

Amendment No. 358

Senate Amendment to Senate Bill No. 471

(BDR 14-1426)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 471 (§§ 3, 5).

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------------|---------------|--------------------------|------|--------------------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

BFG/BAW



Date: 4/19/2007

S.B. No. 471—Revises provisions relating to the registration of sex offenders and offenders convicted of a crime against a child. (BDR 14-1426)



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; **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:

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, 213.1245, 213.1255) Under sections 1, 6 and 7 of this bill, if an offender is: (1) convicted of certain crimes against a child under the age of 14 years; (2) assigned a Tier 3 level of notification; and (3) placed under a program of lifetime supervision or released on parole, probation or a suspended sentence, the offender must be placed under a system of active electronic monitoring if the Chief Parole and Probation Officer deems such monitoring appropriate. Sections 1, 6 and 7 further require an offender placed under a system of active electronic monitoring to pay to the extent of his ability any costs associated with such monitoring. Finally, sections 1, 6 and 7 prohibit a person from removing or disabling an electronic monitoring device without authorization.

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 2** 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 4** 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 3** of this bill requires an offender convicted of a crime against a child to provide a 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 5** 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 176A.410 is hereby amended to read as follows:

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

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

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

(c) 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 defendant and keep the parole and probation officer informed of the location of his position of employment or position 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 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. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is assigned a Tier 3 level of notification and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:

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

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

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

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

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

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

4. 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 defendant 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.

5. 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.

~~6.~~ 6. The court is not required to impose a condition of probation or suspension of sentence listed in ~~subsection~~ subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

~~7.~~ 7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

~~Section 1.~~ Sec. 2. 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-]~~ **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 179D.230, 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 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 ~~or~~ *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.~~ 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.~~ 10. If the Central Repository has not previously established a record of registration for an offender described in subsection ~~8.9.~~ 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.~~ 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, 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. 3.~~ **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 or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

(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

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

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

9 (b) The Central Repository shall:

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

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

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

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

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

26 ~~5.5~~ 6. If the Central Repository receives notice from another jurisdiction or
27 the Federal Bureau of Investigation that a sex offender is now residing or is a
28 student or worker within this State, the Central Repository shall:

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

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

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

36 ~~Sec. 4~~ Sec. 5. NRS 179D.460 is hereby amended to read as follows:

37 179D.460 1. In addition to any other registration that is required pursuant to
38 NRS 179D.450, each sex offender who, after July 1, 1956, is or has been convicted
39 of a sexual offense shall register with a local law enforcement agency pursuant to
40 the provisions of this section.

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

43 (a) A county; or

44 (b) An incorporated city that does not have a city police department,
45 the sex offender shall be deemed a resident sex offender and shall register with
46 the sheriff's office of the county or, if the county or the city is within the
47 jurisdiction of a metropolitan police department, the metropolitan police
48 department, not later than 48 hours after arriving or establishing a residence within
49 the county or the city.

50 3. If the sex offender resides or is present for 48 hours or more within an
51 incorporated city that has a city police department, the sex offender shall be deemed
52 a resident sex offender and shall register with the city police department not later
53 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

(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~~ *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.~~ 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.

~~9.10.~~ 10. If the Central Repository has not previously established a record of registration for a sex offender described in subsection ~~8.9.~~ 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.

~~10-1~~ **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:

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

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

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

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

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

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

5. 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 person 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.

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

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

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

9 ~~7.~~ 7. The Board is not required to impose a condition pursuant to the
10 program of lifetime supervision listed in subsection 3 if the Board finds that
11 extraordinary circumstances are present and the Board states those extraordinary
12 circumstances in writing.

13 8. For the purposes of prosecution of a violation by a person of a condition
14 imposed upon him pursuant to the program of lifetime supervision, the violation
15 shall be deemed to have occurred in, and may only be prosecuted in, the county in
16 which the court that imposed the sentence of lifetime supervision pursuant to NRS
17 176.0931 is located, regardless of whether the acts or conduct constituting the
18 violation took place, in whole or in part, within or outside that county or within or
19 outside this State.

20 ~~9.~~ 9. As used in this section:

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

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

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

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

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

29 (5) An act of domestic violence;

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

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

33 (b) "Minor violation" means a violation that does not constitute a major
34 violation.

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

36 213.1255 1. Except as otherwise provided in subsection 4, in addition to
37 any conditions of parole required to be imposed pursuant to NRS 213.1245, as a
38 condition of releasing on parole a prisoner who was convicted of committing an
39 offense listed in subsection 6 against a child under the age of 14 years and who
40 has been assigned a Tier 3 level of notification, the Board shall require that the
41 parolee:

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

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

48 2. A parolee placed under the system of active electronic monitoring
49 pursuant to subsection 1 shall:

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

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

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

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 ~~¶¶~~ 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.

~~¶¶~~ 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.

Sec. 9. The amendatory provisions of:

1. Section 1 of this act apply to a person who is granted probation or a suspension of sentence before, on or after October 1, 2007.

2. Section 6 of this act apply to a person who is placed under a program of lifetime supervision before, on or after October 1, 2007; and

3. Section 7 of this act apply to a person who is released on parole before, on or after October 1, 2007.