

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 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 (§§ 3, 5)
(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; revising the provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; 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; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth certain conditions to be imposed on sex offenders placed
2 under a program of lifetime supervision or released on parole, probation or a
3 suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Under
4 **sections 1, 6 and 7** of this bill, if an offender is: (1) convicted of certain crimes
5 against a child under the age of 14 years; (2) assigned a Tier 3 level of notification;
6 and (3) placed under a program of lifetime supervision or released on parole,
7 probation or a suspended sentence, the offender must be placed under a system of
8 active electronic monitoring if the Chief Parole and Probation Officer deems such



9 monitoring appropriate. **Sections 1, 6 and 7** further require an offender placed
10 under a system of active electronic monitoring to pay to the extent of his ability any
11 costs associated with such monitoring. Finally, **sections 1, 6 and 7** prohibit a
12 person from removing or disabling an electronic monitoring device without
13 authorization.

14 Existing law requires a sex offender or an offender convicted of a crime against
15 a child to register with a local law enforcement agency within 48 hours after
16 arriving or establishing a residence in the jurisdiction of the local law enforcement
17 agency. (NRS 179D.240, NRS 179D.460) **Section 2** of this bill requires an
18 incarcerated offender convicted of a crime against a child to register, before being
19 released from prison, with the appropriate local law enforcement agency in whose
20 jurisdiction the offender will be a resident offender upon release. **Section 4** of this
21 bill requires an incarcerated sex offender to register, before being released, with the
22 appropriate law enforcement agency in whose jurisdiction the sex offender will be a
23 resident sex offender upon release.

24 Existing law requires a court to order, at sentencing, that a biological specimen
25 be obtained from a person convicted of certain crimes. (NRS 176.0913) **Section 3**
26 of this bill requires an offender convicted of a crime against a child to provide a
27 biological specimen at the time the offender registers with a local law enforcement
28 agency if the offender has not already provided a biological specimen. **Section 5** of
29 this bill requires a sex offender to provide a biological specimen at the time the sex
30 offender registers with a local law enforcement agency if the sex offender has not
31 already provided a biological specimen.

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

1 **Section 1.** NRS 176A.410 is hereby amended to read as
2 follows:

3 176A.410 1. Except as otherwise provided in subsection ~~3.1~~
4 **6**, if a defendant is convicted of a sexual offense and the court grants
5 probation or suspends the sentence, the court shall, in addition to
6 any other condition ordered pursuant to NRS 176A.400, order as a
7 condition of probation or suspension of sentence that the defendant:

8 (a) Submit to a search and seizure of his person, residence or
9 vehicle or any property under his control, at any time of the day or
10 night, without a warrant, by any parole and probation officer or any
11 peace officer, for the purpose of determining whether the defendant
12 has violated any condition of probation or suspension of sentence or
13 committed any crime;

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

17 (c) Accept a position of employment or a position as a volunteer
18 only if it has been approved by the parole and probation officer
19 assigned to the defendant and keep the parole and probation officer
20 informed of the location of his position of employment or position
21 as a volunteer;



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

(e) Participate in and complete a program of professional counseling approved by the Division;

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

(h) Abstain from consuming, possessing or having under his control any alcohol;

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

(j) Not use aliases or fictitious names;

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the 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



1 other means, unless possession of such a device or such access is
2 approved by the parole and probation officer assigned to the
3 defendant; and

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

10 2. *Except as otherwise provided in subsection 6, if a*
11 *defendant is convicted of an offense listed in subsection 6 of NRS*
12 *213.1255 against a child under the age of 14 years, the defendant*
13 *is assigned a Tier 3 level of notification and the court grants*
14 *probation or suspends the sentence of the defendant, the court*
15 *shall, in addition to any other condition ordered pursuant to*
16 *subsection 1, order as a condition of probation or suspension of*
17 *sentence that the defendant:*

18 (a) *As deemed appropriate by the Chief Parole and Probation*
19 *Officer, be placed under a system of active electronic monitoring*
20 *that is capable of identifying his location and producing, upon*
21 *request, reports or records of his presence near or within a crime*
22 *scene or prohibited area or his departure from a specified*
23 *geographic location.*

24 (b) *Pay any costs associated with his participation in the*
25 *system of active electronic monitoring, to the extent of his ability*
26 *to pay.*

27 3. *A defendant placed under the system of active electronic*
28 *monitoring pursuant to subsection 2 shall:*

29 (a) *Follow the instructions provided by the Division to*
30 *maintain the electronic monitoring device in working order.*

31 (b) *Report any incidental damage or defacement of the*
32 *electronic monitoring device to the Division within 2 hours after*
33 *the occurrence of the damage or defacement.*

34 (c) *Abide by any other conditions set forth by the Division with*
35 *regard to his participation in the system of active electronic*
36 *monitoring.*

37 4. *Except as otherwise provided in this subsection, a person*
38 *who intentionally removes or disables or attempts to remove or*
39 *disable an electronic monitoring device placed on a defendant*
40 *pursuant to this section is guilty of a gross misdemeanor. The*
41 *provisions of this subsection do not prohibit a person authorized*
42 *by the Division from performing maintenance or repairs to an*
43 *electronic monitoring device.*

