

Amendment No. 254

Assembly Amendment to Assembly Bill No. 85

(BDR 14-259)

Proposed by: Assembly Committee on Corrections, Parole, and Probation**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 dashed underlining* is newly added transitory language.

BFG/BAW



Date: 4/17/2009

A.B. No. 85—Revises provisions relating to sex offenders. (BDR 14-259)



ASSEMBLY BILL NO. 85—COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 15, 2008

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—~~[Revises provisions relating to sex offenders.] Provides for the formation of a committee to study laws concerning sex offender registration.~~ (BDR 14-259)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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 applicability of certain restrictions regarding residency imposed on a person who is convicted of a sexual offense; revising certain definitions relating to sex offenders;]~~ **crimes; establishing the Advisory Committee to Study Laws Concerning Sex Offender Registration; prescribing the duties of the Committee; requiring the Committee to prepare and submit to the Legislative Commission a biennial report;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{ Sections 1, 4 and 5 of this bill amend existing law to provide that the restrictions on the location of a residence of a person convicted of certain sexual offenses apply only to a person who establishes a residence at a location on or after October 1, 2007. (NRS 176A.410, 212.1242, 212.1255) }~~

~~Section 2 of this bill amends existing law, which defines the term "sex offender" for the purposes of certain statutes, to provide that the term means a person who is convicted of certain sexual offenses after July 1, 1961, rather than July 1, 1956. (NRS 179D.095) }~~

~~Section 3 of this bill amends the existing definition of the term "sexual offense," which is defined for the purposes of certain statutes relating to sex offenders, to include specific definitions of the terms "sexual act" and "sexual conduct." (NRS 179D.097) }~~

Existing law requires certain sex offenders to register with certain law enforcement agencies. (Chapter 179D of NRS) This bill creates an advisory committee to study state and federal laws concerning sex offender registration. The advisory committee must consist of the Attorney General, one member of the Assembly appointed by the Speaker of the Assembly, one member of the Senate appointed by the Senate Majority Leader, representatives of law enforcement agencies, district attorneys' offices and public defenders' offices and a representative of the American Civil Liberties Union and any other organization authorized by the Attorney General to appoint a member of the advisory committee. The advisory committee must prepare and submit to the Legislative

Commission a biennial report of its findings and recommendations for proposed legislation concerning sex offender registration.

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:~~

~~(1) The residence has been approved by the parole and probation officer assigned to the defendant;~~

~~(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;~~

~~(3) The defendant keeps the parole and probation officer assigned to the defendant 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 5;~~

~~(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~~

1 is present and permission has been obtained from the parole and probation officer
2 assigned to the defendant in advance of each such contact.

3 ~~— (m) Unless approved by the parole and probation officer assigned to the~~
4 ~~defendant and by a psychiatrist, psychologist or counselor treating the defendant, if~~
5 ~~any, not knowingly be within 500 feet of any place, or if the place is a structure,~~
6 ~~within 500 feet of the actual structure, that is designed primarily for use by or for~~
7 ~~children, including, without limitation, a public or private school, a school bus stop,~~
8 ~~a center or facility that provides day care services, a video arcade, an amusement~~
9 ~~park, a playground, a park, an athletic field or a facility for youth sports, or a~~
10 ~~motion picture theater. The provisions of this paragraph apply only to a defendant~~
11 ~~who is a Tier III offender.~~

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

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

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

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

24 ~~— (r) Inform the parole and probation officer assigned to the defendant if the~~
25 ~~defendant expects to be or becomes enrolled as a student at an institution of higher~~
26 ~~education or changes the date of commencement or termination of his enrollment at~~
27 ~~an institution of higher education. As used in this paragraph, "institution of higher~~
28 ~~education" has the meaning ascribed to it in NRS 179D.045.~~

29 ~~— 2. Except as otherwise provided in subsection 6, if a defendant is convicted of~~
30 ~~an offense listed in subsection 6 of NRS 213.1255 against a child under the age of~~
31 ~~14 years, the defendant is a Tier III offender and the court grants probation or~~
32 ~~suspends the sentence of the defendant, the court shall, in addition to any other~~
33 ~~condition ordered pursuant to subsection 1, order as a condition of probation or~~
34 ~~suspension of sentence that the defendant:~~

35 ~~— (a) Reside at a location only if the residence is not located within 1,000 feet of~~
36 ~~any place, or if the place is a structure, within 1,000 feet of the actual structure, that~~
37 ~~is designed primarily for use by or for children, including, without limitation, a~~
38 ~~public or private school, a school bus stop, a center or facility that provides day~~
39 ~~care services, a video arcade, an amusement park, a playground, a park, an athletic~~
40 ~~field or a facility for youth sports, or a motion picture theater. *The provisions of*~~
41 ~~*this paragraph apply to a defendant who establishes a residence at a location on*~~
42 ~~*or after October 1, 2007.*~~

