

SENATE BILL NO. 471—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE GOVERNOR)

MARCH 26, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the registration of sex offenders and offenders convicted of a crime against a child. (BDR 14-1426)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§§ 2, 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 public safety; requiring incarcerated sex offenders and offenders convicted of a crime against a child to register with a local law enforcement agency before being released from prison; requiring sex offenders and offenders convicted of a crime against a child who have not provided a biological specimen to provide a biological specimen at the time of registration with a local law enforcement agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a sex offender or an offender convicted of a crime against a child to register with a local law enforcement agency within 48 hours after arriving or establishing a residence in the jurisdiction of the local law enforcement agency. (NRS 179D.240, NRS 179D.460) **Section 1** of this bill requires an incarcerated offender convicted of a crime against a child to register, before being released from prison, with the appropriate local law enforcement agency in whose jurisdiction the offender will be a resident offender upon release. **Section 3** of this bill requires an incarcerated sex offender to register, before being released, with the appropriate law enforcement agency in whose jurisdiction the sex offender will be a resident sex offender upon release.

Existing law requires a court to order, at sentencing, that a biological specimen be obtained from a person convicted of certain crimes. (NRS 176.0913) **Section 2** of this bill requires an offender convicted of a crime against a child to provide a



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biological specimen at the time the offender registers with a local law enforcement agency if the offender has not already provided a biological specimen. **Section 4** of this bill requires a sex offender to provide a biological specimen at the time the sex offender registers with a local law enforcement agency if the sex offender has not already provided a biological specimen.

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

Section 1. NRS 179D.230 is hereby amended to read as follows:

179D.230 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, the Central Repository shall:

(a) If a record of registration has not previously been established for the offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender, update the record of registration for the offender and notify the appropriate local law enforcement agencies.

2. If the offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall immediately provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

3. If an offender is incarcerated or confined and has previously been convicted of a crime against a child, before the offender is released:

(a) The Department of Corrections or a local law enforcement agency in whose facility the offender is incarcerated or confined shall:

(1) Inform the offender of the requirements for registration, including, but not limited to:

(I) 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;

(II) 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;

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



(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he most recently 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

(V) The duty to notify immediately the appropriate local law enforcement agency if the offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender; and

(2) Provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. *If an offender convicted of a crime against a child is incarcerated or confined, before the offender is released, the offender shall register, pursuant to 179D.240, with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the offender will be a resident offender.*

5. The failure to provide an offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender to register and to comply with all other provisions for registration.

~~5.~~ 6. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender to the appropriate local law enforcement agencies; and

(b) Establish a record of registration for the offender with the assistance of the local law enforcement agency.

Sec. 2. NRS 179D.240 is hereby amended to read as follows:

179D.240 1. In addition to any other registration that is required pursuant to NRS 179D.230, each offender who, after July 1, 1956, is or has been convicted of a crime against a child shall



1 register with a local law enforcement agency pursuant to the
2 provisions of this section.

3 2. Except as otherwise provided in subsection 3, if the offender
4 resides or is present for 48 hours or more within:

5 (a) A county; or

6 (b) An incorporated city that does not have a city police
7 department,

8 ➔ the offender shall be deemed a resident offender and shall register
9 with the sheriff's office of the county or, if the county or the city is
10 within the jurisdiction of a metropolitan police department, the
11 metropolitan police department, not later than 48 hours after
12 arriving or establishing a residence within the county or the city.

13 3. If the offender resides or is present for 48 hours or more
14 within an incorporated city that has a city police department, the
15 offender shall be deemed a resident offender and shall register with
16 the city police department not later than 48 hours after arriving or
17 establishing a residence within the city.

18 4. If the offender is a nonresident offender who is a student or
19 worker within this State, the offender shall register with the
20 appropriate sheriff's office, metropolitan police department or city
21 police department in whose jurisdiction he is a student or worker not
22 later than 48 hours after becoming a student or worker within this
23 State.

24 5. A resident or nonresident offender shall immediately notify
25 the appropriate local law enforcement agency if:

26 (a) The offender is, expects to be or becomes enrolled as a
27 student at an institution of higher education or changes the date of
28 commencement or termination of his enrollment at an institution of
29 higher education; or

30 (b) The offender is, expects to be or becomes a worker at an
31 institution of higher education or changes the date of
32 commencement or termination of his work at an institution of higher
33 education.

34 ➔ The offender shall provide the name, address and type of each
35 such institution of higher education.