44 5. A written agreement entered into pursuant to paragraph (i) of
45 subsection 1 must state that the contact or communication is in the



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1 best interest of the victim or witness, and specify the type of contact
2 or communication authorized. The written agreement must be
3 signed and agreed to by:

- 4 (a) The victim or the witness;
- 5 (b) The defendant;
- 6 (c) The parole and probation officer assigned to the defendant;
- 7 (d) The psychiatrist, psychologist or counselor treating the
8 defendant, victim or witness, if any; and
- 9 (e) If the victim or witness is a child under 18 years of age, each
10 parent, guardian or custodian of the child.

11 ~~[3-]~~ 6. The court is not required to impose a condition of
12 probation or suspension of sentence listed in ~~[subsection]~~
13 *subsections 1 and 2* if the court finds that extraordinary
14 circumstances are present and the court enters those extraordinary
15 circumstances in the record.

16 ~~[4-]~~ 7. As used in this section, "sexual offense" has the
17 meaning ascribed to it in NRS 179D.410.

18 **Sec. 2.** NRS 179D.230 is hereby amended to read as follows:

19 179D.230 1. If the Central Repository receives notice from a
20 court pursuant to NRS 176.0926 that an offender has been convicted
21 of a crime against a child, the Central Repository shall:

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

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

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

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

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

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

42 (I) The duty to register in this State during any period in
43 which he is a resident of this State or a nonresident who is a student
44 or worker within this State and the time within which he is required
45 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. 3. 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 register with a local law enforcement agency pursuant to the provisions of this section.

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

(a) A county; or

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

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

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

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

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

(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.

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

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

(a) ~~Appear~~ *Unless the offender is incarcerated or confined and required to register pursuant to subsection 4 of NRS*



1 *179D.230, appear* personally at the office of the appropriate local
2 law enforcement agency;

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

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

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

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

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

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

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

30 ~~8.9~~ 9. After the offender registers with the local law
31 enforcement agency, the local law enforcement agency shall
32 forward to the Central Repository the information collected,
33 including the fingerprints and a photograph of the offender.

34 ~~9.9~~ 10. If the Central Repository has not previously
35 established a record of registration for an offender described in
36 subsection ~~8.9~~ 9, the Central Repository shall:

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

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

40 ~~10.9~~ 11. When an offender notifies a local law enforcement
41 agency that:

42 (a) The offender is, expects to be or becomes enrolled as a
43 student at an institution of higher education or changes the date of
44 commencement or termination of his enrollment at an institution of
45 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,

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

Sec. 4. NRS 179D.450 is hereby amended to read as follows:

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

(a) If a record of registration has not previously been established for the sex 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 sex offender, update the record of registration for the sex offender and notify the appropriate local law enforcement agencies.

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

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

(b) If the sex offender is subject to community notification, the Central Repository shall 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.

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

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

(1) Inform the sex 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



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1 or worker within this State and the time within which he is required
2 to register pursuant to NRS 179D.460;

3 (II) The duty to register in any other jurisdiction during
4 any period in which he is a resident of the other jurisdiction or a
5 nonresident who is a student or worker within the other jurisdiction;

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

9 (IV) The duty to notify the local law enforcement agency
10 for the jurisdiction in which he now resides, in person, and the
11 jurisdiction in which he formerly resided, in person or in writing, if
12 he changes the address at which he resides, including if he moves
13 from this State to another jurisdiction, or changes the primary
14 address at which he is a student or worker; and

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

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

26 (b) The Central Repository shall:

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

28 (2) If the sex offender is subject to community notification,
29 arrange for the assessment of the risk of recidivism of the sex
30 offender pursuant to the guidelines and procedures for community
31 notification established by the Attorney General pursuant to NRS
32 179D.600 to 179D.800, inclusive; and

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

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

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



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~~5.1~~ 6. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex offender is now residing or is a student or worker within this State, the Central Repository shall:

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

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

(c) 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.

Sec. 5. NRS 179D.460 is hereby amended to read as follows:

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

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

(a) A county; or

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

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

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

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

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

(a) 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



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(b) 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.

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

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

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

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

(c) *If the sex 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 of the local law enforcement agency in the presence of an officer of the local law enforcement agency ~~[]~~ *or in the presence of an officer of the institution or facility in which the sex offender is incarcerated or confined.*

7. *If a sex offender 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 sex offender. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the sex offender resides or is present to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.*

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

(a) Inform the sex offender of the duty to notify the local law enforcement agency if the sex offender 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

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

~~[8.]~~ 9. After the sex 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 sex offender.



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

- (a) Establish a record of registration for the sex offender;
- (b) Provide notification concerning the sex offender to the appropriate local law enforcement agencies; and
- (c) If the sex offender is subject to community notification and has not otherwise been assigned a level of 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.