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

48 ~~— (c) Pay any costs associated with his participation under the system of active~~
49 ~~electronic monitoring, to the extent of his ability to pay.~~

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

52 ~~— (a) Follow the instructions provided by the Division to maintain the electronic~~
53 ~~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.~~

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

~~7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 179D.095 is hereby amended to read as follows:~~

~~179D.095 1. "Sex offender" means a person who, after July 1, [1956,] 1961, is or has been:~~

~~(a) Convicted of a sexual offense listed in NRS 179D.097; or~~

~~(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.~~

~~2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 179D.097 is hereby amended to read as follows:~~

~~179D.097 1. "Sexual offense" means any of the following offenses:~~

~~(a) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;~~

~~(b) Sexual assault pursuant to NRS 200.366;~~

~~(c) Statutory sexual seduction pursuant to NRS 200.368;~~

~~(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;~~

~~(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section;~~

~~(f) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence~~

~~pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;~~

~~(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~

~~(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(i) Incest pursuant to NRS 201.180;~~

~~(j) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;~~

~~(k) Open or gross lewdness pursuant to NRS 201.210;~~

~~(l) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~(m) Lewdness with a child pursuant to NRS 201.230;~~

~~(n) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(o) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;~~

~~(p) Any other offense that has an element involving a sexual act or sexual conduct with another;~~

~~(q) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive;~~

~~(r) An offense that is determined to be sexually motivated pursuant to NRS 475.547 or 207.193;~~

~~(s) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court;~~

~~(2) A court of the United States or the Armed Forces of the United States;~~

~~(t) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, without limitation, an offense prosecuted in:~~

~~(1) A tribal court;~~

~~(2) A court of the United States or the Armed Forces of the United States;~~

~~(3) A court having jurisdiction over juveniles;~~

~~2. The term does not include an offense involving consensual sexual conduct if the victim was:~~

~~(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or~~

~~(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.~~

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

~~(a) "Sexual act" means any of the following acts or any combination thereof:~~

~~(1) Contact between the penis and the vulva or the penis and the anus. For the purposes of this subparagraph, contact involving the penis occurs upon penetration, however slight.~~

~~(2) Contact between the mouth and the penis, the mouth and the vulva or the mouth and the anus.~~

~~(3) Any intrusion, however slight, of the anal or genital opening of another person by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.~~

~~(4) The intentional touching, not through the clothing, of the genitalia of another person under the age of 16 years, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person.~~

~~(b) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical conduct with a person's unclothed genitals or pubic area.~~
(Deleted by amendment.)

Sec. 4. ~~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 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:~~

~~(a) The residence has been approved by the parole and probation officer assigned to the person;~~

~~(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS;~~

~~(c) The person keeps the parole and probation officer informed of his current address;~~

~~4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.~~

~~5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:~~

~~(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply to a sex offender who establishes a residence at a location on or after October 1, 2007.~~

~~(b) 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.~~

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

~~6. A sex offender placed under the system of active electronic monitoring pursuant to subsection [4] 5 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.~~

~~7. 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 sex offender 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.~~

~~8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.~~

~~9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.~~

~~10. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.~~

~~11. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 213.1255 is hereby amended to read as follows:~~

~~213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to 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 and who is a Tier 3 offender, the Board shall require that the parolee:~~

~~(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. *The provisions of this paragraph apply to a parolee who establishes a residence at a location on or after October 1, 2007.*~~

~~(b) 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.~~

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

~~2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 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.~~

~~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.~~

~~6. The provisions of 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 a person with mental illness pursuant to NRS 201.560, if punished as a felony; or~~

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

~~(Deleted by amendment.)~~

Sec. 5.1. Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as 5.3 to 5.7, inclusive, of this act.

Sec. 5.3. As used in sections 5.3 to 5.7, inclusive, of this act, "Committee" means the Advisory Committee to Study Laws Concerning Sex Offender Registration.

Sec. 5.4. 1. The Advisory Committee to Study Laws Concerning Sex Offender Registration is hereby created.