36 6. To register with a local law enforcement agency pursuant to
37 this section, the offender shall:

38 (a) ~~Appear~~ *Unless the offender is incarcerated or confined*
39 *and required to register pursuant to subsection 4 of NRS*
40 *179D.230, appear* personally at the office of the appropriate local
41 law enforcement agency;

42 (b) Provide all information that is requested by the local law
43 enforcement agency, including, but not limited to, fingerprints and a
44 photograph; ~~and~~



(c) *If the offender has not provided a biological specimen pursuant to NRS 176.0913 or 176.0916, provide a biological specimen to the local law enforcement agency; and*

(d) Sign and date the record of registration or some other proof of registration in the presence of an officer of the local law enforcement agency ~~[H]~~ *or in the presence of an officer of the institution or facility in which the offender is incarcerated or confined.*

7. *If an offender convicted of a crime against a child must provide a biological specimen pursuant to paragraph (c) of subsection 6, the local law enforcement agency shall arrange for the biological specimen to be obtained from the offender. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender resides or is present to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.*

8. When an offender registers, the local law enforcement agency shall:

(a) Inform the offender of the duty to notify the local law enforcement agency if the offender changes the address at which he resides or changes the primary address at which he is a student or worker; and

(b) Inform the offender of the duty to register with the local law enforcement agency in whose jurisdiction the offender relocates.

~~[8-]~~ 9. After the offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the offender.

~~[9-]~~ 10. If the Central Repository has not previously established a record of registration for an offender described in subsection ~~[8-]~~ 9, the Central Repository shall:

(a) Establish a record of registration for the offender; and

(b) Provide notification concerning the offender to the appropriate local law enforcement agencies.

~~[10-]~~ 11. When an offender notifies a local law enforcement agency that:

(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,



1 ➡ and provides the name, address and type of each such institution
2 of higher education, the local law enforcement agency shall
3 immediately provide that information to the Central Repository and
4 to the appropriate campus police department.

5 **Sec. 3.** NRS 179D.450 is hereby amended to read as follows:

6 179D.450 1. If the Central Repository receives notice from a
7 court pursuant to NRS 176.0927 that a sex offender has been
8 convicted of a sexual offense or pursuant to NRS 62F.250 that a
9 juvenile sex offender has been deemed to be an adult sex offender,
10 the Central Repository shall:

11 (a) If a record of registration has not previously been established
12 for the sex offender, notify the local law enforcement agency so that
13 a record of registration may be established; or

14 (b) If a record of registration has previously been established for
15 the sex offender, update the record of registration for the sex
16 offender and notify the appropriate local law enforcement agencies.

17 2. If the sex offender named in the notice is granted probation
18 or otherwise will not be incarcerated or confined or if the sex
19 offender named in the notice has been deemed to be an adult sex
20 offender pursuant to NRS 62F.250 and is not otherwise incarcerated
21 or confined:

22 (a) The Central Repository shall immediately provide
23 notification concerning the sex offender to the appropriate local law
24 enforcement agencies and, if the sex offender resides in a
25 jurisdiction which is outside of this State, to the appropriate law
26 enforcement agency in that jurisdiction; and

27 (b) If the sex offender is subject to community notification, the
28 Central Repository shall arrange for the assessment of the risk of
29 recidivism of the sex offender pursuant to the guidelines and
30 procedures for community notification established by the Attorney
31 General pursuant to NRS 179D.600 to 179D.800, inclusive.

32 3. If a sex offender is incarcerated or confined and has
33 previously been convicted of a sexual offense as described in NRS
34 179D.410, before the sex offender is released:

35 (a) The Department of Corrections or a local law enforcement
36 agency in whose facility the sex offender is incarcerated or confined
37 shall:

38 (1) Inform the sex offender of the requirements for
39 registration, including, but not limited to:

40 (I) The duty to register in this State during any period in
41 which he is a resident of this State or a nonresident who is a student
42 or worker within this State and the time within which he is required
43 to register pursuant to NRS 179D.460;



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(II) 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;

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

(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which 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

(V) The duty to notify immediately the appropriate local law enforcement agency if the sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the sex offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the sex offender;

(2) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive; and

(3) Provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. *If a sex offender is incarcerated or confined, before the sex offender is released, the sex offender shall register, pursuant to NRS 179D.460, with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the sex offender will be a resident sex offender.*

5. The failure to provide a sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the sex offender to register and to comply with all other provisions for registration.

~~5.5~~ 6. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex



1 offender is now residing or is a student or worker within this State,
2 the Central Repository shall:

3 (a) Immediately provide notification concerning the sex offender
4 to the appropriate local law enforcement agencies;

5 (b) Establish a record of registration for the sex offender; and

6 (c) If the sex offender is subject to community notification,
7 arrange for the assessment of the risk of recidivism of the sex
8 offender pursuant to the guidelines and procedures for community
9 notification established by the Attorney General pursuant to NRS
10 179D.600 to 179D.800, inclusive.

11 **Sec. 4.** NRS 179D.460 is hereby amended to read as follows:

12 179D.460 1. In addition to any other registration that is
13 required pursuant to NRS 179D.450, each sex offender who, after
14 July 1, 1956, is or has been convicted of a sexual offense shall
15 register with a local law enforcement agency pursuant to the
16 provisions of this section.

