
17 behalf of the parolee, unless approved by the parole and probation
18 officer assigned to the parolee, and a written agreement is entered
19 into and signed in the manner set forth in subsection 2 . [§]

20 (i) Not use aliases or fictitious names . [§]

21 (j) Not obtain a post office box unless the parolee receives
22 permission from the parole and probation officer assigned to the
23 parolee . [§]

24 (k) Not have contact with a person less than 18 years of age in a
25 secluded environment unless another adult who has never been
26 convicted of an offense listed in NRS 179D.410 is present and
27 permission has been obtained from the parole and probation officer
28 assigned to the parolee in advance of each such contact . [§]

29 (l) Unless approved by the parole and probation officer assigned
30 to the parolee and by a psychiatrist, psychologist or counselor
31 treating the parolee, if any, not be in or near:

32 (1) A playground, park, school or school grounds;

33 (2) A motion picture theater; or

34 (3) A business that primarily has children as customers or
35 conducts events that primarily children attend . [§]

36 (m) Comply with any protocol concerning the use of
37 prescription medication prescribed by a treating physician,
38 including, without limitation, any protocol concerning the use of
39 psychotropic medication . [§]

40 (n) Not possess any sexually explicit material that is deemed
41 inappropriate by the parole and probation officer assigned to the
42 parolee . [§]

43 (o) Not patronize a business which offers a sexually related form
44 of entertainment and which is deemed inappropriate by the parole
45 and probation officer assigned to the parolee . [§]



(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee

~~[; and]~~

(q) Inform the parole and probation officer assigned to the parolee if the parolee 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. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

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

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

4. The parole and probation officer assigned to the parolee shall verify that the parolee is in compliance with the provisions of paragraph (a) of subsection 1 at least once per month.

5. As used in this section:

(a) "Governmental transitional housing facility" has the meaning ascribed to it in section 5 of this act.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179D.410.

(c) "Transitional housing facility for sex offenders" has the meaning ascribed to it in section 8 of this act.

Sec. 18. NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound,



1 mixture or preparation which contains any quantity of
2 methamphetamine; or

3 (c) Occupied by a person exposed to the human
4 immunodeficiency virus or suffering from acquired immune
5 deficiency syndrome or any other disease that is not known to be
6 transmitted through occupancy of the property,

7 ↳ is not material to the transaction.

8 2. In any sale, lease or rental of real property, the fact that a sex
9 offender, as defined in NRS 179D.400, resides or is expected to
10 reside in the community is not material to the transaction, and the
11 seller, lessor or landlord or any agent of the seller, lessor or landlord
12 does not have a duty to disclose such a fact to a buyer, lessee or
13 tenant or any agent of a buyer, lessee or tenant.

14 3. In any sale, lease or rental of real property, the fact that a
15 facility for transitional living for released offenders that is licensed
16 pursuant to chapter 449 of NRS is located near the property being
17 sold, leased or rented is not material to the transaction.

18 4. A seller, lessor or landlord or any agent of the seller, lessor
19 or landlord is not liable to the buyer, lessee or tenant in any action at
20 law or in equity because of the failure to disclose any fact described
21 in subsection 1, 2 or 3 that is not material to the transaction or of
22 which the seller, lessor or landlord or agent of the seller, lessor or
23 landlord had no actual knowledge.

24 5. Except as otherwise provided in an agreement between a
25 buyer, lessee or tenant and his agent, an agent of the buyer, lessee or
26 tenant is not liable to the buyer, lessee or tenant in any action at law
27 or in equity because of the failure to disclose any fact described in
28 subsection 1, 2 or 3 that is not material to the transaction or of which
29 the agent of the buyer, lessee or tenant had no actual knowledge.

30 6. For purposes of this section, the fact that the property is or
31 has been the site of a crime that involves the manufacturing of any
32 material, compound, mixture or preparation which contains any
33 quantity of methamphetamine is not material to the transaction if:

34 (a) All materials and substances involving methamphetamine
35 have been removed from or remediated on the property by an entity
36 certified or licensed to do so; or

37 (b) The property has been deemed safe for habitation by a
38 governmental entity.