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

- (a) 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
 - (b) 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 provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 6. NRS 213.1243 is hereby amended to read as follows:

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

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

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

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

3. *Except as otherwise provided in subsection 7, if a person is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the person is assigned a Tier 3 level of notification and the person is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the person:*



1 (a) As deemed appropriate by the Chief, be placed under a
2 system of active electronic monitoring that is capable of
3 identifying his location and producing, upon request, reports or
4 records of his presence near or within a crime scene or prohibited
5 area or his departure from a specified geographic location.

6 (b) Pay any costs associated with his participation under the
7 system of active electronic monitoring, to the extent of his ability
8 to pay.

9 4. A person placed under the system of active electronic
10 monitoring pursuant to subsection 3 shall:

11 (a) Follow the instructions provided by the Division to
12 maintain the electronic monitoring device in working order.

13 (b) Report any incidental damage or defacement of the
14 electronic monitoring device to the Division within 2 hours after
15 the occurrence of the damage or defacement.

16 (c) Abide by any other conditions set forth by the Division with
17 regard to his participation under the system of active electronic
18 monitoring.

19 5. Except as otherwise provided in this subsection, a person
20 who intentionally removes or disables or attempts to remove or
21 disable an electronic monitoring device placed on a person
22 pursuant to this section is guilty of a gross misdemeanor. The
23 provisions of this subsection do not prohibit a person authorized
24 by the Division from performing maintenance or repairs to an
25 electronic monitoring device.

26 6. Except as otherwise provided in subsection 5, a person who
27 commits a violation of a condition imposed on him pursuant to the
28 program of lifetime supervision is guilty of:

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

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

35 ~~[4.]~~ 7. The Board is not required to impose a condition
36 pursuant to the program of lifetime supervision listed in
37 subsection 3 if the Board finds that extraordinary circumstances
38 are present and the Board states those extraordinary
39 circumstances in writing.

40 8. For the purposes of prosecution of a violation by a person of
41 a condition imposed upon him pursuant to the program of lifetime
42 supervision, the violation shall be deemed to have occurred in, and
43 may only be prosecuted in, the county in which the court that
44 imposed the sentence of lifetime supervision pursuant to NRS
45 176.0931 is located, regardless of whether the acts or conduct



1 constituting the violation took place, in whole or in part, within or
2 outside that county or within or outside this State.

3 ~~15.1~~ 9. As used in this section:

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

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

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

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

12 (4) Death or bodily injury of a person;

13 (5) An act of domestic violence;

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

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

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

19 **Sec. 7.** NRS 213.1255 is hereby amended to read as follows:

20 213.1255 1. *Except as otherwise provided in subsection 4,*
21 *in addition to any conditions of parole required to be imposed*
22 *pursuant to NRS 213.1245, as a condition of releasing on parole a*
23 *prisoner who was convicted of committing an offense listed in*
24 *subsection 6 against a child under the age of 14 years and who*
25 *has been assigned a Tier 3 level of notification, the Board shall*
26 *require that the parolee:*

27 (a) *As deemed appropriate by the Chief, be placed under a*
28 *system of active electronic monitoring that is capable of*
29 *identifying his location and producing, upon request, reports or*
30 *records of his presence near or within a crime scene or prohibited*
31 *area or his departure from a specified geographic location.*

32 (b) *Pay any costs associated with his participation under the*
33 *system of active electronic monitoring, to the extent of his ability*
34 *to pay.*

35 2. *A parolee placed under the system of active electronic*
36 *monitoring pursuant to subsection 1 shall:*

37 (a) *Follow the instructions provided by the Division to*
38 *maintain the electronic monitoring device in working order.*

39 (b) *Report any incidental damage or defacement of the*
40 *electronic monitoring device to the Division within 2 hours after*
41 *the occurrence of the damage or defacement.*

42 (c) *Abide by any other conditions set forth by the Division with*
43 *regard to his participation under the system of active electronic*
44 *monitoring.*



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3. *Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.*

4. *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.*

5. In addition to any conditions of parole required to be imposed pursuant to *subsection 1 and* NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection ~~4~~ 6 against a child under the age of 14 years, the Board shall, when appropriate:

(a) Require the parolee to participate in psychological counseling;

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present; and

(c) Prohibit the parolee from being on or near the grounds of any place that is primarily designed for use by or for children, including, without limitation, a public or private school, a center or facility that provides day care services, a video arcade and an amusement park.

~~4~~ 6. The provisions of ~~subsection~~ *subsections 1 and 5* apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

(d) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;

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

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

(g) Any combination of the crimes listed in paragraphs (a) to (f), inclusive.

Sec. 8. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of sections 3 and 5 of this act.



- 1 **Sec. 9.** The amendatory provisions of:
- 2 1. Section 1 of this act apply to a person who is granted
- 3 probation or a suspension of sentence before, on or after October 1,
- 4 2007.
- 5 2. Section 6 of this act apply to a person who is placed under a
- 6 program of lifetime supervision before, on or after October 1, 2007;
- 7 and
- 8 3. Section 7 of this act apply to a person who is released on
- 9 parole before, on or after October 1, 2007.