17 2. Except as otherwise provided in subsection 3, if the sex
18 offender resides or is present for 48 hours or more within:

19 (a) A county; or

20 (b) An incorporated city that does not have a city police
21 department,

22 ➔ the sex offender shall be deemed a resident sex offender and shall
23 register with the sheriff's office of the county or, if the county or the
24 city is within the jurisdiction of a metropolitan police department,
25 the metropolitan police department, not later than 48 hours after
26 arriving or establishing a residence within the county or the city.

27 3. If the sex offender resides or is present for 48 hours or more
28 within an incorporated city that has a city police department, the sex
29 offender shall be deemed a resident sex offender and shall register
30 with the city police department not later than 48 hours after arriving
31 or establishing a residence within the city.

32 4. If the sex offender is a nonresident sex offender who is a
33 student or worker within this State, the sex offender shall register
34 with the appropriate sheriff's office, metropolitan police department
35 or city police department in whose jurisdiction he is a student or
36 worker not later than 48 hours after becoming a student or worker
37 within this State.

38 5. A resident or nonresident sex offender shall immediately
39 notify the appropriate local law enforcement agency if:

40 (a) The sex offender is, expects to be or becomes enrolled as a
41 student at an institution of higher education or changes the date of
42 commencement or termination of his enrollment at an institution of
43 higher education; or

44 (b) The sex offender is, expects to be or becomes a worker at an
45 institution of higher education or changes the date of



1 commencement or termination of his work at an institution of higher
2 education.

3 ➔ The sex offender shall provide the name, address and type of
4 each such institution of higher education.

5 6. To register with a local law enforcement agency pursuant to
6 this section, the sex offender shall:

7 (a) ~~Appear~~ *Unless the sex offender is incarcerated or*
8 *confined and required to register pursuant to subsection 4 of NRS*
9 *179D.450, appear* personally at the office of the appropriate local
10 law enforcement agency;

11 (b) Provide all information that is requested by the local law
12 enforcement agency, including, but not limited to, fingerprints and a
13 photograph; ~~and~~

14 (c) *If the sex offender has not provided a biological specimen*
15 *pursuant to NRS 176.0913 or 176.0916, provide a biological*
16 *specimen to the local law enforcement agency; and*

17 (d) Sign and date the record of registration or some other proof
18 of registration of the local law enforcement agency in the presence
19 of an officer of the local law enforcement agency ~~or~~ *or in the*
20 *presence of an officer of the institution or facility in which the sex*
21 *offender is incarcerated or confined.*

22 7. *If a sex offender must provide a biological specimen*
23 *pursuant to paragraph (c) of subsection 6, the local law*
24 *enforcement agency shall arrange for the biological specimen to*
25 *be obtained from the sex offender. The local law enforcement*
26 *agency shall provide the specimen to the forensic laboratory that*
27 *has been designated by the county in which the sex offender*
28 *resides or is present to conduct or oversee genetic marker testing*
29 *for the county pursuant to NRS 176.0917.*

30 8. When a sex offender registers, the local law enforcement
31 agency shall:

32 (a) Inform the sex offender of the duty to notify the local law
33 enforcement agency if the sex offender changes the address at which
34 he resides, including if he moves from this State to another
35 jurisdiction, or changes the primary address at which he is a student
36 or worker; and

37 (b) Inform the sex offender of the duty to register with the local
38 law enforcement agency in whose jurisdiction the sex offender
39 relocates.

40 ~~8.1~~ 9. After the sex offender registers with the local law
41 enforcement agency, the local law enforcement agency shall
42 forward to the Central Repository the information collected,
43 including the fingerprints and a photograph of the sex offender.



1 ~~[9-]~~ 10. If the Central Repository has not previously
2 established a record of registration for a sex offender described in
3 subsection ~~[8-]~~ 9, the Central Repository shall:

4 (a) Establish a record of registration for the sex offender;

5 (b) Provide notification concerning the sex offender to the
6 appropriate local law enforcement agencies; and

7 (c) If the sex offender is subject to community notification and
8 has not otherwise been assigned a level of notification, arrange for
9 the assessment of the risk of recidivism of the sex offender pursuant
10 to the guidelines and procedures for community notification
11 established by the Attorney General pursuant to NRS 179D.600 to
12 179D.800, inclusive.

13 ~~[10-]~~ 11. When a sex offender notifies a local law enforcement
14 agency that:

15 (a) The sex offender is, expects to be or becomes enrolled as a
16 student at an institution of higher education or changes the date of
17 commencement or termination of his enrollment at an institution of
18 higher education; or

19 (b) The sex offender is, expects to be or becomes a worker at an
20 institution of higher education or changes the date of
21 commencement or termination of his work at an institution of higher
22 education,

23 ➤ and provides the name, address and type of each such institution
24 of higher education, the local law enforcement agency shall
25 immediately provide that information to the Central Repository and
26 to the appropriate campus police department.

27 **Sec. 5.** The provisions of subsection 1 of NRS 354.599 do not
28 apply to any additional expenses of a local government that are
29 related to the provisions of sections 2 and 4 of this act.