39 7. As used in this section, "facility for transitional living for
40 released offenders" has the meaning ascribed to it in ~~NRS~~
41 ~~449.0055.]~~ *section 4 of this act.*

42 **Sec. 19.** NRS 176A.410 is hereby amended to read as follows:

43 176A.410 1. Except as otherwise provided in subsection 3, if
44 a defendant is convicted of a sexual offense and the court grants
45 probation or suspends the sentence, the court shall, in addition to



1 any other condition ordered pursuant to NRS 176A.400, order as a
2 condition of probation or suspension of sentence that the defendant:

3 (a) Submit to a search and seizure of his person, residence or
4 vehicle or any property under his control, at any time of the day or
5 night, without a warrant, by any parole and probation officer or any
6 peace officer, for the purpose of determining whether the defendant
7 has violated any condition of probation or suspension of sentence or
8 committed any crime. ~~{}~~

9 (b) Reside at a location only if ~~{}~~:

10 (1) *The residence* has been approved by the parole and
11 probation officer assigned to the defendant. ~~{and keep}~~

12 (2) *The defendant keeps* the parole and probation officer
13 *assigned to the defendant* informed of his current address. ~~{}~~

14 (3) *The residence is not the same address, the same*
15 *condominium unit, the same condominium complex or the same*
16 *apartment complex in which another person convicted of a sexual*
17 *offense resides, unless the residence is a licensed transitional*
18 *housing facility for sex offenders or a governmental transitional*
19 *housing facility.*

20 (c) Accept a position of employment or a position as a volunteer
21 only if it has been approved by the parole and probation officer
22 assigned to the defendant and keep the parole and probation officer
23 informed of the location of his position of employment or position
24 as a volunteer. ~~{}~~

25 (d) Abide by any curfew imposed by the parole and probation
26 officer assigned to the defendant. ~~{}~~

27 (e) Participate in and complete a program of professional
28 counseling approved by the Division. ~~{}~~

29 (f) Submit to periodic tests, as requested by the parole and
30 probation officer assigned to the defendant, to determine whether
31 the defendant is using a controlled substance. ~~{}~~

32 (g) Submit to periodic polygraph examinations, as requested by
33 the parole and probation officer assigned to the defendant. ~~{}~~

34 (h) Abstain from consuming, possessing or having under his
35 control any alcohol. ~~{}~~

36 (i) Not have contact or communicate with a victim of the sexual
37 offense or a witness who testified against the defendant or solicit
38 another person to engage in such contact or communication on
39 behalf of the defendant, unless approved by the parole and probation
40 officer assigned to the defendant, and a written agreement is entered
41 into and signed in the manner set forth in subsection 2. ~~{}~~

42 (j) Not use aliases or fictitious names. ~~{}~~

43 (k) Not obtain a post office box unless the defendant receives
44 permission from the parole and probation officer assigned to the
45 defendant. ~~{}~~



(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact. ~~§~~

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend. ~~§~~

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication. ~~§~~

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant. ~~§~~

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant. ~~§~~

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant. ~~§; and~~

(r) Inform the parole and probation officer assigned to the defendant if the defendant 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. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

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

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.



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

4. *The parole and probation officer assigned to the defendant shall verify that the defendant is in compliance with the provisions of paragraph (b) of subsection 1 at least once per month.*

5. As used in this section ~~["sexual"]~~:

(a) *"Governmental transitional housing facility" has the meaning ascribed to it in section 5 of this act.*

(b) *"Sexual offense" has the meaning ascribed to it in NRS 179D.410.*

(c) *"Transitional housing facility for sex offenders" has the meaning ascribed to it in section 8 of this act.*

Sec. 20. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of abuse of alcohol or drugs;
2. A halfway house for recovering alcohol and drug abusers;
3. A facility for the care of adults during the day;
4. A residential facility for groups; *and*
5. An agency to provide personal care services in the home . ~~;~~

and

~~—6.— A facility for transitional living for released offenders.]~~

Sec. 21. NRS 449.008 is hereby amended to read as follows:

449.008 "Halfway house for recovering alcohol and drug abusers" means a residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders ~~;~~, *as defined in section 4 of this act.*

Sec. 22. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.



(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↳ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and



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(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal



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1 relationships with fellow residents and with persons in the general
2 community;

3 (6) The facility is designed to minimize and is operated in a
4 manner which minimizes the need for its residents to move out of
5 the facility as their respective physical and mental conditions change
6 over time; and

7 (7) The facility is operated in such a manner as to foster a
8 culture that provides a high-quality environment for the residents,
9 their families, the staff, any volunteers and the community at large.