2. The Committee consists of the following members:

- (a) The Attorney General or his designee;
- (b) One member of the Assembly appointed by the Speaker of the Assembly;
- (c) One member of the Senate appointed by the Majority Leader of the Senate;
- (d) One member appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;
- (e) One member appointed by the Nevada District Attorneys Association, or a successor organization;
- (f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;
- (g) One member appointed by the American Civil Liberties Union, or a successor organization; and
- (h) Any member appointed by an organization that has been authorized by the Attorney General to appoint a member of the Committee pursuant to section 5.5 of this act.
3. The Attorney General or his designee is the Chairman of the Committee.
4. Each member who is appointed to the Committee serves a term of 2 years. Except as otherwise provided in subsection 3 of section 5.5 of this act:
 - (a) Members may be reappointed for additional terms of 2 years in the same manner as the original appointments; and
 - (b) Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.
5. The Committee shall meet at least twice each year and may meet at such further times as deemed necessary by the Chairman.
6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.
7. The Committee shall comply with the provisions of chapter 241 of NRS, and all meetings of the Committee must be conducted in accordance with that chapter.
8. For each day or portion of a day during which a member of the Committee who is a Legislator attends a meeting of the Committee or is otherwise engaged in the business of the Committee, except during a regular or special session of the Legislature, he is entitled to receive the:
 - (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
 - (b) Per diem allowance provided for state officers generally; and
 - (c) Travel expenses provided pursuant to NRS 218.2207.
- ↪ The compensation, per diem allowances and travel expenses of the members of the Committee who are Legislators must be paid from the Legislative Fund.
9. While engaged in the business of the Committee, to the extent of legislative appropriation, the members of the Committee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his duties without loss of his regular compensation so that he may prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

1 (a) Make up the time he is absent from work to carry out his duties as a
2 member of the Committee; or

3 (b) Take annual leave or compensatory time for the absence.

4 11. The Attorney General shall provide the Committee with such staff as is
5 necessary to carry out the duties of the Committee.

6 Sec. 5.5. 1. An organization which is concerned with state and federal
7 laws concerning the registration of sex offenders and which wishes to appoint a
8 member to the Committee pursuant to paragraph (h) of subsection 2 of section
9 5.4 of this act may apply to the Attorney General, or his designee, for
10 authorization to appoint a member to the Committee. At his discretion, the
11 Attorney General may authorize the organization to appoint a member to the
12 Committee.

13 2. At any time after the Attorney General has authorized an organization to
14 appoint a member to the Committee, the Attorney General may revoke the
15 organization's authorization to appoint a member to the Committee.

16 3. If, after receiving authorization to appoint a member to the Committee,
17 an organization ceases to exist or has its authorization to appoint a member to the
18 Committee revoked by the Attorney General, any member of the Committee
19 appointed by the organization may complete the term to which he was appointed,
20 and upon the completion of that term, the organization, or a successor
21 organization, may not appoint a member to the Committee.

22 Sec. 5.6. The Committee shall:

23 1. Identify and study issues relating to state and federal law concerning the
24 registration of sex offenders and any litigation concerning those laws.

25 2. Prepare a report of the activities and findings of the Committee and any
26 recommendations for proposed legislation concerning the registration of sex
27 offenders developed by the Committee.

28 3. On or before September 1 of each even-numbered year, submit the report
29 prepared pursuant to subsection 2 to the Director of the Legislative Counsel
30 Bureau for submission to the Legislative Commission.

31 Sec. 5.7. 1. The Attorney General may apply for and accept any available
32 grants and may accept any bequests, devises, donations or gifts from any public
33 or private source to carry out the provisions of sections 5.3 to 5.7, inclusive, of
34 this act.

35 2. Any money received pursuant to this section must be deposited in the
36 Special Account for the Support of the Committee, which is hereby created in the
37 State General Fund. Interest and income earned on money in the Account must
38 be credited to the Account. Money in the Account may only be used for the
39 support of the Committee and its activities pursuant to sections 5.3 to 5.7,
40 inclusive, of this act.

41 Sec. 5.9. Not later than July 15, 2009:

42 1. The Nevada Sheriffs' and Chiefs' Association, or a successor
43 organization, shall appoint the member described in paragraph (d) of
44 subsection 2 of section 5.4 of this act;

45 2. The Nevada District Attorneys Association, or a successor
46 organization, shall appoint the member described in paragraph (e) of
47 subsection 2 of section 5.4 of this act;

48 3. The governing board of the State Bar of Nevada shall appoint the
49 member described in paragraph (f) of subsection 2 of section 5.4 of this act;
50 and

51 4. The American Civil Liberties Union, or a successor organization, shall
52 appoint the member described in paragraph (g) of subsection 2 of section 5.4
53 of this act.

1 **Sec. 6.** This act becomes effective upon passage and approval.