10 8. The Health Division may grant an exception from the
11 requirement of subparagraph (1) of paragraph (b) of subsection 7 to
12 a facility licensed as a residential facility for groups on or before
13 July 1, 2005, and which is authorized to have 10 or fewer beds and
14 was originally constructed as a single-family dwelling, if the Health
15 Division finds that:

16 (a) Strict application of that requirement would result in
17 economic hardship to the facility requesting the exception; and

18 (b) The exception, if granted, would not:

19 (1) Cause substantial detriment to the health or welfare of
20 any resident of the facility;

21 (2) Result in more than two residents sharing a toilet facility;
22 or

23 (3) Otherwise impair substantially the purpose of that
24 requirement.

25 9. The Board shall, if it determines necessary, adopt
26 regulations and requirements to ensure that each residential facility
27 for groups and its staff are prepared to respond to an emergency,
28 including, without limitation:

29 (a) The adoption of plans to respond to a natural disaster and
30 other types of emergency situations, including, without limitation,
31 an emergency involving fire;

32 (b) The adoption of plans to provide for the evacuation of a
33 residential facility for groups in an emergency, including, without
34 limitation, plans to ensure that nonambulatory patients may be
35 evacuated;

36 (c) Educating the residents of residential facilities for groups
37 concerning the plans adopted pursuant to paragraphs (a) and (b); and

38 (d) Posting the plans or a summary of the plans adopted
39 pursuant to paragraphs (a) and (b) in a conspicuous place in each
40 residential facility for groups.

41 10. ~~[The regulations governing the licensing and operation of~~
42 ~~facilities for transitional living for released offenders must provide~~
43 ~~for the licensure of at least three different types of facilities,~~
44 ~~including, without limitation:~~



~~—(a) Facilities that only provide a housing and living environment;~~

~~—(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and~~

~~—(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.~~

~~—11.]~~ As used in this section, “living unit” means an individual private accommodation designated for a resident within the facility.

Sec. 23. NRS 449.050 is hereby amended to read as follows:

449.050 1. Except as otherwise provided in subsection 2, each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

2. A facility for the care of adults during the day is exempt from the fees imposed by the Board pursuant to this section.

~~[3.—The fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Health Division of issuing or renewing the license.~~

~~—4.—If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.]~~

Sec. 24. 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$500,000 for the acquisition and installation of facilities to be used for transitional housing for sex offenders.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.



1 **Sec. 25.** NRS 449.0055 and 449.0356 are hereby repealed.

2 **Sec. 26.** The amendatory provisions of:

3 1. Section 16 of this act apply to any person who is placed
4 under a program of lifetime supervision before, on or after
5 October 1, 2007.

6 2. Section 17 of this act apply to any person released on parole
7 before, on or after October 1, 2007.

8 3. Section 19 of this act apply to any person granted probation
9 or a suspension of sentence before, on or after October 1, 2007.

10 **Sec. 27.** This act becomes effective:

11 1. Upon passage and approval for the purposes of adopting
12 regulations and performing any other preparatory administrative
13 tasks that are necessary to carry out the provisions of this act; and

14 2. On October 1, 2007, for all other purposes.

TEXT OF REPEALED SECTIONS

449.0055 “Facility for transitional living for released offenders” defined.

1. “Facility for transitional living for released offenders” means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.

2. As used in this section, “person who has been released from prison” means:

(a) A parolee.

(b) A person who is participating in:

(1) A judicial program pursuant to NRS 209.4886 or 213.625; or

(2) A correctional program pursuant to NRS 209.4888 or 213.632.

(c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.

(d) A person who has been released from prison by expiration of his term of sentence.



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449.0356 Certification required for alcohol and drug abuse programs operated or provided by facility for transitional living for released offenders. Each alcohol and drug abuse program operated or provided by a facility for transitional living for released offenders must be certified by the Division of Mental Health and Developmental Services of the Department of Health and Human Services in accordance with the requirements set forth in chapter 458 of NRS and any regulations adopted pursuant thereto. As used in this section, “alcohol and drug abuse program” has the meaning ascribed to it in NRS 458.010.

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